

# Public Document Pack

Minutes of the meeting of the **OVERVIEW AND SCRUTINY COMMITTEE** held at the Council Offices, Whitfield on Monday, 2 March 2020 at 6.00 pm.

Present:

Chairman: Councillor L A Keen

Councillors: M Bates (as substitute for Councillor R S Walkden)  
D G Beaney  
T A Bond  
P D Jull (as substitute for Councillor J Rose)  
M Rose  
C A Vinson  
H M Williams (as substitute for Councillor S H Beer)  
C D Zosseder

Also Present: 2 Representatives from Kent Police

Officers: Strategic Director (Corporate Resources)  
Strategic Director (Operations and Commercial)  
Head of Community and Digital Services  
Head of Governance  
Community Services Manager  
Procurement Manager  
Democratic Services Manager  
Democratic Services Officer

## 119 APOLOGIES

Apologies for absence were received from Councillors S H Beer, J Rose, R S Walkden and P Walker.

## 120 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Council Procedure Rule 4, Councillors H M Williams, P D Jull and M Bates had been appointed as substitute members for Councillors S H Beer, J Rose and R S Walkden respectively.

## 121 DECLARATIONS OF INTEREST

Councillor T A Bond declared a Disclosable Pecuniary Interest (DPI) in Minute No.135 (Appointments to Tides Project Advisory Group) by reason of his wife's employment at Tides and indicated that he would withdraw from the meeting for the consideration of that item of business.

## 122 MINUTES

The Minutes of the meeting held on 3 February 2020 were approved as a correct record and signed by the Chairman.

## 123 DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

The decisions of the Cabinet relating to recommendations made by the Overview and Scrutiny Committee at its meeting held on 24 February 2020 were noted.

124 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, ANOTHER COMMITTEE OR PUBLIC PETITION

Mr D Edelman presented a petition with 57 valid electronic signatures in support of as follows:

“We the undersigned petition the council to examine the comitment [sic] to open and transparent government set out in Article 1 of the Council Constitution and how it is applied to each department the council operates [sic].

The Council members do not always engage with its electorate in an open and transparent way and as this is the first Article of the Constitution it must be frequently checked and monitored by the Council.”

Mr Edelman used his 10 minutes to address the committee in support of his petition to highlight Article 1 of the Constitution in respect of transparent and accountable decision-making and state his view that Local Plan Project Advisory Group meetings should therefore be held in public rather than in private as had been the case for the meetings considering the land allocations.

Mr Edelman was advised that the Local Plan would be subject to public consultation in accordance with Regulations 18 and 19 as set out in the Statement of Community Involvement. There would also be a number of consultation meetings held with parish councils in respect of the Local Plan.

Members were advised that the petition scheme excluded petitions relating to the Local Plan in accordance with Government guidance issued for petition schemes as there were other ways (such as Regulation 18 and 19 consultation) that allowed for the public to have their say on Local Plan matters.

RESOLVED: That Mr Edelman be provided with an explanation as to why the Local Plan Project Advisory Group meetings were held in private and why the petition scheme excluded the Local Plan.

125 NOTICE OF FORTHCOMING KEY DECISIONS

The Democratic Services Manager presented the Notice of Forthcoming Key Decisions to the Committee for its consideration.

RESOLVED: That the Notice of Forthcoming Key Decisions be noted.

126 SCRUTINY WORK PROGRAMME

The Democratic Services Manager presented the Overview and Scrutiny Work Programme to the Committee for its consideration.

RESOLVED: That the Work Programme be noted.

127 PUBLIC SPEAKING

The Democratic Services Manager advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

## 128 PERFORMANCE REPORT - THIRD QUARTER 2019-20

The Performance Report – Quarter 3, 2019-20 had 3 red performance indicators, which were as followed:

- EKHL1 (Average time taken to re-let council dwellings)
- EKHC3 (Former tenant arrears as % of annual debt)
- HOU010a (Number of households living in Temporary Accommodation including B&B)

### Civica

In respect of KPI06-D (Average call waiting time in seconds), Members were advised that the format of the performance indicator could be changed and that the Head of Leadership Support was reviewing it for the 2020-21 performance report. In terms of the performance of the indicator, Members were reminded that the contract with Civica was to provide the same service as before for cheaper not an improved service. There would therefore be a cost attached to Civica providing an improved service.

### EKHL1 (Average time taken to re-let council dwellings)

There was concern expressed that the performance of this indicator was deteriorating and the Strategic Director (Corporate Resources) acknowledged that there was a significant voids issue to resolve.

### EKHD1 – 4

In response to a question from the committee as to why there was no RAG status and no targets for indicators EKHD 1 – 4, Members were advised that this was due to the incomplete roll out of Universal Credit in the district which made it difficult to set targets.

Members questioned the accuracy of the calculation behind some of the East Kent Housing performance indicators and it was suggested that these indicators should be looked at in more depth the next time the Performance Report came to the committee.

### GOV004 (The number of Freedom of Information (FOI) requests received)

Members requested that a breakdown of the areas that the FOI requests related to be provided in future.

