

## KENT COUNTY COUNCIL

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### CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 9 April 2010.

PRESENT: Mrs T Dean (Chairman), Mr R W Bayford, Mr A R Chell, Mr L Christie, Mr E E C Hotson, Mr R F Manning, Mr M J Jarvis, Mr J A Kite, Mr R J Lees, Mr J E Scholes, Mr D L Brazier (Substitute for Mrs J Law), Mr J F London (Substitute for Mr R Brookbank), Mr R J Parry (Substitute for Mr G A Horne MBE) and Mrs P A V Stockell (Substitute for Mr R E King)

PARENT GOVERNORS: Mr B Critchley

ALSO PRESENT: Mr P B Carter, Mr R W Gough and Mrs S V Hohler

IN ATTENDANCE: Mr M Austerberry (Executive Director, Environment, Highways and Waste), Mr J Burr (Director of Kent Highway Services), Mr K Hills (Head of Community Operations), Mrs T Oliver (Director of Strategic Development and Public Access), Mrs K Weiss (Head of Policy & Performance), Mr P D Wickenden (Overview, Scrutiny and Localism Manager) and Mrs A Taylor (Research Officer to Cabinet Scrutiny Committee)

#### UNRESTRICTED ITEMS

##### **41. Minutes of the meeting held on 10 February 2010**

*(Item A3)*

RESOLVED: That the minutes of the meeting on 10 February 2010 are correctly recorded and that they be signed by the Chairman.

##### **42. Notes of the Informal Member Group on Budgetary Issues held on 25 March 2010**

*(Item A4)*

RESOLVED: that the Cabinet Scrutiny Committee approve the notes of the Informal Member Group on Budgetary Issues held on 25 March 2010.

##### **43. Follow-up Items from Cabinet Scrutiny Committee**

*(Item A5)*

(1) Mr Kite asked that it be clarified that the follow up item on looking at emerging evidence of possible efficiencies from some of the new unitary authorities resulted from a discussion at the budget meeting where it was suggested that there might be efficiencies from some of the new unitary authorities. It was intended that the evidence of any efficiencies be examined.

(2) The item be re-worded to read the following:

Mr Kite asked that, following a claim made about emerging evidence of possible efficiencies from some of the new unitary authorities, Members review this evidence of possible efficiencies.

POST MEETING NOTE: This was considered by the Scrutiny Board on 22 April, the Chairman of the Scrutiny Board referred to the way in which Districts were working together and that Maidstone Borough Council had an Informal Members Group considering different models of working for local authorities. He offered to circulate the report being received by this Group to Members of the Board. It would then be for Members to decide if they wanted to take this matter forward.

- (3) RESOLVED: That the Cabinet Scrutiny Committee note the follow up items report.

#### **44. Weather Damaged Roads: Major Road Repair Blitz**

*(Item C1)*

*(Mr P Carter, Leader, Mr M Austerberry, Executive Director, Environment, Highways & Waste Directorate, Mr J Burr, Director of Kent Highway Services and Mr K Hills, Head of Community Operations were in attendance for this item to answer questions from Members of the Committee)*

- (1) Mr Manning introduced the item by stating that he applauded the aspiration of the project and the positive benefits of supplying work within Kent to small and medium sized companies. However it was one thing to have the aspiration, it was another thing to deliver the project.
- (2) Mr Carter explained that there was a good mix of contractors; he had been impressed by the ability of the contractors. Mr Carter confirmed that each contractor was asked to bid for whole districts, rather than part of a district.
- (3) Mr Manning queried how the contractors would be co-ordinated, supervised and managed. Public opinion was very important and Members were pleased to note that it was highlighted in the supplementary info.
- (4) Mr Austerberry confirmed that there were seven contractors. Four were Kent-based Small to Medium sized Enterprises, the remaining three had operational bases in Kent. Contractors would work from a list of roads provided by KCC, and would be regularly visited by KHS staff. The contracts were very specific about the quality of work required. The supervision and administrative resources would be drawn mainly from KHS, supplemented from its consultancy services contract which was designed to assist KCC at peak times of workload.
- (5) Mr Carter explained that regarding supervision of the work, most companies would have a supervisory employee to go ahead and iron out any problems before the fixing gangs arrived. With officers he would be having weekly discussions with the contractors to determine what was working well/not working well to ensure success.

