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Date: 31 January 2011

Dear Member

CABINET - WEDNESDAY, 2 FEBRUARY 2011

I am now able to enclose, for consideration at the meeting of Cabinet on Wednesday, 2 February 2011, the following report that was unavailable when the agenda was printed.

Agenda No	Item
8	<u>Follow up Items and Decisions from Cabinet Scrutiny Committee - 19 and 24 January 2011 (To follow) (Pages 1 - 16)</u>

Yours sincerely

Peter Sass
Head of Democratic Services & Local Leadership

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By: Alex King – Deputy Leader
Peter Sass - Head of Democratic Services and Local Leadership

To: Cabinet – 2 February 2011

Subject: Follow up items and Decisions from Cabinet Scrutiny Committee –
19 & 24 January 2011

Classification: Unrestricted

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

Cabinet Scrutiny Committee

1. (1) Attached as Appendix 1 is a rolling schedule of information requested previously by the Cabinet Scrutiny Committee. If the information supplied is satisfactory to the Committee 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.

(2) The decisions from the meeting of the Cabinet Scrutiny Committee on 19 and 24 January 2011 are also set out in **Appendix 1**. The recommendations have been sent to the relevant Cabinet Members for their response.

Policy Overview and Scrutiny Committees

2. (1) At its meeting on 15 July 2010, the Scrutiny Board agreed that any specific recommendations to Cabinet arising from Policy Overview and Scrutiny Committees should also be fed back to the Cabinet. The minutes relating to the Budget from the Policy Overview and Scrutiny Committees are reported as an appendix to item 5 on the Cabinet agenda.

Recommendation:

3. That the Cabinet agree responses to these decisions, which will be reported back to the Cabinet Scrutiny Committee.
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Background Information: *Nil*

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Highways Business Plan IMG – Gulley Emptying Schedules (10 December 2008)

Cabinet portfolio: Mr N Chard

Synopsis: The report to Cabinet Scrutiny Committee consisted of the minutes of the Highways Business Plan IMG held on 2 December 2008. During that meeting, it was resolved that gulley emptying schedules would be provided to Members after the County Council elections.

Reason for call-in: The minutes of the Highways Business Plan IMG of 2 December 2008 formed an item on the Cabinet Scrutiny Committee agenda of 10 December 2008. The Chairman asked that the request from the IMG be actioned.

Recommendations and responses:

1. Highways Business Plan IMG 02.12.08: That a list of gulley schedules be supplied to all Members after the elections

The gulley emptying schedules would be issued to Members in the next few weeks.

Date of response: 21 July 2010

Date actioned: Not applicable

Members have received a map showing gulley emptying routes and schedule information would be available in the next few weeks

Date of response: 15 September 2010

Date actioned: 15 September 2010

Members will begin to be provided with the gulley emptying schedules from 18 October onwards

Date of response: 11 October 2010

Date actioned: 19 October 2010

Notes:

20.10.10 A spreadsheet detailing the number of gullies in each parish and when they had been or were due to be emptied was circulated to Members on 19 October 2010. At the meeting of the Cabinet Scrutiny Committee on 20 October 2010, the Chairman expressed concern that the information requested by the Committee had still not been received. The Chairman and Vice-Chairmen will be meeting with officers to discuss a way forward

Following a meeting between the Chairman and the Director of Highway Services, a briefing note has been provided to the Committee on this issue, and further information is expected to be provided to Members before the meeting of Cabinet Scrutiny Committee on 8 December.

20.12.10 - details of 'hotspots' was provided to all Members of the Cabinet Scrutiny Committee, and Mr Burr has requested that if Members have any additional local information Highways would be glad to hear from them. A follow-up report on progress will be provided to Cabinet Scrutiny Committee in the New Year

10.01.11 – A report on the interim approach to the delivery of the highway drainage service was provided to the Cabinet Scrutiny Committee on 10 January.

19.01.11 – The Chairman asked that this item remain outstanding until Mr Burr has provided a final report detailing how the schedules will be handled. This report is expected in Autumn 2011.

Kent Design Guide: Parking Consultation (9 December 2009)

Cabinet portfolio: Mr N Chard

Synopsis: The report to Cabinet Scrutiny Committee consisted of the decision notice which was signed by the Cabinet Members in May 2009; the report which recommended that the Quality Audit and Residential Parking Interim Guidance Notes be approved for adoption by Kent County Council and by Kent's District Councils; the report to the Kent Planning Officers' Group in October 2008 on the consultation responses to the Kent Design Guide Review; and the full list of consultees.

