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## SCRUTINY COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 15 November 2017 from 7.00pm - 9.56pm.

**PRESENT:** Councillors Cameron Beart (Substitute for Councillor Derek Conway), Andy Booth (Chairman), Lloyd Bowen (Vice-Chairman), Mike Dendor, Paul Fleming (Substitute for Councillor June Garrad), Mick Galvin, Mike Henderson, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Ben Stokes and Roger Truelove.

**OFFICERS PRESENT:** Martyn Cassell, David Clifford, Philippa Davies, James Freeman, Tony Potter, Bob Pullen, Graham Thomas and Nick Vickers.

**ALSO IN ATTENDANCE:** Councillors Duncan Dewar-Whalley (Cabinet Member for Finance and Performance), Alan Horton (Cabinet Member for Safer Families and Communities), Gerry Lewin (Cabinet Member for Planning ), Ghlin Whelan and Ted Wilcox (Deputy Cabinet Member for Finance and Performance).

**APOLOGIES:** Councillors Derek Conway, June Garrad and Lesley Ingham.

### 327 FIRE EVACUATION PROCEDURE

The Chairman drew attention to the Fire Evacuation Procedure.

### 328 MINUTES

The Minutes of the Meeting held on 11 October 2017 (Minute Nos. 265 – 273) were taken as read, approved and signed by the Chairman as a correct record.

### 329 DECLARATIONS OF INTEREST

Councillor Ben Stokes declared a Disclosable Pecuniary Interest in respect of Item 11 – Cabinet Forward Plan, as his property was included within the Plan. He explained that he would leave the room, if this specific item was discussed.

### 330 PLANNING ENFORCEMENT

The Chairman welcomed the Cabinet Member for Planning, the Head of Planning Services and the Area Planning Officer to the meeting. The Head of Planning Services advised that the Planning Enforcement Contractor who had subsequently been invited had had to send his apologies.

The Cabinet Member for Planning and Head of Planning Services gave an update on the planning enforcement team since the structural changes introduced in September 2017. Members were invited to ask questions.

What was the new structure in Planning Services?  
Why would the new system work better?

How much progress had been made to get rid of the problems of the past?

The Cabinet Member for Planning provided some background and advised that the Enforcement Team Leader had retired, and this led to an opportunity to review the Planning Enforcement team. He explained that staffing levels had increased from 2.8 FTE to 3.8 FTE. The Team Leaders (two Area Planning Officers) work would deal with 25% enforcement issues, and these would be localised to their area of planning work. The Cabinet Member explained that a Planning Enforcement Contractor was employed up to the end of the 2017 financial year (March 2018). He advised that the new way of working had been implemented on 1 September 2017, and he considered it to be too early to determine how successful the new system of working was, and also its impact. The system needed to embed. He explained that it was difficult to give feedback on progress made, but he acknowledged that there had been a change of culture in the Planning Enforcement and Development Management teams. The Planning Enforcement Contractor had brought a different approach, which was appreciated both by officers, and the general public.

The Head of Planning Services provided further details of the new structure. He explained that the two Area Planning Officers were now also Enforcement Managers. The Senior Planning Enforcement Officer dealt with complicated cases throughout the Borough, and she reported to one of the Enforcement Managers. A couple of new Enforcement Officers had also been recently employed. The Head of Planning Services explained that the Planning Enforcement Contractor was a Senior Enforcement Officer and had been 'a breathe of fresh air' to the department. He had written new procedure and practice notes to deal with enforcement cases. In future Members could be added to cases as a complainant and this would ensure they were updated throughout the cases. The Planning Enforcement Contractor had also set up monthly meetings with the Legal Team to review ongoing cases.

The Chairman stated that Members wanted consistency and were keen to get matters established. He welcomed further comments from Members.

In terms of the contractor's role, should there be Swale Borough Council (SBC) staff employed, rather than contractors?

What were the changes in the culture within the department?

The Cabinet Member considered it was the personality of the Planning Enforcement Contractor that was helping, plus the procedures that he was compiling for the enforcement staff.

