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Minutes of the meeting of the **OVERVIEW AND SCRUTINY COMMITTEE** held as a Teams Live Events remote meeting on Monday, 18 January 2021 at 6.00 pm

Present:

Chairman: Councillor C D Zosseder

Councillors: M Bates
S H Beer
E A Biggs (as substitute for Councillor H M Williams)
T A Bond
S C Manion
J Rose
M Rose
R S Walkden
P Walker

Officers: Strategic Director (Corporate Resources)
Strategic Director (Operations and Commercial)
Solicitor to the Council
Head of Assets and Building Control
Head of Finance and Investment
Environmental Protection Manager
Accountancy Apprentice
Democratic Services Manager
Democratic Services Officer

68 APOLOGIES

An apology for absence was received from Councillor H M Williams.

69 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Council Procedure Rule 4, Councillor E A Biggs had been appointed as substitute member for Councillor H M Williams.

70 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

71 MINUTES

The Minutes of the meeting held on 14 December 2020 were approved as a correct record and signed by the Chairman.

72 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 11 January 2021 were noted.

73 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, OR ANOTHER COMMITTEE

The Democratic Services Manager advised that there were no issues referred to the Committee by Council, Cabinet or another Committee.

74 NOTICE OF FORTHCOMING KEY DECISIONS

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

Members identified the following items for inclusion within the work programme:

- Co-Innovation Centre

There being no dissent indicated, it was agreed:

- (a) That the Notice of Forthcoming Key Decisions be noted.
- (b) That the items identified above be included within the work programme.

75 SCRUTINY WORK PROGRAMME

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

Members identified the following items for inclusion in the work programme:

Inviting a representative of the Kent Resilience Forum to attend the Crime and Disorder scrutiny item on 8 March 2021 to discuss the traffic issues relating to the Port of Dover.

There being no dissent indicated, it was agreed that the Work Programme be noted, subject to the inclusion of extending an invitation to a representative of the Kent Resilience Forum to attend the Crime and Disorder scrutiny item.

76 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.

At the Chairman's request Members had been circulated a written statement in respect of the Climate Change Strategy item (Minute No. 81) received from Ms Sarah Gleave.

77 FEES AND CHARGES 2021/22

The Head of Finance and Investment presented the Fees and Charges 2021/22 report. Members were advised of a correction to the weekly garage rent charge for tenants which should have stated it was £15 in line with the charge for non-tenants.

In respect of income relating to changes relating to the period after the conclusion of EU Transition, it was stated that this would be subject to a further report when the situation became clearer.

In respect of the increase of 7% for the interment of an adult or child exceeding 12 years (item no. 174) it was stated that this was paid for by the government and not families.

The reduction in the number of items from 5 to 3 that could be collected as part of bulk waste charge more accurately reflected demand where it was unusual for 5 items to be collected. The charge reflected the cost to the council of the contract. In respect of a request from Councillor S H Beer, the Strategic Director (Operations and Commercial) advised that he would look to provide usage data and data on the number of items collected.

In respect of the charges for garage plots, it was stated that this was part of a move to align the charge for standard garages (for non-tenants) and garage plots. While historically they had predominantly been used by tenants it was now a mix of tenant and non-tenant users.

The Strategic Director (Operations and Commercial) advised that the charges for the provision of additional bins on request was formalising an existing arrangement. The provision of additional bins could be requested by Town and Parish Councils.

It was proposed by Councillor S H Beer, duly seconded by Councillor T A Bond, and

RESOLVED: That it be recommended to Cabinet that decision CAB72 be endorsed as follows:

- (a) That the Fees and Charges (F&Cs) for 2021/22, as set out in Appendices 2.1 to 2.14 and 5.1 and 5.3 of the report, be approved.
- (b) That any F&Cs will be adjusted by Strategic Directors, in consultation with the Portfolio Holders, to comply with any subsequently received Government guidelines (when they are received) and any other minor changes, without being the subject of a further report unless they are materially different from current charges or have a material impact on the level of income.
- (c) That the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and the VAT element within the overall fee level is then determined, be approved.
- (d) That the fees and charges approved separately by the Licensing and Regulatory Committees, as set out at Appendices 3 and 4 of the report, be noted.

(Councillor S H Beer joined the meeting during the consideration of the item of business.)

78 ENVIRONMENTAL ENFORCEMENT SERVICE DELIVERY

The Environmental Protection Manager presented the report on Environmental Enforcement Service Delivery.

The report had sought approval from the Cabinet to continue using external contractors to provide enforcement services for environmental crime offences such

as the issue of fixed penalty notices (FPNs) for littering and dog fouling. Members were advised that fly-tipping enforcement did not form part of the contract.

