

OVERVIEW & SCRUTINY PANEL ANNUAL REPORT TO COUNCIL FOR 2020/21

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| Council | 25 March 2021 |
| Report Author | Cllr Bob Bayford, Chairman of the Overview & Scrutiny Panel |
| Status | For Information |
| Classification: | Unrestricted |
| Key Decision | No |
| Ward: | Thanet Wide |

Executive Summary:

The purpose of the report is to highlight some of the key activities that have been planned and implemented by the Overview & Scrutiny Panel during the course of the 2020/21 municipal year.

Recommendation(s):

Members are invited to discuss and note the report.

Corporate Implications

Financial and Value for Money

There are no financial implications directly arising from this report. The report provides a briefing to Full Council about the work activities undertaken by the Scrutiny Panel in 2020/21.

Legal

There are no legal implications directly arising from this report. A presentation of the Panel Chairman's report to Full Council enables the Chairman to fulfil their duty as is required by the Council's Constitution.

Corporate

There are no corporate risks associated with this report. The report enables discussion by Members at Full Council on the activities of the Panel.

The debate on the Panel Chairman's report contributes to open communication across the council. A strong scrutiny function contributes to an open democratic process for decision making and delivery of value for money services as council decisions are interrogated by Members before they are implemented. In instances where such decisions are interrogated after implementation, there will be lessons to learn for future policy development.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

Please indicate which aim is relevant to the report.

Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,

Advance equality of opportunity between people who share a protected characteristic and people who do not share it

Foster good relations between people who share a protected characteristic and people who do not share it.

No implications arise directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.

It is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by Council.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

- 1.1 The Chairman of the Overview and Scrutiny Panel is required to present an Annual Panel report towards the end of each municipal year to share an overview of the work undertaken by the Panel during the course of the year under review.
- 1.2 The report comments on a number of activities carried out by the Panel during the period under review. It is hoped that this report would therefore provide the basis for debate by Members on the Panel's annual activities and hopefully lead to sharing of views and ideas to enhance the Council's scrutiny function.

- 1.3 It should be mentioned that in 2020/21 council business and activities have largely been affected by the covid-19 pandemic. This saw some council meetings being cancelled as the council sought ways to continue functioning albeit under this new operating environment, without risking the wellbeing of both staff and Members.
- 1.4 Once the Government had legislated the provision for councils to conduct virtual meetings and Council was ready to hold such meetings, the Panel had its first virtual meeting on 26 May 2020.

2.0 Cabinet Member Presentations

- 2.1 During the course of the year the Panel engaged a number of cabinet members in discussions on a number of subject matters that fall under their respective portfolio areas. The purpose of these engagements was for the Panel to contribute to policy decisions on issues under active consideration of the executive.

Draft Local Plan

- 2.2 Proposals for the draft Local Plan were presented to the Panel on 26 May 2020 and Members discussed the council proposals in conjunction with the Independent Inspector's main modifications that accompanied the committee report.
- 2.3 A number of observations and comments were made by Members and these were recorded in the Panel minutes that can be found in this link, <https://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=119&MId=5312&Ver=4> (minute item 236). Thereafter the Panel agreed the recommendation as detailed below:

“ That, subject to noting the comments made by the Panel, Members recommended that the proposals and Inspectors' main modifications in the committee report be forwarded to Cabinet and then Council for approval.”

- 2.4 Linked to the new Draft Local Plan was a review of unauthorised traveller encampment in Thanet that had been undertaken by a working party set up by the Panel. The purpose of the review was for the Council to identify some sites that could be used as traveller sites in the district. The working party had recommended and in November 2019 the Panel forwarded the recommendation to the Cabinet that “further work be undertaken including (conducting) an extensive public consultation to assess the feasibility and cost implications of establishing temporary tolerated sites in the district.”
- 2.5 Having considered the Overview and Scrutiny Panel recommendations on 16 December 2019, Cabinet agreed to the following:

“That further work was undertaken to assess the feasibility and cost implications of three temporary tolerated sites in the District, at Potten Street, St Nicholas at Wade, Tivoli Brooks and Ramsgate Port, with a view to using them on a rotational basis”. Members are maintaining a watching brief on the issue.
- 2.6 Cabinet further considered this matter at the meeting on 17 September 2020 and agreed the following:

1. That the identification of appropriate tolerated stopping sites becomes part of the Local Plan review;
 2. That Officers continue with an officer and partner group, working with known groups of gypsies and travellers to address site access and behaviours.
- 2.7 The Local Plan Review Cabinet Advisory Group met on 16 November and recommended to Cabinet that “the Local Plan update should extend the Plan period to 2040,” and address among other issues “The provision of Gypsy & Traveller sites to meet identified requirements.” On 17 December 2020 Cabinet agreed the proposals for the new Local Development Scheme.
- 2.8 Cabinet further confirmed that subsequent work to come out this decision would be a consideration of planning matters that were not addressed at the previous Examination of the Local plan. These included Manston Airport, Gypsy and Traveller accommodation. This work would also reflect changes in Government policy in relation to climate change and the Council’s declaration of a climate emergency.
- 2.9 The Panel is satisfied with its contribution to shaping what would now constitute part of the content of the updated Local Plan.

Beach Management

- 2.10 The Panel received a presentation from the Leader of Council on the new Beach Management Plan that the council developed in order to provide a more effective approach for managing the district’s beaches. The Plan has since been shared with the public via the council’s website. Key highlights of the Plan which the Panel noted can be found in the minute number in this link:
- Alongside the Plan was the Beach Safety Booklet which would be useful for the public and Council’s partners that include the RNLI and Your Leisure;
 - Council was taking action on issues that the public had raised as concerns. This included issues like anti social behaviour;
 - Bye laws were now in the safety booklet which would be circulated to the public. In the booklet were bye laws for managing the beach. These required updating. The updated version would be in place hopefully by next summer;
 - Council was taking action against irresponsible and inconsiderate parking
 - Council had reacted to the request for more public toilets to be opened for extended hours. Extra cleaning staff were now on duty for the busy beaches;
 - Seafront lifts were currently closed because of the current social distancing regulations and council was trying to find ways to re-opening the use of this facility;
 - Council was ensuring that all businesses using the beaches and foreshores had sufficient licenses and insurances for trading;
 - Council was also enforcing appropriate behaviour for launching of boats;
 - Although there were some challenges, beach huts were now in place. Council had worked with Your Leisure on this issue;
 - Council staff had worked hard to deal with the large amount of litter left on beaches and foreshores; Another 50 large bins were going to be provided at designated points along the beaches. This was a continuing challenge for the council, but the council was working hard to resolve these issues;

- The previous summer a number of agencies had worked together much more than before to resolve the issues associated with managing environment on the beaches;
 - The council now had a communications plan to deal with the messaging of information relating to the beaches.
- 2.11 At the October Panel meeting, Members received a presentation from the Cabinet Member for Operational Services on the management of Thanet beaches during 2020 Summer and during the discussion a points were made which the Panel noted and these can be found in minute number 259 in this link:
- <https://thanet.moderngov.co.uk/ieListDocuments.aspx?CId=119&MId=5599&Ver=4>
- 2.12 Members were satisfied with the outcome of the discussion between the portfolio holder and the Panel. This discussion built on the July one that Members had with the Leader of Council regarding the new Beach Management Plan.
- 2.13 Subsequent to this presentation, on 18 February 2021, the Panel also reviewed Cabinet proposals for the Beach and Coast Public Spaces Protection Order and Dogs on Beaches Public Spaces Protection Order (PSPOs). These proposals, when adopted by Cabinet on 18 March 2021, would further add to the tools that can be used by the council to manage the beach environment and create a welcoming environment at beaches across the district. The contributions of the Panel in developing these policies are worth noting.
- 2.14 At the 24 November meeting, the Panel also received a presentation led by the Leader of Council and Director of Communities on 'BREXIT - TDC Plans regarding the EU Transition coming to an end.'
- 2.15 There was a greater understanding of the challenges faced by a number of external agencies and the council in managing the Brexit transition. The major challenges were in relation to the management of traffic flow through Kent to Dover Port. These logistical and operational challenges were managed through the multi agency approach and the council played its part in getting the transition through.
- 2.16 Members were advised that, at that time, the Council would continue to engage the government departments and other key stakeholders to prepare for the end of the transition and to find best ways of mitigating any worst case scenario as a result of the UK leaving the EU on 31 December.
- 2.17 One could conclude that the council's contribution to the transition was well managed as the transition was in the end successfully concluded. The Panel played its part in keeping an oversight on what the council was doing to play its part in that national process.
- Fees & Charges Proposals for 2021/22**
- 2.18 The Panel reviewed the fees and charges proposals for 2021/22 that Cabinet would be recommending to Council on 10 December. There were no recommendations from the Panel regarding these proposals.