Reason for call-in: 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 relating to the guidance, but to consider whether the consultation process in this instance was satisfactory.

Recommendations and responses:

3. 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 was full and appropriate; whether the method of consultation was appropriate; and whether steps should have been taken to chase up non-respondents.

A report was presented to Environment Highways and Waste Policy Overview and Scrutiny Committee on this issue at its meeting on 29 July 2010.

The following recommendations were agreed:

- a) Endorse the testing of the robustness of IGN3 described in Section 4 and receive a report on the outcomes when they are available.*
- b) Acknowledge the concerns of the Kent Developers' Group, and the work that is being undertaken to address these concerns, and encourage further dialogue at appropriate levels to understand the actual implications of and opportunities presented by IGN3, and its interpretation at local level.*
- c) Note that public consultation on Ashford Borough Council's draft Residential Parking SPD offers developers and designers an opportunity to make further representations on the implications of 'IGN3 based guidance', having regard for the need to address the problems of some past approaches.*
- d) Acknowledge the widespread concern among residents concerning parking in recent residential developments, and the social and cost implications arising from the problems caused, and welcome collaborative working approaches that are seeking to avoid replication of these problems in future developments.*

Date of response: 29 July 2010

Date actioned: 29 July 2010

Notes:

15.09.10 – The Chairman and Vice-Chairmen of the Cabinet Scrutiny Committee are due to discuss this issue with the Director of Environment, Highways and Waste

08.10.10 - The Head of Transport & Development has met with the Chairman and Spokespersons of the Cabinet Scrutiny Committee. Concerns have been raised by several development companies and Members and officers of KCC about the discounting of garages and tandem parking from the minimum guidance levels for certain areas. In particular, it has been argued that this will have the 'unintended consequences' of reducing densities of development and degrading the quality of the streets. As a consequence, there has been some pressure for IGN3 to be amended. Because the Kent Planning Officers Group (KPOG) owns IGN3, any review would only be meaningful if it was commissioned by KPOG. After all, IGN3 was endorsed for interpretation at LPA level. A report to address these issues will be taken to KPOG on 29 October, and the Chairman and Spokesmen have been asked to be kept informed of the results of the discussion.

19.01.11 - At Cabinet Scrutiny Committee, the Chairman explained that since the Secretary of State for Communities and Local Government had announced a removal of the limit on parking spaces in new developments and that approximately half of district councils had signed up to the Guidance, Mr Burr would be reassessing whether IGN3 would be adopted on a countywide basis and producing a report on his findings.

Review of SEN Units – Outcome of the Evaluation of the Lead School Pilot (15 September 2010)

Cabinet portfolio: Mrs S Hohler

Synopsis: The report set the context for the SEN Unit Review, presented the findings of the Lead School Pilot evaluation and made recommendations and proposals for the development of a new SEN Strategy to meet the special educational needs of Kent children and young people.

Reason for call-in: This item was called in to enable Members to ask questions about the outcome of the Lead School Pilot, the consultation process and the future funding of SEN Units.

Recommendations and responses:

1. Ask the Managing Director, Children, Families and Education to ensure that the CFE (Vulnerable Children and Partnerships) Policy Overview and Scrutiny Committee is given a formal opportunity to monitor progress of the SEN review at all appropriate stages.

A report will be taken to the CFE (Vulnerable Children and Partnerships) Policy Overview and Scrutiny Committee.

Date of response: 30 September 2010

Date actioned: awaiting date

**Kent Connexions and Work Related Learning Services Contract 2010-2013:
Budget Saving Options (20 October 2010)**

Cabinet portfolio: Mrs S Hohler

Synopsis: The original paper outlined the proposed budget saving options for the Kent Connexions and Work Related Learning Services Contract 2010-2013.

Reason for call-in: Members wanted more information on the basis of the decision that was taken under urgency procedures to reduce Connexions funding by £5 million over the final two years of the contract.

Recommendations and responses:

1. Ask the Cabinet Member, Children Families and Education to ensure that the proposed revisions to the Connexions Budget and services would be brought back to the Cabinet for consideration prior to implementation in April 2011, so that this Committee can consider whether to call-in the proposals for examination.

