

## KENT COUNTY COUNCIL

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### CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 10 December 2008.

PRESENT: Dr M R Eddy (Chairman), Mr D Smyth (Vice-Chairman), Ms S J Carey, Mr A R Chell, Mr B R Cope, Mr G Cowan, Mrs T Dean, Mr R W Gough, Mr C Hart, Mrs S V Hohler, Mr G A Horne MBE, Mr E E C Hotson, Mrs J Law, Mr M J Northey, Mr J D Simmonds, Mr R Truelove and Mr A D Crowther (Substitute for Mr R E King)

ALSO PRESENT: Mr A J King, MBE

IN ATTENDANCE: Ms A Beer (Director Of Personnel & Development), Miss J Clarke (Head Of Communications & Media Centre), Mr P Sass (Head of Democratic Services and Local Leadership) and Mrs A Taylor (Research Officer to Cabinet Scrutiny Committee)

#### UNRESTRICTED ITEMS

**105. Declarations of Interests by Members in Items on the Agenda for this Meeting**  
(Item. A2)

Mr Simmonds declared a personal interest in item E2, as he was previously involved in the decision making processes for the BSF programme.

**106. Minutes - 22 October 2008**  
(Item. A3)

Mr Chell stated that he had been named in the minutes, under the 'KCC's Treasury Management Policies' item, as the Chairman of the Superannuation Fund Committee. Mr Scholes was the Chairman of that Committee and Mr Chell asked that this be corrected to show Mr Scholes name.

Mr Simmonds expressed his disappointment that the PWC report had not been available in time for the Cabinet Scrutiny Committee meeting and asked for clarification on when the report would be available. Mrs Dean confirmed that a meeting of the Economic Management Group, (which contained the Members of the cross party IMG on budgetary issues) was being held on Monday 15<sup>th</sup> December and this group expected to be discussing the PWC report. Mrs Dean would discuss at that meeting how the PWC report would be taken through the scrutiny process and this would be reported back to the Committee.

RESOLVED that subject to Mr Chell's name as Chairman of the Superannuation Fund Committee being replaced with Mr Scholes, the minutes of the meeting on 22 October 2008 be approved and the Chairman be authorised to sign them as a correct record.

**107. Action Taken on Committee's Recommendations**  
(Item. A4)

Members were pleased with the inclusion of a fifth column within the table which contained a written response from the relevant Cabinet Member.

RESOLVED: That the report be noted.

**108. Follow-up Items from Cabinet Scrutiny Committee**  
(Item. A5)

The Cabinet Member's response to the Committee's question about A&B roads in Kent was tabled at the meeting.

Members noted the information supplied to the Committee regarding KCC's Highways contract with Worcestershire County Council and Mr Smyth asked that a copy of the original contract be supplied to Members of the Cabinet Scrutiny Committee.

Members referred to the Briefing Note 'Towards an Academy in Sevenoaks: Critical Steps' and the Chairman stated that it did not explain where the process fitted in to the Council's decision making process, i.e. when it would enter the Forward Plan and when it would be considered by the School Organisation Advisory Board. Members asked for further clarification on how the process of establishing an Academy aligned with the Council's democratic process. Mr Smyth referred to the section of the Briefing Note headed Academy Governance and asked that officers take into account that governing bodies of academies 'should' (rather than 'may' as the briefing note currently indicated) also include a teacher and/or a staff governor, and one or more community representatives.

Mr Horne asked for more detail on how many stakeholder governors would be included in the governing bodies of academies and referred to the inclusion of a Local Authority appointee and whether this was a district or County Council appointee. Dr Eddy stated that in terms of the Local Authority appointee all those seen so far had been Members of staff of the CFE Directorate. Mr Sass undertook to obtain further details on the issues raised.

Mrs Dean referred to her previous request for data on social deprivation for the catchment areas surrounding both schools concerned with the Academy as having not yet been supplied. (Action CFE)

The Briefing Note on Dedicated Schools Grant (DSG) difficulties referred to the new funding system for Academies which was introduced from 2008/09 and stated that 'DCSF then top slice Kent's DSG to fund the individual academies, but the amount taken exceeds by some margin the DSG earned by their pupils'. Mrs Dean asked for further clarification on the effect, in monetary terms, of Academy programmes on schools funding in Kent; particularly a comparison of figures before and after 31.03.09.

Mrs Dean asked when the SEN transport budget would be set at a realistic level to reflect the actual cost of the service; adding that she hoped that the 2009/10 budget process would take this issue on board. She stated that an increasing proportion of

transport appeals were being submitted to Members for determination, not because of a lack of genuine need, but a lack of available funding.

RESOLVED

That the report be noted.

**109. Informal Member Group on Budgetary Issues - 26 November 2008**  
*(Item. A6)*

Mrs Dean stated that at the IMG on Budgetary Issues she had asked for confirmation of the ongoing revenue costs of Turner Contemporary and had not yet received this information.

