

Annual Overview & Scrutiny Panel Report to Council for 2022/23

Overview & Scrutiny Panel Panel 30 March 2023

Report Author Councillor Stuart Piper, Chair of Overview & Scrutiny Panel

Status For Decision

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 for the 2022/23 municipal year period.

Recommendation(s):

Members are being asked to comment on and note the report.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report, but elements of the suggested work programme may have financial and resource implications which would need to be managed within existing resources, or alternatively compensating savings found.

Legal

The role of scrutiny is set out in section 9F of the Local Government Act 2000. The council must also have regard to the statutory guidance on Overview and Scrutiny from the ministry of Housing, Communities and Local Government when exercising its functions.

Risk Management

There are risks arising directly from this report.

Corporate

The work programme should help to deliver effective policy decision making by scrutinising executive decisions before, and at times after, implementation.

The working parties assist with the work of scrutiny as they would carry-out an in-depth study of any issue referred to the groups under their terms of reference. An active Scrutiny programme is part of good governance.

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

This report relates to the following aim of the equality duty: -

1. To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
2. To advance equality of opportunity between people who share a protected characteristic and people who do not share it
3. To 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 was 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 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.

2.0 Cabinet Member Presentations

- 2.1 During the course of the year the Panel engaged cabinet members in discussions on a number of subject matters that fall under their respective portfolio areas. The purpose of these engagements through cabinet member presentations at Panel meetings was for the Panel to contribute to policy decisions on issues under active consideration of the executive as well as get an update on the current matters that the Cabinet was working on.

Committee agenda papers and minutes are available on the Council's website (www.thanet.gov.uk)

A Briefing on Manston Processing Centre and its effect on the local area

- 2.2 At the meeting on 24 November 2022, the Leader of Council made a presentation regarding the Manston Processing Centre after a request from Panel Members for an update on the matter and made the following key comments:

- In December 2021, the Council was first informed that the processing centre for asylum seekers was going to be set up by the Home Office, at the Ministry of Defence site at Manston. The understanding was to provide a temporary staging point for asylum seekers, prior to getting more permanent placings elsewhere and that no individual would stay at this centre for more than 24 hours. The Leader of Council attended a meeting with the Permanent Secretary on 13 December 2021, where the plan to set up Manston as the processing centre was confirmed.
- The Leader then convened an urgent informal cabinet meeting to discuss the council's position on this matter. After this cabinet meeting the leader wrote to the then Home Secretary, Priti Patel MP on 15 December 2021 to express the council's grave concerns about the suitability of Manston site and the prospects of expanding beyond its scope. No reply was received to that letter from the Home Secretary. Recent reports suggested that the Home Secretary had been advised by civil servants since last December of the legal difficulties in failing to find alternative accommodation to Manston. The Manston site was being managed entirely by the Home Office or its agents.
- The Council had no role in the management of the Manston site and was therefore not always kept informed of the number of individuals at the site or how long it would continue to be a processing centre. The council got to the site only when the UK Health Safety Agency (UK HSA) asked the Council's Environmental Department to conduct an inspection of the site, which was then conducted on 9 September 2022. In early November reports emerged in the media indicating that the site was working beyond its planned capacity. It

was reported about 4,000 individuals were living at the site when the planned capacity was 1,600.