Council Budget Proposals for 2021/22

2.19 At the January 2021 Panel meeting, Members considered budget proposals for 2021/22 and the following observations were made:

- The proposed budget was drafted in the context of significant changes on local government financing;
- Covid-19 had forced local authorities to focus on short term issues. This had drained the council reserves, council finances and council staff reserves;
- The budget gap in the proposals was largely due to factors internal to the council like pay and contractual inflation and an increase in cost of waste disposal.
- The Finance team had worked to host Members briefing sessions to update Members on the budget process.

2.20 After making comments the Panel did not take any further action as no forward recommendations were forwarded to Cabinet. This meant that the recommendations agreed by Cabinet on 14 January were forwarded to Full Council on 11 February.

Corporate Performance Review

2.21 As previously indicated elsewhere in this report, this year has been a particularly difficult one due to the pandemic and the challenges faced by different council departments has been significant. In reviewing the council's performance across the various services, the Panel noted the extra effort put in by council staff to ensure that services were delivered to Thanet residents.

2.22 Below are examples of the resilience shown by the council departments who continued to deliver services in spite of the new challenges caused by the pandemic.

- a. This year has been particularly hard on the waste collection teams, especially considering that agency staff had to be contracted as some permanent staff had to shield or self isolating due to the pandemic;
- b. As many more people were working from home, the vehicles have experienced significant issues passing through certain areas where cars were parked on either side of the roads;
- c. Despite all those challenges, senior management was proud of the achievements of the waste collection teams;
- d. The amount of residual waste was significantly higher this year. This was largely due to the number of people being at home most of the time due to the national lockdowns;
- e. Officers had been studying the options for a new selective licensing designation in view of the successful implementation of one such scheme in Cliftonville. The Housing CAG was looking into this and the council had held early discussions with MHCLG, who in turn have been supportive of this idea and were open to hearing what the proposals looked like. It was therefore reasonable to be optimistic about the options for the council to designate a new area of selective licensing and use that as a tool for improving living conditions in private rented housing.

Tenant and Leaseholder Services transition review from EKH to in-house service

- 2.23 Members received an update on the transition of the housing service which was brought in-house as from 1 October 2020 and made comments and observations as detailed in minute 277 in the link below:

<https://thanet.moderngov.co.uk/ieListDocuments.aspx?CId=119&Mid=5615&Ver=4>

- 2.24 Members are of the view that the performance reported by the council's Housing Department reflected a promising start. The Panel was looking forward to conducting more detailed performance reviews of this important service during 2021/22.

New Corporate Statement 2019-23

- 2.25 Members were advised that the new approach would link corporate performance monitoring to the current corporate objectives which are Growth, Environment and Community. This would also focus on what matters most to residents and the process would be more transparent and engaging. Performance indicators would be reduced from the current numbers whilst improving the quality of the data. The data would be more contextual.
- 2.26 They were further advised that most of the reporting would be live data on the council website, which residents can track easier as the information would be available to the public 24 hours each day. This would help demonstrate that the council was achieving what it had set out to do in the corporate objectives;
- 2.27 At subsequent Panel meetings Members were advised that new performance targets would be developed that would focus on the new corporate priorities, which are Growth, Environment and Communities. A report on the new performance monitoring framework would be considered by the Panel on 17 March 2021.

Foy House

- 2.28 The Panel also considered an update report on Foy House. The project would provide a good mix of households. It would provide energy efficiency, with solar panels installed on the building. There would be court yard access for the families. A planning application would be submitted before the project was implemented. It was anticipated that the project would start in April 2021, with a completion date of early 2022. This project was another important step for the work towards making a strong centralised housing service managed by the council.