The Council had previously trialled the use of external contracts for a three-year period (a 12-month contract with two further 12-month extensions) and it was felt that the trial had been successful. The report sought approval to continue to deliver the service in a similar way by entering a three-year contract with the possibility of two further 12-month extensions. The service would be closely monitored by officers with regular checks on FPNs issued and income received.

The Council would use CCTV evidence where it was appropriate to do so but it had to be mindful not to use it for covert surveillance purposes. The majority of the litter fines related to cigarette butts.

Some members of the Committee expressed opposition to the principle of outsourcing the service and concern was expressed about the impact of the fines on the poorer members of the community. In response Members were advised that although the government set the £75 FPN charge, officers were aware of the financial impact of the fines and were mindful of this which is why the contract was not target based.

Members considered the merits of providing the service in-house and the potential length of the new contract.

RESOLVED: (a) That it be recommended to Cabinet that it not proceed with implementing decision CAB73 until:

(i) Data can be produced by officers in relation to:

- the performance of the pilot over the last 3 years in relation to Fixed Penalty Notices (broken down by type);
- enforcement costs;
- total income generated by the contract;
- the income earned by the council from the contract; and
- how the income has been used to make enforcement more effective

(b) That the Cabinet include looking at an in-house service as one of the options.

79

USE OF SOCIAL MEDIA FOR THE INVESTIGATION OF CRIMINAL OFFENCES

The Solicitor to the Council and Monitoring Officer introduced the report on the Use of Social Media for the Investigation of Criminal Offences.

The intention of creating a specific policy relating to social media was to provide increased clarity in respect of the use of social media for investigations. The policy supported compliance with the Regulation of Investigatory Powers Act (RIPA) policy by ensuring that officers were aware of the procedures and processes governing the use of social media in investigations.

In response to a question from Councillor E A Biggs, the members of the committee were assured that there was no intention to use the powers to target any particular socio-economic demographic in the community.

RESOLVED: That Cabinet decision CAB76 be endorsed subject to an addition of a document to the Use of Social Media in Investigations of Criminal Offences Policy that sets out how the council will use the powers and who will be targeted by it.

80 HOUSING STOCK COMPLIANCE

The Head of Assets and Building Control presented the third monthly compliance report on the Council's Housing Stock. The report outlined progress towards creating a reliable compliance management and reporting framework, establishing accurate raw data and reporting performance based on the verified data.

Members were advised that a legend would be added to the document for future reports explaining the acronyms used.

Members discussed the progress on Fire Risk Assessments (FRA) and the accuracy of the data provided relating to works arising. The Head of Assets and Building Control advised that he would verify the accuracy of the figures relating to work that needed to be undertaken.

The Chairman thanked him for the work being undertaken in respect of restoring confidence in housing stock compliance.

81 CLIMATE CHANGE STRATEGY

The Strategic Director (Operations and Commercial) presented the report on the Climate Change Strategy. The strategy set out the need for action and defined the extent of emissions that were either within the Council's control or were those over which the Council had influence. It also set out the areas which required action to be taken by the Council to achieve the goal of it becoming net zero by 2030 and to also support the wider district achieving net zero by 2050.

In response to questions from Members it was stated that the Action Plan was a developing 'live' document and would continue to evolve. Any significant projects relating to it would be executive decisions and would be subject to potential scrutiny.

RESOLVED: That Cabinet decision CAB74 be endorsed as followed:

- (a) That the Climate Change Strategy and the actions outlined in the Action Plan be approved.
- (b) That support for the continued development of the actions covering both emissions within the Council's control and those over which the Council has no influence or concern be confirmed.

82 KENT AND MEDWAY ENERGY AND LOW EMISSIONS STRATEGY

The Strategic Director (Operations and Commercial) presented the report on the Kent and Medway Energy and Low Emissions Strategy (ELES).

The ELES set out the Kent and Medway response to the UK Climate emergency, and how partnership working by Kent Local Authorities would drive countywide clean, resilient economic recovery. The strategy identified ten priority actions that would promote the development of an affordable, clean and secure energy supply for Kent, reduce greenhouse gas emissions, eliminate poor air quality and reduce fuel poverty.

RESOLVED: That Cabinet decision CAB75 be endorsed as follows:

- (a) That the development of the Kent and Medway Energy and Low Emissions Strategy be welcomed as an excellent example of collaboration between councils across Kent.
- (b) That a commitment to meeting the objectives set out in the Kent and Medway Energy and Low Emissions Strategy and the underlying Implementation Plan in so far as it is consistent with this Council's corporate priorities, and to the extent that resources will allow, be approved.

The meeting ended at 8.48 pm.