

## 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 Wednesday, 9 December 2009.

PRESENT: Mrs T Dean (Chairman), Mr A R Chell, Mr L Christie, Mr G A Horne MBE, Mr R F Manning, Mr M J Jarvis, Mr R E King, Mr R J Lees, Mr J E Scholes, Mr C Hibberd (Substitute for Mr R W Bayford), Mr J F London (Substitute for Mr R Brookbank) and Mrs E M Tweed (Substitute for Mrs J Law)

ALSO PRESENT: Mr N J D Chard and Mr R W Gough

IN ATTENDANCE: Mr M Austerberry (Executive Director, Environment, Highways and Waste), Ms B Cooper (Director of Economic Development), Mr R White (Transport and Development Business Manager), Mr K Harlock (Commercial Services Director), Mr T Molloy (Programme Manager - Office Transformation), Mr R Palmer (Senior Personnel Officer), Mr P Sass (Head of Democratic Services and Local Leadership) and Mrs A Taylor (Research Officer to Cabinet Scrutiny Committee)

### UNRESTRICTED ITEMS

#### **25. Minutes - 21 October 2009**

*(Item A3)*

In response to a question from the Chairman regarding the Cabinet Scrutiny Committee recommendations on Kent Highways Services and the process for Local Member input Mr Sass reported that discussions had been held between the Cabinet Member, the Head of Democratic Services and Local Leadership and the Overview and Scrutiny Manager and these would continue until the matters were resolved.

RESOLVED: That the minutes of the meeting on 21 October 2009 are correctly recorded and that they be signed by the Chairman.

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

*(Item A4)*

The Chairman asked that the Director of Environment, Highways and Waste be invited to attend the next agenda planning meeting of the Chairman and Vice chairmen to discuss to outstanding requests of the Committee in relation to gully schedules.

A memo from the Chief Executive was circulated in response to the Committee's letter of 23 October regarding a request that the Personnel Committee review the Officer Code of Conduct. The Committee agreed that the Chairman and Vice-Chairmen would consider any further action at their next agenda setting meeting in the New Year.

The Chairman also explained to the Committee that she and the Vice-Chairmen were following up an issue relating to the contract between KCC and Terry Farrell and a copy of the contract had been requested.

RESOLVED: That the Cabinet Scrutiny Committee notes the follow up items report.

## **27. Informal Member Group on Budgetary Issues - 27 November 2009**

*(Item A5)*

The Chairman explained that one of the roles of the Budget IMG was to look at Section 106 agreements that were failing to achieve what they set out to achieve. Mr Manning stated that he was hoping to meet with the Director of Economic Development and the Cabinet Member for Regeneration and Economic Development to determine how the original contribution level of £5.2million had been arrived at. The Budget IMG had requested that the Scrutiny Board be asked to review the protocols between the County and Districts and the formula used to determine contributions requested regarding future developments. The Chairman asked that the Scrutiny Board included a discussion on effective two tier working.

RESOLVED: That the Cabinet Scrutiny approve the notes of the Budget IMG on 27 November and ask the Scrutiny Board to review the protocols, in relation to future developments, between the County and Districts and the formula used to determine contributions requested

## **28. Strategic Head Quarters Reception Facilities**

*(Item B1)*

*Mr Roger Gough, Cabinet Member for Corporate Support Services and Performance Management, Mr Kevin Harlock, Commercial Services Director, Mr Tom Molloy, Programme Manager, Office Transformation, Mr Robert Palmer, Senior Personnel Officer were present for this item.*

The Cabinet Member for Corporate Support Services and Performance Management explained that the proposals did not affect the reception at Sessions House, the figures on the number of visitors to KCC receptions showed that the majority were visitors to Sessions House reception. In the current financial climate the Council needed to change how business was undertaken, there would be more focus on electronic methods and the need for reception facilities had to be reviewed. The Cabinet Member confirmed that 6 employees were affected by the proposal, which equated to 4.8 full time equivalent members of staff. The proposals were to reduce this to 2 full time equivalent members of staff and officers would ensure that where possible staff affected would be redeployed elsewhere.

In response to a question from the Chairman Mr Harlock explained that Commercial Services managed the reception facilities.

Mr Manning, one of the Joint Vice Chairmen of the Committee, stated that it was essential that the Council gave the right impression, the visitors needed to be dealt with efficiently, Members asked for confirmation of how the proposals would work in practice. Mr Gough explained that the overwhelming bulk of visitors were to Sessions House reception, there were very few visitors to Cantium House reception

and the bulk of visitors to Invicta House were KCC staff. It was the intention that members of the public would be met by the staff they were visiting.

The Chairman asked whether figures were available for the numbers of members of the public who visited Maidstone Gateways?

In response to a concern from Members about the fire evacuation procedure Mr Harlock explained that reception staff were responsible for overseeing the safe evacuation of public and staff from the reception areas, there would be no change to the fire alarm procedures and fire wardens and management would continue to ensure a quick evacuation in the instance of a fire alarm.

