



Agenda

Meeting: **Overview and Scrutiny Committee**
Date: **6 October 2020**
Time: **7.00 pm**
Place: **Remote meeting**

To: **All members of the Overview and Scrutiny Committee**

The committee will consider the matters, listed below, at the date and time shown above. The meeting will be open to the press and public and will be streamed live at bit.ly/YouTubeMeetings.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 5 - 6)**

Members of the committee should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes (Pages 7 - 10)**

To consider and approve, as a correct record, the minutes of the meeting held on 8 September 2020.

4. **Changes to the Overview and Scrutiny Committee (Pages 11 - 22)**

Report OS/20/08 sets out a proposed work programme for Overview and Scrutiny work, which had been put together with the assistance of the

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Centre for Public Scrutiny (CfPS). The report also sets out proposals for the creation of a Finance and Performance Scrutiny Sub-Committee, including its terms of reference and membership. Approval is also sought for the proposed meeting dates, and adoption of a “Cabinet and Overview and Scrutiny Member’s protocol” and its subsequent submission to Cabinet.

5. **The District Council's Potential Office Relocation (Pages 23 - 30)**

The committee will receive a brief presentation on the proposed scope of work to provide a customer access point from a central location and a new civic facility for the district in order to reduce the council’s operational carbon footprint and operating costs. The presentation is attached to this agenda with questions highlighted for input from Members.

6. **Government Consultation on the Planning White Paper - 'Planning for the Future' (Pages 31 - 44)**

A link is shown below to the Joint District and Parish Councils Committee held on 24 September where a presentation was given on the Planning White Paper. The presentation slides are also attached to this agenda.

bit.ly/JointCommitteeMeeting

Members are invited to make comments on this subject by emailing adrian.tofts@folkestone-hythe.gov.uk. Comments are required by 5pm on 7 October 2020 for Cabinet’s consideration on 21 October 2020.

7. **Folkestone and Hythe Community Safety Partnership Plan Update**

Members will receive a presentation and update, as well as taking into account the effect of Covid-19. For reference, the link to the Community Safety Partnership Plan for 2019 is shown below.

[Folkestone-Hythe-Community-Safety-Partnership-Plan-2019-20/pdf](#)

8. **Exclusion of the Public**

To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information which is likely to reveal the identity of an individual.’

Part 2 – Exempt Information Item

9. **PREVENT Update**

A presentation will be given to members by the PREVENT lead.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; 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. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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Minutes

Overview and Scrutiny Committee

Held at:	Remote meeting
Date	Tuesday, 8 September 2020
Present	Councillors Miss Susan Carey, Laura Davison (In place of Connor McConville), Gary Fuller, Peter Gane, Michelle Keutenius (Vice-Chair), Terence Mullard, Patricia Rolfe, Rebecca Shoob (Chairman) and John Wing
Apologies for Absence	Councillor Connor McConville
Officers Present:	Andy Blaszkowicz (Director of Housing and Operations), Kate Clark (Case Officer - Committee Services), Adrian Hammond (Housing Lead Specialist), Kerry Petts (Private Sector Housing Team Leader), Susan Priest (Chief Executive), Charlotte Spendley (Director of Corporate Services), Lee Walker (Capital and Treasury Senior Specialist) and Jemma West (Committee Service Specialist)
Others Present:	Councillors David Monk and David Godfrey

17. **Declarations of Interest**

Councillor Rolfe declared a disclosable pecuniary interest with regard to Agenda item 4 as she is Chairman of Oportunitas Ltd. A dispensation has been granted and in this regard Councillor Rolfe presented and took part in discussions on this item.

Councillors Gane and Mullard declared a disclosable pecuniary interest for the Oportunitas Ltd item as they are directors of this company. Both councillors remained in the meeting and took part in discussions on this item. Dispensations have been granted for both councillors.

Councillors Rolfe, Gane and Mullard made voluntary announcements in respect of Agenda item 5 (Private Sector Housing Enforcement and Civil Penalties Policy) as they are chairman and directors respectively of Oportunitas Ltd. All councillors remained in the meeting and took part in discussions on this item.

18. **Minutes**

The minutes of the meeting held on 14 July 2020 were agreed and approved. The Chairman requested that her electronic signature could be added to the minutes.

19. **Oportunitas Limited - Progress Report and Business Plan 2020 - 2022**

Report C/20/32 proposed a Business Plan from the Board of Oportunitas Ltd (“the company”) covering its activities through to 31 March 2022. The report also provided a summary of the company’s provisional financial outturn position for 2019/20 as well as a trading update for 2020/21. The report is in-line with the requirement contained in the Shareholder’s agreement between the company and the Council.

As Chairman of Oportunitas Ltd, Councillor Patricia Rolfe, presented this item.

Members noted the following:

- Rent arrears – legal advice is being taken.
- Two managing agents are appointed to manage the Oportunitas properties.
- The company provides rental properties at market value in order to generate an income stream and remain financially secure.
- Separate to Oportunitas, an ambitious housing programme will develop over the next few years delivering new affordable houses for the HRA.
- Oportunitas is a commercial enterprise and although members comments with regard to the need for affordable housing were noted, this would be addressed through the HRA programme.
- It is anticipated that the debt to equity ratio will improve and create comfort to shareholders and directors, showing sustainability.
- The business plan is for consideration by Cabinet and aims to create a robust portfolio, encouraging diversification and other opportunities.

