

DARTFORD BOROUGH COUNCIL

SCRUTINY COMMITTEE

MINUTES of the meeting of the Scrutiny Committee held on Tuesday 20 November 2018 at 7.00 pm.

PRESENT: Councillor J S Hawkes (Chairman)
Councillor M J Davis (Vice-Chairman)
Councillor A Bardoe
Councillor J Burrell
Councillor Mrs. R M Currans
Councillor P Cutler
Councillor J A Hayes
Councillor J Jones
Councillor Mrs. M B Kelly
Councillor M A Maddison
Councillor Mrs. J A Ozog
Councillor J M Ozog
Councillor D J Reynolds
Councillor A S Sandhu, MBE
Councillor Mrs. R F Storey

ABSENT: Councillor S R Jarnell
Councillor C S McLean

Dartford Borough Council Officers:-

Sheri Green	– Strategic Services)	Director	(External
Dave Thomas	– Waste & Parks Manager		

CABINET MEMBERS: Councillor A R Lloyd, Portfolio Holder for Strategic Council Finances & Major Capital Projects

19. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors S R Jarnell and C S McLean.

Members were also informed that the Leader of the Council, the Community Safety Manager and the Leisure & Communities Officer, were unable to attend proceedings due to illness.

The Chairman welcomed attending Committee Members and Councillor Lloyd as Cabinet representative to the proceedings and noted the presence of the Strategic Director (External Services) and the Waste & Parks Manager to respond to Members questions.

SCRUTINY COMMITTEE

TUESDAY 20 NOVEMBER 2018

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 18 SEPTEMBER 2018

RESOLVED:

That the minutes of the Scrutiny Committee meeting held on 18 September 2018 be confirmed as accurate.

22. URGENT ITEMS

The Chairman announced that there were no urgent items for consideration.

23. TO CONSIDER REFERENCES FROM OTHER COMMITTEES (IF ANY)

There were no references from other committees.

24. CHAIRMAN'S UPDATE

The Chairman proposed that agenda items 8 and 9 be taken last in the unfortunate absence of the presenting officer.

25. REGULATION 9 NOTICE [WP]

RESOLVED:

That Members note the contents of the Forward Plan for the period 15 October 2018 to 28 February 2019.

26. UTILISATION AND RENEWAL OF PUBLIC LITTER BINS [DRAW-DOWN]

The Chairman advised Members that he had drawn-down the topic on behalf of his Group, given the number of enquiries and weight of correspondence he continued to receive from residents in his Ward, regarding the provision of litter and dog waste bins by the Council. He understood that this was also the experience of other Members.

He wished to examine and discuss the Council's existing litter bin regime, and how the current arrangements might move forward and be improved for the future, and asked the Waste & Parks Manager to summarise the main points in his report for Members [agenda item 10 pages 45/46].

The Waste & Parks Manager highlighted the following principal points for Members as set out in his report:

SCRUTINY COMMITTEE

TUESDAY 20 NOVEMBER 2018

- There were some 700 litter bins distributed across the Borough used for both litter and dog waste [previously separate]. The Borough Council provided the majority of the bins, supplemented by Parish/Town Councils locally and by private enterprise;
- The current distribution of litter bins across the Borough had evolved over time, in response to Member and resident concerns, and expressions of perceived need;
- The Council received between 3-5 requests per month from residents for increased litter-bin provision. The majority of residents wanted litter and dog-waste bins, but generally not situated near to their properties;
- Litter bins were emptied by the Council's contractors on a daily, multiple day, or weekly basis as appropriate, depending on the volume of litter and dog waste deposited;
- Amey LG Ltd emptied the majority of the 700 litter bins in the urban environment, Continental Landscapes emptied the litter bins in Central and Hesketh Parks, and CPM Ltd were contracted to empty the litter bins in Dartford's 27 school playgrounds;
- All street litter - plastic, paper and bottles went into the same litter bins, together with dog waste, there was no statistical breakdown for the component elements of street litter.

In response to subsequent specific questions from Members the Waste & Parks Manager confirmed the following points:

- There was no map showing the location of the litter bins in the Borough;
- All non-recyclable waste from litter bins (including dog waste) was bulked up at Pepperhill Household Waste & Recycling Centre for subsequent transfer to Maidstone for incineration;
- The frequency for emptying litter bins was decided by the Waste & Parks Manager (given the fiscal implications) based on feedback from the contractors - some bins e.g. in the town centre were emptied daily, others e.g. at train stations were emptied up to 3 times per week, others only once per week - based on usage;
- Use by businesses of public litter bins was monitored where possible, and Enforcement Officers visited offending businesses to remind them of their obligation to have their own waste disposal arrangements for their commercial use;
- Previous issues with Continental Landscapes over the emptying of litter bins in Dartford's parks had now been resolved.

