



AGENDA

CABINET SCRUTINY COMMITTEE

Wednesday, 21st October, 2009, at 10.00 am Ask for: **Peter Sass**
Darent Room, Sessions House, County Hall, Telephone: **01622 694002**
Maidstone

Refreshments will be available 15 minutes before the start of the meeting

Timing of items as shown below is approximate and subject to change.

County Councillors who are not Members of the Committee but who wish to ask questions at the meeting are asked to notify the Chairman of their questions in advance.

Please note that this meeting will be webcast

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

- A1 Substitutes
- A2 Declarations of Interests by Members in Items on the Agenda for this Meeting
- A3 Minutes - 23 September 2009 (Pages 1 - 6)
- A4 Informal Member Group on Budgetary Issues - 7 October 2009 (Pages 7 - 10)
- A5 Follow-up Items from Cabinet Scrutiny Committee (Pages 11 - 14)

B. FOR THE COMMITTEE'S CONSIDERATION

- B1 The Overview and Scrutiny Function as a Result of the Decision made at County Council on 15 October 2009 (Pages 15 - 24)
Mr A J King, Deputy Leader and Cabinet Member for Localism and Partnerships; Mr G Wild, Director of Law & Governance; and Mr P D Wickenden, Overview, Scrutiny and Localism Manager, will attend the meeting from 10.15 am to 11.00 am to answer Members' questions.
- B2 The Decision to Review the Children's Centres Programme (Pages 25 - 28)
Mr L B Ridings, Deputy Cabinet Member for Children, Families & Education; Mrs A Gamby, Head of Early Years and Childcare; and Ms J Smith (Children's Centre Project Manager), will attend the meeting from 11.00 am to 11.30 am to answer Members' questions on this item.

B3 Kent Highways Services and the Process for Local Member Input (Pages 29 - 38)

Mr N Chard, Cabinet Member for Environment, Highways and Waste; and Mr D Hall, Head of Transport and Development, will attend the meeting from 11.30 am to 12 noon to answer Members' questions on this item.

C. CABINET/CABINET MEMBER DECISIONS AT VARIANCE TO APPROVED BUDGET OR POLICY FRAMEWORK

No items.

D. CABINET DECISIONS

No Cabinet decisions have been proposed for call in but any Member of the Committee is entitled to propose discussion and/or postponement of any decision taken by the Cabinet at its last meeting.

(Members who wish to exercise their right under this item are asked to notify the Head of Democratic Services and Local Leadership of the decision concerned in advance.)

E. CABINET MEMBER DECISIONS

No items.

F. OFFICER AND COUNCIL COMMITTEE DECISIONS

No Officer or Council Committee decisions have been proposed for call in but the Committee may resolve to consider any decisions taken since its last meeting by an Officer or Council Committee exercising functions delegated to it by the Council.

(Members who wish to propose that the Committee should consider any Officer or Council Committee decision are asked to inform the Head of Democratic Services and Local Leadership of the decision concerned in advance.)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

Tuesday, 13 October 2009

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

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, 23 September 2009.

PRESENT: Mrs T Dean (Chairman), Mr R Brookbank, Mr L Christie, Mr C Hibberd (Substitute for Mr R E King), Mr E E C Hotson, Mr M J Jarvis, Mr J A Kite, Mrs J Law, Mr R J Lees, Mr R F Manning, Mr R J Parry (Substitute for Mr A R Chell) and Mr J E Scholes

ALSO PRESENT: Mr A J King, MBE

IN ATTENDANCE: Mr P D Wickenden (Overview, Scrutiny and Localism Manager), Mr E Thomas (Policy Officer), Mr P Sass (Head of Democratic Services and Local Leadership) and Mrs A Taylor (Research Officer to Cabinet Scrutiny Committee)

UNRESTRICTED ITEMS**13. Minutes - 21 July 2009**

(Item A3)

RESOLVED that the minutes for the meeting held on 21 July 2009 are correctly recorded and that they be signed by the Chairman.

14. Minutes of Extraordinary Meeting - 5 August 2009

(Item A4)

- (1) The Chairman explained that she had declared the item on the 21 July meeting agenda as urgent due to the timing of the Kent TV contract, the decision was taken on 15 July, not during Purdah as had been suggested.
- (2) The Chairman asked whether Members wished that the issues regarding the quality of information provided to Members and any disparity between the Officer Code of Conduct and the Member Code of Conduct be referred onto another Committee. The Committee agreed to request that the Personnel Committee review the Officer and Member Code of Conduct with regard to situations where a potential conflict of interest, real or perceived is encountered.
- (3) RESOLVED that:
 1. The Cabinet Scrutiny Committee request that the Personnel Committee review the Officer and Member Code of Conduct with regard to situations where a potential conflict of interest, real or perceived is encountered;
 2. The minutes for the meeting held on 5 August 2009 are correctly recorded and that they be signed by the Chairman.

15. Follow-up Items from Cabinet Scrutiny Committee

(Item A5)

- (1) Mrs Taylor would follow up the report back on the Managing Motorways and Trunk Roads contract and the future of communications seminar previous requested by the Committee.
- (2) Mr Parry supported a visit to the IBM research facility in Hampshire and Mrs Taylor would liaise with Officers to follow this up.
- (3) Members were content with the information provided by Personnel in relation to previous queries.
- (4) In relation to the Freedom Pass, Members agreed that a letter be sent from the Chairman and Vice-chairmen of the Committee to the Cabinet Member and Officer setting out the previous comments of the Committee regarding the Freedom Pass and requesting that these be taken into account when the scheme is reviewed.
- (5) RESOLVED that the report be noted subject to the above points.

