

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, 11 June 2015.

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 R A Latchford, OBE, Mr L B Ridings, MBE, Mrs P A V Stockell, Mr R Truelove and Miss S J Carey (Substitute)

ALSO PRESENT: Mr M J Harrison

IN ATTENDANCE: Mr J Burr (Director of Transformation and Commercial Services), Mr D Whittle (Director of Strategy, Policy, Relationships and Corporate Assurance), Mr M Tant (Flood Risk Manager), Mr T Harwood (Resilience and Emergencies Manager), Ms D Fitch (Democratic Services Manager (Council)) and Mr J Cook (Scrutiny Research Officer)

UNRESTRICTED ITEMS

77. Minutes of the meeting held on 19th May 2015
(Item A4)

Mr Cook advised the Committee that corrections had been requested to the date of the additional Environment & Transport Cabinet Committee (paragraph 21 – July replaced with November)

Members noted corrections for paragraphs 16 and 18 (spelling).

RESOLVED that subject to the corrections being noted, that the minutes were an accurate record of the meeting on 19th May and that they be signed by the Chairman.

78. Flood Risk Management Committee - Annual Report
(Item C1)

1. Mr Harrison introduced the Flood Risk Management Committee's Annual Report, commenting that he grateful to the officers for producing such a good document. Mr Harrison explained that Mr Tait, the Committee Clerk, was unable to attend. Mr Harrison commented on the excellent work and support Mr Tait provided to the Committee. Mr Harrison summarised the work undertaken by the Committee in 2014/15, stating that it had conducted two site visits and held three meetings. He then invited the attending officers to update the Scrutiny Committee further.

2. Mr Harwood, Resilience Manager, explained that the work undertaken by the committee could be viewed as responding to a year of two halves. The first area focused on was that of the Member oversight role – debriefing on very bad weather conditions experienced in the winter of 2013/14. This featured advising Members on the lessons learned and what action the Resilience Team had taken to ensure the relevant actions were completed as a result. The second area of focus was how best

to move on from the 2013/14 winter. This featured innovation work undertaken and considered by the committee; Coastal Flooding, livestock care improvements (including an Evacuation guide for livestock) and notably the 'what to do in an emergency' guidebook that was developed to ensure communities would be better able to respond to future extreme weather situations.

3. A Member commented that the flood defence work undertaken in Sandwich was an excellent development. Mr Harrison advised the Committee that Sandwich had won three awards for civic engineering in relation to the flood defence work.

4. Responding to a question from Members about the Yalding flood barrier, Mr Tant explained that the Environment Agency had committed to assist in funding development for Yalding flood defences with an expected eight year project term (three years of project development and risk analysis followed by five years construction implementation). KCC would be contributing £205k toward the project, on which a full report was expected in late summer 2015. Mr Tant explained that the Environment Agency was still working on the analysis but the complexity of the subject made it a lengthy process.

5. Members praised the work of the Resilience Forum in developing the emergency guidance leaflet and asked whether there were further plans to publicise the ongoing flood risk mitigation work. Mr Harrison agreed that the Resilience Forum had done an excellent job and asked that Members promote the Forum in their divisions. Mr Harrison also highlighted that the Regional Flood Defence Committee would be meeting at County Hall on the 29th July 2015.

6. In response to a Member question relating to drainage investment and works, the Chairman invited Mr Balfour, as Cabinet Member for Environment & Transport, to join the meeting. Mr Balfour explained that drainage work was ongoing, with a constant flow of issues that needed addressing. He clarified that this was normal business and to be expected of such a broad service that is vulnerable to uncontrollable external factors, such as the weather. However KCC was committed funding ongoing work to maintain the drainage system.

7. Members engaged in discussion with Mr Balfour, Mr Harrison and Officers regarding details of the minutes from previous Flood Risk Management Committee meetings. The specific details requested by Members were not readily available and fell outside the remit of the Committee. Mr Balfour requested the Members contact him outside of the meeting with details of their concerns.

8. A Member commented that the Flood Risk Management Committee did excellent work and was particularly pleased that Members were now updated regularly on progress and year round work. The Member suggested that future Annual Reports feature a more detailed paper outlining action taken by the Committee and should not include minutes of their meetings. Mr Harrison agreed that this would be done in future, clarifying that as the Flood Risk Management Committee engages with partners, many issues recorded in their minutes are not within the remit of KCC or his committee and subsequently referred. Mr Balfour advised that Committee that examples of this included drainage works that were considered by the District Joint Transportation Boards with relevant reports also considered by the Environment and Transport Cabinet Committee.

9. Responding to a question relating to Highways receiving 3,500 complaints a year, Mr Balfour explained that many of these would actually be fault notifications which should be considered differently. He reiterated the point that any large system would have minor faults due to continuous use and wear and tear. Mr Balfour noted that while some of the 3,500 may be formal complaints; this number represented a tiny proportion of all the contact received from public received by Highways, approximately 1%.

RESOLVED that the Committee thank Mr Harrison and Officers for attending; that the Committee note the Flood Risk Management Committee's Annual Report; that the report format be amended in future to include a more detailed report and not minutes from committee meetings. The Chairman also highlighted the Committee's gratitude to Mr Balfour for joining the committee discussion to respond to questions.

79. Commissioning Advisory Board update *(Item C2)*

1. Mr Hotson, as Chairman of the Commissioning Advisory Board (CAB), explained the background to the issue being brought to Scrutiny, commenting that attempts have been made to hold informal briefing sessions with Group Leaders.

2. Mr Hotson provided a broad overview of the current situation and background to the Commissioning Advisory Board, explaining that it had been developed in response to the Commissioning Select Committee report in May 2014, subsequently endorsed by County Council. The Leader of the Council had asked Mr Hotson to lead a cross-party working group to consider how best to implement the recommendations developed by the Select Committee. This cross-party working group created a plan for carrying forward the recommendations. Following discussions with the Leader of the Council, it was agreed that a strong approach was required to deliver the required to change KCC into a Strategic Commissioning Authority.

3. Mr Hotson explained that when CAB was formed with full Terms of Reference in October 2014, the Phase 1 Commissioning transition was already underway, meaning that CAB had a great deal of work to manage in a short space of time. Since its formation CAB has held 13 meetings and will have had 18 by the time it reaches the end of its planned 12 month programme, at which point its performance and format will be reviewed to consider the best method of continuing appropriate Member involvement in the consideration of Commissioning. Mr Hotson confirmed that all the meetings of CAB were very well attended from all parties and that the meetings were intensive and strenuous, requiring careful consideration of complex issues. In particular, Mr Hotson noted that CAB had demonstrated the benefits of developing closer working relationships between Members and Officers. Mr Hotson further commented all Members of CAB have enthusiastically undertaken all the extra work involved, Mr Vye for example had conducted a significant amount of additional research in support of CAB's consideration of the Youth Service contract.

4. In terms of future planning, Mr Hotson explained that Commissioning was such a huge subject, it was impossible for even a very dedicated group like CAB to handle in its entirety. This was also taking into account the fact that CAB was not a decision making body, only responsible for considering commissioning plans and

contracts and making recommendations and referrals. Mr Hotson's opinion was that as KCC shifts more toward Strategic Commissioning, new working practices would be required to manage the new processes involved.

5. Mr Hotson clarified that the 12 month period for which CAB had been established would soon end and the Board would be up for review. He was keen for CAB to start considering its own future and how KCC could manage commissioning appropriately in the future. It was Mr Hotson's opinion that the Commissioning workload was too great for Cabinet Committees in their current format and meeting cycles which would not provide sufficient frequency or focus. Mr Hotson explained that CAB would be working on plans to develop what CAB had achieved so far and would seek to identify the best way of continuing the positive outcomes. Mr Hotson wished to record his and CAB's thanks to David Whittle (Director – Policy and Strategic Relationships) and Paul Wickenden (Democratic Service Manager – Members) for their support.

6. Members thanked Mr Hotson for providing a detailed update, confirming that efforts had been made earlier in the year to progress further conversations relating to Commissioning. Comments were made that while the update on the work of the CAB and Member involvement in Commissioning was welcome, there remained a strong desire for Members to receive a timetable of contracts that were due for renewal with the option of considering these some six months in advance to allow for sufficient work to be done.

7. Members queried what process will be adopted in the longer term, agreeing with the view that Cabinet Committees in their current format would be unable to manage all the relevant commissioning work. Member accepted that Cabinet Committees had the authority and expertise to provide suitable consideration to Commissioning but not the capacity based on the current meeting cycle and level of responsibility for other matters.

8. Mr Hotson commented that the idea of a CAB sub-committee had been considered and not implemented but that as Members had conducted their own research and consideration outside of the CAB meeting cycle, a similar outcome had been achieved in a positive way. However, he was not certain that this model could be sustainable if made responsible for considering all commissioning decisions. The cross-party engagement and joint working had been very positive and had evidenced the capacity for Members to add value to the Commissioning process through their contribution of additional consideration and recommendations. Mr Hotson also explained that Paul Wickenden had developed a very good training programme throughout this process, supporting all Members to better understand Commissioning. He recommended that Paul Wickenden could provide further updates on this matter via the Member Development Steering Group.