The Head of Planning Services outlined the new deadlines for retrospective planning, right through to any enforcement action. He explained that the Planning Enforcement Contractor was an extra resource at the moment. It was possible that his contact could be reviewed, but it was envisaged that by the end of March 2018, the measures that the Contractor had instilled within the team would be 'up to speed'.

Members made comments which included: disagreed that it was too early to report on the changes that had taken place; agreed that there had been a change in culture, and there had been a vast improvement; it was critical to keep the case

system up to date; Members could offer local knowledge to cases, but often knew nothing until they were submitted to the Planning Committee; very happy with the huge amount of change that had taken place; and it was important to have continuity with records coming forward to current officers.

Was 3.8 FTE for enforcement officers sufficient resources?

The Cabinet Member advised that more would be known when the first period had been reviewed. There was a lot of one-off work to embed data. He considered that 3.8 FTE was about right.

The Head of Planning Services explained that the 3.8 FTE were full investigating officers, whereas previously, part of the 2.8 FTE had been a management role. Management and guidance was now coming from the two Enforcement Managers (Area Planning Officers), so overall, more senior officers were involved. The Development Management Team had been replenished with more planning officers to deal with household applications.

The Cabinet Member explained that 52% of the Legal Team's cases were planning work, so there was more resource there, than solely the 3.8 FTE.

Further comments from Members included: not happy that previously enforcement cases had been dealt with too leniently; we needed to see dates, updates, and actions; communication was key, this had been a disgrace in the past; updates were needed at Planning Committee, we owe that to the members of the public so they see that action had been taken; a professional response was needed to the 'bedding-in' process; acknowledged that the contractor was an expensive resource which might not continue, but it was not good to also lose the new culture and working practices, this needed to be maintained; reporting to Members was important, all Members would want to be informed progressively, however, Planning Committee Members would want to see all enforcement matters, and we had not seen that yet.

What was included in the 3.8 FTE? Did it include 2 x 25% from Enforcement Managers? Did they have 25% time to spare?

How was the Team going to deal with catch-ups; i.e. issues that were at least two years old and entirely unresolved?

What were the arrangements for the working relationship between the Planning Department and the Legal Department? Issues bounced back and forth between the two departments, and it was important cases were not lost in the system.

The Head of Planning Services reported that the Planning Enforcement Contractor had set up monthly case review meetings, and there would be joint responses from the Heads of Planning and Legal Services. He explained that there were three full time Enforcement Officers and one 0.8 FTE. There was a new format with dates of the next review meetings and this would be forwarded to Members. Each October there would be a general report to the Planning Committee, and there was a new Performance Indicator in the new enforcement charter. This would look at the lifespan of enforcement cases and how quickly they were completed.

The Area Planning Officer explained that the Planning Enforcement Contractor had unified the list of enforcement cases, establishing the current situation with each case. These could be looked at during review meetings, and there was now more joined-up thinking, with more involvement from officers, both approving applications and dealing with enforcement cases.

The Cabinet Member stated that there had been review meetings, looking at cases that were more than six months old, and target dates were set for completion of the cases.

Transparency and communication – what would implement/trigger communication, and when would that commence?

The Head of Planning Services explained that there were 600 enforcement cases per year. Some of these were very basic, and not worth notification. The Planning Enforcement Contractor was setting up criteria to generate when a trigger would be set to instigate an update to Members.

The Cabinet Member for Safer Families and Communities suggested that Ward Members be added to the system, and Members sifted through what was relevant to them.

The Chairman thanked the Cabinet Member for Planning, the Head of Planning Services and the Area Planning Officer for attending the meeting and looked forward to a further update in the new year.

### **331 SITTINGBOURNE TOWN CENTRE REGENERATION UPDATE**

The Committee received a written update.

A Member started the discussion with the following questions:

In terms of the Development Agreement, what information was being awaited from Spirit?

As the deadline was the end of November 2017, was it getting a bit late?

Was there any movement to the developer option to use the car parks for housing and when did the option run out?

