



Summons to and
Agenda for a
Meeting on
**Thursday, 23rd
October, 2014**
at **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Wednesday, 15 October 2014

To: All Members of the County Council

Please attend the meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 23 October 2014 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 4.30 pm.**

Webcasting Notice

Please note: this meeting may be filmed for the live or subsequent broadcast via the Council's internet site or by any member of the public or press present.

By entering into this room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately.

Voting at County Council Meetings

Before a vote is taken the Charman will announce that a vote is to be taken and the division bell shall be rung for 60 seconds unless the Chairman is satisfied that all Members are present in the Chamber.

20 seconds are allowed for electronic voting to take place and the Chairman will announce that the vote has closed and the result.

A G E N D A

1. Apologies for Absence
2. Declarations of Disclosable Pecuniary Interests or Other Significant Interests
3. Minutes of the meeting held on 18 September 2014 and, if in order, **(Pages 5 - 28)** to be approved as a correct record
4. Chairman's Announcements
5. Questions **(Pages 29 - 40)**

6. Report by Leader of the Council (Oral)
7. A collaborative approach to Member involvement in Commissioning - Report of the Member Working Group **(Pages 41 - 50)**
8. Motions for Time Limited Debate

a) Devolution

Miss Carey will propose and Mr Marsh will second:

"Kent County Council calls upon central government to devolve more powers and money not just to Scotland but to existing levels of local government at County, district and parish level. We also call for a transfer of powers from unelected and remote quangos to existing democratically elected bodies."

b) Reduction in the voting age

Mr Clark will propose and Mr Bird will second,

"This Council supports reducing the voting age to 16 and believe that encouraging participation in the political process is a valuable means of engaging young people in modern society.

We recognise the important contribution of 16 and 17 year olds to the recent Scottish Independence referendum and believe that the young people of Kent should also play a role in determining the future of their county and country.

Therefore, we propose that the Chairman should write an open letter to the Prime Minister urging him to introduce legislation to reduce the voting age to 16."



Peter Sass
Head of Democratic Services
01622 694002

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 18 September 2014.

PRESENT:

Mr P J Homewood (Chairman)
Mr M J Harrison (Vice-Chairman)

Mrs A D Allen, MBE, Mr M J Angell, Mr M Baldock, Mr M A C Balfour, Mr R H Bird, Mr H Birkby, Mr N J Bond, Mr A H T Bowles, Mr D L Brazier, Mrs P Brivio, Mr R E Brookbank, Mr L Burgess, Mr C W Caller, Miss S J Carey, Mr P B Carter, CBE, Mr N J D Chard, Mr I S Chittenden, Mr B E Clark, Mrs P T Cole, Mr G Cooke, Mr G Cowan, Mrs M E Crabtree, Ms C J Cribbon, Mr A D Crowther, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mr J A Davies, Dr M R Eddy, Mr J Elenor, Mrs M Elenor, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mr P M Harman, Ms A Harrison, Mr M Heale, Mr P M Hill, OBE, Mr C P D Hoare, Mrs S V Hohler, Mr S Holden, Mr E E C Hotson, Mrs S Howes, Mr A J King, MBE, Mr J A Kite, MBE, Mr S J G Koowaree, Mr R A Latchford, OBE, Mr R L H Long, TD, Mr G Lymer, Mr B E MacDowall, Mr T A Maddison, Mr R A Marsh, Mr F McKenna, Mr B Neaves, Mr M J Northey, Mr P J Oakford, Mr J M Ozog, Mr R J Parry, Mr C R Pearman, Mr L B Ridings, MBE, Mrs E D Rowbotham, Mr J E Scholes, Mr W Scobie, Mr T L Shonk, Mr C Simkins, Mr J D Simmonds, MBE, Mr C P Smith, Mr D Smyth, Mrs P A V Stockell, Mr B J Sweetland, Mr A Terry, Mr N S Thandi, Mr R Truelove, Mr M J Vye, Mr J N Wedgbury, Mr M E Whybrow, Mr M A Wickham and Mrs Z Wiltshire

IN ATTENDANCE: David Cockburn (Corporate Director Strategic & Corporate Services), Denise Fitch (Democratic Services Manager (Council)), Andrew Ireland (Corporate Director, Social Care, Health & Wellbeing), Andrew Scott-Clark (Interim Director of Public Health), Geoff Wild (Director of Governance and Law) and Andy Wood (Corporate Director of Finance and Procurement)

UNRESTRICTED ITEMS

28. Apologies for Absence

The Director of Governance and Law reported apologies from Mr Baker, Mr Bond, Mrs Dean, Mr Manion and Mrs Whittle.

29. Declarations of Disclosable Pecuniary Interests or Other Significant Interests

(1) Mr Cowan declared an interest in that both he and his wife were foster carers for Kent County Council.

(2) M Long declared an interest in relation to the item on Health and Social Care Integration as he acted as a solicitor for various health service providers.

30. Minutes of the meeting held on 17 July 2014 and, if in order, to be approved as a correct record

RESOLVED that the Minutes of the meeting held on 17 July 2014 be approved as a correct record and signed by the Chairman, subject to the spelling of the word "Nigmegen" being corrected in minute no 21 (d) (11), (12) and (13) and on page 11 also minute no 24 (2) 1 be amended by the deletion of the word "up" and the insertion of the work "upon".

31. Chairman's Announcements

(1) The Chairman announced that it was with great regret that he had to inform Members of the sad death of Mr John Muckle on Thursday 14 August and he and other Members had attended Mr Muckle's funeral in early September.

(2) Mr Muckle, had served as the Labour County Councillor for Dartford North, between 1988 and 2009. During this time he had served on the Planning Applications Committee, Highways Advisory Board, Environment & Regeneration Policy Overview Committee, Kent Transport Board and Superannuation Fund Committee. Mr Muckle had been appointed as an Honorary Alderman in December 2013.

(3) Mr Muckle was also one of the longest serving members of Dartford Borough Council and had served on its predecessor authority from 1967 ago. He had been Mayor of Dartford in 1973/74, the year that Dartford Borough Council was formed and he had also been Leader of the Borough Council from 1998 to 2003.

(4) Mr Maddison, Mr Kite, Mr Vye and Mr Harrison paid tribute to Mr Muckle.

(5) At the end of the tributes, all Members stood in silence in memory of Mr Muckle.

(6) After the one minute silence, the Chairman moved, the Vice Chairman seconded and it was

(7) Resolved unanimously that the Council record the sense of loss it feels on the sad passing of Mr Muckle and extends to his family and friends our heartfelt sympathy to them in their sad bereavement.

(8) (b) Long Service achievement

(9) The Chairman stated that it gave him great pleasure to advise Members that earlier this month, a member of staff in the Finance and Procurement division, Mr Adrian Richardson, celebrated 50 years of working full-time for Kent County Council; a truly astonishing achievement.

(10) Mr Richardson had been with KCC all of his working life from leaving school at the age of 17 and starting work in the former County Treasurer's Department in 1964. He had remained in Finance, working in the Insurance Team for the last 42 years. During his 50 years at work, Mr Richardson had not taken a single day off work sick.

(11) The Chairman asked on behalf of all Members, the County Council formally record our sincere thanks for Mr Richardson's dedication and loyal service to KCC.

(c) Chairman's East Kent Reception

(12) The Chairman stated that he was delighted to report that his programme of Area Networking Receptions was now complete with the last reception taking place at the beautiful Knowlton Court Estate near Canterbury.

(13) He advised Members that the Reception had raised over £500 for his nominated charities this year, bringing to total raised to date to over £1300.

(d) Nijmegen Marches

(14) The Chairman reminded Members that at the last County Council meeting he had announced that the Kent Wing of the Air Training Corps were taking part in this year's Nijmegen Marches in Holland, which involved some 52 Kent air cadets walking 40 kilometres or 25 miles a day for four consecutive days. He was pleased to be able to tell you that all of cadets completed all four marches. They survived the heat and were extremely buoyant when they arrived home to England. Many of the cadets plan to return next year.

(14) On behalf of the County Council, the Chairman congratulated the cadets and volunteers on this achievement.

(e) Last Post under the Folkestone Step Short Arch.

(15) The Chairman drew Members' attention to the playing of the Last Post under the Folkestone Step Short Arch every Sunday until the 9 November 2014 in commemoration of the millions who died in World War One.

(16) Horn player Bryan Walker, who served for 26 years in the Royal Marines Band Service, will play the Last Post followed by a two minute silence and then Reveille, under the memorial arch every Sunday evening at 7pm. These performances would echo the ceremony held at Menin Gate Cemetery in Ypres, Belgium.

(17) Kent County Council has organised the performances as part of the legacy work surrounding the Arch. The Arch was a project organised by WW1 charity Step Short and funded by a range of trusts, individuals, public bodies and corporate sources, including the Roger De Haan Charitable Trust, Kent County Council, Shepway District Council and Folkestone Town Council.

(18) The Chairman encouraged all KCC Members, staff and their families to attend one of these performances.

32. Questions

In accordance with Procedure Rule 1.17(4), 8 questions were asked and replies given which are attached as an appendix to the minutes.

