



## EAST KENT (JOINT SCRUTINY) COMMITTEE

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**Tuesday, 4 October 2011**

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **EAST KENT (JOINT SCRUTINY) COMMITTEE** will be held in the **Council Chamber, Dover District Council Wednesday, 12th October, 2011, at 9.30 am** when the following business will be transacted.

Members of the public who require further information are asked to contact **Rebecca Brough 01304 872304..**

### East Kent (Joint Scrutiny) Committee:

|                        |                 |                            |
|------------------------|-----------------|----------------------------|
| Councillor I Linfield  | (Chairman)      | (Canterbury City Council)  |
| Councillor D Green     | (Vice-Chairman) | (Thanet District Council)  |
| Councillor B Copping   |                 | (Shepway District Council) |
| Councillor H Cragg     |                 | (Canterbury City Council)  |
| Councillor G Glover    |                 | (Canterbury City Council)  |
| Councillor C Goddard   |                 | (Shepway District Council) |
| Councillor I Gregory   |                 | (Thanet District Council)  |
| Councillor D Hannent   |                 | (Dover District Council)   |
| Councillor J Holben    |                 | (Shepway District Council) |
| Councillor G Lymer     |                 | (Dover District Council)   |
| Mr R F Manning         |                 | (Kent County Council)      |
| Councillor K Mills     |                 | (Dover District Council)   |
| Mr M Vye               |                 | (Kent County Council)      |
| Councillor Z Wiltshire |                 | (Thanet District Council)  |
| <i>Vacancy</i>         |                 | (Kent County Council)      |



## AGENDA

### EAST KENT (JOINT SCRUTINY) COMMITTEE

Wednesday, 12th October, 2011, at 9.30 am

Ask for: **Rebecca Brough**

Council Chamber, Dover District Council

Telephone **01304 872304**

1. APOLOGIES

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To note appointment of Substitute Members in accordance with the agreed procedure.

3. DECLARATIONS OF INTEREST

Members are required to disclose the existence and nature of a personal interest at the commencement of the item of business to which the interest relates or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.

NOTE: (1) By virtue of Rule 11 of the Members' Code of Conduct, a member must, if he/she is involved in the consideration of a matter at a meeting of an overview and scrutiny committee or sub committee, regard him/herself as having a personal and prejudicial interest if that consideration relates to a decision made, or action taken, by another committee or sub committee of which he/she may also be a member.

(2) This rule will not apply if the member attends the Scrutiny Committee/Sub Committee for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

4. MINUTES (Pages 1 - 8)

To confirm the attached Minutes of the meeting of the Committee held on 22 March 2011.

5. OPERATING ARRANGEMENTS (Pages 9 - 18)

The Operating Arrangements for the East Kent (Joint Scrutiny) Committee are attached for information.

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

None

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

In accordance with Paragraph 7.1 of the Operating Arrangements any Member of the Committee may require that an item be placed for consideration on the agenda of the

next available meeting.

There are no items for consideration.

8. THE ROLE OF THE EAST KENT (JOINT SCRUTINY) COMMITTEE (Pages 19 - 30)

To consider the report of the Director of Governance (Dover District Council).

9. ANY OTHER BUSINESS

## **Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Democratic Support Officer, telephone: (01304) 872304 or email: [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk) for details.

Large print copies of this agenda can be supplied on request.

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**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. A response is being sought from Mr Chambers and will be included in the final version of these minutes.)*

(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.

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**Agenda Item No 5**

**East Kent (Joint Scrutiny) Committee – Operating Arrangements**

**Canterbury City Council**

**Dover District Council**

**[Kent County Council]**

**Shepway District Council**

**Thanet District Council**

together referred to as 'the Parties'

**1. Key Principles for the Operation of the East Kent (Joint Scrutiny) Committee (EKJSC)**

- 1.1 The members of the EKJSC will work together to maximise the exchange of information and views, to minimize bureaucracy and make best use of the time of members and officers of local and other authorities.
- 1.2 The guiding principle for the work of EKJSC is that it should be consensual and positive. The emphasis of the work should be on making proactive contribution to the development of policy and the discharge of EKJAC's functions. This is best achieved by an inclusive process covering members, the parties' partners, service users and officers.
- 1.3 The process of joint scrutiny will be open and transparent, designed to engage the parties, their residents and other stakeholders.

**2. Objectives**

- 2.1 The EKJSC is established under section 101 and 102 Local Government Act 1972 and Section 2 Local Government Act 2000 with the objective of acting as the single Scrutiny Committee for the monitoring, review and scrutiny of the East Kent (Joint Arrangements) Committee (EKJAC).

**3. Terms of Reference**

- 3.1 The terms of reference of the EKJSC are as set out in Schedule 1.
- 3.2 These arrangements will be reviewed regularly. No proposed amendments to these arrangements will take effect until they have been agreed and endorsed by each of the parties.