Final decisions on all KCC budgets for implementation in the next financial year, including that of Connexions will be achieved through KCC's budget setting process in the New Year.

Date of response: 11 November 2010

Date actioned: TBC

3. Ask that the Managing Director, Children Families and Education provide comparative information on the performance of other organisations in helping NEETs into employment.

As explained at the Committee, the only comparative information that can be relied upon is that from other Local Authorities in respect of comparison of the percentage of NEETs. This is because "comparative information on the performance of other organisations in helping NEETs into employment" is often held by private sector contractors who would deem this information to be "commercial in confidence" and would not agree therefore to make it publicly available. Consequently there is no consistent comparative national data on this specific topic.

However, Kent's favourable position on NEETs is shown on the table below

Latest available (2010) Comparison to Statistical Neighbours

	<i>July</i>	<i>August</i>	<i>September</i>	<i>Average</i>
<i>Nottinghamshire</i>	5.0%	5.4%	4.5%	4.9%
Kent	5.2%	5.2%	5.6%	5.4%
<i>Staffordshire</i>	5.5%	5.8%	6.9%	6.1%
<i>Worcestershire</i>	6.3%	6.6%	5.9%	6.2%
<i>Warwickshire</i>	5.8%	6.3%	6.4%	6.2%
<i>West Sussex</i>	5.9%	6.3%	7.2%	6.5%
<i>Swindon</i>	7.7%	8.2%	5.2%	6.8%
<i>East Sussex</i>	7.3%	7.6%	6.8%	7.2%
<i>Essex</i>	7.5%	8.1%	8.6%	8.1%
<i>Northamptonshire</i>	6.9%	7.6%	9.9%	8.3%

Date of response: 11 November 2010

Date actioned: 11 November 2010

Note: 20.12.10 The Chairman is in discussion with officers about the provision of comparative information on the performance of other organisations in helping NEETs into employment.

10.01.11 A confidential Cabinet report on the tendering process has been provided to the Committee.

19.01.11 The confidential Cabinet report was due to be considered by the Committee in closed session. Due to the length of the debate on Older Person's Modernisation, this was deferred until the meeting of Cabinet Scrutiny Committee on 9 February.

Inspection of Safeguarding and Looked After Children Services (8 December 2010)

Cabinet portfolio: Mrs S Hohler

Synopsis: This report to Cabinet summarised the outcome of the Ofsted Inspection of Safeguarding and Looked After Children Services in Kent

Reason for call-in: Members wanted more information on the Inspection of Safeguarding and Looked After Children Services, including why the risk of the judgement had not been identified earlier.

Recommendations and responses:

3. Welcome the assurances given by the Leader of the Council, the Cabinet Member for Children, Families and Education and the Managing Director, Children Families and Education that the points made during the discussion at Cabinet Scrutiny Committee will be included as part of the recovery plan. These are as follows:

- a. that a review of the governance arrangements relating to safeguarding would be carried out, including the future role of the Policy Overview and Scrutiny Committees and the Children's Champion Board.
- b. that the current reward policy for front line social workers be reviewed, to ensure the right staff are recruited and retained within the authority.
- c. that a rota between working within Safeguarding and with Looked After Children be considered, to reduce staff 'burn-out'
- d. that concerns around the caseload and training levels of staff are examined
- e. that the previous culture of silence from social workers is examined to ascertain why it had become ingrained within the organisation, and to avoid this happening again
- f. that the use of the Integrated Children's System is reviewed to ensure it is fit for purpose and being used as effectively as possible
- g. that the Council work more closely with the Courts to help reduce the amount of experienced social workers' time depleted through lengthy proceedings
- h. to explore ways in which Members can be involved in Serious Case Reviews, if necessary with bespoke Member training for this purpose
- i. that all Members who serve on the relevant Overview and Scrutiny bodies should be strongly encouraged to be more robust and challenging in performing their role to hold decision-makers to account for their actions, including being better prepared with searching questions prior to the meeting, and that opportunities for specific training on scrutiny questioning techniques should be taken up.
- j. that the need for a 'triage' system be highlighted, in order to effectively prioritise referrals

Responses a to j (apart from action i which is an action for the party whips) are being considered for inclusion in the recovery plan. An updated recovery plan will be circulated to the Cabinet Scrutiny Committee on 19th January.