33. Report by Leader of the Council (Oral)

- (1) The Leader updated the County Council on events since the previous meeting.
- (2) Mr Carter referred to the outcome of inspection of the Member Development programme yesterday by South East Employers (SEE). He was delighted to be able to inform the meeting that KCC had retained the Member Development Charter Plus accreditation which was the highest level that could be awarded. SEE had noted particular strengths including a clear commitment to member development across all political parties in KCC, a sensible Member Development budget, strong feedback from partner organisations and that a significant number of Members had a Personal Development Plan. Mr Carter expressed his thanks to Mr Wickenden, Democratic Services Manager (Members) who had organised the evidence for the inspection and similarly Mr Bowles, as chairman of the Member Development Steering Group.
- (3) Mr Carter referred to the mention that he had been made at the last County Council meeting of the massive work programme that was underway to deliver £100's m worth of savings. Through the summer period, including August, he reported that rapid progress had been made and that we are now on time and in a good place. He referred to the work carried out by Newton Europe Ltd which had been shared with all political parties in relation to the Portfolio Transformation agenda. £10's m of savings had already been delivered in the phases of work that they were undertaking. Procurement activities were now in full swing especially for back office services. He stated that it would soon be necessary to get fully engaged with the outcome of the private sector interest in delivering various programmes of work. He expressed the expectation that the private sector would deliver a great deal and stressed that all Members would be fully involved in the decision making.
- (4) Another major piece of work, involving Andy Wood and John Simmonds, had been the framing of the Medium Term Budget which would be launched in early October for consultation with the endorsement of the Conservative group. He referred to the massive progress that was being made with efficiencies and savings and that front line services were being delivered and improved with a lot less money. He stated that it would not be the 'slash and burn' budget which opposition Members would like to see but it would sit well with residents in relation to change and improvements for front line services. He referred to the item, later in the meeting, which would illustrate how KCC was working in partnership to improve health and social care integration.
- (5) He stated he looked forward, at the next meeting of the County Council, to receiving the interim recommendations from the Member's Working Group on Commissioning that Mr Hotson was chairing.
- (6) Mr Carter referred to the good work, involving all parties on the County Councils' Network (CCN) to launch a document at party conferences to encourage further decentralisation to empower local government in England, whilst today Scotland votes on its future. He reported that the document put forward a good case to all parties to ask for significant trust and greater capacity to be given to county governance across the country. The County Council had already demonstrated that that it was able to deliver complex infrastructure and facilitated strong partners especially with NHS commissioners and providers.

(7) Mr Carter stated that county governance represented 40% of English local authorities and some 23 million people were residents of County Council areas. This put County Councils at the centre of public sector reform. The CCN document suggested “one area one budget” and provided the opportunity to look at the operational management of the total of public spending in Kent. He stated that localism was well intended but there was micro management by government departments and civil servants were creating unnecessary bureaucracy. An example of centralism with a Government Department taking control where the County Council had a record of successfully delivering was the priory schools building programme.

(8) Mr Carter mentioned the Local Enterprise Partnership which needed to be empowered to enable local government to work in partnership with business communities in their areas making good locality based decisions and developing locally based strategies.

(9) Mr Carter referred to the inequality of allocation for social care funding: County Councils received £496 per person for over 75's in comparison to Metropolitan Boroughs (£978) and London Boroughs (£2,000). In relation to the revenue support grant, London Boroughs received £705 per head, Metropolitan Boroughs £475 per head and County Councils received £207 per head. He stated that there needed to be consideration given to re-calculating the way that public sector funding was distributed. Scotland received 20% more than the average for England per capita. He expressed the hope that the document when launched will have traction with all nation political parties and receive publicity.

(10) Mr Latchford, the Leader of the Opposition, responded by referring to the Scottish referendum. He stated that he was confident that without exception Members were saddened that a “Yes” vote could mean the possible breakup of United Kingdom. He referred to the government's agreement to the referendum and to the way in which the main political parties had supported the “No” campaign. He stated that he truly hoped that we will remain a United Kingdom.

(11) Mr Latchford then referred to the Transformation Programme and stated that he fully supported the Leader's statement regarding the success of the programme which was going to plan due to the hard work and dedication of the officers and those Members closely involved. He expressed his gratitude to the Leader for choosing to involve all Group Leaders from the outset. He felt that they have had a voice, which he acknowledged would not necessarily make a difference to the outcome, but appreciated the opportunity to have an input. He stated that all involved at all levels should be congratulated.

(12) Mr Latchford then referred to the Commissioning Working Group, set up under Mr Hotson's chairmanship, where officers and Members had been working together closely as a team. They had received excellent presentations from officers and these meeting's had been skilfully chaired by Mr Hotson. He stated that there was much to do and we must work together to identify savings necessary and accept the change.

(13) Mr Latchford mentioned Manston which was at a critical stage; he was pleased to note the positive situation that had been reached and hoped that a good decision would result.

(14) With regard to the Member Development Charter Plus, Mr Latchford expressed his thanks to Mr Wickenden and his team who been instrumental in assisting Members with this achievement. He stated that his Group had received

enormous support from Mr Wickenden and his team since they were elected in May 2013.

(15) Mr Latchford expressed his disappointment at the Leader's comment, in relation to the Medium Term Budget and opposition groups. He stated that he believed that all groups accepted that changes had to be made and his group supported those changes where they were necessary and were supportive where they considered these changes to be right.

(16) Mr Cowan, Leader of the Labour Group, referred to devolution for Scotland and expressed the view that Scotland and the Britain would be poorer if there was a "Yes" vote. He acknowledged the enormous contribution that Scotland had made to the United Kingdom and the benefit that Scotland had secured from togetherness.

(17) In relation to devolution of power from Westminster, Mr Cowan stated that whatever the outcome of the referendum, his group were are happy to join this debate. If Scotland voted "No" and the political leader's fulfilled their promises then there would need to be a root and branch discussion about the rest of the UK including the devolution of powers from the centre and how that could be funded. He stated that the referendum had shown that people were too far removed from decisions that affected their lives and that there needed to be discussion around funding for the public sector.

(18) Regarding the Members Development Charter Plus, Mr Cowan expressed his thanks to Mr Wickenden and his team.

(19) Mr Cowan referred to the Leader's comments on the Medium Term Budget and stated that all Members aimed to get the best savings for their communities. He referred to the report to Cabinet on 15 September 2014 and the reference to a possible overspend of £12.4m for 2014/15 and the plans to reduce the overspend to £5.5m through management action.

(20) Mr Cowan emphasised the importance of the first phase of the Transformation, which was due in May 2015, being a success.

(21) Mr Vye, Deputy Leader of the Liberal Democrat Group, began by stating that his Group supported the process of transportation which was proceeding at a pace. He noted that the pace was leaving, even, the Transformation Advisory Board gasping for breath. He emphasised that the Transformation was sorely needed.

(22) Mr Vye referred to the Newton Europe report on adult care and children services. This report showed that expenditure by Specialist Children's Services per deprived child or young person under 18 was seven times greater in Tonbridge and Malling than in Swale; despite the same percentage of the population being supported by Specialist Children's Services. He stated that if all Districts spent the same as Swale per deprived child and achieved the same outcomes this would result in a saving for the County of £10m. He questioned why this had not been picked up before.

(23) Mr Vye stated that when the consultants had finished their work, KCC needed to do much better if the conclusion was not to be drawn that this organisation was too big to manage effectively; this would not help the case for devolution.

(24) Mr Vye referred to the recent report to Cabinet on the first quarter's financial monitoring which showed a total predicted overspend for Children's Services of £7.5m. He stated that the Budget set in February 2014 was unrealistic as the demand for Children's Services was neither reducing nor increasing. He stated that the newly formed Early Help Services could not be expected to work if an unrealistic

budget was set as this could result in management action to bring it back within the budget. He asked the Leader what effect such management action would have on an already over stretched service.

(25) Mr Vye expressed his full support for the idea of having a Members Commissioning Advisory Board. He commended Mr Hotson for his chairing of the Member Working Group which appeared to have achieved a cross party consensus on the way forward. This would enable Members to gain an understanding on what is happening regarding commissioning and procurement.

(27) Regarding devolution, Mr Vye hoped that all groups would look at each other's manifestos. He stated that he was proud of the Liberal Democrats' manifesto and was happy to share it with the Leader.

(28) Mr Whybrow, Leader of the Independents Group, stated that he was sorry to hear the Leader say that the opposition would love to see a slash and burn budget. He believed that Members would be disappointed that the budget targets were missed. Although the opposition may not always agree with the direction of travel, the Leader should be aware of the constructive cross party work carried out in the Members Working Group on Commissioning. He did not believe that anyone on his side of the Chamber would be delighted to see a slash and burn budget.

(29) Regarding devolution, Mr Whybrow stated that he agreed with the Leader's sentiments. Mr Whybrow believed that pressure was now building in the CCN to achieve devolution to local authorities in England. He expressed the view that localism had been vapid. This could be seen in Kent in the way that Central Government had taken away planning decisions from local authorities such as Ebbsfleet, the Urban Development Corporation and the MPPF, which was intended to give central government more control.

(30) Mr Whybrow referred to the Adonis Growth Review which had promised £39b devolved to local government and said that he was not optimistic about this being delivered. He stated that the Local Government Association had put it well, devolution must not stop at the border, local authorities should raise and spend money in the way that best suited the people in their area. He looked forward to the CCN report generating a lot of publicity and debate.

(31) In response to the Opposition Group Leader's responses, Mr Carter stated that he was looking forward to a mature debate at County Council in February when the budget for 2015-16 would be agreed. He referred to the turning off of street lighting at night, providing that there were no safety or criminality implications, which had improved KCC's carbon footprint and achieved savings of £1m a year. It had contributed to keeping the Council tax low whilst preserving valuable statutory and non- statutory front line services.

(32) Mr Carter referred to the latest quarterly monitoring report submitted to the last Cabinet meeting and stated that he was confident that the budget would be brought into line by the end of the year.

(33) Mr Carter agreed that it was important to respond to the challenges identified in the Newton Europe report and to consider whether resources could be re-directed to provide the expected outcomes with less expenditure. It was important to learn from the past and to make sure every Kent £1 was used to good effect.

(34) RESOLVED that the Leaders report be noted.

34. Health & Social Care Integration in Kent

(1) The Chairman welcomed Patricia Davies (Accountable Officer for Dartford, Gravesham and Swanley Clinical Commissioning Group and Accountable Officer for Swale CCG), Susan Acott (Chief Executive of Darent Valley Hospital) and Hazel Carpenter (Accountable Office for South Kent Coast CCG) to the meeting.

(2) The Charman stated that he had agreed that a short DVD "Integrated Health and Social Care" would be shown to provide an introduction to this item.

