

KENT COUNTY COUNCIL

CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 21 October 2009.

PRESENT: Mrs T Dean (Chairman), Mr R W Bayford, Mr R Brookbank, Mr L Christie, Mr G A Horne MBE, Mr E E C Hotson, Mr M J Jarvis, Mr R E King, Mrs J Law, Mr R J Lees and Mr R F Manning

ALSO PRESENT: Mr N J D Chard, Mr A J King, MBE and Mr L B Ridings

IN ATTENDANCE: Mr G Wild (Director of Law and Governance), Mr D Hall (Head of Transport & Development), Mrs A Gamby (Head of Early Years & Childcare), Ms J Smith (Children's Centre Project Manager), Mr P Sass (Head of Democratic Services and Local Leadership) and Mrs A Taylor (Research Officer to Cabinet Scrutiny Committee)

UNRESTRICTED ITEMS

19. Minutes - 23 September 2009
(Item. A3)

RESOLVED: That subject to the correction of a typing error in paragraph 18(7) the minutes for the meeting held on 23 September are correctly recorded and that they be signed by the Chairman.

20. Informal Member Group on Budgetary Issues - 7 October 2009
(Item. A4)

A query was raised about the procedure regarding reports back to the Budget IMG and whether questions could be raised in relation to Budget IMG agendas at Cabinet Scrutiny Committee. Mr Sass explained that regarding the Development Contributions item discussed at the last meeting of the Budget IMG, the subsequent meeting of Officers and Dover District Council had gone well and Officers would report back to all Members of the Cabinet Scrutiny Committee with an update on the current situation.

Mr Wild explained to the Committee that across the county there had been a change of direction by the districts regarding their involvement of the County Council in Section 106 agreements. The County Council was in a difficult position and whilst it could continue to seek to exert influence it had no direct bargaining power in that regard, however no party was acting inappropriately.

It was agreed that the Chairman and Vice-chairmen would discuss how to take this issue forward after the Cabinet Scrutiny Committee meeting.

RESOLVED that the Chairman and Vice-chairmen discuss how the issue of developer contributions be taken forward and that the Cabinet Scrutiny Committee approve the notes of the Budget IMG held on 7 October 2009.

POST MEETING NOTE: The Chairman and Vice-chairmen decided that there would be an urgent meeting of the IMG on Budgetary Issues to hear the outcome of the meeting with Dover District Council and to decide how to take the issue forward in light of that discussion. The local Member would be invited to the Budget IMG and it was open to any Member to attend. This was held on 27 November and the minutes of that meeting will be submitted to the Cabinet Scrutiny Committee on 9 December 2009.

21. Follow-up Items from Cabinet Scrutiny Committee
(Item. A5)

The letter to the Chairmen of the Personnel Committee would be sent off following the meeting after approval from the Chairman and Vice-chairmen.

RESOLVED that the Cabinet Scrutiny Committee notes the follow up items report.

22. The Overview and Scrutiny Function as a Result of the Decision made at County Council on 15 October 2009
(Item. B1)

Mr A J King MBE, Deputy Leader, and Mr G Wild, Director of Law and Governance were present for this item.

The Chairman explained that the report regarding the reorganisation of the Overview and Scrutiny function had been discussed by the County Council on 15 October and the decision of the County Council would result in changes to the Cabinet Scrutiny Committee's terms of reference.

Mr King explained to Members that it was hoped that clarifying the role of the Cabinet Scrutiny Committee and strengthening the Scrutiny Board would result in more clarity and be beneficial to the ways in which the Council operated. The constitution was in the process of being altered to reflect the decision made at the County Council meeting. Mr Wild explained that changes to the articles of the constitution could only take place after the County Council meeting in December, but changes to the appendices could be made immediately. All Members would be made aware of the changes. The changes to the terms of reference of the Committee were capable of having immediate effect, however until the Scrutiny Board was to meet decisions taken would still need to be scrutinised which would fall to the Cabinet Scrutiny Committee.

