

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.