**4. Call-In**

- 4.1 The arrangements for the operation of call-in by the EKJSC shall be as set out in Schedule 2. The EKJSC shall have power to call-in any decision made by EKJAC, a sub-committee of EKJAC, or any member or officer with delegated authority from

EKJAC. The EKJSC will not have the power to call-in any decision of the Executive of any of the Parties.

- 4.2 Where there is a call-in by a statutory scrutiny committee of any of the Parties of any decision of the EKJAC, each of the other Parties will be notified forthwith. The call-in shall be heard by the call-in Party's statutory scrutiny committee in accordance with the call-in Party's own arrangements. Where there is more than one call-in on the same subject the parties shall endeavour to ensure that they are heard together at the same time and place.
- 4.3 The call-in procedure set out in clauses 4.1 and 4.2 above shall not apply where the decision being taken by or on behalf EKJAC is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interests of any of the Parties or the public interest. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision maker, the decision is an urgent one and therefore not subject to call-in. The Chairman and the members of each of the Parties affected by the decision must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the consent of the Vice-Chairman shall be required. In the absence of both the Chairman and Vice-Chairman, the consent of the Head of Paid Service of that Party (or his/her nominee) shall be required. Decisions taken as a matter of urgency must be reported to the next available full Council meetings of each of the Parties, together with the reasons for urgency.

## **5. Membership and Terms of Office**

- 5.1 The EKJSC will comprise three non-executive councillors from each of the Parties.
- 5.2 Each appointing Party shall appoint its three members on the basis of its overall political proportionality.
- 5.3 Members of the EKJSC shall be appointed by the Parties at their annual meetings of their respective Council and shall hold office until:
- (a) the next annual meeting of the Party that appointed them, save that the Party that appointed them may remove them from office, either individually or collectively, at an earlier date in the event of a change in political control of that Party; or
  - (b) they resign from office; or
  - (c) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)
- 5.4 Each Party may appoint substitutes to represent their authority in the absence of the appointed councillors. Nominated substitutes will be non-executive councillors and will be able to attend any meeting of EKJSC in order to familiarise themselves with the issues involved, but will not be able to participate in debate or vote unless they are formally acting as a substitute member.
- 5.5 Non-voting members may be co-opted onto the EKJSC from any or all of the Parties or from other public sector partner organisations as the EKJSC may unanimously decide. Co-optees may participate in the debate but may not vote.

## **6. Frequency of Meetings**

- 6.1 The EKJSC will meet quarterly, but may change the frequency of meetings and call additional meetings as required.

## **7. Agenda Setting and Access to Meetings and Information**

- 7.1 The agenda for the EKJSC shall be agreed by the chairman following a briefing by relevant officers. Any member of the EKJSC may require that an item be placed for consideration on the agenda of the next available meeting.
- 7.2 There will be a standing item on the agenda of each meeting of the EKJSC for matters referred by the EKJAC.
- 7.3 Notice of meetings and access to agendas and reports will be in accordance with sections 100A-K and Schedule 12A of the Local Government Act 1972.

## **8. Sub-Committees**

- 8.1 The EKJSC may establish sub-committees as it may determine by unanimous agreement of the EKJSC.
- 8.2 When establishing a sub-committee the EKJSC will agree the:
- (a) terms of reference for the sub-committee
  - (b) size and membership of the sub-committee including co-optees
  - (c) period for which the sub-committee will remain constituted
  - (d) chairman of the sub-committee or will delegate this decision to the sub-committee
  - (e) mechanism for hosting the sub-committee and sharing the cost amongst the relevant Parties, as appropriate

## **9. Delegation to Sub-Committees**

- 9.1 The EKJSC may arrange for the discharge of any of its functions by a sub-committee of the EKJSC.

## **10. Meetings and Procedure**

- 10.1 The Chairman and Vice Chairman will be appointed by the EKJSC on the basis of the position being rotated annually, as follows, and repeated each five years:

|         | <b>Chairman and Scrutiny Host Authority</b> | <b>Vice-Chairman</b> |
|---------|---|----------------------|
| 2008-9  | Shepway                                     | Dover                |
| 2009-10 | Dover                                       | Kent                 |
| 2010-11 | Kent  | Canterbury           |
| 2011-12 | Canterbury                                  | Thanet               |
| 2012-13 | Thanet                                      | Shepway              |

- 10.2 The Chairman and Vice Chairman of EKJSC shall be drawn from any political group not forming part of the administration of the appointing Council.

