

## Highways Business Plan IMG – Gulley Emptying Schedules (10 December 2008)

Cabinet portfolio: Mr B Sweetland

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.

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

#### Notes:

20.10.10 A spreadsheet detailing the number of gullies 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

Following a meeting between the Chairman and the Director of Highway Services, a briefing note has been provided to the Committee on this issue, and further information is expected to be provided to Members before the meeting of Cabinet Scrutiny Committee on 8 December.

20.12.10 - details of 'hotspots' was provided to all Members of the Cabinet Scrutiny Committee, and Mr Burr has requested that if Members have any additional local information Highways would be glad to hear from them. A follow-up report on progress will be provided to Cabinet Scrutiny Committee in the New Year

10.01.11 – A report on the interim approach to the delivery of the highway drainage service was provided to the Cabinet Scrutiny Committee on 10 January.

19.01.11 – The Chairman asked that this item remain outstanding until Mr Burr has provided a final report detailing how the schedules will be handled. This report is expected in Autumn 2011.

## **Bold Steps for Kent - The Medium Term Plan to 2014 (8 December 2010)**

Cabinet portfolio: Mr P Carter

Synopsis: The report to Cabinet asked Cabinet to endorse of the latest draft of Bold Steps for Kent and make a recommendation to County Council to approve the final version at its meeting on the 16th December 2010.

Reason for call-in: Members wanted more information on Bold Steps for Kent – The Medium Term Plan to 2014.

Recommendations and responses:

### **5. Ask the Leader that any data on the increase in Small and Medium Enterprises (SMEs) accessing KCC contracts be made available**

*Noted and this will be programmed in within the work stream referred to above*

Date of response: 20 December 2010

Date actioned: Not applicable

*Data on the increase in Small and Medium Enterprises (SMEs) accessing KCC contracts will be made available shortly*

Date of response: 7 February 2011

Date actioned: 8 February 2011

### **8. Ask the Leader that ways of engaging members of the public in the Big Society who are not members of Local Strategic Partnerships or other similar bodies be addressed in the Medium Term Plan.**

*Noted. Officers are working on ideas for how the Big Society can really take effect within Kent and how Kent County Council can help that. There are no assumptions in that work stream that only members of LSP's will be engaged in this.*

Date of response: 20 December 2010

Date actioned: n/a

*Officers are working on how the Council will engage with the people of Kent in this very exciting development and are waiting to see how the Localism Bill shapes some of that engagement.*

Date of response: 7 January 2011

Date actioned: TBC

Note: 19.01.11 The Chairman explained that the original request in recommendation 5 was that evidence be provided to the Committee that the activity being undertaken by KCC regeneration staff was being successful in encouraging more SMEs to access the Council's procurement process. It was resolved that Committee was still awaiting this information.

In respect of recommendation 8, the Committee resolved that it will await a report from officers on their proposals relating to the Big Society.

## Older Person's Modernisation (19 January 2011)

Cabinet portfolio: Mr G Gibbens

Synopsis: The report to Cabinet provided a summary of the consultation, shared the final reports and sought sign-off of the recommendations in order for the Cabinet Member for Adult Social Services to make his decisions. All of the 11 individual Cabinet Member decisions were called in for scrutiny by the Cabinet Scrutiny Committee.

Reason for call-in: Members wanted more information on consultations, the movement away from direct provision of services, comparative costs of public and private sector service provision and other issues.

Recommendations and responses:

**2. Welcome the assurances given by the Managing Director, Kent Adult Social Services, about the appointment of an independent arbiter, who would be able to hear grievances from affected residents who felt their services were not equivalent or better in the future.**

*Noted*

Date of response: 8 February 2011

Date actioned: : 8 February 2011

**3. Ask the Managing Director, Kent Adult Social Services, to provide an example of a typical care contract to the Committee, in relation to concerns about future costs of any care contract in respect of Extra Care Housing,**

*Attached*

Date of response: 8 February 2011

Date actioned: : 8 February 2011

**4. Ask the Managing Director, Kent Adult Social Services, that additional information be provided about ongoing protection of terms and conditions for any staff transferred under Transfer of Undertakings (Protection of Employment) Regulations to new providers, and how long staff would enjoy this protection.**

