

Highways Business Plan IMG

Cabinet portfolio: Mr N Chard

Synopsis: The report to Cabinet Scrutiny Committee consisted of the minutes of the Highways Business Plan IMG held on 2 December 2008. During that meeting, it was resolved that gulley emptying schedules would be provided to Members after the County Council elections.

Reason for call-in: The minutes of the Highways Business Plan IMG of 2 December 2008 formed an item on the Cabinet Scrutiny Committee agenda of 10 December 2008. The Chairman asked that the request from the IMG be actioned.

Date of consideration by Cabinet Scrutiny Committee: 10 December 2008

Recommendations and responses:

1. Highways Business Plan IMG 02.12.08:

That a list of gulley schedules be supplied to all Members after the elections

The gulley emptying schedules would be issued to Members in the next few weeks.

Date of response: 21 July 2010

Date actioned: Not applicable

Members have received a map showing gulley emptying routes and schedule information would be available in the next few weeks

Date of response: 15 September 2010

Date actioned: 15 September 2010

Members will begin to be provided with the gulley emptying schedules from 18 October onwards

Date of response: 11 October 2010

Date actioned: 19 October 2010

Note:

A spreadsheet detailing the number of gulleys in each parish and when they had been or were due to be emptied was circulated to Members on 19 October 2010. At the meeting of the Cabinet Scrutiny Committee on 20 October 2010, the Chairman expressed concern that the information requested by the Committee had still not been received. The Chairman and Vice-Chairmen will be meeting with officers to discuss a way forward

Kent Design Guide: Parking Consultation

Cabinet portfolio: Mr N Chard

Synopsis: The report to Cabinet Scrutiny Committee consisted of the decision notice which was signed by the Cabinet Members in May 2009; the report which recommended that the Quality Audit and Residential Parking Interim Guidance Notes be approved for adoption by Kent County Council and by Kent's District Councils; the report to the Kent Planning Officers' Group in October 2008 on the consultation responses to the Kent Design Guide Review; and the full list of consultees.

Reason for call-in: The Chairman explained that this call in was as a result of her being approached as Chairman of the Committee and that it was a decision made by two Cabinet Members in May 2009. The meeting was not to discuss the decision relating to the guidance, but to consider whether the consultation process in this instance was satisfactory.

Date of consideration by Cabinet Scrutiny Committee: 9 December 2009

Recommendations and responses:

3. Ask that the KCC consultation protocol be circulated to all Members, as the Committee was concerned that the protocol might not have been properly applied in this instance and that the Scrutiny Board and/or Corporate POSC be asked to examine whether the Consultation Protocol needed to be amended, in the light of the concerns expressed about this particular consultation, i.e. whether the list of consultees was full and appropriate; whether the method of consultation was appropriate; and whether steps should have been taken to chase up non-respondents.

A report was presented to Environment Highways and Waste Policy Overview and Scrutiny Committee on this issue at its meeting on 29 July 2010.

The following recommendations were agreed:

- a) Endorse the testing of the robustness of IGN3 described in Section 4 and receive a report on the outcomes when they are available.*
- b) Acknowledge the concerns of the Kent Developers' Group, and the work that is being undertaken to address these concerns, and encourage further dialogue at appropriate levels to understand the actual implications of and opportunities presented by IGN3, and its interpretation at local level.*
- c) Note that public consultation on Ashford Borough Council's draft Residential Parking SPD offers developers and designers an opportunity to make further representations on the implications of 'IGN3 based guidance', having regard for the need to address the problems of some past approaches.*
- d) Acknowledge the widespread concern among residents concerning parking in recent residential developments, and the social and cost implications arising from the problems caused, and welcome collaborative working approaches that are seeking to avoid replication of these problems in future developments.*

Date of response: 29 July 2010

Date actioned: 29 July 2010

Notes:

15.09.10 – The Chairman and Vice-Chairmen of the Cabinet Scrutiny Committee are due to discuss this issue with the Director of Environment, Highways and Waste

08.10.10 - The Head of Transport & Development has met with the Chairman and Spokespersons of the Cabinet Scrutiny Committee. Concerns have been raised by several development companies and Members and officers of KCC about the discounting of garages and tandem parking from the minimum guidance levels for certain areas. In particular, it has been argued that this will have the 'unintended consequences' of reducing densities of development and degrading the quality of the streets. As a consequence, there has been some pressure for IGN3 to be amended. Because the Kent Planning Officers Group (KPOG) owns IGN3, any review would only be meaningful if it was commissioned by KPOG. After all, IGN3 was endorsed for interpretation at LPA level. A report to address these issues will be taken to KPOG on 29 October, and the Chairman and Spokesmen have been asked to be kept informed of the results of the discussion.