(3) Ms Davies and Ms Acott gave a PowerPoint presentation on Health Care in North Kent and Ms Carpenter gave a presentation on the Prime Minister's Challenge Fund. The guests and answered questions from Members on their presentations.

(4) Mr Carter moved and Mr Gough seconded the following motion:

"Kent County Council commends the Health and Wellbeing Board and its partners for its significant work to drive forward health and social care integration to produce improved outcomes for Kent residents. This Council supports the move towards 24/7 community-based integrated care provision that puts the patient at the heart of the service, giving more control to patients over what and how services they need are provided.

This Council thanks the partners from the Clinical Commissioning Groups for their comprehensive update and notes the content of the report."

(5) Ms Harrison moved and Mr Caller seconded the procedural motion that "the question be put" and the votes cast were as follows:

For (59)

Mrs A Allen, Mr M Angell, Mr M Baldock, Mr M Balfour, Mr R Bird, Mr H Birkby, Mr A Bowles, Mr D Brazier, Mrs P Brivio, Mr R Brookbank, Mr C Caller, Mr I Chittenden, Mrs P Cole, Mr G Cowan, Mrs M Crabtree, Mr A Crowther, Mrs V Dagger, Mr D Daley, Dr M Eddy, Mr J Elenor, Mrs M Elenor, Mr T Gates, Mr P Harman, Ms A Harrison, Mr M Harrison, Mr M Heale, Mr C Hoare, Mrs S Hohler, Mr S Holden, Mr P Homewood, Ms S Howes, Mr A King, Mr J Kite, Mr G Koowaree, Mr R Latchford, Mr R Long, Mr G Lymer, Mr B MacDowall, Mr T Maddison, Mr F McKenna, Mr B Neaves, Mr M Northey, Mr J Ozog, Mr R Parry, Mr L Ridings, Mrs E Rowbotham, Mr W Scobie, Mr T Shonk, Mr C Simkins, Mr C Smith, Mr D Smyth, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr R Truelove, Mr M Vye, Mr J Wedgbury, Mr M Whybrow, Mr A Wickham.

Against (5)

Mr P Carter, Mr J Simmonds, Mr R Gough, Mr P Oakford, Miss S Carey.

Abstain (0)

Procedural motion carried

(6) The Chairman put the original motion proposed by Mr Carter and seconded by Mr Gough to the vote and the votes cast were as follows:

For (75)

Mrs A Allen, Mr M Angell, Mr M Baldock, Mr M Balfour, Mr R Bird, Mr H Birkby, Mr A Bowles, Mr D Brazier, Mrs P Brivio, Mr R Brookbank, Mr L Burgess, Mr C Caller, Miss S Carey, Mr P Carter, Mr I Chittenden, Mr B Clark, Mrs P Cole, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Ms J Cribbon, Mr A Crowther, Mrs V Dagger, Mr D Daley, Mr M Dance, Dr M Eddy, Mr J Elenor, Mrs M Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr P Harman, Ms A Harrison, Mr M Harrison, Mr M Heale, Mr M Hill, Mr C Hoare, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Ms S Howes, Mr A King, Mr J Kite, Mr G Koowaree, Mr R Latchford, Mr R Long, Mr G Lymer, Mr B MacDowall, Mr T Maddison, Mr F McKenna, Mr B Neaves, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mrs E Rowbotham, Mr J Scholes, Mr W Scobie, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr D Smyth, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr J Wedgbury, Mr M Whybrow, Mr A Wickham.

Against (0)

Abstain (0)

(7) RESOLVED that Kent County Council commends the Health and Wellbeing Board and its partners for its significant work to drive forward health and social care integration to produce improved outcomes for Kent residents. This Council supports the move towards 24/7 community-based integrated care provision that puts the patient at the heart of the service, giving more control to patients over what and how services they need are provided. This Council thanks the partners from the Clinical Commissioning Groups for their comprehensive update and notes the content of the report.

35. Treasury Management Annual Review 2013 - 14

- (1) Mr Simmonds moved and Ms Carey seconded that the report be noted.
- (2) RESOLVED that the report be noted.

36. Motion for Time Limited Debate

- (1) Mr MacDowall moved and Mr Baldock seconded the following motion.

“This Council recognises the widescale public concern about the decision to turn streetlights off at night.

It recognises the public fears over crime and safety, and notes the anecdotal evidence coming in from the media and from various resident groups that the policy has caused some serious issues.

Therefore, we propose an immediate full review be carried out rather than wait for the current review date on order that any necessary revisions can be made before the winter months.”

(2) Mr Caller moved and Dr Eddy seconded the following amendment:

"This council recognises the widescale public concern about the decision to turn streetlights off at night.

It recognises the public fears over crime and safety, and notes the anecdotal evidence coming in from the media and from various resident groups that the policy has caused some serious issues.

Therefore, we propose that the street lights throughout Kent should be reinstated immediately to all night lighting while a full review is carried out that includes a more detailed and direct consultation with those residents affected by part night lighting; the review should also include detailed risk assessments aided by professional bodies."

(3) Mr Vye moved and Mr Chittenden seconded the procedural motion "that the question be put" and the votes cast were as follows:

For (12)

Mr A Bowles, Mrs P Brivio, Mr L Burgess, Mr D Daley, Mr R Latchford, Mr T Maddison, Mr F McKenna, Mrs E Rowbotham, Mr J Scholes, Mr W Scobie, Mr N Thandi, Mr R Truelove.

Against (36)

Mr M Angell, Mr M Balfour, Mr H Birkby, Mr D Brazier, Mr R Brookbank, Mr P Carter, Miss S Carey, Mr I Chittenden, Mr B Clark, Mrs M Crabtree, Mr M Dance, Dr M Eddy, Mr J Elenor, Mr G Gibbens, Mr P Harman, Mr M Hill, Mr C Hoare, Mr M Harrison, Mr E Hotson, Mr J Kite, Mr G Lymer, Mr B MacDowall, Mr P Oakford, Mr J Ozog, Mr M Northey, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr A Terry, Mr J Wedgbury, Mr A Wickham, Mr M Whybrow.

Abstain (8)

Mr M Baldock, Mr A Crowther, Mrs M Elenor, Mr T Gates, Mr R Gough, Mr M Heale, Mr B Neaves, Mr M Vye.

Procedural motion lost

(4) After further debate the amendment as set out in paragraph (2) above was put to the vote, whereupon the voting was as follows:

For (15)

Mr M Baldock, Mrs P Brivio, Mr C Caller, Mr G Cowan, Ms J Cribbon, Dr M Eddy, Ms A Harrison, Ms S Howes, Mr T Maddison, Mrs E Rowbotham, Mr W Scobie, Mr T Shonk, Mr D Smyth, Mr N Thandi, Mr R Truelove

Against (55)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr R Bird, Mr H Birkby, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr I Chittenden, Mr B Clark, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mr A Crowther, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mr J Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr P Harman, Mr M Harrison, Mr M Hill, Mr C Hoare, Mr S Holden, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr R Latchford, Mr R Long, Mr G Lymer, Mr B MacDowall, Mr F McKenna, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr M Vye, Mr J Wedgbury, Mr M Whybrow, Mr A Wickham

Abstain (4)

Mr L Burgess, Mrs M Elenor, Mr M Heale, Mr B Neaves

Amendment lost

(5) Mr Cowan moved and Mr Truelove seconded the procedural motion “that the question be put” and the votes cast were as follows:

For (57)

Mrs A Allen, Mr M Angell, Mr M Baldock, Mr M Balfour, Mr H Birkby, Mr A Bowles, Mr D Brazier, Mrs P Brivio, Mr R Brookbank, Mr L Burgess, Mr C Caller, Miss S Carey, Mr P Carter, Mr B Clark, Mr G Cooke, Mrs M Crabtree, Ms J Cribbon, Mr A Crowther, Mrs V Dagger, Mr M Dance, Dr M Eddy, Mr T Gates, Mr G Gibbens, Mr R Gough, Ms A Harrison, Mr M Harrison, Mr M Heale, Mr M Hill, Mr C Hoare, Mr S Holden, Mr P Homewood, Mr E Hotson, Ms S Howes, Mr A King, Mr R Long, Mr G Lymer, Mr B MacDowall, Mr F McKenna, Mr B Neaves, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr J Scholes, Mr W Scobie, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr D Smyth, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr N Thandi, Mr R Truelove

Against (6)

Mr R Bird, Mr D Daley, Mr M Vye, Mr J Wedgbury, Mr A Wickham, Mr M Whybrow,

Abstain (1)

Mrs M Elenor

Procedural motion carried

(6) The Chairman put the original motion to the vote and the votes cast were as follows:

For (31)

Mr M Baldock, Mr R Bird, Mr H Birkby, Mrs P Brivio, Mr L Burgess, Mr C Caller, Mr B Clark, Mr G Cowan, Ms J Cribbon, Mr A Crowther, Dr M Eddy, Mr J Elenor, Mrs M Elenor, Mr P Harman, Ms A Harrison, Mr M Heale, Mr C Hoare, Ms S Howes, Mr R

18 SEPTEMBER 2014

Latchford, Mr T Maddison, Mr B MacDowall, Mr F McKenna, Mr B Neaves, Mrs E Rowbotham, Mr W Scobie, Mr T Shonk, Mr D Smyth, Mr A Terry, Mr N Thandi, Mr R Truelove, Mr M Vye.

Against (43)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr I Chittenden, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr M Hill, Mr S Holden, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr R Long, Mr G Lymer, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mr J Wedgbury, Mr A Wickham, Mr M Whybrow.

Abstain (0)

Motion Lost

COUNTY COUNCIL MEETING

Thursday 18 September 2014

**Question by Martin Vye to
David Brazier, Cabinet Member for Environment & Transport**

Given that winter is only two months away, will the Cabinet Member for Environment and Transport list the measures already put in place by agencies, including KCC, to prevent flooding in each of the locations where it occurred last winter; and will he also list the measures judged to be essential to prevent flooding in those locations, but for which the funding has not been identified, and inform the Council of the subsequent assessment of risk of flooding, in terms of red/amber/green ratings, in each of those locations.

