

SCRUTINY BOARD

Wednesday, 24th February, 2010

10.00 am

Darent Room, Sessions House, County Hall, Maidstone





AGENDA

SCRUTINY BOARD

Wednesday, 24 February 2010 at 10.00 am Ask for: **Paul Wickenden**
Darent Room, Sessions House, County Hall, Telephone **(01622) 694486**
Maidstone

Tea/Coffee will be available 15 minutes before the meeting

Membership (10)

Conservative (9): Mrs A D Allen, Mr C J Capon, Mr M C Dance, Mr C Hibberd,
Mr G A Horne MBE, Mr E E C Hotson, Mr P W A Lake, Mr K Smith
and Mrs E M Tweed

Liberal Democrat (1): Mrs T Dean

UNRESTRICTED ITEMS

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

Item No

- 1 Substitutes
- 2 Election of Chairman
- 3 Election of Vice-Chairman
- 4 Declaration of Interests by Members in items on the Agenda for this meeting
- 5 Items referred to the Scrutiny Board in accordance with its Terms of Reference
(Pages 1 - 2)
- 6 Building capacity for Overview and Scrutiny (Pages 3 - 20)
- 7 Select Committee work programme update (Pages 21 - 28)
- 8 Half day Members workshop - approval of framework (Pages 29 - 34)
- 9 POSC - discussion of good practise (Pages 35 - 44)
- 10 Kent and Medway Overview and Scrutiny Officers Network - Partnership
Working (Pages 45 - 46)

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, 16 February 2010

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.

By: Paul Wickenden, Overview, Scrutiny and Localism Manager
To: Scrutiny Board - 24 February 2010
Subject: **Items referred to the Scrutiny Board in accordance with its Terms of Reference.**

Summary: This report sets out items that have been referred to the Scrutiny Board for consideration

Introduction

1. The terms of reference for this Board were approved by County Council on 10 December 2009 and are set out below :-

“This committee has been appointed by the Council under section 21 of the Local Government Act 2000, either by itself or by allocation to one or more of the Policy Overview and Scrutiny Committees, to:

- (a) review or scrutinise:
 - (i) decisions made or other action taken in connection with the discharge of any non-Executive functions
 - (ii) actions taken in connection with the discharge of any Executive functions by the Leader, the Cabinet or Cabinet Members (other than formal decisions)
 - (iii) officer decisions (whether exercising Executive or non-Executive functions)
- (b) request, but not require, that implementation of a decision be postponed when considering any decision taken by an officer or by a Committee exercising functions delegated by the Council.
- (c) co-ordinate the programme of Select Committee reviews during the year
- (d) allocate Select Committee reviews to Policy Overview and Scrutiny Committees and decide the appointment, co-ordination, composition and chairing of Select Committees to conduct the reviews
- (e) undertake policy development activity where this is of a cross-cutting nature, or allocate this power to the relevant Policy Overview and Scrutiny Committee
- (f) consider and keep under review the overall mechanisms and functions of the Overview and Scrutiny process and to make recommendations to the Council as appropriate

- (g) deploy Policy Overview and Scrutiny support staff and resources.”

References from the Cabinet Scrutiny Committee

2. (1) At the meeting of the Cabinet Scrutiny Committee on 9 January 2010 the following matters were referred to the Scrutiny Board:-

Developer contributions, section 106 agreements:

(2) The Cabinet Scrutiny Committee asked 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. The Scrutiny Board is requested to determine which Policy Overview and Scrutiny Committee (POSC) should deal with this issue and when.

Kent Design Guide (consultation protocol)

(3) The Cabinet Scrutiny Committee have requested that the Scrutiny Board, or the Corporate POSC examine whether the consultation protocol needs to be amended in light of the Kent Design Guide Consultation. The Scrutiny Boards views are sought.

Draft Revised Equalities Strategy

(4) This draft three-year strategy sets out how Kent County Council (KCC) meets its current statutory obligations for equalities. It is designed to focus on ensuring that in assessing needs, understanding communities and designing services KCC takes account of the needs of every individual from all backgrounds.

(5) The strategy follows the structure of the Equalities Framework for Local Government and is organised under the headings of:-

- community mapping;
- leadership and corporate commitment;
- consultation and external scrutiny;
- service delivery and customer care;
- employment and training'."

(6) The Scrutiny Board is requested to decide whether to consider this corporate document itself or whether a specific POSC, such as the Corporate POSC, should be tasked with commenting on this document.

Recommendations that either the Scrutiny Board or a specified POSC consider the following issues :-

- (a) Developer contributions, section 106 agreement
- (b) Kent Design Guide (consultation protocol)
- (c) Draft revised equalities strategy

Paul Wickenden

Tel No: 01622 694486 e-mail: paul.wickenden@kent.gov.uk

By: Paul Wickenden, Overview, Scrutiny and Localism Manager
To: Scrutiny Board - 24 February 2010
Subject: **Building capacity for Overview and Scrutiny**

Summary: This report looks at ways of building capacity for overview and scrutiny based on the decision taken at County Council on 15 October 2009.

Introduction

1. (1) At its meeting on 15 October 2009 the County Council agreed:-

“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”

(2) It should be noted that the consequential amendments to the constitution necessary to establish the Scrutiny Board were not approved by County Council until 10 December 2009.

New ways of working

Regeneration and Development Policy Overview and Scrutiny Committee (POSC)

2. (1) The Regeneration and Economic Development POSC and Learning and Development POSC are part-way through a programme of joint, monthly, half-day visits to District Councils around Kent, with the aim to visit all districts in a year. The purpose of the visits is to give each District Council a chance to showcase the regeneration priorities in its area by touring key sites and projects. Learning and Development POSC Members are joining these visits to look at the learning and skills issues and how these relate to the economic health and regeneration agenda.

(2) The Overview and Scrutiny team involvement has been in negotiating and setting dates with District Councils, liaising with them over the outline of each visit, circulating to POSCs and KCC Local Members the briefing material supplied by each host Council in advance of their visit, and issuing to POSCs and Local Members the Members' written report back of each visit.

(3) An oral report back on the latest visit/s is made by Members to each meeting of Regeneration and Economic Development POSC, so that the process is inclusive for the POSC.

(4) The cost of the minibus tour for each visit is funded from the KCC Member Budget, and host Councils have been asked to select the most

economical local contractor in each case. The cost of mini bus travel for the visits so far has averaged £148 per visit. Most visits so far have included or will include a sandwich lunch, provided by the host Council.

(5) Communities POSC agreed that they would like to visit the site of Turner Contemporary, Margate. It was agreed that the most effective way to do this was as part of the Regeneration and Economic Development POSC visit to the area. The POSC's are therefore starting to work effectively and collaboratively together which is welcomed and encouraging.

CFE Learning and Development POSC - Visits to 3 schools held on 2 February 2010 looking at 14-16 years learning and skills prospects leading to future employment.

(6) On 2 February 2010 eleven Members of the POSC, accompanied by Officers visited the Skills Centre, Thamesview School, Gravesend, Leigh Academy, Dartford, North West Kent College, Gravesend. The visits were organised by officers in the CFE Directorate, and the Manager of Kent Employment and Skills Board, who gave presentations and a briefing.

(7) The cost of the Minibus hired for the day was £250, a light lunch provided by Skills Centre and the other 2 venues provided tea and coffee. Filming of the comments of the students, with their consent, at the Skills Centre and the Leigh Academy were secured free of charge which would otherwise have cost of £125 for the filming and editing.

(8) The information gained from the visit will inform the meeting of the POSC on 23 February 2010 which will focus on this issue.

CFE Resources and Infrastructure POSC – IMG on Special Educational Needs Transport

(9) This IMG set up to undertake a Strategic Review of SEN Transport. The IMG held its first meeting in November 2009. It is supported by Democratic Services with the reports and background research provided by Directorate colleagues. Two meetings have been held to date and a further meeting is due to be held on 25 February 2010. When this IMG was established it was estimated that its work would be completed in approximately five meetings.

IMG on the Medium Term Financial Plan

(10) All POSC's were given the opportunity to set up an IMG to look at their part of the Medium Term Financial Plan in November 2009. All POSC's took up this option but carried out this task in different ways. Some ranked options put forward by the Directorate and others, such as the Corporate POSC's IMG, gave Members the opportunity to put forward their suggestion on the impact of possible savings on different areas of the budget (it is interesting to note that 3 of the 12 suggestions made by the Corporate POSC IMG were incorporated into the draft budget in some form).

