

Overview and Scrutiny Committee

Minutes of a Meeting of the Overview and Scrutiny Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **26th February 2019**.

Present:

Cllr. Chilton (Chairman);
Cllr. Michael (Vice-Chairman);

Cllrs. Bartlett, Burgess, Dehnel, Farrell, Feacey, Krause, Mrs. Martin, Miss. Martin.

Apologies:

Cllrs. Buchanan.

Also Present:

Portfolio Holder for Health, Parking and Community Safety, Inspector Jason Atkinson-Police Community Safety Unit Inspector.

Head of Planning, Community Safety and Wellbeing Manager (AO), Community Safety and Wellbeing Manager (AD), Community Safety and Resilience Team Leader, Head of Corporate Policy, Economic Development & Communications, Senior Policy & Scrutiny Officer, Member Services Officer.

343 Declarations of Interest

Cllr. Chilton made a Voluntary Announcement as his relative worked for the Police.

Cllr. Bartlett made a Voluntary Announcement as he was a Member for KCC and part of his Members Grant was used towards the purchase of a CCTV Unit for the Community Safety Partnership.

Cllr. Dehnel made a Voluntary Announcement as he was Chair of the Compliance and Enforcement Board.

Cllr. Farrell made a Voluntary Announcement as he was a Member of KCC and he was employed at various licensed venues across the Borough.

Cllr. Feacey made a Voluntary Announcement as Chairman of the Ashford Volunteer Bureau, Safeguarding Champion, Chairman of the Licensing Health & Safety Committee, and his relative worked for KCC Emergency Planning.

344 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 22nd January 2019 be approved and confirmed as a correct record.

345 Community Safety Partnership Update

The Community Safety and Wellbeing Manager introduced the report and noted that it paid particular regard to the Council's statutory obligation to work with partners to reduce crime and disorder within the Borough. The current priorities for the Ashford Community Safety Partnership (CSP) were listed within the report, along with the crime data figures. The figures showed an increase on last year, and this was across Kent as a whole.

The report was then opened up to the Committee and the following questions/points were raised:

- A Member asked where were the Public Space Protection Orders (PSPOs) and how effective had they been. The Community Safety and Wellbeing Manager confirmed that one was in The Churchyard Passage in Ashford Town Centre, one in Torrington Road, and one in the alleyways around Tenterden. There were also restrictions in the Town Centre and at Singleton Lake. All of these Public Orders seemed to be working well to help reduce the amount of ASB in the Borough.
- The Playpark mentioned in paragraph 27 was located at Bridgefield in Kingsnorth. An increased number of PCSO's and the deployment of the mobile CCTV camera had helped to monitor ASB in this area. The Portfolio Holder added that Cllr. Shorter had gifted some of his Member Grant to the PCSO's and they had purchased two electrical bikes that enabled them to travel around the Borough more efficiently.
- The Chairman asked for clarification on the increase in crime generally and asked was this because recording methods had changed. Insp Atkinson explained that it had been recognised that certain offences had previously been recorded incorrectly and now each crime element was recorded, which in turn had led to an increase in the figures e.g. 1 report of a crime could contain 2 or more elements, which would now be recorded as separate crimes.
- The Chairman noted that there had been an increase in reports of Domestic Abuse, and presumed this increase was owing to improvements in Ashford's facilities and resources for victims, therefore victims felt more confidence to come forward and report incidents. The Portfolio Holder agreed that more reporting was only a good thing. He added that the Police Commissioner had last year requested an extra 200 Officers, and this number had successfully been enlisted. 150 more had since been asked for. Insp. Atkinson added that there was a direct correlation between the number of Officers and numbers of

crimes reported. He added that since this was the first year for displaying data according to new Home Office rules, it was expected that next year the figures would have levelled out somewhat.

