

DARTFORD BOROUGH COUNCIL

SCRUTINY COMMITTEE

MINUTES of the meeting of the Scrutiny Committee held on Tuesday 13 July 2021 at 7.00 pm.

PRESENT: Councillor Sacha Gosine (Chairman)
Councillor Brian Garden (Vice-Chairman)
Councillor Emma Ben Moussa
Councillor Sue Butterfill
Councillor Rosanna M Currans
Councillor Paul Cutler
Councillor Matthew Davis
Councillor Peter Harman
Councillor Danny Nicklen
Councillor Julie A Ozog
Councillor Ellenor E Palmer
Councillor Lucas J Reynolds
Councillor Avtar Sandhu MBE
Councillor Mrs Rebecca F Storey

ABSENT: Councillor John Burrell
Councillor Adrian Oakley-Dow
Councillor Victoria Oguntope
Councillor Tom Oliver
Councillor Denzil J Reynolds

Dartford Borough Council Officers:-

Sarah Martin – Chief Officer & Director of Corporate Services
Stephen Jefferson – Leisure & Communities Officer

CABINET MEMBERS: Councillor Jeremy A Kite MBE, Councillor Chris Shippam, Councillor Andy R Lloyd and Councillor Richard J Wells

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors; J Burrell, A J Oakley-Dow, V Oguntope, T Oliver and D J Reynolds (Substitute Cllr. M Davis).

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 17 NOVEMBER 2020

RESOLVED:

CHAIRMAN'S INITIALS

That the Minutes of the virtual meeting of the Committee held on 17 November 2020 via the Zoom platform be confirmed as an accurate record of those remote proceedings.

4. URGENT ITEMS

The Chairman confirmed that there were no urgent items for Members to consider.

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

None.

6. CHAIRMAN'S UPDATE

The Chairman welcomed Committee and attending Cabinet Members and Directors and presenting Officers, to the first in person meeting of the Scrutiny Committee since the second Government lock-down in 2020 to help combat the effects of the Coronavirus pandemic. He gave a special welcome to Councillor Ellenor Palmer who was attending her first meeting of the Committee since her recent election to office in May 2021.

7. FORWARD PLAN

The Chairman reminded the Committee that its purpose was to hold the Council to account for its policies and decision making processes, on behalf of Dartford residents and the greater good, and he encouraged Members to draw-down items from the published Regulation 9 Notice [Forward Plan] on any items they thought merited scrutiny by the Committee, either that evening or subsequently.

RESOLVED:

That Members note the contents of the Forward Plan (Regulation 9 Notice) for the period 15 June 2021 to 31 October 2021.

8. DRAW-DOWN - APPOINTMENT TO THE BOARD OF THE EBBSFLEET GARDEN CITY TRUST

The Chairman had drawn-down for consideration by the Committee on behalf of his Group, Cabinet Min. No. 4 of 27 May 2021 which advised, *inter alia*, of the appointment by Cabinet of Councillor D T Nicklen, to the Board of the Ebbsfleet Garden City Trust (EGCT) to represent the Council on that external body.

Prior to debate commencing Officers had confirmed that neither attending Cabinet Members nor Cllr. Nicklen [in attendance as a Member of the Committee], were conflicted and could remain in the Council Chamber and participate in the debate.

The Chairman asked the Leader of the Council [in his role as Chairman of Cabinet] what process had been followed in appointing Cllr. Nicklen to his role on the Board of the EGCT.

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The Leader of the Council informed the Committee that he [and the Leader of Gravesham Council] had received an informal email from the Chief Executive of the Trust on 20 May 2021 asking that each District Council nominate a Councillor to sit on the Board of the EGCT to represent their respective local authorities.

He advised the Chairman that the nomination of Councillors to represent the Council on an 'Outside Body' was an executive function of Cabinet. As such, nominations to Outside bodies were drawn from the Conservative Group as the majority political Group forming the Administration of the Council. Such appointments were not governed by any considerations of political proportionality as pertained to the nominations by Group Leaders of their Members to sit on the Council's varied Committees, Boards and Panels, providing the size of the Council body permitted such representation on a proportional basis from minority political Groups forming the General Assembly of the Council, together with the majority Conservative political Group.