(11) It is suggested that a detailed report is submitted to the next meeting of the Scrutiny Board, and officers from Corporate finance invited to attend, to

discuss the most effective way for POSC to contribute to the MTP and draft budget in 2010.

Health Overview and Scrutiny Committee

(12) The recent Task and Finish group of elected Members which recently reviewed the Women's and Children's services, within the Maidstone and Tunbridge Wells Trust have published a report which they wrote following gathering evidence in writing and in person.

Regeneration and Economic Development POSC

(13) When the Regeneration and Economic Development POSC visits to Districts were first established an intended added benefit of the process was a chance to trial a rapporteur-style arrangement, wherein Members prepare their own written report of the visit and its outcomes.

(14) However, each of the visits so far (and those currently in the planning stage) have been accompanied by the officer from the Regeneration and Economy team who is most able to brief Members on the area concerned, and Members have not yet taken up the opportunity to be note taker and report writer. The reports from the two visits completed so far have been written up by the Regeneration and Economic Development officer in each case.

(15) Following the second visit, one Member, did produce a report on the aspects of the visit which related to his subject area (ie Learning and Development), and his contribution was built into the main report by the Regeneration and Economic Development officer.

(16) Members who were present at the District visits have been giving an oral update to the next meeting of Regeneration and Economic Development POSC.

Rapporteurs

3. (1) The County Council in approving the new arrangements for the Overview and Scrutiny function approved the concept of a 'rapporteur scheme' to be developed. The general concept of this is that an elected Member, or group of Members, with a specific interest can volunteer to take ownership of a piece of work, undertake the research themselves and prepare a report.

(2) It falls to this Board, in consultation with the Cabinet to identify and pilot a rapporteur scheme. As part of this it is important that clear guidelines are developed in collaboration with the Cabinet and Chief Officers on how this would operate and, the responsibility of a rapporteur, what they could reasonably do and not do and what level of support which might be available to them.

(3) Members will recall that there was an informal meeting of the Scrutiny Board held on 18 November 2009 where there was some initial discussion of this issue. A copy of the paper from that meeting is attached as **Appendix A**. This paper raises a number of issues on which Members views are sought these are:-

- Options for selecting topics (Appendix A paragraph (9))
- Number of Rapporteurs (Appendix A paragraph (12) & (13))
- Support for Rapporteurs (Appendix A paragraphs (16) – (19))
- Rapporteur Reference Group (Appendix A paragraphs (20) – (25))

Set out above in sub paragraphs (12) to (16) are some examples of what has already started to develop which will help inform the ongoing discussion on the development of this framework.

(4) Comments from Members of the Scrutiny Board on what should be included in draft guidelines for the operation of the rapporteur scheme would be appreciated to help officers prepare a framework/heads of agreement for discussion with Cabinet and the Chief Officers Group.

Engagement with the press and media

4 (1) Engagement with the press and media is another area where the Board have been tasked by the County Council to look at ways they can work more effectively to support Overview and Scrutiny. Members are reminded that the County Council has an agreed public relations protocol for Select Committee reviews (**APPENDIX B**) and reports, but there is no protocol for the rest of the Overview and Scrutiny process to engage with the press and media.

(2) Members views on this are sought on whether there should be a County Council approved protocol to set out how overview and scrutiny should engage with the press and media, and if so guidance from Members on what this should include would be welcomed. If it is decided to pursue this then an initial draft, based on Member input, can be produced, in consultation with the Head of Communications & Media Centre, for further discussion at a future meeting of the Board.

(3) Another suggestion which might warrant consideration is to arrange a summit meeting with the media, the Board and the Cabinet Portfolio Holder facilitated by the Head of Communications and Media Centre.

Forward Plan of Key Decisions

5. (1) The Forward Plan of Key Decisions is an important 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.

(2) 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. It was suggested in the refocusing and restructuring of overview and scrutiny report to the County Council 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.)

(3) Attached as **APPENDIX C** is an example of the current Forward Plan of Key Decisions. The Boards views are sought on how this document can be improved for a discussion with Cabinet and the Chief Officers Group.

Live question from members of the Public via email

6. (1) The Democratic Services and Local Leadership unit have received a request to trial the receipt of live questions from members of the public via email to meetings across the Overview and Scrutiny suite. Discussions to date have indicated that this service should allow questions to be submitted to meetings rather than comments.

(2) This is a positive step in terms of the use of information technology to promote wider access to democracy. The County Councils Information Services Group have informed us that it is fairly simple to set up but there is a clear need to agree a protocol to safeguard openness and transparency and to prevent the overburdening of Committee meetings. It is important that our approach to this service is consistent across the whole of the Overview and Scrutiny suite and the Scrutiny Board is asked to discuss this approach in the first instance.

(3) The Board are invited to :-

- discuss this new approach of receiving live questions from members of the public via email to Committee meetings within the Overview and Scrutiny suite;
- agree that a protocol be developed, in consultation with the Scrutiny Board, and be brought back to a future meeting of the Board;
- discuss the best way of publicising the availability of this service to the public;
- discuss the important and potentially difficult role of the moderator of the live questions, and consider whether s/he needs to be given any formal guidance in their role by the Scrutiny Board.

6. Recommendations

(a) The Boards comments are sought on the new ways of working trialled by some of the POSCs

(b) A report be submitted to the next meeting of the Scrutiny Board on the ways in which POSCs can effectively contribute to the MTP and draft budget in 2011.;

(c) A discussion paper on the framework for a rapporteurs scheme be submitted to a future meeting of the Board following a discussion with Cabinet and Chief Officers Group

(d) The Boards preferred option(s) are sought for Overview and Scrutiny developing a more effective collaboration with the press and media.

(e) The Boards views are sought on how the statutory Forward Plan of Key

Decisions can be improved for further discussion with the Cabinet and Chief Officer Group.

(e) the comments made by Members on the proposed new approach of receiving live questions from members of the public via email to Committee meetings within the Overview and Scrutiny suite be incorporated into a draft protocol be to circulated to Cabinet and Chief Officers prior to it being submitted to a future meeting of this Board for endorsement.

Paul Wickenden
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By: Alex King, Deputy Leader

To: Informal Meeting of the Scrutiny Board – 18 November 2009

Subject: Options for a Rapporteur Scheme

Summary: This report is for discussion on the options for the development of a rapporteur scheme

Introduction

1. Following the County Councils approval to the refocusing and restructuring of the Overview and Scrutiny Function this report sets out a variety of ideas for a rapporteur scheme

Options for a Rapporteur Scheme

What is a Rapporteur

2 (1) A rapporteur is a person appointed to undertake a scrutiny or investigation (or part of one) on behalf of a deliberative body and report back. The rapporteur model is used by the United Nations, European Parliament and numerous national and sub-national bodies. In the United Kingdom the London Assembly has often used this approach.

Rapporteur Scheme for Kent

(2) At the Kent County Council level, any rapporteur model introduced would be a supplement to other, well-established, forms of scrutiny and not a replacement or alternative. Rapporteurs would be an additionally available tool rather than a diversion of resources from where they are currently deployed.

(3) Among the benefits from the adoption of a rapporteur model are:

- a) Added value to a wider range of topics
- b) Improved engagement with stakeholders
- c) Enhanced Member development
- d) Increased skills base amongst the Members
- e) A strengthening and expansion of the scrutiny function
- f) Development of a constructive dialogue with the media and press
- g) Empowerment of individual Members through ownership of specified topics

Selection of Topics

(4) The selection of a topic for possible investigation by a rapporteur can be Member-led or issue-led.

Member Led Topic

(5) A Member-led topic will come from the initiative of an individual Member, perhaps arising from personal or professional interest, constituency relevance, or willingness to develop and deepen knowledge of a certain subject. If this approach is selected, mechanisms by which a Member can pursue this interest will need to be established.

Issue led Topic

(6) In the other case, topics to which scrutiny can add value will be selected in the usual manner, through agenda planning meetings, referrals and so on. If one of these is deemed appropriate for a rapporteurship, mechanisms by which a suitable rapporteur is allocated the topic will need to be established.

(7) These two approaches need not be mutually exclusive alternatives. In practice, there may be little difference between the two.

(8) The division outlined above is analogous to that between rapporteurs originating with the Scrutiny Board and what this paper will refer to as the Host Committee. A detailed discussion of rapporteurs assigned directly by the Scrutiny Board and those conducted under the auspices of a Host Committee is set out below ('Defining the function of the rapporteur').