Answer

The winter floods included a number of separate flood events. The first was the tidal storm surge on 5/6 December 2013, this was followed by the storms on 23-27 December 2013 and 4-6 January 20-14 that brought power cuts, fluvial, sewer and surface water flooding. The continued wet weather in the winter led to high groundwater levels and flooding on groundwater fed watercourses and groundwater flooding. Approximately 929 properties were recorded as flooding in the winter of 2013/14.

A table* summarising works undertaken to date and any long-term measures that have been identified in the areas significantly affected by flooding this winter has been included in the hard copy County Council Questions pack and will be made available as part of the online agenda for this meeting on the KCC website. In many of these areas multi-agency groups have been established to coordinate the delivery of protection measures and training has been provided for local flood wardens to coordinate the flood response locally.

A red/amber/green rating for flood risk is difficult as for many areas there are several aspects that affect the risk assessment that are not known in detail yet, including the flood frequency and properties at risk. The estimated number of properties at risk in each area from the long-term measures has been indicated where it is available. Further work is required in order to determine what schemes are viable in each area and what the benefits will be. KCC is part of a group of authorities that are delivering these schemes. KCC leads on highway works, coastal and fluvial works are led by the Environment Agency and Southern Water or Thames Water lead on sewer works.

**Table in appendix:*

County Council Question 1 – Appendix

Area flooded	Measures employed	Long-term measures required	Properties protected
Faversham	A multi-agency group has been established to oversee the identification of appropriate flood protection measures.	The tidal wall needs to be raised along with some improvements to the drainage outfalls. This is subject to a bid for government funds.	22
Westerham and Brasted	KCC are working in partnership with the EA and Thames Water to investigate the drainage system and identify areas for improvement.	Capital money has been allocated to undertake improvements this financial year. The scale of these improvements will be confirmed on completion of the ongoing survey work.	n/a
Dartford	Tankers were provided during the groundwater flooding of Bob Dunn Way.	A permanent pump will be installed to manage water levels later this year.	n/a
Edenbridge	Damage to the flood wall has been repaired.	Improved flood protection is required by increased conveyance through the stone bridge. There are no plans to undertake this work as consultation is required with the residents on the nature of the work.	216
Medway Valley, including Tonbridge, Hildenborough, Yalding, Collier Street and Maidstone	A multi-agency group has been established to review the works required. Works have been undertaken to repair damaged walls, improve conveyance, clear culverts and trees and undertake surveys.	Improved capacity at the Leigh Barrier a flood storage area on the Beult River. These schemes need to be designed. The outline design work is in hand however it is subject to partnership funding. Once the scheme is designed partnership funding will be required to deliver it, currently estimated to be approximately £17m. KCC has already supported the next phase of the development of this scheme with a contribution of £50k and is currently considering how it will continue to support it.	1,957
East Peckham	This is also covered by the Medway Valley multi-agency group. Blockages have been removed, a wall repaired and trees cleared.	East Peckham will benefit from the Leigh Barrier improvements proposed, there is also a scheme to protect it locally from the Medway River and other rivers that requires funding. A bid for government funding for this scheme is currently being considered.	313

Area flooded	Measures employed	Long-term measures required	Properties protected
Nailbourne and Little Stour Valley, including Barham, Bridge, Patrixbourne, Bekesbourne, Little Bourne, Ickham and Wickhambreaux	A multi-agency group has been established to review the works required. Works have begun to repair walls, clear culverts and improve conveyance. Southern Water is continuing to undertake works to improve the sewer network.	Further work is required to improve conveyance and flood protection along the Nailbourne, which requires additional investigation to determine the best means to achieve it. There are also schemes for the Little Stour that require funding. These are subject to a bid for government funds, but they are not cost beneficial so may not be successful.	401

It should be noted that there is a lot of uncertainty about the long-term solutions outlined here for a number of reasons:

- For many areas a specific scheme to protect homes has not been identified, therefore there is uncertainty about the costs and benefits of this scheme and the provision of funds to deliver it
- Where a scheme has been identified the government's commitment to funding these will not be announced until after the Autumn Statement and certainty about that portion of the funds cannot be given at this time
- Most schemes will require partnership funding in order to be delivered, even with a government contribution secured. There will be uncertainty over this contribution until a legal agreement is in place

COUNTY COUNCIL MEETING

Thursday 18 September 2014

**Question by Brian Clark to
Roger Gough, Cabinet Member for Education and Health Reform**

A number of schools across the county are introducing schemes to provide students with tablet PCs. While some schools have a policy not to charge for such devices, some clearly are charging parents, in fact the fees can be significantly higher than devices generally available.

Can the Cabinet Member confirm how many schools have such a tablet PC scheme and how many chose not to charge for such provision and would he agree that a school charging for devices used for educational purposes is the thin end of the wedge of paid-for education provision?

Answer

I am unable to confirm how many schools charge for tablet PCs as this is a decision taken locally by each Headteacher or Governing Body. We are aware that some schools run a parent laptop leasing scheme where students are provided with a specific model for a fixed monthly fee which includes licensing and support. Others loan tablets to year cohorts. Schools would need to be surveyed in order to gain that information.

COUNTY COUNCIL MEETING

Thursday 18 September 2014

**Question by George Koowaree to
David Brazier, Cabinet Member for Environment and Transport**

Now that the Secretary of State for Transport has given the go ahead for J10a of the M20 in Ashford will the Cabinet Member for Environment and Transport take a lead in influencing the Minister to increase the funding for improving Barrey Junction on the A2070 so that drivers can turn right and, for those who want to visit the commercial site coming from Junction 10, can do so safely?

Answer

The A2070 is a part of the Highways Agency, HA, road network and therefore any proposed amendments to the Barry Road junction will need to satisfy their requirements. Following previous correspondence from residents, KCC officers discussed local aspirations for the provision of a right turn from Barrey Road on to the A2070 with the HA and the intention was that KCC would have investigated this request as part of the SELEP interim scheme for J10A.

The HA are now leading on the delivery of the full junction scheme at J10A and there will be a formal opportunity to raise local concerns such as this with the HA during the proposed public consultation, required as part of the planning process. The HA has issued the following statement in response to recent correspondence from KCC officers regarding Barrey Road:

The HA project team for the M20 J10a scheme will be considering any comments on the scheme, as we progress through the preliminary design and prior to submitting a planning application (through the Development Consent Order process) in autumn 2015. We will be carrying out a public consultation in summer 2015, where we will formally capture any issues arising and address them, providing evidence for any decisions on what is and is not possible.

KCC officers will also be part of the HA Steering Group for the delivery of the full J10A and will ensure that the concerns of local residents are considered by the HA project team.

COUNTY COUNCIL MEETING

Thursday 18 September 2014

**Question by Rob Bird to
Paul Carter, Leader of the Council**

Given that there is a commitment to engage Members at their local level in the shaping and commissioning of KCC services, and that many of our services require cooperation with district councils, will the Leader inform the Council of the recent active steps he has taken to engage district council leaders in constructive conversation about developing closer working between the County and District Councils?

Answer

It is indeed important that we have close and constructive dialogue and relationships between the County and the District, Borough, and City Councils, and this has growing significance as we commission more of our services. The joint working recently on the commissioned district-based Youth Services and the roll out of the Troubled Families agenda would be good examples of the Districts and County working together. There are many other examples such as:

- Health and Wellbeing Boards
- Maximising opportunities for bringing European funding into Kent
- The 'One Public Estate' programme

The Kent Leaders Group and the Joint Chief Executives Group are well established and meet regularly.

The Conservative administration is currently investigating the possibility of setting up regular briefings for all County Council Members on a double district basis to ensure Members have a comprehensive picture of KCC service provision in their division and the opportunity to discuss local issues with the responsible officer. It is the intention to invite the District Council Leaders and Chief Executives to these briefings, as well as continuing to support local boards at district level, such as Joint Transportation Boards, Children's Operational Groups, Youth Advisory Groups, and Community Safety Partnerships.

COUNTY COUNCIL MEETING

Thursday 18 September 2014

**Question by Dan Daley to
Graham Gibbens, Cabinet Member for Adult Social Care and Public Health**

Will the Cabinet Member for Adult Social Care and Public Health inform the Council how many users have taken Direct Payments since the new contractors have been in place, and how this has affected staffing levels in the department responsible for assessment and in the processing of invoices?

Answer

There were 6100 people who were receiving home care arranged by the council when the new Domiciliary Contract came into effect. As part of this, all of those who were affected by the changes were reminded of their right to ask for Direct Payment instead of services. As of 28 August, 1694 of these people had expressed an interest in finding out more about Direct Payments. Of the 559 who have progressed to a detailed assessment, 376 have chosen to go on to take a Direct Payment.

As part of this contract re-let, it was expected that the number of Direct Payment recipients would increase and so 4 additional staff have joined the Access to Resources Team that supports Direct Payment recipients and reviews their use of this money. This is a planned part of the transformation of Adults' Services which is delivering better outcomes for people and extending the hours that services are available, while reducing overall staff numbers.

COUNTY COUNCIL MEETING

Thursday 18 September 2014

**Question by Ian Chittenden to David Brazier,
Cabinet Member for Environment and Transport**

For a number of years Kent County Council has allowed sponsors to advertise on roundabouts in Kent.

Counties such as Surrey use advertising as a means to directly enhance roundabouts with additional planting and regular maintenance, Kent has no such scheme.

In Maidstone for example, where the majority of roundabouts sit on prime entry roads for visitors to our county town, shrubs and trees are typically choked by grass and weeds. Beyond some low level grass cutting, there is minimal maintenance and there have been no new planting programs for many years.

Does the cabinet member agree that a change in policy is needed, to allow local businesses to sponsor roundabouts, generating landscaping funding which will once again allow us to give a proper Kentish welcome to the thousands of visitors to towns across the county?

