

## **SCRUTINY COMMITTEE**

Minutes of the meeting held on 4 February 2014 commencing at 7.00 pm

Present: Cllr. London (Chairman)

Cllr. Brown (Vice Chairman)

Cllrs. Abraham, Mrs. Bracken, Brown, Clark, Gaywood, Mrs. George, Mrs. Morris, Neal and Raikes

Apologies for absence were received from Cllrs. Mrs. Purves

Cllrs. Bosley, Brookbank, Davison, Mrs. Davison, Firth, Fittock, Hogarth, Ms. Lowe, Mrs. Parkin and Mrs. Sargeant were also present.

### 25. Declarations of Interest

No additional declarations of interest were made.

### 26. Minutes

Resolved: That the Minutes of the meeting of the Scrutiny Committee held on 21 November 2013, be approved and signed by the Chairman as a correct record.

### 27. Responses of the Cabinet to reports of the Scrutiny Committee (if any)

There were none.

### 28. Actions from the last meeting of the Committee (attached)

The actions from the last meeting were noted.

### 29. Kent County Council Highways and Transportation

County Councillor Brazier, Kent County Council (KCC) Cabinet Member for Transport & Environment, and Julian Cook, KCC Highways District Manager for Sevenoaks gave an overview of the general state of the roads within the District and the relevant maintenance programme as well as how KCC Highways were meeting the challenge of budget pressures against increased demands and expectations.

The KCC Cabinet Member stated the service had been underfunded over a number of years. It had since been brought back in-house and gone through a couple of unsuccessful reorganisations before getting it right. The Service was also benefiting from the Find and Fix programme. Up to the beginning of December 2013 the highways were in as good a condition as they had been in living memory. The average response time for pothole fixes had improved greatly and if there were a safety issue the response could be within a couple of hours. An additional £2.5million was allocated for pothole repairs and it was expected the Find and Fix programme would end in May 2014 when it was also

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expected the network would be back in good order. Between 2010 and 2017 KCC had to make savings of £500million and the Service had to find new ways of working and transforming but the pressures meant the Highways Service would have to focus on matters of safety.

The District Manager (KCC) emphasised those matters of particular concern in the Sevenoaks District. Fly-tipping was a significant problem, particularly in the rural northeast close to the London Boroughs, with a recent rise in fly-tipping of specialist materials such as asbestos and tyres. The continued wind and rain since 22 December 2013 were damaging the highway and standing water made it more difficult to fix potholes; the average response time was 14.2 days. Wind had uprooted a dozen trees, damaging footways. Metal theft continued as a problem, particularly gullies although replacement gullies now had locks on. Stewards were now regularly sent to road traffic accident sites to gather driver details and try to reclaim from insurance the costs of any network repairs needed.

The Committee asked questions of the speakers. £2.5million had been set aside for Find and Fix but in past years winter damage had been up to £10million. The cost of fixing a pothole was usually about fifty pounds but most costs came from closing roads and setting up lights to control traffic.

A Member asked whether there was a policy on which potholes would be fixed, for example patching small ones before they became large. The District Manager for Sevenoaks confirmed that potholes of 50mm on carriageways and 20mm on footways would be fixed. The extra £2.5million allowed the Service to take a more logical approach, not just working to safety critical levels, and to benefit from economies of scale.

Another Member asked whether, given the amount of standing water, there was a policy to empty gullies. The Officer confirmed a team cleared them every other year with another team to carry out one-off clearances. He agreed some areas needed more frequent emptying. There was a problem with water running off from private land where the landowner had not cleared their own ditches, silt from agricultural land and leaves being broken down by the wind and rain.

A Member asked whether there was scope for KCC to work with tertiary authorities to kill weeds. The Officer confirmed there had been reductions in this service from KCC. There would be difficulties with insurance, public liability and safety for the travelling public in allowing other bodies to carry out this work. However he would welcome suggestion of particular councils who may be interested and these would be looked at.

Some Members sought more information on the matter of fly-tipping and asked whether the problem was exacerbated since access had been limited to household waste sites. The Officer advised that the fly-tipping appeared organised and possibly professional. Surveillance was set up where there were persistent problems but the offenders often moved on before KCC could make surveillance arrangements. There had been prosecutions but he felt the fines inadequate. KCC was working with the Clean Kent Team on the issue. The KCC Cabinet Member added that the Council had previously been spending £500,000 per year on disposing of trade waste which should not have been taken to such household sites. This was unfair on taxpayers and so it was important to limit access.

