

KENT COUNTY COUNCIL

SCRUTINY BOARD

MINUTES of a meeting of the Scrutiny Board held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 15 July 2010.

PRESENT: Mr E E C Hotson (Chairman), Mr P W A Lake (Vice-Chairman), Mrs A D Allen, Mr C J Capon, Mr M C Dance, Mrs T Dean, Mr C Hibberd, Mr G A Horne MBE, Mrs E M Tweed and Mr K Smith

ALSO PRESENT: Mrs S V Hohler and Mr A J King, MBE

IN ATTENDANCE: Mr M Chrysostomou (Media And Operations Manager), Ms D Fitch (Assistant Democratic Services Manager (Policy Overview)), Mr C Jones (Area Education Officer - Maidstone and Tonbridge.& Malling), Mr P D Wickenden (Overview, Scrutiny and Localism Manager) and Mr A Wood (Head of Financial Management)

UNRESTRICTED ITEMS

20. Minutes - 21 May 2010

(Item 3)

RESOLVED that the minutes of the meeting held on 21 May 2010 are correctly recorded and they be signed as a correct record.

21. Dates of meetings - 2011

(Item 4)

RESOLVED that the Board noted the dates of its meetings for 2011 as follows:-

Tuesday, 1 February 2011
Thursday, 10 March 2011
Wednesday, 27 April 2011
Thursday, 26 May 2011
Thursday, 23 June 2011
Wednesday, 13 July 2011
Wednesday, 28 September 2011
Wednesday, 2 November 2011
Thursday, 1 December 2011

It was noted that all meetings will start at 10.00am and may go on into the afternoon.

22. Kings Hill Schools expansion

(Item 5)

(Mrs S Hohler and Mr C Jones were present for this item)

(1) Mrs Hohler explained that there was an unexpected pressure on primary school places in the Kings Hill area in 2010. It had been anticipated that schools on Kings Hill might not be able to meet demand for places by 2011 and Mr Jones held a meeting with the affected Headteachers in autumn 2009 to make this clear. It was thought at that time that it would just be possible to cope with 2010 admissions while plans were put in place for the future. There was a discussion on options which included putting an additional class or part of a class at the Discovery School, or directing additional children to Wateringbury School or siting a mobile classroom at West Malling school.

(2) Subsequently talks were held with the Liberty Group (the developers of Kings Hill) and an agreement reached in principle that an empty class room at the Discovery School could be used. The Headteacher of the Discovery School agreed that she would be happy to admit an additional form of entry in the future if need arose. After the cut off period for admission at the end of March 2010, Mr Long (local Member), Mrs Hohler, Mr Jones and the Headteacher of Discovery School received a number of emails from parents about the pressure on places at Kings Hill, and their inability to access a place at their local schools. It was understood that 11 Kings Hill children had been allocated Wateringbury Primary School plus 3 at West Malling and 3 at St James the Great school. Mrs Hohler had also heard from parents of children at Wateringbury Primary School that they did not want the school to be under pressure in future years from sibling links due to the allocation of places to children from Kings Hill.

(3) At the end of the spring term, Mr Jones met with the Headteacher, Mr Long and a governor of Discovery School and following this meeting 27 children from Kings Hill were found not to have been allocated a place at a Kings Hill Primary School. During the Easter holidays, it became difficult to contact some Headteachers who were on vacation, in fact a number of them were delayed in returning from abroad due to the Icelandic volcanic ash situation. Mr Jones managed to contact the Headteacher of the Discovery School who was in France and she agreed to admit an additional class. The Headteacher of Wateringbury Primary School was in agreement with this, while the Headteachers of West Malling Primary School and St James the Great were not happy with this arrangement. The former in particular was concerned about the impact which it might have on his school's September 2010 admissions. There were two other affected schools whose headteachers could not be contacted.

4) On 19 May Mr Jones met with the Chairman of Governors and Headteacher of West Malling School to discuss their concerns about the decision to admit additional pupils to Discovery School.