3.0 Scrutiny Reviews

- 3.1 During the year the panel discussed and agreed on a number of scrutiny topics that would be considered during the course of 2020/21. They also agreed that if the list was substantial, some of the work could spill over into subsequent years. They agreed on the criteria for prioritising the review topics after which Members ranked the topics in priority order as reflected in Annex 1 to the report.
- 3.2 The topics that Members brought up for possible consideration by the Panel are detailed below and are listed in no specific priority order:
1. **Private rented sector:** How does TDC regulate private landlords and letting agencies in Thanet?
 2. **Empty Properties:** Why does Thanet have the highest number of empty

properties in Kent and what approaches can be used to put these properties to use in a timely manner?

3. **Planning enforcement in the district is slow:** Why is the planning enforcement process seemingly so slow in Thanet and how can it be made more efficient?
4. **Coastal waste clearance:** How does Thanet ensure that its coastal promenades and beaches are kept clear of rubbish and in the best condition for both residents and visitors?
5. **Street Scene:** Abandoned vehicles - how can TDC speed up time taken to clear abandoned vehicles?
6. **Selective Licensing:** - Is selective licensing the best way forward for the improvement of the private rented sector in Thanet and if so, could it be replicated in other areas of the district?
7. **Camper Vehicles being parked on the street for too long:** What is the impact of parked Camper vans on the Thanet roads and can this be regulated by Thanet District Council?
8. **Promenades - safety concerns cyclists speeding and sharing the footpath:** Would a dedicated cycle path (or markings) along the promenade help control bike/ pedestrian placement (and cyclist speed)?
9. **Replacement bins for litter/dog waste:** What is the council's reasoning behind complete removal of damaged bins and not replacing them?
10. **Managing anti-social behaviour on Thanet beaches:** Are beach inspectors the best way to control or manage beach behaviour?
11. **Weed killer usage:** What is the best approach for managing grass and hedges in public open spaces in the district that can be used to replace the use of weed killers?
12. **Water user group regulation:** What role does TDC have in ensuring the safety of swimmers and other water users from the behaviour of boat and jet ski users in Thanet bays?
13. **Rough Sleepers:** what are we doing about this as a long term plan of addressing the issue (post COVID-19)?
14. **Modern Slavery:** - hand car washes. Is there any intervention the council can do to address the issue of modern slavery?
15. **Statues and Blue Plaques:** What would be the best approach for managing the discussion on and review of suitability of statues and plaques in the district?
16. **Shellfish collection enforcement:** How is the collection of shellfish from Thanet beaches regulated and how can enforcement be best managed?

3.3 Of the topics highlighted above, the Panel managed to review the following:

- a. Planning enforcement in the district is slow;
- b. Street Scene: Abandoned vehicles;
- c. Statues and Blue Plaques.

3.4 Some of the topics detailed in para 3.2 would result in a one report report and discussion whilst others would end up as requiring scrutiny review project work, as will be demonstrated in subsequent sections of this report.

One Off reports requested by the Panel

Street Scene: Abandoned vehicles

- 3.5 The Panel considered a one off officer report on Street Scene in relation to abandoned vehicles at the February 2021 meeting. Members were trying to get a better understanding of what the council's powers were in addressing a nuisance caused by abandoned vehicles and whether that council can speed up the process of removing such vehicles. No further action was required after this report as the Panel was satisfied that officers were acting within the guidelines of the statutory regulations in exercising its powers to remove from public land any abandoned vehicles.

Planning enforcement in the district is slow

- 3.6 At that same meeting, Members also received a report that tried to address the perception that 'Planning enforcement in the district is slow.' The Panel acknowledged that the enforcement service was a complaints based service and was more reactive to issues being raised with the Enforcement Team. This approach helped to balance resources for the Planning Department. The service was also regulated by government legislation regarding enforcement procedures and the timeline for completing an enforcement process.
- 3.7 As the service was being reviewed, including looking at the funding for the service, Members agreed that as a follow up to this report, the Chair would discuss with officers and report back to the Panel on how best and what resources would be required to support a more indepth scrutiny review of the effectiveness of planning enforcement.