The Chairman asked whether the agenda planning for the Scrutiny Board would continue in a similar way to that of the Cabinet Scrutiny Committee, i.e. that opposition Members were able to request that items be placed on an agenda with a majority vote of the other spokespeople and not necessarily the agreement of the administration. In response Mr King stated that it was the intention to allow Members to play a fuller part in the Policy Overview and Scrutiny Committees and that he would not expect the Scrutiny Board to be any less robust.

Mr Hotson stated that there would be a meeting of the Scrutiny board during the remainder of 2009, and as he was Chairman, the opposition would continue to have input into the agenda planning.

The Chairman asked for clarification on the forward plan and it covering a period of 6 months instead of the current 4 months. Mr King stated that it was being worked on, it was intended that the Forward Plan continue to contain 4 months worth of information with 2 months indicative information added to it. Mr Wild explained that there was a real opportunity to make the Forward Plan a more useable, practical and open document than it was at present. The constitution contained the right for all members of the Overview and Scrutiny Committee to insist that an item be placed on an agenda and in addition the Councillor Call for Action would widen the scope of all Members to request that items be considered at Committee level. In response to a question Mr Wild explained that the law stated that any Member of a Committee had the right to require that that Committee placed an issue on its agenda, and therefore it suggested that non Committee Members did not have the same right, however Councillor Call for Action would change this.

The Chairman asked about how the recommendations on the IMG on Member Information were being progressed. Mr King explained that he hoped that by the time the Information Point Management Board was to meet an answer would be available.

RESOLVED: that the Cabinet Scrutiny Committee:-

1. Thank Mr A. King and Mr G. Wild for attending the meeting and answering Members' questions.
2. Welcome the assurance from the Deputy Leader that there would be an early meeting of the Scrutiny Board
3. Welcome the assurance from the Deputy Leader that all party representatives would retain the right to place relevant items on the Scrutiny Board and O&S Committee agendas
4. Welcome the assurance of the Deputy Leader that the recommendations of the IMG on Member Information would be progressed at the next meeting of the Information Management Board

23. The Decision to Review the Children's Centres Programme
(Item. B2)

Mr R Lees declared a personal interest in item B2 as a Member on 2 Children's Centres Steering Committees in his division.

Mr Ridings, Deputy Cabinet Member for Vulnerable Children, Mrs Gamby, Head of Early Years and Childcare (Operations) and Ms Smith, Children's Centre Project Manager were present for this item.

The Chairman invited Mr Wedgbury to join the Committee for the debate as he had requested that he be given the opportunity to ask some questions. Members had received a letter from the Cabinet Member for Children, Families and Education which raised a number of questions about why the review was being conducted, what form it might take and how many Children's Centres might be affected.

Mr Ridings explained that the review was work in progress; there were three round of children's centre development, round one contained 20 centres, round two

involved 52 centres and that work was either complete or substantially complete, round three involved a maximum of 30 additional children's centres to ensure that whole county coverage is provided. It was expected that the review work would be complete by the end of October/first week in November, to allow it to be reported to Cabinet on 30 November. It would also be reported to the Children Families and Education Learning Policy Overview and Scrutiny Committee at an appropriate time.

Mr Christie raised his concerns about this being a quick review of a major issue, affecting all the children's centres; he asked why the review was being carried out at this stage and where the input for local Members would be allowed? Was the review financially led?

Mrs Gamby explained that the review was fundamentally a look at the round three children's centres with the intention of ensuring that the round three centres are in the most appropriate location and that they were serving the needs of the community. Looking at the round three centres may have implications for rounds one and two centres in the surrounding areas. The Government had lodged a Surestart enquiry to determine whether children's centres across the country were reaching the children and families that were in most need. Children's centres were revenue funded through the Surestart grant, revenue funding was secure until March 2011, it was expected that funding would continue beyond that date however the actual funding from April 2011 was unknown. In response to the point about local Member input the review was looking at what had already been consulted upon to ensure that it is fit for purpose. Mrs Gamby agreed to write to local Members affected by the review of the round three centres to give them the opportunity to be involved.