The Chairman noted that there was no formal policy or procedure in place for the provision of new litter and dog bins [report para 3.8 agenda p. 45/46]. He expressed his concern regarding the lack of a formal process, and asked whether the replacement of litter bins was a reactive or proactive (intelligence led) process. He also asked what factors were used to determine the siting of new litter/dog waste bins.

SCRUTINY COMMITTEE

TUESDAY 20 NOVEMBER 2018

The Waste & Parks Manager confirmed that the replacement of dual litter/dog waste bins and the provision of new or additional bins, was a reactive process based on a number of factors and considerations:

- Was there already a bin at a location;
- How many shops/schools were located nearby;
- Was the location of the existing/proposed bin on a route used by school/college pupils;
- If so, were there shops nearby that those pupils used, particularly fast food outlet and/or convenience stores.

Complaints of [repeated] dog littering from residents in a specific location were taken into consideration when considering new bin provision. Increased bin provision was also considered by officers during the planning application process for new fast food outlets, which tended to generate increased levels of littering. Littering in private areas or where a road had yet to be 'adopted' were not the responsibility of the Council.

In response to a follow-up question from a Member regarding examples of pro-active Council policy, including going forward, and whether that future policy would be periodically checked, against developments in the litter and re-cycling field; the Waste & Parks Manager advised the following:

- Litter bin cost varied from £25 to as much as £5,000 for a 'Big-Belly' solar-powered bin with a crushing/compacting capacity – Dartford purchased towards the low-cost end of the litter bin market;
- Re-cycling efforts were being pushed across the Borough, but research showed that multi-compartment bins did not work well with residents, were labour intensive for contractors to empty, and consequently costly for the Council to install and run;
- The Council's present policy and for the future was straight forward: to purchase good quality standard litter and re-cycling bins that were economically priced;
- The Council's litter bin policy had been evolved by Officers over time based on their experience of what worked, it was not politically driven. Experience had shown that 'simple was best' and worked well, both for the Council and for residents. The more complex a litter collection process became, the greater opportunity for error, leading to resident dissatisfaction and eventually complaints.

The Waste & Parks Manager confirmed the following points in response to a number of further wide-ranging questions from individual Members:

- The Council did *not* accrue increased recycling credits from KCC in direct proportion to any increased tonnage of non-recyclable compacted waste that was processed at the KCC plant in Maidstone (or elsewhere) following transfer from Pepperhill;
- Any increased costs for the expanded recovery and processing of recyclable waste at Pepperhill [re-opened in September 2018] would

SCRUTINY COMMITTEE

TUESDAY 20 NOVEMBER 2018

fall to the Council: principally in the provision of new more complex compartmentalised or separate re-cycling bins and the resultant increased collection costs paid to contractors;

- Complaints from residents regarding the litter collection process as a whole, remained at 10-15 per month, which on a 2,000 bin per week collection operation was considered low.

The Chairman next addressed the topic of the Council's review of its current litter operation as notified by Cabinet but, to his recollection not yet reported on.

The Waste & Parks Manager advised Members that the Council's Review of Litter for Dartford as a whole remained ongoing. A mini review of the Town Centre had been completed and a joint review with Wilmington Parish Council was progressing, with similar joint reviews with all Parishes to follow in due course.

In response to specific questions from the Chairman and Members, he confirmed the following points:

- The purpose of the Review was to determine the present location of all bins [some pre-dated the 1980s]
- The number of proposed new litter bins was not yet known;
- There was scope in his existing annual budget for bin replacement, with recourse to greater funding on a needs basis as required;
- The priorities remained replacing small lidless bins attached to lampposts and bus stops, then other larger lidless bins on a like for like basis, with good quality robust bins from the economical end of the market;
- Not all litter bins would be replaced - many were in a good condition;
- The Town Centre, Longfield and Swanscombe retail areas benefited from metal bins on a perceived needs basis.

The Chairman thanked the Waste & Parks manager for his report and for his open and frank responses to Members' questions, and asked that the Minutes of the meeting be referred to Cabinet for response in due course.