4. Ask the Leader of the Council that the outcome of the meeting with the Minister to discuss safeguarding and looked after children services in Kent be reported back to the Cabinet Scrutiny Committee.

5. Ask the Cabinet Member to ensure that the outcomes of the review into the circumstances surrounding the judgement be reported back to the Cabinet Scrutiny Committee, given the seriousness of the subject.

6. Ask the Cabinet Member to provide a report on the actual number of social worker posts and historical data on the number of vacancies within the Children, Families and Education Directorate since April 2009.

7. Ask the Cabinet Member to provide a report on the number of safeguarding referrals to the Children, Families and Education Directorate from different agencies since April 2009.

A report will be produced for Cabinet Scrutiny on 19th January encompassing responses 4 to 7. The author of this report is Helen Davies/Victoria Widden.

Note: 19.01.11 At the meeting of the Cabinet Scrutiny Committee, it was explained that the Committee had been promised a copy of the County Council's improvement plan. Since this was not due to be finalised until the end of January, the Chairman suggested that the Committee would not pursue the item further until the improvement plan had been produced.

Bold Steps for Kent - The Medium Term Plan to 2014 (8 December 2010)

Cabinet portfolio: Mr P Carter

Synopsis: The report to Cabinet asked Cabinet to endorse of the latest draft of Bold Steps for Kent and make a recommendation to County Council to approve the final version at its meeting on the 16th December 2010.

Reason for call-in: Members wanted more information on Bold Steps for Kent – The Medium Term Plan to 2014.

Recommendations and responses:

5. Ask the Leader that any data on the increase in Small and Medium Enterprises (SMEs) accessing KCC contracts be made available

Noted and this will be programmed in within the work stream referred to above

8. Ask the Leader that ways of engaging members of the public in the Big Society who are not members of Local Strategic Partnerships or other similar bodies be addressed in the Medium Term Plan.

Noted. Officers are working on ideas for how the Big Society can really take effect within Kent and how Kent County Council can help that. There are no assumptions in that work stream that only members of LSP's will be engaged in this.

Note: 19.01.11 The Chairman explained that the original request in recommendation 5 was that evidence be provided to the Committee that the activity being undertaken by KCC regeneration staff was being successful in encouraging more SMEs to access the Council's procurement process. It was resolved that Committee was still awaiting this information.

In respect of recommendation 8, the Committee resolved that it will await a report from officers on their proposals relating to the Big Society.

Older Person's Modernisation (19 January 2011)

Cabinet portfolio: Mr G Gibbens

Synopsis: The report to Cabinet provided a summary of the consultation, shared the final reports and sought sign-off of the recommendations in order for the Cabinet Member for Adult Social Services to make his decisions. All of the 11 individual Cabinet Member decisions were called in for scrutiny by the Cabinet Scrutiny Committee.

Reason for call-in: Members wanted more information on consultations, the movement away from direct provision of services, comparative costs of public and private sector service provision and other issues.

Recommendations and responses:

- 1. Thank Mr Gibbens, Mr Mills, Ms Howard and Mr Weiss for attending the meeting and answering Members' questions.**
- 2. Welcome the assurances given by the Managing Director, Kent Adult Social Services, about the appointment of an independent arbiter, who would be able to hear grievances from affected residents who felt their services were not equivalent or better in the future.**
- 3. Ask the Managing Director, Kent Adult Social Services, to provide an example of a typical care contract to the Committee, in relation to concerns about future costs of any care contract in respect of Extra Care Housing,**
- 4. Ask the Managing Director, Kent Adult Social Services, that additional information be provided about ongoing protection of terms and conditions for any staff transferred under Transfer of Undertakings (Protection of Employment) Regulations to new providers, and how long staff would enjoy this protection.**
- 5. Welcome the assurances given by the Managing Director, Kent Adult Social Services, that further information would be provided to the Committee about the frequency of future inspections by the Care Quality Commission (CQC) of new facilities, recognising the fact that CQC does not regulate Extra Care Housing.**
- 6. Welcome the continuing assurances given by the Managing Director, Kent Adult Social Services, that staff affected by the Older Person's Modernisation programme would be supported through the changes in the usual way by KCC.**
- 7. Welcome the commitment from the Managing Director, Kent Adult Social Services, that the Freedom of Information request from Ms Baldwin be responded to as quickly as possible.**
- 8. Request that the Managing Director, Kent Adult Social Services, provide a report on the details of new legislation relating to pension provision in the private sector, and how this will affect the comparative cost of private sector care provision.**
- 9. Request that the Director of Governance and Law be asked to give his professional opinion as to whether a possible lack of advice and information for the public about the fact that choices in the consultation were restricted, due to**

the conditions of the Private Finance Initiative bid to Government, had invalidated the consultation process.