(5) Mrs Hohler stated that the decision to add an additional class to the Discovery School was an officer decision with the Cabinet Member and Leader being kept informed. This had been the result of a pragmatic approach given there was likely to be sibling pressures for the other schools in the future and that there was longer term planning for the Kings Hill site.

(6) Mr Jones explained that it was a decision for the local Authority to determine that a school may admit above its Published Admission Number (PAN) which is the decision that was reached in this case.

(7) Mrs Dean stated that she had concerns with this decision, the first was the decision itself and how it was made and the second was that it exemplified the problem that local Members had in scrutinising decisions.

(8) Mrs Dean clarified that she was not suggesting that the authority had been in breach of the Code for doing what was necessary to expand the school but the outcome was unsatisfactory for the Primary Schools in her area. She stated that obtaining information on how the decision had been taken had been difficult and that if the information given today had been made available on 8 May the need to come to this Board may have been avoided. She had not known that there were 27 children from Kings Hill who had not been allocated a place at a Kings Hill School and that the intention was to create the additional class for one year only. As this was an ongoing pressure, she asked what the long term plans were for dealing with this. She stated that she had been of the view for sometime that there was a need for a third school on Kings Hill, however she accepted that there was not a site for it.

(9) Mrs Dean raised the point that she, as the local Member for West Malling and East Malling schools, which were affected by the decision, had not been informed. She was informed of the situation on 8 May 2010 by a local resident. She referred to the Constitution which clearly stated that officers must consult the relevant local Member(s) on any matter that specifically affected their division. It had always been the policy of the County Council to allocate children places in schools with vacancies, if they were not able to be allocated their preferred school. This year there had been a change to this policy which had put East Malling School in difficulties. The Headteacher of East Malling School had received a phoned call during the Easter Holidays informing her of what was going to happen, but until that point she had not been consulted.

(10) Mrs Hohler stated that since she had become a Cabinet Member she had ensured that Children, Families and Education directorate involved Local Members. As far she was aware the Local Member in this case was Mr Long. There was a policy of supporting local schools and the parents of pupils at Watringbury School were content with its current size. A decision was taken by officers to deal with the situation this year. At independent education admission appeals for secondary schools appeals were allowed which increased admission numbers over the PAN for schools on a number of occasions. She expressed the view that a radical overhaul of the admissions policy was needed as the current situation made it difficult for schools to forward plan. In relation to Kings Hill the Local Member for that area was consulted and places offered. This happened quickly and the parents were grateful. She believed that the decision was a good one and thanked Mr Jones.

(11) Mr Jones stated that he was the Education officer for the area and he accepted that he should have informed Mrs Dean and apologised for not doing so.

(12) He explained that this was not a one year problem, however the extent of the problem this year was unexpected and he had made a decision that it needed to be addressed. In the autumn of 2009 he believed that the situation would be tight but

thought that there would be 4 spare places. In the event 17 pupils were understood to have been allocated other schools at the end of the spring term. He referred to emails received by Mr Long, the local Member and the Headteacher. Some parents had submitted their applications using their road name and this had not identified them as being on Kings Hill, therefore in the Easter Holidays it had become apparent that there were 27 pupils who were not allocated a Kings Hill School. The reasons for the unexpectedly large number of pupils seeking places were uncertain but one contributory factor may have been the economic situation leading fewer parents to send their children to independent schools. There was need for a contingency arrangement for 2010 and potentially 2011 whilst actions were taken to secure greater primary school provision on Kings Hill for the future. A site for a third school at Kings Hill had been identified but it might not be the best solution. In relation to the Headteacher of East Malling School, Mr Jones stated that he understood that she had anticipated that parents from Kings Hill who had been allocated a place at her school would probably find another school and when he informed her of the decision she did not appear exercised.

(13) Mr Horne stated that this situation existed in other areas and in the case of places at secondary school the pressure was greater. He referred to situations where secondary school Headteachers indicated that they could take a whole additional class to relieve pressures which called in to question how Headteachers could defend the published admission numbers on appeal. He was not sure that some Headteachers believed in the PAN numbers.