The Chief Financial Officer outlined some key issues. He stated that the Section 278 and land transfers were difficult to resolve. He acknowledged that it was getting late, but that this was not unusual for this type of development. With the housing, he stated that he would find out more information for Members.

Construction - How far behind schedule were the works to St. Michael's Road, Sittingbourne?

Communications – when was Spirit's website going to be updated?

What was the potential impact on the whole regeneration of Tesco shutting its Forum store?

The Chief Financial Officer explained that Tesco had been losing money from the Forum store. Another retailer would be moving in. He explained that there was no direct effect of this on the regeneration plans, and that Tesco were still looking to sell the Forum.

A Member reported that Spirit's website had shown that the roadworks (Phase 1) would be completed by 20 November 2017.

Members made further comments which included: there needed to be analysis of risks on regular updates and a timeline of the critical path; the report attached to the agenda needed to be more detailed; risks were self-evident, this was a major investment, and the income returns might not be sufficient.

The Chief Financial Officer stated that there were wider risks than solely financial risks, and the works were in different phases. He explained that the retail was a fixed price, and had moved past the speculative stage. With the leisure project, once this had been signed-up, the risks were there as a complicated build. There was a fixed price, with long leases. Performance-wise, the whole development was in 'amber', but if the leisure part was signed by the end of the month, this could go to 'green'. The risks were transferred risks, to Spirit and their builders.

In response, Members made the following further comments: needed to recognise that if part of the project was late, it would have a knock-on effect to other parts of the scheme; the risks locked into delivering each phase at a particular sequence; we requested a critical path and risk register and had not received them; confident that the risks were being mitigated at each stage, but the nature of some risks could not be mitigated; would like to see a list of the risks – mitigated or not, and made aware of the risks that could not be mitigated; we requested a continuous update of the risks and this had not been received.

The Chief Financial Officer explained that there were constant meetings on the regeneration, and it was not possible to replicate these meetings at Scrutiny. He acknowledged that it was difficult to get the balance right, and the right level of information was needed for the Scrutiny Committee to take assurance of the process.

Was the development all 'wrapped up'? Wanted to be satisfied that all cinema, restaurant, hotel chain were all fully signed-up or did they have options of coming into the project in the future? There was a risk if not fully signed-up because then the project would not get completed. These latest questions were not answered at the meeting, and it was requested that a report from the Cabinet Member for Regeneration and the Interim Director of Regeneration be submitted to the Scrutiny Committee, including a critical path and risk register.

The Chairman reminded Members that there was a briefing on Phase 2 of the regeneration scheme, prior to the Council meeting on 13 December 2017.

**Resolved:**

**(1) That a report from the Cabinet Member for Regeneration and the Interim Director of Regeneration be submitted to the Scrutiny Committee, including a critical path and risk register.**

**332 REVIEW OF FEES AND CHARGES**

The Chairman welcomed the Cabinet Member for Finance and Performance, the Chief Financial Officer and the Head of Commissioning and Customer Contact to the meeting.

The Cabinet Member for Finance and Performance introduced the report which invited the Scrutiny Committee to consider the proposals for the level of fees and charges to be levied for the next financial year 2018/19. He explained that as a result of previous comments from the Scrutiny Committee, the report had become more refined.

The Chairman advised that the Scrutiny Committee would review Appendix I in the report. Appendix II listed the fees and charges set by Government which SBC had no discretion over. The Chairman stated that the Committee would go through Appendix I page by page and he welcomed comments and questions.

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Question: why was the long stay car parking fees cheaper at Cockleshell Walk, Sittingbourne and the Promenade, Leysdown, than in other locations?

Answer: Charged less at Leysdown to bolster the tourism trade, and with Cockleshell Walk, this was out-of-town and under utilised, and the lesser charge was to bolster the capacity.

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Question: Why had outdoor fitness charges increased, when there were aims to increase fitness throughout the Borough?