16. Informal Member Group on Budgetary Issues - 11 September 2009

(Item A6)

- (1) Mr Sass referred to item 3 on the Budget IMG notes which referred to the SIMALTO methodology. This was an online consultation tool that gave users information about current service provision and allowed users to consider and prioritise the options available to them. The members of the Budget IMG had been supportive of the principle subject to further discussion around the timeframe.
- (2) Mrs Law and Mr Scholes had had experience of the SIMALTO system in their district authorities, where it worked well. Members considered that the system should be piloted this year and that lessons could be learnt from Tunbridge Wells Borough Council and Canterbury City Council on the advantages and disadvantages of the system.
- (3) RESOLVED that the Cabinet Scrutiny Committee endorse the recommendations of the Budget IMG and support the SIMALTO system, in principle, subject to further discussion regarding timescale and cost.

17. Potential to Refocus and Restructure the Overview and Scrutiny Function

(Item B1)

Mr A J King MBE, Deputy Leader of the Council and Mr P Wickenden, Overview, Scrutiny and Localism Manager were present for this item.

- (1) Mr A King introduced the report on the potential to refocus and restructure the Overview and Scrutiny function. The report had previously been considered

by the Policy Overview Co-ordinating Committee and 4 other Policy Overview Committees and the notes of those meetings had been tabled for Members' information. Mr King reminded Members that the Cabinet Scrutiny Committee (CSC) had a specific purpose; to review the decisions of Cabinet and Cabinet Members and the Policy Overview Committees (POCs) had a role in challenging service delivery and policy development. There was a statutory requirement to have a Committee with the power to 'call-in' decisions and there was an important relationship between the CSC and the POCs. The agenda for the 15 October County Council meeting would include a recommendation from Cabinet drawing on all the discussions had relating to the potential to refocus and restructure the O&S function.

- (2) Mr Kite explained that there was a danger in some authorities of scrutiny being corrosive and divisive and there was no room for a scrutiny committee to be a constant critic of Council business. There was a 'family' of decision making bodies working together for residents. The end user should have a voice, through Members or through widening the publicity of scrutiny. There was a possibility of asking for evidence for scrutiny reviews from residents so that Members were better informed of public perception when making decisions.
- (3) Mr Hotson stated that the Council should be working more closely with the media and further opportunities to seek the views of services users should be explored. Mr Brookbank highlighted the decline in popularity of traditional newspapers and the Council should concentrate on new technology to engage residents.
- (4) Mr Parry stated that it was the role of the elected Member to articulate the views of the public, to identify areas of concern and bring them to the relevant Committee.
- (5) The Chairman identified the Forward Plan as an area for improvement to enable overview and scrutiny activity to be better planned, resourced and delivered.
- (6) Members discussed the role of Local Boards in scrutiny; they were very effective as a means of learning about public views. Mr Wickenden gave an example of an area issue being raised and discussed in a neighbourhood forum in Dover which was then taken up and scrutinised by Dover District Council's Overview and Scrutiny Committee. Neighbourhood Forums were an effective way of ensuring that the public and voluntary organisations were able to express their views.
- (7) Members were divided in relation to the effectiveness of petitions.
- (8) Select Committees were favoured by Members of the Committee as a positive way of reviewing topics of concern. However reports could become too aspirational and unachievable and one Member requested more review of select committee reports before they were submitted to the Cabinet.
- (9) Members agreed that there was a need to untangle the work of the Select Committees, the Policy Overview Committees and the Cabinet Scrutiny Committee. There were benefits to holding the Cabinet to account but there

was a need to strengthen the role of the POCs and Select Committees. A number of Members did not believe that the Cabinet Scrutiny Committee was the most appropriate place to deliver pre-decision scrutiny.

- (10) Members discussed the resources available for Select Committee work; as these were considered to be one of the most valuable aspects of the Overview and Scrutiny process. Currently three select committees reviews were undertaken in the same year.
- (11) Mr King stated that there was a need to develop the Overview and Scrutiny function for the future and there was an opportunity to capitalise on the expertise of individual Members as rapporteurs. The model used at Essex was interesting and would be investigated further, it would not be possible to create vast new resources to support the work of rapporteurs, there would be a need for Members to undertake work themselves.
- (12) RESOLVED that the Cabinet Scrutiny Committee:
 1. Thank Mr King and Mr Wickenden for attending the meeting and answering Members questions;
 2. Agree that the roles of the Cabinet Scrutiny Committee, POCC and POCs need to be more clearly defined, particularly in relation to policy development and post-decision call in;
 3. Request that the Leader ensures that the Forward Plan is as complete and detailed as possible to enable overview and scrutiny activity to be better planned, resourced and delivered;
 4. Request the Leader to ensure that the Cabinet provides as much information as possible when reporting back on recommendations made to it by Overview and Scrutiny Committees, including reasons being offered for not agreeing to any particular recommendations;
 5. Agreed to ask the Cabinet to acknowledge the vital role of local boards and neighbourhood forums in the overview and scrutiny process and use these deliberative structures to engage more with the public;
 6. Request that consideration is given to allowing Overview and Scrutiny Committees to introduce more innovative ways of seeking the views/evidence of service users, perhaps by involving the media and increasing the use of technology;
 7. Ask the Cabinet to re-examine the resources available for Select Committees, as this was regarded by all as one of the most valuable parts of the Overview and Scrutiny process.

18. Strengthening Local Democracy Consultation Response

(Item C1)

Mr A J King MBE, Deputy Leader, Mr P Wickenden, Overview, Scrutiny and Localism Manager and Mr E Thomas, Policy Officer were present for this item

- (1) Mr King explained that he had expected the discussion on the consultation response which was had at the Policy Overview Co-ordinating Committee

would have been sufficient, however the response had not yet been signed off and therefore any points made by the Cabinet Scrutiny Committee would be considered.

