

## KENT COUNTY COUNCIL

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### SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 12 February 2014.

PRESENT: Mr R J Parry (Chairman), Mr J E Scholes (Vice-Chairman), Mr M Baldock, Mr G Cowan, Mrs V J Dagger (Substitute for Mrs S V Hohler), Mr J A Davies (Substitute for Mr A J King, MBE), Mrs T Dean, Mr C P D Hoare, Mr P J Homewood (Substitute for Mr L B Ridings, MBE), Mrs P A V Stockell and Mr R Truelove

ALSO PRESENT: Mr D L Brazier, Mr P M Hill, OBE and Mr C W Caller

IN ATTENDANCE: Mrs A Taylor (Scrutiny Officer) and Mrs L Whitaker (Democratic Services Manager (Executive)) (for part of the meeting)

### UNRESTRICTED ITEMS

#### **36. Decision 13/00088, Revision of 13/00062 - New Combined Member Grant Scheme** *(Item B1)*

1. The Chairman introduced the item and explained that the meeting had been convened to discuss the call-in of Decision number 13/00088 – New Combined Member Grant Scheme.
2. Mr Brazier and Mr Hill were present at the meeting to answer Members' questions and Mr Baldock queried whether it would be possible for them to be accountable for the decision given they were not the decision takers. Ms Taylor explained that this decision had been taken by the Leader because it was a joint decision that fell across Mr Brazier's and Mr Hill's portfolio and both Cabinet Members were able to answer Members' questions.
3. Mrs Dean queried the decision being a revision of a previous decision, and whether it had been published on the list of Forthcoming Executive Decisions.
4. In response to Mrs Dean's queries Mrs Whitaker explained that because the decision was taken on 24 January it would not have appeared on the 27 January Forthcoming Executive Decisions list. The decision was published from July 2013, it was revised in December 2013, it was clear that the decision was the combined review. Ms Whitaker would discuss Mrs Dean's further queries outside of the Scrutiny Committee meeting.
5. Mr Caller explained his reasons behind the call-in, one of which was that the Leader had not been present at the Cabinet Committees at which the decision had previously been discussed. Mr Caller was disappointed that the Leader had not been available at the Scrutiny meeting, this view was echoed by some other members of the Committee. The Chairman advanced his opinion that via close

liaison with the Leader both Cabinet Members had come to the meeting fully briefed and able to answer Members' questions.

6. Mr Baldock proposed that the meeting be postponed and reconvened on another date, this was seconded by Mr Hoare, however Mr Cowan suggested that the meeting continue because County council was being held on Thursday 13 February and it was important for this issue to be debated. Mr Baldock subsequently withdrew his proposal and the Chairman confirmed that the meeting would continue.
7. Mr Hill explained that this review began within the Customer and Communities Service Medium Term Plan which was required to make savings, along with all other services within the Council. The Combined Members Grant Scheme was to combine the three Member Grants with the Member Highway Fund to create a single Member Grant of £25,000. This would be flexible and could be spent on highways or community projects at the members' discretion. Mr Hill's view was that there were lots of benefits, not only financial in the form of essential savings, but in the flexibility of the scheme.
8. Mr Caller explained that one of the reasons behind his call-in of this decision was because it affected the wider members of the Council who had not had the opportunity to put their views forward. Mr Caller explained that the change in the Members Grant was putting upward pressure on the base revenue account.
9. Mrs Dean asked for clarification of how the system would work, how it would avoid some of the bureaucracy, costs and delays, how the design costs would be dealt with and whether they would be met by Members?
10. Mr Brazier considered that these questions could have been asked before the meeting, he was prepared to answer the reasons behind the call-in, set out in the agenda pack, and declined to answer Mrs Dean's questions. In response to Mr Caller's question, Mr Brazier explained that he had, on advice from officers, invited the Leader to sign the decision, mainly because the matter concerned two directorates and this was the proper way of dealing with the issue.
11. Mr Hill explained that the Community Engagement Officers would have more involvement with the Highway Fund, to take initial applications and this was a manageable workload.
12. Mr Baldock asked the guests whether the Leader took this decision with the full knowledge of the attitudes of all members affected. Mr Brazier confirmed that the Leader was asked to sign the Record of Decision to avoid any complications of the matter involving two Directorates, no formal comments were made. The Chairman confirmed that the Leader was spoken to by a number of members from different parties regarding this decision. The Leader was aware of the general views of Members, the majority of the Cabinet Committee was in favour of the decision, and Mr Brazier was advised by the Cabinet Committee that he should sign this decision.
13. Mr Truelove felt that Members should be looking at whether this was a good decision, it had been taken to save money, to improve the scheme and make it more efficient and he couldn't see how Mrs Dean's questions were not legitimate.

14. Mr Caller questioned the influence of Cabinet Committees, Mr Brazier expressed the view that the Cabinet Committee system was a good one, and it was the Cabinet Member's position to listen and that was what had happened. The comments made at the Cabinet Committee were taken on board but in this case it did not ultimately change the decision that was taken.
15. Mrs Stockell explained that this issue had been discussed at great length at the Environment, Highways and Waste Cabinet Committee, the scheme was less bureaucratic and simpler for Members and the public.
16. In response to a question about whether this scheme would actually produce a saving for the two directorates, Mr Hill and Mr Brazier confirmed that they were both making savings.
17. The Chairman confirmed that all paperwork for the Cabinet Committees had been published 5 working days in advance of the meetings; all members had the opportunity to be aware of the items being discussed by the Cabinet Committees.
18. Members discussed the level of consultation that had been undertaken in relation to this decision there were differing views on whether all Members would have been aware of the debate around the Members Grant scheme.
19. In response to a query about how the votes were recorded at the Cabinet Committee Mrs Whitaker explained that the record of both of the Cabinet Committees was accurate and complete. In response to a question on whether the Record of Decision had thoroughly reflected the minutes of the Cabinet Committees. Mrs Whitaker confirmed that there was no requirement for such detail to be included but accepted that it might have been beneficial. One Member commented that all the minutes were available online for Members to view.
20. In relation to an earlier point from Mr Cowan, Mrs Whitaker explained that Article 12 (2) of the constitution related to 'due consultation' the call-in was accepted because it was considered that under the circumstances whilst this scheme could have been publicised more widely, there was no such requirement to do so.
21. Mr Caller suggested that the matter be referred to full council.
22. In response to a question the Chairman confirmed that, after consultation with the officers present, the Committee would only discuss the processes and the reasons advanced for the call-in.
23. Mrs Dean proposed that the Scrutiny Committee:
  - a. require implementation of the decision to be postponed pending reconsideration of the matter by the decision-maker in the light of the Committee's comments
  - b. make the following comments,
    - i. that Mr Carter was not informed of the views taken by the Cabinet Committee Members where it was shown to be of serious concern,

- ii. that the Record of Decision should include any comment received when the matter was considered
- iii. that details of any vote taken should be included in the report to the Cabinet Member and that he should be informed that whilst all Members should have been informed they were not.

24. This was seconded by Mr Baldock.

25. On being put to the vote, there were 5 votes in favour and 5 votes against. In accordance with Committee Procedure Rule 2.26 (2) the Chairman used his casting vote against the motion and so it was lost. Mr Baldock requested that it be noted that he voted for the proposal.

26. The Chairman proposed that the Scrutiny Committee make no comments, this was seconded by Mr Scholes.

27. On being put to the vote, there were 6 votes in favour and 5 votes against therefore this motion was carried.

28. RESOLVED that the Scrutiny Committee make no comments.