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A Member, not on the Committee, asked about the remnants of a fallen tree on Swanley Lane. The Officer reminded the Committee that KCC Highways would clear the tree if on the highway but if on private land would only clear it at the expense of the landowner.

The Vice Chairman asked firstly what the policy was to replace the surface of a road when there were many patched areas already on it. He also asked what Highways Officers would do to support the local planning process as there were concerns Highways Officers' reports lacked rigour. The District Manager (KCC) explained that Annual Condition Surveys assessed the deeper structure of the roads and whether resurfacing was appropriate. This was combined with information about accumulated costs recorded from Find and Fix. The Officer was advocating for the A25 west of Bat & Ball junction to be resurfaced, while the works would take account of the cycling strategy. The KCC Cabinet Member said that the level of Officer involvement in planning matters depended on the scale and nature of the application.

The Chairman thanked County Councillor Brazier for attending and suggested that it become a more regular item for the Committee.

### 30. Performance Monitoring

Members considered a report which summarised the performance across the Council to the end of December 2013. Members were asked to consider seven performance indicators which were performing 10% or more below their target and if actions taken by officers were not deemed sufficient the report recommended referring those indicators to the relevant Advisory Committee for further assessment.

The report was noted.

### 31. In-depth Scrutiny - Report of the Parking Working Group

The Chairman of the Parking Working Group introduced its final report and its proposed recommendations for Cabinet. The working group had met on a further 3 occasions since the interim report submitted to the Committee on 21 November 2013.

He advised that the report was focused on possible improvements rather than any criticism of the existing position. It concentrated on Sevenoaks, in the town and near to the railway station, as these accounted for 61% of on-street parking revenues and 95% of off-street parking revenues. The Council had become dependent in its budget upon achieving a yearly increase of 3.5% in parking revenues but this created a perception of expensive parking and put some shoppers off coming to Sevenoaks. Parking played an important role in community and economic development.

He highlighted that parking was not just the responsibility of the Council and he had attended a meeting of the Sevenoaks Town Partnership on the matter. Other councils worked with local supermarkets to provide Park and Ride services. It was important for the Council to work with its partners. There was a perceived shortage of 220 long stay spaces and 40 to 50 short stay, but identifiable demand was required before informed planning could take place.

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The Portfolio Holder for Economic and Community Development felt the report was a good example of how scrutiny can work. He asked whether it would have been helpful to have had input from Edenbridge Councillors although car parks there were not run by the Council. The Chairman of the Working Group agreed it would, especially given the high number of tourist attractions in the area.

The Vice Chairman asked whether the Group had considered schemes for flat payments or schemes where refunds were provided if a certain amount were spent in local shops. The Group had not focused on details.

A Member was concerned that half of the Council-provided off-street parking places in Swanley were at Bevan Place and that this site may become subject to a planning application for redevelopment into housing. She suggested that this car park be retained.

A Member noted some neighbouring authorities provided parking free to visitors.

Resolved: That the final report of the Parking Working Group be referred to Cabinet for consideration.

### 32. In-depth Scrutiny - Report of the Budget Working Group

In accordance with Section 100B(4) of the Local Government Act 1972 the Chairman had agreed to accept the papers for this item as an urgent matter. The papers had not been available five clear working days before the meeting for the following reason:

The Budget Working Group had not been able to meet prior to the statutory despatch date. The Budget Working Group was required to submit their final report to the Committee on 4 February 2014 in order to be able to feed any comments to the Cabinet meeting on 6 February 2014.

The Chairman of the Budget Working Group introduced the report. She advised that the original purpose of the Working Group, to scrutinise the budget proposed by Cabinet on 5 December 2013, had not been possible. That the draft budget had been amended following a reduction in the Revenue Support Grant which required the Council to make additional savings of £300,000.

The report of the Working Group provided options for the Scrutiny Committee or the Cabinet Advisory Committees for them to consider how budgets were developed and brought together. The Chairman of the Group suggested these options could include: whether the budget assumptions could have been considered earlier or been tested more; whether the Advisory Committees should, on a rolling basis, consider the budgets for each service and in particular the larger services; and how the Invest to Save projects were being assessed. The Group had noted the budget also did not take account of the financial implications of the possible redevelopment of Swanley White Oak Leisure Centre, a matter still under consideration.