- 10.3 In the absence of the chairman and the vice chairman at a meeting, the meeting will elect a chairman for that meeting.
- 10.4 The quorum of the EKJSC will be five with at least one member present from four of the five Parties.
- 10.5 The EKJSC may approve rules for meetings and procedure from time to time.
- 10.6 The EKJSC may ask organisations, individuals or groups to assist it from time to time and may ask independent professionals to advise it during the course of reviews. Such individuals or groups will not be able to vote.
- 10.7 The EKJSC may request the attendance of officers employed by the participating authorities to answer questions and give evidence to the committee. Such requests must be made via the Chief Executive of the relevant participating authority.
- 10.8 The EKJSC may invite any other person to attend its meetings to answer questions or give evidence; however, attendance by such persons cannot be mandatory.

## **11. Decision Making**

- 11.1 Decisions of the EKJSC will normally be made by consensus. A vote shall be taken where the chairman or any Voting Member requests that a vote be taken. The vote will be by way of a show of hands. A simple majority shall be required.
- 11.2 Where a minimum number of two members express an alternative to the majority view, they will be permitted to produce a minority report.

## **12. Scrutiny Host Authorities and Allocation of Roles**

- 12.1 In order to achieve the objectives of the EKJSC, the Parties will appoint a Scrutiny Host Authority which is for the time being the Authority shown as the Chairman and Scrutiny Host Authority in the table at clause 10.1.
- 12.2 Staff from the Scrutiny Host Authority who are commissioned to provide services, advice and support to the EKJSC will continue to be employees of the relevant Scrutiny Host Authority.
- 12.3 Responsibility for the following support services to the EKJSC will be allocated to the Scrutiny Host Authority:
  - (a) the provision of legal advice and services
  - (b) the provision of financial advice and services
  - (c) secretariat support and services
  - (d) communications support and services
  - (e) data protection, freedom of information, information sharing and confidentiality issues in accordance with clause 17
  - (f) research
- 12.4 The cost of the services and advice set out in this section will be paid for by the Scrutiny Host Authority.

### **13. Amendments to these Arrangements**

- 13.1 These arrangements may be amended by the unanimous agreement of the EKJSC following a recommendation approved by the full Council of each of the Parties.

### **14. New Membership and Cessation of Membership**

- 14.1 New Parties may join the EKJSC provided that they are also a party to EKJAC and the full council of the joining Party(ies) and of all the Parties to these arrangements for the time being so resolve.
- 14.2 A Party ceases to be a member of these arrangements when it ceases to be a party to EKJAC.
- 14.3 Termination of these arrangements may occur by agreement of all the Parties.

### **15. Claims and Liabilities**

- 15.1 The purpose of these arrangements and any actions taken under them is to assist all of the Parties. The Parties therefore have agreed that:
- (a) where one of the Parties nominated by the EKJSC to act as Scrutiny Host Authority undertakes actions or incurs liabilities in that respect then it shall be entitled to be indemnified by the other Parties for the appropriate proportion of all its costs and liabilities incurred in good faith
  - (b) a Party carrying out actions in good faith on behalf of the EKJSC shall not (other than in the case of fraud and/or clear bad faith) be liable to claims from the other Parties (and there shall be no right of set-off against any claim for indemnity under (b) and/or (c) above) on the grounds that the actions that were taken were not the proper actions carried out properly or that the costs and liabilities incurred were not reasonably and properly incurred (as long as they were in fact incurred)
- 15.2 Each of the Parties shall at all times take all reasonable steps within its power to minimise and mitigate any loss for which it is seeking reimbursement from any of the other Parties.

### **16. Administration**

- 16.1 The decisions and recommendations of the EKJSC will be communicated to EKJAC and the participating councils as soon as possible after the resolution of the committee.
- 16.2 Where working on forthcoming decisions of the EKJAC, the EKJSC will endeavour to carry out its functions as part of the EKJAC's process in order to ensure that its findings and recommendations can influence the final decision.
- 16.3 When considering items before it, the EKJSC will take account of whether an issue could more appropriately be dealt with by one of the Parties or elsewhere.

