



OVERVIEW AND SCRUTINY COMMITTEE

Notice of a Meeting, to be held in the Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford, on **Tuesday, 10th May, 2022 at 7.00 pm.**

The Members of the Overview and Scrutiny Committee are:-

Councillor Ovenden (Chairman)
Councillor Chilton (Vice-Chairman)

Cllrs. Blanford, Burgess, Brooks, Farrell, Hayward, Howard-Smith, Krause, Ledger, Meaden, Mulholland.

Agenda

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To receive Notification of Substitutes in accordance with Procedure Rule 1.2 (c)	
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To declare any interests, which fall under the following categories, as explained on the attached document:	
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b) Other Significant Interests (OSI)	
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29th April 2022

Queries concerning this agenda? Please contact Member Services

Telephone: 01233 330491 Email: membersservices@ashford.gov.uk

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Agenda Item 2

Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted).

However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents’ groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council’s Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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Overview and Scrutiny Committee

Minutes of a Meeting of the Overview & Scrutiny Committee held in Committee Room 2, Civic Centre, Tannery Lane, Ashford on the **8th March 2022**.

Present:

Cllr. Ovenden (Chairman);

Cllrs. Blanford, Burgess, Hayward, Ledger, Mulholland.

Apology:

Cllr. Farrell

Also Present:

Cllrs. Brooks, Chilton (Vice-Chair), Howard-Smith, Harman, Krause (remotely).

In attendance:

Compliance and Data Protection Manager, Policy & Scrutiny Officer (remotely).

Member Services Officer.

333 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 8th February 2022 be approved and confirmed as a correct record.

334 O&S Work Programme 2022/23

The Policy & Scrutiny Officer introduced this item and explained that the Overview and Scrutiny Committee reviewed its work programme annually. Members had been asked to consider any topics for the scrutiny programme. Topics had been assessed using the Topic Selection Matrix and in consultation with the Chairman.

It had been proposed that the Committee look at the subject of Consultation and Engagement, and this would incorporate Inclusivity, which had been suggested at the previous Committee meeting. The report detailed the draft work programme for 2022/23, including any annual reports/updates expected.

The presentation was then opened up to the Committee and the following questions and points were raised: -

- A Member highlighted Mayoralty arrangements and queried whether this should be reviewed in more detail. She wondered whether the Council were getting enough benefit from it and was it moving in the right direction. The Chairman explained that the item had been proposed for scrutiny under the question of whether the Mayor was/remained a valid role. Members

discussed this subject in more detail including the procedures for selecting a Mayor and the problems faced by some Councillors because they cannot juggle full time jobs with the responsibilities of being Mayor. A Member spoke about the religious aspect that the Mayoral role carried and wondered if this should also be revised, given that some people were not religious. It was determined that this topic should be for all Members and the public to consider, and would involve a constitutional review, and they agreed that it would need full Council review. The Overview & Scrutiny Committee did not have the power to make any changes, only recommendations. The Vice Chairman suggested the Selection Committee be asked to explore the topic, and the Committee could then take direction from them. In addition, the Chairman and Vice-Chair would take the topic to the Leaders meetings for discussions with their Group Members.

- The Planning Service Update was discussed and it was confirmed that the new software would be in place before the O&S Committee would scrutinise. When Planning had been reviewed by the Budget Scrutiny Task Group, they had agreed that the new Head of Planning and his Officers should be given the time to deliver the Department's objectives and Members would monitor the progress of the Service. The Policy & Scrutiny Officer added that the review would most likely come towards the end of 2022.
- The topic of Hybrid Working was scheduled to come to the Committee in July 2022. A Member asked whether it could be brought earlier. The Compliance and Data Protection Manager explained that the Head of HR had specified that a couple of months were needed to implement and roll out the current arrangements, and this timeframe would enable a review thereafter. The Chairman added that lots of work was still ongoing in the background for Members hybrid working solutions also, so time was needed for these approaches to bed in before the Committee would be in a position to make sound recommendations.

Resolved:

That the report be received and noted.