*Attached*

Date of response: 8 February 2011

Date actioned: : 8 February 2011

**5. Welcome the assurances given by the Managing Director, Kent Adult Social Services, that further information would be provided to the Committee about the frequency of future inspections by the Care Quality Commission (CQC) of new facilities, recognising the fact that CQC does not regulate Extra Care Housing.**

*The Care Quality Commission (CQC) will undertake an inspection programme dependent on risks or concerns highlighted and this is monitored by an annual questionnaire and feedback from service users or their families and statutory organisations.*

*CQC focus on compliance with the Standards rather than making judgments on quality. Within an Extra Care Housing setting, there will be care provision and the organisation providing the care will be regulated by CQC as a domiciliary care provider.*

Date of response: 8 February 2011

Date actioned: : Not applicable

**6. Welcome the continuing assurances given by the Managing Director, Kent Adult Social Services, that staff affected by the Older Person's Modernisation programme would be supported through the changes in the usual way by KCC.**

*Each unit has an allocated officer from Personnel. They will receive 1:1's, training, pensions advice, application support etc. Staff meetings took place from 27 January – 31 January 2011 to confirm these arrangements.*

Date of response: 8 February 2011

Date actioned: : Ongoing

**7. Welcome the commitment from the Managing Director, Kent Adult Social Services, that the Freedom of Information request from Ms Baldwin be responded to as quickly as possible.**

*Attached*

Date of response: 8 February 2011

Date actioned: : 8 February 2011

**8. Request that the Managing Director, Kent Adult Social Services, provide a report on the details of new legislation relating to pension provision in the private sector, and how this will affect the comparative cost of private sector care provision.**

*Attached*

Date of response: 8 February 2011

Date actioned: : 8 February 2011

**9. Request that the Director of Governance and Law be asked to give his professional opinion as to whether a possible lack of advice and information for the public about the fact that choices in the consultation were restricted, due to the conditions of the Private Finance Initiative bid to Government, had invalidated the consultation process.**

*Director of Governance and Law to feedback separately*

Date of response: 8 February 2011

Date actioned: 28 April 2011

**Response from Ian Clark, Principal Solicitor:**

*My understanding is that the original request for an opinion from the Director of Governance and Law was brought about by the threat of judicial review proceedings. That threat was made by Mr. Porter, whose mother is a resident in Bowles Lodge. Despite his solicitors having written to us a couple of times in the intervening months, no application for judicial review has been issued. Technically they are now out of time for doing so, and although they might be able to persuade a High Court judge to let them go ahead notwithstanding, they would have to explain and justify their delay.*

*Their last letter made no reference to judicial review, but said that they were going to proceed with an action for personal injury/clinical negligence. On 23rd March I asked them to let me know what personal injuries had been sustained by Mr. Porter's mother, and who they were accusing of clinical negligence. Five weeks later, they*

have not replied.

*As for the possible lack of information about the PFI, my recollection (and you'll let me know if I'm wrong) is that the majority of those consulted opposed the proposals anyway. If there were an outside chance that the lack of information was relevant, it would only have a chance of leading to a successful judicial review if it could be shown that those consulted had supported the proposals but would not have done so if they'd known about the PFI point. Since the PFI information would probably only have confirmed them in their opposition, I do not believe that the consultation process has been invalidated.*

**10. Welcome the assurance from the Cabinet Member, Adult Social Services, that he will be as flexible as possible about the timeframe for closure of Sampson Court, if there is a reasonable bid from a social enterprise to take over its operation.**

*The closure plans will progress as stated in the report and be achieved by December 2011. If there is a viable proposal for the site to be developed as a Social Enterprise this would take effect following the closure. Organisations who have expressed an interest in the development/ use of the site after it is closed will be asked to submit a full Business Cases for consideration.*

Date of response: 8 February 2011

Date actioned: Not applicable

**11. Express regret that some local Members were not involved more fully in the process of considering the options relating to each site, and ask that the Group Managing Director urgently raise with the Corporate Management Team the issue of full, timely and ongoing involvement of local Members in the development stage of any decisions affecting their division. The Committee would like to draw Members' attention to:**

