

KENT COUNTY COUNCIL

EAST KENT (JOINT SCRUTINY) COMMITTEE

MINUTES of a meeting of the East Kent (Joint Scrutiny) Committee held in the Council Chamber, Dover District Council on Tuesday, 22 March 2011.

PRESENT: Councillor H Cragg, Councillor J Samper, Cllr D Lloyd-Jones, Cllr M Conolly, Cllr K Mills, Mr M J Vye (Chairman), Mr R F Manning, Mr T Prater, Cllr M Harrison, Councillor B Rogers and Councillor J Roberts

IN ATTENDANCE: Mr B Ryan (Interim Managing Director), Mr A Webb (Research Officer to the Cabinet Scrutiny Committee) and Mr P D Wickenden (Overview, Scrutiny and Localism Manager)

UNRESTRICTED ITEMS

47. DECLARATIONS OF INTEREST

(Item 3)

(1) Councillors Samper and Conolly declared that they were on the board of the East Kent Housing Arms Length Management Organisation (ALMO). They remained at the meeting and were invited to take part in the discussion on this item.

48. MINUTES OF THE MEETING HELD ON 13 OCTOBER 2010

(Item 4)

(1) The Chairman explained that the exempt minutes from the meeting of 13 October 2010 would be considered at a later point in the meeting, along with other exempt items.

RESOLVED: that the non-exempt minutes of the meeting held on 13 October 2010 are correctly recorded and that they be signed by the Chairman.

49. OPERATING ARRANGEMENTS

(Item 5)

The Committee noted the Operating Arrangements of the East Kent Joint Scrutiny Committee.

50. ISSUES REFERRED TO THE COMMITTEE BY THE EAST KENT (JOINT ARRANGEMENTS) COMMITTEE

(Item 6)

There were no items for consideration.

51. ITEMS PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE

(Item 7)

There were no items for consideration.

52. EAST KENT HOUSING UPDATE

(Item 9)

(1) Mr Ryan explained that in ten days time the final setup of East Kent Housing (EKH) would be in operation. This followed the formal decisions taken by the Executives of each of the four participating councils to set up the Arms Length Management Organisation (ALMO) and delegate their housing management functions to it.

(2) On 1 April, 220 staff would transfer to East Kent Housing and there had been much preparation to ensure that there would be continuity of service from the first day of the ALMO's operation. This meant that there would be the same officers, with the same telephone numbers on the same contracts. There would be a newsletter going out to all the tenants in the following week to update them on the changes, with advance copies circulated to Members during the current week.

(4) Mr Ryan felt that the ALMO had a strong board in place with lots of expertise. The board included:

- Representatives from the four councils
- Tenant representatives
- Independent representatives, including some from London-based ALMOs.

(5) The board had already started to steer the organisation, including setting procedures for health and safety and complaints. There would have to be further work, since the four councils did some things differently, such as complaints. There had so far been a focus on staffing issues, particularly around ensuring that staff were committed to delivering excellent services to tenants. During several workshops involving the staff and the board, there was general acceptance of what the new organisation was going to deliver and how.

(6) Mr Ryan introduced the Delivery Plan, explaining that there would be a new plan for each year in the year ahead. The stakeholders were the tenants, the board and the four councils, and all had had input into the delivery plan that was in front of the Committee.

(7) Tenants would have a say in how the service was run and would be a major driver for improvement. There were mechanisms in place for tenants to influence the process, including a conference that September which would be attended by tenants from all four areas, and a group of tenants for each area had already helped shape the governance of the ALMO. The board would also have an important role to play and the Delivery Plan would be critical for the four councils, since it formed part of the management agreement.

(8) Mr Ryan stated that the focus in the first year would be setting up the new organisation and merging the four different services, and that efficiencies would be delivered in future years. There was a recognition that the four different services, each with its own culture, would need to be brought into a single organisation, delivering the shared goals of the four councils. There would also be a need to move to an integrated IT system, since the organisation would start off with four different systems.

(9) Mr Ryan then talked Members through the eight objectives in the Delivery Plan, before going on to talk about the Performance Plan. He explained that the ALMO was not promising improvements in the first year, since because of the changes and the transfer of staff the commitment was to deliver to the current standard, but he would be disappointed if there were no improvements.

(10) There was a question about how the EKH Owners' Committee would operate, since it was another level of governance between the East Kent (Joint Arrangements) Committee (EKJAC) and the board. Mr Ryan explained that since the ALMO expenditure was around £6.7m per year, this would normally mean it would fall within EU procurement laws, but there was an exemption for arms length organisations that were wholly controlled by the council(s). This meant that it was necessary to demonstrate council control, and there needed to be a mechanism for the four councils to come together and make significant decisions.

