

## KENT COUNTY COUNCIL

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### SCRUTINY BOARD

MINUTES of a meeting of the Scrutiny Board held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 27 April 2011.

PRESENT: Mr E E C Hotson (Chairman), Mrs A D Allen, Mr C J Capon, Mr N J D Chard, Mr M C Dance, Mrs T Dean, Mr D A Hirst, Mr R F Manning, Mr L B Ridings, MBE Mrs E M Tweed

ALSO PRESENT: Mr R J Lees Mr L Christie

IN ATTENDANCE: Mr P Sass (Head of Democratic Services) Ms D Fitch (Assistant Democratic Services Manager (Policy Overview))

### UNRESTRICTED ITEMS

#### **50. Membership**

*(Item 2)*

It was noted that Mr D A Hirst (Chairman of Environment, Highways and Waste Policy Overview and Scrutiny Committee), Mr L B Ridings, MBE (Chairman of the Education, Learning and Skills Policy Overview and Scrutiny Committee) and Mr R F Manning were now Members of this Board.

#### **51. Election of Vice-Chairman**

*(Item 4)*

Mrs T Dean was elected Vice-Chairman of the Board.

#### **52. Minutes - 10 March 2011**

*(Item 6)*

RESOLVED that the minutes of the meeting held on 10 March 2011 are correctly recorded and that they be signed by the Chairman as a correct record.

#### **53. Enhancing and Improving the Overview and Scrutiny Process**

*(Item 7)*

(1) The Chairman introduced a report which set out the emerging legislative framework and the opportunities for strengthening, enhancing and improving the Overview and Scrutiny Process.

(2) In response to a question, Mr Sass confirmed that officers networked with colleagues at a regional and national level and if any innovative overview and scrutiny practise was discovered which was not already being undertaken by KCC, it would be drawn to the attention of this Board.

(3) The majority of the matters included in the report had been raised at the informal meeting with the Leader on 1 February 2011. Members made general comments on the report which included the following:-

- It was suggested that there should be an opportunity for Members to consider the proposal in the Localism and Devolution Bill for Councils to revert to a Committee System. It was confirmed that any Member could ask for a time limited debate on this subject at County Council.
- Regarding Members input into the decision making process, it was important that Chairmen seek to incorporate items from the Forward Plan on their agendas at an appropriate time. Policy Overview and Scrutiny Committee's (POSCs) should have the opportunity to input into the decision making process at an early stage.
- There was a role for POSCs in carrying out "pre scrutiny" i.e. having a constructive input into decisions making at an early stage. Concern was expressed that there was limited opportunities for POSC's to scrutinise decisions in time to influence them. On some occasions the POSC had not had the opportunity to carry out any pre-scrutiny and therefore the decision had been called into Cabinet Scrutiny Committee.
- Chairmen had a role to ensure that their agendas were interesting and did not contain reports for information and noting. This was something that needed to be strengthened through agenda setting meetings. It was important at these meetings for senior managers to tell Members what the key issues are for the coming 6 months and how the POSC could have an input.
- Members of Overview and Scrutiny Committees (especially Chairmen, Vice-Chairmen and Spokesmen) had a major role to play which some Cabinet Member and Officers may not fully recognise. The importance of constructive challenge should be recognised. Without constructive challenge the first test of a policy could be when it is implemented and impacted on the public.
- In order to carry out the scrutiny role effectively Members should make sure that they had the information that they needed.
- A close rapport between POSC Chairmen and their Cabinet Member(s) was important. Officers and all Members were a team working for the people of Kent.
- A Member suggested that there should be a document that set out the remit of the POSC's.
- It was agreed that there was no reason why a Member who was not a Member of a specific POSC should not come along to the meeting and ask a question with the approval of the relevant Chairman.
- Chairmen would find it useful to have an invite to attend other POSCs whose remit included cross cutting issues that related to the remit of their POSCs and to have access to the agenda and papers for these meetings. The onus was on Chairmen to look at the agendas of other POSCs and see if they could have an input on behalf of their POSCs.
- Health Overview and Scrutiny Committee (HOSC) was a dynamic area which was developing a relationship with the new Health and Wellbeing Board. HOSC should also be aware of cross cutting issues with the POSC's.
- It was important to move away from silos and focus on the needs of residents of Kent, rather than structures which maybe convenient for Members and Officers.
- It was essential that there was real consultation where the input from both the public and the POSC's was taken into account.

- There must be an element of scrutiny within POSCs if they are to be effective and carry out their full role.
- It would be helpful to have a “heads of agreement” covering Members role in relation to Overview and Scrutiny.

### *Access to Meetings*

(4) There was a discussion around the facility to allow the public to submit questions to a Committee and receive a response. The following comments were made:

- There would need to be a degree of moderation and a balance struck between questions from the public and questions from the Committee.
- In relation to HOSC a lot of the issues that might generate public interest were local issues relating to services and hospitals in specific areas, which maybe more appropriately considered at a local level leaving the HOSC to look at strategic issues.
- If HOSC was used for a pilot on public questions, it needed to be remembered that this Committee mainly discussed matters with external partners, another internally facing Committee should be included in the pilot.
- Reference was made to the different ways in which Parish Councils engage the public at their meetings by for example holding a 15 minutes question time during their meeting, with the public being asked to submit questions in advance if they wanted a response at the meeting, or allowing the public to ask questions when an item was being considered. In the latter example the onus would be on the Chairman to look at the questions that had been submitted and to feed them into the debate at the appropriate time. If questions were asked at the meeting without prior notice then an undertaking could be given to respond within, for example, 7 days.
- Webcasts were currently stored on the website for 6 months, consideration should be give to increasing this timescale.
- All methods of communicating with the public should be used and the opinions of the public should be sought on a regular basis.
- Reference was made to the meeting of the Cabinet Scrutiny Committee held in Edenbridge. It was suggested that the following lessons could be learned from it:-
  - There should be adequate advance publicity for the meeting.
  - The subject and purpose of the meeting should be clearly stated in advance of the meeting.
  - The terms on which the public were able to participate in the meeting should be made clear prior to the meeting.
  - It was unsatisfactory to say to the public that they are just there to observe, they needed to be able to input into meeting in some way and to have their views listened to.
  - It was important that appropriate meetings are held outside of County Hall in the areas that they relate to, so that the public could attend.