Mrs Dean referred to a question she had asked at the last Cabinet Scrutiny Committee about a statement by the Chief Executive that KCC had saved in excess of £2million on its publicity budget as result of having Kent TV. She suggested that the position was that the £2.4million that was referred to in the Local Government Chronicle actually referred to a programme of proposed savings that would be achieved by the end of 2011, of which it was believed that KCC had saved approximately £200,000 so far and that only a proportion of this related to Kent TV. Mrs Dean had asked the Chief Executive to correct the report of the LGC and she had not had a reply. Mr Sass agreed to follow up the points that Mrs Dean had raised (Action).

RESOLVED: That the notes of the IMG on Budgetary Issues held on 26 November 2008 be agreed.

**110. Informal Member Group on Children's Services & LCSPs Business Plan - 19 November 2008**  
*(Item. A7)*

The Chairman of the IMG on the Clusters and Local Children's Services Partnerships Business Plan, Mr Cowan, asked that the copy of the Governance Framework for Children's Trusts and the Partnership Agreement for the Local Children' Services Partnerships be circulated to all Members of the Cabinet Scrutiny Committee as well as the IMG Members.

RESOLVED: That the notes of the IMG on the Clusters and Local Children's Services Partnerships Business Plan held on 19 November 2008 be agreed.

**111. Informal Member Group on Highway Services Business Plan - 2 December 2008**  
*(Item. A8)*

The notes of the IMG on Kent Highways Services (KHS) Business Plan were tabled at the meeting. Mr Truelove commented that the IMG had made similar comments to those made at last year's IMG meeting on KHS Business Plan. Dr Eddy reiterated the assurance that the IMG had received from Mr Austerberry that the business plan would be tightened up, would reflect the core business of the services and would identify the key objectives of the service.

RESOLVED: That the notes of the IMG on Kent Highways Services Business Plan held on 2 December 2008 be agreed.

**112. Southern Water Draft Business Plan 2010-2015**  
*(Item. A9)*

In response to a question from Miss Carey, Mrs Taylor confirmed that although the official deadline for consultation responses had passed, Southern Water were happy to receive further comments in the New Year, before their Business Plan was published in April 2009.

Miss Carey stated that the Cabinet Scrutiny Committee was a good place to debate the Southern Water Business Plan and to discuss how, as the strategic authority in Kent, KCC interacted with Southern Water and that an IMG would be an appropriate way of ensuring cross party input into Southern Water on the draft business plan.

The Chairman asked Members of the Committee whether they agreed to set up an IMG to scrutinise Southern Water's Draft Business Plan. The Committee agreed to set up an IMG, Miss Carey and Mr Horne nominated themselves to be on the group and the Labour and Lib Dem nominations would be put forward after the meeting.

RESOLVED: That an Informal Member Group be formed to discuss Southern Water's Draft Business Plan for 2010 – 2015, with a report back being submitted to the Cabinet Scrutiny Committee in due course.

**113. Department for Communities and Local Government - Consultation Paper on the Codes of Conduct for Members and Employees**  
*(Item. E1)*

The Chairman introduced the item and explained that part of consultation document, that relating to the Members Code of Conduct, had been discussed by the Standards Committee and the Selection and Member Services Committee. The potential employee code of conduct had not yet been before any committee and the closing date for consultation responses was 24 December 2008.

Mr King stated that the most appropriate place for the proposed employee code to be considered was the Personnel Committee, and that he had already put in place arrangements for an extraordinary meeting of that Committee, and he was sure that the Chairman would be very happy for other Members to attend that meeting. Mr King also stated that having read the consultation document he thought that KCC's existing Code of Conduct for Officers was better than what was being proposed by the DCLG.

Mr Smyth was pleased that the Personnel Committee had been arranged to consider the proposed Employees Code of Conduct. He stated that it was strange that the Members Code and the Employees Code had been treated so differently. He would have expected the whole consultation document to have been considered in parallel. The Chairman stated that he had concerns relating to an internal audit report which went to the Standards Committee and the Audit and Governance Committee approximately a year ago, which made reference to the uneven nature of the existing register of officers' interests in the different directorates and the need to review those. A framework was contained within the

constitution, but it was not obvious to the public and not obvious to staff as some registers had not had any entries for years and this was a concern. Mr King stated that he was as concerned as the Chairman about this issue, there should not be any division between the political parties over this and the interest of ensuring the integrity of officers was the responsibility of all Members of the Council.

Mr Cope stated that employees should not have a separate Code of Conduct and that it should be included within the terms of employment. Mr King confirmed that the Code of Conduct was part of the terms of conditions of officers.

Mr Simmonds asked Mr King whether any analysis of the cost of responding to the multiplicity of consultation documents had been undertaken. Mr King confirmed that KCC only responded to consultations where the Council had an interest, and Mr King offered to arrange a briefing for Members on the way in which KCC tackled consultations and the way in which the protocol worked.

Mrs Dean stated that she was aware that there were some changes being proposed to the Officer – Member Code of Conduct and she asked if the re-drafted proposals would be ready for discussion at the Personnel Committee next week because of the synergy between the documents. Mr Sass confirmed that he would liaise with Ms Beer outside of the meeting and if the paper was ready it would certainly go to the Personnel Committee next week, otherwise it would be on the agenda for the next scheduled meeting of the Personnel Committee. (Action)

Mr Northey stated that the Codes of Conduct shouldn't be too prescriptive, the standards of elected members and officials were high, to avoid any sense of disrepute.

The Chairman stated that any interests of officers should be available publicly, to help avoid any suggestion of improper interests. It was thought that it would be useful to extend the code of conduct to the Fire Service.

Mr King said it would be appropriate for him to remind the Chief Executive and officers of the points made and it was certainly not the case that Members did not trust officers, the Chairman concurred with this statement and confirmed that it was a case of protecting the officers in their work.

#### RESOLVED:

- 1) Ms Beer and Mr King be thanked for attending the meeting to answer Members questions.
- 2) Members noted Mr King's welcome but belated offer that the proposed draft response to the DCLG consultation paper on a proposed model code of conduct for local government employees would be reported to an extraordinary meeting of the Personnel Committee.
- 3) Members welcomed Mr King's offer of a briefing on the way in which consultations are tackled by Kent County Council.

**114. Press Release 538/08 - £600 Million Schools Building Project**  
(Item. E2)

The Chairman introduced this item and explained that it had been initially raised by Mr Christie but also by a number of other people outside of the Council, who had concerns over the phraseology of this press release. There was a lack of reference to the fact that it was a Government scheme rather than solely a Kent scheme, except in a brief note to the editor at the bottom of the press release.

Mr Smyth stated that there was reluctance when issuing press releases on government funded schemes such as this to register the fact that they are Government funded. The implication of the press release was that it was more likely to be the Kent County Council that was funding the scheme than the Government.

In response to Mr Smyth, Mr King quoted a paragraph from the "Kent on Sunday" (KOS) newspaper which acknowledged the 'government programme' in its report and the "Kent Messenger's" (KMs) report "government's flagship rebuilding programme known as the Building Schools for the Future'. He added that credit should be given to KCC for proceeding with BSF at a difficult time, and to our partners in the consortium, all of which had recognition in the press release.

Mr Smyth commented that the KOS and the KM information came from the Labour Group's press release which did recognise the Government funding.

Mr King stated that it was very clear in the Note to Editors and in addition KCC did not have £1.8 billion to put into schools on its own.

Mrs Dean stated that by and large KCC press releases were balanced and fair; the odd one slipped through which was not balanced and this press release was an example of where that had happened. Mrs Dean asked whether a basic checklist existed for Officers preparing press releases which asked, for example, whether the funding source had been acknowledged.

Miss Clarke assured Members of the Committee that the Comms and Media service would seek to be more vigilant and she stated that the Code of Recommended Practice was taken very seriously by officers within her Team.

Mr Truelove asked why, in situations such as this where there is a good news story for the whole of Kent, there was no opportunity for a quote from the Leader of the Opposition?

Mr King stated that it was the Leader and the ruling group that made the decisions, but there were occasions when it was appropriate to quote the Leaders of the opposition parties and those were usually broad Council issues.

Mr Simmonds asked that in future acknowledgement was also given to the tax payer, whose funds had enabled the projects to go forward as well as the capital commitment that Kent had made to such projects.

Mr Hart stated that the BSF project was the biggest Christmas present that Kent had ever had, however the press release was not a balanced way to report on this project.

Mr Horne asked Mr King whether the 10 schools concerned would get a complete package of funding, which wasn't interrupted by phases, to enable each school to be completely rebuilt as necessary. Mr King responded by stating that his understanding was that each school would be completed, there would be no halting to the work on an individual school project. The Chairman confirmed that Mr Horne's points regarding the phasing of school projects would be followed up and reported back to a future meeting of the Cabinet Scrutiny Committee.

Mr Cowan asked what percentage of £1.8billion KCC was putting in to the project? The Chairman agreed that the figures relating to the funding KCC was putting in to the project would be reported to Members of the Cabinet Scrutiny Committee.

The Chairman stated that it had been mentioned previously that this press release was cleared by the Director of Law and Governance, the Chairman had put in a Freedom of Information request shortly after the press release was issued and no email had been received from the Director of Law and Governance clearing the press release. Mr King agreed to report back to the Committee on this issue. Mrs Dean stated that not all press releases were referred to the Director of Law and Governance and Miss Clarke confirmed that that was the case.

RESOLVED:

- 1) That Ms Clarke and Mr King be thanked for attending the meeting to answer Members questions on the issuing of the press release.
- 2) That in light of the information provided at the meeting in response to questions the Committee agreed that they did not need to make any formal comments to Cabinet.

#### **115. Other Officer and Council Committee Decisions** *(Item. E3)*

There were no such items on this agenda