RESOLVED:

1. That Members note the report;
2. That the Minutes of the meeting be referred to Cabinet for comment in due course.

27. COUNCIL'S MODERN ANTI-SLAVERY AND HUMAN TRAFFICKING STATEMENT [DRAW-DOWN]

The Chairman advised Members that he had drawn-down the Council's Statement on '*Modern Anti-Slavery and Human Trafficking*' on behalf of his Group in recognition of UK Anti-Slavery Day [18 October] and for the

SCRUTINY COMMITTEE

TUESDAY 20 NOVEMBER 2018

Committee to examine whether the Council's performance in these policy areas fulfilled the terms of its Statement, including their interactions with suppliers and partners, and whether there was any scope for more to be done in that respect. Depending on the outcome of their discussions, the Committee might wish to make a recommendation to Cabinet.

The Chairman opened the debate by stating that it was hugely positive that the Council had published their own Statement regarding '*Modern Anti-Slavery and Human Trafficking*' measures, procedures and practices. He noted that many Councils had not done so and invited the Cabinet Member present and the Strategic Director (External Services) to brief Members on the objectives of the Council's policy, as enshrined in its Statement [Agenda pages 47-53].

The Strategic Director (External Services) advised the Committee that she was not an expert on 'Modern Anti-Slavery and Human Trafficking' but was able to give Members the background to the Council's decision to publish a Statement, and also outline how her responsibilities as SD(ES) led to her involvement with and oversight of the Council's Statement.

On a personal working level, the Strategic Director (External Services) was Chair of the Council's corporate Safeguarding Steering Group and was heavily involved, on behalf of the Council, with the Community Safety Partnership (CSP). A principal part of the CSP's work was to agree and publish an Annual Strategic Assessment document which addressed, *inter alia*, Safeguarding, Modern Anti-Slavery and Human Trafficking issues in the Borough, how to identify them and the measures and resources required to address these issues together with CSP partners such as Kent Police and KCC.

At the time of publication of the parent legislation [Modern Slavery Act 2015] it had not been clear what demands the Act imposed on local authorities. The Council had decided to adopt its strictures as 'good working practice' and to demonstrate its willingness to address the issues the Act covered.

Since publication of its first Statement in 2017 the Council's policy had been one of promoting awareness and greater understanding of the subjects to its officers. Officers in the Community Safety Unit (CSU), Housing and Environmental Health services in particular, who potentially encountered the various issues on a daily basis whilst working in the community, had been equipped with the skills to recognise and appropriately reports concerns of potential modern day slavery and human trafficking. The Council had engaged outside experts in the field and liaised closely with colleagues from partner agencies to build up a greater awareness of the issues, and how to respond.

A Briefing Note to Members was an example of the Council raising awareness of the issues and who to contact when encountering them in their Wards and elsewhere. The most recent example of the Council raising awareness of the issues in the community, was the interactive training of licensed cab drivers in

SCRUTINY COMMITTEE

TUESDAY 20 NOVEMBER 2018

the Borough by Licencing Officers, in conjunction with colleagues from Kent Fire & Rescue and Kent Police. Licensed cab drivers had a key observer role to play in observing a wide range of possible offences that could give rise to concerns across the range of safeguarding subjects. The training enabled them to become more aware of passenger activity, how to interpret it and to think pro-actively in terms of reporting any concerns to the appropriate authorities.

The Council had also examined its relationships with existing contractors and suppliers, and procurement procedures required them to look at the Council Statement and ensure that their activities met the Council's thresholds in terms of preventing modern day slavery and human trafficking. Since adoption of the Act's strictures, and publication of the Council's first Statement in 2017, only one major procurement exercise had been undertaken by the authority, but a safeguarding element had been including in the letting terms for that contract, and the Council was in the process of updating all its procurement forms to better support its Statement on Modern Anti-Slavery and Human Trafficking.

The Chairman thanked the Strategic Director) for her detailed and comprehensive briefing of the Committee and proposed that Members now examine in detail, what was currently happening in the Dartford community [in terms of modern slavery and human trafficking] and what specific measures the Council was taking to combat these practices, via its procurement processes.

The Deputy Shadow Leader advised Members that the Co-operative Group were taking a lead in combating both modern day slavery and human trafficking. The Group estimated that some 136,000 individuals were presently subjected to the practices in the UK with the majority of victims being British born women and children. Recent arrests in Dover and West Malling testified to the practices taking place elsewhere in Kent and undoubtedly Dartford, in car washes and nail bars. He was heartened by the fact that the Council had a Statement on these issues and asked how it was reviewed on an annual basis [Statement - para 10 agenda pages 52/53].