- The Committee discussed the Violent Crime figures, since they had risen by 89%. The Police Commissioner and the CSP had identified Violent Crime as a Priority going forward, and Insp. Atkinson explained that such crime was often multi-faceted and reporting would fall under different elements, resulting in the increase. The Community Safety and Wellbeing Manager added that Domestic Abuse was included in those figures. Lots of work had been undertaken including ASB and adolescent panels, with the aim of interacting with young people and gang members in particular. Insp. Atkinson went onto discuss possession of weapons offences and advised that the majority of weapons seized in Ashford were knives or catapults. The legislation around catapults was problematic since it was legal to own and carry one, only the intention of using it to cause harm was illegal.
- A Member asked how successful the Report IT App was and whether there had been an increase to the number of people reporting crime via this method. The Community Safety and Wellbeing Manager confirmed that usage had increased and the reported increase in ASB was likely due to greater awareness and ease of reporting. A proposal was in place to recruit an Officer dedicated to dealing with queries resulting from the App. She added that information from the App was allocated to the appropriate team to deal with, and this could be within the Council or the Police.
- In response to a question regarding rehabilitation of the perpetrators of Domestic Abuse, the Community Safety and Wellbeing Manager confirmed that these kinds of programmes were usually run via Probation Services.
- Insp. Atkinson spoke about Op Beacon, a programme dedicated to dissuading young people from becoming involved with drugs. Young offenders from local prisons were able to speak to youngsters about their experiences.
- The Committee went onto discuss Brexit and the impact it could have on the Borough. The Community Safety and Resilience Team Leader explained that work was underway by Kent Resilience Team in conjunction with Kent Police and other agencies to consider and implement strategies to deal with the possible effects of Brexit. Insp. Atkinson expanded and confirmed that traffic management and the effect on the M20 and surrounding area was the primary concern in Ashford. Intelligence was being used to try and sustain the Borough's ability to function.
- A Member spoke about the good work being carried out by the Street Pastors and advised that there were two defibrillators at the Ashford Volunteer Centre and Repton Connect that the Street Pastors would be able to use on their night-time patrols. The Community Safety and Resilience Team Leader thanked the Member and said that they would be keen to accept that offer.

- In response to a query regarding youth projects, in particular those similar to Charlton Athletic, Insp. Atkinson confirmed that the Police were currently holding discussions with Nike at the Outlet Shopping Centre to try and arrange a similar initiative, alongside those projects already established in the Borough. The Community Safety and Wellbeing Manager added that the CSP worked closely with the Council's Community Project Manager to create a positive youth offering.
- A Member noted the Government's announcement of a new £13 million scheme to tackle County Lines crime. He asked if the British Transport Police (BTP) were involved, and how wide spread this problem was across Ashford. Insp. Atkinson confirmed that the BTP were fully on board with this scheme. There were a smaller number of cases in Ashford compared to North Kent where the numbers rose, owing to the closer proximity to London.
- In response to a question regarding Police involvement with design of housing developments, Insp. Atkinson advised that there was not a huge level of influence from the Police at the design stage, but residents were increasingly joining Neighbourhood Watch schemes, to help themselves and their neighbours stay safe.
- A query arose regarding the law for deterrents including alarms and sprays. Insp. Atkinson confirmed that Pepper Spray was illegal to carry, but personal panic alarms were allowed. He added that as Ward Members it was also worth encouraging residents to report faulty streetlights and ASB, to encourage safer environments.
- A Member asked what was being done to tackle drug use in licensed venues and businesses around the Borough. Insp. Atkinson explained that the Police Licensing Officer co-ordinated visits to such venues, where they were able to swab facilities to detect traces of drugs. Where drugs were identified, the Police then liaised with owners and breweries to advise what steps would need to be taken. They also liaised with security and door staff to assist with discouraging ASB.

Resolved:

That the report be received and noted.

346 Planning Presentation – Section 106 Process and Position

The Head of Planning presented a slideshow to the Committee outlining the Council's current position with regard to Section 106 agreements (S106). The presentation covered collection figures, how the use of S106 had changed, National Planning Policy Framework tests and the Community Infrastructure Levy (CIL).

The Head of Planning explained that S106 spending was not necessarily drawn down at the same time that the agreement was negotiated. S106 contributions were

generally site specific whereas CIL could be spent on a wider range of infrastructure provision anywhere in the Borough.