- (6) The Chairman asked whether the contractors had flexibility, would they mend anything that the public would want fixing. Mr Austerberry explained that the contracts covered both potholes and areas of patching, including the highway edges. Mr Carter confirmed that the contractors would be applying a sensible and long term solution to any problems.
- (7) Mr Manning continued to query the supervision aspect of the work, how would it be possible to photograph the quality of material being used. The witnesses were asked how much the supervision aspect would cost. Mr Austerberry confirmed that the cost of administering and supervising the process was not huge and was a very necessary part of the process. Mr Burr explained that where possible the contractors would undertake a permanent first time fix of any damaged road surface. Mr Carter explained that £2million was being allocated to this project, it would be reviewed after £1million, and there was a total of £2.4million available from the Government for road repairs.
- (8) Mr Parry asked how the relationship between the current Ringway operatives and the new contractors would work, how would the Council ensure that Ringway would perform well and ensure that the find and fix scheme would work effectively, would quality checks be carried out? It was vital to ensure that Parish Councils, Town Councils, Neighbourhood Forums and local members be made aware of when and where work would be carried out.
- (9) Mr Austerberry explained that the Council was very keen to get local input with regard to priority areas. Under its existing Term Maintenance Contract, Ringway would continue to work on other highway maintenance issues. Its work under the weather damaged roads contracts would be monitored in the same way as the other contractors. Teams would focus onto the minor roads (rural and estate roads especially) which represented over 70% of the road network. The teams would be allocated roads where there were known problems.
- (10) Mr Scholes asked whether the officers were satisfied that where a pothole defect could be considered 'lethal' it was being classed correctly, it was difficult to measure severity objectively. Mr Burr agreed that what might be lethal to one individual might not be to another; however the classing of severity of road defects was improving.
- (11) In response to a question from Mr Christie, Officers confirmed that contractors would repair cracking to the surrounding area of any potholes. Contractors were chosen with a weighting of 75% related to price and 25% related to responses to questions in the area of quality. It was difficult to determine the quality of the work until the contractors were up and running whereas the cost of the work was a fact as set out in the tender submission. A key issue in the quality evaluation had been the attitude and approach of the tenderers. Under KCC's supervision of the work any contractors which fell below the expected standard would be removed from the programme.
- (12) Mr Burr explained that there was a 3 month maintenance guarantee, officers were confident that if there were issues with the quality of the work they would be picked up with the supervision, if they were apparent within 3 months of the work being completed the contractor would re-repair the road at

their own cost. There were no concerns about the 3 month guarantee period. Regarding the admin costs, they were small figures, and certainly not into double digits, officers were confident that it was a cost effective method of delivering the repairs to roads work.