(9) Options for Selecting a Topic

- a) An individual Member raises a topic that he or she believes would be a viable choice for a rapporteur with a potential Host Committee. If approved, a proposal from the Host Committee, naming a rapporteur, will proceed to the Scrutiny Board for comment, amendment, and approval;
 - b) An individual Member raises a topic that he or she believes would be a viable choice for a rapporteur with the Scrutiny Board. If approved, a proposal will proceed to a selected Host Committee for discussion and selection of a rapporteur;
 - c) When discussing a future work programme, any topics which a Host Committee feels would benefit from a rapporteurship, or for which an individual Member expresses an interest in taking on a rapporteurship, will proceed in the form of an outline proposal to the Scrutiny Board for comment, amendment, and approval; and
 - d) If there are any topics which the Scrutiny Board feels would benefit from a rapporteurship, an approved proposal will proceed to a selected Host Committee for discussion and selection of a rapporteur.
- (10) Any or all of these could be permitted, and could be combined.

(11) It is possible that a rapporteur need not be a Member of the Host Committee where there is one. A Member may be co-opted for the purposes of producing the rapporteur, perhaps because of specialist knowledge or interest.

Number of Rapporteurs

(12) The method of topic selection will in part be determined, and may be affected by, any mechanism used to limit the number of rapporteurs in a particular period of time. The existence of the Scrutiny Board will ensure that there is no duplication and that no one Committee has a disproportionate number of rapporteurs.

(13) Possible options:

- a) Case by case. The Scrutiny Board would be responsible for monitoring the number of rapporteurs active at any point in time and making a judgment accordingly.
- b) Per Committee. Each Committee shall be allocated a number of potential rapporteurs, and could differ for each Committee. Topics could be selected by the Committee or Scrutiny Board as above. There need not be any compulsion for a Committee to carry out this number, as it will be an upper limit rather than a mandatory amount.
- c) Per political group. Out of the total number of rapporteurs permissible for a certain amount of time, the number will be allocated to each party group on the basis of proportionality. It shall be for the separate groups to decide which topics they take to the Scrutiny Board or relevant Host Committee, and by which Members.
- d) By ballot. Once a year (or any other time frame decided upon), those Members interested in carrying out a rapporteur will enter their names in a ballot. Members will be randomly chosen to the number of rapporteurs allowable, perhaps with a couple of alternates. These Members will then be responsible for taking a proposal to a Host Committee and/or Scrutiny Board.
- e) By bidding. In a similar manner to Select Committees, potential host Committees and/or individual members shall present proposals to the Scrutiny Board once per year (or any other period of time decided upon).

Defining the function of a rapporteur

(14) Scoping activity for the Scrutiny Board - Given unlimited resources, there is no upper limit to the number of scrutiny activities which could be undertaken, nor an upper limit on the topics which Members, individually and collectively, will wish be examined. One of the ways in which rapporteurs can add value to the whole authority is through assisting in the prioritising of issues. Possessing a list of possible topics for scrutiny, there will be some topics which immediately lend themselves to a decision as to its suitability for scrutiny. Others will be assigned to Scrutiny Board Rapporteurs to investigate and make recommendations for some or all of the following purposes:

- a) Whether there is a need for a formal scrutiny
- b) The most appropriate forum for the scrutiny
- c) The potential scope and focus of the scrutiny

(14) Extension activity of a Host Committee – Even within the areas covered by an individual Committee's Terms of Reference, there is a potentially inexhaustible number of subjects that could be usefully looked at and a rapporteur could be one mechanism whereby the capacity and skills base of the Committee is improved.

(15) Flowcharts illustrating how each of these two functions could work in practice can be found in Appendices 1 and 2.

Support

(16) The presumption will be that the rapporteur will take responsibility for conducting the investigation and producing the draft report.

(17) The level and manner of support from staff in Democratic Services and other Directorates will need to be considered carefully by the Scrutiny Board prior to any rapporteur gaining approval.

(18) It might be appropriate for there to be a named person or persons whom the rapporteur can call on for technical assistance in Democratic Services, for example, how reports should be structured and written.

(19) It will normally be the case that information will be provided to the rapporteur directly from the relevant directorate or external partner without the services of a scrutiny researcher officers, unless resources allow this or a rapporteur is connected to the work of a Select committee.

Rapporteur Reference Group (RRG)

(20) One possible support mechanism for a rapporteur will be a Rapporteur Reference Group (which could alternatively be referred to as the Rapporteur Working Group or Shadow Rapporteurs). This will be a small group of named Members or senior officers who will assist the rapporteur in drafting the terms of reference and scoping the report as well as providing practical advice and assistance during the rapporteurship. The RRG will be kept informed of how the investigation is going and at times it might be appropriate for one or more members of the RRG to accompany the rapporteur to meetings, visits and interviews.

(21) The RRG could consist of some or all of the following – Chairman/Vice-Chairman of the Host Committee, Member of the Host Committee from a different political group, Member of the Scrutiny Board, Cabinet Member/Lead Member, Senior Officer from an appropriate directorate. It may also be appropriate for the RRG to include a representative from an external organisation. The make-up of the RRG will depend on both the topic and the Host committee. One additional function of the RRG could be to agree on the text of the draft report before it returns to the Host Committee (see Appendix 2).

(22) The named person(s) in staff supporting roles should also be kept informed of the progress of the rapporteurship.

(23) In the event that a rapporteur report does not conclude his or her enquiry by a specified date, one or all of the RRG, Scrutiny Board or Host Committee should be able to request that a different person take over the rapporteur or that the rapporteur be given a further time to complete the work before the rapporteur is annulled. The Scrutiny Board will be the arbiter for this.

(24) Use of an RRG may not be appropriate for all rapporteurs established, and could be used as a tool to manage the business of a rapporteur in circumstances where, for example, several external organisations or KCC directorates are involved.

(25) Subsequent to a framework for rapporteurs being agreed, detailed procedural guidance will be drawn up and agreed. This will assist all those involved in understanding the appropriate process and their responsibilities. No rapporteur shall be undertaken before these have been produced. If pilot rapporteurs (see below) were to be undertaken in the first instance, draft guidance would be produced and amended in the light of experience gained from these.

Pilots

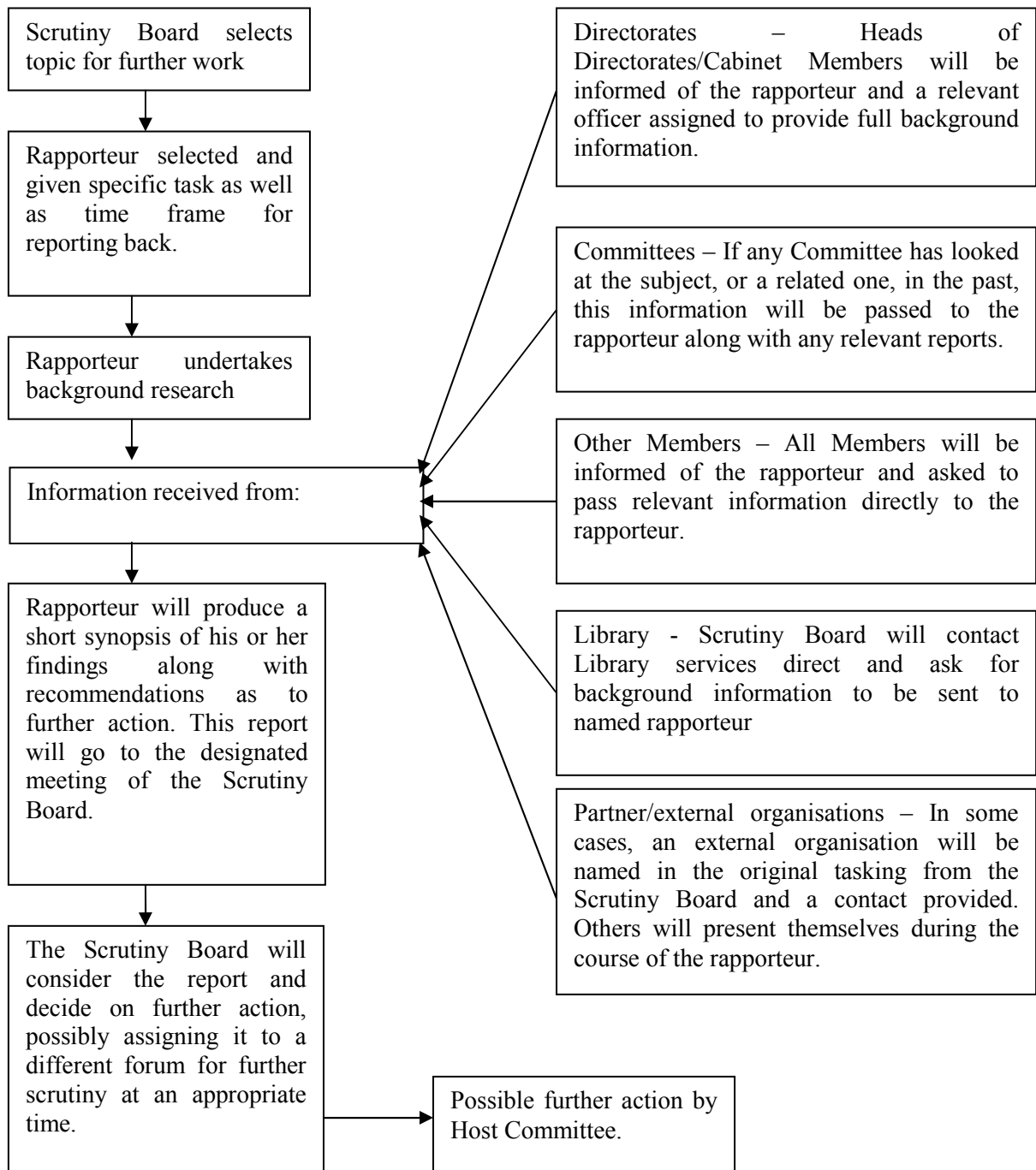
(26). Rapporteurs could be piloted in the first instance by a number of selected Members on Host Committees with appropriate topics ready to hand. This would enable the practical implementation of the rapporteur models to be evaluated and improved before full adoption across the Overview and Scrutiny function.