As Cabinet Chairman the Leader had nominated Cllr. Nicklen for the role which Cabinet had endorsed at its meeting on 27 May 2021 [Min. No. 4 refers]. The appointment would be formally advised to the General Assembly of the Council (GAC) at its next meeting on 26 July 2021, in accordance with the established process of advising all such appointments by Cabinet of Councillors to 'Outside Bodies', as set out in the agenda for the Annual Meeting of the Council each year, most recently on 28 April 2021 [GAC agenda Appendix Y Min. No. 21 refers].

In response to a specific question from the Shadow Portfolio Holder for Local Democracy and Community Involvement, the Leader of the Council advised that Cllr. Nicklen's role representing the Council on the Trust Board was to ensure strong management and efficient service delivery on behalf of Dartford residents, within the Trust's legal framework and responsibility for the ownership of its land holdings and assets and the generation of income to sustain those assets.

In response to a further question from the Chairman, with regard to the specific appointment of Cllr. Nicklen to the role of Council representative on the Trust Board, the Leader advised that it was made primarily on the basis that Cllr. Nicklen was an Ebbsfleet Councillor and resident, and had previously been proactive in monitoring the development of the Ebbsfleet Garden City project on behalf of local residents, and his appointment to the EGCT Board was made on that basis.

Several Members spoke in support of Cllr. Nicklen's appointment to the Trust Board and the logic of the process followed by Cabinet in arriving at its decision and wished him well in his new role on behalf of the Council.

Cllr. Nicklen thanked Members' for their support and good wishes and undertook to report back to the Committee on the Trust's progress in the future.

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RESOLVED:

1. That Members' note the appointment of Councillor D T Nicklen to represent the Council on the Board of the Ebbsfleet Garden City Trust by Cabinet on 27 May 2021 [Cabinet Min. No. 4 refers].

9. DRAW-DOWN - LOCAL AUTHORITY REMOTE MEETINGS - COUNCIL'S RESPONSE TO CALL FOR EVIDENCE AND ANCILLARY MATTERS, CABINET 27 MAY 2021

The Chairman had drawn-down on behalf of his Group for discussion by the Committee, Cabinet Min. No. 10 of 27 May 2021, which recorded in detail the decision by Cabinet that the Council should continue to hold its statutory and decision making meetings in person and at a physical location, following the expiry on 7 May 2021 of the Government's emergency statutory legislation passed in 2020, which had enabled local authorities to hold meetings remotely during the Coronavirus pandemic.

The Cabinet decision also took note of the High Court decision in April 2021 that local authorities could not continue to hold virtual meetings after 7 May 2021 under the existing legislation [Local Government Act 1972 (as amended)], but must hold meetings in person at a stated location. Cabinet also resolved on 27 May that the Council's response to the Government's 'call for evidence' should make clear that the Council intended to hold its statutory and decision making meetings in person going forward, subject to local decision.

The Shadow Lead Member for Local Democracy and Community Involvement sought clarification on the finality of the Cabinet decision taken on 27 May 2021 concerning the ending of remote Council meetings, whether there was any scope for the resumption of remote Council meetings in the future, what role was proposed for the cross-party discussion group proposed by the Leader [Cabinet Min. No. 10 refers], who would sit on it and when it would convene.

The Leader of the Council confirmed that his proposal for a cross-party group of Members to consider the topic of remote and hybrid Council meetings in the future [Cabinet Min. No. 10 refers] remained on the table. The proposal had not been progressed since 27 May on cost grounds initially [as set out in general terms in those minutes - agenda p.13 fourth para refers]. Nor subsequently, following the draw-down of the Cabinet minutes by the Labour Group for discussion by the Scrutiny Committee on 13 July. He proposed that pending the outcome of debate that evening, his proposal for a cross-party group of Members to discuss the possibilities of remote and hybrid Council meetings in the future be taken forward.