- (2) In response to a question from the Chairman regarding the 'Power of General Competence' and the 'subsidiarity' principle Mr Thomas clarified that the central-local Government balance needed to be enshrined in legislation to avoid confusion. The 'Power of General Competence' was thought to be vague whereas the subsidiarity principle was more specific; decision making at the lowest appropriate level.
- (3) Mr King explained that the significance of the paper was not necessarily in the immediate results but in the long term journey resulting in elected Members (particularly those in two tier authorities) having a real ability to make a difference. There was an opportunity for elected Members to have a greater say across the provision of public services.
- (4) Mr Kite referred to the Total Place Initiative and the benefits of service providers working together to improve services through efficiency savings and by removing duplication. Members felt that the reference to the Total Place Initiative in the consultation response needed to be strengthened.
- (5) Mr Parry highlighted the work undertaken by Parish and Town Councils (the third tier of local government) to represent the views of local people and their role in strengthening local democracy.
- (6) Mr Christie referred to the inclusion of 'top-tier' in the third paragraph of the response to question 11. Mr King agreed to remove the reference to 'top-tier'.
- (7) Mr King stated that the Council had to make as much of the circumstances as possible there was an opportunity to bring local authorities together, to rationalise agencies if the Total Place Initiative could save local authorities money then it would be a benefit.
- (8) Mrs Dean raised concerns about the cost of the Total Place Initiative and whether the figures included were accurate and expressed concern that the Kent and Medway Fire and Rescue Authority had not been consulted, particularly in relation to question 9 of the document.
- (9) RESOLVED that the Cabinet Scrutiny Committee:
 - a. Thank Mr King, Mr Wickenden and Mr Thomas for their helpful comments in relation to the consultation response.
 - b. Request that the response relating to the Total Place Initiative be strengthened
 - c. Request that a sentence be added supporting the work of the Parish and Town Councils and their role in strengthening local democracy
 - d. Welcome Mr King's offer to remove the word 'top-tier' from the end of the third paragraph in response to question 11.

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Notes of a meeting of the Cabinet Scrutiny Committee Informal Member Group on Budgetary Issues held on Wednesday, 7 October 2009.

Present: Mr R F Manning (Chairman), Mr L Christie, Mrs T Dean

Officers: Ms L McMullan, Director of Finance, Mr A Wood, Head of Financial Management, Mr K Abbott, Director, Financial and Corporate Services, Mr D Shipton, Finance Strategy Manager, Mr P Campion, Development Contribution Manager, Mrs V Thistlewood, Principal Regeneration and Project Officer, Mr P Sass, Head of Democratic Services and Local Leadership and Mrs A Taylor, Research Officer to the Cabinet Scrutiny Committee.

Also Present: Mr J D Simmonds, Cabinet Member for Finance,

1. Notes of Previous Meeting held on 11 September 2009.

(Item 1)

- (1) The notes of the meeting held on 11 September 2009 were approved.

2. Development Contributions – Section 106 Agreements – Aylesham Village Expansion

(Item 2) Mr P Campion and Mrs V Thistlewood were present for this item.

- (1) An email from Mr Manion, the local Member for Dover North, had previously been circulated to Members of the Budget IMG and Officers. The email set out the concerns of the Parish Council regarding the Aylesham village expansion which he wished to be addressed during the discussion at the Budget IMG.
- (2) Dover District Council (DDC) had agreed to grant (subject to satisfactory resolution of all outstanding matters and satisfactory completion of the Section 106 Agreement) outline planning permission for 1210 dwellings and full planning permission for 191 dwellings in the village of Aylesham in Dover. As the planning authority for the development DDC was also the majority landowner.
- (3) Mr Campion explained that the report had come to the Budget IMG to ensure that Members were aware of the situation and to allow Officers to take on board any concerns about the scaling back of the previously agreed contributions from the developer under S.106. It was hoped that an improved offer from DDC and the Developers could be agreed upon before the Section 106 document was signed.

- (4) Members of the Budget IMG raised concerns about the difficult negotiating position KCC was in, Officers were pleased to receive the note from Mr Manion, the issues had been highlighted previously and Officers would continue to discuss the concerns raised.
- (5) Mr Campion confirmed that provided DDC, as the local planning authority, considered all representations made in respect of the planning application and reached a balanced decision, it would be difficult for KCC to challenge the decision.
- (6) Mr Simmonds explained that he would discuss the issues raised by the Budget IMG with Mr Lynes and Mr Carter regarding future situations and the potential to discuss the issue at a regional or national level.
- (7) Members of the Budget IMG:
 - a. welcomed Mr Simmonds' offer to follow up the concerns raised by Members and report back;
 - b. asked that Mr Campion and Mrs Thistlewood report back with their progress on the development at Aylesham village.

3. Update on School Reserves

(Item 3) Mr K Abbott was present for this item

- (1) During 2008 KCC and the Schools' Funding Forum went through a vigorous process to challenge those schools with the largest cash reserves. £1.476million was clawed back from 15 schools in Kent.
- (2) The Balance Control Mechanism was having the desired effect and school cash reserves had reduced but in comparison to other counties schools in Kent still had relatively high levels of reserves.
- (3) There were concerns that in some schools reserves had been reduced but that additional money had been spent on staffing costs which would not be sustainable. However, the schools were working with 3 year plans so efforts were being made to think and plan for the future.
- (4) Members questioned future funding for schools, if there was a 5% cut to the schools' budget many more schools would be in deficit. Reductions in KCC budget might also affect schools in the support from KCC.

- (5) Concerns were raised about the knowledge gap in many schools, as experience Heads retired much of the knowledge was lost and efforts were being put into training aspiring Head Teachers at the earliest opportunity.
- (6) The Budget IMG welcomed Mr Abbott's offer to report back to the November/December 2009 meeting following the mid year analysis.

4. Revenue & Capital Budget Monitoring Exception Report

- (1) There had been no major movement in the revenue position of the Council.
- (2) There had been a slight slippage in the Capital Programme
- (3) The pressure on the Children, Families and Education portfolio had reduced to £1.571m, the pressure was due partly to an increase in the demand for fostering services and services for 16+ young people. Ms McMullan confirmed that there was more information contained within the quarterly report, future exception reports would include an explanation of any significant management action points.

