

SCRUTINY COMMITTEE

Thursday, 12th June, 2014

10.00 am

**Darent Room, Sessions House, County Hall,
Maidstone**





AGENDA

SCRUTINY COMMITTEE

Thursday, 12th June, 2014, at 10.00 am Ask for: **Anna Taylor**
Darent Room, Sessions House, County Hall, Telephone:
Maidstone

Membership

Conservative (6): Mr R J Parry (Chairman), Mr J E Scholes (Vice-Chairman),
Mr E E C Hotson, Mr A J King, MBE, Mr L B Ridings, MBE and
Mrs P A V Stockell

UKIP (2) Mr H Birkby and Mr R A Latchford, OBE

Labour (2) Mr G Cowan and Mr R Truelove

Liberal Democrat (1): Mrs T Dean

Church Mr D Brunning, Mr Q Roper and Mr A Tear

Representatives (3):

Parent Governor (2): Mr P Garten and Mr G Lawrie

Refreshments will be available 15 minutes before the start of the meeting

Timing of items as shown below is approximate and subject to change.

County Councillors who are not Members of the Committee but who wish to ask questions at the meeting are asked to notify the Chairman of their questions in advance.

Webcasting Notice

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UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A - Committee Business

- A1 Introduction/Webcast Announcement
- A2 Substitutes
- A3 Declarations of Interests by Members in items on the Agenda for this Meeting
- A4 Minutes of the meeting held on 3 April 2014 (Pages 5 - 10)

B - Any items called-in

C - Any items placed on the agenda by any Member of the Council for discussion

- C1 The Annual report from the Flood Risk Management Committee (Pages 11 - 42)
- C2 Three month report back on the European Select Committee report (Pages 43 - 52)
- C3 The Role of Scrutiny report (Pages 53 - 80)
- C4 Scrutiny Committee input into the Commissioning Select Committee action plan (Pages 81 - 98)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

Wednesday, 4 June 2014

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

KENT COUNTY COUNCIL**SCRUTINY COMMITTEE**

MINUTES of a meeting of the Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 3 April 2014.

PRESENT: Mr R J Parry (Chairman), Mr M Baldock, Mr G Cowan, Mr R H Bird (Substitute for Mrs T Dean), Mr C P D Hoare, Mr P J Homewood (Substitute for Mr E E C Hotson), Mr A J King, MBE, Mr C R Pearman (Substitute for Mr J E Scholes), Mr L B Ridings, MBE, Mrs P A V Stockell and Mr R Truelove

ALSO PRESENT: Mr R W Gough

IN ATTENDANCE: Mr P Leeson (Corporate Director Education & Young People Services), Ms S Dunn (Head of Skills and Employability), Mr R Little, Ms A Gilmour (Kent & Medway Domestic Violence Co-ordinator), Mr S Skilton (Area Manager - CS.), Mr P Sass (Head of Democratic Services) and Mrs A Taylor (Scrutiny Officer)

UNRESTRICTED ITEMS**37. Declarations of Interests by Members in items on the Agenda for this Meeting**
(Item A3)

1. Mr Hoare declared an interest as the Director of a Community Interest Company, Conduit, which sought to get young people into employment.
2. Mr Bird declared an interest as a trustee of the Citizen's Advice Bureau.

38. Minutes of the meeting held on 12 November 2013
(Item A4)

1. RESOLVED that the minutes of the meeting held on 12 November 2013 be approved as a correct record and that they be signed by the Chairman.

39. Minutes of the meeting held on 20 January 2014
(Item A5)

2. RESOLVED that the minutes of the meeting held on 20 January 2014 be approved as a correct record and that they be signed by the Chairman.

40. Minutes of the meeting held on 12 February 2014
(Item A6)

3. Subject to the inclusion of Mr Latchford in the attendees, RESOLVED that the minutes of the meeting held on 12 February 2014 be approved as a correct record and that they be signed by the Chairman.

41. Update Report on the Domestic Abuse Select Committee

(Item D1)

1. Mr Skilton, Head of Community Safety for Kent and Rescue Fire and Rescue Service and chair of Kent and Medway Domestic Abuse Strategy Group, introduced the report and explained that the 14 recommendations had been discussed by the Scrutiny Committee in 2012. A task and finish group had been set up involving all partners assisted by and chaired by Alison Gilmour, Kent and Medway Domestic Violence Co-ordinator. Of the 14 recommendations 12 were green, 2 were amber and none were red, it was a positive report with recommendations being actions.
2. Ms Gilmour explained that Domestic Violence and Abuse was a multi-agency issue which required the involvement of all partners.
3. Members congratulated officers on their report, in response to a question referring to recommendation 11 and the funding gap Ms Gilmour explained that the services commissioned to deliver domestic abuse specific services, such as for children affected by domestic abuse, were overwhelmed and under-resourced. Charity agencies played a large role in delivering services in schools but this relied on funding which was not sufficient therefore there were gaps.
4. A comment was made about the phrase 'stable and average rate' of domestic abuse, this was noted.
5. With regard to the budget gap this would be provided to Members.
6. A question was raised about the engagement with the gypsy and traveller unit and why rates of 'not known' or unreported levels of one stop shops being helpful were high in some areas. Ms Gilmour explained that work had been undertaken with Gypsy and Traveller units with conferences held, involvement with Traveller Times and the strategy did include a piece of work on which groups were difficult to engage with. In relation to one stop shops this information was reliant on the one stop shops providing it, this was not mandatory, but relationships were good and they would be reminded of why the data was requested.
7. One member referred to the total cost to Kent and Medway services in dealing with the effects of domestic abuse and sexual assault which was £317,125,587. However Members were aware that this figure would be higher due to the social impacts. In response to a Member's query about KCC's contribution to this item Ms Gilmour explained that she was the Kent and Medway Domestic violence co-ordinator and although she was based at Police HQ she was employed by KCC.
8. Two Members queried a briefing due to be held the previous Monday, however the Scrutiny Officer clarified that this briefing was due to be a discussion between the three remaining Domestic Abuse Select Committee Members and that no officers had been invited to the briefing.
9. A query was raised about KCC's website and its links to the Domestic Abuse website. This would be followed up.

10. Mrs Cole, the Domestic Abuse Member Champion explained that she had been in her Champion position since last summer, and she had worked on a programme with schools.

11. A Member commented that the strategy should be applauded; success depended on agencies working together and sharing information.

12. A Member commented that this might be an issue that should be taken up by the relevant Cabinet Committee. This would be followed up and reported back.

13 RESOLVED that the Scrutiny Committee:

- i) Thank Ms Gilmour and Mr Skilton for attending the meeting and answering Members' questions and for the excellent work that had been undertaken.
- ii) Welcome the offer to provide further information on the budget gap with commissioned services providing support with domestic abuse.
- iii) Request that the relevant Cabinet Committee receive regular reports back on the issue of Domestic Abuse.

42. Update report on the Apprenticeships Select Committee
(Item D2)

1. The Corporate Director – Education and Young People's Services introduced this item and explained that it was a positive picture for apprenticeships. There has been a slight dip in take up in 2012/13 for 16-18yr olds but this reflected a national trend. Employers were considered to be enthusiastic and keen with good support being offered by the County Council, 150 schools had taken on apprenticeships. The Council's 14-24 strategy provided significant focus with scope for the roll-out of wide ranging apprenticeships becoming more readily available. There was however a need to do more. Support was in place for more vulnerable young people to undertake apprenticeships and there was an expectation that all young people 16-18 would stay in schools or on apprenticeships programmes. There was also a commitment in the troubled families programme to provide additional assistance to vulnerable young people.
2. A member requested a breakdown of the apprenticeship schemes across Kent, it was agreed that this would be provided. It was noted that this could be skewed by a training provider in a locality there could be more apprentices in that area than in others.
3. It was considered difficult to engage with rural businesses and populations with regards to the apprenticeship scheme, a breakdown of rural engagement vs urban engagement was requested, along with an explanation of the steps taken to further engage with the rural businesses. Mr Little explained that the breakdown was to district level, this would be provided. 10-12 engagement events had been held across all the districts to try to engage with harder to reach groups.

4. The majority of the Committee were pleased with report and the improvements in the apprenticeship service offered to young people across Kent, particularly the references to troubled families and vulnerable young people.
5. In response to a question Mr Leeson explained that there were two main reasons why there was a reduction in the takeup of apprenticeship schemes, one was difficulties around training providers no longer being available, the Education Funding Agency (EFA) would not fund places in provider locations which had been judged by Ofsted as inadequate. Another reason was the national shift in the apprenticeship programme; however this was back on track for the future. The funding was subsidised through Government schemes and there was funding available through KCC schemes. It was essential to continue to build strong relationships with employers. There had been changes in national legislation with funding going straight to employers the Council welcomed the stronger involvement in the design of the apprenticeship schemes.
6. One Member commented that, in his opinion, KCC's commitment to apprenticeships was poor, he gave an example from his own division where there had been difficulties with monitoring and other areas. It was proposed that this be discussed with the officers outside of the Scrutiny Committee meeting. Officers were concerned about the example given; it would be followed up, however it was noted that there were a considerable number of contracts which had successfully employed apprentices with a detailed work experience plan.
7. The Council considered it extremely desirable that, where there was the power to award contracts, companies would be expected to employ apprentices across Kent.
8. Members were pleased that some of the recommendations from the Select Committee had been followed at a national level. The Select Committee had heard from BT who used a model which might be useful for Kent to look at further.
9. In response to a question about the quality of advice and guidance provided Mr Leeson explained that Kent was in strong position; however it was understood that not all young people got the most impartial advice but this was improving. An annual careers event had been held at the Kent County Showground which attracted 4000 young people. Schools were increasingly aware that they had to diversify their options and opportunities for young people over 16years. A Member commented that literacy and numeracy skills were important to enable young people to build on the skills needed for their career.
10. With regard to SMEs recruiting apprentices and then not continuing with the schemes, the Council had asked for information on progression rates, it was possible that some companies over recruited and selected the best apprentices to stay on at their companies, and therefore the company did not continue to recruit apprenticeships. It was very difficult to track career

progression in the Kent employment programme, however some work would be undertaken on this.

11. Members were pleased that apprenticeship schemes were being promoted as an alternative to university, it was considered that the Council should have a better idea of where young people were working after completing their apprenticeship scheme. Figures would be provided to Members in relation to KCC's schemes.
12. In relation to the priorities set out in para 6.8 of the Update Report the officer explained that the priorities were those identified across the Local Enterprise Partnership (LEP). It didn't mean that other priorities would not come forward but those in para 6.8 referred to the LEP priorities. This would be reported to the LEP.
13. RESOLVED that the Scrutiny Committee :
 - i) thank Mr Gough, Mr Leeson, Mrs Dunn and Mr Little for attending the meeting and answering Members' questions.
 - ii) welcome the offer of the Corporate Director Education and Young People's Services to provide a breakdown of the apprenticeship schemes across Kent.
 - iii) welcome the offer of the Corporate Director Education and Young People's Services to investigate data relating to Urban vs Rural take-up of apprenticeship schemes.
 - iv) welcome the offer of the Corporate Director Education and Young People's Services to provide information on the career progression of young people who had undertaken an apprenticeship scheme in Kent.

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From: **Mike Harrison, Chairman of the Kent Flood Risk Management Committee**

To: **Scrutiny Committee – 12 June 2014**

Subject: **The work of the Kent Flood Risk Management Committee**

Classification: **Unrestricted**

Summary: This report provides the Scrutiny Committee with an overview of the work of the Kent Flood Risk Management for the period May 2013 to March 2014. .

Recommendation(s): The Scrutiny Committee is asked to note the contents of the report.

1. Introduction

- 1.1 The Kent Flood Risk Management Committee's first meeting following the Local Government Elections took place on 22 July 2013. This meeting elected me as the Chairman.
- 1.2 The Committee's Terms of Reference are set out at **Appendix 1** to this report. The membership of the Committee consists of 8 Members of the County Council. There is also a standing invitation to each of the District Councils and the Internal Drainage Boards in Kent to send representatives to the meetings. I have followed the practice of my predecessor, Richard King in treating these representatives as though they are full Members except for the formal items of business.
- 1.2 The Minutes of the Committee's three meetings are set out at **Appendix 2**. These are very detailed. I summarise the main areas of activity from each of the Committee's events.

3. Committee meeting of 22 July 2014.

- 3.1 The Committee received reports accompanied by presentations on Local Flood Risk Management and the Local Flood Risk Management Strategy; an overview of flood risk in Kent; and Environment Agency Flood Alerts and Warnings. The main purpose of these reports was to enable the new Members of the Committee to familiarise themselves with the areas of work that the Committee was required to undertake. The presentation on Flood Alerts and Warnings was particularly significant, given the events that were to come. The Committee was impressed by the awareness shown by all the agencies at both a strategic and local level of both the risk of flooding and the potential consequences which would need to be grappled with.
- 3.2 The Committee also received an excellent presentation from Christine Wissink and Carolyn McKenzie on the Coastal Communities Project, which reinforced the Committee's understanding of current medium and long term tidal flood risks for Kent, including detailed planning that is very closely linked to our Committee's remit.
- 3.3 The meeting also agreed a series of topics for further consideration at future meetings.

4. Committee meeting on 18 November 2013

- 4.1 This meeting occurred a month before the major storm and flood events struck. The first report considered was an East Kent Flooding Update, prepared by the Cabinet Member

for Community Services and the Emergency Planning Team. This report detailed the national threat and Kent's preparedness to deal with it (both in terms of dealing with an emergency itself and of increasing general levels of awareness). The Committee endorsed the KCC and wider-partnership approach and agreed on the need for "sustained vigilance in the light of recent rainfall and forecast unsettled weather conditions."

- 4.2 The Committee also considered the standing item on Environment Agency Flood Alerts and Warnings as well as a report on the County Council's new responsibilities for sustainable drainage which were expected to commence in the near future.

5. Informal Meeting on 15 January 2014

- 5.1 I invited the Committee Members, our District and IDB colleagues to attend an Informal meeting in order to give an opportunity to discuss the response to the major flooding events that were still ongoing at this time. Many of the officers reporting to the Committee were still in "response mode." The meeting was well attended. It heard contributions from two Cabinet Members (Mr Brazier and Mr Sweetland), the Head of Community Safety and Emergency Planning; the Head of Planning Applications Group; and Kent Highways Services. We were extremely grateful that representatives from Kent Police and Kent Fire and Rescue found the time to attend. Likewise, we were delighted that the Chairman of Yalding Parish Council was able to join us and speak movingly of her community's experiences.
- 5.2 I had made it clear at the outset of the meeting that it would not be appropriate to consider the minutiae of the flooding response. Nevertheless, if there had been areas of broad dissatisfaction, they would have received a thorough airing. What emerged instead was that everyone who spoke expressed deep gratitude and satisfaction for the work of all the partner agencies and all the local volunteers who had responded with commitment and efficiency to the prolonged and serious events during the winter.

6. Site Tour on 11 March 2014.

- 6.1 The Committee Members were very keen to undertake visits which would enable them to gain a better picture of flood attenuation schemes to support their work. On this occasion, we visited three sites in the Ashford area. The first visit was to Hothfield flood storage area, which had made a major contribution to protecting many thousands of homes downstream in Ashford during the period of abnormally high seasonal flows in the River Stour. The Committee Members were able to compare the current water levels with those of a mere two weeks earlier, when the entire area on which they were walking had been completely under water. We noted that the water was automatically released into the River Stour at a rate that did not threaten the town of Ashford downstream.
- 6.2 The Committee then inspected the river restoration work at Goddington Manor. This work had been carried out by the Environment Agency. By profiling the channel and providing obstacles to flow at strategic locations, the EA had managed to get the river to flow at the optimum speed to prevent siltation and provide a better habitat for fish and other aquatic wildlife, which it will be able to maintain in perpetuity.
- 6.3 Lastly, we went to a sustainable drainage system (SUDS) scheme at Singleton Hill, Ashford. We walked the entire route from top to bottom, observing how the different features of the system provided attenuation to prevent flooding, habitat for wildlife and amenity for the development. Many Members considered this visit to be particularly valuable.

7. Committee meeting on 11 March 2014.

- 7.1 The Committee received an oral presentation from Ian Dunn from the Environment Agency, which went into detail about the entire flood response since Christmas 2013. Whilst all Members of the Committee reiterated their appreciation for the work that had been done, a number of issues of concern were also raised. These included the need for the EA and Water Companies to work closely together to ensure that flooded communities did not simultaneously experience such an event as the sewage deluges experienced in Hildenborough and Yalding over the winter; the inconsistencies in the flood warning systems (either in terms of consistency of alert levels or in their frequency); and the complexity of the bidding process for minor flood defence improvements.
- 7.2 The Committee was also very pleased to receive a report from Martin Twyman from the Little Stour and Nailbourne River Management Group. This presentation is detailed in the Minutes at **Appendix 2**. The Committee Members were particularly receptive to the view that the Environment Agency ensure that management of waterways benefitted both flood protection and biodiversity. They were also concerned to hear about the local water quality problems caused by over-pumping of the sewer by the water company.

8. Future events.

- 8.1 The Committee is due to meet three times over the next year. The next meeting is in July 2014 when a representative from Southern Water will be invited to give a presentation, including on the issues described above.
- 8.2 The meeting will be preceded by a visit to the Leigh Barrier.

9. Conclusions

- 9.1 The Committee has carried out its scrutiny function with diligence and enthusiasm. Its Members have participated fully, and their views as set out in the Minutes are conveyed to the relevant agencies for their information.

10. Recommendation

10.1 The Committee is invited to note the content of this report
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Mike Harrison
Chairman of the Kent Flood Risk Management Committee
mike.harrison@kent.gov.uk

Andrew Tait
Democratic Services Officer
01622 694342
andrew.tait@kent.gov.uk

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KENT FLOOD RISK MANAGEMENT COMMITTEE

TERMS OF REFERENCE

7 Members

Conservative: 4; UKIP: 1; Labour: 1; Liberal Democrat: 1.

1. In accordance with the Localism Act 2011 (Schedule 2), this committee is responsible for reviewing and scrutinising the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.
2. This Committee is responsible for:-
 - a) the preparation, monitoring and review (in conjunction with the Flood Risk Management Officer) of a strategic action plan for flood risk management in Kent taking into account any Select Committee recommendations, the Pitt Review and relevant requirements of the Flood and Water Management Act 2010;
 - b) reporting annually (and more often if necessary) to the Scrutiny Committee and to the Cabinet Member for Environment, Highways and Waste;
 - c) reviewing and responding to any consultation on the implementation of the Pitt Review and the future development of the Flood and Water Management Act 2010;
 - d) receiving reports from the Southern Regional Flood and Coastal Committee and responding as appropriate;
 - e) the investigation of water resource management issues in Kent.
3. A risk management authority must comply with a request from this committee for information and a response to a report.
4. The committee may include (non-voting) persons who are not Members of the authority, including representatives of district Councils, the Environment Agency and Internal Drainage Boards.

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KENT COUNTY COUNCIL**KENT FLOOD RISK MANAGEMENT COMMITTEE**

MINUTES of a meeting of the Kent Flood Risk Management Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 11 March 2014.

PRESENT: Mr M J Harrison (Chairman), Mr D Baker, Mr A H T Bowles, Mr R H Bird (Substitute for Mr M J Vye), Dr M R Eddy and Mrs P A V Stockell

IN ATTENDANCE: Mr M Tant (Flood Risk Manager), Mr T Harwood (Senior Emergency Planning Officer) and Mr A Tait (Democratic Services Officer)

ALSO IN ATTENDANCE: Mr P Vickery-Jones (Canterbury CC), Mr T Edwards, Mr J Muckle (Dartford BC), Mr F Scales (Dover DC), Mr A Hills (Shepway DC), Mr G Lewin (Swale BC), Mr H Rogers (Tonbridge and Malling BC), Mr D Elliott Tunbridge Wells BC) and Mr M Tapp (River Stour IDB)

UNRESTRICTED ITEMS**1. Membership**

(Item 2)

The Committee noted the appointment of Mr D Baker in place of Mr G MacDowall

2. Minutes of the meeting on 18 November 2013

(Item 5)

RESOLVED that the Minutes of the meeting held on 18 November 2013 are correctly recorded and that they be signed by the Chairman.

3. Update on the recent floods - Oral report by Ian Nunn from the Environment Agency

(Item 6)

(1) Mr Ian Nunn from the Environment Agency began his presentation by saying that the flood events over the recent winter months had been worse than those of 2000. It had rained incessantly over the entire period. He believed that Kent was the area of the UK most at risk from flooding and that the recent events bore this out. There had been widespread flooding across the County, including a high number of affected properties.

(2) Mr Nunn went on to say that the Flood Incident Room had been open for some 50 days and had only closed at the start of the previous week. Everyone concerned had worked very hard for long periods and he thanked the Committee for having already unofficially thanked all staff for everything that they had done.

(3) Mr Nunn briefly explained that most people registered to receive Flood Warnings rather than Flood Alerts (which called for people to stay alert and vigilant). Often, they were not prepared for the emergency when the Flood Warning came. Fortunately, there had been no risk to life which would have necessitated a Severe Flood Warning.