The Chief Finance Officer tabled comments on the report of the Working Group. He reminded the Committee that the Advisory Committees received service plans for each service in October and November which they can look at in detail, and put forward proposals to change funding for these services by way of growth and savings ideas.

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The Chairman proposed that the terms of reference of the Working Group be revised. He suggested the Working Group report back to the Committee at its meeting on 2 April 2014 with a timeline for scrutinising the budget proposed next year. The Vice Chairman suggested that analysis of the past year could put the Committee in a better position to scrutinise next year's budget with a further Working Group.

Members raised concerns that the former terms of reference of the Working Group had been too wide. The Chairman agreed that scrutiny of the next budget would also need to begin sooner. The Committee agreed the Working Group should not duplicate the work of the Advisory Committees. In order that the Scrutiny Committee could feed into the 2015/16 budget process soon enough it was -

Resolved: That

- a) the in-depth scrutiny Members' budget working group continue for the purpose of creating a timeline for the possible in-depth scrutiny of the 2015/16 budget during 2014/15;
- b) the working group report the timeline back to the Scrutiny Committee no later than its meeting on 2 April 2014.

### 33. Questions to the Portfolio Holder for Housing, Welfare and Community Safety

The Portfolio Holder for Housing, Welfare and Community Safety advised that she had tasked a Deputy Portfolio Holder with finding savings for the service while they also considered ways to increase income. In Licensing there had been further harmonisation within the service. A report had been prepared in case central government did permit locally set licence fees under the Licensing Act 2003, as fees did not currently cover costs.

Internet safety was a concern for most parents and the Council was working on it with KCC and Kent Police. There was to be an internet safety day on 11 February 2014 educating about unsuitable websites, giving away personal details, grooming and cyber-bullying. Older residents would be educated about the Cyber Street and how to avoid scams. She was pleased that Silly Billy, a local children's entertainer, had agreed to help the campaign.

Key welfare reforms had been introduced in April 2013 meaning that all residents paid a minimum of 8.5% of their Council Tax. This would rise to 18.5% in April 2014, affecting 18,350 taxpayers. There was also a reduction of 14% in Housing Benefit. 22 households were affected by the benefit cap of £350 (£500 for couples and those with children living with them). It was estimated that 20 households fell within a loophole on rules to incentivise downsizing. Although the Universal Credit was expected in 2016 this was subject to any possible political change in central government.

The Housing, Energy and Retraining Options (HERO) service had been effective in providing holistic outreach advice to residents in difficulty and reducing homelessness and encouraging people to retrain and get back into employment. Hero service was provided for Moat and West Kent Housing tenants as well as for some KCC Children centres which attracted income. The Council had received interest from Swale Borough

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Council in extending the project to them. The intention was for HERO not just to cover its costs but eventually to make money for the Council.

The Chairman invited Members to put questions to the Portfolio Holder. Members expressed support for the HERO scheme and were glad to hear of its success. A Member was interested in knowing more about the work of HERO, which areas benefited most and what sorts of issues. The Portfolio Holder agreed for this information to be provided outside of the meeting. There were two HERO Officers who were externally funded but the KCC Children centres were being reduced due to efficiencies so there was capacity to extend the service.

*Action 1: The Portfolio Holder to provide further information to Members concerning the focus of HERO.*

A Member was interested in the costs of the internet safety campaign and noted several other public authorities already provided internet safety advice. The Portfolio Holder confirmed the service was part of the Council's statutory community safety duty but was free. It mostly consisted of website links to other advice providers.

The Chairman noted the Portfolio was one of the largest in the Cabinet and asked whether it was a manageable size. She felt it was but the Deputy Portfolio Holders assisted her and was particularly glad for the Deputy who focused on welfare matters. She did not think the Portfolio should be split as it fitted logically together.

The Deputy Portfolio Holder advised that since HERO commenced, there had been 1182 referrals of which 348 had been given advice, 418 had been given back to work activities such as training with 57 returning to work and 359 had benefit advice. These figures are up to the end of December 2013.