5. Autumn Budget Statement

- (1) The Autumn Budget Statement was being reported to the Budget IMG without all the necessary information due to the following factors, a more detailed report would be produced in November.
 - i. The next three-year CSR (2011-12 to 2013-14) will now occur after the next general election, and will therefore not be available to inform next year's MTP;
 - ii. The Chancellor of the Exchequer has recently begun a review of current departmental spending plans, which could impact on next year's funding for local authorities;
 - iii. The Chancellor's Pre-Budget Report, due in November, may be brought forward to October according to some commentators. Any announcement on this timing will occur sometime after the House of Commons returns on 12 October.
- (2) Members were referred to the paragraph on funding, it was hoped that the Government would honour the third and final year of the Dedicated Schools Grant (DSG) settlement, but there had not been any specific announcement regarding the DSG.

- (3) Future Government Grants could be very volatile and asylum grants were most vulnerable.
- (4) It was hoped that the Policy Overview Committees could play a larger part in the budget process; budget consultation simulation would be undertaken in November which would allow Members to look at their priorities over a three year cycle.
- (5) Members of the Budget IMG noted the Autumn Budget Statement.

By: Peter Sass - Head of Democratic Services and Local Leadership

To: Cabinet Scrutiny Committee – 21 October 2009

Subject: Follow up items from Cabinet Scrutiny Committee

Classification: Unrestricted

Summary: This report sets out the items which the Cabinet Scrutiny Committee has raised previously for follow up

Introduction

1. This is a rolling schedule of information requested previously by the Cabinet Scrutiny Committee.
2. If the information supplied is satisfactory it will be removed following the meeting, but if the Committee should find the information to be unsatisfactory it will remain on the schedule with a request for further information.

Recommendation

3. That the Cabinet Scrutiny Committee notes the responses to the issues raised previously.

Contact: Peter Sass
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01622 694002

Background Information: *Nil*

	Issue	Response
10.12.08	Highways Business Plan IMG 02.12.08 <ul style="list-style-type: none"> - A list of gully schedules be supplied to all Members after the elections 	Following the elections in June – information has been requested
22.10.08	IMG on Managing Motorways and Trunk Roads in Kent: <ul style="list-style-type: none"> - Further advice be requested from Officers and the Cabinet Member when the results of the bidding process were known - Officers and the Cabinet Member report back to the Cabinet Scrutiny Committee, including information on possible BVPIs, a year after the contract has commenced. 	Document detailing changes to original contract circulated to Members of CSC 13.11.08.
21.01.09	Comms & Media Business Plan <ul style="list-style-type: none"> - Chief Executive's offer to give Members the opportunity to visit the IBM research facility in Hampshire - Chief Executive's offer to hold a seminar for Members on the 'Future of Communication' 	A visit to IBM is being arranged The Communications and Media Centre is helping to arrange an event for Members on the 'Future of Communication' Members will be kept up to date on progress and the plan will be to deliver both by the end of the financial year.
08.04.09	An IMG be set up to feed into the review of the Freedom Pass in September.	The Cabinet Member made the following comment:
23.09.09	Members agreed that a letter be sent from the Chairman and Vice-chairmen of the Committee to the Cabinet Member and Officer setting out the previous comments of the Committee	All of the Committee's points have been considered and there will be an opportunity to scrutinise after the Cabinet report is published.

	regarding the Freedom Pass and requesting that these be taken into account when the scheme is reviewed.	
23.09.09	The Cabinet Scrutiny Committee request that the Personnel Committee review the Officer and Member Code of Conduct with regard to situations where a potential conflict of interest, real or perceived is encountered;	A letter has been drafted for the Chairman of the Personnel Committee and the Director of Personnel and Development and will be sent off following approval from the Chairman and Vice-Chairmen

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By: Peter Sass: Head of Democratic Services and Local Leadership

To: Cabinet Scrutiny Committee – 21 October 2009

Subject: The Overview and Scrutiny Function as a Result of the Decision made at County Council on 15 October 2009

1. Background

- a. The attached report was discussed by the County Council on 15 October 2009. Members are asked to discuss the operation of the Cabinet Scrutiny Committee in light of the County Council decision.

2. Recommendation

Members are asked to discuss the operation of the Cabinet Scrutiny Committee in light of the County Council decision.

Contact:

Anna Taylor

Tel: 01622 694764

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By: Alex King, Deputy Leader
Peter Gilroy, Chief Executive

To: County Council – 15 October 2009

Subject: Potential to Refocus and Restructure the Overview and Scrutiny Function

Introduction

1. (1) At the first meeting of this new County Council on 25 June 2009, the Leader announced a thorough review of the Overview and Scrutiny function would be carried out to ensure that it is fit for purpose in relation to the structure and shape of the new Council and in the context of external developments.

(2) The review did not have a remit over the role of the Governance and Audit Committee. That Committee is not a part of the suite of Overview and Scrutiny Committees, which includes the Policy Overview Committees, the Cabinet Scrutiny Committee, the Health Overview and Scrutiny Committee and the Policy Overview Co-ordinating Committee.

(3) Every Member of the Council has had the opportunity to contribute to the preparation of the proposals set out in this paper. I am most grateful for the constructive contribution of Members of all parties.

(4) The report summarises the key features of the extensive discussions which have taken place and concludes with a series of recommendations which I, with my Cabinet colleagues, commend to the County Council as a basis for change and as a firm foundation for further evolution of this important democratic role.

Context

2. Members will be aware of the context and background to this report:

- (a) the financial pressure on all public sector organisations and particularly local authorities;
- (b) the need to ensure the Council maintains the highest standards of probity and good governance in its decision-making;
- (c) the County Council's emerging approach to Localism and the variety of models being established across the county which include, where appropriate, our partners;
- (d) the development of Member roles and the County Council's application for the South East Employers Member Development Charter;

- (e) implementation of the recommendations arising from the Informal Member Group on Member Information, approved by the County Council on 11 December 2008;
- (f) the opportunities, working in partnership with Borough/District colleagues, that may exist to pool resources supporting Overview and Scrutiny activity across the county and to agree shared work programmes on issues which will add value without duplication to the communities which we all serve;
- (g) the emerging scrutiny roles for which legislation/regulations have been published, including scrutiny of the Crime and Disorder Reduction Partnerships and scrutiny of the Local Area Agreement;
- (h) the scrutiny by Members of the wide range of public sector bodies advocated in the consultation document “Strengthening Local Democracy”.