- As a result of those reports Clearsprings, a Home Office agent, were funded to look for accommodation in Kent and elsewhere in order to move the asylum seekers from Manston as rapidly as was possible. TDC and other councils were not given any prior notice about this operation by the Home Office nor were they given any notice of any hotels or premises that were being leased for this purpose in their respective local areas. The Leader and other Kent Leaders signed a letter that was sent to the Home Secretary citing the detrimental effect that these arrangements were having on the county and district services. The local MPs also made clear their objections to the use of local accommodation for this purpose without prior notice. It was believed that as a result of these objections local accommodation was stood down by Clearsprings; notably accommodation at the old Christ Church University Campus in Broadstairs.
- In the week beginning 14 November 2022, the Immigration Minister Robert Jenrick took part in a Webinar with Kent Leaders and CExs and he acknowledged that the situation had not been well handled. The Minister stressed that the Home Office was seeking to rapidly reduce the numbers at Manston to avoid the overcrowding and indicated that moving forward councils would be given 24 hours' notice before any placements were done in their respective local areas. TDC had thus far not received any notifications. It was reported in the news as at 22 November, that the Manton site was currently empty pending any new arrivals of asylum seekers.
- The Council did not have any information about the health status of the man who had died at the Manston Centre. The reopening of the processing centre had not been confirmed nor whether it would be stood down or not. At the moment it had not been stood down. There were some adjustments that were being made to the site. The MP that covers Manston, Sir Roger Gale was in regular contact with the Home Office Secretary. This was an appalling situation and the Council had taken a robust stance on the matter. The Home Office Secretary had listened to comments from the councils so far. He had also given a pledge that no new sites would be utilised without giving councils at least 24 hours' notice before moving in. It was worth noting that the old Christ Church University Campus in Broadstairs was selected by a contractor employed by the Home Office to find sites. That was part of what the government called the dispersal programme which had nothing to do with the Manston Processing Centre. TDC had no knowledge of this placement.
- After some discussions with the Housing team, the Council had already objected to the campus being used for the dispersal programme as this would have had an adverse effect on the council's ability to find affordable accommodation for the local area's housing emergency situations. This then

prompted the Kent Leaders' letter of objection to the Secretary. The inspection was a food and hygiene inspection which looked at the source of food. Environmental Services worked with the UK HAS on this inspection. The government agency then passed on all the results to the operators of the site including the Home Office advising them on what they needed to do to ensure that the infectious disease controls were robust enough to stop the spread of any infections.

- The 24 hour notice did not give the Council the ability to refuse the use of local sites, except to point out, like with the use of the old Christ Church University Campus, that this was in breach of planning policy. In this case the council would take enforcement action where there is a breach. There were a number of refugee programmes in the country. There were the Afghan Refugees, Syrian Refugees, Ukrainian Refugees and the broader migration programme and each of them was being organised in a different way. This was confusing for councils and the public. It was the organisation of the Manston Centre which appeared to be the problem. It was a combination of the lack of resources of accommodation for people to move into.
- The Council's understanding was that for the moment the Manston would continue to be used as a processing centre for new arrivals of asylum seekers and that dispersal would be in other parts around the country, not just within Kent. The council had taken a robust stance on this matter for the good of the district and it was not a partisan stance. When the Leader first took the matter up with Sir Roger Gale, the MP took the issue up in the Commons the next day. MP Craig Mackinlay made some robust comments as well against the use of the old Christ Church University Campus in Broadstairs and it helped the campus being dropped off the list for the dispersal programme.
- Both MPs have been very supportive of the council's position on this matter. The council was in contact with the current owners of the old Christ Church University Campus. The council was not clear as yet on the exact status of the agreement Clearsprings had for the university campus. It was the council's understanding that Clearsprings had no more intention of using the campus again. The Council was not aware of any planning process that was followed regarding setting up of the processing centre at Manston. The advice Council had, which would be investigated further, was that the Home Office would be able to use the site until next year, when they would need to obtain some kind of planning approval for their current use. However this approval did not necessarily need to come through TDC as it could be determined at the county or national level. The Leader was going to work with the Council's Communications team to produce an outline of what had happened regarding this subject matter and share with the public.

2.3 After some debate the Panel noted the presentation and no further action was required.

Levelling Up Funds and Regeneration Projects in Thanet

2.4 The Panel also received a presentation on 23 October 2022 from the Deputy Leader of Council. Some of the key points made during that presentation included the following:

- The council was awarded £51 million for the Levelling Up Funds projects to be implemented in the district. Thanet District Council (TDC) was one of a few councils in Kent who received these funds. Commended officers for the efforts they put into these successful bids. An officer to support the administrative processes for the project implementation was recruited. The reporting protocol and governance arrangements were different for each project. For example the Margate Town Deal has a Board that monitors the implementation of the town deal projects. On the other hand, the Levelling Up Fund had Scrutiny Panels for Margate and Ramsgate.
- A TDC Cabinet Member sits on the Board and the two Panel. An Interim Director was recruited to deliver the town deal projects through the Creative Land Trust. The Winter Gardens business case had also been approved. Each of these projects had its own performance indicators to report on and measure progress against. The Town Deal Board was no longer meeting monthly as before because projects had been approved and now the main task was implementation and monitoring. A lot of community engagement work had been done and the government were complementary about Thanet's level of that engagement. There were current discussions on streamlining the reporting process for the various projects. The Creative Land Trust had begun some work to identify spaces within Margate and the Trust and was now beginning to make some progress.
- The Port of Ramsgate was an attractive asset and there had been approaches from private investors. A Project Manager would start the zoning of the Port which would lead to a detailing out of ideas for developing Ramsgate Port. The project would ensure the accommodation of a broad range of boats.