The Strategic Director explained that the Council's present three performance indicators (PIs) used to measure how effective the Council had been in ensuring slavery and human trafficking were not taking place in any part of its business or supply chains [Statement para 10.1.1-3 refers]; had been chosen based upon what could be measured and on what other organisations were doing; although there were relatively few district authority examples to draw upon.

She advised that the Council had not received any reports of slavery or human trafficking in the Borough in the period under review to date, but advised Members that the Statement was only reflective of the Council's own position and activities. She was open to suggestions from Members on what might be incorporated into the 2019-20 Statement.

SCRUTINY COMMITTEE

TUESDAY 20 NOVEMBER 2018

In response to an expression of concern from the Vice-Chairman, regarding the appropriate prioritisation of Council resources; the Strategic Director advised Members that the Council was under a legal obligation to work with partners to meet its safeguarding obligations in all its work areas and to report any/all instances of abuse it encountered. Safeguarding measures were now implanted into all of the Council's daily processes and procedures, and specific training was given to Council Officers who worked externally in the community, and were more likely to encounter the issues in the course of their daily duties. She considered that this created very little additional work for the Council as a whole.

A Member judged the Council's response on these crucial issues to be appropriate in terms of staff training, and he commended in particular, the Council's initiative [together with Kent Fire & Rescue and Kent Police] to educate and enhance the awareness of taxi/mini cab drivers operating in the Borough to the issues of modern day slavery and human trafficking and how to combat them. Developing that theme, he asked what the Council perceived as its role in educating outside business to these issues.

The Strategic Director (External Services) advised that the relevant Council Officers engaged with business managers in the Borough over specific issues, and that a broader inter-action with business as a whole, was conducted through the Council's public website which could be used to bring the issues, more generally, to the attention of business.

In response to a separate question she advised that inter-action with churches over the issues was more problematical. Some churches reacted positively to the Council's overtures some did not, whilst others were difficult to engage at all. Who to contact in the event of concerns, had been detailed in the recent Briefing Note to Members. She confirmed that she was the Council's Safeguarding Champion, Tony Henley as Community Safety Manager was the operational lead in terms of safeguarding children, modern day slavery and human trafficking, and Peter Dosad as Head of Housing Services, was the operational lead for adult safeguarding.

In response to a specific question from the Chairman, the Cabinet Portfolio Holder for Strategic Council Finances & Major Capital Projects confirmed that the Council's Statement on Modern Anti-Slavery and Human Trafficking was endorsed by Cabinet and that the Council was seeking to continually improve its best practice over these issues, through the annual review process [Statement para 10 final sub-para, agenda p.53].

In response to further questions from individual Members, the Strategic Director (External Services) confirmed the following points:

- Traders who operated by permit or concession in the High Street, at Dartford Festival and/or other Council managed events in Dartford, were made aware of the Council's thresholds on safeguarding issues, but the Council was not able to investigate their supply chains;

SCRUTINY COMMITTEE

TUESDAY 20 NOVEMBER 2018

- The Council could withhold or *not* renew permits e.g. to market traders seeking to operate/continue to operate in the Borough, but would need to have '*good cause*' to take such action.

The Chairman saw an inherent risk for the Council in measuring the scale of modern day slavery and human trafficking in the Borough by the fact that no reports of such activity had been recorded in the previous 12 month period. He asked when the fact of '*no reports*' became a concern for the Council, rather than a re-assurance that its measures (as set out in its current Statement) were effective. Was there a danger that incidences of both modern day slavery and human trafficking in the Dartford community were *not* being picked up by the Council.

The Strategic Director (External Services) reminded Members that the current Statement enshrined the Council's procedures and practices to combat modern day slavery and human trafficking in the conduct of its own business, its suppliers and partners. The Council Statement did *not* seek to govern the wider Dartford community nor could it. If there was no Council connection to an alleged incidence of either abhorrent practice, the Council would/could not make a report.

The Chairman saw scope for the adoption of a holistic approach to tackle both issues. He noted in this respect, that the Council's Statement made no reference to a person's freedom to join a trade union in its measures. He suggested that membership of a trade union provided a person with the greatest protection against the dangers of being subjected to modern day slavery or human trafficking and he proposed that the measure be added to the Council's Statement to enhance its effectiveness.