**A) Paragraph 22 of Appendix 2 Part 4 of the Constitution:**

***Involvement of Local Members***

***22. (1) In exercising these delegations or in preparing a report for consideration by the Cabinet or a Cabinet Member, officers shall consult the relevant Local Member(s) on any matter that appears to specifically affect their division.***

***(2) Any objection by a Local Member to a proposed course of action shall be the subject of consultation with the relevant Cabinet Member.***

***(3) All reports to the Cabinet or a Cabinet Member shall include the views of Local Members.***

**B) Recommendation R6 from the Informal Member Group on Member Information's report of December 2008:**

***R6. A Local Member Notification Protocol be developed, and electronic alerts introduced to systems, indicating when members need to be consulted and informed and by whom, with current contact details.***

**C) Communications from the Director of Governance and Law to Senior Managers, for example from November 2007, reminding officers of the need to keep Local Members informed and involved in matters affecting their divisions, as enshrined in the Constitution.**

**D) Paragraph 4 of the Procedure for writing and preparing reports to Cabinet, Cabinet members, committees and the council (<http://knet2/policies-and-procedures/reports-to-cabinet-cabinet-members-committees-and-the-council/reports-to-cabinet-cabinet-members-committees-and-the-council>):**

***4. For a proposal which relates to a particular area of the County, it is particularly important that you consult all the local Members concerned***

**Response from the Group Managing Director:**

*The Corporate Management Team have been piloting a new Committee report format which contains a trigger to ensure the early consultation and involvement of local Members in any decision making process. CMT will continue to actively explore mechanisms which ensure early Member involvement and will discuss how this can be implemented at its meeting on 8 March.*

Date of response: 31 January 2011

Date actioned: TBC  
(to be discussed on 8 March 2011)

**Response from Kent Adult Social Services:**

- *Cross Party Scrutiny Leads were invited to a confidential briefing on 10 June 2010*
- *All members and local councillors received a communication on 14 June 2010 advising them of the consultation.*
- *All members and local councillors were all invited to initial meetings in their District in June.*
- *Monthly briefings were issued regarding the process throughout the consultation to all 84 Councillors both in hard copy and emailed.*
- *Specific meetings were requested by Members and officers attended.*
- *An additional Member Briefing was held on 26 July giving those who could not attend the initial meetings another chance to see the presentation and discuss the proposals.*
- *The Community Engagement Managers were contacted informing of the consultation and an offer was made to attend any meetings on request.*
- *Borough Councils requested meetings in addition to those planned and officers attended*
- *The relevant Members of Parliament were all informed. Additional information and face to face meetings were provided where requested including a session for East Kent in October.*

Date of response: 8 February 2011

Date actioned: Not applicable

**12. Welcome the assurance from the Managing Director, Kent Adult Social Services, that a list of what the Council expects to be included in any formal agreement about levels of service provided under alternative arrangements for residents be provided to the Committee.**

*The levels of alternative services required through a partnership arrangement will be*

*developed as part of the commissioning process throughout 2011. Services will be provided to the existing residents of Kiln Court, Blackburn Lodge and Doubleday Lodge.*

Date of response: 8 February 2011

Date actioned: TBC

Note: 9.02.11 – Due to volume of papers provided in response to the recommendations relating to the item, Members resolved that they would need more time to consider their contents before discharging any of the recommendations.



## **Budget 2011/2012 and Medium Term Financial Plan 2011 - 2013 (24 January 2011)**

Cabinet portfolio: Mr J Simmonds

Synopsis: Every year the Council sets its Budget for the next financial year and its Medium Term Financial Plan (MTFP). The final Budget and MTFP are approved at County Council in February.

Reason for call-in: Cabinet Scrutiny Committee is part of the yearly cycle of meetings to discuss the Budget. Various elements of the Budget 2011/12 and Medium Term Financial Plan 2011-2013 were discussed during the meeting of the Cabinet Scrutiny Committee.