9. David Whittle, responding to the questions about specific contract details, explained that the Contract Register is available online already, that the Commissioning Schedule would be going to Policy and Resources Cabinet Committee in July and that CAB would also be sighted on this schedule. Mr Whittle advised the Committee that the Terms of Reference for CAB meant that it was not possible for it to consider all commissioning plans and decisions but that throughout its operation, Commissioning Officers had provided advice and guidance in support of selecting appropriate items for consideration.

10. A Member praised the report and thanked Mr Hotson and Mr Whittle for updating the Committee. However, the Member explained that he wanted the Scrutiny Committee to consider the next stage of the Commissioning Authority transformation; what will follow CAB? The Member was still pleased to see that the report showed how CAB has considered a broad range of issues. The Member commented that the Commissioning Select Committee's report, which had resulted in the development of CAB, had included twenty seven recommendations and in the Member's opinion, the key recommendations focused on the fact that Members had to have greater involvement in Commissioning. He explained that this meant it would be useful to have the capacity to hold quarterly or six-monthly reviews of ongoing contracts with the opportunity to address problems with those that were failing. The Member suggested Child and Adolescent Mental Health Services (CAMHS) as an example of where this approach would have been useful and that similar cases represented situations where services had suffered as a result of lack of intervention by KCC. He confirmed that he was very pleased that CAB had done such a good job so far but remained concerned that there was not yet clarity about what process would be used in the long term to allow for effective Member involvement in the consideration of commissioning. The Member also raised a concern that Members had hoped for a greater level of involvement than had been provided, commenting that £800m of commissioning had already taken place without CAB consideration.

11. Mr Whittle clarified that the £800m mentioned by Members represented the net third party spend by KCC within its £1.1bn budget and that these contracts were not subject to the phase 1 review of contracts and commissioning. Mr Whittle explained that transition to being a full commissioning authority was a long term project and that the current commissioning approach is working well, with an expectation that new contracts will be set up once the new Commissioning model is fully embedded. Spend on ongoing contracts reflected where the contracting cycle had rolled over before renewals could be arranged through the Commissioning Framework. Mr Whittle advised the Committee that all Directorate Business Plans were now accessible on Knet and that they included a breakdown of internally and externally provided services.

12. Mr Hotson, responding to the comments set out in para 10, noted that the Member had been a sceptical member of CAB but that his contribution has been valuable and that he believed that a considerable amount of Commissioning information had been supplied that would not have otherwise been available, again highlighting the benefit CAB had brought to KCC. Mr Hotson agreed with the points made in so far as it was important that a proper plan was put in place to determine how best to consider commissioning in the future and that scrutiny of contracts was an important aspect of transitioning to a Strategic Commissioning Authority. Mr Hotson did clarify, however, that based on the system of governance at KCC, the Executive would still be responsible for making all decisions and that any additional consideration of commissioning and contracts would have to be advisory rather than decision making in nature. Mr Hotson explained that CAB was scheduled to discuss how its work should be continued, that several options needed to be considered and that CAB would make a recommendation to the Executive in due course.

13. A Member thanked Mr Hotson for his report and advised the Committee that he had learned a great deal through his involvement with CAB. He was pleased that CAB had been set up to respond to the Select Committee's recommendation for

greater Member involvement in Commissioning. The Member also agreed with the view that further work to make KCC a Strategic Commissioning Authority meant reviewing the manner in which contracts and commissioning are considered as Cabinet Committees did not have the capacity to take on the required workload. The Committee emphasised that all Members need more training on Commissioning to allow them to better fulfil their role in greater Member involvement.

14. Mr Hotson explained that Paul Wickenden was working on providing further updates regarding training, again highlighting how hard Mr Wickenden has worked on supporting CAB and developing Member training programmes in general.

15. The Chairman summarised the key points raised in discussion that warranted further consideration at appropriate meetings;

- Continued Member Development and training with regard to contracts and commissioning.
- How Cabinet Committees may give appropriate consideration to Commissioning in addition to their existing responsibilities.
- How CAB or its work should be continued in the future.

RESOLVED that the Committee thank Mr Hotson, Mr Whittle and Mr Burr for their attendance and updates; that the Commissioning Advisory Board report be noted and that comments by Scrutiny be considered when planning future Member involvement arrangements.

80. Select Committee Work Programme
(Item C3)

RESOLVED that the Committee agree that the Corporate Parenting Select Committee report to County Council be deferred; and that the Energy Security Select Committee be constituted pending membership and terms of reference agreement.