Members discussed the acquisition of off plan units at the Royal Victoria Hospital site, looking at the timeline, developer negotiations, acquisition costs, income and yield. It was noted that a developer contribution will be made from this scheme to provide community aimed development.

The Committee thanked the Chairman of Oportunitas, Councillor Rolfe, for her presentation and also officers for the detailed report.

Proposed by Councillor Rebecca Shoob
Seconded by Councillor Mrs Susan Carey and

RESOLVED:

That the Committee receive and note report C/20/32.

The Committee Chairman, Councillor Shoob, sought and received affirmation from all members.

20. **Private Sector Housing Enforcement and Civil Penalties Policy**

Report OS/20/07 set out details of the Private Sector Housing Enforcement Policy and methodology and principles for determining the level of penalty charge for housing offences. It is proposed that the policy will be made available for an eight week consultation period before being presented to Cabinet.

Councillor David Godfrey, Cabinet Member for Housing, Transport and Special Projects, presented this report.

It was noted that Private Sector Housing (PSH) team develop good relationships with Landlords which often means enforcement is ultimately not necessary as issues can be rectified in a timely manner.

Members were reminded that the Private Sector Housing team consist of enforcement officers who enforce housing legislation and are fully trained professionals.

Members were advised that the team receive approximately 300 to 400 enquiries from private tenants per year. The majority of these enquiries are dealt with by the landlords directly. In 2019/20 some 200 properties were improved with landlord co-operation.

It was noted that since 2016 only one prosecution has been made with a further two pending at this time. PSH officers are always keen to solve problems through advice to landlords and tenants, however the policy is an important tool in carrying out enforcement where necessary.

Members mentioned comparisons to other district councils in Kent, it was noted that Folkestone & Hythe District Council has a large PSH sector compared to other local councils. In this respect developers have taken advantage of the 'No Use Empty' loan scheme enabling empty properties to be brought back into use.

Officers confirmed they share good practice and this Council has led the way for other councils in bringing derelict properties back into use.

Proposed by Councillor Rebecca Shoob
Seconded by Councillor Patricia Rolfe and

RESOLVED:
To receive and note report C/20/07.

Affirmation from members sort and received from the Committee Chairman.

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This Report will be made public on 28 September 2020



Report Number **OS/20/08**

To: Overview and Scrutiny Committee
Date: 6 October 2020
Status: Non executive decision
Responsible Officer: Susan Priest, Chief Executive

SUBJECT: CHANGES TO OVERVIEW AND SCRUTINY COMMITTEE

SUMMARY: This report sets out a proposed work programme for Overview and Scrutiny work, which had been put together with the assistance of the Centre for Public Scrutiny (CfPS). The report also sets out proposals for the creation of a Finance and Performance Scrutiny Sub-Committee, including its terms of reference and membership. Approval is also sought for the proposed meeting dates, and adoption of a "Cabinet and Overview and Scrutiny Member's protocol" and its subsequent submission to Cabinet

RECOMMENDATIONS:

1. To receive and note report OS/20/08.
2. To adopt and implement the Scrutiny work programme, set out in paragraph 2.3 of the report, until the next annual meeting of the Council.
3. To submit the Workplan to the next available extraordinary meeting of the Council for endorsement.
4. To create a Finance and Performance Scrutiny Sub-Committee, with the terms of reference as set out at appendix 1 of the report, and:
 - a. Appoint five Overview and Scrutiny Members to the Sub-Committee for the remainder of the municipal year.
 - b. Elect a Chairman for the Sub-Committee for the remainder of the municipal year.
5. To agree to the meeting dates for Overview and Scrutiny and its Sub-Committee meetings, as set out in paragraph 4 of the report.
6. To adopt the Cabinet/Overview and Scrutiny Member's protocol, as set out at appendix 2 of the report and to submit it to Cabinet for its approval.

1. **BACKGROUND**

- 1.1 On 25 September 2019, a motion was put to Full Council regarding a review of the council's governance arrangement. The Council subsequently agreed that a cross party working group of all group leaders be set up to consider the issues of moving to a committee system, or an alternative system.
- 1.2 The working group met twice in November 2019, and it was made clear that Members did not feel that Overview and Scrutiny arrangements were fit for purpose.
- 1.3 Ian Parry from the Centre for Public Scrutiny was commissioned to assist with a review of the Council's Scrutiny arrangements. A series of workshops were held with all Members back in February and March 2020, As a result of these workshops, various changes were proposed.
- 1.4 On 19 May 2020, the Overview and Scrutiny received a presentation, led by the Chairman, setting out proposals for changes to the Committee processes. These changes were as follows:
 - Reduction in number of meetings of the Overview and Scrutiny Committee from 11 to 5 or 6 per year.
 - Creation of a finance and performance sub-group to meet quarterly.
 - A committee work plan to include about 12 clearly scoped topics, allowing for detailed consideration of two topics per meeting.
 - Work plan topics to have clear lines of enquiry, questions, and to draw on external expertise as necessary.
 - Members to lead the items at Scrutiny meetings.
 - Call-in function remains available.

This report seeks to implement these changes.