(4) There had initially been a massive coastal event, which had seen water levels rise higher than they had in 1953 (particularly in places such as Dover and Rye), making it a straightforward decision to close the Thames Barrier. This had been essential to avoid London flooding, but had resulted in significant damage to Kent's tidal defences. Repairs to these were ongoing. Those at Sandwich and Jurys Gap were almost repaired at a cost of some £1.5m to date.

(5) The coastal event had been followed by very heavy rainfall. Between 23 December and 5 January the total rainfall had been some 500% of the usual average for that period. The months of October, December, January and February had all seen rainfall well above the normal average.

(6) Mr Nunn said that the key was "warning, informing and preparing". The highest priority was to get information out to the highest number of people at risk. Operationally, the EA sought to prepare its assets and to link up with its partners in order to ensure that its response was as effective as possible.

(7) Over 1,000 properties had been flooded over the period in question whilst some 40,000 had been protected by the flood defences.

(8) Mr Nunn continued by saying that over 12,000 Flood Alerts, Flood Warnings and Severe Flood Warnings had been issued during the coastal flooding period. Thirteen percent had been unsuccessful. Some 18,000 had been issued in January and February, of which 15% had been unsuccessful. 26,000 Groundwater alerts had been issued in the same period.

(9) The main reasons for Flood Warnings being unsuccessful were people picking up the phone and not listening to the entire message; unobtainable numbers; ringing with no answer; dialled but no ring; and engaged. A great deal of work would need to be undertaken to ensure that as many of the unsuccessful warnings as possible were rectified in the future.

(10) Mr Bird suggested that some people put down the phone immediately because they had already been contacted. He added that he personally had received 4 messages in 10 minutes. Mr Nunn replied that the Environment Agency would be visiting a number of people to gather their views as to why the warnings had not been successful in their case.

(11) Aldington Reservoir had been completely full and Hothfield (which some Committee Members had visited that morning) had been 80% full. Their channels and embankments had been designed to overspill and there had been no imminent danger. Full monitoring of all the data had taken place with officers visiting the reservoirs twice daily.

(12) The Chairman asked whether it would be possible to retain some 40% of the fresh water in the reservoirs in order to replenish aquifers at times when they dried up. This same water could also be released if a flood was imminent. Mr Nunn replied that there was no combined flood protection and water storage reservoir in the county. The problem would be designing the reservoir to hold the required amount of water as well as the amount of water from the potential flood. This would certainly not be impossible.

(13) Mr Nunn showed some pictures of affected areas including the Stour Mouth pump which had worked non-stop for 1,600 hours. He then said that the Medway had been badly affected just before Christmas, particularly in Tonbridge and Yalding. Leigh water storage area had held 25,000³ metres of water. It had been the largest flood water storage area in Europe at the time it had been constructed. The barrier had been operated to allow peak flow for a very short period at some 160m³ per second.

(14) It had also become clear shortly before Christmas that the groundwater levels were rising significantly. Accordingly, a groundwater risk map had been produced to identify those areas where the risk was rising or reducing. There remained a significant risk, particularly in the North Downs area.

(15) Mr Nunn commented that there had been excellent multi-agency partnership working at Nailbourne, including tremendous support from the community. The main issue here was that Southern Water was still discharging some of its sewage into the watercourses.

(16) The Environment Agency was now gathering as much data as possible, including river gauging, damage to assets (the Government had made some money available for asset repair, areas where assets needed to be improved or where new ones were needed. The Government wanted to produce a state of the nation report in April. The Army (200 engineers in the UK) had been employed to walk the entire watercourse, with 15 military personnel inspecting some 12,000 assets on the coast and rivers in Kent and the South London.

(17) Mr Nunn concluded his presentation by saying that overall, the Environment Agency's co-ordination with its partners had worked really well. Everyone had been aware of their roles and knew what they needed to do. Work on assets and removal of blockages was projected to continue into October. Far more Flood Ambassadors had been sent out than in 2000. This had worked out well on occasions but less well on others. Groundwater risk would also continue to be monitored for a number of months. The view was that spring had arrived earlier than usual and that this would help because the plants and trees would draw moisture from the ground and reduce groundwater levels further. It was therefore considered that the most likely end of the groundwater risk would be May 2013.

(18) The Chairman thanked Mr Nunn for his presentation. He recognised that there had been hostile public reaction to the Environment Agency but that this was mainly an expression of understandable frustration which was to be expected, but did not give a true picture of the amount and quality of the work that had been undertaken.

He suggested that some of the difficulties experienced had been the result of the pre-flood power failures and suggested that future presentations could explain this.

(19) Mr Hills said that parts of the Romney Marsh area had experienced the highest water levels ever and were slowly going under water. Pumps had been brought in but had not worked (largely because of the power failures) and the maintenance schedules had not been able to cope. He suggested that the lessons to be learned were that there needed to be more knowledge of the maintenance systems and that storage pumps needed to be held in reserve for a flood event. Mr Nunn replied that this area had largely been affected due to the failure at Jury's Gap in October (which was now being repaired at a cost of some £800k. Water could not be discharged through the outwall, and the repairs could not start all the time that water was seeping under the sea wall during the period of intense rain. The other problem had been the inability to bring pumps in to the area due to the decision of East Sussex CC not to permit closure of the road. Water and sewage levels in the Lydd area had now been considerably reduced.

(19) Mr Nunn commented on the power outage problems. The first of these had lasted several weeks. Following discussions between the Environment Agency and UK Power Networks, a number of power failures had been responded to by UK Power Networks very much more speedily.

(20) Mr Rogers thanked the Environment Agency for the brave way in which they had spoken to the public. The public meetings at Hildenborough and Yalding had been very useful, particularly in the ability of the EA to respond to public anger with facts and figures. The angriest people were those who had initially been flooded by sewage. The Environment Agency and the water companies needed to work closely together to reduce this particular aspect of flooding events.

(21) Mrs Stockell asked questions on behalf of her Yalding constituents. The residents did not consider that the warnings had been adequate. They were sceptical about the EA's ability to operate a national flood warning system in the future. She stressed the need for the data to be complete and accurate in order that the necessary measures could be funded and undertaken.

(22) Mr Baker asked whether the Environment Agency had examined the system in operation in Rotterdam. Mr Nunn replied that some of his colleagues had visited the Netherlands shortly before Christmas in order to observe an exercise involving the public in a village that had installed its own flood defence system. A reciprocal visit had been arranged with some Dutch engineers and discussions were taking place to see if it was feasible to carry out some joint project work.

(23) Mr Bird asked whether it would be possible to invite Southern Water to the next meeting so that they could describe the work they were undertaking to make their sewage systems more resilient. The Chairman agreed that to this request.

(24) Mr Bird said that there was still some confusion over flood warnings. None had been received in Yalding when the Medway was overflowing (the Environment Agency had agreed that a severe flood warning should have been issued), whilst such warnings had been issued on many occasions along the entire course of the

Thames, which had not had any worse events than Yalding had experienced. However, since Christmas he had received a number of unnecessary warnings, including one in respect of the River Tees. Too much information could become counter-productive and people were losing confidence in the system. He believed that a very comprehensive survey was needed to fully justify the cost of the programme of improvements that were needed.

(25) Mr Edwards said that multi-agency work had been undertaken in respect of the Nailbourne (which was still flooding). A suggested programme of minor improvements had been made. The deadline for bids to the Environment Agency for 2015/16 had been brought forward from May to March, which meant that the improvements to the Nailbourne could not take place until 2016/17. Furthermore the bidding schedule had become very much more complex with some 350 columns needing to be filled in. The previous year's schedule had only had 56 columns.

(26) The Chairman asked Mr Edwards to provide him with the pertinent information so that he could raise this issue at the EA Regional Flood Defence Committee.

(27) Mr Tapp said that the public remained confused over the roles and responsibilities of the various agencies in respect of flood warnings, alerts and defence. This led them to blame bodies that were not responsible and also promoted the view that there was official confusion over what should be done. He suggested that KCC would be the ideal body to clarify the roles and responsibilities of the various partners. This should be done both on the website and through other media outlets.

(28) Mr Tant said that the KCC website already explained these matters. Work was now taking place to provide an interactive tool which would enable people to identify the nature of their problem and then direct them to the appropriate organisation. The challenge was to get people to read the relevant pages.

(29) Mr Nunn said that the Environment Agency had previously carried flood awareness work but that this had largely ceased as it had needed to prioritise in the light of reductions in Government funding. Nevertheless, the EA was committed to attending as many public meetings as possible.

(30) RESOLVED that:-

- (a) Mr Nunn be thanked for his presentation; and
- (b) The Committee's heartfelt thanks be recorded to all the agencies and individuals involved in mitigating the recent flooding event be thanked for their dedicated and excellent work.

4. Oral Presentation by Martin Twyman from the Little Stour and Nailbourne River Management Group

(Item 7)

(1) Mr Martin Twyman from the Little Stour and Nailbourne River Management Group gave a presentation *that was accompanied by photographs which appear on the KCC website on the agenda for this meeting*. He said that the Management Group comprised 11 Parish Councils from Lyminge to Stourmouth, the Canterbury region to Sandwich Great Stour as well as many farmers and landowners who had once again been affected by the recent floods. He added that he was also putting forward views held by many other parishioners.

(2) Mr Twyman thanked Ian Nunn and Andrew Pearse and their teams from the Environment Agency as well as various councils. He wished especially to thank Ted Edwards from Canterbury CC. He also thanked other organisations, the Army and the many local volunteers. He said that without everyone pulling together the situation would have been far worse.

(3). Mr Twyman continued by saying that the Management Group had attended a similar meeting after the floods in 2001. Similar warnings and events had been repeated on this occasion. The Nailbourne had started flowing in mid January as it normally did. This was the sixth time this had happened since 2000. This had caused 5 major sewage infiltrations and had led to disgraceful replications of the events of previous years. It was stressful and not acceptable to the local residents in this day and age. These stresses included overpumping by Southern Water into the watercourses, sewage into properties, a continual fleet of lorries throughout the entire 24 hours of the day (although they were doing a necessary job), many road closures and businesses being put out of action. Southern Water had on three occasions undertaken major repairs (some successfully) but these events kept on occurring. It only needed the Nailbourne to flow to find the leakages and breaks. The pumping station at Bekesbourne was again in a terrible state, with the major watercourse blockage through the underpass of the railway line. The villages surrounding Bridge had taken the brunt, and Bridge High Street looked like a war zone.

(4) Mr Twyman then said that consideration needed to be given to a holding area or reservoir in the Upper Nailbourne valley and to the construction of the Broad Oak reservoir, to cope with the fairly regular events of water availability and future water requirements. The Management Group considered that the Nailbourne had three different section. These were Lyminge to Barham; Barham to Littlebourne; and Littlebourne to Seaton. There were many pinch points along each of these sections.

(5). The Environment Agency had constructed the relief channel around Littlebourne and Wickhambreaux after the flooding of 2001. This had been a saviour as it had been successful in avoiding house flooding, and the Action Group was grateful to them and the landowners. There was, however, a major pinch point between Wickham and Ickham Lane as the underpass was not big enough. Major services ran in the road and 5 major pumps had taken the pinch point pressures off the 4 mill sluice structures, which had only just coped. If there had been just two more days of rain there would have been some major flooding. More rain had fallen than ever before, and the Nailbourne flow had risen to 4.5 m³ per second as against the previous flow of 3.8 m³ per second.

(6). Mr Twyman said that he had arranged a boat trip on the Great Stour with Roy Newing, the local MP, Ted Edwards and Paul Marshall (from the Environment

Agency) and the local press in mid December. They had reported that the river was in poor condition and silted up. They had not been able to reach Fordwich from Grove Ferry as the river was not navigable due to fallen trees. The river flow had been less than 50% (although the EA had not agreed with this assessment). The Management Group had immediately warned that there could be serious consequences if river maintenance was not carried out. This warning had duly been borne out.

(7) Mr Twyman said that the Great Stour took flow from the Weald, Ashford, Canterbury, Sturry, Fordwich, with all their housing, businesses, roads and ground works, and that there would be many more of these to consider in the future. Canterbury itself had not suffered too greatly on this occasion. From there downwards the river access could not be seen, and hardly any maintenance had been carried out for many years. The river was silted up. There were major blockages. Major tree surgery was required. The necessary work was not being carried out for Health & Safety reasons or due to red tape.

(8) Mr Twyman continued by saying that when the NRA had merged into what became the Environment Agency, landowners had been replaced by different representatives. As a result, biodiversity had become a major influence, and consequently, river maintenance had ceased to be a priority. Local knowledge and advice were no longer considered and various people with over 50 years' experience had been ignored. The IDB was now in agreement with the Management Group and was carrying out its regular maintenance. The events of the last few months had once again been bad for wildlife, nature, the SSSI and for Natural England. A lot of money and hard work had been wasted.

(9) Mr Twyman then said that due to severe blockages, the Great Stour had overtopped for 200 metres and flooded over 1,000 acres of valuable farm land and crops in the Grove and Plucks Gutter area alone. This area would be under water for at least another two months.

(10) Mr Twyman continued by saying that he believed the Environment Agency would now have to change its priorities and concentrate on managing waterways, getting water away for flood protection far earlier than it currently did, and running the Sandwich Cut for more hours. It should also become far less bureaucratic - a view shared by a number of ground staff. The EA needed to look after people, livelihoods, property, businesses, insurance and costs rather than bureaucratic EC Rules and other environmental schemes. He agreed that such schemes did have value, but it was more important to base decisions on common sense, taking full account of people's views.

(11) Mr Twyman summed up his presentation by saying that the Government was putting funding money aside for environmental schemes. The Management Group had sent letters to the Prime Minister, Mr Pickles and other key people. Farmers were seeing part of their Single Farm Payment being deducted to part fund them. This money now needed to be channelled into managing flood protection, waterways and the countryside. If regular maintenance continued to be neglected, it would cost far more to put everything right. Everyone needed to be positive and look after Kent's country, rivers, properties and residents. He therefore asked for Kent County

Council's support in finding the necessary funds. This would ensure that the county was properly prepared to cope with the next weather event.

(12) Mr Vickery-Jones said that he had attended a meeting organised by the EA at Plucks Gutter. He said that the EA representative at that meeting had tended to express their priorities in the manner described by Mr Twyman.

(13) Mrs Stockell said that she had attended a number of Flood Group meetings including one with the local MP and the Leader of the Council. One of the problems that had been discussed had been that farmers were no longer being required to carry out necessary maintenance work such as ditching. As a consequence, rivers and streams were silting up and ponds were being filled in. These concerns were being taken forward.

(14) Mr Nunn said that he understood the concerns that were being expressed. Some 18 months earlier, the EA had commissioned a survey of the Stour. This had been part of a programme of collating evidence to prove that silt levels were building up. What was now needed was for the EA, other interested parties such as the Action Group and the public to discuss the best way forward. There were areas where silt was clearly building up in the channel. However, he was not in a position to categorically say what impact this was having on the flooding. A second survey had been carried out in October 2013. The results had very recently been released but the analysis had not been completed. He offered to share it widely once this was done. Mr Nunn then said that the 1960s had seen a great deal of concentration on land drainage and food security. In his view, food security was not now a high priority for the Government.

(15) Mr Hills said that the interpretation of wildlife and habitat regulations was currently putting people at the bottom of the pile. This, in turn led to the damage to the very thing that environmentalists wanted to protect. He added that he had recently attended a conference chaired by Lord Smith, in his capacity as Chair of the Engagement Group Romney Marsh. Lord Smith had stated that every case needed to be treated on its merits. This answer had been very encouraging as it indicated that the Environment Agency was slowly moving in the direction of putting the needs of the community first.

(16) Mr Tapp said that, in his view, the Environment Agency had too wide a remit. He suggested that the Minister should be lobbied to separate Flood Defence from the rest of the Agency's work. This would enable the Flood Defence function to stand alone, develop its own priorities and fight its own corner. He then said that one of the problems arising from the Stour not being properly maintained was that the water came out just upstream of Grove Ferry and then spread across the Marshes doing a tremendous amount of damage to wildlife and farming interests, and then needing to be pumped back in again. Some 50 years earlier, the Government had categorised the River Stour as "self-cleansing." Since then, two new catchment areas had been built up, reducing the speed of the waterflow so that the river no longer fitted that category. During the 1970s, there had been a number of droughts, which had raised silt levels. Environmentalists had then added to this problem by seeking to protect the species that were growing on the silt.

(17) Mr Tapp then said that between Sandwich and Fordwich the tidal river was somewhere between 15 and 20k. There was no fall on that river at all. Only a minimal obstruction would be needed to hold the flow up. There were a number of points along this stretch which needed de-silting (rather than dredging) in order that the water could flow out.

(18) Mr Vickery-Jones noted that the Netherlands was spending £4 billion on flood defence as opposed to the £0.5 billion spent by the UK. This led him to the conclusion that the real problem was lack of funding. This was exacerbated by EU Directives on the local environment, diverting funds from the areas where they were most needed.

(19) The Chairman noted that a number of local officer level meetings were taking place. He asked that the Committee be kept informed so that best practice could be widely disseminated.

(20) Dr Eddy thanked the Environment Agency for its work on flood defences in Deal and Sandwich. Although these had not been completed, they had stood up remarkably well to the storm surge. There had been groundwater flooding in Deal (particularly in Canute Road). This had been caused by the inadequate size of the soakaways and the fact that land and sea level were at the same height so that groundwater had nowhere to escape to. These problems had been exacerbated by the decision of Dover DC to turn an area of grassland into a car park. As a result more now water flooded the road than had previously been the case.

(21) Mr Muckle said that Dartford BC had a lot of praise and no criticism for the various agencies' work in what had been an area relatively unaffected by the flood. The exception had been KCC Highways for the way in which it had managed the situation at Bob Dunn Way. He had been highly critical about its lack of preparedness at a meeting of the BC's Scrutiny Committee, particularly as the water level of the lake abutting the road was at the highest level he could remember. The only reason the road remained clear was that water was being constantly pumped away. The Fast Track route had also been flooded, so that the buses had to make their trips through water. The groundwater levels remained high, as did that of the River Thames.

(22) Mr Muckle then said that the problem was not just one of lack of money. There was also a great difference of opinion on how the money that was made available should be used. A decision needed to be taken on the correct course of action and fully implemented thereafter.

(23) Mr Lewin said that KCC's Emergency Planning should be thanked for its response to the crisis. The impact on Swale (at Faversham and Conyer) had been caused by coastal rather than fluvial flooding. He then referred to the closure of the Thames Barrier and said that its impact downriver needed to be discussed in detail on another occasion. He then said that the constant rain had impacted road surfaces and also asked for consideration of the best way to access funds from the Bellwin Scheme of emergency financial assistance.

(24) Mr Tant confirmed said that funding under the Bellwin Scheme had previously required the Local Authority to provide the first £3.3m of funding. This threshold had recently been reduced by the Government in the light of the flooding. It would nevertheless remain a significant financial commitment from the County Council.

(25) On behalf of the Committee, the Chairman thanked the Little Stour and Nailbourne River Management Group for all its work and also expressed the Committee's condolences for all those affected by the floods. He thanked the Management Group for the open invitation to Members of the Committee to attend its meetings.

(26) RESOLVED that Mr Twyman be thanked for his presentation and that the accompanying photographs be sent to all Members of the Committee and posted on the KCC website.

5. Environment Agency Flood Alerts and Warnings and KCC Flood Response activity since the last meeting

(Item 8)

(1) Mr Harwood informed the Committee that the Environment Agency had issued 106 Flood Alerts and Flood Warnings since the previous meeting of the Committee on 18 November 2013. This contrasted with the total of 95 in the whole of 2013. The same period had seen 87 Severe Weather Warnings, as opposed to 42 in 2013.

(2) Mr Harwood said that the whole of Kent had been affected over the period, and that this had been in terms of storm conditions as well as flooding. The extent of power outages, some 28,000 recorded across Kent, had contributed significantly to the problems faced by responders.

(3) Mr Harwood referred to lectures given some ten years earlier by the Insurance Industry in which the prediction had been made that weather patterns were changing and that storms were increasingly tracking from the Atlantic Ocean across the southern UK, instead of the Bay of Biscay and northern Scotland. This prediction appeared to have been borne out by recent events. In a warming world, with increased sea and air temperatures, it was predicted that autumns and winters would become increasingly wet and stormy.

(4) Mr Harwood then said that emergency planning delivery in Kent was changing from the start of the 2014/15 financial year. Ten of the currently thirteen members of the Emergency Planning Team would be seconded to a multi-agency Resilience Team based within the Kent Fire and Rescue Service. KCC Emergency Planning would now consist of Mr Harwood himself and Mr Greg Surtees.

(5) Mr Harwood replied to a question from Mrs Stockell by saying that the creation of the multi-agency Resilience Team, comprising Fire, Police and KCC Emergency Planning, was designed to strengthen the County's ability to respond to emergencies. The Emergency Planning Centre would need to be retained as KCC was the Lead Agency for a number of functions. He said that it would now become

even more important for Managers and other staff across KCC to engage more robustly with the emergency planning agenda to ensure that corporate resilience was maintained.