Answer

Roundabout sponsorship is managed by Kent Commercial Services, and the income made from this is returned to KCC Finance as part of its annual dividend payment. Spending more money on roundabout maintenance would mean another area of spend would need to be reduced. However I am willing to look again at the arrangements for roundabout maintenance, and the scope for a more direct linkage between encouraging greater sponsorship and maintaining roundabouts to a higher, more presentable standard in future.

COUNTY COUNCIL MEETING

Thursday 18 September 2014

**Question by Lee Burgess to Roger Gough,
Cabinet Member for Education & Health Reform**

As we are the Authority responsible for trying to meet the requirements for the Government's promise on free school meals, could you give me assurance on the following.

The funding provided by Central Government to KCC has been described as short of the mark and that's putting it kindly and no doubt we are going to have to prioritise where the money is most needed with the very real possibility that many schools will not get what they need.

The LGA has recently estimated that Council's will have to find an average of over £400,000. to meet the shortfall and I think for an authority of our size this could be a conservative estimate. Many schools will be disadvantaged thanks to poor government policy planning. Can you assure me that in light of the shortfall in funds that other budgets, that already face extreme pressure, will not be raided in our efforts to implement this policy?

Answer

KCC has been allocated £2.7 million capital funding for Local Authority schools.

In January, KCC asked schools to complete an online survey to enable an assessment as to how best to allocate the funds. It was identified that schools where the implementation of this initiative would have the most impact, were the 140 Kent schools without onsite cooking facilities and the local schools currently providing for them. Based on the results of this survey and using local knowledge, it was immediately identified that the allocated funding was not sufficient to complete all the capital works needed to fully deliver the proposed changes. It is estimated that to fully address the UIFSM initiative, the capital required would be nearer to £7M.

This £7m would have covered the cost of converting 50 of the 64 schools transporting in over 100 meals per day into production kitchens; placing additional cooking equipment in around 60 mother kitchens; providing additional equipment in 85 kitchens; and improving ventilation in around 30 schools.

The Schools Funding Forum approved a recommendation to manage the funds centrally and using criteria based on need in order to prioritise schools within the budget available, the following projects have been agreed: 12 new kitchens; improving facilities in 1 kitchen; 5 ventilation projects and additional equipment; plus 100 smaller projects.

In addition to the £2.7M allocated, £210k has been allocated from reactive maintenance within the planned Enhancement Budget for 2014/15 to fund 5 ventilation projects.

At this time we are working on estimated meal numbers and will not know the true impact until mid-September when all KS1 pupils are full time in school. There are a few schools who are very disappointed they were not selected to receive the amount of funding they had hoped for, and a number of schools that are concerned that their school hall capacity means that the number of sittings they now have to have will impact on curriculum time. All LA schools will be providing a hot meal for UIFSM in September plus any KS2 pupils entitled to a FSM or wishing to purchase one. The Children's Food Trust are providing advice and the Client Services team are working with caterers to look at solutions such as batch cooking, adapting menus, staggering lunchtime sittings etc.

KCC will not allocate any additional funding to this initiative but there are issues that may affect individual school budgets, such as additional midday meal supervision; additional rental costs for those using village halls; additional equipment.

In October another online survey will be sent to all schools to assess the position.

COUNTY COUNCIL MEETING
Thursday 18 September 2014
Question by Roger Truelove to
Roger Gough, Cabinet Member for Education and Health Reform

“A recent open meeting in Sittingbourne for a group hoping to establish a Free Primary school attracted only 6 interested parents. Apart from a few isolated outbreaks of interest, do you agree that this reflects the prevailing lack of enthusiasm for Free Schools across the County of Kent?”

Answer

There are five free schools operating in Kent at present and two more in the pipeline to commence admitting pupils in September 2015. Kent County Council policy is to welcome the creation of Free Schools in areas where school places are required. Four out of the seven schools meet this expectation.

Kent County Council objected to the Secretary of State when consulted about three out of the seven schools because they did not meet our expectation of providing additional school places in locations where they were required.

The number of Free Schools is a tiny proportion of the total number of schools in Kent. In contrast Kent County Council is building seven brand new Primary Schools for September 2015 and there are several more planned for September 2016 and 2017.

The sponsors of Free Schools have all adopted slightly different models of public consultation, information and marketing. Our experience of expanding existing schools and building new ones over the past few years has demonstrated that public interest is generated when there are concrete proposals for new provision. There is less interest generated by initial generalised proposals for potential new provision in the area.

A stronger indication of the enthusiasm among parents for Free Schools is in their popularity once opened. Four out of the five operational Free Schools in Kent are oversubscribed and therefore popular with local parents. All five Free Schools are either full or nearly full in all their year groups.

It is our intention to continue our policy of welcoming Free Schools where they are needed, and continue our practice of engaging with Free School sponsors at the earliest possible stage.

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Question 1

COUNTY COUNCIL

Thursday 23 October 2014

**Question by Susan Carey to
David Brazier, Cabinet Member for Environment and Transport**

Last year one of my parish councils was warned by its insurance company that the parish council should not clear any snow and ice in case they set up an expectation that the area would be regularly cleared and leave the parish council open to a claim from anyone who slipped. As we make preparations for winter would the cabinet member for environment and transport give some guidance to parish and town councils and volunteers who want to help keep pavements and public areas in their community clear of snow and ice.

Answer

As Miss Carey states many parish councils are keen to get involved in snow clearance and this is welcomed by Highways, Transportation and Waste.

The question of liability has come up several times over the years and we have sought advice from our risk and insurance team. I have left copies of the advice received outside the chamber for Members to consider, but in short, Zurich Municipal, who insures many parish councils, advises it should not be a problem for parish councils to extend their normal business activities to include snow clearing. Whilst Zurich acknowledge there is an issue around expectation management, KCC's Risk and Insurance team's opinion is that they would hope the courts would prefer to see this activity taking place rather than abandoned due to the fear of being sued. KCC will provide this full guidance to any parish councils seeking to clear snow in their area.

The advice to parish councils also applies to town councils, though I recommend they seek guidance from their legal departments. However, it is likely that many town areas will be on primary routes cleared by Kent County Council and its partners as part of our local winter service plans.

For members of the public wishing to volunteer to clear snow or grit footpaths, if they are acting on behalf of the parish or town councils any potential liability should be covered by their own household insurance. If they are acting on their own initiative then they should abide by the guidance on the www.gov.uk website which states that

“despite some media reports to the contrary, it is extremely unlikely that someone who has attempted to clear snow in a careful manner will be sued or held legally responsible if someone slips or falls on ice or snow at their property. People should not be deterred from performing a socially responsible act.

Though the person clearing the snow does have responsibilities when doing the job, mainly to ensure that they are not making the area more dangerous by allowing it to refreeze, it is important to note that those walking on snow and ice have responsibilities themselves. A common sense approach is encouraged.”

COUNTY COUNCIL MEETING

Thursday 23 October 2014

Question by Martin Vye to Graham Gibbens, Cabinet Member for Adult Social Care and Public Health

Given the increasing number of residents of Kent falling into food poverty, as evidenced by those needing to make use of Foodbanks, will the Leader:

- undertake to make safeguarding of the budget for the Kent Support and Assistance Service a priority for 2015/16, in the case that Government does not continue its funding of this service; and
- will he take steps to ensure that the County Council, as the strategic lead authority for Kent, uses its influence to help coordinate the response to the crisis by voluntary and statutory organisations?

Answer

The Kent Support and Assistance Service (KSAS) was established following the abolition of central government operated crisis loans and community care grants, as part of the package of measures to reduce spending nationally on welfare payments. A reduced level of resource was allocated to county and single tier authorities to provide some emergency assistance. KCC used this money to establish KSAS, which is an innovative local welfare provision service that works with the voluntary and community sector and other partners to target funding at those most in need and has moved away from the purely financial transaction model that had previously existed. KSAS now plays a pivotal role by supporting those going through a financial crisis with the provision of information and signposting; emergency support (such as grocery products and reconnection of fuel supply charges); and non-emergency support (such as the provision of furniture, white goods and cookers).

Like Mr Vye, I and the Cabinet wish to express our support for KSAS, which has quickly established a good reputation as a service of first and last resort when Kent residents are faced with a crisis or have no other recourse.

Whilst I cannot make a firm commitment on the future KSAS budget at this stage of the budgetary cycle, I can confirm my preference is for the service to continue. As John Simmonds will inform Council colleagues shortly, in response to Mr Whybrow's question, it is our intention to roll-forward this year's forecast underspend into next year subject to there being no shortfall at the end of this financial year - and at this time, we are on track to balance the books.

It will be possible to provide greater clarity later in the budgetary cycle and a paper on the future of KSAS will be taken to Adults Social Care & Health Cabinet Committee on 4th December. I would be delighted to speak to Mr Vye at that time, when further details will be known, about the actions being taken by the County Council.

COUNTY COUNCIL MEETING

Thursday 23 October 2014

**Question by Ian Chittenden to
David Brazier, Cabinet Member for Environment & Transport**

Most of us love Kent's green landscapes but as I travel along the roads in Maidstone and the surrounding countryside I have noticed that much of our greenery has become overly rampant. More and more roadside signs are obscured, some are completely hidden and footways are becoming impassable.

In most cases residents, farmers and other landowners are responsible for cutting back hedgerows bordering their properties. However, it is Kent County Council that is responsible for safety on our roads.

Would the Cabinet Member for Environment and Transport please advise what steps Kent Highways are taking to ensure the county's hedgerows are properly maintained?

Answer

As has rightly been pointed out, in most cases the responsibility for cutting back of vegetation rests with the adjacent landowners. Kent County Council has a duty to ensure the highway is clear so as not to cause a danger for highway users.

As you are no doubt aware, we have a team that inspect the network at set frequencies depending on the classification of the road. In real terms it can mean an inspection takes place on either a monthly or six monthly basis for carriageways and monthly or annually for footways. Where vegetation is noted to be causing a safety issue, action is taken ranging from knocking on doors asking for the vegetation to be cut back, to legal action for non-compliance. If the overgrowth is considered to be of such severity that it is causing a potential hazard, then Kent County Council Highways, Transportation & Waste may take direct action to remove it to ensure public safety.