2. **SCRUTINY WORK PLAN**

- 2.1 On Thursday 30 July, Ian Parry from the Centre for Public Scrutiny held a workshop with Members of both the Overview and Scrutiny Committee, and the Cabinet, to build a future Scrutiny work plan. Members of the Overview and Scrutiny Committee were given a list of items, made up of topics from various sources, including the Corporate Plan, Member ideas, Community concerns, and Cabinet forward decisions.
- 2.2 Overview and Scrutiny Members were then invited to score each item from 1-5 (5 highest, 1 lowest), based on each of the following criteria:
 - High general public concern,
 - Critical to council priorities and plans,
 - High financial value,
 - Risks in successful delivery.
- 2.3 Based on this, the nine highest scoring items were selected for the Scrutiny workplan. Nine items would make up the main workplan, with an additional

three in 'reserve' for the Committee. These 'reserve' items will allow for some flexibility in the workplan, in the event that the Committee is required to consider other urgent matters.

The selections are shown in the table below.

SCORING SYSTEM	RANK
Otterpool Park - Business plan	1
FHDC COVID recovery plans – economy/community/environment	2
Folkestone Town Centre Regeneration	3
HRA Business Plan	4
Housing – HRA Asset Management Framework	5
Updates from the Working Groups	6
Other Housing – Housing Options; Private sector housing	7
Homelessness Strategy	8
Corporate Plan	9
The items below will be held in reserve :	
Housing Tenant & Leaseholder Liaison Strategy	10
S106 decision making, prioritisation and processes	11
Unauthorised encampments – policy shaping	12

- 2.4 In addition to the items selected, the Overview and Scrutiny Committee has a statutory requirement to act as the Council's Crime and Disorder Committee and to meet for that purpose at least once a year.
- 2.5 It is the intention that the Committee would consider two items per meeting (with only six meetings per year). In addition, the work plan must allow some flexibility, allowing for Members to make suggestions for topics throughout the course of the year.
- 2.6 The Overview and Scrutiny Committee are asked to endorse the Scrutiny Workplan.
- 2.7 It should be noted that in normal circumstances the annual workplan of the committee is approved by the annual meeting of the Council. As it is unclear when the next Annual meeting of the Council will be held, it is suggested that the workplan be submitted to the next available extraordinary meeting of the Council for endorsement.

3. CREATION OF SUB-GROUP

- 3.1 Part of the proposed changes to the Overview and Scrutiny Committee include the creation of a Finance and Performance Scrutiny Sub-Committee. It is intended the Sub-Committee would be formed of 5 members, drawn from the Overview and Scrutiny Committee to ensure fair

political representation, with a quorum of three members. The Sub-Committee would meet quarterly, to consider budget and performance monitoring reports.

3.2 The political split of membership is shown below:

Conservative	2
Green	1
Labour	1
Lib Dem *	0.5
Ukip *	0.5
Total	5

*The group leaders of the Liberal Democrats and UKIP have been asked to discuss who should be the member on the sub – committee.

The suggested terms of reference are shown at Appendix 1.

3.3 Members are required to appoint five Overview and Scrutiny Members to the Sub-Committee, and elect a Chairman, for the remainder of the municipal year.

The following nominations have been put forward by Group Leaders:

Cons	Councillor Gane Councillor Rolfe
Green	Councillor Shoob
Labour	Councillor McConville
Lib Dem	Councillor Fuller
UKIP	N/A

4. MEETING DATES

The proposed schedule of meetings for the remainder of the municipal year is shown below:

Overview and Scrutiny Committee:

1 December 2020

16 February 2021

30 March 2021

Finance and Performance Scrutiny Sub-Committee:

3 November 2020

12 January 2021

27 April 2021

5. CABINET/OVERVIEW AND SCRUTINY MEMBER PROTOCOL

- 5.1 Following on from a further recommendation from the Centre for Public Scrutiny, a Cabinet and Overview and Scrutiny Protocol has been developed, to clarify relationships between the two and help ensure the smooth conduct of Scrutiny work, and encourage effective communication between the two. The protocol would not change the constitutional arrangements, nor roles or responsibilities for either.
- 5.2 The proposed protocol is set out at appendix 2. The Committee is requested to approve the protocol. If the Committee approves it the protocol will then be submitted to Cabinet for its approval as the protocol does impose requirements on both this committee and the Cabinet.

6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal Officer's Comments (AK)

It is important for Overview and Scrutiny Committee to establish and agree a work programme. This will enable the Overview and Scrutiny committee to fulfil its constitutional and legal function.

6.2 Finance Officer's Comments (RH/LW)

There will be no additional Special Responsibility Allowance to pay as the new Sub-Committee will be made from members of the existing OSC. Therefore the only potential additional costs will be for travel to attend the meetings and this can be contained from within the existing Members Allowances budget.

6.3 Diversities and Equalities Implications (GE)

There are no equalities implications directly arising from this report.

7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Jemma West – Committee Services Specialist
Telephone: 01303 853369
Email: Jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

Centre for Public Scrutiny selection results

Appendices:

Appendix 1: Finance and Performance Sub-Committee Terms of Reference

Appendix 2: Cabinet and Overview and Scrutiny Committee protocol

Proposed Terms of Reference:
Finance and Performance Scrutiny Sub-Committee
of the Overview and Scrutiny Committee

Finance & Performance Scrutiny Sub-Committee Membership – 5

Quorum – 3

Chairman – appointed by Overview and Scrutiny Committee until the next annual meeting of the Council

Terms of Reference

1. To scrutinise the Council's performance against KPIs and make recommendations as appropriate, to the Cabinet and / or Overview and Scrutiny Committee, particularly considering:
 - the proposed performance targets for the coming year;
 - the in-year performance management data; and
 - the annual performance report.

