

OVERVIEW & SCRUTINY PANEL

Minutes of the meeting held on 18 July 2019 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Peter Campbell (Chairman); Councillors Parsons, Albon, Everitt, Paul Moore, L Piper, Roper, Rusiecki, M Saunders, Scott and Whitehead

In Attendance: Councillors: R Bayford, Bailey and D Saunders

174. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Tomlinson, substituted by Councillor Mave Saunders.

175. DECLARATION OF INTERESTS

There were no declarations made at the meeting.

176. MINUTES OF PREVIOUS MEETING

Councillor Everitt proposed, Councillor Albon seconded and Members agreed the minutes as a correct record of the meeting that was held on 28 May 2019.

177. CABINET MEMBER PRESENTATION - THE LEADER OF COUNCIL

Mr Steve Coombes spoke under scrutiny procedure rules for public speaking.

Councillor Bayford, Leader of Council then made his presentation and highlighted the following points as part of an update on the developments at the Ramsgate Port:

- Cabinet has had some detailed discussion on 24 June with the Corporate Management Team regarding the port including reconsidering the procurement process for and technical aspect the Port. The discussion also focused on studying the current leases as they would have an impact on the future planning for the Port;
- The working party on the port had been re-established and would hold their first meeting week beginning 22 July to consider the following issues:
 - a. The consultancy report in respect of Berth 4&5. This report covered:
 - i. a scoping and options study,
 - ii. performance specification, concept drawing for design and building contract and
 - iii. professional advice on obtaining the necessary leases from the marine management organisation;
 - iv. Procurement brief for the wider options report on the Port.
- A Members Briefing session had been held to inform Members on the current situation Berth 4&5;
- A Coffee Evening event was held on 16 July 2019, for Members to familiarise themselves with the operations of the Port. Unfortunately the turn out for the event was disappointing;
- Finance Department have also held a Finance Event to further provide information on the Port finances and other council functions;
- Cabinet hoped to report options on the future of the Port by the end of this year.

Responding to the specific questions that had been forwarded to him ahead of the meeting, the Leader of Council gave the following responses:

Question 1

Are you able to confirm and supply supporting evidence, that Brett Concrete Company is operating lawfully on the site and that all environmental requirements have been met?

Leader's Response

There are two separate Brett sites at the Port. Brett Concrete carries out its operations (cement batching) under Part B of the Environmental Permitting Regulations 2016, Schedule 1 and is regulated through an environment permit by TDC. This activity is carried out in a controlled environment and is therefore classed as a low risk installation requiring an annual inspection. During the 2018 annual pollution monitoring inspection carried out, there were no air pollution exceedances found for air quality objectives. All air quality reports were now on the TDC website, which was not the case before.

The second activity is carried out by Bretts Aggregate Limited for the storage of aggregate and this did not require a permit. The annual environmental inspection permit inspection was carried out by the Council's Environmental Health department on 26 March 2019 for the concrete batching plant, the permit was signed off and no remedial action was required.

Question 2

The Director of the Service last year stated that TDC and Brett were only in the negotiation stage about any plans they might have to expand. The CEO stated this year that TDC had no knowledge of any plans by Brett to expand their operation. Can you outline the exact position regarding plans for any expansion of Brett's operations at Ramsgate Port?

Leader's Response

The Council are not privy to Bretts' future plans. However Bretts had invited the Leader and CEx to a meeting to understand the company's long term objectives and these can be reported back later.

Question 3

Can you explain the need for the specifications, including the facility for a double conveyor belt system, to be included in the repairs/replacements of berths 4/5?

Leader's Response

There isn't actually a requirement for a double conveyor. This was added as an option to be considered as part of the consultancy brief.

Question 4

The CEO has stated this year that Bretts do not have exclusive rights to the use of berths 4/5; do you have any advance knowledge of which other businesses may be requiring the use of these berths?

Leader's Response

No

Question 5

Have any such businesses expressed a need for the increased capacity of the conveyor belt system.

Leader's Response

They have not expressed the need to TDC and in any case the conveyor belt is owned and operated by Bretts and any agreement to use the conveyor would have to be with Bretts.

Question 7

Has a cost benefit analysis been done to assess whether TDC should terminate their contract with Bretts rather than pay the £1m + to restate the berths? If not, why not?

Leader's Response

There was no legal basis to terminate the current contract with Bretts. Unlawful termination of contracts would attract litigation. Bretts installed the berths free of charge and council realised an income of 175k per year. It cost about £1.5 million to install new berths if TDC had gone ahead to do that on its own. Council would continue to get income for 25 years.

Question 8

How can TDC ensure that all contracts are checked in the future to ensure that any large obligations are not accidentally signed up to?

Leader's Response

Processes were now in place to ensure that the council met its statutory requirements. There was a port working party currently scrutinising draft contracts.

Question 9

Was anyone disciplined over the signing of the contract between Brett Aggregates and TDC which put this large obligation onto TDC? If not, why not.

Leader's Response

It was unlawful to discuss staff matters in a public meeting.

Question 10

Who from the council signed the contract between Brett Aggregates and TDC which resulted in TDC taking on the responsibility for the Brett Aggregates berths?

Leader's Response

The signatories were not necessarily those who agreed to the contract. The contracts were signed by TDC lawyers and an elected Member.

Specific request for documents/information

1. Copy of the lease agreement between Brett Aggregates and Crown Estate for the berths (including the term of the contract).
2. Copy of the contract between Brett Aggregates and TDC which puts the obligation on TDC to maintain the condition of the berths (including any break clauses in this contract that TDC may have).
3. Copy of any lease extensions for point 1 and 2.

Leader's Response

Any Member who wished to read through the confidential documents requested above could make an appointment with the Monitoring Officer to come into the office to study the documents.