(14) Mrs Hohler agreed with Mr Horne in relation to the situation in secondary admissions. There was a view that Government should do something about statutory appeals, it was important that children were allocated the school that was suitable for them.

(15) Mr Dance emphasised the importance of taking into account the statutory requirement limiting primary school classes to 30 pupils only. He agreed that Mr Jones had made the right decision.

(16) Mr Tweed believed that officers had done the honourable thing and had acted with integrity, but that there were lessons to be learned about consulting widely with all local Members.

(17) In relation to a concern raised about consistency between East and West Kent, Mr Jones explained that Area Education Officers worked as a team across the county to try to achieve consistency. Clearly difficult situations arise in different parts of the county and due to different circumstances it was not always possible to apply the same solution across the board.

(18) Mr Lake asked if it was possible to have one extra class for one year only without creating on going problems. Mrs Hohler explained that one reason why it was important that the decision was taken quickly was to enable the Discovery School to recruit additional staff for September 2010. She hoped that other local primary schools took it as a wake up call and showed parents how good their schools were.

(19) In relation to a site for a third school at Kings Hill, Mrs Dean suggested that as Admissions were becoming more of a challenge, one of the CFE POSC's should look

at identifying areas across the county where capacity in school was a problem, this was not just a Kings Hill problem.

(20) Mrs Dean stated that she understood the urgency of the decision as St James the Great school had to decide whether to make a member of staff redundant depending on the outcome.

(21) In relation to the process, Mrs Dean expressed concern about the length of time taken to get clarity around whether this had been an officer or Cabinet Member decision, and the effect that this had on the scrutiny process. It was also important for there to be more clarity around what is a key decision and which decisions should appear in the Forward Plan of Key Decisions. If this decision had been identified as a Key Decision and that process followed there would not have been a need to call it into Scrutiny.

(22) In response Mrs Hohler stated that she did not accept that it had taken an unacceptable length of time to obtain clarity around who took the decision.

(23) Mr Hotson summed up and stated that it would appear that this decision had been properly dealt with as an Officer decision. The Officer had apologised for not consulting all the local members involved and lessons would be learned from this. It had been suggested that the CFE POSC's may wish to have an item on future agendas on admissions policy. There seems to have been general agreement that this was a special case where it was necessary to take action as a matter of urgency and all that could be done was done for the benefit of the children and parents. He supported Mrs Dean regarding the need for officers to inform all affected local members, it was not the responsibility of the schools Head Teachers to keep local members informed.

(24) RESOLVED that a item be placed on the agenda for one of the CFE POSC's to consider the primary school admission problems across the county with particular emphasis on areas that were particularly problematic.

23. The Overview and Scrutiny Functions Relationship with the Press and Media

(Item 6)

(1) Mr King introduced this discussion report. He stated that it was clear that the whole process of overview and scrutiny was evolving rapidly and would continue to do so for some time to come and that it was also part of the localism agenda.

(2) Mr Chrysostomou emphasised that this was a discussion paper and Members views were sought on how to go forward and make the public more aware of scrutiny. He stated that it was the big local issues that excited people and that not everything that the county council did was of interest. It was important to look at how we engage the public, the public should also have the opportunity to put forward subjects as part of the localism agenda

(3) Members emphasised the importance of there being greater clarity for the public around which tier of local government was responsible for services. The way in

which “local boards” and other pilot models of community engagement could be used to bring together the separate tiers of local government at a local level to engage with the public and address issues of local concern was highlighted.

(4) Mr Smith emphasised the need to make Overview and Scrutiny meetings exciting and of interest to the public. He gave the example of the last meeting of the Learning and Development POSC where beforehand he had sought advice from Mr Chrysostomou as to what elements of the meeting would be of interest to the press and public and how best to translate the story.

(5) Mrs Tweed stated that the public only took an interest in the work of local government when it directly affected them. More use should be made of the press to publicise that it was possible for the public to “let the County Council know how you feel and to ask for an item to be placed on the agenda for an POSC Committee”.