2. To scrutinise the Council's financial monitoring data against budget and make recommendations as appropriate, to the Cabinet and / or Overview and Scrutiny Committee, particularly considering:
 - the annual Budget Strategy; and
 - the quarterly budget monitoring data for GF Revenue & Capital and HRA Rev & Capital.

Version 2

9 September 2020

Cabinet and Overview and Scrutiny Committee protocol

1. Introduction

- 1.1 The aim of the protocol is not intended to change the respective constitutional positions, roles or responsibilities of either the Cabinet or the Overview and Scrutiny Committee.
- 1.2 It is to clarify relationships between the two and help ensure the smooth conduct of Overview and Scrutiny business and encourage effective communication between the Overview and Scrutiny Committee and the Cabinet.
- 1.3 This Protocol applies to all Members of the Overview and Scrutiny Committee, any sub – committee, and any Member who may sit on a Scrutiny Task and Finish Group and all Members of the Executive (comprising the Leader and the other Cabinet Members).
- 1.4 The protocol provides guidance on the way in which Members fulfilling their different roles interact to enable Folkestone and Hythe District Council to carry out the Overview and Scrutiny function. The Protocol also outlines the framework and procedures underpinning the operation of Overview and Scrutiny and provides guidance on role of officers who support this process.
- 1.5 The key responsibilities of Overview and Scrutiny at the Council are set out in the Council's constitution, they are to hold the cabinet to account and for scrutinising Cabinet decisions before, or after, they have been implemented, to make recommendations on future policy options and for reviewing the general policy and service delivery of the Council

2. Objectives

- 2.1 To enable Overview and Scrutiny Members, Officers and Cabinet Members to fully understand their powers, roles and responsibilities in relation to the Overview and Scrutiny function, so as to maximise their personal effectiveness.
- 2.2 To establish a positive framework and the necessary procedures to enable the scrutiny function to work effectively.
- 2.3 To promote an ethos of mutual respect, trust and courtesy in the interrelationships between Overview and Scrutiny Members and Cabinet Members and to foster a climate of openness leading to constructive debate, with a view to ensuring service improvements.
- 2.4 To create a culture of holding the Executive to account on behalf of the electorate, by monitoring the effectiveness of the Council's policies and through the regular review of its performance in relation to service delivery.

- 2.5 To define and clarify the role of the Executive as an integral component of the scrutiny process.

3. Holding the Executive to Account

- 3.1 One of the underpinning principles of Overview and Scrutiny is the ability of non-Executive Members to hold the Executive to account. A key method of ensuring accountability is through critically and routinely considering the performance and decisions taken by the Executive.
- 3.2 To facilitate this approach, the Overview and Scrutiny Committee (or its sub-Committee) may challenge the Executive about decisions, which it has taken collectively, or Officer Key Decisions. The Overview and Scrutiny Committee/sub-Committee may also consider any relevant performance information in respect of the delivery of services. In addition, the Committee may query or make recommendations in relation to decisions which the Executive is proposing to take, as set out in the Forward Plan.
- 3.3 The Executive will be required to consider any recommendations or views expressed by the Overview and Scrutiny Committee/Sub-Committee and to take such action it sees fit. The Chairman or Vice-Chairman, or if unavailable, a representative of the Overview and Scrutiny Committee shall attend the Cabinet meeting to present the report and/or recommendations. Where any decision taken by the Executive is not in accordance with advice provided by the Committee, the relevant Cabinet Member, or if unavailable an Executive Member Colleague, shall attend the following meeting of the Committee to provide an explanation of the reasons for that decision to the Committee concerned.

4. Powers of the Overview and Scrutiny Committee

- 4.1 Paragraph 13.2, Part 7.2 of the Council's Constitution, sets out the relevant powers of the Overview and Scrutiny Committees, which include:-
- "Subject to resources being available within the agreed annual budget, the Overview and Scrutiny Committee may:
- a) Review and scrutinise decisions made and look at past performance;
 - b) Investigate options for future direction in Council policy;
 - c) Investigate and make reports and recommendations to the Council, or the Cabinet, on any matter which affects the authority's area, or the inhabitants of that area.

5. Overview and Scrutiny Committee Agendas

- 5.1 The agenda of each Overview and Scrutiny Committee meeting will include an item on the Committee's Work Plan to enable the Committee's priorities for scrutiny for the remainder of the Municipal Year to be included and prioritised.
- 5.2 The Cabinet may be invited to comment on the Committee's proposed priorities within the Work Plan to inform the selection process and to undertake a co-ordinating role by providing advice to the Committee about any potential conflict between proposed scrutiny topics and areas of planned policy development.

5.3 The Cabinet may also advise the Committee about instances where it may be requested by the Cabinet to assist in policy development. Members may at any time propose items for inclusion in the Committee's Work Plan.