### Operations and Commercial

Members welcomed the performance levels achieved by the planning service.

In respect of electric vehicle (EV) charging points, Members were advised that the Council was working with Kent County Council to co-ordinate this although there were power supply issues with some sites that made it difficult to implement. Councillor C A Vinson suggested that in addition to EV charging points in car parks on-street charging should also be explored. It was acknowledged that while there were grants available to help with the roll out of EV charging points they didn't cover the whole cost of the works.

Councillor D G Beaney expressed concerns over the condition of Kearsney Park and was advised that works had started later than intended on the site and the recent weather had not helped. Members were reassured that the post-project audit would explore these issues.

RESOLVED: That the Strategic Director (Operations and Commercial) provide an update to a future meeting on electric vehicle charging points.

129 GENDER PAY GAP REPORT

The Head of Governance presented the Gender Pay Gap report.

Members were advised that a Gender Equality Gap Report which detailed Dover District Council's gender pay position as at 31 March 2019 must be published by 30 March 2020. It must then be reported and published at least annually. The report statement was prepared to comply with the requirements of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

The Head of Community and Digital Services advised Members that 6 March 2020 was International Women's Day and that the Council would be holding an event to celebrate this.

In response to a question about benchmarking, it was stated that this could be looked at after all authorities had published their reports. The Council was also developing its succession planning for the future.

Councillor H M Williams, duly seconded by Councillor C D Zosseder, moved that there be a policy statement to encourage women to apply for jobs at the council. On being put to the vote this was LOST.

Councillor C A Vinson moved, it was duly seconded, and

RESOLVED: That the report be noted.

130 OVERVIEW AND SCRUTINY COMMITTEE FUNCTIONS

The Democratic Services Manager provided the committee with a briefing on the functions of the Overview and Scrutiny Committee.

Members were advised that the legislative basis for Overview and Scrutiny Committees was set out in section 21 of the Local Government Act 2000. These were incorporated into the Council's Constitution in Article 6 (Overview and Scrutiny Committees) and Part 3 Responsibility for Functions (Section 2). The other area of the Constitution relating to the Overview and Scrutiny Committee was in Part 4 Rules of Procedure (Overview and Scrutiny Committee Procedure Rules).

The powers of the Overview and Scrutiny Committee were set out in Section 21(2) of the Local Government Act 2000 as follows:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive
- (b) to make reports or recommendations to the authority (Dover District Council) or the executive with respect to the discharge of any functions which are the responsibility of the executive (Cabinet)
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive
- (d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive
- (e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.

This meant that the Overview and Scrutiny Committee could make recommendations to the Cabinet on matters within its functions and to the full Council for non-executive functions. For example, recommendations relating to fees and charges approved by the Regulatory Committee or Licensing Committee would be made to the full Council as they were non-executive functions. As part of this, the Committee could formally request the attendance of a Cabinet member at a meeting where a matter within their portfolio was being considered.

Members were advised that health scrutiny functions were formally placed with Kent County Council, but this did not stop the committee undertaking scrutiny of health issues locally.

#### 131 UPDATE ON REGULATORY FEES AND CHARGES 2020-21

The Strategic Director (Corporate Resources) presented the Update on Regulatory Fees and Charges 2020-21.

The update had been prepared following the meeting of the Overview and Scrutiny Committee held on 10 February 2020 where clarification was sought with regards to the following points:

- The rationale for fee setting
- Why the port health fees were not set at higher level
- Why some fees, such as the scrap metal and animal boarding fees had increased significantly above inflation
- In setting the licensing/regulatory fees what consideration had been given to the objectives of the corporate plan

Members discussed the rationale behind the setting of the fees and charges and it was noted that some were outside of the Council's control to set and others were limited to cost recovery.

RESOLVED: That the update be noted.

132 OVERVIEW OF PROCUREMENT POLICY

The Strategic Director (Corporate Resources) presented the Overview of Procurement Policy.

Members were advised that Dover District Council spent more than £30 million a year on goods, services, and works. The procurement procedures and processes of the Council were fundamental for the Council to:

- make the best use of available resources
- demonstrate value for money for all goods, services, and works procured
- operate with openness and accountability
- consider social, economic & environmental issues
- contribute to better corporate governance and risk management

Procurement was undertaken by a number of Officers across the Council with a mixture of both central and devolved procurement functions/responsibilities. The low value/low risk procurement was conducted locally amongst Service Areas/Departments, with the responsibility for professional advice, guidance and high value/risk procurement the responsibility of the Procurement Manger.

This mixed approach sought to ensure the benefits of local knowledge and service delivery/expertise was complimented by consistent, proportionate controls, processes and procedures. The respective Service Area and Procurement remained jointly accountable for the successful delivery and improvement of the goods, services and works procured.

Councillor M Rose moved that the threshold for 3 quotations be reduced from the current level of £10,000 to £1,000. The Procurement Manager advised that this required additional resources as due diligence work was undertaken currently on quotes above £10,000.