RESOLVED:

1. That Members note the contents of Cabinet Min. No. 10 of 27 May 2021[agenda item 9 refers];
2. That the proposal by the Leader of the Council to establish a cross-party group of Members to consider the topic of holding remote Council meetings in the future be implemented;

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3. That the cross-party group report back to the Committee on their findings.

10. KEY URGENT CABINET DECISION TAKEN UNDER STANDING ORDER 54(7) - PURCHASE OF LAND FOR COUNCIL HOUSING

The report and appendices from the Democratic Services Manager informed the Committee of a key decision taken by Cabinet on 27 May 2021 under Standing Order 54(7) which had been taken on grounds of urgency, to enable the Council to submit a timely bid for the purchase of land in Dartford Town Centre for Council Housing.

The time critical nature of the decision, had precluded its inclusion in the Council's published Forward Plan (Regulation 9 Notice) as required prior to Cabinet, and it had been subsequently added to the Cabinet agenda for 27 May by applying the special urgency provisions contained in Standing Order 54(7), which also require that any such decision taken by Cabinet be reported to the next meeting of the Scrutiny Committee.

Members were informed that in the event, the Council's bid had been unsuccessful, but that Standing Orders required that the Committee be formally notified of the action taken by Cabinet.

RESOLVED:

1. That Members note the report and the publication of the Regulation 11 Notice [report Appendix A refers] in accordance with Standing Order 54(7), relating to the key urgent decision taken by the Cabinet on 27 May 2021, to allow the Council to bid for land in Dartford Town Centre for Council housing.

11. ORCHARD THEATRE ANNUAL REPORT AND ACCOUNTS 2019-20

The covering report from the Leisure & Communities Officer presented the Annual Report & Accounts 2019/20 for The Orchard Theatre, on behalf of the management company Orchard Theatre Dartford Limited (attached as Appendix B to the report). The Theatre accounts for the year ended 31 March 2019 were attached as Appendix C and the Council's Monitoring Schedule of performance attached as Appendix A to the report.

Members were advised that the enforced closure of The Orchard theatre due to the ongoing Coronavirus pandemic, had enabled significant planned refurbishments to the building to take place including; increased capacity, new auditorium seating, new lighting and sound systems and improved access for wheelchair users [report p.16 agenda p.47 refers].

Members praised the efforts of the Theatre Director in the period under review, and gave particular praise to the new expanded and creative format of the annual report, which successfully conveyed the 'magic of the theatre' with its colourful format and graphics.

CHAIRMAN'S INITIALS

Post Meeting Update

In response to a Member's enquiry regarding the Premier Card scheme [report p.8 agenda p.39 refers], the Theatre Management team had subsequently confirmed that the scheme was still in place, had a membership of 2,800 and that discounted bookings could still be made online. Membership renewals due during lock-down had been extended by 12 months.

RESOLVED:

1. That Members note the Annual Report & Accounts 2019/20 for The Orchard Theatre Dartford.

12. COMMITTEE ANNUAL REPORT FOR PRECEDING 2020-21 MUNICIPAL CYCLE

The covering report from the Committee Co-ordinator enclosed at Appendix A a draft annual report on the work undertaken by the Committee in the preceding 2020-21 municipal year. The Committee's Protocol and Terms of Reference (ToRs) were attached as appendices B and C respectively.

RESOLVED:

1. That Members note the report and approve its submission to the General Assembly of the Council as presented with their thanks.

13. COMMITTEE WORK PLAN FOR 2021-22 MUNICIPAL CYCLE

The report from the Committee Co-ordinator attached at Appendix A for Members consideration, a draft Work Plan for the remainder of the 2021-22 municipal cycle.

RESOLVED:

1. That Members note the report and Work Plan attached at Appendix A.

The meeting closed at 7.45 pm

Councillor S N Gosine
CHAIRMAN

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