5.4 The agendas of the Sub-Committee will include quarterly performance monitoring information at relevant times during the municipal year. The purpose of this item is to assist Members to monitor the recent performance of services within its remit against key targets and to make recommendations or to implement a more detailed scrutiny review in relation to those areas of identified weakness.

**6. Attendance by Cabinet Members at Overview and Scrutiny Committee
(including 'Call-In' meetings)**

6.1 Cabinet Members will normally be expected to attend meetings of the Overview and Scrutiny Committee, for the purposes of being held to account in relation to decisions taken and to answer questions in relation to proposed decisions.

6.2 Cabinet Members are encouraged to avail themselves of every opportunity to gauge the views of non-Executive Members on any issues falling within their remit. A close working relationship and an open exchange of views will be of particular importance to the Cabinet Member and Overview and Scrutiny Members, where consideration is being given to the development of the Council's budget or policy framework.

6.3 Cabinet Members will normally be expected to attend any meeting of the Overview and Scrutiny Committee at which it is intended to consider a Call-In request in relation to his/her area of responsibility.

6.4 At Call-In meetings, the purpose of the Cabinet Member's attendance is to answer questions of fact and not to present the item. Cabinet Members need to be careful not to be drawn into the debate, so as to avoid any possible allegations of becoming involved in the scrutiny of their own decisions. It is therefore important to draw the distinction between answering questions of fact and becoming involved in the Committee debate into the issue in question.

6.5 Unless there are extenuating circumstances, the relevant Cabinet Member should always attend a Call-In meeting. It is accepted however that Officers are often better placed to present greater detailed information that led up to the decision and this is deemed to be acceptable although it should always be the decision maker that is held to account.

6.6 The following procedure should take place at Call-In meetings:

- The Members who called in the decision should speak first.
- The Chairman would then invite the Cabinet Member (decision maker) to respond.
- The Committee can then ask questions of the decision maker who may ask a relevant officer to supply further information if necessary.
- The Committee debates the issue and votes on the outcome.

- 6.7 In the event of a situation where the relevant Cabinet Member cannot attend a Call-In meeting, the Leader of the Council or Deputy Leader should attend in their absence. In the event of both the Leader and Deputy Leader being unavailable, they should nominate another Cabinet Member to attend and be accountable for the decision.

7. Ethos of the Meeting

- 7.1 All Members should promote an atmosphere of openness at Overview and Scrutiny Committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Overview and Scrutiny Committee Members, the Cabinet Member and other participants.
- 7.2 Overview and Scrutiny Committee Members should be prepared to ask searching questions of Cabinet Members, who in turn should be willing to respond to any question put. It should however be stated that Overview and Scrutiny Committee Members should be aware of and show an understanding of the fact that Cabinet Members may not be in a position to answer every question immediately or in detail.
- 7.3 Cabinet Members should, in so far as possible, anticipate and be prepared to answer questions on decisions taken, or proposed to be taken, which fall within their remit. Cabinet Members should also value the contribution of Overview and Scrutiny Committee Members who raise questions under these headings and respond in an appropriate and professional manner.
- 7.4 Cabinet Members should normally be authorised by the Committee to speak upon any item on the agenda which falls into their portfolio area of responsibility and may at any time offer to assist the Overview and Scrutiny Committee by the provision of factual information or advice in relation to the matters under discussion.
- 7.5 The Chairman of the meeting shall at all times ensure that the conduct of the meeting shall be fair and that all participants are treated courteously.
- 7.6 The Chairman, supported by the officers, should provide leadership and guidance to the Committee on all scrutiny matters and should promote the Committee's role to improve services and monitor the effectiveness of Council policies.

8. Supporting Overview and Scrutiny Reviews

- 8.1 These are reports with recommendation that have resulted from the work of the Committee, sub – committee or Task and Finish Group who will have spent time considering background information, witness evidence, and formulating their recommendations. In this and the immediately following paragraph “Chairman” refers to the chairman of the body carrying out the review.
- 8.2 The Chairman will be invited to present the final report at a Cabinet meeting.

The Cabinet can expect a report that:

- Has clear, concise recommendations;
 - Identifies potential areas for improvement; and
 - Highlights implications including financial, legal, equality, policy, of the recommendations and where possible identify solutions as appropriate.
- 8.3 The relevant Cabinet Member(s) can assist the review in a number of ways including:
- At the outset of the review, when consideration is given to the scope, methodology and witnesses to give evidence;
 - During the review when the Cabinet Member can be invited to give evidence;
 - At the end of the review after the first draft of the report has been produced.
- 8.4 During the review period the Chairman is recommended to meet with the Cabinet Member and Officers:
- To discuss the proposed scope, methodology and sources of evidence for the review and ascertain if the Cabinet Member has any suggestions to make;
 - To highlight and examine areas of potential agreement or disagreement in relation to the report's findings and recommendations to ascertain if any areas of disagreement can be resolved at the draft report stage, or identify if any further work needs.
- 8.5 Although this dialogue is encouraged, it is recognised that the Overview and Scrutiny function is independent of the Cabinet and as such agreement may not be possible on all the findings and conclusions in a draft report.
- 8.6 It is recognised that senior officers have a valuable role to play in the scrutiny process in terms of the provision of factual evidence for a review. At the commencement of an internal review, the Chairman will notify the relevant senior officer who will then contribute to the review in terms of supplying information and helping to identify suitable witnesses.
- 8.7 The relevant senior officer will be given the opportunity to comment and/or make recommendations on a completed draft report in terms of any factual errors. The decision as to whether to incorporate any suggested amendments will remain with the body whose report it is.
- 8.8 The responsibility for the implementation of scrutiny recommendations that have been approved by the Cabinet will rest with the relevant senior officer who will also be responsible for providing regular updates on progress to the Overview and Scrutiny Committee.
- 8.9 A completed scrutiny report, together with any comments provided by Officers will be forwarded to the Cabinet who will consider whether or not to implement the recommendations contained within the report.
- 8.10 If the content of a report, including any recommendations, is likely to impact on any external organisation, the Cabinet will have the opportunity to pass

comment, including whether or not it endorses the recommendations, before the report is passed to the external body.