Answer: Charges were aimed at commercial companies, and this allowed checks to ascertain they were legitimate to work on SBC-owned land. This was about formalising the process regarding risk, and making profit from SBC land.

Question: We might not know who was operating a franchise on outdoor fitness?

Answer: The vast majority were self-employed; SBC asked whoever ran the session to pay the fee. If the company was larger, they would pay an increased fee.

Question: Why had the replacement of a paper licence certificate (taxi licensing) been reduced by 50p, to £10?

Answer: This was an across the board charge, i.e. dual driver badge replacement was £9.50, it was now £10.

Question: at last year's equivalent meeting, the Cabinet Member had advised that fitness sessions for 1 – 4 people should have no charge made against them, why had this changed?

**Recommended:**

**(1) That the re-introduced charge for once a week outdoor fitness licence fees (1 – 4 people) be deleted.**

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Question: who paid for additional litter bins?

Answer: SBC would pay for additional bins if they considered a new one was required and that it made a positive impact upon street cleansing.

In response to a question on additional litter bins, the Chief Financial Officer agreed to amend the schedule so that it included the wording 'where levied' instead of 'where needed'.

Question: Would community events be adversely effected by the charges?

Answer: A full review had not been carried out on every event, but events that might be impacted had been advised.

Question: Had there been an adverse reaction to the charges?

Answer: Yes.

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Question: who paid the costs of Traffic Regulation Order consultations?

Answer: the answer would be forwarded to Members.

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Question: should more be charged for harbour mooring fees?

Answer: this fee had existed for years and operated on an honesty box approach. It would cost more if staff oversaw this.

Question: if someone paid for a disabled bay, and it was not theirs, could this be changed so it became that person's space?

Answer: No, cannot stop someone else using the space.

Members spoke on the new charge for disabled parking bay applications. The Head of Commissioning and Customer Contact advised that the charge did not

cover the full cost, but was for processing the application. This process was delegated by Kent County Council to SBC.

Councillor Mike Henderson moved a motion that the Disabled Parking Bay Applications be removed from the schedule. This was seconded by Councillor Roger Truelove. Following a vote, the motion was carried.

***Recommended:***

***(1) That the new charge for Disabled Parking Bay Applications be deleted.***

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A Member considered the charge for a scrap metal license should be increased to at least £500. The Chief Financial Officer stated that more work could be carried out to get comparisons on costs from other authorities.

Question: why had VAT been added to the CIEH Level 2 Award Training in Food Safety in Catering?

Answer: the answer would be forwarded to Members.

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Question: Could the Fixed Penalty Notice (FPN) for fly posting be increased, as disappointed with the £80 charge?

Answer: This was the maximum that could be set.

Question: why had the FPN for 'refuse left out inappropriately' gone down?

Answer: Government had reduced the charge so the Council had to reduce accordingly, but this was the top level of charge.

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Question: what were the breakdown of costs for the Stray Dog Collection?

Answer: the answer would be forwarded to Members.

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Question: why were the charges the same for pest control for residents both on and not on benefits?

Answer: the answer would be forwarded to Members.

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Question: concerned that Pre-Application Planning Advice charges had doubled. Could there be concessions for residents starting up for the first time?



Answer: the answer would be forwarded to Members.

A Member noted that there was no charge for 'householders' under the 'meetings section'. He considered the charges for pre-application advice was too high, particularly for modest schemes.

Councillor Mike Henderson moved a motion to add a new line under 'Meetings' for 'Householders', and the charge to be £50, and letters to householders should be £25, not £50. This was seconded by Councillor Roger Truelove. Following a vote, the motion was carried.

**Recommended:**

**(1) That a new line be added under 'Meetings' for 'Householders', and the charge to be £50, and letters to householders should be £25, not £50.**

**Post Meeting Note:** Pre application charges meetings with householders - the reason there was not a line for it was that SBC did not offer pre-application meetings on householder proposals and only offered a letter review service.

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Question: what was the lower/higher FPN rates and what were the dispensations?

Answer: the answer would be forwarded to Members.