In addition, we have our highway stewards dealing with individual enquiries from parishes and customers. Each enquiry is investigated and the appropriate action taken depending on the severity of the issue.

We are given powers under the Highways Act 1980 Section 154 to carry out enforcement action if necessary. This however can be a lengthy process and take many months to bring to a conclusion. Whilst we have to take into consideration the bird nesting season, public safety will always come first.

As far as county-owned hedgerows are concerned, these are cut annually over the winter months.

COUNTY COUNCIL

Thursday 23 October 2014

**Question by Martin Whybrow to
John Simmonds, Cabinet Member for Finance and Procurement**

The Kent Support and Assistance Service (KSAS) is a vital lifeline for Kent's most vulnerable and impoverished residents. Would the Cabinet Member for Finance and Procurement confirm that any underspend (currently predicted at £2.691 million) will be ring-fenced for the purpose for which it was intended and will not be used to make up for any overspend elsewhere? This is regardless of whether or not the service continues to be financed next year by central government in light of the high court action by Islington Council.

Answer

I totally understand your concern Mr Whybrow, and it is our intention to roll-forward this year's forecast underspend into next year, subject to there being no shortfall at the end of this financial year. In these difficult financial times, if a shortfall occurs then we would have to reassess this situation, however at this this time I'm satisfied that we are on track to balance the books. We are very mindful of the value of this fund in supporting and assisting the most vulnerable, and I hope we are able to do so beyond the 31 March.

COUNTY COUNCIL MEETING

Thursday 23 October 2014

**Question by Rob Bird to
Peter Oakford, Cabinet Member for Specialist Children's Services**

Given the persistent excess of demand for Specialist Children's Services, and of unit costs, over the level budgeted for in this financial year, will the Cabinet Member for Specialist Children's Services specify what action has been taken to reduce the forecast deficit in the budget for which he is responsible, and how he proposes to eliminate the deficit by the end of the financial year?

Answer

Thank you for your question. Specialist Children's Services were set a challenging £7 million saving target for 2014/15, following a number of years in which spending had increased to reflect demand. This additional investment helped to substantially improve children's services in the county and culminated in the lifting of OFSTED's improvement notice in 2013.

As part of the council's Facing the Challenge, the service is now engaged in the ambitious 0-25 Transformation Programme with the assistance of our Efficiency Partner, Newton Europe. Following a detailed diagnostic assessment, it was decided that some elements of the initial savings plans would not be delivered in 2014/15 as these would impact on the long-term efficiency of the service. This means the service will overspend this year against that challenging saving target and currently this is forecasted to be by £6.5 million. However, management action is already in place to reduce this by £1.9 million to a £4.6 million overspend. We are doing everything possible to reduce this even further, including continuing to raise with the government the £1.8m unfunded cost of unaccompanied asylum seeking children.

We are starting to see the impact of this action with a steady decrease in the number of children needing to be taken into care, reflecting the quality of our early help and social work services. In addition we fully anticipate that further savings will be achieved in subsequent years as the Transformation Programme progresses.

As a final note, one aspect of the service which has created a financial pressure in recent years has been the cost of employing agency staff due to challenges with the recruitment of permanent social work professionals. I am pleased to be able to say that we have recently taken action in this regard – by agreeing to a range of salary incentives that aim to attract the best talent to the county, and encourage the excellent social workers we already have to stay.

COUNTY COUNCIL MEETING

Thursday 23 October 2014

**Question by Dan Daley to
Graham Gibbens, Cabinet Member for Adult Social Care & Public Health**

With an apparently increasing likelihood of the Ebola virus eventually coming to the British Isles, would the Cabinet Member for Adult Social Care & Public Health please advise what preparations KCC's Public Health team have already made or are making for the immediate containment of any case - or epidemic in Kent - should this sadly come to pass.

Answer

The outbreak of Ebola virus disease (EVD), first reported in March 2014, continues in three countries in West Africa, Sierra Leone, Guinea and Liberia. Additionally other countries have experienced importation of cases (Nigeria, Senegal, USA) and limited local transmission has occurred (Nigeria and Spain).

Ebola can only be transmitted from one person to another by direct contact with blood or bodily fluids of an infected person. No cases of Ebola have been contracted in the UK; the overall risk still remains low, but never the less there remains a risk of importing cases from West Africa into the UK.

Public Health England (PHE) as the lead agency is co-ordinating the NHS response. PHE is providing regular information to front-line health services including Hospitals, Microbiologists, GP's, Ambulance Services, Community Pharmacists and Dentists, the Border Agency and the Private Hospital sector. Advice has also been provided to universities, schools and other childcare settings.

If a case is identified here in the UK there is robust, well developed, well tested NHS systems for managing unusual infectious diseases such as Ebola.

Enhanced screening in Heathrow, Gatwick and Eurostar has been recently initiated on the basis that these are the significant ports of entry for people travelling to the UK from West Africa.

The County Council has no specific responsibilities in respect of Ebola other than to gain assurance that PHE and the NHS have robust local systems. We must ensure that our role of informing and warning is co-ordinated with the NHS and PHE. I have asked for assurance that suitable protections are in place at the Port of Dover, to ensure, that people entering through the port are screened as appropriate. We are aware of the situation in Calais of people seeking entry to the UK and, therefore, it is very important that suitable protections are in place at Dover. Our communications team have good links with both PHE and local NHS.

In summary the risk of Ebola virus disease remains low in Kent and the UK. Never the less there is a real risk; PHE and the NHS have plans in place to prepare for and manage that risk.

COUNTY COUNCIL

Thursday 23 October 2014

**Question by Chris Hoare to
Roger Gough, Cabinet Member for Education and Health Reform**

On 15th May you told this council that the KSA contractor (Wilmot Dixon) had confirmed that they had delivered four apprenticeships, an offer of 60 days of work experience, for local students, and that the contractor made contact with K-College and Job Centre Plus to offer trade awareness, mentoring and shadow opportunities.

Each of those assertions has proved to be untrue. I have since shown you that Wilmot Dixon maintained throughout the life of the contract that they had no apprentices, and confirmed in writing to the Mystery Shopper that they did not provide apprenticeships. Towards the end of the contract, in their KPI reports to the council, they said that apprenticeships had been provided by their subcontractors. There has been no evidence of any subcontractor having any apprenticeships. And no evidence of any new apprenticeships being offered through or because of this contract. K-College agreed that there was a meeting with the contractor, but confirmed that no such places or trade awareness, mentoring or shadow opportunities were offered, and that there were no apprenticeships on the KSA site. Job Centre Plus confirmed the same.

What action do you propose to take on Wilmot Dixon's breach of their contractual commitments?

Answer

The detail provided on 15th May 2014 relates to the information provided by Willmott Dixon Construction directly. We have asked for substantiation of these figures with actual names and subcontractors who employed these apprentices. Willmott Dixon Construction have agreed to provide this information but this has necessitated contact with their subcontractors directly which has taken time. The project finished, in the majority, in April 2013 and therefore the attendance and subcontractor information has been archived since this time. I cannot agree that my answer to the CCQ on the 15th May has proved to be untrue and I will address each of these in turn:

Within the Cabinet Office Mystery Shopper exercise of October 2012 which you have referred to, Willmott Dixon focussed their reply on the engagement with SME's, Employment of Local Labour and their engagement with the local community. Willmott Dixon confirmed that they do not directly employ Apprentices as they do not employ staff directly engaged in construction trades as is common with many large contractors. Willmott Dixon however do encourage their trade subcontractors to undertake this directly and this is how the upskilling/ apprenticeship requirement was met. The Mystery Shopper exercise confirmed that this was the approach that has been taken and indeed in your own question you go onto to confirm that Willmott Dixon did report that they have apprentices on site as part of the works.

With regard to engagement with the local employment agencies, Willmott Dixon did make contact with the local Job Centre Plus and K-college, and whilst this contact did falter due to changes in personnel, Willmott Dixon gave us assurance that they would make contact and continue this association for their subcontractor use. You have also shown me copies of correspondence which confirm in the case of K-college that this contact was made and that Willmott Dixon did provide opportunities but that the college was unable to take these up at that particular time. It must also be noted that apprenticeships may be arranged through a variety of organisations and are not always directly through the local FE college.

We take our responsibilities to manage the contract requirements seriously, and request updates on a periodic basis. Once the main construction period ended in April 2013, there was very little opportunity for further upskilling and apprenticeships. It was accepted by ourselves that Willmott Dixon had engaged with their subcontractors and had engaged within the local area. Our intention is to always to encourage our main contractors to look for additional upskilling opportunities and we know of a number of other organisations who are indeed working within Kent to provide Apprenticeships.

As you are aware we have subsequently met and you showed me hard copies of various documents which you took away with you. You undertook to provide copies of the various correspondence so that these matters can be looked into further. I have yet to receive these but please be assured if there is any evidence that our contractor has not delivered then we of course be taking appropriate action, however at the present time I am unable to agree with your assertions.

COUNTY COUNCIL MEETING

Thursday 23 October 2014

**Question by Brian Clark to
Mike Hill, Cabinet Member for Community Services**

I am sure members will agree that Kent's community wardens provide a valuable service, preventing low level crime in local communities. In reducing warden numbers from 79 to 40 across the county as outlined in the public consultation, there is a real risk that the scheme will become inadequate, local crime will increase and long term viability of community wardens called into question.

Beyond the consultation, can the cabinet member for communities explain how he will ensure that the quality of this service will remain fit for purpose, and how he will prevent residents, businesses and the county from bearing a cost greater than the savings made?

Answer

I thank Mr Clark for his praise and understanding of the value of the wardens which I fully endorse and it is with regret that we are having to propose a reduction in this highly successful service. But I recognise the realities of life and the enormous savings the authority is required to make and I accept that the warden service must play its part in achieving these savings. However I am absolutely determined that we will retain a robust and efficient service, even though there will be some reduction in the numbers.