(6) Mr Wickenden stated that the main area of Overview and Scrutiny which got interest and engagement were Select Committees, which had a protocol for engaging with the press approved by the County Council. There was a tendency for others to take the credit for the work of Overview and Scrutiny. There was the lack of a link between Overview and Scrutiny and the press and media. There needed to be engagement with corporate communications as part of the agenda setting process so that potential areas of interest for the media could be highlighted at an early stage and the best way of engaging with the press and media established. In future there would be more scrutiny at a local level which would have a community focus and should generate public and press interest.

(7) Mr Hibberd expressed the view that in order to have more public interest meetings of POSC’s could be held in the evenings rather than during the day. He stated that an officer from Corporate Communications attended the agenda meetings for Environment, Highways and Waste POSC and was able to suggest which items would be of public interest.

(8) Mr Chrysostomou referred to the need to take scrutiny to the media to ensure that editors had an understanding of overview and scrutiny. Therefore there was an education issue for the media as well as the public.

(9) Mr Horne referred to the letters page of the local press which was a good indication of the public’s views in the local area. As the local press were under pressure there was a need to look at other ways of engaging with the public such as Twitter. Health Overview and Scrutiny Committee tended to get attention from the media. It was important that if items were to be of interest to the media and public Members must not be frightened of controversy and of issues that were holding them to account.

(10) A couple of Members expressed the view that there should be an item on each agenda to enable the public to ask questions, or the public could be asked to send in questions to be asked at the meeting. Mrs Allen referred to Dartford Borough Council where the Leader and Cabinet had a public question time once a year. Similar events were held by Maidstone Borough Council.

(11) In response to a question Mr Chrysostomou stated that although he had not consulted the local media before he prepared the discussion report, it was intended that the Board should have a discussion with the local media at a future meeting.

(12) Mrs Dean stated that the press and public only tended to come along to meetings when they were controversial, this was not something to be frightened of, she expressed the view that officers did not see scrutiny as an opportunity to explain and involve. She referred to the difficulty of getting officers from certain areas of the authority to attend local meetings. Although Cabinet Scrutiny considered key issues and had a good quality of debate she was not aware of anyone from Corporate Communications attending their meeting. It was important that KCC's press office engaged with Overview and Scrutiny. She referred to the pro-forma used by Corporate Communications to advise the press of a Cabinet Scrutiny Committee and felt that this could be improved to make it more engaging. At the next meeting of the Cabinet Scrutiny Committee they were considering a decision relating to Community Wardens but Corporate Communications did not seem to be promoting the story. She stated that the public did not want to be told about issues once the decision was made but before when their views could make a difference. She referred to the last meeting of the Board where it was noted that there would be no further work at the present time to establish a facility for questions and texts from the public to be feed directly into Overview and Scrutiny meetings.

(13) Mr Christie stated that it was important that the public believed that their involvement might make a difference. As Kent was geographically such a large county it was unrealistic to expect people to travel to a central point to listen to a meeting, if we want the public to be involved in scrutiny we need to take the meetings to them.

(14) The importance of encouraging the press to pick up on the positive aspects of stories rather than the negative.

(15) RESOLVED that

(a) the Public relations protocols for Select Committees be expanded to include the work of Overview and Scrutiny suite Committees and brought back to the Board for endorsement before it was submitted to the County Council, via Selection and Member Services Committee, for approval.

(b) editors from the local press be invited to meet with Members of the Board and give their views on the best way for Overview and Scrutiny to engage with the press.

24. Feedback from Policy Overview and Scrutiny Committees (POSC's) on arrangements to contribute to the development of the budget.

(Item 7)

(1) The Board received a report on the outcomes to date of the consideration by the Policy Overview and Scrutiny Committees (POSC's) of the request to formulate their arrangements to contribute to the development of the Budget. Verbal updates were given for the POSC which had not met before the agenda for this meeting was published.

(2) Mrs Tweed informed the Board that the Communities POSC were having an IMG (Informal Member Group) meeting on 29 July 2010 at 2.00pm. This meeting would discuss the ground rules and what was known so far in preparation for a further meeting in early September 2010.