9. Attendance by Officers at the Overview and Scrutiny Committee

- 9.1 Meetings of the Overview and Scrutiny Committee, and any Sub-Committee will be attended by the assigned Lead Officer and senior officer with responsibility for any agenda item under discussion. The role of the Lead Officer will be to assist the Committee through the provision of professional advice and to ensure access to relevant information and personnel.
- 9.2 The attendance of other relevant officers will be at the request of the Chairman, who will have regard to the appropriate level of seniority of attendees. In general the relevant officer should not be below third tier level. Attendance officers below third tier is at the discretion of the Head of Paid Service.
- 9.3 An officer in receipt of a request to attend a Committee meeting should make reasonable efforts to do so. Where an officer is unable to attend on a particular date he/she should notify the Chairman or Lead Officer as soon as possible, in order to agree the most appropriate course of action, which may include the attendance of an alternative representative.
- 9.4 Officers in attendance at Committee meetings should be prepared to assist the Cabinet Member in the provision of information to the Committee in response to any question raised.
- 9.5 Relevant Officers will normally be expected to attend any meeting of the Overview and Scrutiny Committee at which it is intended to consider a Call-In request in relation to his/her service area.

District Council's Potential Office Relocation

Background

Considering our office location – why now?

1. Increasingly moving council services online
 - Way of serving customers has changed
 - Accessible services 24/7 – Customer Access Strategy
 - Investment in technology, e.g. My Account
 - Less travel demands needed to visit the civic centre

2. Climate emergency motion
 - Strategic commitment to reduce carbon footprint
 - Current civic facility is ageing, not carbon neutral and will require increasing levels of maintenance investment

Background

3. Impact of the pandemic

- Customer services are effectively being delivered remotely
- Agile working reduces need for large amounts of office space
- Fewer travel to work miles needed
- Travel to and for work cost savings to both the employee and employer

4. Civic facilities can be drivers of positive change

- Direct footfall
- Assist with regeneration activities – focal point
- Accessible to support those at risk of digital exclusion
- Provide confidence to the investment market

Climate Emergency

- Council resolution (24 July 2019) included the clear strategic intent to:

“Commit to reduce Folkestone and Hythe District Council’s estate and operations to zero net carbon by 2030.”

- Research undertaken by Laser, commissioned in 2020 by the Environment Working Group, has demonstrated that:

There are opportunities to reduce the Council’s carbon footprint by making changes to its own estate and operations

- A Carbon Action Plan is currently in development – there are significant opportunities now to demonstrate brave bold leadership

Proposal to Explore...

1. Establish a customer access point within Folkestone Town Centre:

- to provide access to services and to support the regeneration of the town
- to support those who cannot access services on-line / remotely
- to utilise public transport and reduce necessity for car travel for council services

2. Relocate the district council 'civic suite' to a facility that:

- shows leadership on the green agenda
- reduces our operational carbon footprint
- is more representative of current and future working practices
- embraces agile and flexible working as the norm
- supports the devolution agenda and positions the new facility distinctly as district-wide
- creates a long term sustainable asset

Next steps...

Support from cabinet members for further work to be undertaken

Resources to be used to:

- Work through the detail to scope out our needs – please give us your views at this early stage
- Consider potential location options at a strategic level
- Explore opportunities for a joint approach with partners
- Prepare a high level feasibility study then, if supported, a more detail business case which includes disposal of the current civic centre

Proposed budget & timescales:

- Feasibility considered for a decision in principle – by January 2021
- Up to £250k needed for work undertaken through 20/21 and 21/22
- Operational access point in Folkestone Town Centre – 2021/22
- Occupy a new carbon efficient building by 2023/24

Your input

Your views are sought on:

- Is the principle of exploring a relocation supported ?
- Do you agree we should explore two distinct elements ?
- What access should we consider offering from a new town centre facility ?
- Should we approach other partners to join us? If so, which ones?
- How important is connectivity to public transport ? What else should we prioritise in the location search?
- What facilities and location considerations should be included in any proposed civic facility ?
- The potential to consider Otterpool Park for the district-wide civic facility.

- Any other views / comments at this early stage to help us scope out the work? What else should we consider ?