- (13) In response to a question from Mr Kite, about whether this way of working might be adopted in the future to deal with other highways issues the Leader confirmed that it was essential that the programme was a success for it to continue, but in principle yes, a mixed economy of contractors on a district based approach could have a part to play in future arrangements if, as was hoped, the programme worked well.
- (14) Mr Burr confirmed, in response to a query about road marking and who was responsible, that it was not cost effective to get repair companies to undertake road marking, Kent Highway Services would put together a reasonable programme and undertake the work. However, if the markings were safety critical it would be done urgently.
- (15) Mr Burr confirmed that drain covers which had potholes around them, would be covered by the contract.
- (16) Mr Chell suggested using lampposts to inform the public that the find and fix programme was going ahead, officers explained that publicity was ongoing, it was not felt that it would be the most efficient publicity method to use lampposts, however officers were being proactive and websites such as 'fix my street' and facebook campaigns were being monitored and used.
- (17) Mrs Stockell asked if there would be follow up surveys with Parish Councils for example, and the Leader explained that monitoring the process was very important, officers would be looking for a range of feedback.
- (18) Mr London queried whether the inspection of public utilities road reinstatement work could be increased to ensure that work was being undertaken in a satisfactory manner. The Leader confirmed that Mr Burr would be undertaking a review of the quality of supervision of both the utility companies and other contractors working with Kent Highways. The Council had to be a fair but tough client. Mr Burr explained that where possible roadworks were planned together, however getting utilities companies to work together in the same trench was often logistically problematic. There was room for improvement but progress had been made.
- (19) The Chairman asked how work was incentivised, it was understood that contractors were asked to determine some innovative ways of working, did officers have any feedback from the interviews, were there any differences between the contractors contracts and the Ringways contract. In relation to incentivisation, the answers received from the contractors were reassuring, with a number proposing bonuses for their staff based on matters like volume of work covered to acceptable quality, no public complaints, no defects, client satisfaction. In relation to innovative ways of working some contractors explained the use of hot boxes; which contained a heating element which kept material hot all day and therefore provided an efficient use of small amounts of material. Some contractors explained that they would use their own

supervisor to check out road damage in advance and mark, measure and quantify the repair needed. Mr Austerberry explained that the contracts had been drawn up with KCC as the client heavily specifying what it wanted.

(20) The Chairman referred to the House of Commons Select Committee for Public Accounts which looked into the Highways Agency performance and made a number of recommendations, one of which was regarding continually monitoring the cost of the contract throughout its life, another was life costing to predict the cost of highways maintenance. It was also apparent that the Highways Agency did little in terms of benchmarking across authorities. How would the council use the information it got from this process to improve work in the future? Mr Austerberry said that it sounded like the Highways Agency used long term partnering contracts similar to those of the Council with its main suppliers. There were aspects of these contracts which KCC did not feel had worked as well as they could, and the contracts for the winter damage repairs had taken a different approach.

(21) The Chairman referred to the backlog of work which remained outstanding, there had been a significant increase on the amount of money which was being spent on the roads, but it was apparent that work was not keeping up with demand. Could Members be provided with information relating to the amount of money necessary to clear the backlog? Mr Carter and Mr Austerberry said that while investment had increased in recent years this had not been enough to get on top of the backlog. Mr Burr explained that the asset management database was now almost completely up to date, the asset management plan, which was almost complete, would allow the Council to determine the funding requirements to meet the maintenance plan. The council did a lot of whole life costing, with a variety of options for the repair of large stretches of road. Mr Hills explained that he represented Kent on a board which met to share quality of work and good practice. Information on contractors was also shared across the board. Mr Burr explained that figures on the cost to clear the backlog of road repair work which remained outstanding would be made available to Members within a couple of months.

(22) In response to a question about responsibility for traffic management around potholes, closing roads etc. would officers anticipate that this would cause delays. Mr Hills explained that teams would be working on minor roads to avoid delays, speed limits were shown on their plan and contractors were aware of their responsibilities regarding traffic management.

RESOLVED that the Cabinet Scrutiny Committee:

1. Thank Mr Carter, Mr Austerberry, Mr Burr and Mr Hills for attending the meeting and answering Members' questions;
2. Support in principle the process of inviting local companies to submit tenders for the road surface repair contracts;
3. Ask for confirmation of the level of backlog to road repairs, the level of government support, and the level of expenditure which would be required to clear the backlog;

4. Ask for written confirmation that the total cost of administering the process and overheads is no more than 10% of the total cost of the contract;
5. Ask that Members, Parish Councils and Town Councils be informed when teams will be working in their areas;
6. Ask that the frequency of inspection of utilities work to road surfaces is increased to ensure benefits and high performance of utility companies;
7. Thank the witnesses for their assurance that there would be systematic monitoring of the work and ask the Scrutiny Board to review the Weather Damage Repairs to Roads in Kent contract and the work to date after £1million has been spent.