4.0 Scrutiny Reviews conducted by the Panel

Memorials Working Party

- 4.1 The Memorials Working Party was set up by the Panel as a result of the discussions between the Leader of Council and the Members of the Panel on 27 July 2020. Members had called in the decision on Memorial Plaque in Broadstairs that was made as an individual cabinet member decision.
- 4.2 During the course of the year, the Memorials Working Party gave some progress updates. The main points from worth noting are as follows:
- a. The working party agreed that this was a difficult and sensitive matter and that it would be helpful to receive representations from groups which represented persons with characteristics which were protected by the Equality Act 2010;
 - b. There were nearly 100 memorials around in the district;
 - c. The working group agreed that the council did not have the resources to review all such memorials and that the council would respond on a reactive rather than a proactive basis;
 - d. The Monitoring Officer contacted the groups and individuals suggested by the working party, asking them to provide written representations on the process for considering memorials and he also invited them to attend the next meeting of the working party;
 - e. When responses have been received, the working party hold another meeting to consider those contributions and make further progress;
 - f. All requests for a review of a particular memorial would be considered against the Public Sector Equality Duty. However the judgement of the decision maker should be fully informed.

- g. The working party was joined in the discussions by a member of the public;
- h. Members agreed to seek some lessons from other council that have had to address similar issues, including from Liverpool City Council;
- i. On 17 January 2021, Community Secretary Robert Jenrick announced a change in law to protect public monuments;
- j. The Secretary said that the public should have a chance to be consulted on such matters, before statues and monuments were removed;
- k. Thoughtful considerations should be given before such decisions were made to remove status and monuments from public view;
- l. When coming with its own policy, the council would always need to use the proper process when making future decision on statues and monuments;
- m. The new law would require that any future decisions to remove heritage monuments, would need to go through the planning process and public consultation in accordance with the constitution of the local council;
- n. The Secretary of Communities would retain the right of veto power on such decisions, which could used to overrule any local decisions;
- o. The working party was now waiting for the lead officer to draft the policy document for review by Members before reporting back to the Panel.

4.3 The working party was now working on finalising their recommendations for consideration by the Panel for onward submission to the Executive.

5.0 Call-ins

5.1 The Panel called in one executive decision; an individual cabinet member decision, which related to the Memorial Plaque in Broadstairs. After consideration of the matter, Members agreed to take no further action in respect of the decision, as the executive had offered the Panel an opportunity to review proposals for a new policy on “Criteria for any Review of Street and Building Names and other Monuments.” This resulted in the setting up of the working party by the panel as reported in section 5 above.

6.0 Community Safety Partnership Scrutiny

Crime Stats in Thanet

6.1 During the course of the year, the Panel reviewed the crime statistics that were presented by the Community Safety Partnership led by Kent Police. Crime had generally come down this year in comparison to previous years. Violence against the person was the highest form of crime in the district, (largely domestic violence), followed by theft, arson and criminal damage.

6.2 Theft and damage of vehicles and mopeds was contributing the largest proportion to this vehicle crime in the district. Kent Police conducted an operation to respond to this problem leading to the arrest and charging of five youth in the course of the year. These individuals accounted for most of these criminal incidents. The town centre constabulary establishment had been increased.

6.3 Stop and search was now used more often. The Police had grown in confidence using this approach and the Chief Inspector who leads the Police in Thanet assured the council that all stop and search incidents were scrutinised by the Police to ensure compliance to set procedure. When used properly they worked, particularly for knife

crimes, which had gone down significantly. Policing for the night time economy had been increased in response to reports on anti-social behaviour. However night time economic activity had been affected by the national lockdown that was introduced in response to the pandemic.

7.0 Making the scrutiny function more effective

- 7.1 In 2020/21 the Panel carried out thirteen pre-decision reviews and six post decision reviews. The Panel received three cabinet member presentations where they engaged the portfolio holders in discussion on key review topics. It should be noted that appropriate cabinet members were in attendance and engaged the Panel during all of the thirteen pre decision debates. It was encouraging that the executive engaged the Panel a lot more in pre decision policy development than had been the case in the previous year.
- 7.2 In June 2020, the Panel held a workshop that was attended by Panel and non Panel Members whose main purpose was to identify review topics on matters that were of interest to the local residents. This was followed up by the formal adoption of these topics at the July meeting. The topics detailed in Annex 1 became part of the Panel's work programme, as has been reported in section 3 of the report.

Contact Officer: Charles Hungwe (Senior Democratic Services Officer)
Reporting to: Nick Hughes, Committee Services Manager

Annex List

Annex 1: Overview & Scrutiny Panel Scrutiny Review Topics for 2020/21
Annex 2: Record of OSP Pre and Post Decision Reviews for 2020/21

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Director of Finance)

Legal: (Insert name and job title)