**17. Data Protection, Freedom of Information, Information Sharing & Confidentiality**

- 17.1 Subject to the specific requirements of this clause, each of the Parties shall comply with its legal requirements under data protection legislation, freedom of information and associated legislation, and the law relating to confidentiality.
- 17.2 A Party will be appointed as a Host Authority for the purposes of ensuring compliance with any legislative or legal requirements relating to these issues should they arise directly in relation to the EKJAC (as compared to information held by the Parties to these arrangements).
- 17.3 Each of the each Parties shall:
- (a) treat as confidential all information relating to:
    - (i) the business and operations of the other Parties and/or
    - (ii) the business or affairs of any legal or natural person in relation to which or to whom confidential information is held by that Party("Confidential Information") and
  - (b) not disclose the Confidential Information of any other of the Parties without the owner's prior written consent
- 17.4 Clause 17.3 shall not apply to the extent that:
- (a) such information was in the possession of the party making the disclosure, without obligation of confidentiality, prior to its disclosure or
  - (b) such information was obtained from a third party without obligation of confidentiality or
  - (c) such information was already in the public domain at the time of disclosure otherwise than through a breach of these arrangements or
  - (d) disclosure is required by law (including under Data Protection Legislation, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004) or disclosure is permitted by the Human Rights Act 1998
- 17.5 The Parties may only disclose Confidential Information of another of the Parties to staff who need to know by reason of their work. Each of the Parties shall ensure that such staff are aware of, and comply with, these confidentiality obligations and that such information is not used other than for the purposes of the EKJSC.
- 17.6 If any of the Parties receives a request for information under the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004 then the other Parties shall (at their own expense) assist and co-operate to enable the request to be dealt with.
- 17.7 If a request for information is received then the Party receiving it shall copy it to the other Parties and consider when making its decisions any views of the other Parties.
- 17.8 Notwithstanding the provisions of 17.6 and 17.7 it shall be the Party receiving the request that is responsible for determining at its absolute discretion how to reply to the request.

**18. Exercise of Statutory Authority**

- 18.1 Without prejudice to these arrangements, nothing in these arrangements shall be construed as a fetter or restriction on the exercise by any of the parties of their statutory functions.

## Schedule 1

### **TERMS OF REFERENCE of the EAST KENT (JOINT SCRUTINY) COMMITTEE**

1. Monitor review and scrutinise the actions and decision of the EKJAC.
2. Make recommendations for reconsideration of any decisions made or actions taken and to make recommendations for improvement and/or changes in responsibilities and functions of the EKJAC.
3. Prepare reports and recommendations to the parties on the performance and delivery of the shared services provided by the EKJAC.
4. Propose an annual budget for the EKJSC in accordance with the requirements of the parties.
5. Prepare an annual report to the parties on the performance of these arrangements.
6. Facilitate the exchange of information about the work of the EKJSC and to share information and outcomes from reviews.

## Schedule 2

### ARRANGEMENTS FOR THE OPERATION OF CALL-IN by the EKJSC

1. When a decision is made by EKJAC, a sub-committee of EKJAC or an individual member with delegated authority from EKJAC, or a key decision is made by an officer with delegated authority from EKJAC, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of each of the Parties normally within two days of being made. The Chairman of the EKJSC (and all other members of each of the Parties) will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
2. That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 12.00 noon, on the fourth working day after the publication of the decision, unless it is called-in.
3. By 10.00 am on the fourth working day after publication of the decision, the proper officer of the Scrutiny Host Authority shall call-in a decision for scrutiny by the EKJSC if so requested by any member of the EKJSC, and shall then notify the decision maker of the call-in. A meeting of the EKJSC shall then be held within 15 working days of the decision to call-in. Reasons for calling-in a decision should be given and recorded in the agenda.
4. If, having considered the decision, the EKJSC is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to the full Council of all or any of the Parties. If referred to the decision maker they shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.
5. If, following an objection to the decision, the EKJSC does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the EKJSC meeting, or the expiry of that further 10 working day period, whichever is the earlier.
6. If the matter was referred to full Council of any of the Parties and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision maker, together with Council's views on the decision. That decision maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by EKJAC as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
7. If the Council of any of the Parties to whom the matter has been referred does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

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DOVER DISTRICT COUNCIL

Agenda Item No 8

REPORT OF THE DIRECTOR OF GOVERNANCE

EAST KENT (JOINT SCRUTINY) COMMITTEE – 12 OCTOBER 2011

**REVIEW OF FUNCTION AND ROLE OF EAST KENT (JOINT SCRUTINY) COMMITTEE**

**Recommendation**

*That it be recommended to the East Kent (Joint Scrutiny) Committee:*

- (1) *That an annual report be prepared by the host authority for consideration by the Committee at the last meeting of each municipal year detailing topics received, reviews undertaken, reports and recommendations made and those accepted, performance analysis and any other relevant information.*
- (2) *That a standing item for the receipt of referrals from local scrutiny committees be added to the agenda.*
- (3) *That the proposed annual budget for 2012/13 be provisionally set at zero, subject to review during the course of the municipal year 2011/12.*
- (4) *To consider whether there is any benefit in holding an annual informal meeting between the Chairman of EKJSC and Chairmen from a scrutiny committee at each authority represented on EKJSC.*
- (5) *That it be recommended to the East Kent (Joint Arrangements) Committee:*
  - (a) *That a protocol be developed with East Kent Services, East Kent Housing and East Kent Human Resources Partnership to ensure that appropriate officers are made available on request to attend meetings of the East Kent (Joint Arrangements) Committee and East Kent (Joint Scrutiny) Committee.*
  - (b) *That a Red, Amber and Green ('RAG style') performance report based on a selection of key indicators for East Kent Services, East Kent Housing and the East Kent Human Resources Partnership be submitted to the East Kent (Joint Arrangements) Committee and the East Kent (Joint Scrutiny) Committee on a six month basis.*
  - (c) *That where a shared service has a 'red' indicator on the Performance Report, an officer representing that shared service attend the meetings of the East Kent (Joint Arrangements) Committee and the East Kent (Joint Scrutiny) Committee to provide an explanation of why the 'red' indicator had occurred and what steps were being taken to restore the indicator to a 'green' status.*
  - (d) *That EKJAC recommend to each authority that the Operating Arrangements for the East Kent (Joint Scrutiny) Committee be amended in keeping with the Review of Administrative Arrangements for the East Kent Joint Arrangements Committee and the East Kent Joint Scrutiny Committee as follows:*