Mr Horne asked how many children's centres had been considered and put forward but had not gone ahead? Of those which had not gone ahead; how was the lack (assuming the centre was proposed because there was a need) being addressed? Mrs Gamby explained that for the round two centres, 64 were proposed and 52 were completed. Mr Horne would follow his query up with Mrs Gamby after the meeting.

Mr Wedgbury raised his concerns about the sustainability of the associated services, as it was important to ensure that the voluntary services were sustainable. Regarding consultation, Mr Wedgbury asked whether District Councillors and Parish and Town Councillors would be consulted as part of the review, and whether Officers had considered premises that District Councils owned for children's centres. Mrs Gamby explained that the sustainability of the children's centres was tied up with the revenue funding. The children's centres integrated a wide range of services, and the round three proposals involved extensive consultation through the local children's services partnerships which should have included all relevant local partners. Mrs Gamby reminded Members that if they were aware of a local premises which might be a suitable location for a children's centre officers would be pleased to follow it up. Officers worked hard to reach the more isolated families and to encourage them to become part of the children's centre. Mr Ridings confirmed that in the early stages of the development of Children's Centres discussions were had with other organisations to ensure that the Council was not treading on the toes of the other organisations as much as possible. In relation to the buildings available for Children's Centres Ms Smith explained that there were restrictions on the buildings such as Disability Discrimination Act limitations.

Mr Christie raised his concerns that the review would affect not only round three, but rounds one and two as well. The letter from the Cabinet Member referred to potential for 'fewer centres' Mr Christie had concerns that this required a fundamental review of the children's centres and that it was vital to liaise with local Members throughout the review not only at the conclusion of the review.

Mr Lees supported Mr Christie's concerns and that fewer centres might make the centres less accessible. Mrs Gamby explained that the Council would have to demonstrate to the Department for Children Schools and Families (DCSF) that the services required were still being provided. Mrs Dean asked whether the round three centres were predominantly providing outreach work, and Ms Smith confirmed that they were serving areas which the DCSF would categorised as affluent but with pockets of deprivation. The Council had been working with Together for Children and many authorities were reviewing their round three centres.

In response to a question from Mrs Dean Mrs Gamby explained that if the review resulted in a lower capital cost saving to the County Council it would be beneficial.

RESOLVED that the Cabinet Scrutiny Committee:

1. Thank Mr Ridings, Mrs Gamby and Ms Smith for attending the meeting and answering Members' questions;
2. Ask Mrs Gamby to advise all Members of the Round 3 Children's Centres which would be affected by the review;
3. Highlight Members' concerns about the lack of Member engagement at the beginning of this review.

24. Kent Highways Services and the Process for Local Member Input
(Item. B3)

Mr N Chard, Cabinet Member for Environment, Highways and Waste and Mr D Hall, Head of Transport and Development were present for this item.

The Chairman explained that the process for local Member input into Highways issues was the subject of a recent County Council question, a copy of which had been tabled for Members' information; the issue had been called to the Cabinet Scrutiny Committee by all three groups.

Mr Manning expressed his view that the answers given at the County Council meeting posed more questions than they answered. Mr Manning asked how the new operating structure would work, and how the Environment, Highways and Waste Policy Overview Committee would be able to play a proactive role in the process. He also questioned the way the decision to disband the Highways Advisory Board was taken and how the change had been implemented.

Mr Chard explained that when he was made Cabinet Member for Environment, Highways and Waste he was made aware that the Highways Advisory Board no longer existed and that its role would be undertaken by the Policy Overview Committee. The Joint Transportation Boards were a valuable group which it was

hoped would be strengthened. Where contentious issues were raised at a Joint Transportation Board it was important for someone to take a strategic view before the decision was taken. It was felt that the Highways Advisory Board was not adding any great value to the process and it was delaying the implementation of decisions. Under the current structure contentious issues could be referred from the Joint Transportation Board to the Policy Overview Committee.