Agenda Item No: 4



Report to Overview and Scrutiny Committee

[S106 Scrutiny Review – Update]

The Overview and Scrutiny Committee is asked:

1. To note the progress made in respect of the recommendations of the O&S Committee in November 2021.
-

Date of O&S meeting: 10th May 2022

Chair of O&S Committee: Cllr Ovenden

Relevant Portfolio(s): Planning and Development

Summary: In November 2021 the O&S Committee considered the final report of the S106 Task Group and agreed the 8 recommendations. The recommendations were approved by Cabinet in November 2021. It was agreed that an update would be presented to the Committee in six months' time, to understand the next steps

Exempt from Publication: NO

Background Papers: [O&S Committee (November 2021) Item 4 – S106 Task Group – Final Report; O&S Committee (March 2021) Item 4 – Report on the S106 Process]

Contact: Ian Bailey (Team Leader Plan Making and Infrastructure)
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Report Title: S106 Scrutiny Review – Update

Introduction and Background

1. The scrutiny review of the Section 106 process formed following an initial report provided to the Committee in March 2021. The final report of the S106 Task Group was considered at the meeting on 9th November 2021 and the recommendations subsequently agreed by Cabinet.

2. The O&S Work Programme Review considered at the last meeting of this Committee on 8th March noted in respect of the S106 Review that:

‘Following the review of the Section 106 Process in 2021, a number of recommendations were made to improve the process. An initial recommendation was made to undertake a process mapping exercise of the Section 106 process.

Once this had been completed, the rest of the recommendations would be progressed.

The recommendations were approved by Cabinet in November 2021. It was agreed that an update would be presented to the Committee in six months’ time, to understand the next steps’.

3. Table 1 appended to this report sets out the progress made against the 8 recommendations so far and considers the next steps.
4. Although progress has been modest since November last year the first two months included the Christmas holiday season and saw an increase in COVID-19 infections amongst some key members of staff. Additional resources in the form of Ian Bailey (Team Leader Plan Making and Infrastructure) joined the Council on 31st January. Responding to the Task Group’s recommendations and the actions arising from the Mid-Kent Audit of the S106 process will be one of his main areas of focus starting with organising the process mapping exercise and leading to the production of a Supplementary Planning Document later this year.
5. Similar process mapping exercises have been carried out in other Authorities and there is an opportunity to explore some of these as examples of best practice. Once underway the process mapping exercise will include key partners and infrastructure providers, for example the NHS.
6. For information, some of these recommendations reflect the actions arising from the Mid-Kent Audit Review of the Council’s Section 106 process. The final report in December 2021 concluded a ‘weak’ final assurance rating, which the actions seek to address. The Council’s Audit Committee received an update report at its meeting of the 5th April.

7. Members should also be aware that at the time of preparing this report the Government has recently confirmed that it is exploring the introduction of a new Infrastructure Levy, which will replace Section 106 planning obligations and the Community Infrastructure Levy. This was included in the Government's response to the House of Lords Built Environment Committee report on Meeting Housing Demand published on the 28th March. It is possible therefore that the Government will soon consult on its proposals and in this event the recommendations of the Task Group and the Mid-Kent Audit actions may have to be revisited.

Conclusion

8. This report sets out the progress made in respect of the O&S Task Group recommendations during the last 6 months. However, as acknowledged in the Task Group's final report, most of the recommendations will be addressed following the exercise of process mapping the current arrangements and subsequently the consideration and introduction of improvements, which is just getting under way.
9. It is anticipated that the next update report will have the benefit of the outcome of that exercise, the introduction of the new planning software and progress towards a draft SPD.

Contact and Email

10. Ian Bailey (Team Leader Plan Making and Infrastructure)
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Table 1: Progress towards the O&S Task Group Recommendations (April 2022)

