

The decisions set out in these minutes will come into force, and may then be implemented at 12 noon on the fourth working day after the publication of the decision, unless the decision is subject to call-in.

Date of publication: 26 March 2012

EAST KENT (JOINT ARRANGEMENTS) COMMITTEE

**Minutes of a meeting held on Wednesday, 14th March, 2012
at 10.00 am in The Guildhall, Westgate, Canterbury**

Present: Councillor J Gilbey (Chairman) – Canterbury City Council
Councillor R Bliss - Shepway District Council
Councillor C Hart - Thanet District Council
Councillor A King - Kent County Council
Councillor J Law - Canterbury City Council
Councillor R Love - Shepway District Council
Councillor P Watkins – Dover District Council

Officers:	Colin Carmichael	Chief Executive, Canterbury City Council
	Nadeem Aziz	Chief Executive, Dover District Council
	Alistair Stewart	Chief Executive, Shepway District Council
	Mark Ellender	Head of Legal and Democratic Services, Canterbury City Council
	Matthew Archer	Assistant Head of Democratic Services, Canterbury City Council

1. APOLOGIES FOR ABSENCE

(Item 1)

Apologies received from Councillor Paul Carter (Kent) and Councillor Sue Chandler (Dover) and Councillor Poole (Thanet).

2. DECLARATIONS OF INTEREST

(Item 2)

No declarations of interest were received.

3. SUBSTITUTE MEMBERS

(Item 3)

There were no substitute members present at the meeting.

4. MINUTES

(Item 4)

The minutes of the meeting held on 16 March 2011 were agreed as a correct record.

5. REVIEW OF THE ROLE AND FUNCTION OF THE EAST KENT (JOINT SCRUTINY) COMMITTEE

(Item 5)

The Head of Legal and Democratic Services (Canterbury) introduced the report. He referred to the discussion at the East Kent (Joint Scrutiny) Committee (EKJSC) on 12 October 2011 on the performance monitoring arrangements for shared services.

He said the Chief Executive of Dover District Council had pointed out to the EKJSC that it would be helpful if a protocol were drawn up to divide responsibility between the scrutiny committee of each individual council and the East Kent committees. In the event the EKJSC debate had gone wider and amongst other things requested that 'Red, Amber, Green' style performance monitoring reports be submitted to the committee. The full list of recommendations were summarised in the minutes appended to the report.

The Head of Legal and Democratic Services said it fell to the Solicitor to the Council of Dover and himself to respond to the request and produce a protocol that addressed the issues raised by the committee and the division of responsibility between each authority and EKJSC.

He said the present arrangements had now been in place for over two years and perhaps a review might now be opportune. It was suggested that for the time being the protocol be commended to EKJSC and the individual authorities with a rider that a review of the arrangements generally was now appropriate.

A discussion followed during which the following points were made -

- i) A Member said he had received legal confirmation that there was no requirement for a Joint Scrutiny Committee;
- ii) East Kent Housing should be removed from the monitoring arrangements as it was an arms length body with its own separate management arrangements;
- iii) The East Kent (Joint Arrangements) Committee (EKJAC) was the appropriate body to monitor EK Services and East Kent HR Partnership shared services.
- iv) Each authority could scrutinise individual performance and there was no need for the two East Kent committees to duplicate responsibilities and hold what could be perceived to be unnecessary meetings.
- v) It would be better if the whole arrangement was now reviewed.

- vi) It was noted that EK Services had now been operating for nearly a year and it would be appropriate for EKJAC to receive an end of year performance report at the next meeting of the EKJAC in June.
- vii) It was understood that the EKJSC had been established to scrutinise performance and that EKJAC could refer matters to it to scrutinise if it so wished.
- viii) A Member noted that in the minutes of the last meeting there had been a request for performance of data for the East Kent HR Partnership, which had never been received. He said it might have saved a lot of problems if the request had been met and the data reviewed by this committee.
- ix) Without monitoring of performance there was a risk that issues may not be picked up until it was too late.
- x) A Member said he would be content to receive performance reports at EKJAC say, six monthly intervals, if that were deemed appropriate.
- xi) If it were contemplated that the Joint Scrutiny Committee be abolished then it would be the responsibility of EKJAC to create a clear link back to the Scrutiny Committee of each authority. It was important that effective scrutiny arrangements were in place to show the public that performance monitoring was transparent.
- xii) A Member supported the opportunity for each authority's scrutiny arrangements to identify areas of concern. He said there had been an opportunity missed for the scrutiny of performance of existing services.
- xiii) A Member supported the suggestion that the current arrangements be reviewed and said it was important to ensure that performance monitoring information was submitted first to EKJAC and then referred to the Scrutiny Committee of each individual authority.

The Head of Legal and Democratic Services confirmed that it was a function of EKJAC to review performance and that they should be receiving year end performance for those services delegated to it. He noted that for the East Kent HR Partnership that particular timescale had been missed. He said EKJSC was potentially stepping into what was perceived to be a gap in the monitoring arrangements. To counter-balance the case for the complete abolition of EKJSC he

noted that one objective was for the committee to look at detail of proposals and provide comment. This had been useful in the early stages of developing joint arrangements but now that matters were more settled the committee appeared to be looking for a new role. This opened up the possibility of duplication with EKJSC acting outside of what its terms of reference were thought to intend. He said one of the objectives of the protocol was to narrow those terms into a more defined role. The alternative was not to have a joint scrutiny function at all.

The Chief Executive of Canterbury said that he, together with the Chief Executives of Thanet and Dover, would be conducting the performance appraisal of the Director of EK Services next week. The appraisal would include a review of performance reports to see whether the service had met its targets. He said it would be possible to bring a report to the next meeting of EKJAC, which could be referred on to the EKJSC. He said the Chief Executives were likely to receive a report twice a year and matters could then be referred to EKJAC thereafter. A similar performance monitoring arrangement would be needed for the East Kent HR Partnership as part of a package.

A Member asked whether there was scope for EKJAC to monitor the joint waste arrangements. The Head of Legal and Democratic Services confirmed that there was scope to do that. He also pointed out that technically EKJAC was an executive committee and therefore suggested that a second recommendation be added to the report that there be a review not only of the arrangements for the scrutiny, but also for the management and monitoring of shared services.

Prior to making a decision the committee then reflected on whether the draft protocol, if approved, should be referred back to each authority and the Joint Scrutiny Committee or whether it should be held in abeyance pending a review of the arrangements. They concluded that it would be better to hold the protocol in abeyance pending a review.

RECOMMENDED -

1. To note the draft protocol attached to the report and to hold it in abeyance until a review of the arrangements had been undertaken.
2. To commission a review of the arrangements for the scrutiny, management and monitoring of shared services and report back to the next meeting of the committee.

6. ANY OTHER URGENT BUSINESS TO BE DEALT WITH IN PUBLIC (Item 6)

There was no other urgent business.

There being no other business the meeting closed at 10.28 am