Other Members saw dangers for smaller and medium sized businesses in the Borough, if trade union membership was made obligatory and believed the topic was covered by national legislation, and *not* therefore the remit of local authorities.

The Cabinet Portfolio Holder for Strategic Council Finances & Major Capital Projects saw value in supporting the suggestion that the Council encouraged its suppliers to allow representation, not necessarily by a trade union, for its workforce.

The Strategic Director (External Services) noted the Chairman's proposal and the comments of other Member's including the Cabinet Portfolio Holder. She advised that the Council could *not* interfere in the internal running of other organisation, bodies and companies in terms of trade union membership for its employees. However, the Council *did* ask its own suppliers and partners to sign-up to its safe-guarding ethos and thresholds, and she undertook to consider the suggestion of representation for inclusion in the next annual review of the Council's current Statement on Modern Anti-Slavery and Human Trafficking measures, due to be undertaken in September 2019.

SCRUTINY COMMITTEE

TUESDAY 20 NOVEMBER 2018

The Chairman thanked the Strategic Director (External Services) and Members for their contribution to a useful discussion of the Council's current Statement on Modern Anti-Slavery and Human Trafficking measures. He noted the Council's existing proactive measures as set-out in the Statement, and the assurances of the Cabinet Portfolio Holder and the SD(ES) that the proposals made by Members that evening would form part of Officer's annual review process of the current Statement, due in September 2019.

RESOLVED:

1. That Members note the contents of the Council's current Statement on Modern Anti-Slavery and Human Trafficking measures attached as Item 11 in the Agenda [pages 47-54];
2. That Members note the existing annual review process for the Council's Statement next due to be undertaken in September 2019.

28. ORCHARD THEATRE ANNUAL REPORT & ACCOUNTS FOR THE YEAR ENDING 31 MARCH 2018 [WP]

The covering report from the Leisure & Communities Officer attached as Appendices A, B and C respectively:

- (i) The Council's Monitoring Schedule for monitoring the provision of Services by HQ Theatre & Hospitality (HQT&H) for The Orchard Theatre Dartford Ltd (Appendix A to the report);
- (ii) The Orchard Theatre Director's Annual Report for the period 1 April 2017 to 31 March 2018 (Appendix B to the report);
- (iii) Orchard Theatre Dartford Ltd – Profit Share at 31 March 2018 (Appendix C to the report).

In the unfortunate absence of the report author due to illness, the Chairman asked Members to consider the report and Appendices as submitted in the Agenda.

Members expressed their appreciation of the Orchard Theatre Director's annual report for 2017/18 and the efforts of his team, and asked that this be recorded in the Minutes.

RESOLVED:

1. That Members note the contents of the 2017/18 Annual Report for the Orchard Theatre Dartford as set out in Appendix B to the covering report;
2. That Members note the Profit Share at 31 March 2018 for the Orchard Theatre Dartford Ltd as set out in Appendix C to the report.

SCRUTINY COMMITTEE

TUESDAY 20 NOVEMBER 2018

29. DARTFORD CRICKET CLUB [WP]

The covering report from the Leisure & Communities Officer enclosed a Community Use Information (CUI) sheet from Dartford Cricket Club (DCC) dated October 2018 at Appendix A to the report.

Following publication of the agenda, DCC had issued a revised CUI for October 2018 which was distributed to Members under separate cover as an Addendum. Members confirmed that they had received the revised material.

The Chairman asked if Members had any questions on the report and revised Appendix in the absence of the Leisure & Communities officer, they did not.

RESOLVED:

1. That Members note the contents of the report and revised Appendix A from Dartford Cricket Club dated October 2018.

30. SCRUTINY COMMITTEE ROLLING WORK PLAN 2018-19 [WP]

The report from the Committee Co-ordinator attached at Appendix A an updated Rolling Work Plan for 2018-19 and beyond.

He advised Members that currently, there were no scheduled Work Plan items for the Committee's meeting on 19 February 2019.

The Chairman asked Members to suggest topics for the February 2019 meeting, in addition to any items proposed via the agreed Draw-Down process, as set out in the Committee's Protocol.

RESOLVED:

1. That Members note the report and the contents of the Committee's current Rolling Work Plan, as set out in Appendix A to the report.

The meeting closed at 8.29 pm

Councillor J S Hawkes
CHAIRMAN