

Overview Scrutiny Committee

Thursday, 17 January 2019

7.30 pm

Present:

Cllr John Burden (Chair)
Cllr Sara Langdale (Vice-Chair)

Councillors: Gurjit Bains
 Lee Croxton
 Gary Harding
 William Lambert
 Makhan Singh
 Jenny Wallace

Also in attendance: Cllr Julia Burgoyne (Cabinet Member for Planning & Regeneration)
 Cllr John Knight (Deputy Leader and Cabinet Member for Environmental Services)
 Cllr Shane Mochrie-Cox
 Cllr Brian Sangha
 Cllr Lauren Sullivan

Stuart Bobby Director (Corporate Services)
Kevin Burbidge Director (Housing & Regeneration)
Daniel Killian Assistant Director (Operations)
Chris Wakeford Committee Services Officer (Scrutiny)

Tony Van Veghel Director, South Thames Gateway (STG) Building Control Partnership
Janine Boughton Administration, Business & Consultancy Manager, STG Building Control Partnership

91. Apologies

An apology for absence was received from Councillor Leslie Hills and Cllr Samir Jassal; Cllr Gary Harding and Cllr Gurjit Bains appeared as their respective substitutes.

92. Minutes

The Minutes of the meeting held 22 November 2018 were signed by the Chair.

93. Declarations of interest

Cllr Lauren Sullivan declared an 'other interest' in agenda item 5. Call in - Cabinet Item 7. Town Centre Controlled Parking Zone Review due to the fact that she is a governor at Cecil Road Primary School.

94. Call in - Cabinet Item 7. Town Centre Controlled Parking Zone Review

The Assistant Director (Operations) informed Members that in 2010, the Council introduced new Town Centre Controlled Parking Zones (CPZs) around the southern perimeter of Gravesend Town Centre.

The schemes were intended to protect residents from an expected increase in commuter parking following the implementation of the high-speed train services to London from Gravesend station. Prior to implementation of the CPZ's, it was difficult to predict the impact of the change so the Council stated that it would review these measures sometime in the future and it was considered timely to conduct the review in late 2018.

Whilst informal consultation with residents was not legally required, it was considered best practice and an important process in order to gather residents' thoughts and feedback. Therefore, two informal consultations were undertaken. Using feedback from the responses received, as detailed in the report, an amended set of proposals were mapped out ready to start the formal consultation period.

Members were informed that a response rate of 50% or more, during the formal consultation process, from a specific road or area objecting to the proposals would result in them being amended or withdrawn. This threshold was not met however all of the objections received were thoroughly analysed and in most cases the concerns expressed were addressed and in other cases it was felt that the proposals advertised would still be beneficial to the residents.

The Chair advised the Committee that he had called in this item to better understand how public concerns have been addressed. The Chair explained that he had received complaints that people are paying for a permit but can't park because people who have a permit elsewhere are parking in their road.

The Assistant Director (Operations) fielded questions from the Committee and highlighted the following:

- Restrictions have now been included on how permits can be used (e.g. only to be used in designated areas).
- Currently, there isn't a need for on-call Doctors to have special parking permits.
- Residents need agreement from at least 50% of total households in an area or road to instigate the review of a Controlled Parking Zone.

Following some concerns raised by the Committee over the security of the proposed parking arrangement for the Windmill Hill Bowls Club; Cllr John Knight (Deputy Leader and Cabinet Member for Environmental Services) agreed to write to the Director (Communities) outlining that if the Windmill Hill Bowls Club do not manage their new parking arrangement adequately (e.g. locking the gate etc.) the parking arrangement will be revoked.

Resolved that the Committee noted the implementation of the parking controls as advertised on the Proposed Order (Appendix 2 and 3) and the agreement by Cllr John Knight (Deputy Leader and Cabinet Member for Environmental Services) that he will write to the Director (Communities) outlining that if the Windmill Hill Bowls Club do not manage their new parking arrangement adequately (e.g. locking the gate etc.) the parking arrangement will be revoked.

95. Exclusion

Resolved pursuant to Section 100A(4) of the Local Government Act 1972 that the public be excluded during the following item of business because it was likely in view of the nature of business to be transacted that, if members of the public were present during this item, there would be disclosure to them of exempt information.

96. STG Building Control Partnership Business Plan for 2019-22

The Director (Housing and Regeneration), the Director, South Thames Gateway (STG) Building Control Partnership and the Administration, Business & Consultancy Manager, STG Building Control Partnership presented the Committee with the draft STG Building Control Partnership Business Plan for 2019-22 and accompanying Delivery Plan for 2019-20

The Committee were reminded that the South Thames Gateway Building Control Partnership (involving Medway, Gravesham, Swale and now Canterbury) went live in 2007 and was now in its third five year term. The partnership's Business Plan outlined how the building control function for the partnership Councils would be delivered over the next three years and also included a financial plan up until 2021-22.

Before 1 October each year, the Joint Committee is required to approve and send its draft Business Plan for the following year to each partner authority for comment. The Joint Committee agreed a consultation draft on 20 September 2018.

Members were presented with the Business Plan for 2019-22 together with the Financial Plan and Delivery Plan.

The Director (Housing and Regeneration) advised that for Gravesham BC, the contribution to the shared service will fall from the current £48,733 in 2018-19 to £40,067 by 2021-22.