2.5 There was no further action taken on the matter.

The Efficacy of using the CAGs Approach in policy development and decision making

2.6 At the meeting on 24 November 2022, the Leader of Council made a presentation regarding the Efficacy of using the CAGs Approach in policy development and decision making and made the following points:

- There was cross party membership on all these advisory groups;
- The main purpose for these sub groups was to consider issues of interest to the Council and when appropriate, forward any recommendations to Cabinet;
- Each sub group was chaired by the relevant portfolio holder;

- They met in private working sessions in order to encourage maximum member contributions;
- CAGs played an important part of sharing information across political groups;
- This role was different to the role played through a scrutiny review;
- CAGs provided those Members not on Cabinet or Shadow Cabinet with an opportunity to play a role in the decision making process;
- There was a need to check why the Health and Wellbeing CAG was stopped. It could have been a resource issue;
- Independent members fail to get onto the CAGs because these are created using proportional representation rules; In addition, it would be difficult to find a criterion that would be used to select one Independent Member over the other since they were not a political group;
- The Strong Leader model is a better option than a committee system of governance arrangements. Decisions are made more expeditiously in an executive model of governance than committee model;
- CAGs were necessary in making the Executive arrangement model work more efficiently;
- The Leader would consider setting up the Health and Wellbeing CAG, having first looked at what this CAG's terms of reference would be.

2.7 No further action was taken by the Panel.

2.8 Members requested two further cabinet member presentations on the following topics:

- a. An update on the Council's Toilet Management Strategy;
- b. An update on the Parking Review and Enforcement Strategy.

2.9 Some of the presentation topics would arise as part of the Council Budget and Planning Framework and are on the forward Plan, whilst others may come from forthcoming cabinet decisions that are of significant public interest, where the Panel may feel that their contributions would enhance the decision making process.

2.10 Any topics not progressed during this year will be moved to the new municipal year if the newly constituted Panel wishes to continue with those topics.

3.0 Scrutiny Reviews conducted by the Panel

Scrutiny Review Topics

3.1 During 2022/23, the Panel has been working through a number of scrutiny review topics from the list that was carried over from 2021/22. The list of scrutiny review topics was prioritised using the matrix and is attached as Annex 2 to the committee report. Whilst some of the topics would continue to be considered through conducting reviews, others would be expedited through one off reports (where appropriate).

Memorial plaques and Monuments

- 3.2 The reviewing of memorial plaques and monuments in the district was initially given priority in order to expedite the review of what was then a topical issue nationwide. Cabinet then had expressed an interest to establish a policy for managing memorial plaques and monuments in the Thanet. The Panel was approached to contribute to the establishment of that policy by Cabinet.
- 3.3 However due to the anticipated new legislation which would include new guidance on how the council could address the issue of monuments and plaques in the district, it was not possible to continue with this work stream. On 20 April 2021, the Panel decided to temporarily halt and therefore keep in abeyance the work of the Memorial Working Party until an appropriate time.
- 3.4 Now that there is some guidance from the Government on the subject, the Panel agreed to resume the work of the working party in order to offer suggestions to the proposed council policy on managing memorial plaques and monuments in the district. This project is being led by the Council's Monitoring Officer. The Interim Monitoring Officer was now working with the sub group to conclude the review. The report is expected to be ready in the first quarter of 2023. Once the report is ready, the working party will then meet to discuss the draft policy before making any recommendations for consideration by the Overview and Scrutiny Panel. This item may have to be added to the work programme for 2023/24.