Members then asked follow up questions as follows:

- Did a part of the future for Bretts' operations at the Port include the importation of waste and what the limits to the operations the council would impose for the port?
- Were environmental visits conducted by the council to check whether Bretts were compliant to regulations? Were these visits unannounced?
- Was the obligation to replace the berths a one off requirement?

- Was the contract structured to protect the council; was the contract proportionate to the aggregate being brought in?
- What was the lifespan of the new berths?
- Where there any plans for post Brexit?

In response the Leader commented as follows:

- There were no such considerations to import waste through the Port. Any development on the Port will be considered by a wider group of councillors;
- The Leader and CEx had been invited to a meeting by Bretts;
- The Environmental Health Team conducted an inspection visit to the Port and there were no concerns of exceedance in terms of air pollution. However if residents had evidence of dust, they would need to bring that to council for investigation;
- The contract with Bretts runs out in 2052 and the berths should still be usable;
- There was a minimum amount that Bretts had to pay to TDC;
- The lifespan of the berth is 25-30 years;
- A review of the current leases was carried out and it was realised that it was too expensive to get out of some of them;
- There was a working party on the port which was currently working on the port related issues.

Members thanked the Leader for sharing information on the Port and noted the presentation.

178. ADOPTION OF A NEW HOUSING ASSISTANCE POLICY

Mr Bob Porter, Head of Housing & Planning introduced the item for debate and made the following points:

- The Council had a duty to provide disabled facilities grants to residents who required assistance with the adaptations to their properties;
- Councils have a mandatory duty to offer disabled facilities grants, up to £30k to qualifying applicants;
- Grants are funded by a grant from government;
- The current policy was put in place at a time when there were significant resource limitations for the demand;
- However the council no longer has a waiting list;
- The current funding allows greater flexibility to councils to offer further discretionary assistance;
- The new policy proposes a new service to assist people to return home from hospital more quickly and an enhanced handyman service;
- The new policy also proposes a new grant for energy efficiency improvements in certain circumstances and extends the current minor repairs grants;
- The new policy provides for the cost of administering grants to be met from the DFG funding.

Responding to the presentation Members of the Panel made comments and asked questions as follows:

- What was the proportionality between the grants and loans under this policy?
- Did the policy assist those under hardship conditions?
- Did the policy cover council tenants?
- Had council considered assisting local families to buy the properties they lived in, where appropriate?
- How easy was it to access these grants?
- Was the information on these grants readily available to the public?

- Members welcomed the good news that the council had cleared the backlog for those waiting for assistance under these grants and that the service was expanding;
- How was the council working with KCC and CCG regarding meeting the threshold required for an individual to get care support?
- Why were elected Members not involved in the process?
- In the report, there were indications that KCC had top sliced £405k for use on other projects. Were these funds ring fenced for use for Thanet residents' needs?
- Who scrutinised the performance of the service providers under this scheme?
- Could more clarity be provided about under what circumstances were individuals in receipt of the DFGs required to pay back?

Mr Porter responded as follows:

- Mandatory facilities grants were separate from loans;
- The policy did allow for hardships;
- Later in the year, a new policy will be presented to Cabinet and it will also cover providing adaptations to council tenants houses which were as generous as those provided to non council tenants;
- Council provides loans of up to £20k for households buying an empty property in Cliftonville to refurbish for owner occupation;
- Professionals working with individuals due for discharge from hospitals or others who required adaptations to their homes would normally advise the individuals about these grants;
- There can be delays in the completion of occupational therapist assessments and the new policy enables some additional dedicated resources to speed up this process;
- The funding proposals are profiled over three years, using the resources currently available;
- Accessing these grants is means tested. However the council would always try to provide universal access to services such as handyman services;
- The proposed policy includes an appeals process;
- The £405k was not ring fenced. However in the first year of implementation, TDC insisted that KCC spent £2.1 million set aside for DFGs. KCC spent close to that amount;
- Service providers were scrutinised by local authorities that hosted the funding; either KCC or TDC.

Thereafter Councillor Campbell proposed, Councillor Rusiecki seconded and Members agreed the following:

1. That KCC ring fenced the £405k for use by Thanet residents;
2. To note the report.

179. REVIEWING THE OSP WORK PROGRAMME FOR 2019/20

The Panel agreed that Councillor Bailey be an additional member on the Travellers Review Group.

Councillor Albon, Chairman of the Travellers Review Group gave an update on the activities of the review group and said that Members received valuable information from officers on the issue under investigation. He also made the following points:

Members had received valuable information from officers regarding the nature of the problem under review;

- In 2018, the district had experienced 46-55 traveller incursions compared to 2-3 in 2016;

- The local communities were concerned mostly with the human waste left behind after such visits;
- The review group was going to receive additional information from officers regarding the legal costs incurred by the council to date in the various attempts to manage the incursions;
- The travelers representatives will be invited to attend the next meeting of the review group;
- The third meeting would be for Members to visit the temporary sites where travellers had set up the unauthorised encampments;
- A written report of the review findings will be presented to the October Panel meeting.

One Member urged the Panel to play a significant role in reviewing the proposed Corporate Statement, before the item went to Full Council for final decision.

Members suggested that for future corporate performance report discussions, lead officers for particular services should be invited to respond to more detailed questions from the Panel.

The Chairman requested Members to submit to him their main questions to be responded by the Leader as part of the presentation of the Corporate Statement for 2019-23.

Councillor Campbell proposed, Councillor Rusiecki seconded and agreed to invite Kent Police to the 22 October meeting to present on Crime Stats in Thanet.

180. FORWARD PLAN & EXEMPT CABINET REPORT LIST

Members noted the report.

Meeting concluded: 8.23 pm