Recommendations

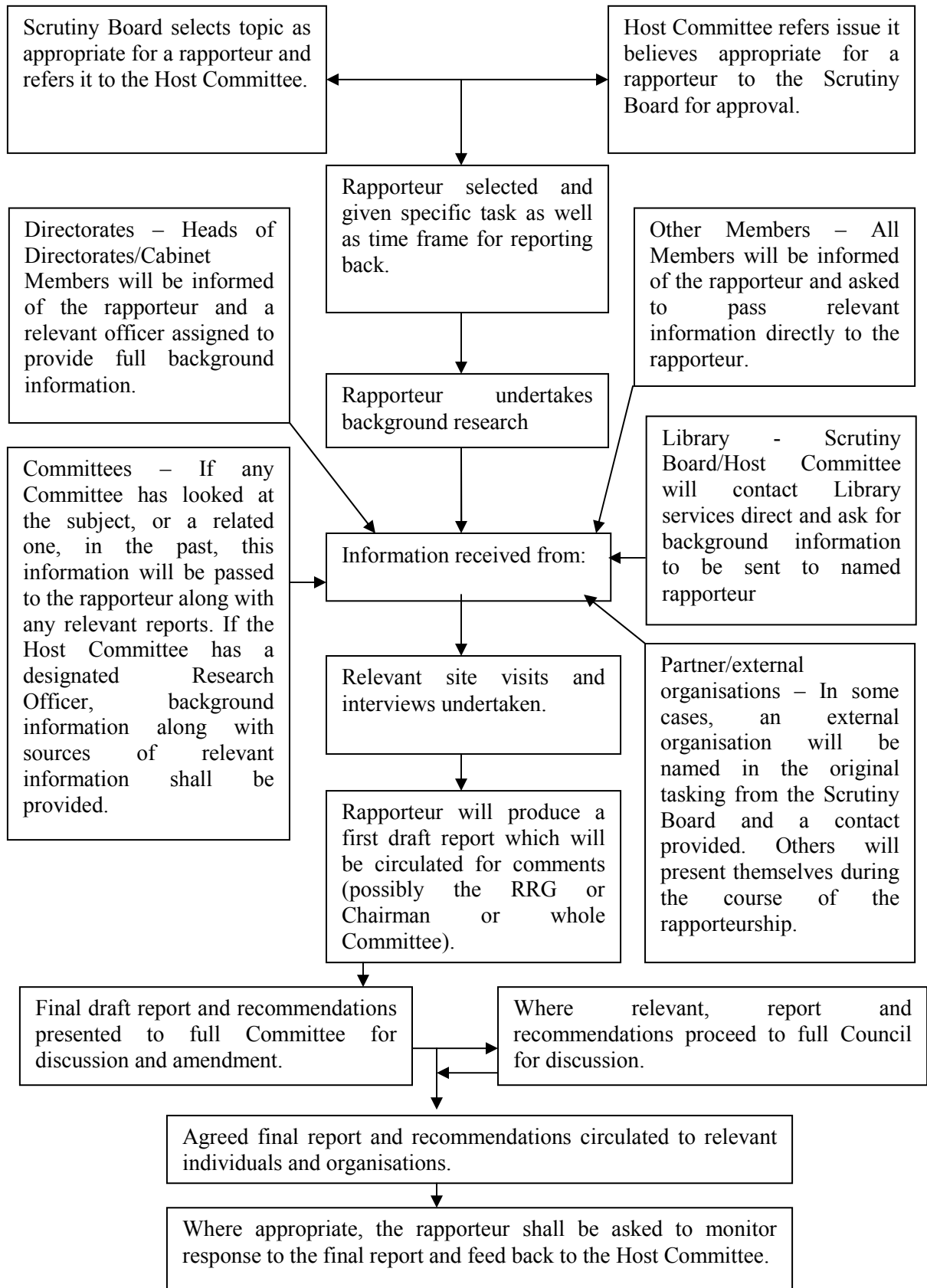
Members and officer views are sought.

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Appendix 1 – Illustration of how a rapporteur could carry out scoping work for the Scrutiny Board



Appendix 2 – Illustration of how a rapporteur could carry out extension work for a Host Committee



Kent County Council

**PUBLIC RELATIONS PROTOCOL FOR SELECT COMMITTEE REVIEWS
AND REPORTS**

This protocol has been written as a basis for all communications between Select Committee Members and the media. It will ensure that the corporate communications team is able to maximise opportunities for scrutiny to publicise its work and promote the transparency of the Council's decision-making process.

- All actions should be in accordance with the letter and spirit of the DCLG Code of recommended practice on local authority publicity.
- Media activity should be co-ordinated through the corporate communications team who will make arrangements and ensure that the appropriate Members are put forward, rather than Select Committee Members approaching the media direct to discuss the topic review.
- The Select Committee Chairman should be the official spokesperson for the review report, unless another more suitable spokesperson has been identified by the Chairman.
- Chairmen of Select Committees will be expected to attend or have attended media training.
- There is potential, on rare occasions, for conflict between scrutiny and cabinet on issues. Maintaining the professional reputation of the council in the eyes of the public is paramount and conflicting statements may make the council appear inept or divided. Care should be taken, on all sides, to avoid this situation from arising. But in such circumstances Corporate Communications would present factual information to the media fairly representing both the Scrutiny and Cabinet viewpoints.
- The corporate communications team should be advised of any media enquiries received by Select Committee Members to offer guidance and help if required and to monitor responses.
- Press releases for Select Committees will be drafted by a member of the corporate communications team, in consultation with the Research Officer for the review and approved by Select Committee Chairman, in consultation with the Overview, Scrutiny and Localism Manager.
- Press releases will be fair and representative of the views of the Select Committee. They may include the views expressed in minority reports if those views differ from the main report.
- The media are invited to attend all formal meetings of Select Committee unless matters of an exempt nature are to be discussed.

- When the report of the Select Committee is ready to go into the public domain a member of the corporate communications team, in consultation with the Research Officer to the Select Committee drafts a press release. Where possible the press release should include input from a third party who has been involved with the review. The Press release should be approved by the Select Committee Chairman (with the nominated official spokesman, where appropriate) in consultation with the Overview, Scrutiny and Localism Manager. An embargoed copy of the press release should be sent out with an electronic copy of the report, to the media a day before the public domain with an embargo on it. There may or may not be a press conference but the Chairman, relevant members make sure they are available for interviews.
- Corporate Communications officers are permitted to refuse to prepare press releases, deal with media enquiries or arrange media interviews in the following cases:
 - (i) If the press release or enquiry is political in any way.
 - (ii) If the information in the press release is deemed libellous or malicious
- Corporate Communications officers will not organise interviews between media and individual members of the Select Committee unless there is explicit agreement by the Select Committee Chairman.
- Press releases will not be issued as a matter of course after Select Committee meetings simply to record the proceedings. Post-meeting publicity will, however, be given where there is good reasons for doing so e.g. to promote opportunities for public consultation.

(approved by County Council on 11 December 2008)

FORWARD PLAN OF KEY DECISIONS

Each month the Council publishes a forward plan of key decisions expected to be taken during the following four months.