Recommendation	Progress	Next Steps
<p>I. A process mapping exercise is undertaken to provide clarity and guidance to Officers and Members involved in the Section 106 process.</p> <p>Once completed, the process map will inform recommendations II to VIII.</p>	<p>An Officer S106 Review Project Group has been established and held its first meeting in March to scope out the process mapping task and other recommendations.</p> <p>The Project group agreed that a cross-departmental officer group would be established to carry out the process mapping exercise and consider improvements to the current arrangements.</p> <p>A further group of senior officers will be kept informed of progress on a regular basis.</p>	<p>Regular meetings of the Project Group have been arranged.</p> <p>The composition, terms of reference and dates of meetings of the cross-departmental group and senior officer group have been established.</p>
<p>II. Guidance and training is produced for Officers involved in the Section 106 process to clarify roles and responsibilities of all Officers.</p> <p>Additionally, a 'handbook' is created for both Members and Parish Councillors, to explain the basic concepts of Section 106.</p>	<p>This will flow from the process mapping exercise noted above.</p>	<p>Timescales will be considered by the cross-departmental officer group.</p> <p>The handbook will be prepared when the agree improvements have been finalised.</p>
<p>III. Communication over Section 106 is improved between the Planning Service and Parish Councils including key contact(s) for accessing advice.</p>	<p>As a first step towards this objective, the review of the S106 process was explained during a Parish Training Event held on 14th March and was well received.</p>	<p>Further engagement with the Parishes will form part of the review.</p>

<p>IV. Training on Section 106 should be provided to Members and Parish Councils on an annual basis.</p> <p>The initial programme for the training should be reviewed by the Member Training Panel in consultation with the Chair of the Section 106 Task Group.</p>	<p>This will be arranged once the process mapping of the S106 system has been completed and any improvements agreed and introduced.</p>	<p>An initial training programme will be prepared once the S106 has been completed later this year.</p>
<p>V. The new Planning IT software is expected to provide information on the council's website about what Section 106 monies are available to individual parishes</p>	<p>This will be made possible once the new ARCUS software is introduced in the summer.</p>	<p>It is anticipated that the new software will be implemented by July his year.</p>
<p>VI. Delivery of the Infrastructure Contributions SPD should be prioritised. The SPD should provide an up to date list of what is expected of developers within a single document. This will provide clarity for all parties involved in the Section 106 process.</p>	<p>This will follow the process mapping exercise and any agreed amendments to the S106 process.</p>	<p>It is anticipated that this will be prepared and adopted by the autumn of 2022.</p>
<p>VII. There is a standardising of Section 106 Agreements and use of templates where appropriate</p>	<p>A standard letter has been drafted for developers signing up to a S106 agreement.</p>	<p>This will be uploaded to the new ARCUS software in the summer.</p> <p>The officer working groups will, as part of the process mapping exercise, review the wording of S106 agreements, standardise the format of regularly used sections and devise templates for ease of use.</p>
<p>VIII. Legal Services are trained to use the new IT system adopted by the Planning Department, to enable them access to relevant Planning documentation and therefore streamline the process.</p>	<p>No progress to date as this requires the new software is still being finalised.</p>	<p>The new ARCUS software will be installed in July and training for all relevant officers will be organised to coincide with the launch.</p>

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Overview and Scrutiny Committee

Report Tracker – May 2022

Current Work Programme			
Report Title	Date due to O&S	Reporting Service	Scope of what is to be scrutinised
Consultation and Engagement	Spring/Summer 2022	Policy and Performance	Set up of a Task and Finish group to examine the council's involvement and engagement of the public and look at the consultation process for corporate issues.
Annual Performance Report	June 2022	Policy and Performance	A report to outline the council's performance and achievements during the last year.
Overview and Scrutiny Annual Report	June 2022	Policy and Performance	Annual report of the Overview and Scrutiny Committee outlining work carried out by the Committee in during the last year.
Freedom Leisure	July 2022	Environment and Land Management, Sports and Leisure	A report to review the council's new leisure operator. Scrutiny of this topic would examine how the service has been running, the savings made to the council and the levels of customer satisfaction with the service.
Hybrid Working	July 2022	HR, Customer Services, Communications and Digitalisation	A report for Members to explore how well the hybrid arrangements were working and in particular consider this in terms of performance, customer satisfaction, savings, human resources and recruitment.
Annual Sickness Report	July 2022	HR, Customer Services, Communications and Digitalisation	A report providing the Committee with annual sickness information for the recent year.

Planning Service Progress Update	November 2022	Planning and Development	During scrutiny of the draft budget for 2022/23, Members agreed that it was important to closely monitor the progress of the Service and an update report on this in later 2022 would be requested by the Committee.
Budget Scrutiny Meetings	December to January 2022/23	Finance and IT	Scrutiny of the draft budget 2022/23 will take place over three or four meetings during December and a final report is expected