The Chairman thanked the Cabinet Member for Finance and Performance, the Chief Financial Officer and the Head of Commissioning and Customer Contact for attending the meeting.

**333 PERFORMANCE MONITORING REPORT**

The Chairman welcomed the Deputy Cabinet Member for Finance and Performance, the Policy and Performance Manager and the Business Improvement Officer to the meeting.

The Deputy Cabinet Member for Finance and Performance introduced the report which presented the quarterly portfolio-based balanced scorecard performance records for the first quarter of 2017/18 (April – June 2017).

**Corporate Overview**

The Deputy Cabinet Member for Finance and Performance explained that several targets had increased from the previous year, which partly accounted for the fact that the proportion achieving target this quarter had deteriorated. The Policy and Performance Manager confirmed that the proportion of 'greens' had decreased, but noted that the proportion of 'ambers' had increased more than 'reds' and that a dip in performance was normal during the first quarter.

Members asked the following questions:

Question: Long term sickness was a concern, could there be more detail about this?

Answer: this involved a very small number of SBC staff for various reasons and all justified. He explained that when a member of staff was off on short term sickness, they were required to complete a back to work interview on their return.

Question: as the Infrastructure was red on risk, an adverse audit opinion, and the figures were from the first quarter, i.e. a bit dated, were more resources required?

Answer: further information could be supplied on the risk and the adverse audit opinion. Acknowledged that it would be preferable for the Committee to receive more timely information, but rather than this being a question of resource, it was more a function of the cyclical nature of the information and the Committee meetings. The Policy and Performance Manager undertook to discuss with the Committee Chairman outside the meeting whether there were options to improve this going forward.

A Member requested information on the proportion of long term sick days due to work-related stress and those due to work-related depression, and the Policy and Performance Manager undertook to provide this.

### **Housing and Wellbeing**

A Member requested more information on the meaning of 'amber' status for projects. The Policy and Performance Manager explained that the descriptions of the meaning of 'green', 'amber' and 'red' as they applied to projects on the scorecards were generic ones in order to facilitate consistency among project executives in selecting the most appropriate status for their projects.

### **Planning Services**

A Member stated that it would be interesting to see Quarter 3 figures to show the changes that had taken place within the Planning Department.

### **Regeneration**

Question: why had there been a dip in the business support graph?

Answer: this was partly due to the online resources that SBC had.

### **Safer Families and Communities**

The Deputy Cabinet Member reported that the Safeguarding training had been a good piece of work.

The Chairman thanked the Deputy Cabinet Member for Finance and Performance, the Policy and Performance Manager and the Business Improvement Officer for attending the meeting.

**Post Meeting Note:** The Policy and Performance Manager provided updates to Members.

### 334 REVIEWS AT FOLLOW-UP STAGE AND LOG OF RECOMMENDATIONS

The Policy and Performance Officer introduced the report and highlighted the updated notes for the Sittingbourne Town Centre Regeneration item. The Visitor Economy Strategy notes had also been updated, and the Strategy would be submitted to Cabinet in February 2018.

A Member spoke against the rejected recommendation from Cabinet in relation to social housing under the Housing Services item. Members were disappointed that the Visitor Economy Strategy had been delayed again.

**Resolved:**

**(1) That the report be noted.**

### 335 OTHER REVIEW PROGRESS REPORTS

The Policy and Performance Officer reported that Cabinet's response to the Housing Services report from the Scrutiny Committee would be submitted to Council on 22 November 2017, for information.

The Non-Sittingbourne Town Centre Regeneration review was at the scoping template stage.

The Development Services review was ongoing and a progress report would be provided at the next meeting.

### 336 CABINET FORWARD PLAN

A Member requested further information on the Sale of Land at Minster Cliffs Estate on page 63 of the report.

### 337 URGENT BUSINESS REQUESTS

There were no urgent business requests.

### 338 COMMITTEE WORK PROGRAMME

The Policy and Performance Officer confirmed with the Committee that they were happy for the Waste Team to be invited to the February 2018 Scrutiny Committee.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel