

## KENT COUNTY COUNCIL

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### SELECT COMMITTEE - COMMISSIONING

MINUTES of a meeting of the Select Committee - Commissioning held at Wantsum Room, Sessions House, County Hall, Maidstone on Monday, 16 December 2013.

PRESENT: Mr M J Angell, Mr M Baldock, Mr M A C Balfour, Mr H Birkby, Mr N J D Chard, Mr G Cowan, Mr T Gates, Mr C R Pearman and Mr M J Vye

PRESENT AS A WITNESS:

IN ATTENDANCE: Mrs P Cracknell (Research Officer Scrutiny & Evaluation, Business Intelligence), Ms D Fitch (Democratic Services Manager (Council)) and Ms J Sage (Assisting Research & Business Intelligence)

#### UNRESTRICTED ITEMS

##### 1. Election of Chairman

*(Item. 1)*

Mr M Balfour proposed and Mr M J Vye seconded that Mr M J Angell be elected Chairman of the Select Committee.

RESOLVED that Mr M J Angell be elected Chairman of the Committee.

##### 2. Commissioning and Procurement Topic Review

*(Item. 2)*

(1) The Chairman introduced the report that had been circulated with the agenda which set out proposed Terms of Reference, scope and general approach to the review included suggested witnesses either for written or oral evidence.

(2) The Committee discussed the proposed Terms of Reference and scope of the review and made the following points:

- Mr Baldock wished it to be noted that he did not agree with the assumption in paragraph 1.1 of the report that commissioning was the only response to the statement that "Public Services are changing as previous models of service delivery are no longer affordable in a time of reductions in public spending, future significant increase in demand for services and increased public expectation about quality of services."
- Mr Cowan emphasised the need to look at the voluntary sector and its issues in relations to commissioning of services, whilst acknowledging their hard work he questioned how far it was possible to provide services with volunteers.
- Mr Baldock proposed that the Terms of Reference be amended to include reference to giving consideration to what steps were taken to protect services if the provider failed to fulfil their contractual obligations. This on

being put to the vote was lost. It was pointed out that this was covered within the scope of the review.

- Reference was made to the importance of Members of the Select Committee being aware of the Public Services (Social Value) Act 2012, which would come into force on 31 January 2014.
- The Chairman drew the Committees attention to the importance of Members of the Committee not approaching individual providers involved in any ongoing tendering/procurement process to provide Kent services as this was prohibited in procurement law.
- Members expressed their individual perceptions of Commissioning within the public sector and there was a general discussion on the scope of the review.
- It was suggested that the Committee should also receive evidence from other Local Authorities who have had experience of commissioning services.
- Mr Vye circulated a note from the “Third Sector Commissioning” conference that he had attended on 26 November 2013.
- Reference was made to the recently commissioned Children’s and Adults Mental Health Service (CAMHS) which was being provided by Sussex County Council. It was noted that there was an item on this service at the meeting of the Health Overview and Scrutiny Committee on Friday 31 January 2014.
- The importance of robust contract monitoring was emphasised.
- The value of flexibility in commissioning was mentioned.
- It was confirmed that witnesses would be asked to share their experiences of barriers to commissioning as part of their evidence and that evidence would be sought from those who had been unsuccessful in the commissioning process.
- The importance of considering Best Value, including social value as part of the commissioning process was raised.
- It was mentioned that all County Councillors could have a role in informally monitoring contracts in their area and providing valuable feedback. Also reference was made to the changing role of Councillors as part of the transformation agenda and it was suggested that they may have a role in “due diligence” prior to commissioning of services.
- Mr Vye mentioned that the Leader was considering establishing a Cross Party Member Panel to oversee Commissioning.
- The Chairman put forward the suggestion that the Committee may wish to task small groups of Members with going on visits and feeding back to the Committee.
- It was acknowledged that the experience of Commissioning would be different depending on the service being commissioned.
- Reference was made to the Public Service agreement and the principle behind it of a single funding concept and a whole community perspective.
- Mrs Cracknell explained how it was proposed to engage with witnesses and the way in which the evidence gathering sessions would be run. She undertook to email written evidence to Members as it was received.
- Any Members who were linked to a company or voluntary sector organisation which was providing evidence to the Committee were requested to inform Ms Fitch so that that this could be recorded.
- Mrs Cracknell circulated Information Pack One: Background Papers for Members and explained that at the next meeting on 14 January 2014 the material would form the basis of the Committee’s initial discussion. Mrs Cracknell added that Ms Doherty, Business Transformation and Programme

Manager, Customer and Communities would be attending the meeting to provide an overview, discuss the key barriers and KCC successes. As the request of Mr Balfour, Mrs Cracknell agreed to circulate an electronic copy of the Information Pack to the Committee.

(3) RESOLVED that (a) the following Terms of Reference, as set out in the report be approved:

(i) 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).

(ii) to consider if the authority is using its commissioning processes to ensure it meets its duties under the Social Value Act

(iii) 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

(iv) 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.

(b) the general approach to the review on commissioning and procurement as set out in the report be approved.