(6) Mr Harwood went on to pay tribute to the Voluntary Sector whose work across the entire range of responses to the winter severe weather emergencies had been crucial.

(7) Dr Eddy reported that he had visited the local Emergency Centre in Dover shortly after the coastal event had begun. Whilst he had been there, an urgent request had been received from the Police for some of its staff to go to Sandwich. Having done so, these Dover DC staff had neither been given the necessary equipment nor been fed.

(8) Dr Eddy also reported that some of the affected areas in the Dover District (such as East Studdle) had never experienced an emergency such as this before. Overall, the public had been very complimentary about the high quality response from local authority personnel in that area.

(9) RESOLVED that the level of alerts received since the last meeting of the Committee be noted together with comments made during discussion of this item.

6. Local Flood Risk Management and the Local Strategy

(Item 9)

(1) Mr Tant reminded the Committee that the Local Flood Risk Management Strategy had been adopted in June 2013. A review and update of the Strategy had been scheduled for the year-end. Both were progressing well, as set out in the Appendices to the report.

(2) Mr Tant then said that KCC's new role for SuDS was now expected to commence in October 2014.

(3) Mr Tant replied to questions from Dr Eddy by saying that the most significant action to be taken forward in Deal Town was likely to be in Church Road. The Wantsum Channel was a main river. The issue of the Nailbourne was that there were more than just fluvial issues (e.g. groundwater flooding and sewage). KCC's role in this case was to act as part of a multi-agency group. Kent's role in respect of the Wantsum Channel would be similar to this.

(4) In response to a question from Mrs Stockell, the Chairman confirmed that the Review would be considered by the Environment, Highways and Waste Cabinet Committee.

(5) Mr Tapp commented that the amount of wheat lost due to the flooding events amounted to some 8 million loaves of bread.

(6) Mr Bird said that the Natural Trust had estimated that more trees had been lost than in 1987. Many of these were on Council property. Even though they would

fulfil a value flood defence function in their fallen state, they would need to be replaced as living flora.

- (5) RESOLVED that the implications and risks associated with delivering the 2014/15 action plan be noted.

7. Next Meeting

(Item)

- (1) The Committee noted that its next meeting would be held on Monday, 21 July. It would be preceded by a visit to the Leigh Barrier.

- (2) Committee Members also expressed their appreciation of the site tour that had been organised in the morning and asked for a letter to be sent to Mr Nick Sandford at Goddinton House thanking him and the National Trust for welcome them on to the land and for giving his time to demonstrate the river remedial measures that had been put in place.

KENT COUNTY COUNCIL

KENT FLOOD RISK MANAGEMENT COMMITTEE

MINUTES of a meeting of the Kent Flood Risk Management Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Monday, 22 July 2013.

PRESENT: Mr A H T Bowles, Dr M R Eddy, Mr M J Harrison, Mr B E MacDowall, Mr L B Ridings, MBE, Mrs P A V Stockell and Mr M J Vye

IN ATTENDANCE: Mr M Tant (Flood Risk Manager), Mr T Harwood (Senior Emergency Planning Officer), Ms C McKenzie (Sustainability and Climate Change Manager), Ms C Wissink (Coastal Communities Project Officer) and Mr A Tait (Democratic Services Officer)

ALSO IN ATTENDANCE: Mrs J Blanford (Ashford BC), Mr P Vickery-Jones (Canterbury CC), Mr J Muckle (Dartford BC), Mr J Scholey (Sevenoaks DC), Mr H Rogers (Tonbridge and Malling BC), Mr D Elliott Tunbridge Wells BC), Mr A Hills (Shepway DC) and Mr M Tapp (River Stour IDB)

UNRESTRICTED ITEMS

1. Terms of Reference and Membership

(Item 1)

(1) The Democratic Services Officer reported that the non-voting membership of the Committee set out in paragraph 2.2 of the report should be amended to indicate that Mrs Marion Ring was the representative of Maidstone BC and that Mr Anthony Hills was the Shepway DC representative.

(2) The Committee noted its Terms of Reference and membership as set out in the report and as amended in (1) above.

2. Election of Chairman

(Item 3)

(1) Mr A H T Bowles moved, seconded by Mrs P A V Stockell that Mr M J Harrison be elected Chairman of the Committee.

Carried with no opposition

(2) Mr M J Harrison thereupon assumed the chair.

3. Minutes of the meeting on 19 November 2012

(Item 5)

RESOLVED that the Minutes of the meeting held on 19 November 2012 are correctly recorded and that they be signed by the Chairman.

4. Local Flood Risk Management and the Local Strategy

(Item 6)

(1) Mr Tant gave a presentation to accompany his report. The [slides](#) are contained in the on-line agenda papers.

(2) Mr Tant went on to identify the other bodies involved in flooding within the County of Kent. These included the Emergency Services, the Parish and District Councils, neighbouring Authorities, the four Internal Drainage Boards (Lower Medway, Upper Medway, River Stour, Romney Marsh), two sewerage undertakers (Thames Water and Southern Water), the water companies, and the Environment Agency. Mr Tant also identified three standing committees with a flood risk management role (the LGA Inland Flood Risk Management Group, The LGA Coastal Special Interest Group, and the EFRA Committee).

(3) The County Council's role as the Lead Local Flood Authority was to provide a Local Strategy to manage local flood risk (flooding from surface water, groundwater and ordinary watercourses); to investigate flooding; to regulate ordinary watercourses (i.e. not main rivers); to maintain a register of structures and features; and to promote sustainable drainage systems (SuDs).

(4) Mr Tant said that KCC would assume responsibility for the approval and adoption of SuDS once the necessary parliamentary order had been confirmed. DEFRA was currently considering how and when this should happen, as there were a number of complex issues that still needed to be resolved before this could be done. DEFRA's target date was April 2014, but it was by no means certain that this would be achieved.

(5) Mr Vickery-Jones asked what weight the Lead Local Flood Authority carried with the various planning authorities and whether a local planning authority could designate "reserved areas" which would carry weight with a Planning Inspector when a developer appealed against a planning decision. Mr Tant replied that the Lead Local Flood Authority was not a statutory consultee. This meant that Planning Authorities did not have to take account of their advice. He also considered that it might be feasible to designate areas as unsuitable for housing within a Local Plan on flood risk grounds, so long as sufficient evidence could be provided.

(6) Mr Tant identified the areas of greatest flood risk from coastal and fluvial flooding in the County as the Low Weald, Thames Estuary and Romney Marsh. He also explained that some 76,000 homes in Kent were potentially at risk from surface water flooding, which compared to the figure of 54,000 in the second-most at risk county of Essex.

(7) KCC had carried out Surface Water Management Plans. These were studies of local flooding flood risk within the County. They could be high-level evidence gathering studies or in-depth studies which included modelling of the

local flood risk infrastructure. Work on these studies was currently being carried out in Margate, Whitstable and Folkestone.

(8) Mr Tant next turned to the Local Flood Risk Management Strategy. The County Council was required to develop, maintain, apply and monitor a strategy for local flood risk management. Its objectives were to improve the understanding of the risks from local flooding; to reduce the impact of flooding; to ensure that development took account of flood risk; to provide clear information and guidance on the role of risk management authorities; and to ensure that emergency plans and responses to flood incidents were effective.

(9) In response to questions from the Chairman, Mr Tant said that although the Local Flood Risk Management Strategy was required by Law to detail a number of functions and actions, not all of them were relevant in each of the Local Flood Risk areas. Kent's Local Strategy would be reviewed in May 2014, one year after its adoption.

(10) Mr Rogers asked why the map in the Local Strategy identified Paddock Wood as being at risk from flooding but did not do the same for Yalding and East Peckham. Mr Tant replied that this was because the Paddock Wood suffered from persistent local flooding whilst the risk to Yalding and East Peckham came from the main river. The Local Strategy dealt with local flooding, whilst other plans prepared by the Environment Agency covered fluvial and coastal flooding.

(11) Mr Vickery-Jones noted that 90% of Kent's water supply came from aquifers rather than reservoirs and asked whether there was a correlation between those areas at risk of flooding and aquifers. Mr Tant replied that the cause tended to vary from area to area. Groundwater flooding usually occurred after prolonged wet weather, whereas surface water flooding was usually caused by short, intense rainfall.

(12) RESOLVED that the report be noted following full consideration of its contents.

5. Coastal Communities 2150 - Presentation by Carolyn McKenzie, KCC Sustainability and Climate Change Manager
(Item 8)

(1) Ms Carolyn McKenzie (KCC Sustainability and Climate Change Manager) gave a presentation on Coastal Communities 2150 (CC2150). The [slides](#) from this presentation are contained in the on-line agenda papers.

(2) Ms McKenzie said that the purpose of CC2150 was to help communities to develop their own local visions and action plans to decrease their vulnerability and increase resilience to climate and coastal change. She said that some impacts of climate and coastal change were already being felt through severe events such as flooding, severe heat or cold. Preparation for these events was not at the level that it needed to be.

(3) Ms McKenzie said that between the years 1961 and 2006, average temperatures had risen by 1 degree over all four seasons. These years had been characterised by heavy winds and downpours as well as a decrease in summer rainfall.

(4) Ms McKenzie explained that CC2150 was a partnership. It was led by the Environment Agency and involved Kent CC, Hampshire CC, Alterra (a research institute for the green living environment in the Netherlands), Province West-Vlaanderen (Belgium) and the Agency for Maritime and Coastal Services.

(5) Ms McKenzie then set out the risks and opportunities from climate and coastal change. The risks were loss of biodiversity, risk to built infrastructure, risk to flood security, increased frequency of flooding, health complications, increased rates of coastal erosion, shrinking of beaches and loss of landscape value. The opportunities provided were increased tourism, increased regeneration potential, agriculture and biodiversity diversification, renewable energy resources, skills development, economic development, and community building.

(6) Ms McKenzie went on to refer to the Severe Weather Impact Monitoring System that had been developed in Kent. This had revealed that on two weeks' rainfall had fallen during a two hour period on 20 July 2012. Another example of the impact of severe weather had been provided by the London Institute of Hygiene and Tropical Medicine which had revealed that 700 deaths had occurred due to heatwaves in 2013.

(7) CC2150's priority communities in Kent were Romney Marsh, Margate and Cliftonville, and the Isle of Sheppey. The method of delivery was to build knowledge, widen partnership working, develop visions, develop plans, and launch the project within the community. Each of these activities would lead naturally to the next, and the community launch would be the spur to further knowledge building as well as the final act of a project. Examples of practical actions were the development of flood alert systems, water retention and conservation measures and insulation from heat and cold.

(8) Ms McKenzie said that the next steps would be to attend and host events, gather local feedback and to develop the Vision and Action Plans. This would continue the pattern of very good local engagement that had already taken place.

(9) Members of the Committee thanked Ms McKenzie for her presentation and also commented on the excellent awareness-raising work undertaken by Christine Wissink (KCC Coastal Communities Project Manager).

(10) In response to a question from Mr Vickery-Jones, Ms Mckenzie said that the health impacts of climate change were to dramatically worsen environment-related conditions such as asthma.

(11) Ms Wissink replied to a question from Mrs Blandford by saying that a large number of studies had taken place locally, nationally and globally on plants that were able to sustain themselves. This was all part of work being undertaken to identify crops that needed less intensive water usage.

(12) RESOLVED that the presentation on CC2150 be noted with thanks, including the work that is being undertaken on the impacts of coastal and climate change.

6. Overview of Flood Risk in Kent and current issues - Presentation by Tony Harwood, Senior Emergency Planning Officer
(Item 7)

(1) Mr Harwood (Senior Emergency Planning Manager) gave a presentation. The [slides](#) are contained in the on-line agenda papers. He said that 2013 marked the 60th anniversary of the February 1953 East Coast storm surge and the 736th of the Great Storm of February 1287 which diverted the mouth of the River Rother by 15 miles overnight and destroyed the towns of Old Winchelsea and Broomhill (<http://en.wikipedia.org/wiki/Broomhill>) as well as causing economic chaos along the English Channel coastline. It had cost 500 english and 50,000 dutch lives.

(2) Mr Harwood then said that a major multi-agency flood response exercise had taken place on 30 April 2013 based on the scenarios of the 1953 storm surge event. The exercise had been informed by a new study on the effectiveness of existing defences and single and multi-agency contingency plans, whilst also testing the effectiveness of communications, which had been a major flaw in the response in 1953.

(3) Mr Harwood went on to describe some of the features of the 1953 disaster. In that event, loss of life in Erith had mainly occurred through hypothermia rather than drowning – so alerting, evacuation and humanitarian welfare interventions were all being enhanced. There had been significant breaches in the coastal defences at Canvey Island in Essex.

(4) It was important to note that sea levels had risen over the past 60 years. This was not only due to climate change. A second cause was hydrostatic rebound following the end of the last glaciation with land levels rising in the north of the UK, whilst the south was sinking.

(5) Mr Harwood then referred to the Folkestone floods of August 1996 which had seen fire fighters having to use sledgehammers to break down walls to release pockets of floodwater. The flooding had resulted in numerous people being made homeless and, in some cases, destitute.

(6) The year 2000 had seen major flooding in the Medway and Stour Valleys, impacting hugely in Tonbridge, Maidstone and surrounding villages, requiring the setting up of numerous rest centres.

(7) Mr Harwood moved on to explain the need for very sophisticated planning to protect populations that were vulnerable to flooding. Essential work had been undertaken to develop local multi-agency flood plans, multi-agency rapid response catchment plans and reservoir inundation plans.

(8) Mr Harwood replied to a question from the Chairman by saying that the Pitt Review had made 92 recommendations. One of these had called for political oversight of flood planning.

(9) Members of the Committee commented that flood defence work would be strengthened if an annual report on the work of the Kent Flood Risk Management Committee were to be presented to the County Council. Minutes from other Committees regularly appeared as items on the County Council agenda papers and it would be appropriate if this Committee's minutes were added.

(10) Mrs Stockell said that the best way to ensure that the Committee's work was embedded in the County Council's mainstream was for regular reports to be considered by the Environment, Highways and Waste Cabinet Committee.

(11) Mr Tapp asked whether Mr Harwood was in a position to give an assurance that there would be a timely warning if an event such as that of 1996 were to occur. Mr Harwood replied that this was a critical issue addressed by the new rapid response catchment emergency plans and through Severe Weather Advisory Group meetings. Such early warnings were vital in responding to sudden surface water emergencies.

(12) RESOLVED that the report and its implications be noted.

7. Environment Agency Flood Alerts and Warnings since the last meeting - oral report

(Item 9)

(1) Mr Harwood reported that there had been 63 flood alerts and warnings since the last meeting of the Committee in November 2012. These had all been fluvial warnings, bar one for groundwater. He added that the flooding on the Nailbourne near Canterbury had lasted from 22 January to 19 April 2013.

(2) Mr Vickery-Jones asked whether there was a general policy of not housing people in ground floor flats if they lived in flood plains. Mr Harwood replied that this was often but not always recommended by the Environment Agency in their statutory consultee role to District planners. If an area was susceptible to fluvial flooding, it was usually recommended that the ground floor should not contain habitable rooms. Coastal flooding, on the other hand tended to pose more of a risk to the actual structure of a building because of the energy of the event – so coastal defences were prioritised over structural adaptation of individual buildings.

(3) RESOLVED that the report and its implications be noted.

8. Future Committee Topics

(Item 10)

(1) Members of the Committee considered a report suggesting future topics for its consideration. It was recognised that a number of the items which appeared in the report would require an invitation for a speaker to come to the meeting. Additional topics suggested were:-

- the role of the Police, Fire and Social Services;
- the impact of farming;
- working with Medway on planning in the flood plains;
- the latest thinking of the Environment Agency and the funding available to it;
- highways, drainage and flooding as they relate to railways;
- coastal erosion and risk management as it relates to Dungeness Power Station.

(2) The Chairman's suggestion of a day to be set aside for site visits was agreed.

(3) RESOLVED that the topics set out in the report and in paragraph (1) above be agreed for future meetings together with the possibility of an additional day being set aside for site visits.

9. Date of next meeting - Monday, 18 November 2013

(Item 11)

The Committee noted that its next meeting would be held on Monday, 18 November 2013.

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KENT COUNTY COUNCIL

KENT FLOOD RISK MANAGEMENT COMMITTEE

MINUTES of a meeting of the Kent Flood Risk Management Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Monday, 18 November 2013.

PRESENT: Mr M J Harrison (Chairman), Mr A H T Bowles, Dr M R Eddy, Mr G Lymer (Substitute for Mrs P A V Stockell), Mr B E MacDowall, Mr L B Ridings, MBE and Mr M J Vye

IN ATTENDANCE: Mr M Tant (Flood Risk Manager), Ms B Buntine (Sustainable Drainage Engineer), Mr T Harwood (Senior Emergency Planning Officer), Mr M Salisbury (Emergency Planning Team Leader) and Mr A Tait (Democratic Services Officer)

ALSO IN ATTENDANCE: Mrs J Blanford (Ashford BC), Mr J Muckle (Dartford BC), Mr J Scholey (Sevenoaks DC), Mr A Hills (Shepway DC), Mr G Lewin (Swale BC), Mr H Rogers (Tonbridge and Malling BC), Mr D Elliott Tunbridge Wells BC) and Mr L Cooke (Romney Marshes Area IDB)

UNRESTRICTED ITEMS

10. Minutes of the meeting on 22 July 2013

(Item 3)

RESOLVED that subject to some minor textual amendments, the Minutes of the meeting held on 22 July 2013 are correctly recorded and that they be signed by the Chairman.

11. Dates of meetings in 2014

(Item 4)

(1) The Committee agreed the following meeting dates in 2014:-

- (a) Tuesday, 11 March 2014;
- (b) Monday, 21 July 2014;
- (c) Monday, 17 November 2014.

(2) The Committee agreed in principle to Mr Tant's proposal that its March meeting should encompass a tour of the Hothfield Flood Storage reservoir, the restoration works on the Great Stour at Godinton Park, and the drainage at Singleton Hill. As these sites were all in Ashford, the Committee meeting itself would be held in a suitable venue in the neighbourhood.

12. East Coast Flooding Update

(Item 5)

(1) Mr Mark Salisbury (Emergency Planning Team Manager) began his presentation by setting the background. Kent's coastline was some 525 km in length. Tidal and coastal flooding was a key risk for the Kent region. January 2013 had seen the 60th anniversary of the East Kent Flood which had killed over 300 people in the UK whilst affecting a great number of homes, leading to large scale evacuations. Some 46,000 farm animals had also died as a consequence of this event and the overall estimated cost had been between £40k and 50k. This would equate to £5 billion if the same event were to be repeated today.

(2) Mr Salisbury went on to say that coastal flooding continued to be a "tier one risk" which required a co-ordinated and resilient response across a large number of Local Resilience Forums (LRF) with the ability to co-ordinate national resources.

(3) Mr Salisbury stressed the need for timely and accurate weather predictions as well as other intelligence which would inform the decision-making process and the co-ordination of national resources where they were most needed. A crucial aspect of local preparation work was the ability to warn the general public, complementing the prior work of increasing its understanding of what should be done in the event of an emergency. To this end, a multi-partnership Information Group was in operation, chaired by Mr Salisbury himself.

(4) Mr Salisbury moved on to describe the national threat. An East Coast Flood (ECF) event had a 0.5% chance of occurring between September and April in any given year. It had been estimated that such an event could lead nationally to up to 400 fatalities and 11,000 injured with some 297,000 residents affected (of whom about 20% would be likely to require assistance with evacuation). It was anticipated that 357,000 buildings would be affected, including 224,000 residential properties. The overall cost of damage to property would be over £23 billion. People would be stranded over a large area with 11,000 people in need of rescue or assistance over a 36 hour period. A further 107,000 people in caravan and camping sites would be affected during the high season, together with nearly 5,000 km of roads and 423 bridges and fords.

(5) Mr Salisbury then said that there would be five broad phases in the management of a major ECF event. These would be Early Warning (Kent would receive 5 days warning); an Assessment phase; a preparedness phase; the Impact itself; and the Recovery phase.

(6) Mr Salisbury turned to the question of Kent's preparedness for an ECF event. He said that 200 people had attended the East Coast Flooding Workshop in April 2013. These had included Emergency Planning Officers from KCC and representatives from the District authorities.

(7) The Environment Agency had developed flood data and mapping to support the planning for evacuation and critical infrastructure in an ECF event which would affect some 12,500 properties in areas such as Dartford; the

Thames Estuary; the Isle of Sheppey, Faversham, Graveney Marshes, Seasalter and Swalecliffe; the Sandwich, Deal, Romney Marsh area; and (indirectly) Dover Port. This did not include mobile homes of which there were 10,000 in Shepway District alone.

(8) Mr Salisbury outlined the next steps. The Kent Resilience Forum would be involved in a joint exercise with the Essex Resilience Forum in January 2014 to test ECF preparedness. Meanwhile the KRF Public Warning and Informing Group had produced a public booklet entitled "Are You Ready." This was due to be launched in January 2014. It would be sent to every household with e.versions being placed on the KCC and all District Council websites.