A “key decision” means an executive decision which is likely to:-

- (a) result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authorities budget for the service or function to which the decision relates;**
- (b) be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.**

Preparation of the Forward Plan helps the Council to programme its work and ensures compliance with the Local Government Act 2000. Every month, the period covered by the Plan will be rolled forward by one month and the plan will be republished.

The Plan outlines the consultation that is proposed in respect of future decisions and who members of the public should contact to make comments on any particular item (column 6). Members of the public are entitled to obtain copies of the documents that will be relied upon when a decision is taken (column 7), unless they are Exempt within the meaning of the Local Governments Act. These documents will be published on the Council’s web site at www.kent.gov.uk at least five days before the decision is due to take place. Paper copies will be made available by contacting Andrew Ballard – by telephone 01622 694297 or via andrew.ballard@kent.gov.uk

The matter to be decided	Who will take the decision (see notes)	When the decision will be taken	The groups that will be consulted	How the consultation will be done	Who people should contact to make comments (see notes)	Documents that will be relied on when the decision is taken
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CHIEF EXECUTIVES DIRECTORATE – NONE FOR THIS MONTH

CHILDREN, FAMILIES & EDUCATION DIRECTORATE

The Proposed Re-designation of Foxwood School as a School for Profound and Severe Learning Needs and Highview School as a School for Severe and Complex Learning Needs; the Relocation of Both Schools onto the Brockhill Park School Site and the Cessatio	Cabinet Member for Children, Families and Education	Between March 2010 and April 2010	School Governing Bodies; School Accommodation Managers; Local members; Area Children’s Services managers; LCSPs & Managers; Estates; Advisory Service Kent. A report was presented to SOAB at its meeting on 4 November 2009 to seek its views on going out to public consultation. A report will be presented to SOAB at its meeting on 17 March 2010 on the outcome of the public consultation	Public meeting and consultation document sent out to parents and others in accordance with the agreed policy	David Adams Area Children’s Services Officer Ashford & Shepway	None.
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By: Paul Wickenden, Overview, Scrutiny and Localism Manager
 To: Scrutiny Board - 24 February 2010
 Subject: **Select Committee work programme**

Summary: To receive an update on the current Topic Review Programme and the resources available to deliver it.

Resources to Deliver the Select Committee Work Programme

1. I currently have two and a half FTE Research officers supporting the Select Committee topic review programme. They are supported by three Democratic Services Officers from the Overview and Scrutiny team who also support the Policy Overview and Scrutiny Committee. In addition I have one Research officer who is dedicated entirely to the Health Overview and Scrutiny Committee. There is also the Cabinet Scrutiny Committee Research Officer, who in addition to supporting this Committee also carry's out a number of specific projects to support the development of the Overview and Scrutiny function.

Select Committee Work Programme – 2010

Renewable Energy Select Committee

2. (1) At its meeting on 16 October 2009 the Policy Overview Co-ordinating Committee (POCC) agreed to establish a Select Committee on Renewable Energy. This Select Committee falls within the remit of the Environment, Highways and Waste Policy Overview and Scrutiny Committee (POSC).

(2) The Membership of the Select Committee is as follows; Mr Keith Ferrin, (Chairman), Mr Richard King, Mr Charles Hibberd, Mr Chris Smith, Mrs Elizabeth Tweed, Mrs Paulina Stockell, Mr David Hirst and Mr Tim Prater. It held its inaugural meeting on 26 January 2010 and agreed the attached scope and terms of reference (**Appendix A**).

(3) This review has requested written evidence and will carry out its hearing sessions over the next few months. Its final report will be submitted to County Council on 14 October 2010.

Extended Schools Select Committee

(3) The Membership of this Select Committee is Mr Robert Burgess (Chairman designate), Mrs Ann Allen, Mr Alan Chell, Mr Mark Dance. Mr Richard Parry, Mr Ken Pugh, Mr Kit Smith and Mr Martin Vye.

(4) This review is due to hold its inaugural meeting in March 2010.

(5) Having spoken to the proposers of this review, Mr Hill and Mrs Hohler the timeframe no longer is the middle of the year. To be an effective outcome focused piece of work I am therefore seeking the Scrutiny Boards approval to extend the timeframe of the review with a view to its report being submitted to the County Council in December 2010.

Educational Attainment Select Committee

(6) The POCC also agreed that a Select Committee review of Educational Attainment of Pupils in Schools in Areas of High Deprivation would start in the summer of 2010. A research officer has been indentified for this review and background research will be started shortly.

Dementia Select Committee

(7) POCC agreed that the Health Overview and Scrutiny Committee (HOSC) would be invited to pick up the review and that the research officer to the HOSC would support this review. This needs to be monitored carefully as the workload for the HOSC is enormous and this might not be possible. However it maybe that this will be a project which the Research Officer to the Cabinet Scrutiny Committee will be able to assist in supporting.

Topics for future reviews

3. (1) Based on the current work programme there will be one full time Research Officer available to begin a new review in the autumn of 2010, with the remaining full time and part time officers being available at the end of 2010.

(2) It would therefore be helpful to start the process of looking for suggestions for future topic reviews. In the past this has been done via the POSC, the Members Information Bulletin and the Chief Officers Group. This process could be used again but any other suggestions as to how the request for suggestions for reviews could be widened would be welcomed. Our current process is that the proposer of any suggestion is asked to fill out an assessment form (copy attached as **Appendix B**) which is then sent to the Cabinet Member(s) and Directorate(s) for their comments. It is then for the Scrutiny Board to hear from the interested parties (ie the proposer, Cabinet Member(s) and Officers) before deciding which topics to include in the work programme.

Recommendations that

(a) the progress of the Select Committee topic review on Renewable Energy be noted

(b) the Board be requested to agree to extend the timeframe for the review on Extended School and that it will submit its final report to County Council on December 2010.

(c) to note the proposal for delivering the Select Committee review on the subject of Dementia, and

(d) suggestions for future topic reviews be sought and reported back to a future meeting of the Scrutiny Board.

Paul Wickenden
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RENEWABLE ENERGY SELECT COMMITTEE

Agreed Terms of Reference (TOR)

1. To determine existing and emerging national and local policies and strategies with regard to renewable energy and their effect on Kent.
2. To establish a baseline position and future projections for Kent with regard to energy requirements, generation and distribution including the contribution from renewable energy.
3. To identify key challenges as well as opportunities in relation to renewable energy in Kent.
4. To identify and explore the views of suppliers and consumers in relation to renewable energy.
5. Having considered the above, to make recommendations which will contribute to increased energy efficiency, energy security and prosperity for Kent residents and businesses as well as supporting the national transition to a low-carbon future.

Agreed Scope

1. To determine existing and emerging national and local policies and strategies with regard to renewable energy and their effect on Kent.
 - a. Examine current policy and plans in relation to renewable energy both at national and local level in Kent.
 - b. Determine Kent's progress towards the achievement of local targets relating to renewable energy, including work being done or planned in partnership with other authorities or organisations and how these targets fit in with national priorities.
2. To establish a baseline position and future projections for Kent with regard to energy requirements, generation and distribution including the contribution from renewable energy.
 - a. Determine the current demand and sources of supply (energy mix) for Kent.
 - b. Identify trends and issues affecting demand including progress towards increasing energy efficiency.
 - c. Examine the options for future energy supply and the contribution different sources of renewable energy can make to meeting Kent's energy demands through national, community and individual building-level schemes.

3. To identify key challenges as well as opportunities in relation to renewable energy in Kent.
 - a. Identify key obstacles in relation to the development of renewable energy in Kent.
 - b. Identify ways in which KCC could, through its policy, programmes or influence, maximise benefits to Kent and its residents in relation to energy efficiency and renewable energy.

The committee could consider:

- community policy and vision
 - community solutions including district heating and combined heat and power
 - energy from waste
 - planning issues affecting renewable energy installations
 - maximising the role of the business sector
 - maximising the role of the public sector
 - use of renewables in the KCC estate
 - use of biofuels and other options for more sustainable transport
 - funding mechanisms to increase the uptake of renewables
4. To Identify and explore the views of suppliers and consumers in relation to renewable energy:
 - a. Identify areas of KCC work which contribute to greater awareness of sustainable energy issues and the role of renewable energy in the county.
 - b. determine whether further action is necessary to improve leadership on renewable energy and increase public knowledge, confidence and support.
 5. Having considered the above, to make recommendations which will contribute to increased energy efficiency, energy security and prosperity for Kent residents and businesses as well as supporting the national transition to a low-carbon future.