Overview and Scrutiny – the Key Challenges

3. (1) Members are reminded that, as the strategic authority for Kent, the County Council and its Members have a unique community leadership role. The challenge for Members is to:

- (a) lead the provision of public services in the area;
- (b) engage with local communities, tiers of local government and stakeholders;
- (c) assess with them the future of the locality; and
- (d) achieve and deliver the strategies and visions that best serve the people.

(2) The Overview and Scrutiny process was initially designed to help and support policy development and provide challenge to the Council’s own decision making processes and service performance. That remains one aspect of the role, but much of the most effective work has involved engagement with the wider community and across all public service issues. It is now incumbent upon all Members to develop imaginative forms of engagement, to involve local people, service users and others in scrutiny. This is a wider conversation in which all Members can participate.

Challenges

4. (1) The challenges the Council faces include:
- (a) widening the engagement and understanding of elected Members in effective partnership working;
 - (b) bringing Members’ knowledge of local issues and communities to service providers involved in partnerships;

- (c) holding the leadership of strategic partnerships across the public sector, including local authorities, to account.
- (2) Effective Overview and Scrutiny must contribute to effective partnership working. This can be done through:
 - (a) using individual projects to bring partner organisations together to find new ways of working jointly to tackle important local problems;

(A good example of this was the work of the Health Overview and Scrutiny Committee (HOSC) in the summer of 2008, which facilitated a discussion between the Acute Hospital Trust, the Primary Care Trust, Dover District Council and the County Council to look at what could be the best outcome for Dover residents in terms of future healthcare provision);

- (b) raising the profile of this work to enhance public understanding and recognition – which clearly forms a part of the Council’s commitment to ‘championing the people of Kent’; and
- (c) building alliances with the Executive and other stakeholders to gain support for recommendations;

(A good example here is the work of the previous Council through the Select Committees on Autism Spectrum Disorder and Alcohol Misuse, where all the partners that had contributed to the recommendations (which were not wholly in the gift of the County Council’s Executive to deliver) were brought together before the Select Committee report was published to support the recommendations and take ownership for their delivery).

(3) Without exception, Members have stressed the importance of ensuring that the overview and scrutiny process adds real value, reaching positive and realistic recommendations. It is not about duplicating the work of Regulators and Inspectorates. It is very much about identifying the key issues and widening the conversation to engage local people, service providers, neighbourhood users, communities, as well as elected Members.

Statutory Requirements

5. The County Council must have:

- (1) one scrutiny committee responsible for the scrutiny of Executive decisions and operating a “call in“ procedure;
- (2) a statutory Health Overview and Scrutiny Committee, which encompasses Adult Social Care as well as NHS matters;
- (3) at least one committee designated as the Crime and Disorder Scrutiny Committee (these new powers currently sit with the Communities Policy Overview Committee); and

(4) statutory co-optees as required, primarily Church Diocesan representatives and Parent Governors, who serve on the Cabinet Scrutiny Committee and the education related Policy Overview Committees.

Summary of Discussions in preparation for this Report

6. (1) There is no real appetite to fundamentally change the existing structure of the Cabinet Scrutiny Committee, the Health Overview and Scrutiny and the Policy Overview Committees.

(2) However, it is essential that all Members are fully engaged in the business of the County Council. Over the last nine years we have evolved a new model of decision making to a maturity which needs some refinement in order to enable further development to meet the challenges described earlier in this report.

(3) As a consequence, this review has provided the opportunity to explore what is needed to enhance the overview and scrutiny function so that it adds greater value to the decision-making processes and to service delivery.

(4) It has been evident from the discussions that the Cabinet model, while improving the effectiveness of decision-making, has created a situation whereby those elected Members who are not in the Cabinet often feel remote from the decision making process, and do not feel that they are able to contribute to it effectively. There is unanimity that this is not sustainable and one way in which this deficit can be addressed is to improve the constructive working relationship between the Executive and the Overview and Scrutiny Committees. The discussions have re-affirmed the view that the role of the Policy Overview Committees should be strengthened to ensure that those committees are looking at the issues where they can exercise greatest influence over the Executive and add most value to the end users, the residents of Kent.

Parity of Esteem

(5) As the overview and scrutiny function has matured, there is a greater understanding amongst Members that parity of esteem between those Members who are not Cabinet Members is key to the future development of the function and its effectiveness in holding decision makers to account (the constructive critical friend) and the opportunity to develop policy and measure the effectiveness of these policies.

Cabinet Scrutiny Committee and Policy Overview Committees

(6) There was a very constructive discussion at the Cabinet Scrutiny Committee about clearly defining the role of that committee separately from the Policy Overview Committees. The Committee concluded that its work programme needed to be developed to ensure that it looks at those strategic issues where it can make an impact on decisions taken by the Cabinet or by individual Cabinet Members, leaving other issues to be considered through the strengthened Policy Overview Committees. This paper therefore recommends that the terms of reference of the Cabinet Scrutiny Committee be changed to reflect that its sole purpose will be to operate the “call in” process and hold the

Cabinet and individual Cabinet Members to account for the formal Executive decisions they have made. The Policy Overview Committees will be renamed Policy Overview and Scrutiny Committees. Their prime role will be to develop and scrutinise policy. The Scrutiny Board will exercise the "call in" process for the discharge of any functions which are not the responsibility of the Executive and all officer decisions.

Policy Overview Co-Ordinating Committee

(7) This paper recommends that the Policy Overview Co-ordinating Committee is re-named the Scrutiny Board as the senior committee in the Overview and Scrutiny suite with revised terms of reference in order to address:

- (a) the operation of the "call-in" process for:
 - (i) decisions made or actions taken in connection with the discharge of any functions which are not the responsibility of the Executive
 - (ii) any actions taken by Cabinet or Cabinet members (other than formal decisions) in connection with the discharge of their Executive functions
 - (iii) all officer decisions

allocating them as appropriate to one or more of the relevant Policy Overview and Scrutiny Committees;

- (b) the need to involve all Members in the policy development and decision making process;
- (c) how overview and scrutiny is commissioned, including cross cutting issues, particularly with the emerging agenda of increased overview and scrutiny of partnerships (e.g. scrutiny of the Crime and Disorder Partnership and the Local Area Agreement);
- (d) agreeing the Select Committee Topic review programme and deploying the resources to support that programme; and
- (e) exploring with our partners the opportunity to work together collaboratively on shared work programmes and resources across overview and scrutiny

Forward Plan of Key Decisions

(8) The Forward Plan is a key document for all Members of the County Council. Communication and the flow of information between the Executive and non-Executive Members is key to the future development of the Overview and Scrutiny function.

(9) The Forward Plan is one small but very critical element in the context of how Members' information needs can best be served. Implementation of the recommendations of the IMG: Member Information,

approved by the County Council on 11 December 2008, is key and is being pursued separately.

(10) The statutory provisions for the Forward Plan require that decisions which fall within the criteria for a Key Decision (decisions which are significant in terms of their effect on communities living or working within one or more electoral divisions, and expenditure/savings over £1m) for the forthcoming four months do not provide Members with sufficient information.

(11) It is therefore proposed that the period of time covered by the Forward Plan be extended from four to six months, recognising that the last period is tentative and subject to change.

Co-optees

(12) Members will be aware that when a Select Committee is established, consideration is given to the potential benefit from the advice/assistance of co opted members.

(13) The Scrutiny Board will need to consider the issue of co-option each time it commissions a piece of work, and keep under review the possible need for a formal scheme of co-option.

Involvement of the Media/Press in Scrutiny

(14) The County Council has an agreed protocol for publishing and launching Select Committee reports.

(15) The Overview and Scrutiny Committees are keen to develop a constructive dialogue with the media and press. As a bare minimum it has been suggested that the dates of meetings of the Overview and Scrutiny Committees should be widely published by the press and media. However, if a work programme for the Overview and Scrutiny Committees is agreed in advance then there is also an opportunity to promote this through the media and seek the public's views.

(16) Taking this one stage further, it should be possible for the public to email in questions they would like asked as Overview and Scrutiny meetings are progressing. This is an exciting proposal and would need careful consideration by the Scrutiny Board in consultation with the Leader of the Council, Leader of the Opposition, Leader of the Labour Group and independent member before it is implemented.

Rapporteurs

(17) Members have expressed a wish to develop a rapporteur scheme so that elected Members with a specific interest can volunteer to take ownership of a piece of work, undertake the research themselves and prepare a report. The Health Overview and Scrutiny Committee (HOSC) has expressed a wish to pilot a rapporteur scheme and a number of items currently within the work programme for the HOSC have been identified by members of that committee to take forward. The Regeneration and Economic Development POC agreed

that Members would take responsibility and ownership for working with partners to get an understanding of the economic development and regeneration issues for each of the Borough/District Council areas.

(18) If the County Council agrees to the development of a rapporteur scheme, then it is recommended that the proposed Scrutiny Board in collaboration with the Cabinet and Chief Officers would want to develop clear guidelines on how this would operate, the responsibility of a rapporteur, what they could reasonably do and not do and what level of support might be available to them

Health Overview and Scrutiny Committee (HOSC)

(19) The HOSC has some very specific issues which it is seeking to address, including how the work programme of the committee can be delivered working in partnership with the Borough and District Councils, Medway Council the Local Involvement Network for Kent (LINK) and other Overview and Scrutiny Committees.

Conclusion

7 Following decisions taken by the County Council on the future direction of the Overview and Scrutiny function, Democratic Services officers are proposing to arrange a series of events in which all Members and a range of officers will be briefed in:

- (a) the role of the Overview and Scrutiny function;
- (b) the powers of the Overview and Scrutiny Committees; and
- (c) the opportunities for all elected members to contribute and influence work programmes for the Overview and Scrutiny Committees.

Recommendations

8. The County Council is recommended to agree the following:

- (a) The refocusing, renaming and strengthening of the role of the Overview and Scrutiny Committees as described in this report;
- (b) To ask the Scrutiny Board (formerly the Policy Overview Co Ordinating Committee) in consultation with the Cabinet to identify and pilot new ways of working to build capacity including a rapporteur scheme, engagement with the press and media, the information and period of time the Forward Plan of Key decisions covers; and
- (c) Note that any consequential changes to the Articles of the Constitution will be brought back to the County Council for approval.

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By: Peter Sass: Head of Democratic Services and Local Leadership

To: Cabinet Scrutiny Committee – 21 October 2009

Subject: The Review of the Children's Centres Programme

1. Background

- a. Following a letter sent to all Members regarding a review of the Children's Centres Programme Members raised concerns about the review and would like a further explanation of the areas that the review will focus on.
- b. A letter from the Cabinet Member for Children, Families and Education is attached to this report for information.

2. Recommendation

The Cabinet Scrutiny Committee may:

- a. comment to the Chief Executive and the relevant Managing Director
- a. report to the Council
- b. refer any issues arising from its debate for consideration by a Policy Overview Committee or Cabinet.

Contact:

Anna Taylor

Tel: 01622 694764

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**Sarah Hohler - Member for Malling North
Cabinet Member for Children, Families and Education**

Kent County Councillors
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E-Mail: sarah.hohler@kent.gov.uk
Ask For: Mrs Sarah Hohler
Date: 2nd October 2009

Dear Colleague

Kent County Council is working towards countywide coverage of children's centre services for all 83,000 zero to four year olds and their families by 2011.

The final "round" of the programme in Kent, round 3, has been presenting the usual range of challenges which has led us to 'take stock' of our position in relation to children's centres generally and round three specifically.

This is founded on a position of strong commitment to the vision behind integrated provision for children under five and their families, plus a determination to ensure we realise this through our existing and any future children's centres.

In this context, Kent County Council's Cabinet has agreed to a "review" of our children's centres programme, the purpose of which is to ensure that: -

- Resources, both capital and revenue, are appropriately levelled at the children and families who need them most;
- That all our children's centres and their services are sustainable.

The revised approach to the round three programme will include: -

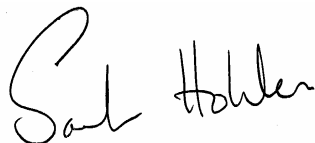
- A review of the existing capital programme to minimise the number of new builds as far as possible;
- Maximising the number of centres delivered in facilities that currently exist,
- Further exploration as to whether some centres might be delivered and managed through contractual arrangements with relevant voluntary or private organisations; and
- Identifying the potential to provide universal coverage for the children and families of Kent through fewer centres.

During October, the Children's Centre Project Team (led by Jackie Smith, Children's Centre Programme Manager) will work with the Area Children's Services Officers, Local Children's Services

Partnerships and local County Councillors to facilitate this. A revised programme will be brought to CFE Senior Management Team and subsequently to Cabinet in late October/early November

I would like to conclude by clarifying that this Review is very clearly not about diminishing the programme in any way, but rather making sure that it is as long term sustainable as possible.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Hohler". The signature is written in a cursive style with a large initial 'S'.

Sarah Hohler
Cabinet Member for Children, Families and Education

By: Peter Sass: Head of Democratic Services and Local Leadership

To: Cabinet Scrutiny Committee – 21 October 2009

Subject: Kent Highways Service and the process for Member input

1. Background

- (1) The Chairman and the Vice-Chairmen of the Cabinet Scrutiny Committee raised concerns about the process for Member input into Kent Highways Service since the Highways Advisory Board was subsumed into the Environment, Highways and Waste Policy Overview Committee and the cancellation of recent meetings of the Kent Transport Board.
- (2) Members will be aware that the Joint Transportation Boards, established between the County Council and each of the District/Borough Councils, had a remit to report to the Highways Advisory Board and Members wish to discuss the future process for Member input.
- (3) An agreement containing the Terms of Reference of the Joint Transportation Board is attached to this document.
- (4) The following question has also been put to the Cabinet Member for Environment, Highways and Waste at the County Council meeting on 15 October:

“Following the removal of the Highways Advisory Board, the recent cancellation of the meeting of the Kent Transport Board and the continuing rumours that Joint Transport Boards are also to be discontinued, how is the portfolio holder proposing to ensure the input into the strategic highways and transportation planning decision making process of the views of Local Members, Borough Council Members and members of the public?”

- (5) The Cabinet Member’s formal response to this County Council question will be circulated to the Cabinet Scrutiny Committee as soon as it is available.

2. Recommendation

(1) The Cabinet Scrutiny Committee may:

- a. Comment to the Chief Executive and the relevant Managing Director
- b. Report to the Council
- c. Refer any issues arising from its debate for consideration by a Policy Overview Committee or Cabinet.

Contact:

Anna Taylor

Tel: 01622 694764

THE THIRD SCHEDULE

Member Arrangements

PART A

Joint Transportation Boards

1. A Joint Transportation Board (JTB) will be established by the Leader of the County Council and either the Council of the District or the executive of the District Council

Membership

- 2.1 JTB Membership will comprise all KCC members for divisions in the District Council's area , an equal number of members appointed by the District Council and a representative of the Parish and Town Councils within the District.
- 2.2 The Parish and Town Council representative will be nominated by the Area Committee of the Kent Association of Parish Councils; a substitute member may also be nominated. The Parish or Town representative may speak but may not vote nor propose a motion nor an amendment.
- 2.3 Any KCC Cabinet Member or Council Member responsible for highways and traffic functions and the Chairman of the KCC Highways Advisory Board (if not voting members of the Joint Board) may place an item on the agenda of and/or attend and speak at any meeting of the JTB but may not vote nor propose a motion nor an amendment.
- 2.4 The Chairman of any Parish or Town Council (or a Member nominated by him/her) may attend any meeting to speak on any item of particular relevance to that parish

Chairman

- 3.1 In alternate years a Member of KCC will chair the JTB and a District Council Member will be Vice-Chairman of the JTB and then a Member of the District Council will chair the JTB and a KCC Member will be Vice Chairman of the JTB and so on.

The Chairman and Vice-Chairman will be appointed by the respective councils as they may determine within their constitutional arrangements

Meetings

- 4.1 The JTB will generally meet four times yearly the dates times and venues to be agreed by the JTB
- 4.2 The quorum for a meeting shall be four comprising at least two voting members present from each of KCC and the District Council
- 4.3 If a formal motion is proposed and seconded the rules of debate applying to the District Council Committees shall apply
- 4.4 If a matter has to be put to the vote, voting shall be by show of hands with the Chairman having a second or casting vote
- 4.5 Any member may require that his/her dissent from the JTB's advice or the way he/she cast his/her vote be recorded in the minutes of the meeting
- 4.6 To ensure a fair and proper debate the Chairman may but not unreasonably or vexatiously
 - (1) prevent any Member from speaking more than once on any item, motion or amendment (except to raise a point of order, make a personal explanation or exercise a right of reply)
 - (2) require a Member to cease speaking if he/she has spoken for more than five minutes
- 4.7 The rules and procedures of the District Council relating to the access to information as set out in sections 100A-K of the Local Government Act 1972 shall apply
- 4.8 The JTB will be clerked by an officer of the District Council. Copies of all papers shall be sent to the Monitoring Officers of both Councils who may attend and speak at any meeting (or instead each Monitoring Officer may arrange for a Substitute Officer to speak on his/her behalf)