TDC & Parish/Town Councils Collaboration Working Party

- 3.5 At the meeting on 26 May 2022, the Panel set up a working party to review the working relationship between Thanet District Council and Parish and Town Councils with a view to improving that relationship.
- 3.6 This topic came about as a result of the meetings held by the Coastal Waste Scrutiny Review Working and parish and town councils. It was during these sessions that representatives from parish and town councils called for closer working relationship to tackle a number of service delivery challenges relating to maintaining the district's coastal areas clean and welcoming to visitors.
- 3.7 The sub group met on 7 July 2022 and agreed on the approach for conducting the review. The working party agreed to hold separate hearing sessions to gather evidence from parish/town council representatives (Clerks/Council Chairs), TDC officers, cabinet members (if required) and the Leader of Council. These meetings are currently ongoing.
- 3.8 The working party had three further sessions. One was with Cabinet on 27 October which was attended by the Leader of Council, Deputy Leader and Cabinet Member for Economic Development, Cabinet Member for Housing and Cabinet Member for Environmental Services and Special Projects. The other meeting was with parish and town council chairs and clerks held on 3 November and the last evidence gathering session was with TDC senior officers on 9 November. These sessions were quite useful in bringing forward some discussions that brought up a number of suggestions that will be shared by the working party in the report back to the Panel.

- 3.9 The sub group met on 24 November 2022 and agreed on the findings that came out of this investigation and recommendations to forward to the Panel. Members met again on 2 February 2023 to sign off the report which would be presented to the Panel on 14 March.
- 3.10 All the scrutiny review topics that the Panel identified as ongoing work streams that would spill over into multiple municipal year periods are detailed in the Annex 1 to the report. Annex 2 is the list of pre and post decision scrutiny reviews carried out by the Panel in 2022/23.

Watching Brief

OSP Coastal Waste Recommendations to Cabinet

- 3.11 The Panel adopted all of the recommendations from the Coastal Waste Scrutiny Review Working and forwarded the report to Cabinet for decision. Cabinet considered the report on 16 June 2022 and made the following provisional decision that:

“Cabinet notes the report and instructs officers, in conjunction with the relevant portfolio holders, to undertake a comprehensive review of all the matters raised in the OSP report and to report back to Cabinet before the end of the year.”

- 3.12 The Panel will maintain a watching brief on the issue until Cabinet makes a final decision on this matter. This matter may have to be rolled over to the new municipal year.

Planning Enforcement Review

- 3.13 Planning Enforcement Review: On 20 April 2021, the Panel set up the Planning Enforcement Working Party held one meeting in June and reported back to the July Panel on how best Scrutiny could contribute to the current review of the Planning Enforcement protocol for Thanet.
- 3.14 An update report was presented to the Panel on 21 July 2022 by the Corporate Director of Place and Members noted the progress made to date. The Panel was advised that the full review will be completed once The Levelling Up and Regeneration Bill was enacted into law, as the enforcement protocol would need to make reference to the provisions of this new Bill. As a result it is suggested that the Panel keeps a watching brief on this matter until the review is concluded. If this item is not yet ready to be put before the Panel in 202/23 it might have to be rolled over to 2023/24.

4.0 Call-Ins

- 4.1 There were no call-ins considered by the Panel in the period under review.

5.0 Agenda Items Requested By Members

Stagecoach Services

- 5.1 A Member requested that the Panel conduct an urgent review of the decision by Stagecoach to discontinue bus services for some routes in Thanet. Members had received some complaints from residents regarding this decision by Stagecoach.

Members acknowledged that this was a decision by a private company, but further said that the company was providing a public service.

- 5.2 The Panel invited Stagecoach, KCC representatives and Councillor Mave Saunders as the JTB Vice Chair to an extraordinary meeting to discuss the issue regarding the decision to discontinue bus services for some routes in the district. However Stagecoach did not accept the invitation and the meeting did not take place.
- 5.3 As the Panel cannot compel private organisations to comply with the invitation to attend a Panel meeting, the Panel took no further action.

Interruption of Water Supply - Southern Water

- 5.4 A Panel Member requested that the Panel review the multiple incidents of water supply outages in some parts of Thanet. As part of the debate, the Panel heard evidence from a member of the public.
- 5.5 The Panel agreed that Southern Water representatives be invited to the Panel meeting on 14 March 2023 to discuss the issue regarding the multiple water supply interruptions that had affected some parts of the district, particularly between December 2022 and January 2023. Southern Water representatives attended the Panel meeting and gave a fulsome presentation explaining the causes of the water supply outages and the compensation payments they had made.
- 5.6 They further explained the short term and long term investment decisions they were going to make to improve the water infrastructure in the district. Southern Water apologised for the water supply interruptions and the hiccups faced in delivering water bottles to affected residents especially the vulnerable residents. They also apologised for the missed compensation payments and they promised to resolve those payments.
- 5.7 Southern Water were invited back to a future Panel meeting and they accepted to come back in a year's time to share on progress made to correct some of the issues highlighted in the discussion. This item would now need to be added to the 2023/24 work programme for the Panel.