10. Welcome the assurance from the Cabinet Member, Adult Social Services, that he will be as flexible as possible about the timeframe for closure of Sampson Court, if there is a reasonable bid from a social enterprise to take over its operation.

11. Express regret that some local Members were not involved more fully in the process of considering the options relating to each site, and ask that the Group Managing Director urgently raise with the Corporate Management Team the issue of full, timely and ongoing involvement of local Members in the development stage of any decisions affecting their division. The Committee would like to draw Members' attention to:

A) Paragraph 22 of Appendix 2 Part 4 of the Constitution:

Involvement of Local Members

22. (1) In exercising these delegations or in preparing a report for consideration by the Cabinet or a Cabinet Member, officers shall consult the relevant Local Member(s) on any matter that appears to specifically affect their division.

(2) Any objection by a Local Member to a proposed course of action shall be the subject of consultation with the relevant Cabinet Member.

(3) All reports to the Cabinet or a Cabinet Member shall include the views of Local Members.

B) Recommendation R6 from the Informal Member Group on Member Information's report of December 2008:

R6. A Local Member Notification Protocol be developed, and electronic alerts introduced to systems, indicating when members need to be consulted and informed and by whom, with current contact details.

C) Communications from the Director of Governance and Law to Senior Managers, for example from November 2007, reminding officers of the need to keep Local Members informed and involved in matters affecting their divisions, as enshrined in the Constitution.

D) Paragraph 4 of the Procedure for writing and preparing reports to Cabinet, Cabinet members, committees and the council (<http://knet2/policies-and-procedures/reports-to-cabinet-cabinet-members-committees-and-the-council/reports-to-cabinet-cabinet-members-committees-and-the-council>):

4. For a proposal which relates to a particular area of the County, it is particularly important that you consult all the local Members concerned

12. Welcome the assurance from the Managing Director, Kent Adult Social Services, that a list of what the Council expects to be included in any formal agreement about levels of service provided under alternative arrangements for residents be provided to the Committee.

Budget 2011/2012 and Medium Term Financial Plan 2011 - 2013 (24 January 2011)

Cabinet portfolio: Mr J Simmonds

Synopsis: Every year the Council sets its Budget for the next financial year and its Medium Term Financial Plan (MTFP). The final Budget and MTFP are approved at County Council in February.

Reason for call-in: Cabinet Scrutiny Committee is part of the yearly cycle of meetings to discuss the Budget. Various elements of the Budget 2011/12 and Medium Term Financial Plan 2011-2013 were discussed during the meeting of the Cabinet Scrutiny Committee.

Recommendations and responses:

- 1. Thank Mr Carter, Mr Simmonds, Ms Carey, Mr Wood, Mr Shipton and Mr Abbott for attending the meeting and answering Members' questions.**
- 2. Ask that the Cabinet Member, Finance, provides a copy of the letter sent by KCC to Government in response to the Provisional Local Government Grant Settlement 2010-11.**
- 3. Ask that the Cabinet Member, Finance, provides a table of the reduction in Government grants to other local authorities in England compared to Kent.**
- 4. Welcome the assurances given by the Leader that proposals on how reductions to the Early Intervention Grant will be implemented in Kent be put before Members for consultation, including through the relevant Policy Overview and Scrutiny Committee.**
- 5. Welcome the suggestion given by the Leader that research into implementation of a 'living wage' in Kent be undertaken, including mapping the variations in cost of living across the county.**
- 6. Ask the Group Managing Director to consider whether changes to the risks that the Council faces also be reported to the Cabinet Scrutiny Committee, no less frequently than every six months.**
- 7. Ask that the Cabinet Member, Finance, provides detail of the number of users of concessionary bus fares over the previous year, and how this relates to the £600,000 identified savings from providing this service from 9.30am.**
- 8. Ask that the Managing Directors of all Directorates affected provide detail of any reductions in funding to the voluntary sector.**
- 9. Formally commend Finance Members and Officers for their hard work during the run up to the publication of the budget.**

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