Recommendations and responses:

**5. Welcome the suggestion given by the Leader that research into implementation of a 'living wage' in Kent be undertaken, including mapping the variations in cost of living across the county.**

*Noted. The Leader will keep the Committee informed as the research develops*

Date of response: 8 February 2011

Date actioned: TBC

**6. Ask the Group Managing Director to consider whether changes to the risks that the Council faces also be reported to the Cabinet Scrutiny Committee, no less frequently than every six months.**

*The principle that members are properly informed and able to discuss the risk register of the council and changes to the risk profile and how it fits with the risk appetite of the authority is essential for good governance. I would want to discuss this request with the Head of Internal Audit and the Chairman of the Governance and Audit committee to ensure that we are dealing with the principle of informing and involving members in risk matters is properly met and handled between the different member bodies that exist. Officers are also reviewing how performance in general is reported to members and I would hope all these matters can be assessed and improvements proposed.*

Date of response: 2 February 2011

Date actioned: TBC

**8. Ask that the Managing Directors of all Directorates affected provide detail of any reductions in funding to the voluntary sector.**

*We are working on this but it is not straightforward and we need to identify that element of spend that represents statutory service provision (and which we would have to incur anyway if it weren't delivered in the voluntary sector) and that which represents genuine contributions to voluntary organisations unrelated to statutory services. We will not be able feed this back to CSC on 9<sup>th</sup> February due to the level of work involved.*

Date of response: 7 February 2011

Date actioned: 14 February 2011

Note:

01.04.11 – Finance are still working on this, as there needs to be clarity around which amounts received by voluntary sector organisations are grants as opposed to amounts paid for them to provide services on behalf of the council.

04.05.11 – Finance will endeavour to provide the rest of this information before the next meeting of Cabinet Scrutiny Committee on 1 June.

## Edenbridge Community Centre (28 March 2011)

Cabinet portfolio: Mr M Hill

Synopsis: A number of decisions were taken by the Cabinet Member at the beginning of 2011 in relation to the former Eden Valley Secondary School site. These were to authorise the sale of part of the former site, to award the contract for construction of the new community centre and the grant of a long lease at the Baptist Church and outline occupational terms at the new centre.

Reason for call-in: Members wished to have more information about the new centre, the time taken for the implementation of the project, and any lessons that could be learned from the process, the long term financial sustainability of the centre and any local concerns.

Recommendations and responses:

- 1. Thank Mr Lake, Mr Tilson, Mr Aldous, Mr White, Cllr Scholey, Cllr Davison, Ms Lane Ms Richards and Mr Kingham for attending the meeting and answering Members' questions.**
- 2. Express concern to the Leader that neither the Cabinet Member, nor Deputy Cabinet Member were present, despite the attempts made by the officers to find a mutually acceptable date for the meeting. There is a constitutional requirement that Cabinet Members make themselves available for scrutiny, and the purpose of the Cabinet Scrutiny Committee is scrutinise the decisions of Cabinet Members of the collective Cabinet, not to scrutinise the decisions of Officers, which lies with the Scrutiny Board.**

*The Cabinet Scrutiny was arranged out of sequence (and location) with the normal Scrutiny meetings which are all in Cabinet Members' diaries. It was made quite clear that the Cabinet Member and Deputy Cabinet Member were not available on 28 March. However, despite that it was decided to go ahead with the meeting. The Cabinet Member has always made every possible effort to attend Scrutiny Committee but on this occasion it was simply not possible.*

Date of response: 21 April 2011

Date actioned: Not applicable

- 3. Express concern to the Leader and Managing Director that no report to the Communities Policy Overview and Scrutiny Committee or Cabinet during the previous five years could be found. Further that there appeared to be no Cabinet Member decision that would have enabled the development by constructing residential properties.**

*To date no request by the POSC agenda setting group which is attended by all political groups has been received, however there have been numerous verbal updates. A report on Edenbridge will be taken back to POSC in September 2011 and thereafter every six months until further notice or as required.*

*Cabinet Member decision 10/01431 was made by Roger Gough (4<sup>th</sup> February 2010) in which it clearly links the need for the residential properties to be part of the enabling development for the scheme.*

