

SCRUTINY COMMITTEE

Wednesday, 21st January, 2015

2.00 pm

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

**PLEASE CAN MEMBERS BRING THEIR COPY OF THE
BUDGET BOOK AND MTFP TO THE MEETING**





AGENDA

SCRUTINY COMMITTEE

Wednesday, 21st January, 2015, at 2.00 pm Ask for: **Joel Cook**
Darent Room, Sessions House, County Hall, Telephone: **03000 416749**
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, MBE

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

Representatives (3):

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

Tea/coffee will be available 15 minutes before the start of the meeting

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

Please note: this meeting may be filmed for the live or subsequent broadcast via the Council's internet site or by any member of the public or press present. The Chairman will confirm if all or part of the meeting is to be filmed by the Council

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

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 meetings held on the 5th and 12th of December 2014 (Pages 5 - 12)
- A5 Draft 2015/16 Budget and the Medium Term Financial Plan

B - Any items called-in

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

D - Committee business

- D1 Motion to exclude the press and public

That under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the Act.

EXEMPT ITEM

(During the consideration of this item the meeting is likely NOT to be open to the press and public.)

- D2 Exempt minute from the meeting of the Committee held on 12 December 2014

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
03000 416647

Tuesday, 13 January 2015

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

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 5 December 2014.

PRESENT: Mr R J Parry (Chairman), Mr G Cowan, Mrs T Dean, MBE, Mr E E C Hotson, Mr A J King, MBE, Mrs P A V Stockell, Mr R Truelove, Mr M Baldock, Mr A Terry, Mr R H Bird, Mr R A Marsh and Mr M A C Balfour

ALSO PRESENT: Mr M C Dance

IN ATTENDANCE: Mr D Smith (Director of Economic Development), Ms J Ward (Senior Partnership Officer), Ms B Cooper (Corporate Director of Growth, Environment and Transport) and Ms D Fitch (Democratic Services Manager (Council))

UNRESTRICTED ITEMS

62. Minutes of the meeting held on 21st October 2014
(Item A4)

1. RESOLVED that the minutes of the meeting held on the 21st October 2014 be approved as a correct record and that they be signed by the Chairman.

63. Decision 14/00133 - Approval of Equity Investment from the TIGER Fund
(Item B1)

Motion to exclude the press and public

RESOLVED that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the Act.

1. A Member stated that the background document provided by the Members responsible for the call-in was very detailed in raised important questions. He expressed the view that the report and appendices did not contain sufficient information for the committee to consider the issues raised. He therefore proposed that the s.151 (Chief Finance) Officer be requested to refer the matter to an external auditor and that the Committee receive a report from the auditor in due course.

2. The Committee were informed that this matter was due to be considered by internal audit as part of their planned work programme.

3. Mr Smith was given the opportunity to inform the Committee of the possible consequences of deferring considerations of this decision and therefore its implementation.

RESOLVED that the Section 151 officer be requested to refer decision (14/00133) to the external auditors and that they produce a report-which is to be submitted to this Committee as early as possible in January for consideration.

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 12 December 2014.

PRESENT: Mr R J Parry (Chairman), Mr J E Scholes (Vice-Chairman), Mr H Birkby, Mr G Cowan, Mrs T Dean, MBE, Mr E E C Hotson, Mr A J King, MBE, Mr R A Latchford, OBE, Mr L B Ridings, MBE, Mrs P A V Stockell and Mr R Truelove

ALSO PRESENT: Mr G K Gibbens, Mr D L Brazier, Mr G Cooke, Mrs A D Allen, MBE, Mr M J Vye, Mr J N Wedgbury, Mr M E Whybrow, Mrs M E Crabtree, Mr M A C Balfour, Mr M C Dance, Mr R H Bird, Mr P Hughes and Mr M Ellender

IN ATTENDANCE: Mr A Ireland (Corporate Director Social Care, Health & Wellbeing), Mr A Mort (Policy Manager), Ms B Cooper (Corporate Director of Growth, Environment and Transport), Ms J Ward (Senior Partnership Officer), Mr D Smith (Director of Economic Development), Ms D Fitch (Democratic Services Manager (Council)) and Mr J Cook (Scrutiny Research Officer)

UNRESTRICTED ITEMS

64. Select Committee Topic Review - Work Programme *(Item A4)*

1. Mr Vye introduced his Select Committee Proposal on the Kent Support & Assistance Service (KSAS). He explained that the main points to be addressed were identifying appropriate priorities for continuing the support in light of funding cuts, that the risk register should cross-reference the growing numbers of people dropping below the poverty threshold with associated risks such as health and wellbeing implications.
2. A Select Committee would be able to establish a baseline of evidence for use in future needs assessments and assist in identifying the best uses of available resources.
3. Mr Gibbens responded as the relevant Cabinet Member, stating that he supported the idea of finding a way to continue KSAS' work but that it would be premature to set up a Select Committee at this time as the future of KSAS is uncertain and the Adult Social Care and Health Cabinet Committee would be considering alternative plans that were currently being developed to remodel this welfare assistance.
4. Responding to questions, Mr Gibbens stated that a future Select Committee to assess the success of the processes adopted to meet the demand after KSAS funding expires would be beneficial.