**45. Safeguarding Children in Kent: Defending and Developing the Service**  
*(Item C2)*

*(Mrs S Hohler, Cabinet Member for Children, Families and Education and Mrs K Weiss, Head of Policy and Performance (CFE) were in attendance for this item to answer questions from Members of the Committee)*

- (1) Mr Christie explained that Members had concerns about how information following Serious Case Reviews got to Members of the Council. Why were Members unaware of the outcomes of Serious Case Reviews, if an Executive Summary of the reviews existed, why was it not available to all Members. How could Members monitor the implementation of any recommendations of Serious Case Reviews if they were not made aware of the reports.
- (2) Mrs Hohler explained that it was necessary to put a protocol in place to deal with information surrounding Serious Case Reviews. It was sensible for the Managing Director in consultation with the Cabinet Member to make a decision on who needed to be made aware of the outcomes of Serious Case Reviews. The annual Children's safeguarding report was a public document which contained summary details of all Serious Case Reviews. This was monitored generally through the Children's Champion's Board.
- (3) Mrs Weiss explained that once the Executive summary was made public, following the conclusion of the review and discussion with the family, the fact that a report existed was put on the Kent Safeguarding Board website. The Executive Summary could be sent to the Group Leaders. In response to a question from the Chairman Mrs Weiss confirmed that the summary was a public document so could be available for all Members. Mrs Hohler explained that from a practical aspect it may be more sensible for Group Leaders to receive the document and then forward it if relevant to all Members. It was felt to be important that the local Member should be made aware when the Executive Summary was made available.
- (4) Mrs Hohler explained that the Edinburgh review had been commissioned to look at Serious Case Reviews and this showed a pattern relating to many cases within families. The Edinburgh review would be circulated to all

Members, the conclusions of the review were important, particularly with Members role as Corporate Parents.

- (5) Mr Christie explained that as long as Members were aware of the Executive Summary it was reassuring, there were concerns about the status of the Children's Champion's Board.
- (6) The Chairman asked what information was available from schools to inform Members in their role as Corporate Parents. Mrs Weiss explained that cases open to Children's social services and subject to Serious Case Reviews were confidential. An agency would highlight to the Safeguarding board that there were concerns, the board would set up a panel which would meet if a Serious Case Review was to be conducted. The Safeguarding Board would appoint an independent Chair, agencies would be asked to provide information, the case would be analysed and a report written (the final copy would be anonymised). It would be difficult to inform a local member early on in the case because the details of the case were not disclosed until the report was signed off. Mrs Weiss would check regarding the issue of the School Governors and Local Members having the names of Looked after Children and whether there was any way of anonymising that information. Mrs Weiss explained that the Council was currently recruiting a virtual head teacher; the issues discussed by the Committee would be referred to that post. Children Families and Education had a small safeguarding team, regular training was made available for teachers, governors and designated safeguarding staff within the schools. Members asked that a briefing note be made available to alert Members to what schools had available to them.
- (7) It was suggested that there be an opportunity for Member input before the final recommendations of the Serious Case Reviews were agreed, or to allow Members to pass comment on the recommendations, the Policy Overview and Scrutiny Committee might be the more appropriate Committee for this to take place.
- (8) Mr Scholes asked whether an action plan being put together to monitor the implementation of the many recommendations from the Safeguarding Children report? The Chairman also asked for a definition of the term 'abandoned calls'. Mrs Hohler explained that the Managing Director would go through the recommendations to work up an action plan. Information would be reported back to Members as soon as possible.
- (9) Mr Critchley, one of the Parent Governor Representatives asked whether there was a culture of fire-fighting rather than nurturing regarding referrals from neighbours and the police and was there dysfunctionality and cultural barriers in inter-agency working? Mrs Hohler explained that the number of referrals had increased, however the proportion from neighbours and the police had remained fairly constant. Mrs Weiss explained that it was essential to work with other agencies, this was co-ordinated by a social worker. All agencies had different cultures, it was part of the role of the Safeguarding Board to help pull the different cultures together, and to reduce any barriers. The safety of the child was the first priority, prosecution would follow.