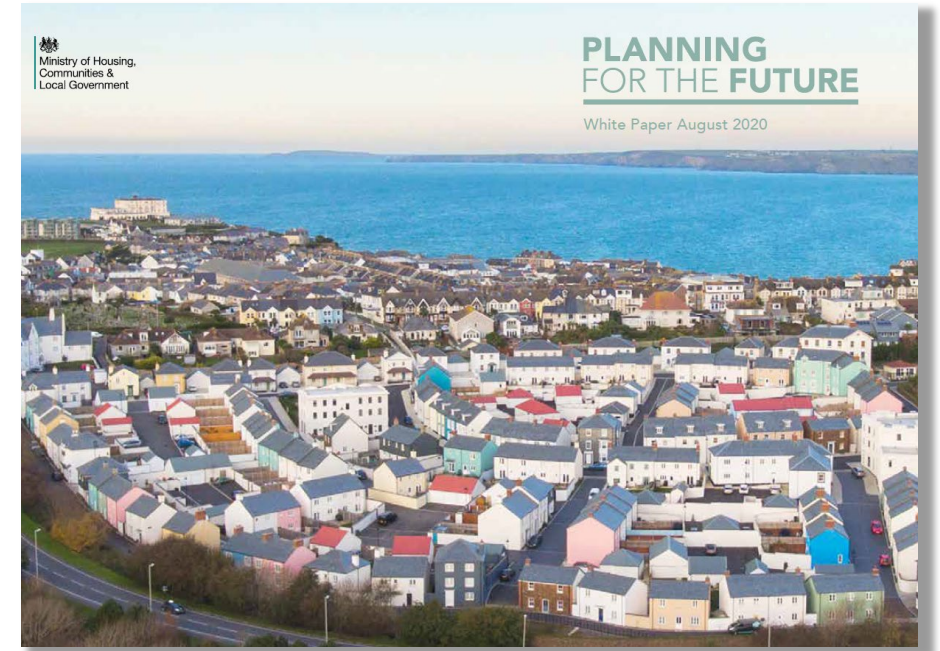
Views?

Consultation from MHCLG on Planning White Paper 'Planning for the Future'

Folkestone & Hythe District and Parish Councils' Joint Committee
24 September 2020

Background

- The Ministry of Housing, Communities and Local Government (MHCLG) is consulting on a planning White Paper, 'Planning for the Future'
- Consultation closes on **29 October 2020**
- The district council is preparing a response to the consultation which will be considered by our Cabinet on 21 October



Background

White Paper is highly critical of the planning system - seen as main barrier to building new homes and expanding businesses

'outdated'

'ineffective'

'no where near enough homes in the right places'

'relic from the middle of the 20th [century]'

'businesses cannot afford to grow and create jobs'

'The whole thing is beginning to crumble and the time has come to ... tear it down and start again'

Three 'pillars' to reforms

- Prime Minister promises *'Radical reform unlike anything we have seen since the Second World War'*
- Reforms are to make the system *'significantly faster and more predictable'*
- Three 'pillars' to reforms:
 - *Pillar 1: Planning for development* – reforms to local plans
 - *Pillar 2: Planning for beautiful and sustainable places* – reforms to planning application process
 - *Pillar 3: Planning for infrastructure and connected places* – reforms to developer contributions
 - *Delivering change* – implementing reforms

Pillar 1: Reforms to local plans

- ‘Zoning’ system – local plans would grant outline permission for development on adoption of the plan, streamlining consent process
- Focus on new technology (‘Prop Tech’ sector) - local plans to be web-based rather than document-based
- Local plans to focus on sites, rather than general policies, with general policies set out in revised National Planning Policy Framework
- Local plans to set out three types of land with different routes to planning permission within each area

Zoning	Areas covered	Status	Policies and guidance	Development management regime
1. Growth areas	Comprehensive development (e.g. new settlements, urban extensions, regeneration areas, business parks)	Automatic outline permission on adoption of local plan	<ul style="list-style-type: none"> Design codes Local plan policies covering: land use; height and density; town centres; self-build homes, etc. 	Faster consent route: <ul style="list-style-type: none"> Reserved matters Local Development Order Development Consent Order for large-scale schemes
2. Renewal areas	Built areas suitable for infill development; small sites within or on edge of villages	Presumption in favour of development	As above	Faster consent route: <ul style="list-style-type: none"> Automatic consent if scheme meets certain requirements Local/Neighbourhood Development Order Where proposal is not in line with local plan – planning application needed
3. Protected areas	Areas of Outstanding Natural Beauty; Conservation Areas; flood risk; Local Wildlife Sites; open countryside	No automatic presumption in favour of development	General policies in National Planning Policy Framework	Planning application needed – to be judged against NPPF

Pillar 1: Reforms to local plans

- Simplified 'sustainable development' test for local plans, with Sustainability Appraisal and Duty-to-Cooperate abolished
- Standard binding national method for setting housing numbers, factoring in constraints – but not clear how this would operate
- Target of 30 months to prepare plans with penalties for delay:
 - Initial consultation on areas for growth, renewal and protection
 - Prepare plan and evidence
 - Submit to Secretary of State for examination and public comment
 - Examination by planning Inspector and adoption of the plan

Pillar 2: Reforms to development management

- Locally-prepared design codes to be binding for development management decisions
- Design codes to be machine readable so that *'they can be used by digital services to automatically screen developments'*
- Local authorities to appoint Chief Officer for Design and Place-Making
- Fast-track consent regimes (as outlined above)
- Increased use of prior approval
- Streamlined system of Strategic Environmental Assessment and Environmental Impact Assessment

4.00 External Walls



Hung slate detail



Hung slate building

SLATE HANGING

a. All slate must be local Cornish slate.