(3) Mr Dance reported that the Regeneration and Economic Development POSC had decided that as they only had a very small budget and a lot of their grants were under review it was too early to form an IMG. It had been agreed that the Chairman and Vice-Chairman would be kept up to date at agenda meetings and if necessary an IMG would be formed at the appropriate time.

(4) Mr Hotson informed the Board that the IMG for Corporate POSC would be held on 12 August 2010. Mr Kit Smith stated that the IMG for the three Children, Families and Education (CFE) POSC's would be held on 30 July 2010. In response to a request from Mr Christie it was agreed that the Labour Group would be welcome to send a Member to the IMG for the CFE POSC.

(5) In response to a question on how public the information from the IMG's would be, the Chairman stated that as happened last year he would expect there to be feedback to the open POSC meeting.

(6) Mr Wood stated that although they knew the scale of the financial problem they did not have the details at this time, however it was important for the IMGs to start looking at the situation in their areas. The process needed to be started as soon as possible and to have a long lead in time in order to build an understanding of the impact. He referred to the training session that he would be facilitating that afternoon which would attempt to give Members an idea of the scale of the problem and how they could make a contribution. He confirmed that all heads of finance had undertaken to be at the first meeting of their IMG's and it was important to also have policy officers along to support the Members.

(7) Mr Lake stated that although the IMG for the Adult Social Services POSC was due to meet in September in light of the update from Mr Wood he would now be bringing that meeting forward.

RESOLVED that the progress made to establish IMGs to assist with the development of the budget be noted.

25. Member Information

(Item 8)

(1) Mr King introduced a report on the work of the Member Information Member Officer Group (MIMOG). He commended the good job done by Ms Sage and Mr Thomas, the officers supporting the group, and informed the Board that Dr Walsh was now leading on this and his final report was due on 12 September 2010.

(2) RESOLVED that the progress in implementing the recommendations of the IMG: Member Information endorsed by the County Council in December 2008 be noted.

26. Feedback Mechanisms for the recommendations arising from the Policy Overview and Scrutiny Committees

(Item 9)

(1) Mr King introduced a report which set out an option for a feedback mechanism from the Overview and Scrutiny Committees to Cabinet. He encouraged POSC Chairman to ensure that their Committees exercised their right to make recommendations, when they considered it appropriate, to Cabinet or Cabinet Member rather than just noting the position. He believed that this feedback mechanism would strengthen the relationship between Executive and non-executive Members.

(2) Mrs Dean welcomed the proposal as a way of helping POSC 's to focus on outcomes. She emphasised the importance of ensuring that Cabinet responded appropriately. Mr King assured Members that they would get a response from Cabinet to their recommendations.

RESOLVED that the feedback of outcomes from Cabinet Scrutiny Committee to Cabinet be expanded to include feedback from Policy Overview and Scrutiny Committees.

27. Sharing of good practise

(Item 10)

(1) Mr Kit Smith suggested that there should be a standing item to this Board to update them on the work of the Select Committees.

(2) Mr Smith informed the Board that he had submitted an assessment form setting out a proposal for him to act as a Rapporteur. Mr Wickenden reminded Members that at their last meeting they had considered a report on the process for the Rapporteur scheme and a draft assessment form for proposals and had Members had made a number of suggestions. This was in the process of going to Cabinet Members and Chief Officers Group for their feedback. Therefore it would be premature to consider a Rapporteur proposal.

(3) Mrs Tweed raised the matter of the number of POSC in a year and especially the July cycle when her POSC had been poorly attended. Mr Hotson agreed to speak with her about this outside of the meeting.

(4) Mr Horne emphasised the importance of reminding Members that their meetings are being webcast and that they should take care about how they refer to individuals.

(5) Mrs Allen referred to the challenge that she was having to get health related items on the agenda for her POSC. The Chairman and Overview, Scrutiny and Localism Manager were supporting her with this.

(6) Mr Wickenden referred to the issue of the officer culture and the importance of raising the profile of Overview and scrutiny in order to get full engagement.

(7) RESOLVED that the comments be noted.