(11) Mr Ryan added that below the Owner's Committee there was an officer panel, and if this did not make a unanimous decision it would be referred up to the Member panel. A Member expressed a concern that more and more power was being delegated from Members to Officers, and that there needed to be a way for Members to find out what was happening with the ALMO, since the representatives on the board did not always report back to their full councils. Mr Ryan responded that the actions of the ALMO were still subject to scrutiny arrangements, all minutes were published on council websites and that decision-making was transparent and open. Some key decisions would be referred upwards, such as the potential future admission of another council, but routine decisions would need to be taken quickly. Also, Local Area Boards would include two Members from each council.

(12) Later on in the discussion, more detail was requested around how reporting and scrutiny of the Owner's Committee would operate. (Note: *At the meeting, Mr Ryan suggested that Mr Chambers would be better placed to answer this question.*)

Post-meeting note: Mr Chambers has confirmed that the operating arrangements of the Owners' Committee states at clause 1.4 that: -

"The Parties are committed to open and transparent working and proper scrutiny and challenge of the work of EKHOC."

Decisions of the EKHOC are sent to EKH and each of the four districts. The decisions can then be called in in the usual way. Alternatively the EKJSC could ask to look at items from the forward plan.

(13) There was a discussion around Local Area Boards and Member involvement in them. Mr Ryan explained that that the boards operated at district level and built on existing tenant consultation structures while adding a Member dimension, and that they also performed a scrutiny role. Regarding the Member representation, and whether there was a presumption that any local Member would be in their local board, Mr Ryan stated that it would be up to each council to decide who they would put forward as representatives, but that meetings would be open to all local councillors and tenants to attend.

(14) In response to a query about how the ALMO would deal with Anti-social Behaviour among Registered Social Landlord tenants, Mr Ryan explained that the

ALMO would continue to work closely with the councils' Community safety units. In the future he would like to see an arrangement where EKH would manage properties on behalf of Registered Social Landlords, since often this issue was not helped by the fact that their management was very remote.

(15) A Councillor suggested that in the past councils had acted as the 'good shepherd' for tenants but with no commitment to provide solutions to tenant issues and there had been instances of forms being filled in by tenants requesting action be taken, but then being lost by the council office. In response to a request for clarity on how this would be addressed by the ALMO, Mr Ryan explained that work had been done with the board and staff to develop an ethos to sort out problems without 'passing the buck'.

(16) Mr Ryan felt that a tougher line needed to be taken with tenants who adversely affected the quality of life of other tenants, and that he would like to see more officers on estates carrying out enforcement, although Health and Safety would need to be taken seriously to ensure staff were not put at risk. A concern was raised that problems often occurred at weekends, but that housing officers did not work at these times and it was therefore difficult for them to gather evidence, and it was asked whether there were proposals for housing officers to work at these times. Mr Ryan said that there was an aspiration for housing officers to work evenings and weekends, and that he would be asking councils how efficiency savings would be used and they may want to use the savings to deliver this.

(17) Referring to objective 1.4 in the Delivery Plan, a question was asked about how councillors could be involved in the drawing up of a protocol for handling enquiries from councillors and MPs. Mr Ryan stated that, although EKH would be an arms-length organisation it would still be accountable to councillors and would respond promptly to their concerns, with a clear expectation on staff to do so. A Councillor expressed the view that effective communications and responses to the concerns of tenants and Councillors would be vital.

(18) Several Councillors congratulated Mr Ryan and his team for what they had achieved in executing a difficult task, but there was a concern that expectations had been raised among tenants, and that in the first few months of the ALMO they would not see any improvements. Mr Ryan responded that tenant groups were sceptical at first, but that officers had won them over by listening and taking on board their suggestions, but he agreed that it might take some time to deliver the improvements.

(19) A Shepway councillor expressed concern that task 9.4 in the Performance Plan had the proviso 'subject to budget' when Shepway had received a commitment that it would be carried out. Mr Ryan responded that this had been added because the sample survey would be expensive to carry out and it was not clear if individual councils' budget allocations for this had come across to the ALMO as the budget was very complex, but the board would be meeting to discuss the budget the following week.

(20) Mr Ryan explained that each council area received a newsletter which contained the performance of the landlord against the standards set by the Tenant Services Authority (TSA) and locally developed standards, known as the 'local offer'.

Post meeting note: Links to the 2010 newsletter for each council area are as follows:

Canterbury: [http://www.canterbury.gov.uk/annual report to tenants 2010](http://www.canterbury.gov.uk/annual%20report%20to%20tenants%202010)
Dover: [http://www.dover.gov.uk/annual report to tenants 2010](http://www.dover.gov.uk/annual%20report%20to%20tenants%202010)
Shepway: [http://www.shepway.gov.uk/annual report to tenants 2010](http://www.shepway.gov.uk/annual%20report%20to%20tenants%202010)
Thanet: [http://www.thanet.gov.uk/annual report to tenants](http://www.thanet.gov.uk/annual%20report%20to%20tenants)

(21) RESOLVED: that the East Kent (Joint Scrutiny) Committee note the update report and draft Delivery Plan.