(9) Dr Eddy noted that the next steps were due to take place in January 2014. He asked how prepared the county would be if an ECF event were to happen before then. Mr Salisbury replied that an East Coast Flood surge inundation would happen between the months of April and September. Kent had only recently been identified as an area at risk. The steps described demonstrated that the risk of an ECF event was now being taken very seriously at a national level.

(10) The Committee asked for feedback at its next meeting from the joint exercise with the Essex Resilience Forum, and from the bespoke Dft/Defra ECF workshop.

(11) RESOLVED that:-

- (a) the potential level of the threat that an East Coast tidal surge could pose to the communities, infrastructure, environment and economy of Kent be noted; and
- (b) the KCC and wider-partnership approach be endorsed as outlined in the report.

13. Environment Agency Flood Alerts and Warnings and KCC Flood Response activities since the last meeting

(Item 6)

(1) Mr Harwood said that there had been 38 flood alerts in Kent between the months of January and October 2012. The overall figure for 2012 had been 87. This demonstrated that the winter months were by far the most concentrated time for such events. The total figure for flood alerts up to this point in 2013 was 40.

(2) Mr Harwood then said that work with other agencies had continued to take place and that overall resilience was improving.

(3) Mr Harwood referred to the East Kent tidal surge on 10 October 2013 which had triggered a high state of readiness and multi-agency liaison but had not led to a Severe Weather Warning because its occurrence had not conflicted with high tides.

(4) The St Jude's Day storm on 28 October 2013 had caused power outages which had led to a need to put humanitarian support interventions in place.

(5) In response to a question from Mr Vye, Mr Harwood said that early warnings of Severe Weather were usually received 4 to 5 days before the event occurred. This enabled the necessary planning to be put in place. It was essential that public warning and information and evacuation measures avoided generating any unnecessary panic.

(6) Mr Harwood then said that flood risk response planning was focussed on the less well defended areas, rather than areas with robust coastal defence structures, which he described as "superb." He also explained that if a breach of the flood defence structures should occur during a flood event, a dynamic approach to evacuation and temporary repair would be expedited.

(7) The Committee asked whether future reports on this matter could display the statistical information in tabular form.

(8) RESOLVED that the level of alerts received since the last meeting of the Committee be noted together with the need for sustained vigilance in the light of recent rainfall and forecast unsettled weather conditions.

14. Flood and Water Management Act and Sustainable Drainage

(Item 7)

(1) Ms Buntine gave a presentation on KCC's responsibilities under Schedule 3 of the Flood and Water Management Act and its future duties in respect of Sustainable Drainage approval. She said that the law, once commenced, set out that construction work with drainage implications could not be commenced unless a drainage system for the work had been approved by the approving body (in this case KCC). The approving body (SAB) had to grant permission if it was satisfied that the drainage system complied with National Standards for sustainable drainage.

(2) Ms Buntine explained that sustainable drainage elements could be landscaped or hard-engineered, and that they aimed to mimic natural processes.

(3) Ms Buntine turned to the drainage approval process, which began with pre-application consultation before an application either to the Local Planning Committee or, directly, to the SAB. The drainage approval process ran parallel to and independently of the planning process.

(4) Mr Scholey asked how much consultation had taken place between KCC and the District planning authorities in respect of the arrangements. He also asked for clarification on whether a District planning authority could decide to reject the SAB's advice in respect of planning applications. Ms Buntine replied that it was acceptable for a planning authority to disregard the SAB's advice when determining a planning application, given that the SAB was a statutory consultee to the planning process. It remained the case that the SAB would exercise its role in respect of the drainage approval process.

(5) Ms Buntine then considered the role of SABs in detail. Their first task was to respond to pre-consultation by assessing applications against a number of principles designed to ensure that surface runoff was managed both on the surface and at its source wherever it was practical and affordable. These principles were assessed against the criteria of drainage hierarchy, peak flow rate and volume, water quality and function. The second task was to ensure compliance with national standards by issuing technical approvals and carrying out adoption inspections. Lastly, they would adopt specific SuDS and carry out ongoing maintenance.

(6) Ms Buntine briefly set out the roles of the various KCC Departments in delivering the SAB role and then explained the financial implications. It was intended that the role would be self-funding through application fees and inspection costs. There remained, however, a lack of clarity over maintenance cost recovery.

(7) Ms Buntine described the Defra implementation timetable which would culminate with the legislation being laid before Parliament in January 2014 with the intention of commencing in April 2014. KCC would undertake a series of District workshops in the New Year. SuDS would be promoted through pre-application advice and workshops with developers.

(8) Ms Buntine summed up her presentation by saying that the Flood and Water Management Act 2010 gave KCC a statutory duty to approve, and in certain circumstances, adopt and maintain drainage systems for new developments. KCC already had a strong skill set in flood management and drainage which would be built upon to deliver the SAB role. It was expected that the SAB would be self-funding through pre-application charges, application fees and maintenance fees, although the charging and fee structure had not been fully announced by Defra.

(9) Dr Eddy asked how the establishment of SABs would link with the work of local district planning authorities and whether there was a danger that local knowledge of drainage conditions would be undermined by national standards. Ms Buntine replied that SABs would need to carefully explain their needs and expectations to local planners. At the same time, they would need to ensure that local knowledge was fully taken into account. The Act did not specify that planning authorities needed to be consulted, but she considered it to be fundamental that they were.

(10) In response to a question from Mr Vye, Ms Buntine confirmed that there was an ability to appeal against a SAB decision.

(11) Ms Buntine replied to a question from Mr Muckle by explaining that implementation would be phased, starting with major applications for more than 10 homes or greater than 0.5 ha, moving to minor and permitted developments over 100m² in size after three years.

(12) Ms Buntine agreed with Mr Scholey's comment that elected members from District Councils needed to be included in the consultation process. She agreed that KCC should consider the option of offering to give presentations at or before District Council Planning meetings.

(13) Mr Rogers commented that there would be a great deal of duplication of roles as Planning Committees already had the responsibility of considering drainage implications. He noted that KCC had the option of delegating the role to another public body and asked why this option had not found favour. Ms Buntine replied that although the function could be delegated, this did not apply to the actual responsibility. Consequently, there would need to be oversight. Mr Tant added that only one of Kent's Districts had indicated that it had the capacity to take these duties on.

(14) Mr Hills commented that he did not believe that the Districts and IDBs had sufficient manpower to fully carry out this new responsibility. He considered that standards and consistency would best be maintained if KCC as the only Kent-wide authority carried out the role.

(15) Mr Cooke said that the IDBs wished to be consulted not only for proposed developments in their own areas but also for those in their wider catchment areas.

(16) Mr Lewin said that it was important to have service levels defined within a memorandum or service agreements in order to ensure a clear communication channel between the District authorities and the SAB. This would ameliorate the risk of the local planning authorities seeing some of their spatial planning powers eroded, whilst also enabling effective consultation during the preparation and review of Local Plans.

(17) RESOLVED that KCC's new responsibilities under Schedule 3 of the Flood and Water Management Act with respect to Sustainable Drainage approval be noted, together with comments made during consideration of this matter.

By: Mark Dance, Cabinet Member for Economic Development
Barbara Cooper, Director of Economic Development

To: Scrutiny Committee

Date: 12 June 2014

Decision No: 14/00060

Subject: KCC Select Committee Report: 'Maximising the Benefits from Kent's European Relationship' – Action Plan

Classification: Unrestricted

Summary

The Action Plan at **Annex 1** of this paper summarises the key actions for taking forward the recommendations of the EU Select Committee on Kent's European Relationship.

1. Background

- 1.1. Cabinet received a report of the Cabinet Member for Economic Development, containing the final report of the Select Committee on Kent's European Relationship for consideration at its meeting held on 24th March 2014. Cabinet resolved to recommend to County Council that officers and witnesses be thanked and comments from County Council be welcomed.
- 1.2. At its meeting on 27 March 2014, full council considered and held a discussion on the same report. This was accompanied by a report giving an initial response by the Portfolio Holder and responsible Directorate to the findings and recommendations of the Report.
- 1.3. The formal response of the Executive is presented in the form of an action plan.

2. Action Plan

- 2.1. The table at **Annex 1** to this report comprises an Action Plan of key proposed actions for taking forward the Select Committee Recommendations, together with timescales. Some of these actions are already being implemented, whilst the latest developments in respect of some of the key recommendations are as follows:

Maximising EU funding, activity and projects (R1)

- 2.2. As shown in the table below, subject to adequate resourcing (see 2.7 below), a challenging, but achievable target for the amount of funding that might be secured for KCC and Kent from EU 'Territorial' (i.e. geographically defined) programmes is £100 million over the period 2014 – 20.

Territorial Programmes	Total amount of Funding (€m)	Potential funding opportunity for Kent
Interreg VA '2 Seas' Cross-Border Co-operation	€200	£15 million
Interreg VA 'Channel' Cross-Border Co-operation	€150	£5 million
Interreg VB North West Europe (NWE) Transnational Co-operation	€350	£5 million
Interreg VB North Sea Region (NSR) Transnational Co-operation	€150	£3 million
Interreg VC Interregional Co-operation	€360	£2 million
South East LEP SU Structural and Investment Fund (SIF)	€185	£70 million
Total	€1,745	£100 million

- 2.3. In seeking to maximise EU funding it is important to stress that all projects must support the achievement of KCC's business priorities and be capable of achieving significant impacts. In this regard all bids will be assessed for their forecast output and outcomes against the level of funding to be attracted.

- 2.4. International Affairs Group is already working with Directorates and other organisations to highlight the EU opportunities from the new programming period 2014-20. This is aimed at establishing a pipeline of projects to enable bids to be submitted as soon as the programmes come on stream, most of which are unlikely to be approved before the end of 2014 (although the Interreg '2-Seas' Programme and its First Call for Projects will be launched in November 2014). Therefore, whilst the broad priorities of most of the programmes have now been established (in particular for research & innovation; SME competitiveness; low carbon economy; social inclusion and education & skills) we are still awaiting the detailed specifications and application forms to enable full project proposals to be worked up. It also needs to be borne in mind that there are likely to be 2 or 3 bidding rounds per annum for each of the programmes until 2020. This will enable further ideas to come forward in addition to those currently being developed by Directorates.

Partnership Development (R3)

- 2.5. KCC signed a Memorandum of Understanding in Ypres on 28 March 2014 with the Province of West Flanders which has been one of KCC's key European partners for more than 10 years. This will support the development of future EU-funded projects in a range of activities of mutual importance. These include the Food Industry; Clean Technology; Logistics, Business/Entrepreneurship and Tourism (including special attention to Commemoration of the Great War).
- 2.6. Other current developments include the strengthening of our links with the Regional Council of Nord-Pas de Calais, including co-location of Kent's Brussels Office within new premises currently being acquired by the Region in Brussels. As well as providing a saving on the rental cost of the current office, the arrangement will be strategically advantageous to KCC in terms of future joint EU project development.

Hardelot Centre (R4)

- 2.7. A Full Options Paper, plus associated business cases and relevant facts and figures, particularly in relation to a possible Joint Venture, is currently being prepared. The business case will include clarification on the Centre's legal status under French law.

Resourcing (R6)

- 2.8. The Select Committee recognised the key importance of prioritising and committing human and financial resources (including meeting match-funding requirements) to securing EU funding if the county's participation is to be maximised. An initial specification has been drafted for a potential European Project Facilitator based in IAG to support KCC Directorates in project development and bid writing. This might be supplemented by 'call-off' consultancy arrangements for specific initiatives (especially in respect to EU thematic programmes such as Horizon 2020 for innovation). The Select Committee's suggestion to establish lead roles for EU funding in each of the Directorates is also especially welcome.

Ashford International (R10)

- 2.9. Since the Select Committee's report, the EU Interreg IVB Steering Committee has approved and committed funding worth £260,000 for the 'Ashford Spurs' signalling project. This is aimed at ensuring that international trains can continue to access Ashford International Station. Together with a similar amount secured from UK sources, this EU grant meets the estimated cost of Phase 2 of the project (planning and design) and paves the way for a subsequent approach to Ministers at DFT for Government funding for the implementation of the project (estimated at £1.6

million). In this regard, IAG is currently instigating the scope for securing some of this funding from the EU's 'Connecting Europe Facility'.

Recommendation

The Scrutiny Committee is asked to discuss and agree the actions as set out in the implementation plan at Appendix 1.

Report Author:

Ron Moys
Head of International Affairs Group
01622 221943
ron.moys@kent.gov.uk

Recommendations of the KCC Select Committee Report: ‘Maximising the Benefits from Kent’s European Relationship’

ACTION PLAN

Select Committee Recommendations	Key Proposed Actions	Timescales
<p>R1 That:</p> <ul style="list-style-type: none"> • International Affairs Group (IAG) works to maximise funding, activity and projects from the South East Local Enterprise Partnership’s (LEP) European Programme and supports the commissioning process for KCC, Kent and Medway projects through that programme • The LEP delivery architecture includes the involvement of an appropriate rural organisation so that the rural priorities of the county will be pursued as an integral part of Kent and Medway’s overall objectives for growth. • KCC lobbies central government to ensure that it accesses appropriate EU national funding streams for rural issues and the EU Solidarity Fund in relation to recent floods 	<ul style="list-style-type: none"> • We will work with our LEP partners and government to ensure that governance processes, including commissioning, project selection and partnership arrangements, enable Kent and Medway to maximise their funding from the SELEP programme • IAG to highlight opportunities to KCC Directorates and other organisations • We will develop bespoke ‘Opt-in’ arrangements with UKTI South East for the delivery of business support services and with other agencies, such as SFA and MAS, where appropriate • We will secure appropriate Kent & Medway rural representation on the SELEP EU Delivery Group, and develop a new EU Rural Development LEADER programme for East Kent • We will seek funding for rural activities from the EAFRD under the SELEP EU programme (KCC also wrote to DCLG in January 2014 urging the government to explore an application to the EU’s Solidarity Fund in respect of flood damage). 	<p>March – December 2014</p> <p>March – December 2014</p>

<p>R2 That:</p> <ul style="list-style-type: none"> International Affairs Group (IAG) updates KCC's International Strategy: 'Global Reach Local Benefit' in concert with the Local Enterprise Partnership EU Structural Investment Funds Strategy for the South East and the Kent and Medway Local Growth Plan, taking account of and noting the recommendations of this report and that In addition, IAG produce or commissions EU funding guidance for the 2014-20 funding programme. 	<p>We will revise the International Strategy to reflect the recommendations of the Select Committee, as well as incorporate new opportunities from the new programmes Structural Funds 2014-20, business and trade activities, and the refocusing of the Hadelot Centre and Kent Brussels Office</p> <ul style="list-style-type: none"> A Guide to Key Thematic Programmes has been produced (February 2014). This will be revised to incorporate the other new programmes, such as Interreg, once they are finalised. 	<p>September 2014</p> <p>Feb– December 2014</p>
<p>R3 That:</p> <ul style="list-style-type: none"> International Affairs Group prioritises its partnership development function, increasing its capacity to maintain and develop the relationship with local and European partners; businesses and Members of the European Parliament in the South East to maximise the potential for EU funding. 	<ul style="list-style-type: none"> Staffing of the Hadelot Centre (See R4) will be restructured to enable the current Acting Manager to fulfil her core function as IAG's European Partnerships Manager KCC will sign an MOU with West Flanders as a key partner in the new EU programming period 2014-20 The Kent Brussels Office will relocate to the offices of Nord-Pas de Calais, our most longstanding European partner, as part of a strengthened relationship with NPDC (see R5 below). 	<p>October - March 2014</p> <p>Completed</p> <p>November 2014</p>
<p>R4: That</p> <ul style="list-style-type: none"> The Hadelot Centre is developed as a flagship link between South East England and Northern France: that solutions are sought for an increase in accommodation to enable a diversification of use (with a focus on language skills, cultural awareness and exchange) to foster Anglo-European partnerships and maximise trading opportunities for Kent businesses in Region Nord-Pas de Calais and further afield. 	<ul style="list-style-type: none"> A Full Options Paper including associated business cases and relevant facts and figures to be prepared. 	<p>July 2014</p>

<p>R5 That:</p> <ul style="list-style-type: none"> The role of KCC's Brussels Office is strengthened and refocused towards policy, influencing and the provision of guidance to KCC and Kent organisations with a particular emphasis on accessing EU Thematic funding and new Interreg funds for the benefit of Kent and its residents. 	<ul style="list-style-type: none"> The Brussels Office will developed a detailed Work Programme and engage further with Directorates and reflect key corporate priorities in its work programme, in particular those that can be progressed through EU policy or funding activities. A hub for project development will be created with Nord-Pas de Calais Regional Office in Brussels, focusing particularly on thematic programmes such as Horizon 2020, Erasmus+ and the Connecting Europe Facility. A programme of seminars in Brussels on Kent's policy objectives will build on key partnerships and opportunities for project development. 	<p>Ongoing</p> <p>November 2014</p>
<p>R6 That:</p> <ul style="list-style-type: none"> KCC ensures it has sufficient staff resources to optimise the development and implementation of EU funded projects (with, as a minimum, a leading role in each of the three new directorates). 	<ul style="list-style-type: none"> An assessment of resource needs will be carried out including the potential for 'call-off' arrangements for bid-writers and the recruitment of a European Project Facilitator within IAG to support KCC Directorates with project development, technical support, bid-writing support and project implementation. 	<p>July 2014</p>
<p>R7 That:</p> <ul style="list-style-type: none"> KCC ensures International Affairs Group and EU project officers are enabled to take advantage of free/low cost communication options (e.g. Skype) in order to maximise cost effective communication/engagement opportunities with EU partner organisations. 	<ul style="list-style-type: none"> IAG will use such options wherever available and feasible. 	<p>Ongoing</p>

<p>R8 That International Affairs Group and KCC as a whole:</p> <ul style="list-style-type: none"> • Seek to raise further the profile of Kent’s international work to date and of the future opportunities from EU funding • With local partners, seek creative ways to publicise successful EU funded projects in Kent/within the South East Local Enterprise Partnership area, including through the building in of publicity measures and costs into future funding bids as part of the projects’ communication strategies. 	<ul style="list-style-type: none"> • Directorates will be supported to strengthen the publicity element of their projects and Corporate Communications utilised more effectively to publicise EU project success stories. 	Ongoing
<p>R9 That KCC seeks, through EU project work, partnerships and trade development activities:</p> <ul style="list-style-type: none"> • To maximise export opportunities for Kent businesses, aiming to close the 2% gap between businesses that export in Kent and Nationally • To promote Kent as an attractive location for businesses in Europe and further afield 	<ul style="list-style-type: none"> • KCC will continue to play a strategic role in coordinating International Trade support activity through the Kent International Business (KIB) initiative. • IAG will progress ‘Opt-In’ arrangements with UKTI South East which provide value for monthly and are tailored to deliver our local priorities and meet local business needs. • IAG will develop and submit a bid for a follow-up project (‘ISE’ - Innovative Sector Exchange) to the successful “2 Seas Trade” project under the new Interreg programme 2014-20. 	<p>Ongoing</p> <p>June 2014</p> <p>September – December 2014</p>
<p>R10 That:</p> <ul style="list-style-type: none"> • KCC continues to make the case for improved international rail connectivity at both Ashford and Ebbsfleet, supported by the business case for Transmanche Metro which is due to be published later this year. • The Select Committee would like to express strong support for the Ashford Spurs signalling project for 	<ul style="list-style-type: none"> • KCC will follow up the Strategic Business Case submitted to government for investment at Ashford station • Kent Brussels Office and KCC transport officers will seek financial support from European programmes for Phase 2 of the Ashford Spurs development. • Following meetings with Network Rail and the 	<p>Ongoing</p> <p>Completed*</p>

<p>which KCC is the lead authority, and which is at an advanced stage of development with most of the funding committed for the planning and design stage, since Ashford must be assured of future international rail connectivity in order to benefit the people of Kent and Kent businesses.</p>	<p>European Commission in May 2014, the feasibility of a bid to the EU's Connecting Europe Facility will be examined for funding the implementation phase of the project.</p> <ul style="list-style-type: none"> • KCC will continue to make the case to Eurostar for the further use of Kent's International Stations. 	
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*On 9 April 2014, the Interreg IVB North West Europe Steering Committee approved the commitment of £260,000 from the programme to fund Phase 2 (planning and design) of the Ashford Spurs project. Together with £260,000 from UK sources, this will meet the estimated costs of Phase 2 and pave the way for the implementation phase.

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By: Peter Sass – Head of Democratic Services
Richard Parry – Chairman of the Scrutiny Committee

To: Scrutiny Committee – 12 June 2014

Subject: The Role of the Scrutiny Committee

Summary: This report is intended to act as a discussion document to help shape the future role of the Scrutiny Committee.

1. Background

1.1 Following the informal discussion about the role of the Scrutiny Committee on 3 April 2014, the Chairman agreed that this report be submitted to the Committee to give Members a more formal opportunity to discuss the role of the Committee and examine the Committee's ways of working and areas which are working well as well as areas that could be improved.