ASSESSMENT OF A SELECT COMMITTEE TOPIC REVIEW

(* - sections to be filled in by the proposer of the topic)

*Subject of Proposed Review:-
*Reason for the Review:- (see note 1 below)
*Issues to be covered by the Terms of Reference:-
*Scope of the review:-
*Purpose and objectives of the Review:-
Proposer of the review

To be completed by the Directorate/Cabinet Member(s)

Are there any reasons why this review should not be put forward for inclusion in the work programme for 2009/10? (see note 2 below)
How will the review contribute to corporate objectives and priorities?
Will the review support the achievement of PSA or LAA targets? If yes, please identify targets:-
Does the review need to be completed within a specific timeframe? If yes, please give details:-
How will this review have an impact on KCC policy development and/or help to influence national policy?

How will this review add value to the County Council and residents of Kent?	
Any additional comments from the Portfolio Holder/Strategic Director:-	
Portfolio Holder's Signature:-	
Strategic Director's Signature:-	
Contact Officer:-	Date:-

Notes

Note 1 - Possible reasons for the review

1. Key public issue, identified by
 - Focus groups/citizens panels
 - Member contact with constituents/member surgeries
 - Contact with key representative bodies/forums
 - Media coverage – Public interest issue covered in local media
2. Issue highlighted via POC activities or previous reviews
3. Issue recommended to POC by another body e.g. another POC, Cabinet Scrutiny, Directorate, Cabinet or an external body.
4. Poor performing service i.e.:-
 - High level of complaints/dissatisfaction with service
 - Performance standards poor/below target – (evidence from PI's or benchmarking)
 - Identified through external review/inspection (OFSTED/Audit/ CPA etc)
 - Budgetary overspends
5. Key reports or new evidence published
6. County Council priority
7. Central Government priority/New Government guidance or legislation published

Note 2 - Possible reasons why a review should not be put into the next years/ next two years work

1. Issue being examined by
 - Cabinet
 - Cabinet Scrutiny
 - Officer Group
 - another internal body
 - an external body
2. It has been the subject of a topic review by other Councils from which details of best practice can be obtained.
3. New legislation or guidance expected.
4. **NB:** Before suggesting that a review should not be included in the work programme the following should be considered:-

Could consideration of this issue 'add value' without causing unnecessary duplication, for instance by:

- i) Looking at this issue in conjunction with another group,
- ii) Through appropriate timing of the topic review,
- iii) Through considering another group's findings rather than duplicating the same/or similar activity.

By: Alex King, Deputy Leader
Peter Gilroy, Chief Executive
Paul Wickenden, Overview, Scrutiny and Localism Manager

To: Scrutiny Board - 24 February 2010

Subject: **Half day Members and Officers workshop – approval of framework**

Summary: This paper sets out a proposal for a half day Overview and Scrutiny workshop for Members and Officers.

1. Following the County Council election in June 2009 there would normally have been an induction on overview and scrutiny for new (and returning) Members. However, due to the work on refocusing and restructuring the overview and scrutiny function it was not felt appropriate to hold an induction at that time.
2. Now that the revised structure is in place there is clearly a need to inform, educate and train both Members and officers from across the authority as to what the new arrangements mean in practice. Attached is a framework for a half day workshop on their overview and scrutiny roles. **(APPENDIX A)**
3. Members endorsement of this event and comments on the programme is invited.
4. Also attached is a “Frequently Asked Questions” sheet on which the Scrutiny Boards views would be welcomed. **(APPENDIX B)**. This should not be seen as a substitute for not participating in the proposed Overview and Scrutiny Workshop and on which the Scrutiny Boards views would be welcomed.

6. **Recommendation** that Members
 - (a) endorse the proposal to hold a half day Member and officers workshop on Overview and Scrutiny and comments be sought on the draft programme for this event and
 - (b) comments on the Frequently Asked Questions factsheet would be welcomed.

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Members'/Officers Workshop/Seminar

Interactive

Length of seminar: half day

Participation from all O&S Team

Seminar aimed at both Members and officers

An Information Pack will be provided to all participants at the beginning of the seminar

Programme

9.15 Talk by Paul Wickenden (possible PowerPoint presentation)

- Welcome and housekeeping
- Who O&S team are (and Localism?)
- What we do (briefly)
- How non-executive Members can influence the political process (just literally a list at this stage)
- Where Members can access information (this will involve listing information sources – eg. Information Point, libraries within County Hall, Centre for Kentish Studies, KCC website, KNet, Internet and other - and telling Members that a leaflet with the list of information sources is in the Information Pack)

9.30 How non-executive Members can influence the political process

(A chief officer will probably champion this section. Experienced, non-executive Members might also contribute, eg Mr Hotson, etc)

- Outline main channels for influence for non-exec Members (eg. Cabinet Scrutiny, Scrutiny Board, POSCs, Select Cttees, IMGs etc.).
- Provide more detailed information on each of these channels: composition, what they do, how often they meet, how they can influence, and what outcomes can be expected from each of these channels (a “Bite Size Guide to Members Influence” will be included in the Information Pack)

10.00 Coffee break

10.15 Scenarios exercise, interactive (eg where Members think best arena for discussion and decision-making for given topics should be) and/or questioning techniques

(This section may actually take the shape of “speed dating”, and may involve presenting small groups of Members/officers with a scenario for discussion within the small group.

- Provide scenarios, ask Members which arena they think is most appropriate to deal with a particular issue
- Ask where they think they would find information/support with regards to the scenario

And/or

- Provide outline of different questioning techniques, how/when to use questions (a “Questioning Techniques” guide will be included in the Pack)

11.00 Coffee break

11.15 Role play

(This section can possibly be linked to the one above, and can involve a discussion amongst all the Members/officers present about the scenario, and an interactive role play. Volunteers from the O&S team may perform role play)

- Members will pretend to be part of a board/committee (eg Scrutiny Board, Select Committee, IMG, etc)
- Members will discuss and deal with a particular issue
- The officers acting in the role play will pretend to be...officers, and/or will facilitate the discussion

12.15 Final Questions/clarifications

12.30 End of session

Frequently asked questions (for Officers) – an amended version of this can be produced for Members

Q - What do the changes made to the roles of the Policy Overview and Scrutiny Committees (POSC's) (formally Policy Overview Committees) and Cabinet Scrutiny Committee mean for us?

A – With effect from 10 December 2009 In addition to their previous role of assisting with policy development and monitoring, POSC's can now when allocated by the Scrutiny Board, deal with the “call in” process for :-

- Decisions made or actions taken in connection with the discharge of any functions which are not the responsibility of the Executive
- Any actions taken by Cabinet or Cabinet Members (other than formal decisions) in connection with the discharge of their Executive functions
- All officer decisions

(POSC's do not have the authority to delay implementation of any of these decisions).

Cabinet Scrutiny Committee only scrutinises formal decisions made by the Leader, the Cabinet or Cabinet Members.

Q - What is the role of the Scrutiny Board

A - The Policy Overview Co-ordinating Committee's has been disbanded and its remit has been incorporated within the new Scrutiny Board (which is made up of all Chairmen of Overview and Scrutiny Committees and Cabinet Scrutiny Committee)

In addition to the co-ordinating role for allocating Overview and Scrutiny resources and setting the Select Committee work programme, the Scrutiny Board has the responsibility for the operation of the non executive call in process and allocating these to the relevant POSC(s).

Q - Scrutiny of officer decisions

A - An Overview and Scrutiny Member can ask the Scrutiny Board to review or scrutinise an officer decision or allocate this to a POSC. This can be done either before or after it is implemented. The POSC can request a delay in implementation but can not require this.

Q – What will happen if my decision is “called” by a POSC?

A - Firstly the Scrutiny Board, or the Chairman of the Board and Liberal Democrat Spokesman, will agree whether the matter will be considered by the Scrutiny Board or allocate it to a POSC.

The Officer will be informed which meeting this matter will be considered at and asked to provide a report for the meeting and to attend to answer questions from the Board/Committee. This process does not suspend implementation of the decision.

At the meeting the Committee will have the opportunity to ask question and will make a recommendation, but cannot prevent the implementation of the decision.

Q - Will this mean duplication, if POSC’s can consider executive decisions before they are made and then the decision is called in to Cabinet Scrutiny?

When an executive decision appears on the Forward Plan of Key Decisions there is an opportunity for POSC’s to place it on their agenda and to discuss it at a meeting, prior to a decision being taken, with a view to putting forward their views to assist in the decision making. (Once the decision is taken only Cabinet Scrutiny Committee can call this decision in).