- (i) *To add "11.1 Where two or more parties have an equality of votes the chairman may have a second or casting vote unless his or her council is not participating in the shared services concerned."*
- (ii) *To add "11.3 Where two or more parties have resolved to delegate the relevant functions to EKJAC then:*
  - (A) *The service will thereafter be a shared service only in relation to those parties and*
  - (B) *Those parties alone will have voting rights at the EKJSC in relation to further decisions as to how that shared service is jointly managed provided or procured.*
  - (C) *The parties that did not delegate that shared service will not have voting rights in relation to that shared service until or unless they do delegate such service at some future date.*
- (e) *That a process of pre-decision scrutiny be adopted where it is appropriate to do so.*
- (f) *That in the event of EKJAC being willing to accept these recommendations in whole or part, it be requested to report back to EKJSC with a timescale for the implementation of the agreed recommendations.*

Contact Officer: Rebecca Brough (Dover District Council), extension 2304.

Reasons why a decision is required

1. The East Kent (Joint Scrutiny) Committee at its meeting held on 22 March 2011 requested that a report be brought to a future meeting on the role and function of the Committee following the establishment of East Kent Services and East Kent Housing. This report reviews the arrangements to date and sets out the possible options available to the Committee.

Options available to the Committee with assessment of preferred option

2. Option 1 – To approve the recommendations as set out above. This is the recommended option as it attempts to take steps to resolve areas of concern raised by Members at previous meetings.
3. Option 2 – To amend the recommendations set out above.
4. Option 2 – To reject the recommendations set out above. This is not recommended as it does not tackle the areas of concern raised by Members at previous meetings.

## Information to be considered in taking the decision

### **Introduction**

5. In 2008 the four East Kent District councils and Kent County Council established two joint committees for the purpose of making decisions relating to shared services (the East Kent (Joint Arrangements) Committee and the scrutinising of those decisions the East Kent (Joint Scrutiny) Committee).
6. These two committees have so far overseen the establishment of East Kent Services (EKS), East Kent Housing (EKH) and the East Kent Human Resources Partnership (EKHRP).

### **Governance Framework**

#### (a) East Kent (Joint Arrangements) Committee

7. The EKJAC was established by both the Council and Executive (Cabinet) of each authority as it exercises both executive and non-executive powers. Once two or more authorities decide to put a function into a shared service arrangement, following a business case being agreed, the function is delegated from the individual authorities to the shared body and the management of the service will be within the remit of EKJAC.
8. It is important to emphasise the implications of delegating a function to a shared service body. The report from the five authorities that established EKJAC and EKJSC stated that:

*"It is fundamental to this arrangement that once a service becomes a 'shared service', control and management of that service will be passed from the [individual] council to EKJAC and, within the prescribed delegation limits, EKJAC (on which councillors who are not members of [your] Council will sit), will fulfil the functions delegated. This "loss of sovereignty" is a concept that should be fully appreciated."*

9. An individual authority may still withdraw from a shared service, most likely when a particular contract expires or a natural break point arises. The remit of EKJAC is limited to those services/functions which have been delegated to it and the decision to enter into or exit from a joint service rests with each individual authority.

#### (b) East Kent (Joint Scrutiny) Committee

10. The second joint committee, the EKJSC was established under Sections 101 and 102 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 for the purpose of acting as a single scrutiny committee for the monitoring, review and scrutiny of the EKJAC. However, it should be stated for clarity that the EKJSC is not a scrutiny committee in the sense of such committees operated by the District and County Council but rather a committee exercising scrutiny like functions. Once again, the report that established EKJAC and EKJSC made this point clear

*"The law does not contemplate joint scrutiny committees between authorities except in specific circumstances (such as health or local area agreements). In the circumstances here, it is proposed that a*

*joint committee be created whose terms of reference have scrutiny type functions."*

11. The implications of being a committee exercising scrutiny-like functions is that nothing in the operating agreement for the EKJSC abrogates any powers held by individual District scrutiny committees to scrutinise or call-in the decisions of their own executive, including those taken by executive members sitting on EKJAC. While this power is statutory the intention is that it voluntarily not be used and that scrutiny and call-in of EKJAC decisions be undertaken through EKJSC.
12. The terms of reference for EKJSC are as follows:
  - (i) Make recommendations for reconsideration of any decisions made or actions taken and to make recommendations for improvement and/or changes in responsibilities and functions of the EKJAC.
  - (ii) Prepare reports and recommendations to the parties on the performance and delivery of the shared services provided by the EKJAC.
  - (iii) Propose an annual budget for the EKJSC in accordance with the requirements of the parties.
  - (iv) Prepare an annual report to the parties on the performance of these arrangements.
  - (v) Facilitate the exchange of information about the work of the EKJSC and to share information and outcomes from reviews.