### 34. Questions to the Portfolio Holder for Local Planning and Environment

The Portfolio Holder for Local Planning & Environment presented some opening remarks, updating the Committee on his work since his last attendance before them. He advised that the Allocations and Development Management Plan (ADMP) had been submitted to the Inspector for consideration in March 2014, with a report expected in June and the Plan to be adopted in August, all being well. A recent Planning Inspector's appeal decision about Broomhill, Swanley raised concerns that, like many authorities, the Council's housing supply numbers set out in its Core Strategy were out of date and not in keeping with the National Planning Policy Framework (NPPF). Shortly before Christmas 2013 the Council Community Infrastructure Levy (CIL) Charging Schedule was found sound by an independent inspector and so it would be presented to Cabinet and Council later in the month. A management process was still needed for managing CIL payments received. CIL training would be provided to parish and town councils in Spring 2014. The Gypsies and Traveller Plan Consultation Document intended to set out how the Council could meet the need for 70 pitches. The Document was going to the Local Planning & Environment Cabinet Advisory Committee ready for consultation in April 2014.

A Member asked whether the Council had further information about collective energy switching following a leaflet he had been shown from Dartford, Gravesham and Dover Borough Councils. The Chief Officer Housing advised that the Council was in the very

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early stages of looking at this, including the costs involved. It could provide an income for the Council without creating additional fees for end user.

Another Member asked whether the Council intended to spread future Gypsy and Traveller pitches equally across the District, or focus around existing sites. The Chief Planning Officer advised the issue was still in the early stages and it depended on what arose from the consultation, including the call for sites. Those sites currently identified as possible sites would not meet the need in full and sites put forward would not necessarily be the most appropriate.

Members sought more information on the criticism of the Council's housing supply and whether this was particularly about a type of property and whether this meant there would be greater development on the Green Belt. The Chief Planning Officer clarified that it was not a criticism of the mix of housing. The Core Strategy had been adopted in February 2011 while Regional planning policies were in place including for future housing numbers. The NPPF required objectively assessed housing figures. However, the Broomhill site was not in the Green Belt and the Planning Inspector had said that the Council's Green Belt and AONB policies were in keeping with the NPPF. The Green Belt was still designated as being of strategic importance.

A Member suggested there was a greater need for bungalow houses with the increasingly ageing population. The Chief Planning Officer advised that planning policies were character based and did not specify particular places for bungalows.

A Member, not on the Committee, asked how proactive the Core Strategy was, particularly when applications had recently been received for crematoria when there were alternative sites which were brownfield. The Chief Planning Officer advised the Core Strategy was strategically focussed, whereas the ADMP would identify more particular sites for development. The need for crematoria had not arisen through the Core Strategy development and consultation process.

### 35. New In-depth Scrutiny Review

The report proposed two alternative in-depth scrutiny working groups for the Committee to consider forming. One was to consider the Disabled Facilities Grants (DFG) in-house process and the other to consider leisure customer satisfaction with particular regard to member and customer retention in the leisure centre fitness gyms.

The Committee agreed to establish a working group in line with the report, focused on leisure. At the request of the Vice Chairman this was also to consider value for money. It would report back in line with the Committee's work plan with a final report at the meeting in July 2014.

Officers were to have delegated authority to draw up precise terms of reference for the working group. It was agreed that Cllr. Gaywood would be the Chairman of the working group and Cllr. Mrs. Morris volunteered to be another member. Further members were to be sought through an email to Members of the Committee.

*Action: The Chief Officer Communities & Business to circulate to the Committee final terms of reference for the working group and request volunteers for it.*

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Resolved: That

- c) an in depth scrutiny Members' working group be set up to consider leisure customer satisfaction with particular regard to member and customer retention in the leisure centre fitness gyms and value for money;
- d) the terms of reference for the working group to be confirmed by Officers and circulated to the Committee; and
- e) the working group be Chaired by Cllr. Gaywood and to include Cllr. Mrs. Morris with a further 3 Members to volunteer.

### 36. Work Plan

Members noted the Committee's work plan. The in-depth scrutiny Budget Working Group was now to report to the Committee on 2 April 2014.

The Committee agreed it did not need to consider further the concerns raised regarding recent Council Constitutional amendments; these had been considered by the Governance Committee and any further matters arising would be taken into account by that Committee. It was also noted that future arrangements of the Scrutiny Committee, including its Membership, would be considered further by the Governance Committee as part of the Member Survey.

THE MEETING WAS CONCLUDED AT 9.35 PM

CHAIRMAN