Date of response: 21 April 2011

Date actioned: Not applicable

**4. Ask that the Cabinet Member, Education, Learning and Skills, provide a report evidencing the improved educational attainment which resulted from the transfer of students from the Eden Valley School to other secondary schools.**

*The report has been submitted to democratic services.*

Date of response: 21 April 2011

Date actioned: 7 April 2011

**5. Express concern about the view expressed by witnesses that initial KCC project managers lacked suitable qualifications and experience and that the community consultation, though extensive, was not responsive to community views. In the view of witnesses this was a major cause of:**

- the lengthy delay between the commitment given to Edenbridge and delivery of the project
- unrealistic financial projections which required revision
- community concern about the timeliness and completeness of the consultation process in relation to the location of and facilities to be provided within the new centre.

**The Committee seeks assurances of how the current process of appointing project managers is more rigorous to ensure competent delivery of projects to agreed timescales and budgets.**

*The Communities Directorate took the project over in 2006/7 and cannot be held accountable for the issues prior to this. In hindsight, it may have been beneficial for there to have been a dedicated project manager in place from the outset*

Date of response: 21 April 2011

Date actioned: Not applicable

**6. Ask that the Cabinet Member, Customer and Communities, ensures that the range of services which will be housed in the new community centre do not duplicate those on offer in the town centre, and that the services provided in both locations are promoted as a 'package'.**

*There is no intention of duplicating services within Edenbridge and KCC will ensure that the Community Centre complements and works with the services within the town centre and the nearby leisure centre.*

Date of response: 21 April 2011

Date actioned: TBC

**7. Express concern about the long term financial stability of the new community centre, particularly if there is a need for KCC to meet any shortfall in income as a result of it not being possible to sign up enough non-KCC partners to utilise space in the building**

*We are confident that there will be no shortfall in income and a paper to POSC will update Members on revenue funding and costs once the information becomes available later in 2011.*

Date of response: 21 April 2011

Date actioned: TBC

**8. Ask that the Cabinet Member, Customer and Communities, keep Members informed of intentions for the existing Edenbridge Library building, and that he consult the Edenbridge Chamber of Commerce and Town Council during the**

**drawing-up of any proposals to ensure that local businesses are engaged.**

*The Cabinet Member, Customer and Communities will update members on the Edenbridge Library and will ensure that officers consult with the Chamber of Commerce and Town Council on these and other issues.*

Date of response: 21 April 2011

Date actioned: TBC

**9. Ask that the Cabinet Member, Customer and Communities consult with the Edenbridge Chamber of Commerce and Town Council to ensure that the community of Edenbridge benefit from the construction and operation of the new centre where possible.**

*The Cabinet Member, Customer and Communities will ensure that officers consult with the Chamber of Commerce and Town Council to ensure that the construction and operation of the new centre benefits the town.*

Date of response: 21 April 2011

Date actioned: TBC

**10. Ask the Cabinet Member for Customer and Communities to confirm that the impending Library Review will not affect the delivery of the community centre library.**

*Kent County Council is currently carrying out in-depth research into libraries, how they are used and how they could be run in the future to meet local requirements. The study will examine the role libraries play in people's lives, as well as information about communities themselves, so that informed decisions can be taken.*

*The service will then use this information to draw up proposals for the future of libraries in Kent, and later this year a public consultation on the proposals will be publicised prior to any decision being made.*

*The library service will release additional information about the consultation over the coming months to give notice about how people can take part.*

Date of response: 21 April 2011

Date actioned: TBC

**11. Express concern about the impact on businesses as a result of the relocation of the library to the new community centre and ask that the Cabinet Member for Business Strategy and Support liaise with the Edenbridge Chamber of Commerce to explore whether Backing Kent Business can help support the regeneration and longer term viability of the business community of Edenbridge High Street.**

*The Cabinet Member, Customer and Communities will ensure that officers consult with the Chamber of Commerce to determine whether Backing Kent Business can help in this regard.*

Date of response: 21 April 2011

Date actioned: TBC