The Director (Housing and Regeneration) also advised of a potential in-year budget deficit arising as a result of a sudden fall in income between August and November and had sought Cabinet authority to authorise any necessary additional contributions.

The Director (Housing and Regeneration) highlighted that Cabinet had agreed the following at its meeting on 7 January 2019:

1. the proposed STG Building Control Partnership Business Plan 2019-22 (28 September 2018, Version 2), including the Financial Plan, and also the Delivery Plan (28 September 2018, Version 2), appended to it be approved;
2. the Secretary to the STG Joint Committee to be notified accordingly; and
3. Cabinet delegates to the Director (Housing and Regeneration), in consultation with the Leader, the authority to approve any additional Gravesham contribution, to balance any deficit that may arise for the STG Building Control Partnership in 2018-19. Any such contribution required will therefore be an overspend to the current revenue budget. It will either be offset by corresponding cross-council underspends, or funded from working balances.

The Committee discussed the STG Building Control Partnership Business Plan for 2019-22 and accompanying Delivery Plan for 2019-20.

Resolved that the Overview Scrutiny Committee noted the decisions made by Cabinet on 7 January 2019, as detailed above.

97. Return to Part A - Items being considered in Public

The Chair announced that the rest of the meeting will be in Part A / Public.

98. Scrutiny Topic Review Report - Review of proposed council-endorsed trading companies

The Director (Corporate Services) presented Members with the Topic Review report of proposed council-endorsed trading companies for approval and subsequent submission to Cabinet.

The membership of the sub-group for the review was as follows

Cllr John Burden (Chair)	Labour
Cllr Shane Mochrie-Cox	Labour
Cllr Leslie Hills	Conservative
Cllr William Lambert	Gravesham Independent Conservative

The terms of reference for the review focused on the following objectives:

- **Workstream One** - Undertake a comparison of company structures that are already in place across other Local Authorities in order to see how the different approaches can work in practice.
- **Workstream Two** - Review the legal frameworks available for the development of council-owned companies (Local Authority Trading Company – LATC) including:
 - Roles and responsibilities of officers and Members potentially associated with the company (structure) and potential training requirements for officer and Members.
 - Legal requirements in order to formally establish the company including formal company registration processes including preparation of a business case.
 - Risks and opportunities associated with the respective structures for company/commercial proposals.
- **Workstream Three** - Consider the potential reporting lines for the proposed LATC in terms of reporting back to the council's Management Team and Full Council.

Two comprehensive meetings of the sub-group were held in October and November 2018 in order to progress the review and identify possible recommendations or options for consideration by Cabinet.

The Committee considered the draft review report the five recommendations, as summarised below:

1. There is a need to ensure that advice and guidance is sought when establishing a trading company and subsidiaries to ensure that it is appropriate for the function/service being delivered.
2. Whilst the responsibility to set-up a trading company at the council may be for Cabinet or Full Council (depending on the type of service), Cabinet or Full Council may wish to delegate the discharging of shareholder responsibilities of the company (or some of them) to a subgroup/ committee or officer.
3. An Executive Member should be made responsible for oversight of shareholder responsibilities for the commercial entities within the council but should have no other Executive responsibilities i.e. for other services in the council.
4. There must be a clear segregation of duties to ensure that, for both officers and Members, it gives no rise to conflicts of interest.
5. Both Members and officers to receive full training to support their respective roles and responsibilities within any new trading company.

The Director (Corporate Services) highlighted that Members had received a dedicated legal training session on Local Authority Trading Companies earlier this week.

The Director (Corporate Services) fielded questions from the Committee and highlighted the following:

- The 'advice and guidance', as detailed in the recommendations, will depend on the nature of the company; if necessary external advice will be sought.
- Anyone on the board will be fully briefed on the legal responsibilities. Any member of the executive associated with the Company needs to be detached from the other functions of the council.
- The strong advice from the legal team is that the Section 151 officer and monitoring officer (and in some cases the Chief Executive) would not sit on the Board of the Local Authority Trading Company in order to avoid any potential conflict of interest.
- The Director (Corporate Services) agreed to look into the definition of 'families' in relation to conflicts of interest mentioned in recommendation 4, and email his findings to the Committee.
- The Director (Corporate Services) agreed to feed back to the legal team the potential for competition with Medway and how this would be managed within the legal services team in relation to managing any conflicts of interest.
- The Director (Corporate Services) clarified that he believed that the £100,000 limit on loans to companies, as specified within the report, was not set in stone and could be amended if necessary should a different limit be required.

The Committee discussed the recommendations and agreed the following amendments:

- The wording of the recommendations be amended to clearly reflect that there is no intention to transfer existing council services into a Local Authority Trading Company. The Director (Corporate Services) will work with the Chair outside of the meeting to come up with the wording for this matter.

- A sixth recommendation be added that extends the training on Local Authority Trading Companies to all members of the Council (e.g. Trustees, Outside Body appointees etc.). The Director (Corporate Services) will work with the Chair outside of the meeting to come up with the wording for this recommendation.

Resolved that, subject to the above mentioned amendments, the Committee approved the topic review report and recommendations and agreed to the submission of the report to Cabinet for further consideration.

Close of meeting

The meeting ended at 8.51 pm