Mr Christie stated that the Cabinet Scrutiny Committee were representing the public and the image of the Council, he had concerns that costs which would be saved by reducing the receptionist staff would be borne by other members of staff collecting their visitors. Mr Harlock explained that in time the functions and duties of the reception staff would change, for example tenders were now being received electronically. Other Members raised concerns that additional burdens would be placed on secretarial staff who would have to continually meet visitors to each Council building.

In response to a question Mr Harlock explained that the proposal relied on the communication of officers, who would be responsible for ensuring a smooth arrival of visitors, touch screens were currently not part of the proposals and there was currently a consultation period during which officers would welcome any suggestions for consideration.

In response to a question from Mr King the witnesses confirmed that visitors would still be able to sign in, further consideration would be given to allocating swipe cards to visitors. Infrequent visitors would be asked to report to Sessions and would be collected, or they would be met by a member of staff from Invicta reception area.

In response to a question from the Chairman about whether a Health and Safety Risk assessment was carried out before the Chief Officer Group took the decision, Mr Harlock confirmed that a risk assessment and equality impact assessment had been undertaken now. It was not clear whether this informed the Chief Officer Group in their decision.

Members were concerned that they did not have enough information to feel satisfied that the alternatives being suggested were of the level that was expected of the County Council. Mr Harlock explained that during the consultation period with staff detailed processes and procedures would be produced and made widely available to staff.

The Chairman asked which Committee the processes and procedures information would be considered at, Mr Gough assured Members that in principle he had no problem with the issues being considered by a Council Committee, the Corporate POSC being perhaps the most appropriate to reassure Members with the detail.

The Chairman raised concerns about the hidden costs of the proposals, further detail was necessary in the report to the Council Committee. Mr Lees asked for evidence of the number of visitors who were reporting to the Gateways. Mr Gough stated that

there was a need to separate the visitors into KCC staff and external visitors, Gateways were only part of the debate and some of the issues already raised by Members might already exist, such as visitors moving around the Council buildings.

The Chairman asked whether a Business Case was put to the Chief Officer Group before they made their decision, Mr Harlock confirmed that a Business Case did exist and Mr Gough stated that it would be made available to Members of the Committee.

Mr Gough explained that the intention was not to drive visitors from Invicta House to the Gateway, but that there were trends that made this a sensible proposal. Regarding the holding area for visitors, the Atrium at Invicta could be used as a holding area for visitors if there was insufficient capacity at Sessions House.

RESOLVED that the Cabinet Scrutiny:

1. Thank Mr Gough, Mr Harlock, Mr Molloy and Mr Palmer for attending the meeting and answering Members' questions
2. Ask that a copy of the Business Case for the proposal to close the reception facilities, which Mr Harlock confirmed was considered by the Chief Officer Group, be circulated to all Members of the Committee
3. Express concern regarding the logistics of the proposed arrangements in terms of the efficient flow of visitors between KCC buildings and the level of face-to-face service that Members believe is appropriate for KCC offices
4. Express concern that the proposals overall lacked reality and apparent evidence; and that the relatively small savings that could be realised would be outweighed by additional costs being incurred elsewhere
5. Ask that the issue be considered by the Scrutiny Board, possibly through the Corporate POSC, before a final decision is made.
6. The Scrutiny Board, and/or Corporate POSC be provided with the following information: Number of people using the Maidstone Gateway; the appropriateness of using a holding area in Sessions House for visitors waiting to access other buildings; full details of all Risk and Health and Safety assessments, particularly with regard to fire evacuation, unauthorised access to swiped areas of the buildings etc.

## **29. Kent Design Guide: Parking Consultation**

*(Item C1)*

*Mr N Chard, Cabinet Member for Environment, Highways and Waste, Mr M Austerberry, Executive Director for Environment, Highways and Waste, Mrs B Cooper, Director of Economic Development, Mr B White, Transport and Development Business Manager, Mr T Hillier, Hillreed Homes and Mr A Tull, CDP Architects were present for this item.*

The Chairman explained that this call in was as a result of her being approached as Chairman of the Committee and that it was a decision made by two Cabinet

Members in May 2009. The meeting was not to discuss the decision in terms of guidance, but to consider whether the consultation process in this instance was satisfactory.

Mr White explained the consultation process; a 6 week consultation was undertaken using the Kent Design Initiative's select list of 87 consultees. Questionnaires were circulated to all consultees in respect of the three guidance notes, 9 responses were received to two documents and 8 responses to one (the parking document). Various issues were raised but no specific objections to the documents. The Chairman queried the 87 consultees set out in appendix 4 of the agenda papers, six of the consultees were Maidstone Borough Council so it was perhaps unfair to class these as separate consultees, as they were all the same organisation.

In response to a question from Mr Christie, Mr White explained that Hillreed Homes were on the consultees list and he was satisfied that the letter was sent to Hillreed Homes.

Mr Tony Hillier explained that he first became aware of the new standards in August 2009, he had no recollection of the consultation. The standards had a major impact on housing development, provision, standards and design. A group of key Kent developers and architect organisations met, none of whom had any recollection of the consultation document. The group approached Kent County Council's Cabinet with five concerns:

1. significant design implications;
2. confusion as to appropriate levels of parking;
3. standards would result in increased land take for parking;
4. increased development cost;
5. negative impact on housing delivery across Kent.