#### **Assessment of EKJSC since 2008**

13. It is important to consider the effectiveness of EKJSC in the environment it operated in. The first two years (2008/09 and 2009/10) of operation of EKJAC and EKJSC were primarily concerned with the development of business cases/service level agreements for the first tranche of shared services. At this stage Members were provided regular reports and regular access to chief officers as the shared services agenda developed, although for many District Councils the emphasis on scrutiny of shared services remained at a local level.
14. A Review of Administrative Arrangements for the EKJAC and the EKJSC was undertaken in 2009 by Mr D Bradbury (former Chief Executive of Shrewsbury and Atcham Borough Council) on behalf of the constituent authorities and this led to the report of the Head of Legal and Democratic Services (Canterbury) that was considered by EKJSC at its meeting held on 30 June 2010. The Committee expressed its support for the reports recommendations, which were broadly around procedural and administrative reforms, in relation to EKJSC (Minute No 33), although the recommendations have yet to be adopted by the constituent authorities.
15. The initial pace of development changed for the most recent municipal year (2010/11) during the pause between the agreement as to the first tranche of shared services at the end of 2009/10 and the services going 'live' at the end of the 2010/11 municipal year. During this transitional phase the Committee questioned its role and how it added benefit to the shared working agenda.
16. At the meeting of the East Kent (Joint Scrutiny) Committee (EKJSC) held on 22 March 2011, Members concluded that the Committee "added value and had a role

to play in respect of future shared services and partnership working". Despite this however, Members did express concern that there needed to be improvements in several areas and in particular relating to the attendance by officers at meetings of EKJSC, a lack of detailed information in reports and the perceived lack of power to be effective.

### **Suggested Approach for 2011/12**

17. For the municipal year 2011/12, the Committee now finds itself in the position of having to engage with the new shared services framework as established intra-authority decision-making frameworks are replaced by new inter-authority frameworks. The key challenge for this municipal year will be for EKJSC establish a meaningful and effective role in this new landscape beyond that of duplicating work undertaken by local scrutiny committees or it risks becoming a 'talking shop'.

#### (a) Attendance by Officers

18. Unlike District scrutiny committees which have the power to require attendance by members of the executive and chief officers, the EKJSC may only request officers' attendance through the Chief Executive of the relevant participating authority. In theory this should be sufficient to ensure that Members have the appropriate officers present at the meetings although if Members are of the belief it is not sufficient then it is suggested that the Committee request EKJAC to draft a formal protocol on officer attendance at meetings.
19. In the event that the Committee does wish a protocol to be drafted it is suggested that such a protocol should also cover the attendance of the most senior officer (i.e. Chief Executive or Director) of the particular shared service.

#### (b) Access to Detailed Information

20. In examining past minutes there appears to be two issues in respect of information available to Members. The first is in respect of the information supplied with the business case/service level agreement when a service is being developed as a potential shared service.
21. The second issue is in respect of monitoring shared services once implemented. This issue has already been the subject of discussions by EKJSC and no doubt by District scrutiny committees faced with the task of performance monitoring for their authority. This is also one of the areas of terms of reference for the committee – *Prepare reports and recommendations to the parties on the performance and delivery of the shared services provided by the EKJAC.*
22. In order that the Committee can prepare recommendations of the performance and delivery of shared services, it needs to have access to performance data. It is recommended that the development of a 'RAG status' (Red, Amber and Green) style Performance Report to be presented twice a year would provide for an effective measure by which the performance of shared services both overall and in respect of specific areas of functions could be monitored and scrutinised.
23. The shared services currently provide such information to the constituent authorities and this recommendation would involve the formalisation of this process into a twice yearly report for EKJAC and EKJSC. As a consequence of scrutinising the Performance Report it would enable Members the opportunity to drill down into more detail in areas of concern and establish a rapport with senior shared services officers

who it would be envisaged would be at the meeting to provide an overview of the indicators.