Terms of Reference

- 5.1 The JTB will advise the KCC executive on
- (a) capital and revenue funded works programmes within limits set by the KCC executive
 - (b) the Highway Unit's Annual Business Plan
 - (c) proposals by the District Council to fund works on the highway
- 5.2. The JTB will advise the District Council executive on
- (a) Any decisions to be taken by the executive in relation to functions delegated to the District Council under this agreement
 - (b) Parking orders, taxi rank locations and street management schemes
 - (c) Proposals by the District Council to fund works on the highway
- 5.3 The JTB will
- (a) review the progress and out-turn of works programmes
 - (b) review the performance of the HMU and the operation of the Partnership in the District
 - (c) be a forum for consultation between the two Councils on policies, plans and strategies related to highways, road traffic and public transport

Overview and Scrutiny

- 6.1 An Overview and/or Scrutiny Committee of either Council can require the member of that Council holding the office of Chairman or Vice-Chairman of the Joint Board to attend and be asked questions subject to the provisions of that Council's constitution
- 6.2 The Overview and Scrutiny Committee of either Council can request (but not compel) members of the other Council who serve on the JTB and officers employed by the other Council who report to the Panel to attend and be asked questions

- 6.3 Overview and Scrutiny Committees of both Councils will abide by the protocol on inter-authority co-operation on Overview and Scrutiny agreed by the Kent Association of Local Authorities and appended to this schedule

Local Member and Parish Consultation

- 7.1 The local members of both the KCC and the District Council and the Parish or Town Council(s) will be consulted by the Highways Manager or other responsible officer of either Council on any significant scheme proposals (other than routine operational maintenance of the highway) within the scope and protocols of this agreement

Strategic Issues

- 8.1 If the KCC executive directs that a decision otherwise delegated to the District Council is to be made by KCC, the proposal shall be referred to the JTB for advice.
- 8.2 If the KCC Strategic Director raises an objection to a proposal by the District Council which cannot be resolved, the matter shall be referred to the JTB.
- 8.3 The District Council executive will normally act in accordance with the advice or views of the JTB
- 8.4 The KCC Cabinet Member responsible for highways and traffic issues may direct that any such matter be referred to her/him for decision (after discussion in the KCC Highways Advisory Board) if either:
- it is contrary to KCC policy
 - the relevant KCC Local Member so requests and there are policy grounds for the matter to be reconsidered
- 8.5 If the District Council executive directs that a decision otherwise delegated to JTB is to be made by the District Council the proposal shall be referred to the JTB for advice
- 8.6 If the District Council raises an objection to a proposal by KCC which cannot be resolved the matter shall be referred to the JTB.

8.7 KCC Cabinet Member will normally act in accordance with the advice or views of the JTB but the District Council Executive may direct that any such matter be referred to it for if either:

- it is contrary to District Council policy
- the relevant District Council Ward Member so requests and there are policy grounds for the matter to be reconsidered

Disputes

9.1 The KCC executive will normally act in accordance with the advice or views of the JTB. If the executive is minded to act otherwise, no decision will be taken until after a discussion at the KCC Highways Advisory Board at which the Chairman and Vice-Chairman of the Board may attend and speak.

9.2 The District Council executive will normally act in accordance with the advice or views of the JTB. If the executive is minded to act otherwise, no decision will be taken until after a discussion between the relevant executive member and the Chairman and Vice-Chairman of the JTB.

B. Annual Meeting

10.1 There will be an annual Partnership Review meeting of all Councils in the Partnership to review and discuss the operation and performance of the Kent Highways Partnership during the year

10.2 The meeting will normally be held in June or July of each year.

10.3 The meeting will be chaired by the KCC Cabinet Member responsible for highway and traffic issues or her/his nominee.

10.4 The Chairman of the KCC Highway Advisory Board may also attend.

10.5. The District Council will be represented at the meeting by one member.

10.6 The Kent Association of Parish Councils will be represented by one member.

10.7 The secretariat for the meeting will be provided by KCC

~~10.8 Both KCC and the District Councils may be assisted by appropriate officers.~~

10.9 The objectives of the Annual Partnership Review Meeting will be:

- (a) to review the operational performance of Kent Highways Partnership during the past year prior to a report to KCC Highways Advisory Board
- (b) to review the operation of these Member Arrangements during the past year

OVERVIEW AND SCRUTINY : AUTHORITY CO-OPERATION

Aim of Protocol

1. To ensure the Overview and Scrutiny Committees of all Kent local authorities can review issues of community interest effectively and with efficient use of all local authority staff resources.

Principles

2. All authorities should be supported in considering issues of community well-being wider than the responsibilities of their councils.
3. Authorities should work together to maximise the exchange of information and views, minimise bureaucracy and make best use of the time of Members and officers of local and other authorities.

Procedures

4. Authorities should seek to exchange information on programmes and results of reviews.
5. If an Overview and Scrutiny Committee wishes to review an issue in which another authority has a statutory role or in which evidence from the officers of another authority would be helpful, it should consult with that authority before commencing the review about:
 - (a) the purpose of the review
 - (b) the areas of interest to the other authority
 - (c) the input that can be given by Members or officers of the other authority.
6. Consideration should be given to whether the issue is more appropriately discussed in another forum, for example a joint committee, or whether there is scope for joint

action including the co-opting of Members of the other Authority onto the Overview and Scrutiny Committee for the purpose of the review.

7. Where a proposal is subject to a public consultation process, scrutiny is most helpful if conducted as part of that process eg allowing any findings and recommendations to be available in time to influence the final decision.
8. Subject to such prior consultation, Authorities will seek to respond positively to requests for information or for a Member or officer to attend meetings of Overview and Scrutiny Committees or for information.
9. While it is ultimately for each Authority to decide who it considers the most appropriate person(s) to speak on its behalf to an Overview and Scrutiny Committee, consideration will be given to meeting specific requests.
10. Dates and times of Member and officer attendance at Overview and Scrutiny meetings should be agreed with them.
11. Each Authority will nominate a contact officer for the operation of these procedures.