- (10) The Chairman asked whether there was a single telephone number to report any suspicion relating to children in danger, Mrs Weiss explained that social workers, the police or the NSPCC were the most appropriate channels.

RESOLVED that the Cabinet Scrutiny Committee:

1. Thank Mrs Hohler, Cabinet Member for Children, Families and Education and Mrs K Weiss for their attendance at the meeting and for answering Members' questions;
2. Thank the Cabinet Member Children Families and Education for her offer that when the summary of a serious case review is published and available to the public it is made available to all Group Leaders and Mr Lees and ask that this be extended to all Members;
3. Ask that the Cabinet Member Children, Families and Education in conjunction with the Deputy Leader (who has the portfolio for the Overview and Scrutiny Function) look again at the interrelationship with the Vulnerable Children's Policy Overview Scrutiny Committee, the Children's Champions Board, the Safeguarding Board and report the outcome to the Scrutiny Board;
4. Ask that the Scrutiny Board receive a report addressing how and whom should have the responsibility for elected Members as "Corporate Parents" supporting the needs of Looked After Children;
5. That the Cabinet Member for Children Families and Education in conjunction with the Managing Director be asked to prepare a briefing note setting out for Members the information and resources made available to schools and governors to ensure that the risks and vulnerability of children, as occurred in the recent case in Tunbridge Wells, is avoided.
6. Ask the Cabinet Member for Children Families and Education to draw up a protocol for dealing with future Serious Case Reviews in as far as it affects Information to Members, Members' input into the recommendations flowing from the review and the monitoring of the recommendations. It was suggested that the Vulnerable Children's Policy Overview and Scrutiny Committee would be the appropriate body to consider such a protocol in the first instance.

#### **46. Kent Digital Service**

*(Item D1)*

*(Mr R W Gough, Cabinet Member for Support Services and Performance Management and Mrs T Oliver, Director of Strategic Development and Public Access were in attendance for this item to answer questions from Members of the Committee)*

- (1) The Chairman asked why this decision was classed as 'urgent' and what the outcome will be for the staff involved.
- (2) Mr Gough explained that the strong advice that was received from Legal Services was that as the TUPE issue arose, or was very likely to arise, officers were to proceed on the basis described within the Kent Digital Service document (contained within the agenda papers).
- (3) In response to a question about the employees affected Mr Gough explained that they were employed by Ten Alps.



- (4) Mrs Oliver explained that in terms of the notice period, advice was taken from Legal Services and Personnel, and conditions on the contracts meant that Ten Alps were not put in breach of any such conditions. The Chairman explained that her understanding was that agreement had been reached with Kent TV that there were no penalties for finishing the contract on 31 March 2010. Mrs Oliver confirmed that this was correct although there may be some redundancy costs to KCC as a result of restructuring the team of staff who transferred to KCC. 8 staff transferred to KCC from Ten Alps on 1 April 2010. A consultation process is currently underway. The staff in the new team would be creating content such as the what's on guide, enhancing democracy, tourism and working with visit Kent. Mr Gough reminded the Committee that Kent Digital Service had a fixed budget of £250k to cover what's on, webcasting, staffing, technical support etc.
- (5) The Chairman referred to the recent refresh of the website and asked whether there was the ability to stream videos. Mrs Oliver explained a streaming facility was available through the webcasting contract and Kent TV and therefore it did not seem sensible to create a third way of streaming content as this would effectively be paying 3 times for the same service. Following the decision not to proceed with Kent TV the cheapest option was to retain some of the contracts which Ten Alps had with external contractors to deliver the streaming facility. Mrs Oliver confirmed that 'What's on' would be accessible externally and via kent.gov, the current webcasting contract had been extended with the current provider, public-I. Once the staff consultation process had been finalised the Council would look at how to enhance the webcasting service.
- (6) Mr Scholes asked that, regarding income generation, costs were indicative, what was the likelihood of income generation and could that money be used elsewhere. Mrs Oliver explained that any additional income might fund additional projects such as battle of the bands, or the Hollywood drama, that would be beyond the core remit for the new digital service. These additional projects would be commissioned from other agencies or other parts of KCC. Mr Gough explained that the intention was to stick to the £250,000 as a net cost.
- (7) Mr Parry raised concerns about the level of Member involvement in the process, particularly regarding the development of the new kent.gov website; it would have been preferable to involve Members earlier on in the process. Mr Gough confirmed he, his Deputy Cabinet Members and a number of other Members had been involved in both the kent.gov website and the new digital service.
- (8) There were queries about who would be able to upload content to the website, and the links with YouTube. Mrs Oliver explained that residents would not be able to upload their own video content directly but it could be sent in to the team and it would be uploaded for them. Content would continue to be embedded on a platform such as YouTube and played through the digital service as it did through Kent TV. Mr Gough added that further debate and engagement with Members was important. It might be possible to use the original website group or the Strategic Communications Group to discuss with