24. In addition, by developing a direction of travel over the course of a year it would give the Committee the opportunity to identify potential areas of below target performance that could be the subject of more detailed scrutiny.
25. It is further recommended that where a target in the Performance Report is 'Red' status (ie failing to meet the agreed performance target) it be built into the officer attendance protocol that a manager from that specific service area attend the meeting to provide a detailed account of why the target was not being met and what steps were being taken to restore the indicator to 'green' status.
26. Finally, if the idea of the Performance Report were to be adopted it is suggested that the first meeting of the Committee in 2012 would be an appropriate time to receive the first report given that most shared services would have been operational for just over six months.

(c) Increased Effectiveness

27. It is vital for EKJSC to act as a 'critical friend' to EKJAC if it is to effectively influence the development of the shared service agenda. As a body that has non-controlling group representation, EKJSC is also a useful conduit for the voice of the wider council membership of the constituent authorities.
28. The first stages in the process of making EKJSC more effective are to ensure that it has the tools by which to fulfil its terms of reference:
  - (i) Make recommendations for reconsideration of any decisions made or actions taken and to make recommendations for improvement and/or changes in responsibilities and functions of the EKJAC.
29. The current procedure for the scrutiny of decisions is based on a post-decision (EKJAC – EKJSC – EKJAC) model as opposed to a pre-decision (EKJSC – EKJAC) model. While both models are equally valid it is suggested that the Committee may wish to consider whether the post-decision scrutiny model is always the most suitable method.
30. The advantages of the post-decision model is that it enables EKJSC to scrutinise the actual decision made by EKJAC rather than the officer recommendation contained within the report and allows for EKJSC to have access to the same paperwork as EKJAC when it made its decision. The second EKJAC meeting in the process allows EKJAC the opportunity to revise its decision in light of the recommendations of scrutiny (if any). The disadvantages of the post-decision model is an elongated decision making process, the additional resource cost (actual and opportunity) of holding a second meeting and potentially reduced effectiveness of the scrutiny process if it is perceived simply as a 'rubber stamping' body.
31. Pre-decision scrutiny can be held as either part of the policy development process or as part of the decision-making process. In the first instance, pre-decision scrutiny allows Members the chance to shape policy directly as it is being formed and play a significant role in the direction it takes (overview role). There is a potential for conflict within the 'critical friend' role in this approach however, as the Executive may well see this very activity as crucial to its own functions.

32. The more common of the pre-decision scrutiny models is to hold pre-decision scrutiny as part of the decision-making process. This would allow EKJSC to comment on the same information as that EKJAC would be considering when it makes its decision and potentially enable it to offer an alternative perspective for consideration. It reduces the potential for Call-In to be utilised as EKJAC would already have given consideration to the views of scrutiny in its deliberations. There are also modest savings to be made in not requiring a second EKJAC meeting to be held. However, a move to pre-decision scrutiny would require amendments to the programme of meetings in order that EKJSC meetings could take place prior to EKJAC meetings in the cycle.
33. Each method has advantages and disadvantages dependent upon the nature of the decision being taken. It is suggested that Members may wish to ask EKJAC to consider more flexibility in using pre-decision scrutiny where it is appropriate to do so.
- (ii) Propose an annual budget for the EKJSC in accordance with the requirements of the parties.
34. The operating costs of administering EKJSC have so far been largely born by the host authority. Where there has been a need for expert advice to date this has been provided by the host authority or one of the other constituent authorities. At present there is no indication that this arrangement will change or any imminent need for external advice not available from the constituent authorities and no annual budget was proposed for 2011/12 by EKJSC.
35. It is therefore recommended that the proposed annual budget for EKJSC for the municipal year 2012/-13 be provisionally set at zero but reviewed and monitored during the course of the municipal year with a view to making a proposal to EKJAC in the event that the situation changes.
- (iii) Prepare an annual report to the parties on the performance of these arrangements.
36. In order for EKJSC to be effective there needs to be continuity across different municipal years to ensure that knowledge and experience is not in effect reset to zero each year. The preparation of an annual report, possibly in the form of a short letter from the Chairman, to be agreed by the Committee at the last meeting of each municipal year would enable points to be passed over as the Chairmanship rotates to the next authority.
- (iv) Continuity of Experience
37. In discussions with the Chairman, Councillor I Linfield, during the preparation of this report the issue of how experience can be passed from one municipal year to the next has been identified as a concern. At first glance, the role of the Chairman and Vice-Chairman would seem to provide the logical link between municipal years and authorities as the authority holding the Vice-Chairmanship holds the Chairmanship of EKJSC the following year. However, a study of the rotations in Chairmanship and Vice-Chairmanship suggest that this opportunity to provide continuity in leadership experience is often missed.