TDC Net Zero Strategy Presentation

- 5.8 The Chair requested a presentation on the Council's Net Zero Strategy in view of the UK High Court decision that declared the national net zero strategy as being inadequate.
- 5.9 The Panel was advised that The High Court judgement said that the UK national Net Zero Strategy did not meet the requirements for Net Zero in relation to the 6th Carbon budget 2033-37. There was a 5% shortfall in the national strategy targets. The UK Government would now need to update their strategy which would then be scrutinised by Parliament to ensure compliance with the requirements. The national strategy had not been quashed by the High Court.
- 5.10 The ruling did not undermine the national strategy. On the contrary, the ruling demonstrated that this national strategy was enforceable. The 5% inaccuracy in the national strategy did not affect the Thanet District Council Strategy.

5.11 After the presentation the Panel agreed to take no further action.

6.0 Councillor Call For Action

6.1 The request for action was not a reflection on the Housing team but rather about external agencies. Funding for housing development by councils was decreasing continuously and this had affected most local councils. Calling on all external partners to attend a full hearing would help come up with how this issue could be resolved and there was no fault in asking for help.

6.2 Section 21 evictions were affecting a number of families. In June this year, 187 families were put in temporary accommodation, with 94 of them placed outside Thanet. It was worrying that the council was now used to not getting a response from the government and the council needed to do more. The issues being faced by Thanet residents need to be addressed by policy makers and not for the Housing team to cope with the situation.

6.3 The Panel Chair acknowledged that the Member who submitted the call for action had raised this matter with the Housing department, Cabinet and Full Council in an appropriate way and had been responded to correctly. However the council could not compel private companies on how they should run their businesses.

6.4 The Chair further said the Panel existed to improve the decisions and actions taken by the Council within the Council's remit. The issue raised by the Member was not new and had not recently arisen. It would be difficult to justify hosting a full hearing when it was extremely unlikely that they would be able to find a solution, when such resources could be used for housing needs. The Panel Chair concluded that the call for action request was not appropriate and put the issue up for vote on whether Members wanted to debate the call for action item. When put to the vote the Panel agreed not to debate the matter.

7.0 Pre Decision Scrutiny

7.1 The Panel reviewed proposals on a number of issues that later went to cabinet and in some cases Council for final approval. These included the following:

- Adoption of the following strategy: Resident Involvement;
- Resident Involvement Expenses and Incentive Policy;
- Food Service Plan 2022/2024;
- Fees and Charges 2023/24;
- Council Budget for 2023/24;
- HRA Budget for 2023/24;
- HRA tower blocks refurbishment and retrofit programme;
- Net Zero Strategy and Action Plan;
- Decarbonisation of the Council's Housing Stock;
- Housing Estate; Strategy, Policy and Standards;
- Housing Services Standards; Repairs and Lettings.

- 7.2 With regards to the Budget proposals for 2023/24, the Panel proposed that Cabinet considered recommending to Council for inclusion in the 2023/24 General Fund Revenue Budget, the appointment of a 3rd officer for the home energy services team who will provide a cold buster service.
- 7.3 In response to the Panel request, Cabinet agreed to defer any decision about the Cold Buster Service, until an assessment of the broad options for the use of the Better Care Fund was considered through a separate report to a subsequent Cabinet meeting. As a result, the Council budget was presented to the 9 February 2023 Council meeting in the form as proposed by Cabinet.
- 7.4 The Panel could add this item to the 2023/24 work programme and see whether there is a possibility for bringing this recommendation back to Cabinet.

8.0 Options

- 8.1 Members are asked to comment on and note the report

Or

- 8.2 Members may simply wish in addition to noting the report, make suggestions to the work of the Panel.

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Annex List

Annex 1: Overview & Scrutiny Panel Scrutiny Review Topics for 2022/23
Annex 2: Record of OSP Pre and Post Decision Reviews up to 2022/23

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham Acting Director of Finance and Operations
Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)