Review of SEN Units – Outcome of the Evaluation of the Lead School Pilot

Cabinet portfolio: Mrs S Hohler

Synopsis: The report set the context for the SEN Unit Review, presented the findings of the Lead School Pilot evaluation and made recommendations and proposals for the development of a new SEN Strategy to meet the special educational needs of Kent children and young people.

Reason for call-in: This item was called in to enable Members to ask questions about the outcome of the Lead School Pilot, the consultation process and the future funding of SEN Units.

Date of consideration by Cabinet Scrutiny Committee: 15 September 2010

Recommendations and responses:

1. Ask the Managing Director, Children, Families and Education to ensure that the CFE (Vulnerable Children and Partnerships) Policy Overview and Scrutiny Committee is given a formal opportunity to monitor progress of the SEN review at all appropriate stages.

A report will be taken to the CFE (Vulnerable Children and Partnerships) Policy Overview and Scrutiny Committee.

Date of response: 30 September 2010

Date actioned: TBC

2. Ask the Cabinet Member for Children, Families and Education to ensure that during the formal consultation process, consultees are made aware of the budgetary implications associated with the proposals as well as the policy implications, and that all headteachers are engaged in the consultation process.

Full consultation on budgetary issues will be undertaken through the Schools Forum

Date of response: 30 September 2010

Date actioned: Ongoing to be determined by March 2011

3. Welcome the assurance given by the Managing Director, Children, Families and Education, that KCC will continue to lobby central Government to ensure that, where there are SEN units in mainstream schools, exam results of SEN pupils are disaggregated. This is to avoid these results affecting league table positions and disincentivising mainstream schools admitting SEN pupils.

A letter will be sent to the new Secretary of State, and this issue will be picked up in our response to the SEN and disability green paper.

Date of response: 30 September 2010

Date actioned: 17 October 2010

“Change to keep succeeding” The transformation of the Council’s operating framework

Cabinet portfolio: Mr P Carter

Synopsis: This report outlined the work to date on a programme to ensure that the Council continues to deliver successfully in the face of the most significant changes facing local government in the external financial and policy context. It needs to be read in conjunction with the draft medium term plan which is being launched for consultation - “Bold Steps for Kent” as this is proposing the draft new strategic vision for the Council which the organisational framework of the Council needs to be able to support and deliver upon.

Reason for call-in: The Group Managing Director asked that the Cabinet Scrutiny Committee be given the opportunity to discuss the proposals that had been endorsed at Cabinet and make comments and ask questions about the proposals at an early stage, before the formal consultation commenced.

Date of consideration by Cabinet Scrutiny Committee: 15 October 2010

Recommendations and responses:

1. Note the general approach to the transformation of the Council’s operating framework set out in the report and appendices.
2. Agree that formal consultation on the proposals for the transformation of the Council’s operating framework can commence.
3. Welcome the assurances given by the Group Managing Director that all the points made during the discussion at Cabinet Scrutiny Committee be examined and responded to. These are as follows:
 - a) Welcome the assurances given by the Group Managing Director that there will be plenty of opportunities for staff to have input into the detail of the proposals before the discussion at full County Council on 16 December.
 - b) The first stages of the process should look at a skeleton structure and strategic direction rather than get into detail, and that there should be a ‘live process’ going forward.
 - c) The Group Managing Director should consider retitling the Enterprise Directorate to better reflect the activities it will deliver and to avoid any confusion with the functions of the Director of Business Strategy post and the Enterprise Fund that sit in the Directorate for Business Strategy and Support.
 - d) Statutory officers should report directly to the Group Managing Director, and the Group Managing Director should consider that the Director post that includes the role of Monitoring Officer be part of the Corporate Management Team, in order to ensure that timely and appropriate legal advice is available to assist decision making at the highest level.
 - e) Another structure chart or other representation should be produced to show the collective role of the Corporate Management Team.
 - f) The Group Managing Director should consider the appointment of a Director of Transformation, since the Group Managing Director should be running the day to day business of the organisation.
 - g) The Committee has concerns about the large amount of responsibility placed on the Families, Health and Social Care Directorate, particularly at a time of great change including the proposed shift of responsibilities from Primary Care Trusts.

- h) Consideration should be given to how the new scrutiny responsibilities arising from the NHS White Paper are reflected in the proposed structure chart as these are currently not present.
- i) Consideration should be given to how support functions should be centralised, since in the past Directorates have felt that centralised functions have not been responsive or competitive enough.
- j) Further thought should be given to where responsibilities for public rights of way and country parks should sit. Currently it is proposed that they are within the Customer and Communities Directorate but a suggestion was made that they might be better served under the Director for Planning and Environment.
- k) Seek assurance that true future costs of pensions are realised when final decisions are taken about the reorganisation and welcome the Group Managing Director's suggestion that a formal meeting will take place between the Chairman of the Superannuation Committee, the Head of Personnel and Development and the Group Managing Director to discuss this issue.
- l) The Committee expects that the report to County Council on 16 December will include detailed written advice and comments from the Director of Finance, the Director of Law and Governance and the Head of Audit and Risk on the totality of the restructuring proposals, so that Members are fully appraised of the financial, legal and risk-related implications of the proposals.

The Cabinet Scrutiny Committee's comments are all very much welcomed and will be incorporated as part of the consultation received during this process

Specific responses:

<i>3(a)</i>	<i>Noted and agreed.</i>
<i>3(b)</i>	<i>Noted.</i>
<i>3(c)</i>	<i>A number of comments are being received on the title of the 'Enterprise' Directorate and it seems very likely there will be a recommendation to change it.</i>
<i>3(d)</i>	<i>The point about the monitoring officer post is noted and will be considered.</i>
<i>3(e)</i>	<i>A chart exists to show the structure of the corporate management team.</i>
<i>3(f)</i>	<i>Noted.</i>
<i>3(g)</i>	<i>The FHSC directorate will have additional capacity within it to deal with the transition work with Health.</i>
<i>3(h)</i>	<i>This structure process does not deal with any member issues arising from the Health White paper but this is a very important point that is being picked up in other work streams.</i>
<i>3(i)</i>	<i>The role of business support being provided to all directorates rather than within each directorate is a critical tool to help shift the "siloes" culture of the council. It is absolutely essential that all support services do support all the services of the council. It also has to be noted that the way in which support is currently provided has to change and much more manager self service and use of corporate systems to reduce duplication and cost will be required.</i>
<i>3(j)</i>	<i>This point has been made in other feedback and it is very likely this will change.</i>
<i>3(k)</i>	<i>Arrangements will be made for a meeting as soon as is practicable.</i>
<i>3(l)</i>	<p><i>The report to members on 16 December will include the detailed written advice of the Group Managing Director the statutory Head of Paid Service.</i></p> <p><i>Cabinet Scrutiny can be assured that the report to Council will follow the Council's internal Governance Statement's requirements. The financial and legal implications of the report will be cleared with the relevant senior officers.</i></p> <p><i>The detailed written advice from the GMD will fully appraise members of the financial, legal and risk implications of the final proposals.</i></p>

Date of response: 8 November 2010

Date actioned: TBC

Kent Connexions and Work Related Learning Services Contract 2010-2013: Budget Saving Options

Cabinet portfolio: Mrs S Hohler

Synopsis: The original paper outlined the proposed budget saving options for the Kent Connexions and Work Related Learning Services Contract 2010-2013.

Reason for call-in: Members wanted more information on the basis of the decision that was taken under urgency procedures to reduce Connexions funding by £5 million over the final two years of the contract.

Date of consideration by Cabinet Scrutiny Committee: 20 October 2010

Recommendations and responses:

1. Ask the Cabinet Member, Children Families and Education to ensure that the proposed revisions to the Connexions Budget and services would be brought back to the Cabinet for consideration prior to implementation in April 2011, so that this Committee can consider whether to call-in the proposals for examination.

Final decisions on all KCC budgets for implementation in the next financial year, including that of Connexions will be achieved through KCC's budget setting process in the New Year.

Date of response: 11 November 2010

Date actioned: TBC

2. Ask the Cabinet Member, Children, Families and Education to ensure that any decision taken about further reductions to the Connexions budget beyond the £5m already identified will also be taken by the Cabinet.

No further reductions have been identified beyond the £5m already identified. However, should national or local developments change this funding position, Members will be informed.

Date of response: 11 November 2010

Date actioned: Not applicable

3. Ask that the Managing Director, Children Families and Education provide comparative information on the performance of other organisations in helping NEETs into employment.

As explained at the Committee, the only comparative information that can be relied upon is that from other Local Authorities in respect of comparison of the percentage of NEETs. This is because "comparative information on the performance of other organisations in helping NEETs into employment" is often held by private sector contractors who would deem this information to be "commercial in confidence" and would not agree therefore to make it publicly available. Consequently there is no consistent comparative national data on this specific topic.

However, Kent's favourable position on NEETs is shown on the table below

Latest available (2010) Comparison to Statistical Neighbours

	<i>July</i>	<i>August</i>	<i>September</i>	<i>Average</i>
<i>Nottinghamshire</i>	5.0%	5.4%	4.5%	4.9%
<i>Kent</i>	5.2%	5.2%	5.6%	5.4%
<i>Staffordshire</i>	5.5%	5.8%	6.9%	6.1%
<i>Worcestershire</i>	6.3%	6.6%	5.9%	6.2%
<i>Warwickshire</i>	5.8%	6.3%	6.4%	6.2%
<i>West Sussex</i>	5.9%	6.3%	7.2%	6.5%
<i>Swindon</i>	7.7%	8.2%	5.2%	6.8%
<i>East Sussex</i>	7.3%	7.6%	6.8%	7.2%
<i>Essex</i>	7.5%	8.1%	8.6%	8.1%
<i>Northamptonshire</i>	6.9%	7.6%	9.9%	8.3%

Date of response: 11 November 2010

Date actioned: 11 November 2010

Equity and excellence: liberating the NHS

Cabinet portfolio: Mr R Gough

Synopsis: Cabinet were asked to agree the commentaries appended to the Cabinet report as representing the views of Kent County Council in respect of the Coalition Government's White Paper "Equity and excellence: liberating the NHS" and its associated consultation reports.

Reason for call-in: The consultation documents were brought to the Committee at the request of the Chairman and two of the Spokesmen of the Cabinet Scrutiny Committee in order that the Cabinet Member and Officers could guide Members through the consultation documents and answer any questions they had.

Date of consideration by Cabinet Scrutiny Committee: 20 October 2010

Recommendations and responses:

1. Ask the Group Managing Director to ensure that the protocol for responding to consultation documents is either amended or (if considered satisfactory) adhered to, so that responses to Government consultations are made available before submission to enable Members to have the opportunity to have input into the final response.

Given the number of consultations, and the tightness of some of the deadlines, it would be impractical to require draft responses to be available before submission in all cases so I do not propose to amend the procedure for responding to consultation documents. The procedure requires Members to be notified (via the Member Information Bulletin, and it is also on KNet) of all consultations, who the lead officer responsible for responding is, and the deadline for response. On KNet there is an up-to-date list of current consultations. If Members have views that they wish to be recorded as part of the response to a consultation, they can contact the lead officer directly and also inform the lead officer that they would like to see the response before it is submitted.

Date of response: 10 November 2010

Date actioned: 10 November 2010

2. Ask that the Cabinet Member for Corporate Services and Performance Management ensure the concerns of the Cabinet Scrutiny Committee are incorporated into the discussions scheduled to take place on 10 November and responded to in full in due course, as follows:

- a) The lack of clarity of proposals made responding to the consultation very difficult.
- b) That there is no funding identified for any staff subject to Transfer of Undertakings (Protection of Employment)
- c) It is not clear how scrutiny may work, particularly as there may be a conflict of interest between the scrutiny and commissioning functions.
- d) Behaviour of the Council in relation to some of its potential functions under the proposals might be construed as anti-competitive.
- e) That the feedback from the 14 Personal Health Budgets pilots be taken into account during the move to the personalisation model in health.
- f) That there needs to be an assessment and mitigation of risks of the proposals.
- g) That there needs to be a clear transition plan.
- h) That there should be a clear approach to ensure the patient voice is better heard.

- i) That there needs to be an attempt to facilitate coterminosity between GP consortia and Local Authorities where possible.

The concerns of the Committee were incorporated into the discussions which took place at the KCC member briefing on health reform on the 10th November.

Detailed below are the responses to individual questions:

- a) *The lack of clarity of proposals made responding to the consultation very difficult. **Unfortunately the timeframe for responses gave us little influence over this.***
- b) *That there is no funding identified for any staff subject to Transfer of Undertakings (Protection of Employment)
There is currently no identified funding for any staff subject to TUPE. This will be watched carefully and old-to-new financial flows will be tracked.. As soon as we have the DH workforce guidance paper (promised for early December) we will get a detailed legal view on TUPE implications.*
- c) *It is not clear how scrutiny may work, particularly as there may be a conflict of interest between the scrutiny and commissioning functions.
The White Papers are not entirely clear about how this will work and we need to think in terms of the various new/additional functions before deciding on form or structure and to also think about a tiered approach.*
- d) *Behaviour of the Council in relation to some of its potential functions under the proposals might be construed as anti-competitive.
The White Paper response did cover the subject of others who would play a role in policing anticompetitive behaviour e.g Office of Fair Trading. The policing of anti-competitive behaviour could be addressed, without the need for Monitor to expand and take on that role. The need for diversity of provision would be a positive, but that is quite different from universal access free of charge.*