Officers are working very closely with our Police colleagues to ensure that the high quality of the service is maintained and interlinked with the neighbourhood policing model.

Wardens will maintain a connection with the areas and localities they currently serve and will be tasked and coordinated via the local community safety unit to respond to any other appropriate issues across the District on a daily basis.

We are considering establishing a cadre of volunteer wardens across the county based upon the special police constable model. This I hope will provide an additional presence on the ground.

Question 9

COUNTY COUNCIL MEETING

Thursday 23 October 2014

Question by Derek Smyth to Paul Carter, Leader of the Council

In a press release issued on 9th October, there is the following statement:

“Expectation that in the future some people will have to pay for services previously provided by KCC”. When questioned on this in a television interview the same day, you replied that you did not know who had written it but that this was not the case for next year.

Will you please clarify whether the commitment to no new additional charges only applies to the next budget or applies to the whole three year period?

If it does not apply for the whole three year period, will you please indicate what services you have in mind for new charging?

Answer

The wording of this particular note to accompany the press release could perhaps have benefitted from being more specific. Within the budget proposals included in the consultation we have said that we propose to raise an additional £5.9m through income generation in 2015/16 (rising to £12.8m over the next 3 years) to help close the gap between the likely funding from Central Government and Council Tax, and the estimated spending demands. This income would come from a variety of sources including increased trading activity (including Commercial Services), renting out surplus property, investment income, enforcement income as well as client charges in line with inflation. Within client charges we will look to increase fees in line with benefit increases e.g. we have an established policy to increase the contributions made by social services clients towards their care costs in line with benefit increases, to ensure that the proportion of their benefits used to contribute towards care costs remains constant.

Currently, there are no new charges within the budget proposals for 2015/16 or the following 2 years (other than inflationary increases already referred to) but we still have gaps to find and one of the consultation questions seeks views on (amongst other things) raising charges to close these gaps. It will be good to review the outcomes of the consultation.

COUNTY COUNCIL MEETING

Thursday 23 October 2014

**Question by Gordon Cowan to
Mike Hill, Cabinet Member for Community Services**

At the Cabinet meeting on 13th October in the discussion on the Christmas/New Year 2013/14 Storms and Floods Progress Report, fulsome tributes were paid to the excellent work carried out by the Community Wardens regarding door-knocking, evacuation and shelter, provision of information, welfare checks and sandbagging. Indeed Recommendation 7 of the Report states that Community Wardens have now been trained as Incident Liaison Officers.

Will the Cabinet Member for Community Services please explain how the current consultation, which is being conducted to reduce the number of community wardens from 79 to 40, is in any way compatible with recommendation 7 of the Report as it would have been written on the assumption that there would be 79 wardens still in place? Is there a real danger that recommendation 7 will be undermined if this cutback in the number of Community Wardens is implemented?

Answer

The Community Wardens were a key feature of the response to the flood emergencies last year. As part of the learning experience a number of actions have been taken to ensure a positive response from the Warden Service, should a similar event arise in the future.

Community Warden staff have received further emergency response and incident liaison officer training and been provided with a comprehensive set of personal equipment to enable them to fully participate in any future incidents of this type.

Management action has also been taken to improve the quality of the warden vehicle fleet. This includes the acquisition of two four wheel drive vehicles, one for East and one for West Kent. Vehicles are also equipped with a range of better equipment to assist in flood or other emergency situations.

The Warden staffing response last year during the flood response and recovery phases was predicated on the use of volunteer Community Wardens, with approximately 50% of Wardens offering to volunteer for emergency related work. The proposals within the current public consultation, will include the necessity for wardens to be available for deployment during emergency situations, as and when required. This will ensure that even given the reduced number of Community Wardens following the service redesign, there would be adequate cover in the event of an emergency situation arising, with numbers of wardens available similar to that during the severe weather episode of 2013/14.

By: Eric Hotson, Chairman of the Member Working Group on Commissioning
Paul Carter, Leader of the Council

To: County Council – 23 October 2014

Subject: A collaborative approach to Member involvement in Commissioning - Report of the Member Working Group

Summary: The report sets out the findings and recommendation of the Member Working Group on Commissioning, established by the Leader of the Council to consider the future role of non-executive Members in a Strategic Commissioning Authority.

RECOMMENDATIONS:

County Council is asked to:

- (1) Note and comment on the deliberations and findings set out in section 3 of the report.
- (2) Agree that a cross-party informal advisory board, chaired by a backbench Member, should consider commissioning decisions in depth and advise Cabinet Committees accordingly before Key Decisions are made, with the arrangement reviewed after a 12 month period
- (3) Agree that given the majority of significant commissioning decisions facing the council over the next 12 months will come from the Facing the Challenge transformation programme, that the advisory board should also take on the responsibilities of the Transformation Board, with the arrangement reviewed after a 12 month period
- (4) Delegate to the Head of Democratic Services, in consultation with the Group Leaders, the establishment of a cross-party advisory board as set out in this report

1. BACKGROUND:

1.1 The Commissioning Select Committee, chaired by Mr Angell and considered by County Council at its meeting in May, made a total of twenty-seven recommendations. Recommendation 26 stated that: *“Further work is undertaken to the member role and what mechanism would best strengthen member oversight of commissioning, procurement and contract management; and member involvement earlier in the process and pre market engagement; and members are supported through training”*

1.2 Subsequently, the Leader asked me to Chair a cross-party Working Group to consider the role of Members in a strategic commissioning authority and make recommendations.

2. MEMBERSHIP, TERMS OF REFERENCE AND ACTIVITY:

2.1 The Membership of the Working Group on Commissioning is set out below:

- Mrs A D Allen, MBE
- Mr M J Angell
- Mr M Baldock
- Mr A H T Bowles (Vice-Chairman)
- Mr N J D Chard
- Mr G Cowan
- Mr E E C Hotson (Chairman)
- Mr R A Latchford, OBE
- Mr C R Pearman
- Mr C Simkins
- Mr R Truelove
- Mr M J Vye
- Mr M E Whybrow

2.2 The terms of reference for the Working Group were:

- (a) *To consider and make recommendations as to:*
- (i) *The role of the Members at each stage of the commissioning cycle;*
 - (ii) *How the Member role in commissioning can be discharged including changes to the way Cabinet Committees and other council committees might change to support the member role in commissioning; and*
 - (iii) *The skills needed by Members to support their role in each stage of the commissioning cycle and any other subsequent training priorities for Members.*
- (b) *Link to the Market Engagement Reviews and ensure proposals coming forward clearly prioritise and embed the member role in commissioned services; and*
- (c) *Oversee the overall effectiveness of the member role in commissioning, and the process established to discharge that*

2.3 The Working Group has met four times through July to October 2014, considering a range of issues and receiving a number of presentations from officers. One of the meetings was a joint meeting held with the officers responsible for developing the Commissioning Framework for KCC. This was productive and allowed for a frank exchange of views from both the Officers and Members on the challenges that we face in becoming a strategic commissioning authority.

3. DELIBERATION AND FINDINGS:

3.1 From a hesitant start, the Member Working Group has supported cross-party discussion as to how KCC can become an *effective* strategic commissioning authority whilst ensuring the leadership role for all elected Members of the County Council is enhanced. Members have had the opportunity to give their own views and listen to the views of others. Strong opinions have been put forward from across the

party political divide with a significant degree of openness and honesty. Such engagement is a strong foundation upon which to build.

Strategic Commissioning as policy

3.2 There is clear recognition that it is the policy of this County Council to become a Strategic Commissioning Authority. The need for urgency is a response to the very significant challenges faced from increased demand for services against falling Government grant - a scenario which is expected to continue until at least 2019. This has been explained, considered and agreed upon by all Members through the papers brought to County Council by the Leader, and is reiterated by Cabinet Member for Finance at every possible opportunity.

3.3 In recognising the need for urgency, there is cross-party appetite to ensure that KCC becomes an effective Strategic Commissioning Authority, and recognition that all Members have a role to play in making this a success.

3.4 That is not to say that that we will always agree across party political lines on the final decisions that are made about the future commissioning of KCC services. Political differences will always exist, and it is right that they influence how Members vote when final recommendations are put to them for consideration. Political differences are the very basis on which the Kent electorate voted for each Member of this County Council, and it is right that they are aired and guide Members.

High levels of trust:

3.5 However, in becoming a Strategic Commissioning Authority the process by which decisions are made or arrived at regarding the future delivery of our services should be more openly debated, discussed and considered by all Members before recommendations are finalised. Making this happen in a practical and sensible way is the problem that must be solved. If we get it right, the opportunity exists to:

- Support Cabinet Members in undertaking their role more effectively
- Full consideration of all options open to the County Council in commissioning services
- Lead to better decisions being made, that have been rigorously discussed and debated
- Make better use of all the skills and extensive knowledge across all elected Members

3.6 To achieve the above and to become an effective strategic commissioning authority, there must be a collaborative approach to commissioning within KCC. A collaborative approach can only be built on high levels of trust between everyone involved in commissioning, including:

- Officers and Members trusting residents and services users to help co-design services, and that they can bring as much value to commissioning as the 'professional'
- Backbench Members trusting Cabinet Members to have an open mind and discuss the opportunities for shaping services in a different way
- Cabinet Members trusting that backbench Members can add value to the commissioning process, bringing personal, professional and local expertise

- Officers and Members understanding that providers of our services, whether from the voluntary, public or private sector can bring innovation and new ways of working to services, and that they have an important role in supporting commissioning decisions.

3.7 Increasing levels of trust can drive cultural change across the organisation between officers, Cabinet Members and backbench Members, in particular so that they increasingly work together. .

Earlier and better engagement:

3.8 A consistent issue raised across the party political divide was the need for backbench Members to be engaged far earlier in commissioning of services. Whilst the move to pre-scrutiny of Key Decisions through Cabinet Committees allows backbench Members to consider issues before formal decisions are taken, the general view was that by the time decisions do reach Cabinet Committee, it is difficult for Cabinet Members to row back from the recommendations given financial and non-financial resources already expended.