2. Legislative background

2.1 The Centre for Public Scrutiny (CfPS) defines scrutiny as:

“an independent function led by local elected councillors that works with local people and other local bodies to improve services. It makes recommendations to the Council's Executive to bring about these improvements”.

2.2 Overview and Scrutiny Committees (OSCs) were introduced by the Local Government Act 2000 and councils operating a Leader and Cabinet system (or a hybrid system as in Kent) are required to have at least one Overview and Scrutiny Committee, which is composed of Members not on the Cabinet. Under the Local Government Act 2000, the OSC must have the following powers:

- (a) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
- (b) To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive;
- (c) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;

- (d) To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
- (e) To make reports or recommendations to the authority or the executive with respect to matters which affect the authority's area or the inhabitants of that area; and
- (f) In the case of the OSC or committees of an authority to which section 7 of the Health and Social Care Act 2001 applies, to review and scrutinise, in accordance with regulations under that section, matters relating to the health service (within the meaning of that section) in the authority's area, and to make reports and recommendations on such matters in accordance with the regulations.

2.2 Section 9F states that the power of an OSC to review or scrutinise a decision made but not implemented includes power:

- (a) to recommend that the decision be reconsidered by the person who made it; or
- (b) to arrange for its function to review or scrutinise a decision made but not yet implemented to be exercised by the authority.

2.3 The Localism Act 2011 brought in a number of changes for local government. For scrutineers, the principal changes are a consolidation of existing scrutiny legislation, which is now all located in a new Part 1A of the 2000 Act. Of particular note are the following provisions:

- (a) OSCs may co-opt members from outside the authority (as non-voting members) (Section 9FA)
- (b) Attendance to answer questions (Members of the executive and officers may be required – this confers a duty to attend); others may be invited. (Section 9FA)
- (c) County and Unitary Authorities must designate a Scrutiny Officer to promote the role of overview and scrutiny; support OSCs; and provide advice to officers and Members about OSCs. The designated Scrutiny Officer cannot be the Head of Paid Service, the Monitoring Officer or the Section 151 Officer. (Section 9FB). In Kent, the Head of Democratic Services is the designated Scrutiny Officer.
- (d) OSCs can require the authority or the executive to consider and respond to recommendations indicating what if any action the authority or executive proposes to take. This response should be published and provided within 2 months. (Section 9FE)

(e) Partner Authorities are required to “have regard to” reports and recommendations from OSCs. (Section 9FF)

2.3 As can be seen from the statutory provisions outlined above, the role of the OSC is much wider than purely a call-in committee for executive decisions. The Terms of Reference of KCC’s Scrutiny Committee are attached at **Appendix 1**.

3. The working relationship between the Executive and the Scrutiny Committee

3.1 The Scrutiny Committee should provide, through strong leadership by Members, a good environment for the constructive challenge of decision-makers. The Chairman should foster discussion and encourage all concerned to be involved in the process, whilst ensuring that all opinions are expressed in a constructive matter that contributes to the intended outcome of the process.

3.2 The Centre for Public Scrutiny advises that if scrutiny is to be at its most effective, becoming a “critical friend” of the Cabinet, it is important that it stays separate from party politics. One of the Centre’s policy briefings states that:

“Scrutiny’s remit is neither to act as an appreciation society nor to provide political opposition for the Council’s Cabinet. It works best if it is able to side-step the dividing lines between political parties. Scrutiny is and always should be regarded as a party politically impartial forum. That is not to say that scrutiny committee members should be encouraged to think and act apolitically. Councillors are elected politicians and it would be unreasonable to expect them to leave their points of view, values and beliefs at the committee room door. Issues being discussed by scrutiny will be inherently political. The skill...is to channel political debate in such a way that it is evidence-based, positive and constructive”.

3.3 In relation to an item being considered by the Committee, it is often helpful for the Chairman and Spokesmen to have informal discussions to collectively agree a line of questioning and develop a joint cross-party approach. Productive and constructive scrutiny is not about trying to catch decision-makers out; it is often useful to give advance warning to decision-makers of the likely question areas so that their responses and, therefore, the debate that follows is as full and productive as possible. Given the wide range of demands on the Committee’s limited time, good use should be made of the time it spends questioning decision-makers. The work of the Cabinet Committees also complements the Scrutiny Committee, as these cross-party executive Committees have a key role to play in advising and making recommendations to the Cabinet and Cabinet Members about forthcoming executive decisions.

4. Committee Work Programme

4.1 It is good practice for the Scrutiny Committee to have a work programme for the following 12 months and to review achievements against the objectives outlined in the work programme on a regular basis. The Committee's work programme should ensure that all work being delivered by the Committee:

- makes a positive impact on services
- promotes good practice
- challenges underperformance
- acts as a catalyst for change
- deals, where appropriate, with relevant partnership issues

4.2 There will be set dates in the County Council calendar that will influence the work programme, such as the budget setting process, where scrutiny activity can be planned for. However, the work programme must remain flexible to allow for the scrutiny of other important strategic decisions that come forward during the year, the timing of which might not always be clear from corporate or business plans or the list of Forthcoming Executive Decisions (FED).

4.3 Flexibility is also important in relation to matters proposed for scrutiny by Committee Members, the Cabinet, regulators or the public.

4.4 The consideration by the Scrutiny Committee of budget and performance monitoring information on a regular basis will also assist the Committee to hone in on areas for scrutiny and to decide how much time to allocate to certain matters in its work programme. Scrutiny can and should be supportive to the Cabinet in relation to making recommendations for service improvement.

4.5 The work programme should also feature regular reports on crime and disorder matters and flood risk management as well as updates from Select Committees in accordance with the Committee's Terms of Reference.

4.6 Subject to the Committee's views, it is suggested that the Head of Democratic Services be asked to prepare a draft work programme in consultation with the Chairman and Spokespersons, for the Committee's consideration at a future meeting.

5. Briefings for Members

5.1 The briefing sessions for Scrutiny Committee spokesmen provide the opportunity to request further information on issues being considered for inclusion on the agenda. In future, it might be worth expanding these briefing sessions to include all Scrutiny Committee Members and to include these briefings as part of the Committee's work programme.

6. Select Committees

- 6.1 The Scrutiny Committee has a role in establishing Select Committees, which are cross-party sub-committees of the Scrutiny Committee, undertaking detailed, evidence-based and in depth reviews of the Council's services or issues which affect the lives of Kent residents. At the end of a Select Committee review the Committee would produce a report making recommendations to the Council and other partner agencies to improve services. It is suggested that the Head of Democratic Services be asked to seek suggestions for new Select Committee topics from Members and bring forward a report to the Committee for consideration.

7. Facing the Challenge – Towards a Commissioning Authority

- 7.1 At its meeting on 15 May, 2014, the County Council considered and approved a report from the Leader of the Council entitled 'Facing the Challenge: Towards a Commissioning Authority' (attached at **Appendix 2**). The County Council agreed to ask the existing cross-party Transformation Board to examine in more detail the changing role of elected Members in commissioning.

8. Recommendation

- 8.1 The Scrutiny Committee is asked to consider and comment upon this report.

Terms of Reference for the Scrutiny Committee

11 Members

Conservative: 6; UKIP: 2; Labour: 2; Liberal Democrat: 1; and (for relevant education items only): Churches: 3; Parent Governors: 2.

1.1 The Council has appointed this Committee under section 21 of the Local Government Act 2000 to:

(a) review or scrutinise decisions made, or other action taken, in connection with the discharge of any executive or non-executive functions.

(b) make reports or recommendations to the County Council or the executive, requiring them to consider and respond, indicating what (if any) action they propose to take, within 2 months.

(c) in the case of executive decisions made but not implemented, recommend the decision be reconsidered or refer the review of the decision to the County Council.

(d) request, but not require, that implementation of a decision be postponed when considering any decision taken by an officer or by a Committee exercising functions delegated by the Council.

(e) to make reports or recommendations to the County Council or the executive on matters which affect the authority's area or the inhabitants of the area.

(f) require the Leader, Cabinet Members and Senior Managers to attend before it and answer questions. It is the duty of any Member or officer to comply with such a requirement.

(g) require any other Member to attend before it to answer questions relating to any function which is exercisable by the Member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England).

(h) invite other persons to attend meetings of the Committee to answer questions and gather evidence with their consent.

(i) appoint one or more sub-committees to discharge any of its functions.

(j) co-ordinate the programme of Select Committee reviews during the year.

1.2 When exercising the powers in relation to education functions, this Committee will include persons nominated by the Diocesan Boards of Education of the Canterbury and Rochester Dioceses of the Church of England and the Roman Catholic Bishop whose diocese includes Kent (paragraph 7 of Schedule 1 to the 2000 Act), as well as persons elected as representatives of parent governors at schools maintained by the Council as the local education authority for Kent (paragraph 9 Schedule 1 to the 2000 Act).

By: Paul Carter, Leader of the Council
To: County Council – 15 May 2014
Subject: Facing the Challenge: Towards a Strategic Commissioning Authority

Summary: This paper highlights key areas in which we need to strengthen our capability, to enable KCC to become a more effective strategic commissioning authority. It also provides more detail on the proposed role of Members in commissioning.

Recommendations:

The County Council is asked to agree the following:

- a) The development of the Council's Strategic Commissioning Plan as set out in section 6
- b) The role of providing effective and joined up commissioning leadership across KCC should lie with Cabinet, as outlined in section 7.10
- c) The cross-party Transformation Board be tasked to examine in more detail the role of Members in commissioning, as set out in section 7.12
- d) A set of projects be established by the Corporate Director for Strategic and Corporate Services / Head of Paid Service, in his role as Senior Responsible Officer for the Business Capability Transformation Change Portfolio, to:
 - Develop a Strategic Commissioning Plan and Outcomes Framework
 - Work with commissioners to develop a Commissioning Framework for KCC
 - Define and improve our Commissioning Support offer to commissioners.

1. Introduction:

1.1 'Facing the Challenge: Whole-Council Transformation' approved by County Council in July 2013 set out the overarching strategy of becoming a strategic commissioning authority that KCC would need to follow to meet the financial pressures emanating from both increase demand for services and a reduced level of central government grant.

1.2 To date, the Facing the Challenge transformation programme has focused on delivering a new operating framework and the completion of the first phase of market engagement and service reviews. There is, however, increasing appetite from both Members and staff, evidenced by the findings of the recent Commissioning Select Committee and the LGA Corporate Peer Challenge of KCC, for greater clarity on what a commissioning authority means for KCC, its staff and its service users.

1.3 The timing is ideal, as we enter Phase 2 of the transformation programme, that we can begin to bring the learning from the LGA Corporate Peer Challenge, the Commissioning Select Committee, and the engagement from other authorities through Phase 1 of Facing the Challenge together, to provide a clearer and more comprehensive picture of what KCC as a strategic commissioning authority should be.

1.4 It should, however, be remembered that 'Facing the Challenge: Whole Council Transformation' envisaged KCC becoming a strategic commissioning authority over a number of years. It is not possible to simply flick a switch and become a strategic commissioning authority, in the way that we envisage, overnight. Nor do we yet have all the detailed answers to all the specific questions that exist. We are, however, in a position to put greater 'flesh on the bones', so that through Phase 2 of Facing the Challenge, we can ensure that the characteristics and capabilities of an effective strategic commissioning authority are increasingly in place.

2. Why A Commissioning Approach For Kcc?

2.1 It is important to remember why a strategic commissioning authority model is appropriate for KCC, especially given that KCC is not new to commissioning but carries out commissioning across a full range of people and place based services on a daily basis.

2.2 KCC spends £1billion on goods and services from external suppliers, across a range of services from highways to adult social care. If becoming a commissioning authority was merely about more services being provided by external suppliers through increased contracting, then KCC could justifiably argue that it is already a long way to being a commissioning authority.

2.3 This is not, however, how KCC, or many other councils, define what it means to be a strategic commissioning authority. The Local Government Association makes some important points about commissioning that are worth noting:

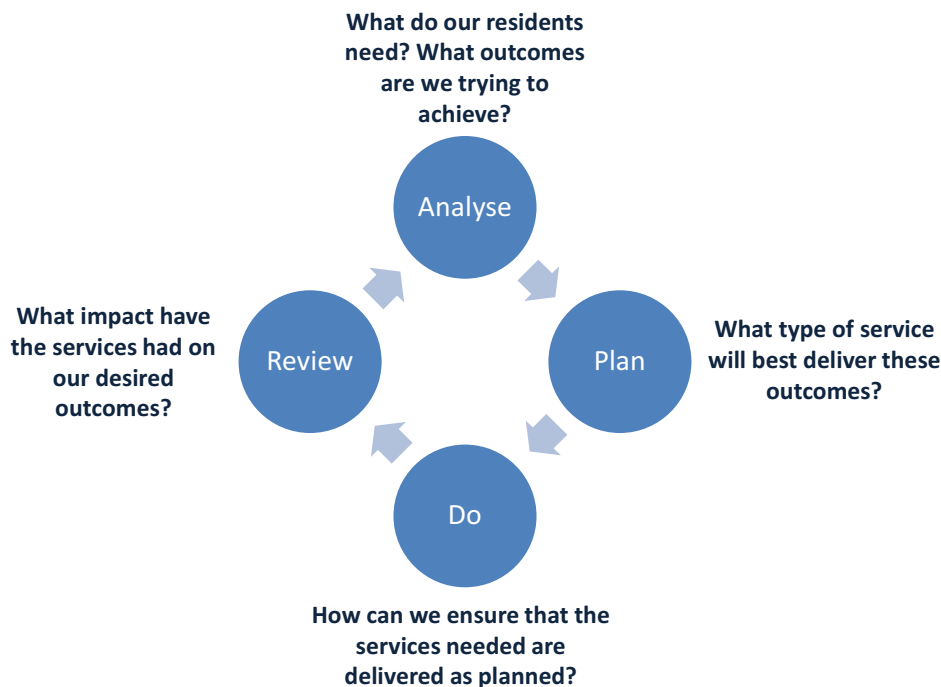
- **Commissioning and procurement are not the same:** Procurement is the process of acquiring goods, works or services from providers and managing them through a contract. A commissioning strategy may result in procurement, but could just as easily result in a policy change or an information campaign. There are many ways to deliver outcomes.
- **Commissioning is not privatisation or outsourcing:** Commissioning does not start with a preconception that services should be provided by a particular sector or type of provider. Who delivers the outcome remains the choice of the council based on the recommendations from the commissioning process.
- **Commissioning is not just about the bottom line:** It is about finding the most efficient way to deliver services, but it is also about creating value – either economic, social or environmental value – by incorporating costs and benefits more clearly into decision making.

2.4 These points were reflected in the way KCC described how it would operate as a strategic commissioning authority in the July 2013 Facing the Challenge paper, which stated:

“KCC will be a commissioning authority. This does not mean that it will have divested itself entirely of any role in providing services and have adopted a purely enabling approach. Instead, KCC will have a strong understanding of community and user needs, the outcomes it wants to achieve within the resources available, and the range of providers, either in-house or external, across the public, private and voluntary sector that have the capability to deliver these outcomes.”

2.5 So whilst Facing the Challenge does open up the potential for more KCC services currently provided in-house to being provided through external suppliers through market engagement and service reviews, it is the emphasis on delivering through the whole commissioning cycle, rather than just focussing on the procurement or contracting arrangements for services, that defines what it means to be a strategic commissioning authority.

Diagram 1: Stages of a typical commissioning cycle



2.6 Diagram 1 above sets out a standard commissioning cycle of analyse, plan, do and review. If we look at the commissioning cycle as a whole, it is clear that KCC is relatively stronger in some stages of the cycle and relatively weaker in other stages. Whilst all the stages of the commissioning cycle are discharged to some extent, traditional local government delivery models, including KCC, have more heavily focussed on the ‘plan’ and ‘do’ stages, especially where services are provided in-house.

2.7 However, in becoming a commissioning authority we must give equal importance, and be equally focussed on delivering the ‘analyse’ and ‘review’ stages, to ensure that there is clarity on the outcomes we are seeking to achieve, that these outcomes are evidence based and informed by a strong understanding of our customers, and that we review, in a structured way, whether services are meeting the outcomes intended. This will inform whether they should be recommissioned or

decommissioned, or any issues necessary to be addressed in the next iteration of the commissioning cycle.

2.8 Alongside this increased prioritisation of the 'analyse' and 'review' stages of the commissioning cycle, our approach to the 'plan' and 'do' stages will also develop. This will include a greater focus on outcomes at strategic and service level and the holding of providers, both internal and external, to account for achievement of these outcomes. These stages will be underpinned by a strong client model which requires clarity on outcomes, robust commissioning processes, and effective procurement capabilities.

2.9 By becoming excellent at each stage of the commissioning cycle, and having the discipline to follow the commissioning cycle in full across all KCC services, a commissioning authority will help ensure that:

- Every pound spent benefits our residents and is value for money for Kent taxpayers
- All KCC activity is focused on the delivery of our strategic outcomes
- All decisions taken, and services commissioned, are based on a strong understanding of customer need
- Every option considered for the delivery of services is done so on the basis of a full understanding of true costs
- The strengths of the voluntary, community and private sectors in Kent are fully utilised
- Tough decisions, including when to decommission services, are taken in an appropriate and timely manner.

3. Other Local Authorities' Approaches To Commissioning

3.1 Given the pressures that exist across the local government sector, it is not surprising that other local authorities are also increasingly seeking to adopt a strategic commissioning authority approach. Whilst it is simply not possible to transpose one authority's model to KCC, where we can learn from others who are going through a similar journey, we should seek to do so.

3.2 The **London Borough of Croydon** has implemented a model similar to KCC in that Directorates maintain responsibility for commissioning, however they have also established a central Strategy, Commissioning, Procurement and Performance function that has responsibility for providing oversight of this directorate commissioning to ensure cross-cutting synergies are identified and commissioning is joined up around outcomes. This single hub brings together resources from across the Council in order to enable frontline services to develop strategy and strategic commissioning across the organisation, develop a consistent professional approach to commissioning, procurement and category management, support performance management and deliver better performance outcomes, and ensure all of these functions work sympathetically as enablers to both serve and challenge services. In addition they have a Corporate Commissioning Board which has oversight of all directorate commissioning strategies and ensures all potential synergies are explored.

3.3 **Worcestershire County Council** is also currently implementing a devolved commissioning model, with all commissioning taking place within Directorates. To

ensure that service silos are avoided and a cross-cutting focus on outcomes is achieved, they are implementing a matrix working approach, with six key outcomes (e.g. Act Local, Stronger Families, Personalisation) so that commissioning plans from each Directorate are brought together to ensure that a joined up approach is being taken at all times. They are establishing a Commissioning Support function which will have responsibility for key skills and functions necessary for effective commissioning, specifically commercial, financial, legal, procurement, intelligence, contract management, programme and change management, and IT enabled change. This unit will provide advice and support to commissioners within Directorates to ensure that commissioning is being carried out to a consistently high standard.

3.4 The **London Borough of Sutton** has also taken a devolved commissioning approach, keeping all commissioning within Directorates. They have developed a corporate commissioning framework, which all commissioners apply, and have also set up an internal commissioning network to share best practice across commissioning Directorates to help avoid silo-based commissioning. The Council is currently considering setting up a 'commissioning support hub' to maintain commissioning standards, lead on effective market engagement, and oversee procurement activity to support commissioning.

3.5 **Gloucestershire County Council's** centralised Commissioning Directorate is supported by a small Enabling and Transition directorate providing the tools needed to support Delivery and Commissioning and the wider Council through change. In addition they have recently decided to establish a new Commercial Service that will be a centre of expertise for procurement, category management and contract management across the organisation. The service will also act as a 'doorway' to wider commercial support needs, including internal support services (e.g. Finance, HR, Legal), and therefore simplify the management arrangements for new commercial projects.

4. Characteristics And Capabilities Of An Effective Strategic Commissioning Authority

4.1 Although the approach taken in each authority above differs, most notably as to whether commissioning sits within services, in specialised teams or is undertaken corporately, they all share a common set of characteristics that are pre-requisites for an effective strategic commissioning authority.

- **Absolute clarity on the strategic outcomes:** By providing clarity on the strategic outcomes the authority is seeking to achieve for residents and services users, and reinforcing this through the wider commissioning, policy, performance and risk frameworks, the intention is to create flexibility for both commissioners and providers to innovate and provide 'bottom-up' solutions in the design and delivery of services to meet strategic outcomes.
- **Clearer roles and responsibilities:** Recognising that there are clear and distinct roles within the commissioning cycle, authorities adopting a commissioning authority approach make a clearer distinction (not necessarily always structural) between those who are commissioning services and those providing services irrespective of whether providers are in-house or external. They also make a clearer distinction between commissioners, commissioning support services (e.g.

procurement), and the corporate core of the organisation that supports the policy, risk and performance frameworks for the authority.