53. EAST KENT SHARED SERVICES UPDATE

(Item 8)

(1) The Chairman moved that this item be considered in closed session, the motion was not seconded. There was a discussion about why the item needed to be exempt at the request of the author, and it was felt that this might be because the report contained details of staff transfers and the consultation period with staff had not been concluded. *Note: There were no members of public or press present for this item.*

(2) Disappointment was expressed that Ms Reed was not available to answer questions on the report in person, and concerns were expressed more generally about the fact that over the past year, officers had not always been available to attend meetings of the EKJSC. The Chairman suggested that any questions raised during the discussion be recorded and circulated to the Committee for their approval before being put to Ms Reed for her responses.

(3) The concerns expressed included:

- The Committee would have like to have seen a review of Tranche 1 of the transfer to EK Shared Services, and what lessons had been learned, before seeing the activities of Tranche 2.
- The last time Councillors had sight of the business case, the projected savings had not been enough to go ahead with the project. The Committee therefore wished to see the most up-to-date business case.
- Referring to paragraph 2.6, where the redundancies had been reduced from 50 to 31 FTE, the point was made that this suggested that the projected savings would not be achieved. A Councillor suggested that this was because 19 people had already left their respective councils.
- A Councillor highlighted that renewals and ownership of assets had not been mentioned in the report and asked that these be made clear to the EKJSC.
- Referring to paragraph 2.4, which mentioned a dedicated email address for feedback that required a formal response, a view was expressed that it would have been preferable for staff to be able to air their concerns face-to-face

(4) RESOLVED that:-

- a) the East Kent (Joint Scrutiny) Committee note the report and appendices;
and

b) the concerns and questions raised by Councillors as set out in paragraph (3) above be passed to Ms Reed and responses be reported back to the Committee.

54. REVIEW OF THE WORKING OF EKJSC

(Item 10)

(1) An estimate of the costs of administering the East Kent (Joint Scrutiny) Committee during 2010/11 was circulated to all Councillors at the start of the meeting. The costs of the three meetings that were held in this period, comprising the cost of producing and posting the agenda papers and the cost of refreshments, amounted to just over £500 (Dover District Council did not charge for use of the Council Chamber for these meetings). Several Councillors commented that this cost was reasonable.

(2) The Chairman sought to stimulate the debate by asking what the value of EKJSC was, given the fact that scrutiny took place at the local level in the form of each council's scrutiny committee, and whether the Committee should continue in its current guise. He also referred to a comment made at Canterbury City Council, which suggested that there should be a meeting of the executives, scrutiny committees and officers of the East Kent councils once or twice per year.

(3) Several Councillors expressed a view that the EKJSC was a valuable forum, but lacked the power to be effective. A comment was made that in the future there would be more joint working, including scrutiny, and it was easier and more cost effective to give a report to one meeting instead of all the constituent councils. However, it was felt that the Committee lacked the necessary statutory powers and that there had been a lack of officers at the meetings due to the fact that the Committee could not insist on officers attending.

(4) A view was shared by several Councillors that an advantage of the Committee was that it was an opportunity to meet with Councillors from other councils and gain different perspectives. However, it was also felt that the EKJSC was not able to scrutinise decisions to the same level of detail as was possible in individual councils, and a Councillor suggested that the work of the Committee may contradict local scrutiny. A suggestion was made that local scrutiny committees could cede scrutiny powers to the EKJSC, but there was concern that this might not be legally possible.

(5) It was suggested that there would be value in the EKJSC having a dialogue with scrutiny committees in the individual councils, and the Chairman offered to convene a meeting between each of the chairs, Ms Reed and Mr Ryan to discuss a protocol for the attendance of relevant officers and to coordinate the frequency of the various scrutiny meetings.

(6) Mr Wickenden stated that he had recently attended a Local Government Information Unit seminar, where the EKJSC had been highlighted as an example of the vanguard in partnership working. The Chairman felt that the Committee did have a future and a role to play, and several Councillors agreed with this view, with the proviso that reports needed to be of a higher quality, relevant and substantial with the appropriate officers present.

(7) RESOLVED: that the East Kent Joint Scrutiny Committee:

a) Note the costs of the Committee during 2010/11

b) Note the value and forward-looking nature of the Committee and its increasing role as partnership-working develops, while recognising that the issues of officer attendance, quality of reports and the Committees' powers will need to be addressed in the future.

c) Request that a report be brought to the next meeting of the Committee, to include a review of the Terms of Reference, and that a discussion take place at that meeting about how the Committee should function in the future.

55. ANY OTHER BUSINESS

(Item 11)

There were no items for consideration.