Mr Hotson asked for confirmation that discussions would be had with the District Councils to enter into new agreements to reflect the changes made when the Highways Advisory Board was subsumed into the Environment, Highways and Waste Policy Overview Committee. Mr Chard confirmed that he would ensure that the correct process was followed.

Mr Christie raised his concerns that there should be a forum (previously the Highways Advisory Board) at which the Joint Transportation Board could put forward their case to an elected body before a recommendation was made. He understood from previous answers by the Cabinet Member that this forum would now be the Environment, Highways and Waste Policy Overview Committee, but were the JTBs aware? Mr Chard explained that previously there had been poor communication between the Joint Transportation Board Chairmen and the Cabinet Member. A meeting had been held recently between those parties and there was a desire to hold a seminar (4 November 2009) on the Scheme Prioritisation System and meetings would continue. There was now also the ability for the Cabinet Member to email District, Parish and Town Council Members to share information and there was the option for regular updates on road closures etc. Mr Chard would seek clarification on the mechanism for putting items from the Joint Transportation Board onto the Environment, Highways and Waste Policy Overview Committee agenda.

Mr R. King had concerns about the demise of the Kent Transport Board; there was a need for a forum in Kent to discuss the strategic issues of transport policy. Mr Chard stated that the Integrated Transport Strategy was due to be published, the Policy Overview Committee would then have an opportunity to debate the strategy, there was a good opportunity for the Policy Overview Committee to look at the integration of all methods of transport.

Mr Bayford asked who decided which items were 'contentious', was it possible for someone on the Joint Transportation Board to put an item on the Policy Overview Committee agenda if they were not a KCC Member? Mr Chard explained that it was possible for non KCC Members to put items on the Policy Overview Committee agenda and further discussions to clarify that point would be had following the meeting. Mrs Dean asked whether the Policy Overview Committee had the capacity to accommodate some of the detailed contentious items raised by the Joint Transportation Board, and pointed out that the Policy Overview Committee had the ability to set up sub-committees to deal with issues which required a faster decision. Mr Sass confirmed that he would work with the Cabinet Member and Officers to produce some guidance on 'contentious' issues and how issues would be referred on to the Policy Overview Committee.

Mr Horne supported the Joint Transportation Boards but Officer representation and Membership of the boards was crucial for their success. Mr Chard explained that it was important to understand the views of local communities, it is the opportunity for

local Members to provide local knowledge and that was a valuable role in the process.

It was suggested that the Cabinet Scrutiny Committee review the issue again in six months time to see how the process was working. Mr Chard confirmed that he raised the issues with the Chairmen of the Joint Transportation Board and he would welcome a review in six months time.

RESOLVED that the Cabinet Scrutiny Committee:

1. Thank Mr N. Chard and Mr D. Hall for attending the meeting and answering Members' questions
2. Welcome the assurance of the Cabinet Member that Joint Transportation Boards will continue to meet
3. Expresses concern that the decision to subsume the Highways Advisory Board into the Policy Overview and Scrutiny Committee had not been sufficiently thought through and without back bench Member involvement, with particular reference to the role of the Joint Transportation Boards.
4. Requests that the Cabinet Member, in consultation with the Head of Democratic Services and Local Leadership and highways officers consider the following matters:
 - a. The process for ensuring that contentious matters emanating from Joint Transportation Boards are placed before the Environment, Highways and Waste Policy Overview and Scrutiny Committee, including specific guidance on what constitutes a "contentious" matter
 - b. The appropriate amendments that need to be made to the various agreements in place between the County Council and District/Borough Councils with regard to the composition and operation of Joint Transportation Boards
 - c. The frequency of Environment, Highways and Waste Policy Overview and Scrutiny Committee meetings, and whether they can accommodate the need to raise individual highways issues.
 - d. The outcome of these discussions be reported to the Cabinet Scrutiny Committee.
5. Welcome the Cabinet Member's assurance that he would take the views of the Cabinet Scrutiny Committee on board and that the issue should be reviewed again by the Cabinet Scrutiny Committee in 6 months time.