### *Publicity for Overview and Scrutiny*

(5) It was confirmed that there was not a protocol for publicity for Overview and Scrutiny. It was agreed that officers from Media and Operations would be invited to a

future meeting of the committee to assist with a discussion on how to effectively publicise Overview and Scrutiny.

### *Performance Monitoring*

(6) Members acknowledged that although POSCs had a key role in performance monitoring of Bold Steps for Kent, there were other areas within their remit that they could also performance monitor. Key to this was making sure that POSC Members received the information that they needed to carry out this role effectively.

### *Policy Development, Agenda setting for POSCs, Asking Challenging Questions and Forward Plan of Key Decisions.*

(7) The Board agreed that they had already highlighted issues in relation to these matters when they had their general discussion around overview and scrutiny earlier in the meeting.

(8) There was discussion around whether the way that HOSC prepared their questions for witnesses in advance and circulate the responses prior to the meeting to focus and inform discussion could be used by POSCs. In relation to Cabinet Scrutiny Committee the timescale did not make this feasible. Mr Sass confirmed that officers would do what they could to assist Members in preparing for POSC meetings and would ensure that witnesses were fully briefed about what was expected of them. Key to this was the agenda setting meeting where Member should be clear as to why they wanted an item on the agenda and should give officers an indication of what issues they expected to be included in the report. Democratic Services could provide a conduit for discussion between Members and Directorate colleagues.

### *Rapporteur(s)*

(9) The Chairman stated that for rapporteurs to be effected it was necessary to have a have a structured approach so that efficient use was made of resources. Also it was important for Chairmen to be able to identify Members who had an expertise or interest and who could carry out work on behalf of the Committee and report back. It would be necessary to have guidelines for Rapporteurs, which Mr Sass undertook to draft and bring to a future meeting of the Board.

(10) The Chairman of the Regeneration and Economic Development POSC explained that one of the reasons that his POSC's regeneration visits to Districts had been so successful was that he had invited other POSC members to join them. He was now moving on to look at themed issues such as the Rural Economy, and would hold visits around the county, again other POSC Members would be invited to attend and there would be cross cutting issues.

(11) The Chairman of the HOSC referred to the agreement that they had reached recently for 3 or 4 HOSC Members to be allocated to a Trust and to build their knowledge so that they could use that to inform the HOSC discussion on the Quality Accounts of the Trust. When carrying out this kind of exercise it was important to have a clear remit for Members and a purpose. A small group could add value and were able to look in more detail than was possible at formal meetings of the Committee. They would look to include a representative from the District/Borough Council when the Trust was geographically based in Kent. It was intended that this

would be a flexible arrangement and would not impinge on the possible role of the Locality Boards.

### *Select Committee Monitoring*

(12) The Board were assured that, as part of the assessment process for allocating new Select Committee Topic Reviews, officers checked whether similar reviews had been undertaken by another Local Authority and to avoid duplication.

### *Scrutiny in the Locality*

(13) Members made a number of comments about Locality Boards including, when would they be established, what would their remit be and what will their relationship be with POSCs. It was understood that one or two Locality Boards were in the process of being established, including one for Maidstone. The Chairman of the Customer and Communities POSC undertook to consider a paper on the progress with the introduction of Locality Boards at the next meeting of her POSC. It was agreed that Members of the Board should be provided with a briefing note setting out which areas were on the way to establishing a Locality Board and in which areas the Districts had not agreed to be involved with a Locality Board.

### *General*

(14) It was noted that there would be a report to the next meeting of the Board on the process for the POSC to assist with the development of the Budget.

(15) RESOLVED that:

- (a) the Selection and Member Services Committee be requested to consider how it wishes to respond to the emerging agenda of greater transparency and access to meetings and that it be made aware of the Scrutiny Boards enthusiasm for introducing some form of facility for Members of the public to be able to submit/ask questions at meetings;
- (b) the Deputy Leader be requested to produce a paper for the next meeting of the Board on the options for Local Government decision making under the Localism Bill in the future;
- (c) Officers from the Media and Operations unit be invited to attend the next meeting of the Board to discuss publicity for Overview and Scrutiny.
- (d) draft guidelines for Rapporteurs be submitted to a future meeting of the Board.

## **54. Select Committee update**

### *(Item 8)*

(1) Mr Sass introduced a report which updated the Board on the current Select Committee topic review programme.

(2) RESOLVED that the progress of the Select Committees on Educational Attainment at Key Stage 2, Dementia and the Student Journey be noted.

## **55. Sharing of good practice - discussion item**

*(Item 9)*

(1) Mr Christie mentioned the importance of making sure that full papers on which a decisions was based were made available to Members so that they could make an informed decision on whether they wish to call-in a decision for Scrutiny.

(2) Mr Chard mentioned the meeting of HOSC chairmen in the South East which he was attended and suggested that POSC chairmen should take advantage of any opportunities to network with their colleagues from other authorities.