In theory it is possible for a POSC to consider a matter before it the Cabinet or Cabinet Member takes the decision and then for Cabinet Scrutiny Committee to call this decision in after it has been taken.

Q - Rights of Members to put items on POSC agendas

A – The Local Government and Public Involvement in Health Act 2007 gave Members of Overview and Scrutiny Committees the right to put items on an agenda, to be discussed, at a meeting of the Committee as long as it fell within its remit.

KCC constitution has a clause that predates this which allows any Member of a Committee to place a item on an agenda provide that they give Democratic Services nine days notice (this is to enable it to appear on the published agenda). So this statutory requirement is nothing new for KCC.

Q - Who sets the agenda for POSC’s meetings?

A – The agendas are agreed by the POSC Chairman, Vice Chairman and Liberal Democrat Spokesman (and any amendments to the agreed agenda need to be approved by them as well). Also Cabinet Members or their Deputies are invited to attend agenda setting meetings their role is to put forward items that that the POSC could assist them with.

Directorate colleagues are welcome to put forward items for inclusion on the agenda, but the decision on whether they are included on the final agenda rests

the Chairman, Vice Chairman and the Liberal Democrat Spokesman of the POSC. It should be noted that there should **not** be any items for information on POSC agendas or briefings/presentations that do not require an input from POSC Members. All items on the agenda should require an outcome from the meeting e.g. commenting on a draft strategy in time for the comments to be taking into consideration.

By: Paul Wickenden, Overview, Scrutiny and Localism Manager
To: Scrutiny Board - 24 February 2010
Subject: **POLICY OVERVIEW COMMITTEES – BEST PRACTISE**

Summary: This report provides the opportunity for Members to share and agree some best practise for POSC's

(1) As Overview and Scrutiny Committees have developed over the past 9 years there are a number of areas of good practise which it is important are captured and shared amongst all Overview and Scrutiny Committees. There is an opportunity at the Scrutiny Board for best practise to be shared, discussed and if the Board wishes, agree as guidance for all Overview and Scrutiny Committees to follow.

Agenda setting

(2) It is important that, in accordance with the process set out in the Constitution, the agendas for POSC's should be agreed cross party by the Chairman and spokesmen on the POSC's. Whilst Cabinet Members (and Deputies) attend agenda meetings they do so to give them the opportunity to invite the POSC to consider items where they may make a contribution to the work of the County Council.

(3) The Local Government and Public Involvement in Health Act 2007 gives any Member of the County Council the ability to refer a matter to an Overview and Scrutiny Committee that is relevant to the functions of that Committee. This is the Councillor Call for Action, the County Council adopted a protocol for the this, based on the sector led guidance, at its meeting on 10 December 2009 (which is set out in Annex D to the Constitution). **(APPENDIX A)**

(4) The 2007 Act also allows any Member of an Overview and Scrutiny Committee the right to placed an item on the agenda for that Committee, and is discussed at the meeting, if it relates to the functions of that Committee. Currently the constitution states that Committee agendas must include:-

“(c) any item which a Member of the Committee wishes included on the agenda, provided it is relevant to the terms of reference of the Committee and notice has been given to the Clerk at least nine days before the meeting.”

This provision predate the 2007 Act. The reference to nine days is to allow the item to appear on the published agenda for the meeting

Seating arrangements at meetings

(5) Overview and Scrutiny is a process separate from the Executive. In order to ensure that this is reflected at the meeting, the seating arrangements for Overview and Scrutiny Committees, and particularly where the Cabinet Member(s) sits in relation to the Chairman is important. It should be clear that the Cabinet Member is attending the meeting to answer questions from the Committee and to receive their input to developing policy, etc. Cabinet Members cannot be Members of the Committee and should therefore not be in any way appear to be directing or guiding the Chairman or influencing Members of the Committee.

Portfolio Holders and Managing Directors Update

(6) The majority of POSC's have a Portfolio Holder(s) and Managing Director(s) update at each meeting, which is welcomed and can be very helpful in keeping the POSC up to date with emerging issues. Some POSC's have a verbal update, others have a bullet point note setting out the general areas that will be covered.

(7) Members may wish to consider whether it would be more effective if these updates were written and circulated prior to the meeting, with the opportunity to up date at the meeting. This would give Member notice of what is going to be reported and enable them to prepare questions.

Process for Officer Decisions.

(8) Since 10 December 2009 POCS have had the authority to review and scrutinise officer decisions. It is acknowledged that there is not the same structure around officer decisions as there is around Cabinet Member decisions and therefore it is difficult for Members to know when an officer decision is taken, and often they will not be aware of this until it after the decision has been taken.

(9) Officers in Democratic Services are aware of need to ensure that POSC are able to carry out their role in relation to this aspect of Scrutiny and are looking at how to give Members a greater awareness of Officer decisions. Any suggestions from Members would be welcomed and there will be a further report on this to a future meeting of the Scrutiny.

Guidelines for Cabinet Members and Officers at Corporate POSC

(10) In the spirit of sharing good practise, attached (**Appendix B**) is a guidance note that sets out what Corporate POSC expect of Cabinet Members and Officers attending their meeting. This was produced with the intention of ensuring that the meeting is effective and that the majority of the time is used for Members of the Committee to ask questions of Cabinet Members and officers.

(11) I am sure that other POSC will have similar examples of good practise that work well for their Committee and which they would like to share with other POSC's, the Scrutiny Board provides a good opportunity to do this. Members may wish to consider whether they would like this to be a standard item on all Scrutiny Board agendas.

Recommendation that the Committee considers whether they wish to agree any best practise for POSC's and whether they wish to have sharing of good practise as a standing item on future agendas.

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Annex D: Councillor Call for Action Protocol

5D.1 Key Points

- (a) The “Councillor Call for Action” (CCfA) was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 and came into force on 1 April 2009. CCfA applies to all councils in England and Wales.
- (b) The CCfA enables any Member of the Council to refer to a Policy Overview and Scrutiny Committee any matter which:
 - (i) relates to the discharge of a function of the authority
 - (ii) is relevant to the functions of the committee and
 - (iii) affects all or part of their division or any person who lives or works there
- (c) A Member can refer a matter even if no constituent has asked them to consider it, and there is no requirement for Members in multi-member divisions to agree – any of them can refer a matter.
- (d) It will be up to individual Local Members to determine which issues to take forward as CCfAs.
- (e) If a Member decides not to refer a matter, no further action is taken under a CCfA.
- (f) The committee does not have to take up a Member’s request but, if it does not do so, it has to explain its reasons why.
- (g) There will be no right of appeal for the member of the public via the council’s committees.
- (h) The operation of CCfA should be used only in exceptional circumstances where all other possible avenues for resolution of the issue have been followed by the referring Member, and yet a problem still exists.

5D.2 Issues excluded from referral as a CCfA

The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:

- (a) any matter relating to a planning decision
- (b) any matter relating to a licensing decision
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment
- (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of a Policy

Overview and Scrutiny Committee or at a meeting of a sub-committee of that Committee

In addition to the above exclusions, if the matter relates to a crime and disorder issue it should first be referred to the Crime and Disorder Committee.

5D.3 Steps to be taken prior to making a CCfA

Prior to referring a matter as a CCfA, Members should have tried to resolve the issue using all mechanisms and resources available to them. A flowchart has been designed at **Appendix A** to assist Members in deciding whether an issue is ready for referral to a Policy Overview and Scrutiny Committee as a CCfA.

5D.4 How to make a CCfA

If the issue has not been resolved despite alternative mechanisms being explored, a Member can refer it to the relevant Policy Overview and Scrutiny Committee as a CCfA. To do this the Member should complete and submit a CCfA request form (**Appendix B**). The Clerk will check this to ensure that the issue is not an excluded matter (see paragraph 5D.2 above) and will then inform the Chairman of the relevant Committee that the item will be included on their next available agenda. The Member will be informed whether or not their request has been successful. It will then be up to the Committee Members to decide whether or not to take the matter further.

In deciding whether or not to take the request further the Committee should consider:

- (a) What actions have been taken by the Member in relation to resolving the issue
- (b) Any representations made by the Member as to why the committee should take the matter up
- (c) Whether all reasonable attempts have been made by the elected Member to resolve the issue
- (d) Whether a similar issue has been considered recently and, if so, whether the circumstances have changed
- (e) Whether this is an issue which is currently being looked at by another form of scrutiny, e.g. a District Committee
- (f) Whether the matter referred has the potential to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Member's division

If the Committee decides not to accept the CCfA referral, it must inform the Member and provide reasons.