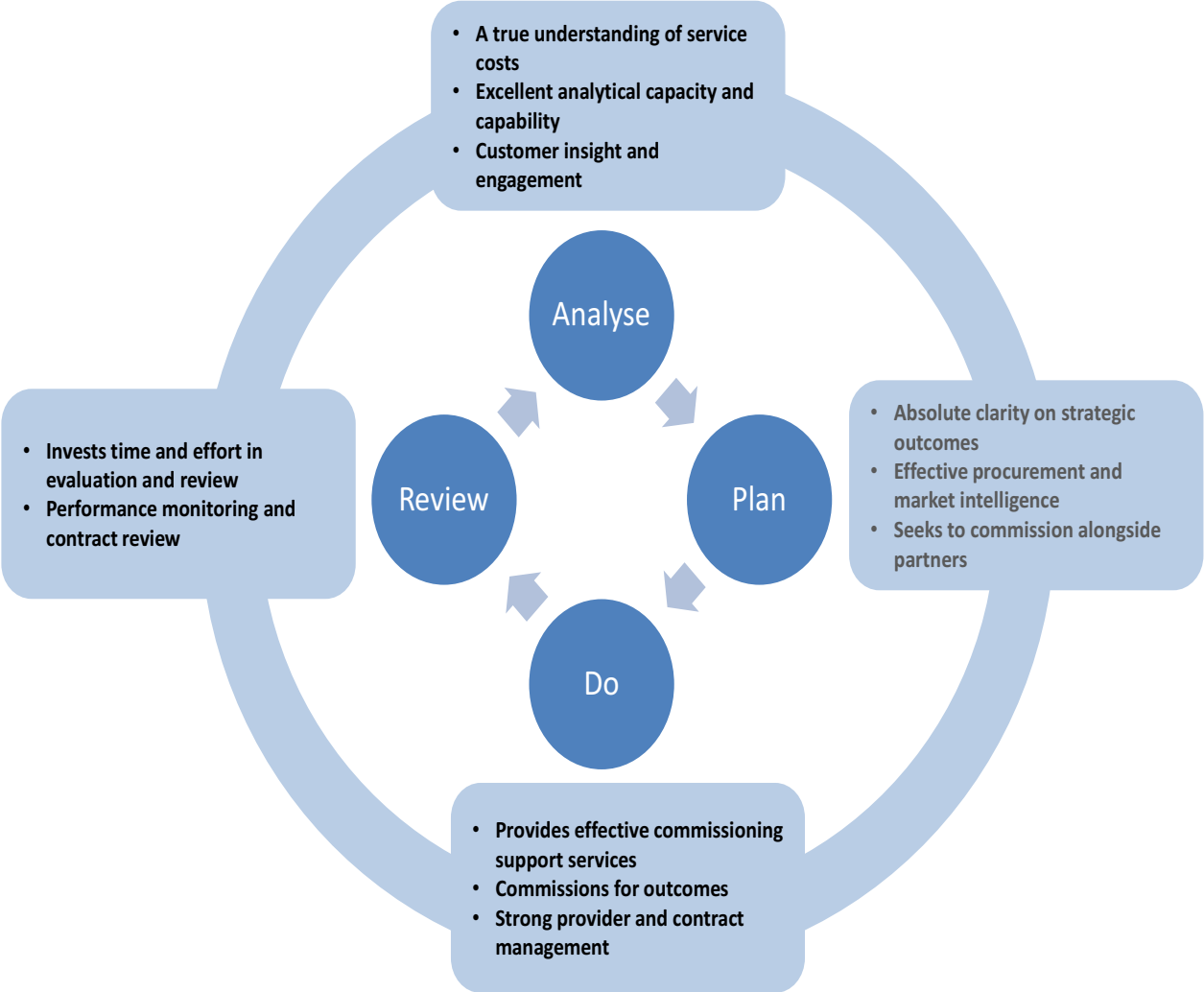
- **Effective commissioning support services:** it is recognised that commissioners cannot do effective commissioning solely by themselves, and that effective commissioning support services are vital to successful commissioning. In particular, specialist or technical areas such as data analytical capacity, customer insight, effective procurement and contract management support need to be sufficient to provide wrap around support to commissioners.
- **Commissions for outcomes, rather than outputs:** there is a widespread recognition across the public sector that if we commission the same services and activities as we always have, we are unlikely to see a significant change in outcomes for residents. Instead, we need to work with our residents to determine the outcomes they need KCC's support to achieve, and then determine how we can target resources more strategically to achieve these outcomes. This also means holding providers to account to ensure their success is measured in difference made, not in outputs and activities delivered.
- **Robust decision-making:** in addition to ensuring that all commissioning decisions are underpinned by strong evidence of customer need and evaluation of service effectiveness, effective strategic commissioning authorities ensure that suitable governance is in place at both member and officer level to ensure appropriate commissioning decisions are taken. Linked to this, clarity is required between officer, Executive member and non-Executive member roles in commissioning and commissioning decisions.
- **Increasingly seeks to commission alongside partners:** improving outcomes for a population are not the domain of a single organisation, but rather requires the input and expertise of partners across the public sector. As KCC is already doing in many instances, authorities adopting a commissioning approach are pooling financial and other resources across partners, not only reducing duplication but also providing a more integrated and effective experience for service users.
- **Invests time and effort in evaluation and review:** the 'review' stage of the commissioning cycle review is as important as the other stages, and effective commissioning authorities use their data analysis information and expertise to test and question the effectiveness of services at regular intervals. This can lead to 'fine tuning' or even major changes to specifications before re-commissioning, to learn from what has worked and not worked.
- **A true understanding of the service cost:** commissioning authorities which are agnostic about delivery models need to have a deep understanding of the cost of their services, to ensure that commissioning budgets are realistic, to ensure a level and transparent playing field in any procurement exercise, to give providers sufficient flexibility to deliver outcomes in the way they choose, and to ensure that the Council does not carry residual costs after a service has been changed or decommissioned.

4.2 Alongside these characteristics is a set of capabilities a strategic commissioning authority requires if it is to be effective. These include:

- **Analytical capability:** Commissioning should be evidence based and driven by insights from structured analysis of all available data about customers and their needs, as well as data about costs and the effectiveness of services and interventions. This helps to ensure commissioning of the right services in the right way to make the biggest impact on achieving outcomes, but also in focussing on the root causes of issues and commissioning services to prevent demand.
- **Customer insight and engagement:** There needs to be strong capability around customer insight, so that services being commissioned fully reflect both the needs of our service users but also how they want services to be delivered to them. There should be increased co-production and co-design of services with service users wherever possible, to ensure they are not over-specified or specified around professional/provider bias.
- **Procurement & Market Intelligence:** commissioning for outcomes means that an enhanced set of procurement skills are required by commissioning authorities. Deep understanding of changes in our markets is paramount, as is an ability to procure in a creative and innovative way to achieve the best outcomes and value for money for KCC and our residents. Regular engagement with the market, agility to capitalise on best practice and commercial acumen in contract development and negotiation are becoming core skills within commissioning authorities.
- **Provider and Contract Management:** An in-depth understanding of the markets in which services operate is required to ensure that we are continuing to secure the most innovative and effective providers possible, with strong and effective contract management arrangements in place to ensure that to strengthen the relationships we have with third and private sector providers, to ensure that they understand the outcomes we are aiming to secure for our residents, and so that they are fully committed to working in partnership with us to achieve these goals.

4.3 How these characteristics and capabilities map across to each stage of the commissioning cycle is set out in diagram 2 below:

Diagram 2: Characteristics and capabilities linked to commissioning cycle



5. What Areas Do We Need To Strengthen?

5.1 It is important to understand that the move to a strategic commissioning model does not mean that what KCC has done before has been inappropriate. Indeed, this would be very far from the truth. KCC has a strong reputation and track record on effective service delivery, as shown by many years of four star performance ratings from the Audit Commission and further reinforced by the positive findings from the recent LGA Corporate Peer Challenge of KCC. Similarly, there are many existing examples of effective commissioning within KCC, for example for services for carers. When we have faced challenges, such as in Children’s social services, we have quickly and successfully invested to improve them.

5.2 If we accept the characteristics and capabilities of an effective strategic commissioning authority as set out in the section 4 above, then it is necessary to strengthen a number of key areas of current practice, and improve our capacity and capabilities in others. Over the course of Phase 1 of Facing the Challenge, our understanding of where we need to strengthen, and what needs to be done to address them, has become far clearer. These include:

- **We need to provide clarity on the strategic outcomes for the authority:** The critical starting point for any successful commissioning authority is a need for

clarity on the strategic outcomes it is seeking to achieve. We need to better define the strategic outcomes for KCC, both for Kent as a county at a population level, and across key KCC client groups. These strategic outcomes must then be aligned to specific commissioning objectives at both client and service level, so there is clarity across the organisation about who is responsible for achieving which strategic outcomes.

- **We need to develop a Commissioning Framework for the Council:** A council-wide strategic commissioning framework will enable consistency of approach to commissioning across KCC, providing a process and principles for commissioners to apply, and standards to meet, when commissioning any service. It should also define specific roles within the commissioning cycle, including the relative responsibilities of commissioning and procurement. It is important that KCC has a clear and consistent definition of both functions to provide clarity on roles and responsibilities, and to reduce confusion.
- **We need to improve the quality of our commissioning:** With a significant amount of external spend KCC is already commissioning many of its services. However, the effectiveness of this commissioning varies at present. To achieve maximum value from our resources we need to ensure that all commissioning is carried out more consistently and in a way that directly contributes to our strategic priorities. We need to shift to consistently using evidence to inform our commissioning decisions, commissioning on an outcomes basis, and evaluating the effectiveness of commissioned interventions. Particular focus needs to be on the quality our commissioning specifications ahead of engaging in procurement exercises.
- **We need to embed the principles of the Social Value Act in our commissioning and procurement activity:** KCC has already started to consider 'Social Value' and include social outcomes within our procurement process, however we need to take a more consistent and formalised approach to the consideration of grants as part of our commissioning approach, in particular for small-scale service provision. In addition, there is significant scope to improve the way in which we use the procurement process to improve social value.
- **We need to clarify our commissioning support offer:** At present, each Directorate finds its own solution to supporting commissioners, for example by creating business intelligence functions within Directorates. Not only does this increase costs for the Council through duplication, but it also dilutes our commissioning support expertise and capacity and makes it difficult for commissioners to know where and how to access effective support.
- **We need to improve our capability to analyse data:** KCC has a wealth of input and output data, but our strength to date has tended to be in performance reporting rather than genuine statistical analysis, which drives service and client insight and informs commissioning decisions. The recent work carried out by Newton Europe has demonstrated the significant value of this type of analysis, and has highlighted the lack of sufficient analytical skills and activity across KCC. Not only must we develop this capability, but we must also support a change in culture across commissioners and managers to use insight from data analytics to drive decision-making, service transformation and day-to-day management action.

- **We need to improve our customer intelligence capability:** At present there is a wide variety of ways in which this customer insight is obtained and used – the customer insight function within Business Intelligence is used to varying extents by different services, with some parts of the Council carrying out their own analysis. This not only leads to duplication of data and activity, but also means that our analysis may be incomplete and therefore lead to incorrect commissioning decisions. Key tools such as the Joint Strategic Needs Assessment (JSNA), which identifies need at a population and client level, should increasingly be central to a more holistic understanding of need and demand, and underpin joined up commissioning across KCC services and with our partners.
- **We need to improve our customer engagement capability:** to ensure that our commissioning decisions are appropriate for our residents, we need to be seeking resident views on their needs, what support would be most beneficial, and how they can help manage their own demand for support through a more structured approach. Like customer insight, this is done in a wide variety of ways at present, and there is no single source of expertise and capacity within KCC. This increases the risk of over-specification of services based on professional or provider bias rather than genuine customer need. Moreover, greater use needs to be made of Members understanding of local community needs as part of improved customer engagement.
- **We need to strengthen our provider and contract management capability:** As more of the Council's services begin to be delivered through alternative delivery models, our commercial acumen and ability to hold providers to account is vital. At present, some services have a well-established history of contract management and as such have strong skills, whereas these skills are lacking in other parts of the Council. Even in areas used to contract management, quite a traditional approach is being taken, with a focus on outputs rather than outcomes.
- **We need to ensure our policy, performance and risk frameworks are robust:** We need to ensure that there is a robust policy framework, which underpins the strategic priorities of the Council and ensures that corporate policy and strategies are applied consistently across KCC, for example a consistent policy for working with the voluntary and community sector. There needs to be clearer delineation between those policies and strategies that are corporate and apply across the whole council, and those which are service or client specific and the responsibility of services and commissioners. In short, there should be less, but stronger policy and strategy, with clarity about ownership and accountability.

5.3 Although there are a number of gaps listed above, it is worth noting that KCC is not starting from scratch. A number of these functions already exist in different parts of the council, the challenge is to better utilise the existing capacity and capability we have, or codifying and adhering to an approach across the council with a greater degree of discipline. In some cases, it may be more effective to buy particular capabilities in on a short term or contractual basis. By strengthening our capabilities in the areas highlighted, KCC will begin to develop a strategic commissioning model that effectively supports operational commissioners to focus on improving outcomes for Kent residents.

6. Addressing The Gaps Through Phase 2 Of Facing The Challenge:

6.1 It is possible to identify three key work streams that need to be progressed through Phase 2 of Facing the Challenge to address the gaps identified above, and move KCC, at greater pace, towards a commissioning authority model. These are:

- Developing a Strategic Commissioning Plan and Outcomes Framework
- Work with commissioners to develop a Commissioning Framework for KCC
- Defining and improving our Commissioning Support offer to commissioners.

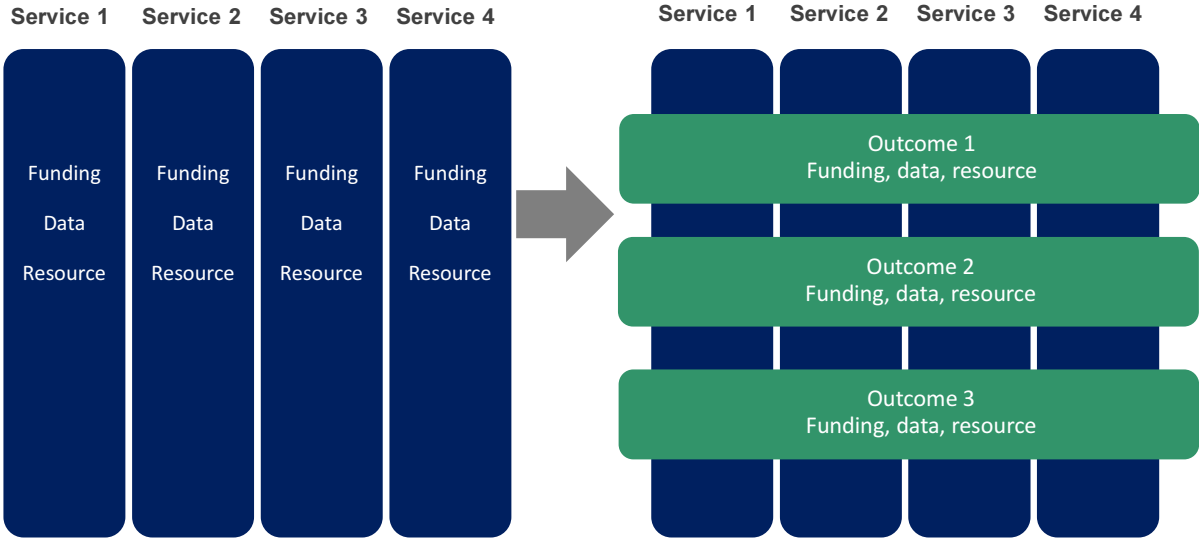
Developing a strategic commissioning plan and outcomes framework

6.2 KCC has a long track record of developing strategic statements to set the overall direction and priorities for the authority over the medium term, normally a four-year period. Under the KCC constitution, the strategic statement is a matter reserved for the County Council approval, and previous iterations, such as *Towards 2010* and *Bold Steps for Kent* have proved effective mechanisms to frame member priorities for the organisation.

6.3 It is logical that the next strategic statement should become a strategic commissioning plan and outcomes framework for KCC, both reinforcing and supporting the development of KCC in becoming a commissioning authority. In many ways delivering the strategic statement through a strategic commissioning plan doesn't change the fundamental purpose of the document, as it will still be Member-led and approved, focus on the medium-term priorities for members and be expected to drive activity across and within KCC.

6.4 However, in a number of areas a strategic commissioning plan would look and feel very different. Traditionally, the strategic statements have set priorities based around individual KCC services, although *Bold Steps* tried to break away from this to a certain extent, it did not set outcome targets spanning all KCC client groups. By setting out the strategic outcomes for all KCC key client groups, the strategic commissioning plan should cut across service silos and set bold and ambitious outcome targets which drive commissioning and service activity at client level, rather than at service level, across the whole authority. Diagram 3 provides an illustration of how an outcomes-based commissioning approach would sit across services.

Diagram 3: Illustration of outcomes-based commissioning approach:



6.5 Once these client level outcomes are agreed it is important for the Strategic Commissioning Plan to identify the commissioning priorities that are required to support the delivery of these outcomes. By identifying these commissioning priorities, the commissioning plan begins to build a picture of the changes to services that are going to be delivered, and strategically drives commissioning activity across the authority.

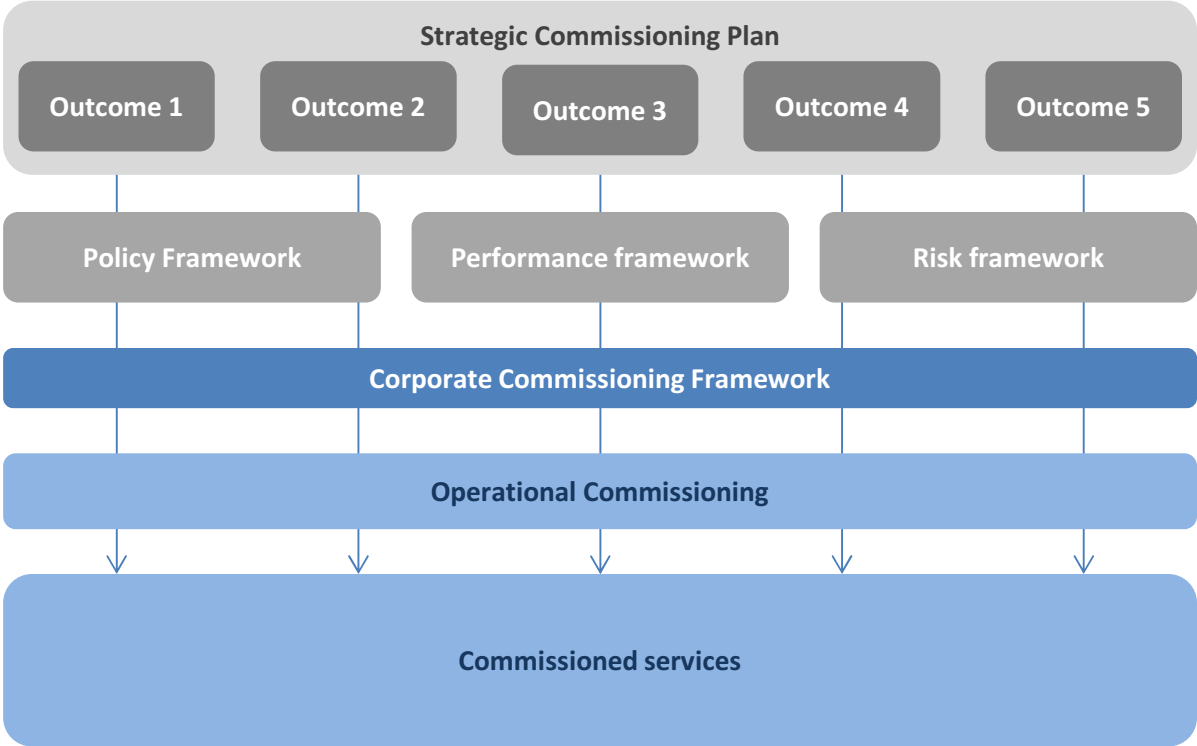
6.6 An essential part of the Strategic Commissioning Plan is not just the identification of what those outcomes are, but also the strategic performance indicators, targets and supporting indicators that are necessary to measure whether outcomes are being achieved, and what impact KCC services are having in delivering those outcomes. It is critical to agree the outcomes framework alongside the commissioning plan, as it is a fundamental component and essential underpinning of a stronger performance management framework, providing clarity for commissioners and service providers on what they will be held accountable for delivering.

6.7 The Strategic Commissioning Plan should also better link resources, particularly financial resources, to the outcomes for our residents and service users, including any financial investment, constraints and disinvestment decisions need to deliver those outcomes.

6.8 One risk in adopting this approach for a Strategic Commissioning Plan is that services may not automatically see the link between the strategic priorities and outcomes and their service activity. However, it is possible to link client based outcomes to particular services through mapping strategic outcomes to commissioning objectives and then to service priorities. For example, the way in which Gloucestershire County Council tests this link between outcomes and commissioned services is shown at Appendix 1.

6.9 An illustration of how we will apply this approach through the Strategic Commissioning Plan, the KCC strategic commissioning framework and commissioning within Directorates is shown in Diagram 4 below:

Diagram 4: Strategic Commissioning Plan:



6.10 Responsibility for developing the Strategic Commissioning Plan and Outcomes framework will rest with the Council’s Policy function, working closely with key stakeholders across KCC.