Members. There were concerns that the Strategic Communications Group was a technical group and Member input was limited, the Corporate Policy Overview and Scrutiny Committee might be a more appropriate group.

- (9) Mr Kite queried the idea of superblogs, these were worth looking into and were dynamic online communities. The difficulty facing the council was how interesting blogs and websites could be without news but nothing was ruled out.
- (10) The Chairman explained that there were concerns about the number of groups which were dealing with similar issues, the Member Information Group which had been pushing for a Members' Portal and improved communications to Members, an Accessing Democracy Select Committee much of which remained unimplemented, and discussions were being had about the live emailing of questions into Committee meetings. There was a need to bring these items together in one place for discussion.
- (11) The Committee were advised that the consultation process with staff was ongoing and to beware of discussing issues which might affect those Members of staff.
- (12) Mr Bayford asked that a note be provided, following the conclusion of the staff consultation, explaining the process in terms of what was undertaken, why it was undertaken in that way and the cost of the process. Mr Gough explained that TUPE was the process advised by Legal Services and Personnel Services.
- (13) Mrs Stockell queried the lack of voting function within Kent Digital Service. Mrs Oliver explained that the voting function was not available, although it could be added in the future. The Chairman explained that there may be other ways to use a voting function through the Council's computer systems.
- (14) Mr Christie asked that a copy of the legal advice regarding the need to use TUPE be provided, presumably once the contract with Ten Alps was lost an alternative would have been to make the associated staff redundant. Mrs Oliver explained that all options were explored with legal, personnel and procurement; the option described by the Member might have laid the Council open to legal challenges because the digital service was likely to continue.

RESOLVED that the Cabinet Scrutiny Committee:

1. Thank Mr Gough and Mrs Oliver for attending the meeting and answering Members' questions;
2. Ask that a note be provided once the staff consultation period has finished, explaining the process in terms of what was undertaken, why it was undertaken in that way and the cost of the process;
3. Ask that a copy of the legal advice regarding the need to use TUPE be provided.

#### **47. Local Member Information**

*(Item )*

Throughout the Cabinet Scrutiny Committee's discussion on each of the items was a common theme about how local Members are kept informed of issues, initiatives and decisions affecting their electoral divisions;

The Committee are aware of a range of important initiatives being undertaken which will improve the quality and flow of information to elected Members for example implementation of the Informal Member Group: Member Information (approved by the County Council – December 2008), the enhancement and refresh of the County Council website and the decision to develop Kent Digital Service. However there is a lack of cohesiveness in pulling all these factors together and a lack of clarity over who has the overall vision which the Committee recommends must be addressed. The Deputy Leader and Cabinet Member for Localism and Partnerships be asked to report to the Scrutiny Board on how and when he proposed this work to be taken forward, and this be reported to Members of Cabinet Scrutiny Committee through their follow up items report.