3.9 Backbench Members need to be engaged in the design of commissioning and procurement specifications as they are being developed, not once they are finalised. This engagement needs to occur as early as possible in the commissioning cycle, ideally at the analyse stage, when officers and Cabinet Members are first considering the fundamental options about how they might commission, de-commission or re-commission services.

3.10 These discussions should be focussed on issues such as:

- Does the service contribute to the outcomes and priorities of the council
- What are we seeking to achieve through the delivery of this service and what is the best way of achieving those outcomes? Is there a different / better way?
- Whether services are better commissioned and delivered at a countywide or a more local level
- Whether services targeting the same residents or attempting to meet the same outcomes might be better jointly commissioned with other services in KCC and/or with our partners (e.g. District Councils, NHS)
- Whether sub-contracting is allowed or encouraged and what steps KCC would take to protect the supply chain, especially where Kent VCS or SME are involved
- How social value might be driven from the commissioning of services
- Understanding the market for external providers from the voluntary or private sector
- The benefits or otherwise of external or in-house of delivery of services
- Local intelligence and knowledge about local resident/community needs and potential smaller scale local providers

3.11 Earlier and better engagement in commissioning decisions will drive further benefits throughout the commissioning cycle, including:

- Members understanding of why services and contracts are designed as they are
- Stronger member understanding of who is providing services for their residents, whether in-house or from the wider voluntary, public or private sector

- Better understanding of contract performance requirements, including who to contact if they feel performance issues arise
- Greater ability to undertake contract and performance management further through the commissioning cycle

3.12 The lists above are not exhaustive, and it is not possible to predict all the issues that might need to be considered with a particular service or contract. However, it does give a flavour of the quality of conversation and discussion that needs to take place with backbench members in order to engage them appropriately.

3.13 In this, backbench Members are almost completely reliant on Cabinet Members and Officers to pro-actively engage them in such discussions at the appropriate time, and the quality of engagement crucially hinges on the commitment of Cabinet Members to lead high quality engagement of their Member colleagues.

3.14 Crucially, earlier and better engagement with backbench Members will likely entail the sharing of information which, if inappropriately used or distributed, may place the authority at increased risk, e.g. information which is commercially confidential or which has been shared with the authority in confidence. There will need to be discipline and commitment from all Members to use such information for the purposes of engaging in discussions about commissioning options and decisions, and not for narrow party political interests.

Social value:

3.15 The importance of social value, and the Member role in determining social value through commissioning was an important issue for all Members across the political divide. This builds on the Commissioning Select Committee recommendation that KCC should “...*maximise and give greater recognition to Social Value, incorporate consideration of social value questions in tender evaluation criteria and procurement decisions where possible...*”

3.16 Whilst KCC has a good track record in driving social value from its contracts and commissioned services, the authority must continue to ensure that it is fully meeting the requirements of the Social Value Act to consider social value through the commissioning of its services. In particular, KCC must become smarter at determining social value and being explicit about social value in our commissioning specifications, especially where the council may be seeking to gain specific added social value (such as providers taking on apprenticeships) from the contracts it provides, and there is a clear role for backbench Members to ensure the requirements of the Act are being met, and what added social value should be gained through effective commissioning.

3.17 However, the consideration of social value also needs to go beyond the definitions and requirements of the Act. At its heart, social value is considered by full consideration of the balance between the price the council is willing to pay for services vs. the volume of services required vs. the quality of services it wants. KCC is not simply a business, and the services which it provides have a social purpose. The cheapest may not be the best and the search for value for money must involve considerations about when it might be better for Kent for KCC to agree a more expensive contract, or to commission a smaller provider, or the split the contract into smaller local lots.

3.18 The fine balance between price vs. volume vs. quality fundamentally drives consideration of social value, and it should be the 'anchor' point around which Cabinet Members engagement with backbench Members is based.

Performance and contract review:

3.19 Whilst much of the discussion within the Member Working Group was focussed on how to improve Member engagement in the earlier stages of the commissioning cycle, there was also discussion about how to improve the Member role once services have been commissioned. In particular about how backbench Members can help support better contract management by KCC of commissioned and contracted services.

3.20 There was a clear acceptance that primary responsibility for performance and contract management sits with the Cabinet Member, appropriately supported by Officers. As the effective contract owner, they have responsibility for addressing specific issues or underperformance, whilst backbench Members have a performance scrutiny role through Cabinet Committees.

3.21 However, as we move to a commissioning authority with the aim for there to be little difference in the commissioning and performance management of external and internal providers of services, there was agreement that there should be a more direct line of sight between the providers of services, especially external providers, and backbench Members through Cabinet Committees. Specifically, Members should be able to hold to account external providers in the same way they do in-house services, and that this should be made clear through commissioning and procurement specifications.

3.22 There is actually nothing preventing Cabinet Committees from asking providers to attend to discuss their performance now, but simply that it is not current practice for Cabinet Committees to do so. However, in a commissioning authority, Members should actively engage both providers and commissioners of services, and there are emerging examples of good practice (such as the Property Sub Committee agreeing a six month contract review meeting with three providers for the new Total Facilities Management contract) which should increasingly be emulated.

Commissioning and transformation:

3.23 Becoming a strategic commissioning authority underpins KCC's transformation programme, *Facing the Challenge*. However, the pace at which *Facing the Challenge* has progressed since September 2013 has left some Members feeling left behind, struggling to understand how they can engage with the programme, even if no final decisions about the services under review have yet been made.

3.24 At the same time, there was recognition from across the party political divide that through the Transformation Board, there had been a genuine effort to brief Opposition Leaders on the progress of *Facing the Challenge*, and provide early warning of the issues, options and decisions that were likely to be put to Members.

3.25 However, concern was expressed about whether the Transformation Board in its current guise is working effectively, given the agenda was set by the Leader (who

also Chairs the meeting) which limits the ability to explore wider issues relating to the transformation programme, and some confusion as to what information provided to members of the Transformations Board can be shared with their colleagues. As a result, the Transformation Board is not acting as a conduit for information about the transformation to backbench Members.

3.26 Many of the most significant strategic commissioning decisions facing KCC over the next 12 months are being driven through the Facing the Challenge programme, and there is clear agreement across the Working Group that backbench Members must have a stronger voice in the delivery of the transformation programme.

Cabinet Committees role in commissioning:

3.27 There was significant discussion and debate about the role of Cabinet Committees and whether they are an appropriate mechanism for engaging Members in commissioning. There are some strong arguments in favour of focussing backbench Member engagement in commissioning through Cabinet Committees, including:

- The Cabinet Committee system is known and understood by Members and Officers
- It is inclusive, in that all Members attend Cabinet Committees
- They are already part of the Executive decision-making process

3.28 However, a number of concerns were expressed about whether Cabinet Committees could, given how they currently operate, be the primary mechanism for Member engagement in commissioning. Issues raised include:

- Limited meeting schedule in ‘fast-paced’ commissioning and transformation environment
- Too many ‘For Information’ and ‘For Noting’ items overloading the agenda
- Limited ability for backbench Members to set the meeting agenda
- Not all Members across Cabinet Committees have necessary skills
- Need to ensure that the Member engagement in commissioning does not become overly bureaucratic, given the Select Committee on Commissioning recommendation that “bureaucracy kills commissioning”

3.29 Given the volume of commissioning and transformation decisions facing KCC over the next 12 months, the unanimous view of the Working Group was that Cabinet Committees are not yet in a position to be the primary mechanism for ensuring Member engagement in commissioning.

4. RECOMMENDATIONS: AN ADVISORY BOARD ON COMMISSIONING:

4.1 Given the above, the unanimous recommendations of the Member Working Group are:

- that a cross-party advisory board, chaired by a non-executive Member, should consider commissioning decisions in depth and advise Cabinet Committees accordingly before they consider Key Decisions

- that given the majority of significant commissioning decisions facing the council over the next 12 months will come from the Facing the Challenge transformation programme, the advisory board should also take on the responsibilities of the Transformation Board

4.2 The new advisory board will:

- Be cross-party in membership and chaired from outside of the Executive
- Working with the Leader / Cabinet set its own agenda and meeting schedule necessary to discharge the volume of business
- Work on a non-partisan basis to support genuine debate and discussion
- Focus on the options, planning and oversight of service/contract specifications ahead of procurement
- Support consideration of how to maximise social value from contracted and commissioned services
- Be responsible for acting as a conduit for information on the transformation programme to backbench Members
- Ensure that Members involved are suitably trained to contribute effectively to the committee's business

4.3 To be clear, Key Decisions on commissioning of services will still go to the relevant Cabinet Committee for endorsement, however the in-depth scrutiny and consideration will be undertaken by the advisory board with its recommendations reported to the Cabinet Committee for consideration.

4.4 Importantly, the Council should commit to this arrangement for a period of 12 months before a review is undertaken to see whether they are still necessary. In particular, the aim throughout the year should be to embed the principles of early engagement in commissioning through the advisory board, and also further develop Member understanding and awareness of commissioning, with the aim of Cabinet Committees becoming the primary mechanism for Member engagement throughout the commissioning cycle in the future.

5. NEXT STEPS:

5.1 Given the necessary pace of transformation it is important that, subject to the agreement of the recommendations made in this report, that the advisory board is established quickly. The Head of Democratic Services will work with the Leader, the Chairman of the Working Group and Opposition Group Leaders to reach consensus on:

- Chairmanship
- Membership
- Terms of Reference
- Administrative support
- Work programme

5.2 The work programme will be particularly intensive in the short-term, as there will be a need for the advisory board to 'catch-up' on the issues and progress against the Phase 1 services within Facing the Challenge, before wider commissioning and transformation of services is built into the work programme.

Appendices: None

Background Documents:

- Commissioning Select Committee 'Better Outcomes, Changing Lives, Adding Social Value', County Council, May 2014
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- 'Facing the Challenge: Towards a Strategic Commissioning Authority', County Council, May 2014.

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