Mr Hiller then approached the Chairman of the Cabinet Scrutiny Committee to try to resolve the group's concerns. In the view of key developers across Kent there had been no consultation or awareness of the Kent Design Guidance document. Of the 9 responses there were no specific replies from developers, architects or practitioners; in addition Kent Developers Group was not consulted. The report document stated that the consultation responses 'largely lent support' to the guidance whereas in fact in Mr Hillier's view none of the responses were supportive, they raised questions and suggested further discussion. In relation to the 17 housebuilders on the consultee list; Mr Hillier had contacted 13 within the last 5 days, 11 had no recollection of the consultation document, 1 did recall but made no response and 1 was unsure. Mr Hillier stated that there had not been a serious response from the house building industry on this matter.

Mr Tull asked why designers were not consulted on the design guide document. Of 668 architects in Kent only one was consulted as Chairman of Royal Institute of British Architects (RIBA), how could 8 responses support the guidance document?

Mr Chard explained that he took over the role of Cabinet Member in June 2009, he was aware of correspondence between the Council and Mr Hillier, but there had been no satisfactory resolution. Mr Chard met with Mr Hillier in November; there were two issues, the consultation and the impact on the developers businesses. Mr Chard was

satisfied that the process was adhered to and he was satisfied that the right quality of people were consulted for the purposes of this consultation.

In response to a question from the Chairman Mr White explained that the homebuilders' federation regional group was consulted as was RIBA so it was felt that there was sufficient coverage. Mr White explained that parking would be design led in accordance with the guidance, there would be similar levels of parking but developments would accommodate properly designed parking. The consultation was sent out by paper to named individuals on the consultee list.

Mr Christie asked who drew up the Kent Design Initiative network, whether Mr Hillier and Mr Tull were aware of the network and were they part of it. Mr White explained that it would be beneficial to consider updating the consultation list for future consultations. Mr Hillier explained that he was aware of the database of the Kent Design Network, however he had no recollection of the consultation.

Mr Manning asked whether the consultees on the list was a representative trawl of affected parties, and did officers feel that 9 responses was a thorough consultation which largely led support. Mrs Tweed asked whether any effort was made to chase up those consultees who did not respond. Mr White explained that if there had been major concerns about the documentation they would have come through and chasing individuals was not in the nature of the consultation process.

In response to a question from the Chairman, Mr Hillier explained that he was dissatisfied with the explanation that there would be further opportunity for consultation on the guidance notes.

Mr Hillier asked that a list of the developers he contacted regarding the consultation be circulated to Members of the Committee and this was done.

In response to a question from Members about the outcome he would like to see from the meeting and for future consultations Mr Hillier explained that he would like to see a quick, focussed consultation with the industry on the guidance. Mr Austerberry stated that he accepted that consulting 87 individuals was not the same as the Council having consulted 87 separate organisations. However in his opinion officers did consult a representative spread of relevant organisations. There was a possibility that, in different circumstances, officers could be criticised for a situation in which they had set aside a consultation where the result was not as the Council would have wished. The decision to recommend changes to parking standards to the districts following the consultation was taken by the two Cabinet Members, and Mr Austerberry did not see any basis for setting aside the consultation and that decision. He made the point that increased parking could be achieved by good design and without necessitating increased land take. KCC was always willing to work with developers in this.

The Chairman stated that it was apparent that many Members did not understand the implications of the changes and there should be an opportunity for Members to be better informed. Mr White confirmed that there was a commitment from the Kent Design Initiative to work with the development industry to fully understand the design guide and there would be an opportunity for Member involvement. Mr White confirmed to Mr Hillier that the consultation was not just about implementing the

existing standards and that consultation would be about the standards and possible changes if appropriate.

RESOLVED that the Cabinet Scrutiny Committee:

1. Thank Mr Chard, Mr Austerberry, Mrs Cooper, Mr White, Mr Hillier and Mr Tull for attending the meeting and answering Members' questions
2. Welcome the assurance from the Cabinet Member that a meeting with Developers and Architects would be held as a matter of urgency in the New Year to discuss the details of the standards being proposed, not just to talk about their implementation.
3. Members should be invited to attend this meeting and the Chairman and Vice Chairmen of the Cabinet Scrutiny Committee should be advised at the earliest opportunity regarding the invitees to the meeting to ensure all relevant parties are present.
4. Ask that the KCC consultation protocol be circulated to all Members, as the Committee was concerned that the protocol might not have been properly applied in this instance and that the Scrutiny Board and/or Corporate POSC be asked to examine whether the Consultation Protocol needed to be amended, in the light of the concerns expressed about this particular consultation, i.e. whether the list of consultees is full and appropriate; whether the method of consultation was appropriate; and whether steps should have been taken to chase up non-respondents.

**30. Allocation of School Places in Kent (withdrawn)**  
*(Item D1)*

This item was withdrawn at the request of the Chairman and Vice Chairmen.