It was moved by Councillor M Rose, and duly seconded by Councillor T A Bond that

“The procurement threshold requiring that 3 quotes be obtained be changed from £10,000 to £1,000.”

On being put to the vote this was CARRIED.

Members enquired as to how the Council was affecting the local economy through its procurement policies and whether location criteria were used as part of the process. In response Members were advised that the Council was subject to procurement laws and regulations in its procurement.

It was moved by Councillor M Rose, and duly seconded by Councillor H M Williams that

“That ‘local’ be defined for the purposes of procurement policy and a review be undertaken on how local businesses can be encouraged to bid for contracts with the Council.”

On being put to the vote it was CARRIED.

Councillor D G Beaney expressed concern that it was difficult for small businesses to bid for contracts and asked if it could be simplified.

RESOLVED: That it be recommended to Cabinet:

- (a) That the procurement threshold requiring that 3 quotes be obtained be changed from £10,000 to £1,000.
- (b) That 'local' be defined for the purposes of procurement policy and a review be undertaken on how local businesses can be encouraged to bid for contracts with the Council.

### 133 REVIEW OF UNAUTHORISED ENCAMPMENT POLICY & ENFORCEMENT

The Head of Community and Digital Services presented an update on the Review of Unauthorised Encampment Policy and Enforcement.

Members were advised that unauthorised encampments had not been a historical issue for the District but that the events of the previous summer had caused the Council to review its arrangements and develop a multi-faceted approach with other responsible authorities in the district. An examination of national best practice had also indicated that taking ownership was a key factor in resolving issues.

There was concern expressed that the review did not address the key complaint of people in the district which was that quick action was not being taken in respect of unauthorised encampments. It was also suggested that simple measures could be taken to render sites less accessible without spoiling the aesthetic of the areas.

In response to a question from Councillor L A Keen in respect of the arrangements at Canterbury City Council, it was stated by the Head of Governance that the courts had changed their position on district wide injunctions and that travelers had the right to move. Any injunctions therefore would need to be site specific and demonstrate systemic issues.

The Head of Community and Digital Services advised that he would contact Canterbury City Council to see if anything could be learned from their approach and would look further into the feasibility of some sort of physical barriers in key areas in Deal. He would also feed the points raised by Members back to the members of the Cabinet and the Corporate Management Team.

### 134 CRIME AND DISORDER UPDATE - COMMUNITY SAFETY

The Head of Community and Digital Services presented the update on community safety, noting that it had been 12 months since he was last at the committee for this purpose.

The community safety team had been involved in a number of multi-partner operations aimed at crime and anti-social behavior including efforts to divert young people away from crime.

Dover District Council had also been the only authority in Kent to facilitate an annual youth conference to which 1400 Year 8 pupils had been invited.

CCTV

In contrast to many other local authorities that had closed down their CCTV operations, the Council had recently made significant investment in its CCTV. The roll out for CCTV had seen Sandwich and Aylesham go live in the initial phase with Dover and Deal to follow shortly. A formal launch would take place in the next month.

The CCTV service was not an emergency service, but it was able to assist in identifying offenders and could help the Police collect evidence for a court prosecution.

#### Anti-Social Behaviour (ASB)

Members discussed the rise in anti-social behaviour levels in contrast to falling crime rates in the district and the need to ensure that the public felt confident that anti-social behaviour was being tackled as well as serious crimes.

Members were advised that the aim of the local policing strategy was to encourage more engagement and the relationship between local ward members and their PCSO was key to dealing with anti-social behaviour issues. In addition, each parish council would have an assigned PCSO. There would be an event held on 16 March 2020 involving DDC and the Police where Councillor M J Holloway, Portfolio Holder for Community and Tourism, would talk about the role of councillors in tackling ASB.

Members expressed concern that some of them were not aware who their local PCSO was and/or that some of the parishes in their wards had not received a visit from a PCSO. In respect of Walmer, it was stated that the new PCSO for the area was completing training and would then be ready to take up their post.

The Head of Community and Digital Services advised that the Council was developing an app to replace the old style of reporting of information.

In response to a question about street begging in Deal, Councillor P D Jull was advised that an effort was being made to crack down on this in Dover, using the CCTV to identify and report incidents of it.

The Chairman, Councillor L A Keen, congratulated the Head of Community and Digital Services on the work of his team.

#### 135 APPOINTMENTS TO TIDES PROJECT ADVISORY GROUP

The Democratic Services Manager presented the list of appointments agreed by the Cabinet for the Tides Project Advisory Group.

It was moved by Councillor C D Zosseder, duly seconded and

RESOLVED: That it be recommended to the Cabinet that the Overview and Scrutiny Committee expresses its disappointment over the lack of democratic process in the appointment of Councillor O C de R Richardson as the Deal representative to the Tides Project Advisory Group.

(Councillor T A Bond declared a Disclosable Pecuniary Interest (DPI) in Minute No.135 (Appointments to Tides Project Advisory Group) by reason of his wife's employment at Tides and withdrew from the meeting for the consideration of this item of business.)

The meeting ended at 9.53 pm.