| Year    | Chairmanship              | Vice-Chairmanship             |
|---------|---------------------------|-------------------------------|
| 2008/09 | Councillor T Prater (SDC) | Councillor K Mills (DDC)      |
| 2009/10 | Councillor G Cowan (DDC)  | <b>Councillor M Vye (KCC)</b> |

| <b>Year</b> | <b>Chairmanship</b>           | <b>Vice-Chairmanship</b>   |
|-------------|-------------------------------|----------------------------|
| 2010/11     | <b>Councillor M Vye (KCC)</b> | Councillor A Perkins (CCC) |
| 2011/12     | Councillor I Linfield (CCC)   | Councillor D Green (TDC)   |
| 2012/13     | Thanet District Council       | Shepway District Council   |

38. To further illustrate the gap in continuity, of the 15 members who were eligible to attend the first meeting of EKJSC on 9 July 2009, only two Councillors, K Mills (DDC) and M Vye (KCC), are currently still serving on the Committee. Councillor Vye is the only Councillor to have been a member of EKJSC in each one of the last four municipal years, although Councillors C Goddard (SDC), R F Manning (KCC) and K Mills have each served for three municipal years on the Committee.
39. As the appointment of the Committee's membership is conducted on an annual basis, there exists the possibility that in any given year a completely new membership could be appointed with no previous experience of the Committee. A key factor in continuity of membership would be to make an appointment to EKJSC a desirable position for Members through the achievement of significant outcomes through the scrutiny process and it is hoped that other proposals in this report go some way to achieving this.
40. Another approach to establishing continuity of experience would be to seek to vary the operating arrangements so as to increase the term of appointment for the Committees Chairman and Vice-Chairman or introduce a position of Co-Chairman, shared between two authorities. Although no specific option on this forms part of the recommendations to this report, if Members wished to do so nothing would prevent them from developing a recommendation to EKJAC in respect of it.
- (v) Facilitate the exchange of information about the work of the EKJSC and to share information and outcomes from reviews.
41. There is a need for clear lines of communication between the Chairmen of the local District scrutiny committees and the Chairman of the EKJSC in order to minimise duplication of work and ensure issues that have been identified as a success/concern at one constituent authority are shared with the other authorities.
42. It is proposed therefore that a standing item concerning referrals from local scrutiny committees be added to the agenda. The Committee may also wish to consider whether there is any merit in having an informal annual meeting between the Chairman of EKJSC and the Chairmen of the appropriate local scrutiny committees.

#### Background Papers

East Kent (Joint Scrutiny) Committee Agenda/Minutes – 22 March 2011

#### Resource Implications

| Requirement from Current Budget | Requirement for Additional Budget |           |
|---------------------------------|-----------------------------------|-----------|
|                                 | Current Year                      | Full Year |
| None                            | None                              | None      |

#### Consultation Statement

In drafting this report the Chairman of the East Kent (Joint Scrutiny) Committee has been consulted.

### **Impact on Corporate Objectives and Corporate Risks**

Active engagement by Members in the area of shared services prevents the emergence of a democratic deficit.

### **Customer Access Review**

There are no customer access issues arising from this report.

### **Appendix**

Appendix 1 – Comments by the East Kent Chief Executives' Forum

DAVID RANDALL

Director of Governance

The officer to whom reference should be made concerning inspection of the background papers is the Democratic Support Officer, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2304.

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## **Comments by East Kent Chief Executives Forum**

In deciding on the future role for this committee, it is important to bear two factors in mind. First, its terms of reference link it firmly to the responsibilities and functions of the EKJAC. Second that the individual councils have scrutiny functions and will be keenly interested in the delivery of shared services within their own districts.

EKJSC had a key role when shared services were being developed from concepts into organisations providing for the delivery of services. Scrutiny at that strategic level tracking decisions through EKJAC was an efficient use of resources.

A number of the recommendations in this report appear to trespass on what is truly the role of individual council scrutiny committees. Performance may not be uniform and scrutiny at the east Kent level may be too remote from more local performance of service.

We would suggest that before agreeing any of the recommendations in the report that a protocol is prepared between the councils allocating responsibility for scrutiny to the individual council or to EKJSC as appropriate. Such a protocol would still allow an individual council scrutiny committee to refer something to EKJSC if it thought that a particular matter was of wider concern but would seek to avoid an unnecessary duplication of work and activity. Having considered that protocol EKJSC would then be in a better position to decide how it should function in the future. Members will be aware that EKJAC has not felt the need to meet recently as there are no strategic decisions which need to be taken. The shared services are establishing themselves. EKJSC may likewise decide that whilst it may have a programme of meetings in the diary it does not need to meet on every occasion but only as and when business demands.

It is important to establish that whilst the structures delivering services may be cross district the delivery of those services is expected to be local and the prime responsibility for scrutiny at that level is conducted by the individual districts. Members are therefore counselled against approving the recommendations in the report at this stage but instead it is suggested that they ask the relevant officers of the councils to prepare a protocol allocating scrutiny responsibilities for production to a future meeting of this committee and in the light of any such protocol then approved to decide on the future conduct of its business.

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