TIMBER

- Buildings may be clad with weather-boarding and painted with traditional paint or black tar varnish.
- Paint colours must be approved by the Duchy. A selection of pre-approved external colours is available in Appendix E.



Painted timber building





















Design codes - example from Nansledan, extension to the town of Newquay, codes by the Duchy of Cornwall, August 2018

Appendix E - Approved Paint Colours

In the course of constructing Nansledan, a palette of paint colours has been selected to accentuate the seaside character of the area. The colours are varied but emphasise schemes of white, cream or pastel colours.

If you wish to paint your house a new colour, consent from the Duchy is required. However, selecting a choice from the below colours will lead to a likely consent by the Duchy provided it is both acceptable to your neighbours and, in the Duchy's opinion, is sympathetic to the composition of the street scene. A change of colour to render or painted brick houses may necessitate a change of colour to the front door.

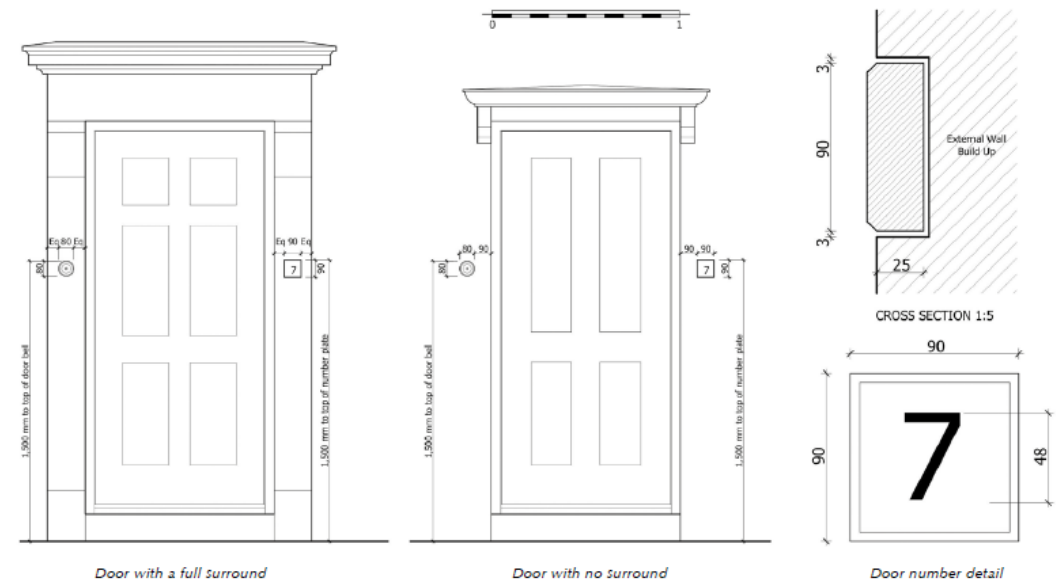
SANDTEX X-TREME X-POSURE SMOOTH

W1210D		RAL5024	
P2331L		RAL3015	
B7801H		RAL6019	
A1570R		RAL7031	
A1740V		RAL1001	
RAL1015		B6770Y	
RAL9001		B8870L	
RAL9003		B1820Q	
RAL9010		A6830S	
RAL6034		N8700Z	

Appendix C - Lettering on Houses & Streets

C1 House Names

The naming of new houses in Nansledan will not be encouraged. This is because the affixing of nameplates to a house increases the visual clutter of the elevations.



Pillar 2: Reforms to development management

- Government to explore whether experienced architectural specialists could be exempted from needing listed building consent for routine works on historic buildings
- Further proposals to come later in 2020: resourcing planning departments; listed buildings and conservation areas; Future Homes Standard

Pillar 3: Reforms to developer contributions

- New 'Infrastructure Levy' created to replace Section 106 and Community Infrastructure Levy
- Nationally-set charge based on final value of development at the rate in place when planning permission was granted
- Payable at point of occupation, not when development starts
- As now, levy to be collected and spent locally, with Neighbourhood Share for parishes and town councils
- Could be used to provide on-site affordable housing
- More freedom – could be spent on other priorities once infrastructure provided (e.g. improved services, reduced Council tax)
- Local authorities could borrow against levy to forward-fund infrastructure

Implementing the reforms

- Planning fees would continue to be set nationally, to cover cost of processing different application types
- Time-limited Government funding to implement reforms
- Big role for 'Prop Tech' sector – Minister-led group to encourage innovation
- Proposal to strengthen enforcement powers – *'too often seen as the 'Cinderella' function of local planning authorities'*
- Need to address unauthorised developments and encampments – higher fines and more effective Stop Notices are proposed

Some key questions

- Can complex districts fit into the three category approach?
- Can national development management policies pick up the specific issues of local areas?
- Will the emphasis on speed reduce public involvement in plans?
- Will the focus on fast-track consent and prior approval reduce public input into the planning application process?
- Can design codes be used over wide areas with different types of development from different periods?
- Will a flat-rate developer levy deter development in some lower value areas?

District Council responses to consultations

- Taking draft responses to our Cabinet on 21 October
- Submit to MHCLG by deadline of 29 October

See link below for consultation document and how to respond:

<https://www.gov.uk/government/consultations/planning-for-the-future>