The issue about regulation of competition - the power to ensure equality of opportunity for all providers existing or otherwise to be providing to NHS patients, could be more efficiently handled within the CQC. The roles of quality regulator in CQC and economic regulator of Monitor are not mutually exclusive. The amount of to-ing and fro-ing that would need to take place between CQC and Monitor would be duplication. If the CQC is going to be sufficiently robust to host an independent organisation called Healthwatch England it should be sufficiently robust to host a unit on anticompetitive behaviour without issues about quality intruding upon that set of judgements.

- e) *That the feedback from the 14 Personal Health Budgets pilots be taken into account during the move to the personalisation model in health.
The government is behind extending personalised services to health care and there will be an overall evaluation of the pilots which will be taken into account during the move to the personalisation model. This will also feed into discussions with GP consortia.*
- f) *That there needs to be an assessment and mitigation of risks of the proposals.
This will form part of the work supporting our KCC input on QIPP*

- g) *That there needs to be a clear transition plan*
We are working very closely with all 3 PCTs and are well on the way to developing a detailed transition plan setting out which responsibilities will be passed over to new organisations. These will be primarily GP consortia as well as the National Commissioning Body and Local Government. It is recognised that there will be a myriad of risks at a local and strategic level and these will be incorporated into a risk register.
- h) *That there should be a clear approach to ensure the patient voice is better heard.*
We will be influencing the debate on the Bill when published to make sure HealthWatch can deliver its potential
- i) *That there needs to be an attempt to facilitate coterminosity between GP consortia and Local Authorities where possible.*
We are already engaging with GP consortia and if you look at where the Practice Based Commissioners are at present, broadly speaking it is easier to see something like this happening in many parts of east Kent rather than the west. However, we are keen to ensure this happens as much as possible and it clearly fits with our aims regarding localism and area based commissioning. Districts Councils also have a key part to play in public health and we recognise that.

Date of response: 11 November 2010

Date actioned: 10 November 2010 (and ongoing)

3. Express regret that the Cabinet Scrutiny Committee was not able to have any input into the response before the consultation period closed.

Towards 2010 Closedown Report

Cabinet portfolio: Mr R Gough

Synopsis: In September 2006, KCC set itself 63 challenging and ambitious targets in the Towards 2010 plans for Kent. The four year term has now ended and the report to Cabinet attached the draft of the Towards 2010 Closedown Report for comment and consideration by Cabinet prior to its submission to County Council for approval on 14 October.

Reason for call-in: The Leader and Officers were invited to the meeting to guide Members through the report and answer any questions they had.

Date of consideration by Cabinet Scrutiny Committee: 20 October 2010

Recommendations and responses:

1. Ask that the Cabinet Member for Corporate Support Services and Performance Management provide a report to the Committee detailing the current status of Open Kent.

A report has been drafted and will be circulated on 12 November.

Date of response: 11 November 2010 Date actioned: 12 November 2010

2. Welcomes the assurance from the Cabinet Member for Corporate Support Services and Performance Management that he will ensure a full report is made to the Corporate Policy Overview and Scrutiny Committee on the proposals relating to Open Kent and Digital Kent

A full report on the proposals relating to Open Kent and Digital Kent will be made to Corporate POSC at the meeting on the 13th January 2011.

Date of response: 11 November 2010 Date actioned: expected 13 Jan 2011

3. Ask that the Cabinet Member for Corporate Support Services and Performance Management ensures that members are fully involved in the formulation of the targets that will comprise Bold Steps for Kent

The intention is to embed Bold Steps for Kent into the day-to-day working of the organisation. As such, delivery will be built into directorate and team business plans and monitoring and reporting will be through existing reporting arrangements such as the Core Monitoring Report and the Annual Report. There will of course be a requirement to develop both quantitative and qualitative indicators to measure the progress against the priorities and actions that are set out in Bold Steps for Kent not currently covered by any monitoring/reporting arrangements.

It is intended to take a separate paper to POSCs following approval of Bold Steps for Kent by County Council to engage all Members in developing appropriate measures and indicators to be used in monitoring and managing delivery of Bold Steps for Kent, following a similar process as was used for Towards 2010.

Date of response: 11 November 2010 Date actioned: TBC