Select Committee Proposal – Property Management

5. Mr Wedgbury introduced his Select Committee proposal on Property Management, suggesting that KCC should conduct a significant review into whether all KCC properties were still fit for purpose, not too expensive to maintain and represented good use of KCC assets. He explained that carrying out such a detailed review would offer opportunities to identify potential savings, income generation and demonstrate to the public that KCC placed people before buildings.

6. Mr Cooke responded as the relevant Cabinet Member, stating that the proposal was sound but the timing was not appropriate. He explained that KCC had just adopted a new corporate landlord programme and that numerous other reviews were already taking place around KCC property assets. He commented that such reviews and oversight into property management were an ongoing process in order to ensure that KCC got best value from its assets. Although he fully supported the goals of the proposal, he advised that these would be better achieved through the ongoing processes already in place.

Select Committee Proposal – Biodiversity

7. Mr Whybrow introduced his Select Committee proposal on biodiversity, which had been prompted by approaches from concerned residents who wish to see the excellent natural environments in Kent preserved. He explained that biodiversity captured the variety of life present in Kent and that Kent has excellent habitats that were now threatened by increasing development. This has caused wildlife to disappear as their natural environment altered. He explained that his initial work in this area revealed that KCC did not have a biodiversity strategy and that this meant there was too little consideration given to how biodiversity impacts on a whole range of other issues in which KCC already has a stake.

8. Mr Whybrow hoped that a Select Committee would improve awareness of the issues and promote better use of KCC estate management, resulting in a better approach to maintaining and encouraging biodiversity.

9. Mr Balfour, responding as the Lead Member, supported Mr Whybrow's comments. He noted that nature and the green environment were extremely important to Kent both for their intrinsic natural beauty and the economic benefits of eco-tourism. Kent's location between London and Europe, with extensive countryside close to large conurbations, meant that biodiversity was a key trait of the county and must be preserved. He also referred to the practical benefits to health and wellbeing of spending time in green spaces and the outdoors was reason enough to require further work in this area.

10. Mr Balfour supported the proposal to establish a Select Committee on this topic and commended the proposal to the Committee.

Select Committee Proposal – Energy Security

11. Mr Wedgbury introduced his Select Committee proposal on energy security, explaining that as a critical resource, it was vital that KCC took steps to ensure sustainability on a scale that would meet demand. He stated that as the economy and population grows, the challenge of meeting demand was increasing and the health and safety risks arising from a power loss were similarly rising. With

growing pressure for alternative energy sources, it was important to first ensure security of existing supplies.

12. Mr Brazier, responding as the relevant Cabinet Member, supported the proposal, stating that while this was a global issue there were steps that could be taken at a local level to consider a variety of sources and their different qualities, including alternative energies. He confirmed that continuity of supply to meet the growing demand for energy was a significant concern and agreed that KCC should take action to minimise the risks.

13. A Member questioned whether appropriate Officer resources could be provided to this potential Select Committee given the level of technical detail involved. Mr Brazier confirmed that he and relevant officers would be happy to provide appropriate support.

Select Committee Proposal – Role of Elected Members as Corporate Parents

14. Mrs Crabtree introduced her Select Committee proposal on the role of the Elected Members as a Corporate Parents. She highlighted the need for Elected Members to understand their role as Corporate Parents and to make a commitment to children in care that was equal to that which parents had for their children. It was important to look at this role is currently carried out and what could be learnt from other local authorities.

15. Mrs Crabtree suggested that identifying the best training plan to address these issues was vital.

16. Mrs Allen, responding in place of Mr Oakford, supported the proposal. As Chairman of the Children's Champions Board, she explained the importance of Elected Members having an understanding of the Corporate Parenting model which had helped highlight some of the key risks facing children in care. Mrs Allen stated that this was the responsibility of all Elected Members, with cross-cutting themes and legal obligations. She wanted to ensure that all KCC staff and Members were fully aware of their responsibilities and to be assured that best practice is being followed.

17. Mrs Allen stated that she was pleased that young people were now more involved in improving the service but that she was sure that more research was needed to help Kent understand where other authorities are doing things better and what mistakes have occurred in the UK that KCC should avoid.

18. Mrs Allen confirmed her support for the Select Committee topic, commenting that it was significant issue that had to be addressed.

19. Several Members commented on the proposal, the majority expressing support.

20. The Chairman called for votes on each proposal, with the most popular being selected as the first Select Committee to be launched, and then another vote was held to select the second Select Committee to be planned. The first Select Committee would submit its report to the May County Council meeting with the second Select Committee approved started its work after the first Select Committee had produced its report.

RESOLVED that the Select Committee on the Role of Elected Members as Corporate Parents be established and that the following Select Committee be on Energy Security.

65. Social Care Risk Register updates

(Item A5)

1. Mr Gibbens, as Cabinet Member for Adult Social Care, presented a verbal update in relation the inclusion of Social Care demand management on the corporate risk register.

- Mr Gibbens outlined the main points as follows;
- that the Care Act was adding obligations and would require more work with the consequent resource implications, the process on self-funders is not fully scoped meaning that the impact could not yet be predicted. Mr Gibbens commented that at present, too much was changing in relation to the future of Social Care and that this was inherently high risk.
- deprivation of Liberty assessments had been altered which had an impact on resources and processes.
- The high profile issues of child safeguarding which had resulted in additional work and resource being required to confirm that Kent's approach was fit for purpose and not exposed to unacceptable risk.
- the increasing pressure from people with learning disabilities and their transition from supported young people to support adults. Further work was being undertaken to make independent living a more viable option for people with learning disabilities but this had to be balanced with the need to ensure that service users received appropriate support.

Mr Gibbens noted that all these factors were impacting on Kent and other counties.

- Mr Ireland, Corporate Director for Social Care, gave an update on risk in his directorate. He acknowledged that Children's Social Care would always be a high risk issue as the consequences of failure were so significant. In terms of Kent more specifically, Mr Ireland explained that the Service for Unaccompanied Asylum Seeking Children (SUASC) presented a particular set of challenges regarding child protection given the language and cultural issues and the resource intensive support work required to manage the service. Additionally, the large size of Kent presented its own issues; disparate groups of young people requiring support in considerable numbers but spread across a large geographic area. A more detailed strategy to ensure prioritising those with the greatest need was required to make the service more effective and this could not be achieved until better data and performance management was made available.

2. Members made comments and asked questions regarding the wider approach to Social Care in Kent. The points raised included the growing costs of providing social care which were expected to continue growing year on year due to increased life expectancy and long term disability support systems. Continued

Asylum work added to the workload and was not expected to reduce given international events.

3. Mr Gibbens commented that he looked forward to Newton Europe, acting as consultants, presenting their findings on updating the social worker system.

4. Mr Ireland referred to ongoing work to challenge Central Government's approach to allowing other Authorities to continue placing children in care within Kent without adequate support being arranged.

RESOLVED that the Committee thank Mr Gibbens and his officers for providing the verbal update and advises that they may be invited to return in the future with an update.

66. Scrutiny Committee Work Programme
(Item A6)

1. The Committee considered a report which suggested ways to facilitate the work of the Committee.

2. In response to a question from a Member it was confirmed that any Member had a statutory right to place an item on the agenda for the Scrutiny Committee on matters which affect the authority's area or the inhabitants of the area. It was acknowledged that every attempt should be made to avoid duplicating the work of the Cabinet Committees.

RESOLVED that:

(a) agenda setting meetings be held to at least 3 weeks before the Committee meeting

(b) KPIs, Budget Monitoring Information, the Corporate Risk Register and a list of KCC consultations be circulated to members of the Committee on a regular basis and at each agenda setting meeting consideration be given to whether any issues arising from these should be added to the agenda for the next or a future meeting

(c) the draft work programme as set out in Appendix 1 to the report be agreed, with items subject to final approval at the agenda setting meeting.

67. URGENT BUSINESS
(Item B11)

1. The Chairman informed the Committee that he had agreed to take consideration of this item as a matter of urgency due to the need to minimise the chance that the investment opportunity will be lost.

68. Motion to exclude the press and public
(Item B12)

RESOLVED that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on grounds

that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the Act.

69. Decision 14/00133 - Approval of Equity Investment from the TIGER Fund
(Item B2)

1. The Chairman welcomed Mark Dance as Economic Development Cabinet Member, his officer team of Barbara Cooper, David Smith and Jacqui Ward as well as external auditors Martin Ellender and Paul Hughes from Grant Thornton. He stated the he intended to invite Mrs Dean as one of the members who had submitted the call-in to introduce this matter and then to allow Mr Bird and Mr Whybrow to ask brief questions before opening up the questioning to the Members of the Committee.

2. Mr Ellender from the external auditors, Mr Dance and Ms Ward briefly presented their reports. Questions from Mr Bird, Mr Whybrow and members of the Committee relating to the decision making process used by the Cabinet Member, the Regional Growth Fund terms of reference and confirmation that the investment decision had been taken within the appropriate guidelines, were answered by the guests.

RESOLVED that the Committee does **not** require that the decision be reconsidered and recommends that in future the Regional Growth Fund processes include sufficient and auditable due diligence in line with the audit report and comments from the Committee.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item D2

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