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

- A Member enquired at what stage in the development process did the Planning Committee become involved, since a previous Chief Executive had written to key stakeholders informing them that the Council would forego S106 contributions to enable development to come forward. The Head of Planning responded and said that there may be exceptional circumstances where this would be considered, but it would have to be universally justified.
- In response to a question asking whether KCC were involved in challenging the use of S106, it was confirmed that KCC would have the opportunity to put forward their requirements at the discussion stage, and this would be fed into the Viability assessment.
- The Committee went onto discuss the subject of Viability and the Head of Planning advised that this was a largely complicated issue and that it was not unknown for Developers to misrepresent the facts. ABC had a number of mechanisms in place to challenge Viability assessments, and he was confident in Officers expertise and their ability to negotiate with Developers. Members were not involved with Viability discussions, although it was possible that the Portfolio Holder along with the Chief Executive and the Leader of the Council may be involved.
- The Head of Planning went onto explain that waivers were neither commonplace nor habitual behaviour. In situations occurring where Viability assessment confirmed that a Developer could not support S106, this was not classified as a waiver.
- The Committee spoke of their discontent at repeatedly being excluded from discussions on S106 spending allocation in their wards. They felt it imperative that they and representatives from Parish Councils be included in these consultations.
- A Ward Member had been unsuccessful in securing a bus service into a new development on his ward; he had been informed that there was no S106 funding available for a bus service. The Head of Planning explained that S106 could be used to support implementation of a service, but could not be used towards the running costs or ongoing revenue support. He advised that a longevity discussion was required and the proposed change to remove the S106 pooling restriction could be useful in situations such as these.
- A Member expressed his concern over the amount of S106 funding being allocated to the Junction 10A roadworks. He said that current S106 Pooling was sometimes a dis-service to the local community, and it was important to be mindful that Developers were sometimes inclined to carry out 'creative accounting'. He asked how confident Officers were at distinguishing the true

depiction. The Head of Planning advised that Officers were astute with the tactics used by Developers, and the consultants used had vast experience of dealing with Viability assessments. A Member said that ABC had to take charge with Developers and not let them make demands of the Council. She added that the Committee should scrutinise this issue, as it was important that S106 funding be allocated to where it was truly needed.

Recommended:

That;

- i) Ward Members should be consulted from the outset on Section 106 agreements attached to developments in their Ward(s).**
- ii) where issues of viability arise with regard to Section 106 agreements, the relevant Ward Member(s) and town, parish or community councils be engaged at the earliest stage.**
- iii) planning applications must not be permitted to go to the planning committee for determination before the time for public consultation has elapsed.**
- iv) as per the constitution, planning applications must not be approved under delegated powers where the Ward Member has called the application in to the planning committee.**

347 Planning Presentation – Planning Resourcing

The Head of Planning presented a slideshow to the Committee outlining the restructure and resourcing of Planning and Development. The presentation was then opened up to the Committee and the following points/questions were raised:

- Members commended the measures being put into place to organise and recruit new staff, particularly the concept of growing our own staff. They reiterated the importance of being able to speak directly with Planning Officers to be able to deal with resident queries. In the past, this had proved extremely frustrating, with Members often experiencing long delays and receiving little communication from Officers, which in turn made Members and the Council as a whole look incompetent. A Member referred to one such case where an application was brought before the Planning Committee before the closing date for public comments. The Head of Planning agreed that this was unfortunate and had been brought about due to a system failure and mechanisms had now been put into place to avoid those types of mistakes occurring again.
- A Member asked whether the use of Consultants in the Department created problems for Officers. The Head of Planning advised that there were currently four Consultants employed and the intention was that they would be phased out with the maturation of the Service.

- A Member asked whether the Planning Department was challenged across the board, or were there certain areas that were struggling. The Head of Planning confirmed that the Department as a whole had felt the pressures of staff shortages and increased work pressure. There was a dedicated Team in place for strategic applications and the Developers involved were well versed in working with Planning Officers.
- In response to a question concerning market salary supplements, it was established that the salary structure would be reviewed in time.