6.11 The existing strategic statement, Bold Steps for Kent, was due to run until the end of 2014/15 and be replaced for the financial year 2015/16 onwards. However, given the importance of delivering Facing the Challenge we have decided to close Bold Steps for Kent early, so that there is no confusion that delivering Facing the Challenge is the immediate priority for KCC, and develop the revised strategic statement for 2015/16 onwards as part of Phase 2 of Facing the Challenge. To ensure that the Strategic Commissioning Plan is ready for the spring of 2015, we anticipate carrying out a public consultation in autumn 2014.

Developing a commissioning framework

6.12 The purpose of having a council-wide commissioning framework is to ensure that:

- All commissioners are commissioning services to the same high standard, making best use of the tools and resources available
- Commissioners and partners understand how we will be commissioning jointly e.g. with Clinical Commissioning Groups where appropriate
- Providers understand the process that KCC uses to commission services, and understand how they can be involved at each stage
- All providers are held to account in a consistent way, so raising standards and ensuring outcomes are delivered
- The Council is fulfilling its responsibilities of transparency and fairness.

6.13 The development of this framework will be carried out by working closely with a broad range of commissioners, and will build upon recommendations from the

Commissioning Select Committee and the LGA Peer Challenge, as well as making use of sector best practice.

6.14 It is anticipated that the framework will be a short, practical document covering:

- The steps to follow at each stage of the commissioning cycle, including involvement of Members, residents and providers
- What 'good' looks like at each stage including commissioning principles to apply
- Role definitions and who has responsibility for various activities at each stage
- Resources available for commissioners to draw upon from within KCC
- How success will be measured.

6.15 The framework will also provide clear guidance on how to apply the principles and requirements of the Social Value Act to ensure that we are maximising social value from our external expenditure.

6.16 The final element of the framework will be the development of a short commissioning toolkit to be used by commissioners and help them to apply the framework in practice. This is an approach that has been used successfully by several other commissioning authorities and will enable us to develop the skills of our workforce.

6.17 As the commissioning framework will be developed to enable commissioning council-wide, responsibility for its development will rest within the Business Capability Transformation Change Portfolio, who will facilitate the coordination of a broad range of commissioners and other stakeholders.

6.18 A draft commissioning framework will be developed by early autumn 2014 for consideration by Cabinet, with a final version to be agreed by the end of Q2 2014.

Defining and improving our Commissioning Support offer to commissioners

6.19 As highlighted above in section 5, it is vital that commissioners across KCC have a clear understanding of the commissioning support that is available to them, to enable them to commission as effectively as possible.

6.20 To improve our Commissioning Support offer, we will firstly work with commissioners to understand what support will help them to commission effectively. We will also engage with other commissioning authorities further ahead on this journey, to identify what support they have provided to commissioners, or potentially more usefully, what support they realise now would have been useful at an earlier stage.

6.21 As part of this, and as agreed in the Facing the Challenge update in March 2014, an exercise will be carried out to identify all officers across KCC currently involved in commissioning in any way. This will enable us to clarify roles and responsibilities of all officers involved in commissioning, and update our Workforce Development Strategy to reflect the changing skills and behaviours required within the organisation. This will enable us to provide commissioning officers with any necessary training and support, as for many staff they will have previously have been operational service managers and the shift from provision to commissioning is not one that we should expect to be made without any support.

6.22 In parallel we will need to review the Commissioning Support services within KCC at present, to determine if they are fit for purpose, whether the skills and capacity within them is appropriate for our future needs, and identify any changes required to better support commissioners. This may result in changes such as new skills being brought in if they do not exist internally, or a repurposing of existing functions to ensure that they are joined up and provide a high-quality support service to commissioners.

6.23 As the Commissioning Support offer enables all KCC directorates, responsibility for its development will rest within the Business Capability Transformation Change Portfolio, in parallel with the changes being made to other KCC support services.

6.24 Proposals for the Commissioning Support offer will be developed by early autumn 2014 for consideration by Cabinet, with a final version to be agreed by the end of Q2 2014.

7. THE ROLE OF MEMBERS IN A STRATEGIC COMMISSIONING AUTHORITY

7.1 Somewhat naturally, there is significant interest from both elected members and officers in the future role of members in a strategic commissioning authority. Whilst some local authorities have already begun operating strategic commissioning approach, most are at an early stage in defining the member role. It is also important to remember that there are only a few authorities in the country as strongly member-led as KCC.

7.2 As such, whilst the member role in a strategic commissioning authority will undoubtedly develop over time, and we can anticipate some likely changes now, the role of elected members in commissioning in KCC will be stronger than most other local authorities.

7.3 KCC is, and will remain, a strongly member-led authority with members, in both executive and non-executive roles, acting as the strong client responsible for holding commissioners and providers to account for delivery of strategic outcomes. The Members' strong client function will be based on detailed understanding of our customers, agreeing commissioning specifications, overseeing the procurement process, effective contract management and robust monitoring of both commissioners and providers.

7.4 Members have a wide variety of personal and professional experience to bring to commissioning, especially as it places the resident / service user at its heart. Member's local leadership role will be vital in ensuring the needs of their local communities are reflected in the KCCs priorities and commissioning decisions.

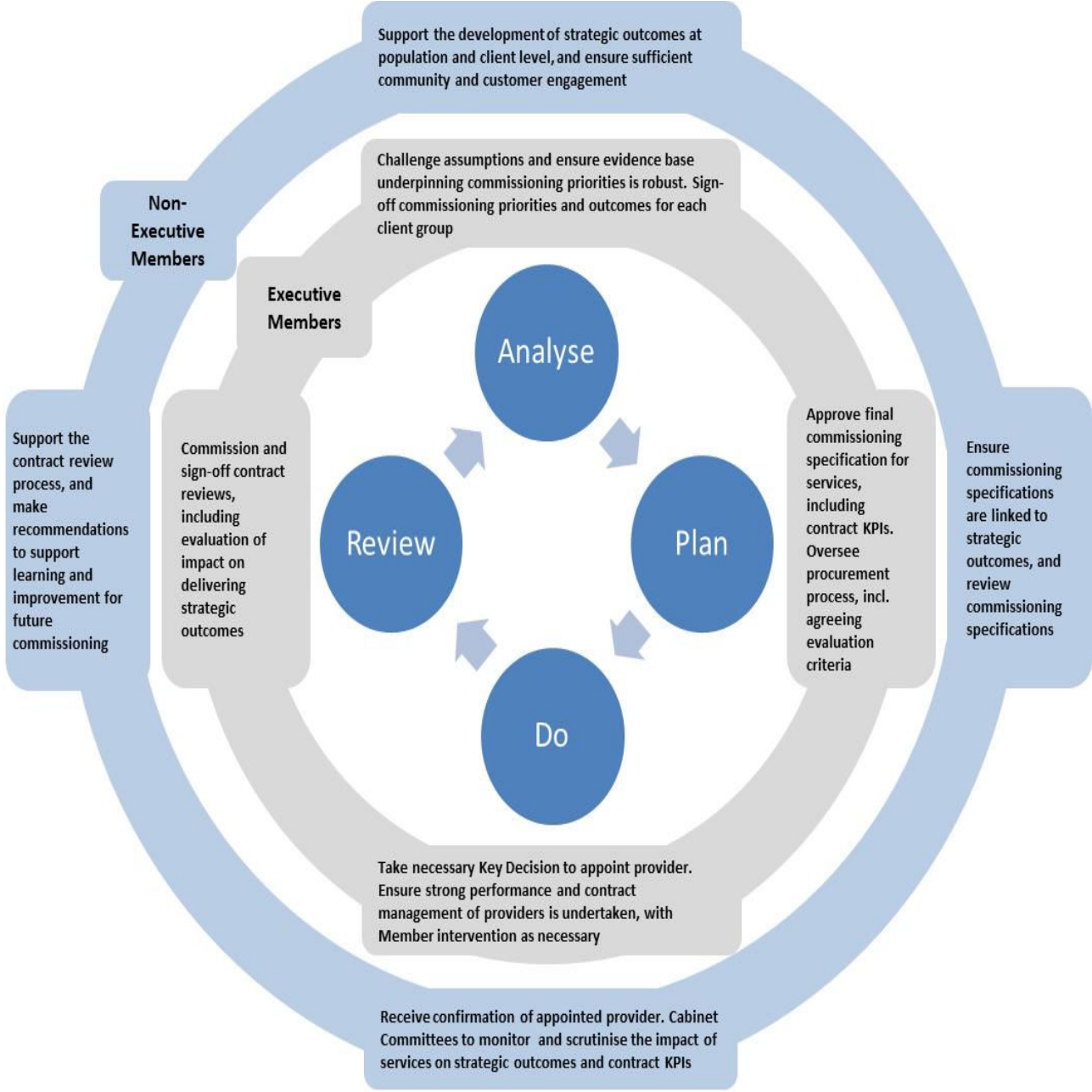
7.5 In many respects the current member role mirrors the issue identified at the beginning of the paper in paragraph 2.5, relating to the need to develop a broader approach and focus across each stage of the commissioning cycle. At the moment, KCC is very strong on the 'plan' and 'do' stage but relatively weaker at the 'analyse' and 'review' stages. This is reflective in the current member role with its strong focus on planning and performance monitoring based on service activity. However, a strategic commissioning authority is focused on the delivery of outcomes rather than services, with services a vehicle to deliver the intended the outcomes identified by members.

7.6 The move to a strategic commissioning model for the authority will further strengthen and reinforce the member role, for both executive and non-executive members. Whilst the role of members as decision-makers will not change, how members discharge their role may change. It will move from direct day-to-day oversight and management of service delivery to managing the delivery of outcomes through the commissioning cycle, through:

- Providing clear and visible political leadership for the authority through acting as the ultimate strong and intelligent client for Kent
- Agreeing the strategic commissioning plan and outcomes framework for the authority, identifying the key outcomes that members want the authority to achieve over the four-year period. These outcomes will become the key priorities for the council
- Working with senior managers to set the strategic direction for the organisation and develop the necessary commissioning, performance, audit and risk frameworks through which they will be able to exercise oversight and assurance
- Using their local knowledge to make sure that the Council responds to local needs, influencing the design of services and helping to monitor delivery against needs
- Ensuring that the service user / resident voice is fully reflected in commissioning specifications/standards
- Providing an essential 'challenge' role in ensuring the quality of the commissioning specifications aligns to strategic priorities, and setting quality and price criteria as appropriate
- Overseeing key procurement exercises to ensure they deliver service requirements at value for money
- Reviewing commissioned services to understand their impact and whether outcomes have been achieved, and consider opportunities for de-commissioning and re-commissioning of services as appropriate
- Engaging with market providers to help maintain effective provider relationships, including with VCS organisations, and where necessary challenging KCC providers on service performance.

7.7 A summary view of the future member role for executive and non-executive members within the commissioning cycle is set out in diagram 5 below (reproduced in larger scale in Appendix 2):

Diagram 5: Summary of executive of non-executive role in the commissioning cycle



7.8 The Member role will change in some respects. The aim of a strategic commissioning model is to focus on the outcomes to be achieved for residents and service users, with less of a focus on processes used to deliver services. We expect members to have less direct involvement in business support and transactional support services, which facilitate commissioning and service delivery, with Members more focussed on the significant commissioning questions around defining outcomes, agreeing commissioning specifications, monitoring performance and reviewing and evaluating commissioned services.

7.9 As the delivery models for many KCC services are likely to change, there will be a need to establish an intelligent client function in-house, which retains key strategic roles within the Council to commission and procure high quality, cost effective

services. A core responsibility of this function will be to act as a point of contact for Members to raise any concerns or issues that surround individual constituents and contracted services, and ensure that providers address these concerns as part of the contract delivery.

7.10 Moreover, depending on the delivery model chosen for specific services, the member role may become very different. For example, where services are provided through a local authority trading company (LATCO) the Council will establish appropriate governance structures in which members will play an important role, for example through representation on the company board. This will support Member's leadership and decision-making role, but do so through a relationship on the basis of KCC being a shareholder rather than managing the business directly.

7.11 Several other authorities have established Commissioning Boards to oversee all strategic commissioning. However, it is important to remember that KCC operating as a strategic commissioning authority must do so within the legislative framework covering local authorities that have adopted Executive arrangements, and that almost all commissioning decisions rest with the Executive. Given this, the pivotal role of providing effective and joined up commissioning leadership across KCC should lie with Cabinet, with responsibility to:

- Act as the 'governing body' for all strategic commissioning activity
- Oversee the development of the Council's Strategic Commissioning Plan to ensure that it reflects the strategic priorities of KCC
- Ensure that the Strategic Commissioning Plan is successfully delivered, in particular by ensuring that there is integration between commissioning, and that the impact of interventions are measured against required outcomes
- Ensure decisions are underpinned by sound analysis and challenge;
- Ensure collective consideration of council wide implications of operational commissioning decisions
- Oversee and ensure the implementation of key commissioning decisions;
- Identify and manage commissioning risks.

7.12 The changing role of both the executive and non-executive member role will require a stronger range of skills across areas such as commissioning, procurement and contract management. KCC has a strong track record in the developing effective and relevant member training and support. Training for members around these skills is in the early stages of being developed in co-ordination with Democratic Services. This will be essential in ensuring Members are equipped for their role within the strategic commissioning authority.

7.13 It is accepted that further work needs to be undertaken around the role of members in a commissioning authority. In many respects, this is uncharted waters, and therefore it is proposed that the cross-party Transformation Board examine the issues and options in more detail, in particular about the non-executive member role at each stage of the commissioning cycle.

8. Next Steps

8.1 The key next steps for taking forward the proposals within this paper include:

- Begin work on development of the Strategic Commissioning Plan, including extensive engagement with Members, in readiness for the Plan to be operational from April 2015
- Develop draft commissioning framework, working with relevant stakeholders across the Council, with a draft framework ready to be taken to Cabinet by autumn 2014
- Ensure the future training programme for Members includes the development of skills for the new role of Members in the commissioning authority
- Transformation Board to consider the role of Members in more detail, with proposals ready for consideration by Cabinet by autumn 2014
- Develop proposals for the Commissioning Support offer (such as how data analysis will be carried out across KCC), to be considered by Cabinet by autumn 2014.

Report Authors:

David Whittle
 Head of Policy & Strategic Relationships
 Strategic & Corporate Services
 Email: david.whittle@kent.gov.uk
 Phone: 01622 696345

Olivia Crill
 Transformation Manager
 Strategic & Corporate Services
 Email: olivia.crill@kent.gov.uk
 Phone: 01622 694047

Appendices:

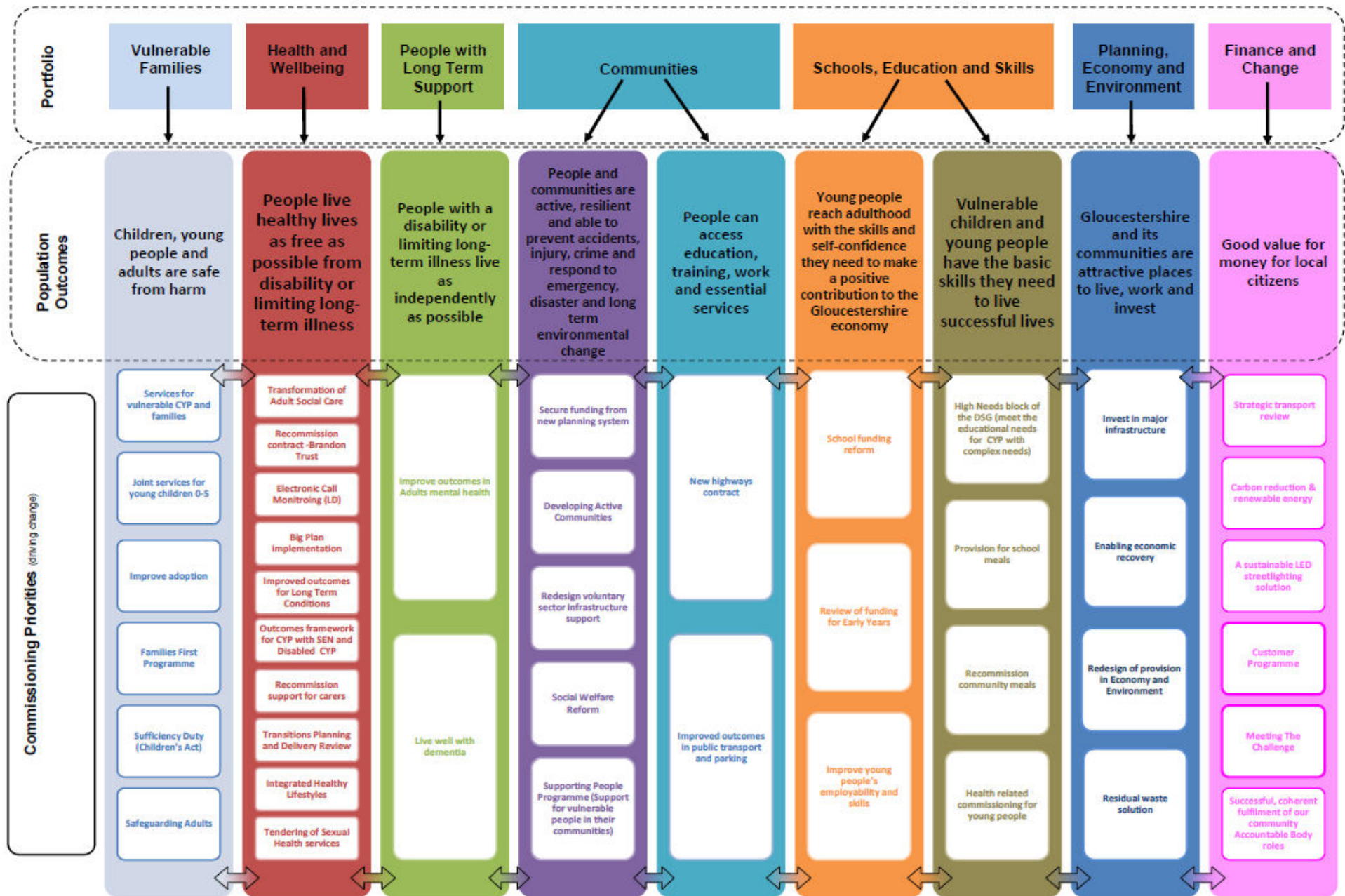
- Overview of Gloucestershire County Council's Strategic Commissioning Plan
- Summary of executive and non-executive role in the commissioning cycle

Background Documents:

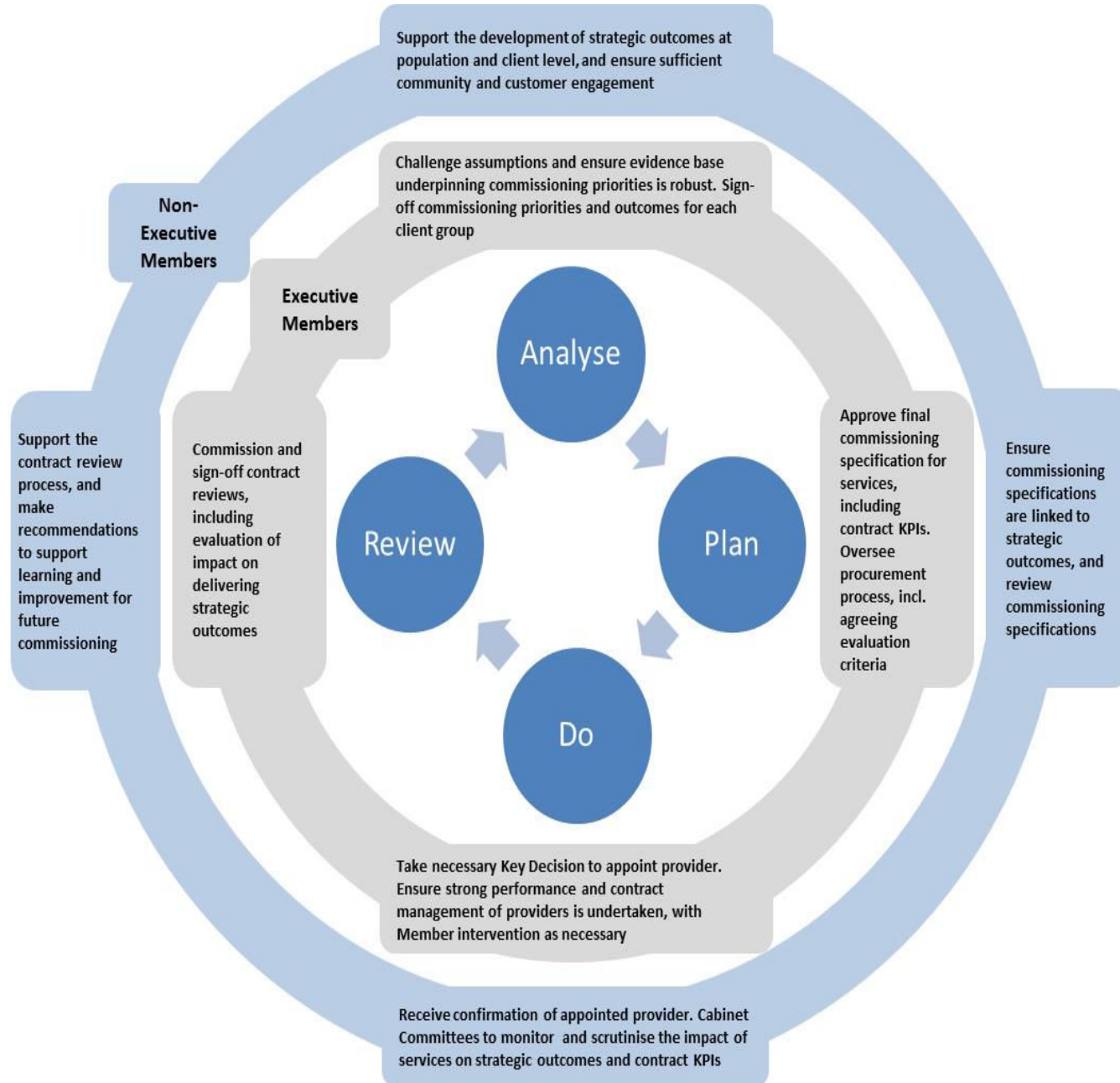
- Facing the Challenge, December 2013
- Findings of the KCC Commissioning Select Committee: "Better Outcomes, Changing Lives, Adding Social Value"

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Strategic Commissioning Plan at a glance - Priorities



Appendix 2: Summary of executive and non-executive role in the commissioning cycle



By: Peter Sass: Head of Democratic Services
To: Scrutiny Committee – 12 June 2014
Subject: Scrutiny Committee input into the Commissioning Select Committee action plan

Summary: The Chairman and Spokespeople requested that the Committee have a discussion in advance of the Commissioning Select Committee action plan being put together to allow an input into how the recommendations are taken forward.