5D.5 Options available to the Committee if it accepts the CCfA referral

If the Committee accepts the CCfA referral, it should then decide how to take the matter forward. The following should be considered by the Committee:

- (a) Potential solutions to the issue and how these could be achieved
- (b) Whether an Informal Member Group should be set up to undertake a more in depth review

- (c) Whether further evidence should be requested or relevant witnesses and representatives from partner organisations be invited to the Committee meeting
- (d) Who will decide that the issue is resolved

5D.6 Potential outcomes from the committee meeting hearing the CCfA

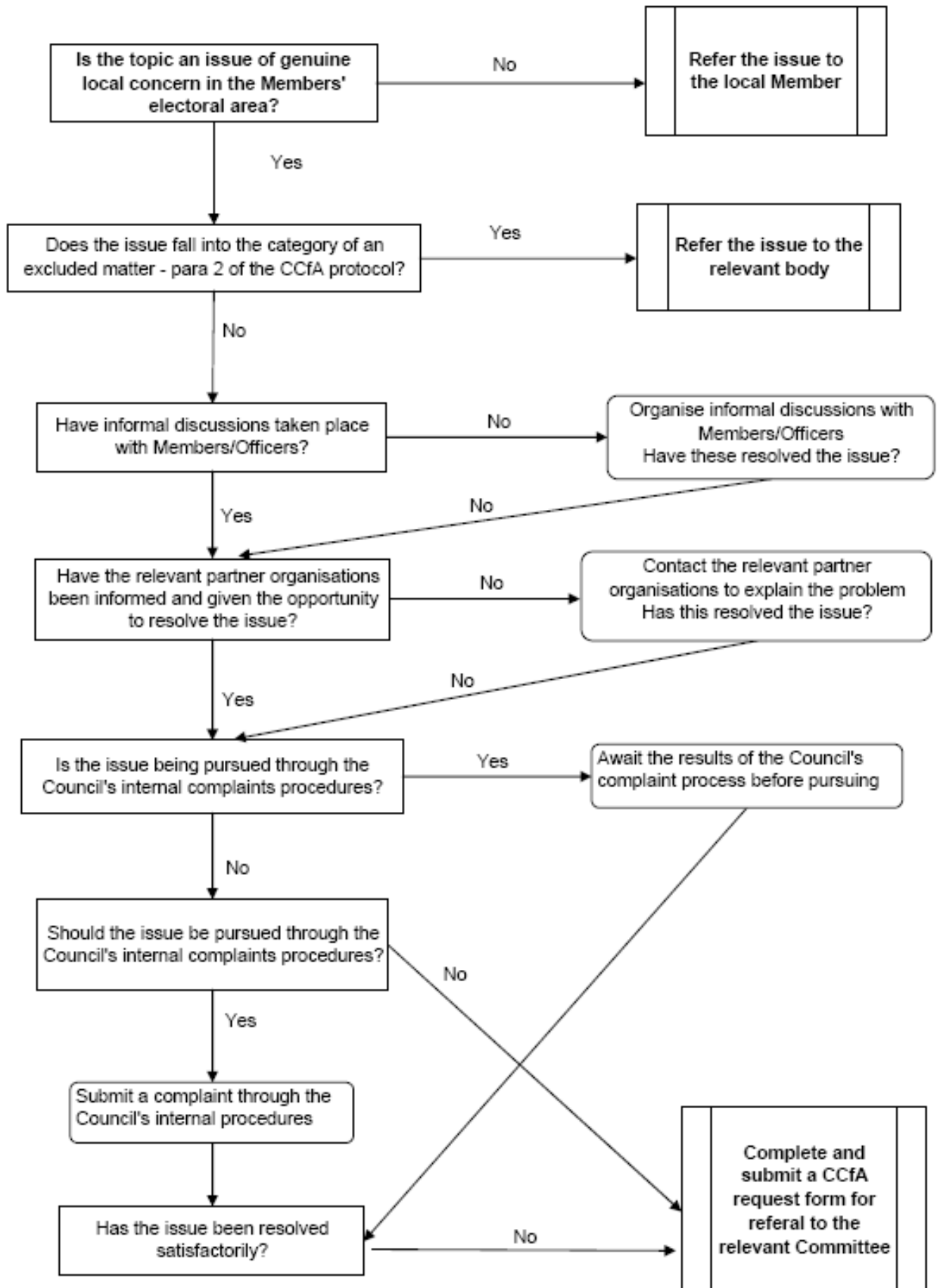
Following the Committee meeting there are a number of potential outcomes:

- (a) The Committee could determine not to make a report, with the Local Member notified in writing
- (b) The Committee could determine that it is a complex issue requiring further investigation and commission a review of the issue via the Scrutiny Board
- (c) The Committee could write a report and make recommendations on the CCfA to the Cabinet, full Council, or relevant Committee

Once the Committee has completed its work on the CCfA request, the Member who made the request will receive a copy of any report or recommendations made.

CCfA

Appendix A



Call for Action Request Form

This form should be used by any Member of Kent County Council who would like the relevant overview or scrutiny committee to consider a Councillor Call for Action in their area.

Your contact details:
Name (print):
Signature:
Date:

The title of your Councillor Call for Action:

Have you exhausted the steps set out in Annex A to the CCfA protocol? Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you approached the relevant Overview and Scrutiny Committee on the same issue in the past six months? Yes <input type="checkbox"/> No <input type="checkbox"/>

Please outline your main areas of concern:
What evidence do you have in support of your CCfA:
Which areas or groups are affected by the CCfA?
How have you tried to resolve the issue?
Is the CCfA currently the subject of legal action by any party (to your knowledge) or is it being examined by a formal complaints procedure?
Are there any deadlines associated with the CCfA of which the scrutiny committee needs to be aware?

Please complete and return this form to:

Overview, Scrutiny and Localism Manager
Sessions House
County Hall
Maidstone
ME14 1XQ

Or by email to overviewandscrutiny@kent.gov.uk

Corporate POSC – Ground rules

- 1) Reports should be as brief as possible and attachments kept to a minimum where documents are available online a web link to them should be given.
- 2) Reports should have a clear recommendation of what outcome is required from the POSC's consideration of the item (there should not be any reports for noting as these can be circulated outside of the meeting).
- 3) Reports requiring comments from Members should make clear how these comments will be used to add value and if they are to be fed into a further report, for example to Cabinet the work of the POSC should be acknowledged.
- 4) At the meeting officers and the Cabinet Member(s) will be given a maximum of 5 minutes each to highlight the key points in the report and to give any additional information that was not available when the report was produced. It will be assumed that Members, who will have had the report well in advance of the meeting, will have read it and come prepared to ask question and/or make comments as appropriate.
- 5) There will not be any PowerPoint presentations (unless the Chairman has agreed in advance that the information cannot be presented to Members in any other way and in which case copies of the presentation must be available at the meeting)

The aim of these ground rules is to ensure that the meeting is effective and that the majority of the time is used for Members of the Committee to ask questions of Cabinet Members and officers.

By: Paul Wickenden, Overview, Scrutiny and Localism Manager.

To: Scrutiny Board
24 February 2010

Subject **Kent and Medway Overview and Scrutiny Officers Network Partnership Working**

Summary: Update on the work of the Kent and Medway Overview and Scrutiny Officers network.

(1) Members may be aware that there is a strong overview and scrutiny officers network which includes all the local authorities in geographical Kent. Some Members may have attended the third bi-annual conference that the network held in November 2009 at Oakwood House.

(2) This network come together twice a year to share best practise and also to look at ways that we can avoid duplication of work.

(3) In January 2010 the network held a facilitated afternoon session to discuss ways in which overview and scrutiny across Kent could work more effectively in partnership.

(4) This was a very constructive session and we have a number of outcomes to take forward. These include :-

- A group of officers across the network working on refreshing the Inter Authority Overview and Scrutiny Co-operation protocol, which will include clear guidelines on engaging with partners, for example in relation to Crime and Disorder Scrutiny to ensure that best use is made of their resources
- A workshop or series of events (facilitated by Parliamentary Select Committee officers) and a Parliamentary Select Committee Chairmen.
- The possible of development of an exchange programme with Parliamentary Select Committee officers having the opportunity to come and work in Kent on short placements
- Looking at establishing a pool of experts to help advise Overview and Scrutiny Committees across the County
- Sharing Overview and Scrutiny work programmes across the county including Medway to avoid duplication and to ensure effective use of resources. One way of doing this is via the Communities of Practise forum that the net work has set up on the IDeA website.

(5) This report is presented for Members of the Board information and any comments from Member would be welcome.

Recommendations that the report and any comments made by Members be noted.

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