348 Planning Presentation – Air Quality

The Head of Planning commenced a slideshow to the Committee outlining resolutions to queries put forward by Members resulting from the Air Quality Task Group covering the planning considerations in relation to the conditioning of the use of NOx boilers and requests for an Air Quality Supplementary Planning Document. The Community Safety and Wellbeing Manager followed with a presentation about the Councils Air Quality Strategy. The discussion was then opened up to the Committee and the following points/questions were raised:

- The Head of the Air Quality Task Group clarified that the Report was based on mortality rates in the Borough, and that it had paved the way for the requirement of low NOx boilers as a planning condition. The cost of installing a low NOx boiler was estimated to be around £4k, whilst the cost of installing them in older properties increased greatly. It was disappointing that the Planning Dept. appeared to be resistant around this issue, particularly after the report had been to Cabinet. The Head of Planning advised that he would take these comments on board and reassured Members that the Planning Dept. were not being deliberately obstructive, it was more an issue around enforceability.
- The subject of electrical vehicle charging points was highlighted and a Member noted that new housing developments should be designed to include these facilities. In relation to fast charging points, he suggested that Officers leading on Air Quality liaise with UK Power Network to ensure the installation of these, in particular at Chilmington Green since they were included in S106 contributions. The Community Safety and Wellbeing Manager assured the Committee that discussions were happening at a regional level and Planning Officers would feed into these negotiations.
- The Portfolio Holder commented that this was an interesting debate, and that a request for a dedicated Air Quality Officer had been proposed, which showed real commitment to this issue.

Recommended:

That;

- i) the council should pursue central government Brexit funding for additional nitrogen dioxide and particulate matter monitoring equipment in order to allow for air quality monitoring and establish**

the health impacts in the event that Operation Brock is implemented.

- ii) **the council should engage with UK Power Networks to ensure that there is sufficient grid supply to meet demand for electric vehicle charging in new developments.**

349 Quarter 3 Performance Report 2018/19

The Senior Policy & Scrutiny Officer introduced the report, which summarised performance against the Council's suite of KPI's for Quarter 3.

The report was then opened up to the Committee and the following points/questions were raised:

- A Member asked if retailers had seen a sustained increase in takings as a measure of confidence in the Town Centre. The Senior Policy & Scrutiny Officer explained that retailers would naturally be highly protective regarding their takings but the Town Centre Regeneration Manager and wider Economic Development Team had regular interaction with retailers in the Town Centre and they reported a positive uplift in both footfall and sales, as a result of increased Town Centre activity such as the Snowdogs and Splashes of Summer campaigns.
- A further query was raised around the rental yield achieved on ABC owned property. It was confirmed that as part of the Council's drive to regenerate Park Mall, some rents had been set lower than the market level, in order to attract tenants, drive interest in Park Mall and avoid units standing empty.
- The Senior Policy & Scrutiny Officer advised that he would seek an update for Members on the missing information regarding the planning appeals KPI.

Resolved:

That the report be received and noted.

350 Future Reviews and Report Tracker and Topic Selection Flowchart

The Chairman advised the Committee that the Meeting scheduled for April was due to be held on the 30th instead of the 23rd as stated in the Tracker. Since this was very close to the local elections, the Committee agreed to suspend this Meeting. Additionally, the meeting planned for May fell before the first Full Council of the new administration post-election where committee memberships would be confirmed, and as such this meeting would also need to be suspended. All outstanding items for April and May would be re-scheduled from June onwards.

A Member spoke to the Group about a meeting he had attended with Ashford Access Group and the concerns they had raised regarding properties at Elwick Place, in

relation to accessibility. It was agreed that this item would be added to the Tracker for consideration by the Committee post-election.

Members also repeated the importance of Portfolio Holders attendance at the Overview and Scrutiny Committee and asked the Chairman to write to remind them of their obligations. The Chairman agreed and added that he did write to them prior to and after each meeting.

Resolved:

That the report be received and noted.

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