1. Background

- 1.1 The Commissioning Select Committee report was considered by Cabinet on 28 April and County Council on 15 May. An action plan will be produced by officers to implement the recommendations of the Select Committee and this will be submitted to the Scrutiny Committee, 3 months after the report to County Council, at the September Scrutiny Committee meeting.
- 1.2 The Chairman and Spokespeople requested that this item be placed on the Scrutiny Committee agenda to allow Members to input into the recommendations action plan before it is produced.
- 1.3 The Commissioning Select Committee Executive Summary and Recommendations are attached to this report as an appendix.

2. Recommendations

- 2.1 The Scrutiny Committee is invited to put forward comments to be considered when the implementation plan is produced.
- 2.2 The Scrutiny Committee looks forward to receiving the Commissioning Select Committee implementation plan at its meeting in September.

Contact: Anna Taylor Tel: 01622 694764

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Findings of the Commissioning Select Committee

“Better Outcomes, Changing Lives, Adding Social Value”

The Commissioning Select Committee Report, which examines how KCC could become better at commissioning public services for better outcomes with a focus on the VCS and SME sector.

EXECUTIVE SUMMARY



FOREWORD TO THE SELECT COMMITTEE REPORT ON COMMISSIONING

The subject is very complex and the witnesses have given evidence in a way that has shown that they desire to help in developing improvements to the commissioning of services.

The Social Value element has been difficult to quantify but the report does show that much can be achieved by way of inclusion in contracts.

Some important issues are member involvement in oversight, simplification of process and relationship with providers. The latter point emphasises that service provision by sources outside the County Council is an extension of the Council's determination to provide high standards of service to our residents.

I hope that you enjoy reading the report and I look forward to receiving the action plan.

In presenting this report I thank the Members of the Committee for their time and commitment. Altogether the Members of the Committee have participated with energy and addressed the task in an example of cross party collaboration. I would like to thank the research team headed by Philippa Cracknell and assisted by Jude Sage. In addition Democratic Services have been very helpful in taking minutes and giving guidance with the process.

Mr Mike Angell (Chairman)

Glossary and Acknowledgements

Activities	what an organisation does with its inputs in order to achieve its missions
Impact	any change resulting from an activity, project or organisation. It includes intended as well as unintended effects, negative as well as positive, and long term as well as short term
Inputs	resources that contribute to a programme or activity including income, staff, volunteers and equipment
IPC	Institute of Public Care
ITT	Invitation to Tender
NCVO	National Council of Voluntary Organisations
Outcomes	benefit or changes for participants or intended beneficiaries
Outputs	countable units and direct products of a programme or organisation's activities
PIN	Prior Information Notice
PQQ	Pre Qualification Questionnaire
PBR	Payment by results contracts
IFG	Institute for government
CGF	Calouste Gulbenkian Foundation
VCSE	voluntary, community and social enterprise sector

Comments or quotations within the report are from comments made at evidence sessions held by the Select Committee or from written evidence received.

The Select Committee would like to thank ...

the external witnesses, organisations and KCC Officers who gave up their time to give evidence to assist with this review by attending hearings, submitting written evidence, or taking part in informal consultation or advice-giving.

All the information received, whether or not it has been included in the final report, has contributed to the Select Committee's knowledge and appreciation of the issues.

Our thanks go to our Research Officers, Philippa Cracknell and Jude Sage whose patient toil to inform views and opinions with evidence underpins all that follows, and to Democratic Services for their support.

Executive Summary

This report examines how KCC can improve the commissioning of KCC services, with a particular focus on removing barriers to entry for the provision of KCC services, particularly for small to medium sized enterprises (SMEs) and members of the voluntary, community and social enterprise sector (VCSE); how the voluntary, community and social enterprise sector (VCSE) can play a more important role in the provision of KCC services and considers if the authority is using its commissioning processes to ensure it meets its duties under the Social Value Act.

The issues considered include

- the strategic context and our role as a commissioning organisation,
- the costs of entry into KCC commissioning and procurement exercises,
- how any barriers to entry for new providers might be mitigated or removed,
- the extent to which KCC decommissions and re-commissions services based on provider performance,
- how KCC can best discharge its responsibilities through the Social Value Act and the extent that social value requirements be sought throughout the KCC supply chain

Commissioning and the Key Challenges:

A successful commissioning approach can be used to redesign services, join up resources to focus on outcomes in the most efficient and effective way; taking a whole-system approach and totality of resources to consider different ways of achieving improved outcomes. It has been identified as an area for corporate improvement that KCC actively improves its skills and approach to commissioning, increasingly undertaking both market shaping and market development activity. KCC needs to become better at commissioning, optimising and targeting resources, choosing the right mechanism to best achieve desired outcomes, ensuring open and fair competition for public sector contracts, across sectors, and removing barriers from entry to the market.

The key challenges for Kent are:

- Commissioning strategically, ensuring equitable services are available across Kent
- Ensuring KCC has a firm grip on cost and quality
- Ensuring KCC embeds a culture of performance management with all providers
- Developing a better understanding/evidence base regarding return on investment, including how to monitor preventative services for their impact in demand management and prevention,
- Promoting and supporting 'whole systems thinking'; collaboration and joint working with providers across sectors, developing 'circles' of support networks to support independence and reduce crisis situations.

The Commissioning Landscape in Kent and a blended approach

There is a range and breadth of commissioning activity across KCC in established service areas (e.g. Social care) and new service areas (e.g. public health). There are a large number of VCSE organisations and businesses in Kent, delivering services related to KCC's core business. There is no guarantee, that a) there are always VCSE organisations or SMEs available to deliver services in any particular area of business or b) that organisations have the capacity to deliver.

The drive is to get the best possible service for service users, with a focus on outcomes for individuals, within the budget set by the County Council and to seek additional social value. It is about choosing the right mechanism and best provider to deliver the services, whether in-house, private, VCSE or SME. It is not an automatic link between commissioning and outsourcing, or especially outsourcing problems, but using commissioning as a common base to commission both internally and externally delivered services. The key is linking the right service capability to the right objectives, and securing that capability.

The evidence encapsulated three things:

- commissioning is a very dynamic and changing process
- there is a big difference in commissioning a service and commissioning a product so need different approaches in recognition of this
- SMEs and the third sector are highly valued and bring significant added social value, but should be recognised that all sectors have a place and value to add, and as such there should be a balanced mixed economy of providers (private, VCS, SME and in-house), a blended approach.

There remains a tension between the need to aggregate demand in the market to achieve economies of scale, and the desire to promote local economic growth by focusing significant spending locally, and a balance to be found between larger long term contracts and SME and local supplier support, and a need to maximise added value.

However, either across the county or in individual localities VCSE and SME organisations COULD potentially provide the best value service and bring additional social value.

The potential of public sector spending to support added social value and local economic development is widely recognised, and KCC procurement has the potential to create significant business and growth opportunities through increased participation by small and medium sized businesses (SMEs), as well as improving access to their creativity and innovation. It is recognised that the Voluntary Sector makes key contributions for example to reducing crime, to the environment and has become a powerful agent for social inclusion and enhancing community capacity, breaking barriers, reaching families, building greater self-reliance and social mobility. The sector has enhanced knowledge and information about what is happening locally and insight into local needs; the ability to adapt to changing needs and innovate, and is especially adept at developing connections and relationships.

Nationally small and medium sized business and VCS organisations have found that bidding for public sector contracts can be over bureaucratic, time-consuming and expensive. This has been recognised most recently by Lord Young's report, *Growing Your Business*, published in May 2013, and by Lord Heseltine's report *No Stone Unturned* which was published in March 2013. Although there is much good practice evident, small business and VSCE organisations still face hurdles to competing with larger firms for public sector contracts – therefore missing out on opportunities for business while the public sector misses opportunities for potential growth and innovation, (HM Govt.) and is an issue reflected in Kent.

The Committee, aware of the economic and social value voluntary, community not-for-profit organisations and SMEs provide, would like to maximise where appropriate the use of these organisations with the capacity and skills needed to achieve the outcomes KCC has determined to be important.

What is successful commissioning?

There is an increasingly complex commissioning environment with challenges and opportunities for commissioners and providers, not least in how to join up services better at a local level and meet needs in an integrated, holistic and transformative way that delivers results over the long term. Complex commissioning seeks to create integrated services that are co-designed with service users and take a more collaborative approach. The 'Beyond Big Contracts' (ISS and CGF) report emphasised this could include for instance more personalised support, co-designed cross-sector services with service users, providers, cross sector commissioners and agencies working together; an integrated front line and more flexible services.

There is need for an approach that builds 'whole systems' thinking, networks of supply and can utilise 'co-creation of value – ensuring services are innovative, have capacity to improve and be responsive and are integrated. To commission services successfully KCC will need to be outcomes focussed from needs assessment through to monitoring of contracts; joined up; excellent at specifying services with complex outcomes; and create space and environment for innovation and social value.

To take advantage of commissioning, KCC needs to explore how communities can define and shape their own outcomes; maximise the potential of the Social Value Act, and build skills and capacity.

Next Steps

The Select Committee heard evidence of the range and breadth of commissioning activity across KCC service areas and engagement to improve our commissioning practices and support providers including VCSE and SMEs – with examples of good practice, partnership, innovation and steps being taken to improve how KCC commission. There is much to be acknowledged but there is still a journey to make. To be an intelligent client and commissioner, KCC has to adopt a number of different roles such as shaping markets, enabling social capital of local communities and promoting enterprise as well as procuring and providing services; linking the right source of capability (e.g. user led group, SME,

VCSE, private provider or in-house service) for a particular objective and use the right mechanism to secure it (e.g. grant funding, commissioning model, contract).

Three significant themes emerged during the review – to promote opportunities, to remove barriers, and to build capacity.

VCSE and SMEs consistently highlighted a need for measures focused on process simplification, better promotion of opportunities, creating room for innovation, breaking down of contracts into smaller lots where feasible and their early and positive engagement.

As an organisation there is a need for us to focus on:

Clearly defining our Commissioning Policy/Strategy, Roles and Responsibilities

- defining our strategy and establishing the hierarchy of priorities and importance of social value,
- setting clear roles and responsibilities in the commissioning and procurement cycle and tasks to be undertaken
- becoming more complex in what we do, taking a cross-department approach to activities – looking at joined up commissioning and thinking across KCC
- strengthening the role for Member oversight within Contract management and Commissioning
- skills and behaviours are a concurrent theme that runs behind the key issues in this report – Market engagement, relationships, communication, contract management.

Excellent, appropriate and timely communication

- keeping providers informed and raising levels of awareness, and promotion of opportunities to engage SMEs, VCSE
- enabling planning and positive networking to build stronger bids by giving earlier notification and information to organisations regarding services authority wanting to commission

Excellent engagement and Market development

- building better working relationships between commissioning and providers, and culture of collaboration, encouraging partnership working with providers.
- greater understanding of capabilities of service sector, informed service design and improving quality of specifications, to ensure can commission intelligently and are an intelligent client, with excellent pre-market engagement and Co – design and Co –production of services and outcomes
- building capacity ahead of opportunities becoming available
- enabling of innovation (through market engagement, development of specifications, the choice of commissioning models and contract types)

- to support market development and improve the capability, skills and capacity of organisations to tender, and ensure have initiatives to support and develop potential of SMEs and VCSE
- seeking to use and promote VCSE and SMEs wherever possible but maintain mixed economy/ a blended approach

Simplifying and standardising procurement processes further

- removing existing barriers to both VCSE and SME and ensuring processes are proportionate, (adopting a standardised shorter PQQ; simplifying processes for smaller procurements/low value contracts; streamlining financial appraisal; adopting a 'lot' approach where possible; e-tendering easily navigable and simple to use)
- availability of opportunities for VCSE and increasing SME participation in procurement
- making it easier to enter into new markets
- taking greater account of social value in evaluation of tenders /services

Embedding outcome focus and excellent Contract management

- outcomes that are measureable, achievable yet challenging
- capabilities to contract manage with robust performance management, clear responsibilities, supportive and clear targets for improvement if needed
- work to get the personality processes right for collaboration internally and externally and to support culture change
- need to take some level of risk and be risk aware not risk averse

Maximising Social Value

- important to incorporate and recognise social value in our commissioning and procurement of services
- recognise that quantifying all social value can be difficult
- clarify the social value or social benefits KCC are looking for and importance of community influence and in deciding social value

The Recommendations of the Committee:

Our challenge to the whole of KCC and to the sectors involved is to work more collaboratively to shift culture and deliver better outcomes through a mixed economy.

The recommendations from this report seek to improve how KCC commissions services and mitigate some of the barriers for VCSE and SME Providers.

In the spirit of challenge to officers to drive improvement in our commissioning the evidence points directly to 6 key points:

- We can improve our commissioning
- Can develop a mixed economy – eclectic, using both big and small providers from all sectors and KCC in-house provider units, with key role for VCSE and SMEs
- Can further support and encourage VCSE and SMEs to provide services directly or as part of the supply chain.
- Can support social and micro enterprises to grow and deliver outcomes
- Can improve contract monitoring and contract management
- Can take more account of social value

Commissioning Landscape

1: Support the development of a balanced and mixed economy of potential service providers, balancing cost and maximising where appropriate the use of VCSE and SME organisations with the capacity and skills needed to achieve the outcomes required.

KCC as an excellent Commissioner

2: Clarify KCC Commissioning objectives and approach, and develop a KCC Commissioning Strategy.

3: Define roles, responsibilities and relationships in the commissioning cycle, agree who is best placed to carry out the different tasks and decide when and how legal advice should be considered in the procurement cycle.

4: Develop the culture of commissioning and contract management, with an ethos of collaborative relationships.

5: Extend the Kent Compact or similar agreement to include private sector providers working with VCSE organisations.

6: Invest time defining the desired outcomes and measures (quantitative and qualitative), ensuring these are user and communities focused and evaluate impacts (not outputs), using Co-production of outcomes and measures where appropriate.

7: Improve how we join up commissioning across the authority. There is a need for better collaboration and partnership building across silos and with providers.

Engagement and Communication

8: Provide more opportunities to co-design and co-produce services where appropriate, to capture the value of what organisations are already doing, and ideas to innovate.

9: Need to ensure that specifications are 'fit for purpose' - reflect market engagement, identify level of need and desired outcomes, allow innovation and flexibility leading to better contracts.

10: Actively consider how service users and stakeholders can have greater input and influence in the specification, and service users in the evaluation of tenders.

11: Ensure appropriate and timely communication throughout the market engagement and tendering processes – about timeliness, communicating reasons for changes, levels of awareness.

12: Promote contracting opportunities to VCSE and SMEs and Better or enhanced promotion of the Kent Business Portal to increase awareness (including with small and micro enterprises), and for the Portal to be more easily navigable.

13: Extend the use of the portal to enable other local Authorities to promote contract and subcontracting opportunities, broadening potential access for VCSE and SMEs.

Procurement Process

14: Strengthen our processes to access and utilize knowledge of Commissioners and potential providers - KCC should consider within the current tendering process and complying with procurement law how KCC can strengthen our understanding of the local knowledge and experience of organisations, for example by incorporating

- visits to existing services of potential providers
- reflecting knowledge of past performance/experience of working with a provider,

both good and not so good.

15: Simplify and standardise procurement processes further to remove or minimise procurement process barriers by:

- introducing reduced and less onerous requirements for low value contracts (e.g. financial evidence - self certification/documentation for low risk/low value followed by a more detailed analysis if proceed to award stage, proportionate pre qualification)
- simplifying and standardising the core and online PQQ, retaining the flexibility to add additional questions for more complex service areas
- having better co-ordination of Commissioning and co-ordinating the diary of tenders across KCC where possible and introducing a plan of tenders
- Giving earlier notice of intention to put contract out to tender and more time for the completion and submission of tenders.

16: Promote opportunities to VCSE and SMEs through publication of lower value contracts (i.e. £5K) and greater transparency regarding low value contracts that are available.

17: Reflect Social Value sufficiently in our procurement decisions – need to actively consider how much of each procurement decision should be assigned to Social Value, and not only between price and quality.

Support to develop the Market and build capacity

18: Actively consider how best to support the development of the market and build capacity, particularly how best to provide support to VCSE and to SMEs.

Contracts and Grants

19: Break down larger contracts into smaller lots, wherever practical.

20: Requirement for prompt payment terms all the way down our procurement supply chain continues to be built into contracts; and improve monitoring of this requirement to ensure compliance.

21: Recognise there is a clear role for ‘smart’ grants that are innovative and outcome based. Need to ensure that their use is transparent and are time and task specific, and monitored / evaluated for success.

22: Improve the capabilities to performance manage contracts; and ensure the capacity to monitor and evaluate performance and support improvement when appropriate.

23: Stipulate that all contracts have clearly scheduled performance reviews and evaluate outcomes/outcome evaluations – for instance ensure contracts have schedule of reviews

24: Complete the Contracts register to include all contracts over 50k – and include details of the named contract manager, and Lead Director.

25: Manage internally provided Services with as much rigour for outcomes, and performance management as other providers.

Member Role

26: 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.

Social Value

27: To maximise and give greater recognition to Social Value, incorporate consideration of social value questions in tender evaluation criteria and procurement decisions where possible, and develop a Social Value Charter.

1 Background

1.1 The Select Committee Membership (Conservative 5, UKIP 2, Lab 1, Lib Dem 1)



Mike Angell



Matthew Balfour



Nick Chard



Tom Gates



Clive Pearman



Mike Baldock



Hod Birkby



Gordon Cowan



Martin Vye

1.2 Terms of Reference and Scope of the Select Committee

The Select Committee on Commissioning and Procurement was established by the Scrutiny Committee on 12 November 2013 to make recommendations to KCC to support the improvement in commissioning KCC services.

The terms of reference agreed by the Select Committee on 16th December 2013 were:

- a) to determine what KCC needs to do to become a better commissioning authority, with a particular focus on removing barriers to entry for the provision of KCC services from new providers, particularly small to medium sized enterprises (SMEs) and members of the voluntary, community and social enterprise sector (VCSE).
- b) to consider if the authority is using its commissioning processes to ensure it meets its duties under the Social Value Act
- c) to examine how, in becoming a commissioning authority the voluntary, community and social enterprise sector (VCSE) can play a more important role in the provision of KCC services
- d) to make recommendations around the role of KCC as a commissioning authority and the programme of activity through Facing the Challenge that will move the authority to have a commissioning focus and improve how we do commissioning.

The issues to explore are given in summary below and are expanded in Appendix 1 for reference:

- a) the strategic context and our role as a commissioning organisation
- b) the costs of entry into KCC commissioning and procurement exercises, and if these costs present a significant barrier to new providers
- c) how any barriers to entry for new providers might be mitigated or removed
- d) the extent to which KCC decommissions and re-commissions services based on provider performance
- e) How KCC can best discharge its responsibilities through the Social Value Act
- f) the type of social benefits that should be sought through commissioning /procurement practices (e.g. apprenticeships)
- g) the extent that social value requirements be sought throughout the KCC supply chain

1.3 Methodology

The review commenced by looking at existing research and national papers. The committee gathered evidence during January and early February 2014, through hearings, briefing papers and written evidence from providers including VCSE and SME, Infrastructure Organisations, representative bodies, and Officers with Commissioning or procurement roles.