

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

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

PRESENT: Mr R J Parry (Chairman), Mr H Birkby, Mr G Cowan, Mrs T Dean, MBE, Mr P Garten, Mr E E C Hotson, Mr A J King, MBE, Mr R A Latchford, OBE, Mr L B Ridings, MBE, Mr D Smyth (Substitute for Mr R Truelove) and Mrs P A V Stockell

ALSO PRESENT: Mr M C Dance and Mr M J Harrison

IN ATTENDANCE: Mr T Harwood (Senior Resilience Officer), Mr M Tant (Flood Risk Manager), Mr A Tait (Democratic Services Officer), Mr R Moys (Head of International Affairs), Mr D Whittle (Head of Policy and Strategic Relationships), Ms D Fitch (Democratic Services Manager (Council)), Mrs A Taylor (Scrutiny Research Officer) and Mr J Cook (Scrutiny Research Officer)

UNRESTRICTED ITEMS

43. Minutes of the meeting held on 3 April 2014
(Item A4)

1. RESOLVED that the minutes of the meeting held on 3 April 2014 be approved as a correct record and that they be signed by the Chairman.

44. The Annual report from the Flood Risk Management Committee
(Item C1)

1. Mr Harrison, Chairman of the Kent Flood Risk Management Committee, introduced the Annual Report of the Committee. Paragraph 9 contained the conclusions of the Committee which stated that it had carried out its scrutiny function with diligence and enthusiasm. Its Members had participated fully and their views, as set out in the Minutes, were conveyed to the relevant agencies for their information. Efforts had been made to involve the 12 Kent Districts in the Kent Flood Risk Management Committee.
2. Mr Harwood, Senior Resilience Officer with the KCC Resilience and Emergencies Unit, explained that the Committee took its oversight duties very seriously, a further report addressing the winter floods was due to be submitted to Corporate Board on 23 June and to Cabinet on 7 July. KCCs emergency response through the Autumn/Winter 2013/14 did not only deal with the impact of flooding, but also significant storm damage including disruption to transport systems and the loss of utilities to tens of thousands of households. On January 15th the Flood Risk Management Committee held an extra-ordinary meeting to receive key agency updates and capture any major issues while they were still fresh in the minds of elected Members from KCC and Kent Districts.

3. Mr Tant, Flood Risk Manager, explained that he was involved in the strategic planning for flood risk management, including preparation for winter 2014.
4. Mr Harrison explained that an extraordinary meeting of the Kent Flood Risk Management Committee had been held after the floods of winter 2013, concerns had been raised that there was no mention of the welfare of livestock, vacating premises etc.
5. The Chairman explained that in Sevenoaks West there had been no overall authority on the ground, there was a need for authority to be able to co-ordinate the next steps in the recovery process following the flooding.
6. Mr Harwood commented that in some areas there had been difficulties with drivers removing temporary highway signage and creating damaging bow waves when driving their vehicles through flooded residential areas. The Council had worked closely with the police and used the resources available to ensure any problems were resolved as quickly as possible. Mobilisation and response during the early stages of the winter storms had undoubtedly been a challenge but responding agencies soon ensured an ordered and structured approach. This included better communication with affected communities and farmers / livestock managers.
7. A Member commented that there had been very good feedback on KCC's response to the flooding problems of winter 2013/14, issues to focus on for the future included long-term maintenance and management of watercourse and flood-plains, and interventions to protect livestock from flooding. Mr Harrison would take these comments on board but referred Scrutiny Committee Members to the Flood Risk Management Committees Terms of Reference contained within the report which set out what the Committee was and was not responsible for.
8. A Member explained that it was possible for KCC to use its influence in holding to account and expressing views. It was considered that there was a lack of capacity in surface water drainage pipes and it was hoped that the Cabinet report would deal with issues such as the clearing and replacement of pipes. The Member asked whether there was a plan to produce an information pack for the public to explain who should be contacted in particular circumstances, for example Parish Councils were willing to assist in disseminating information if it was required. Mr Harrison explained that ground water flooding occurred when the aquifers were full, it was important to look at the overall picture with differing problems depending on local circumstances.
9. Mr Harwood explained that the Environment Agency used an effective flood alert system in areas threatened by fluvial and coastal flooding but that warning systems in areas vulnerable to the far less predictable phenomenon of ground water/surface water flooding were far less developed. It was confirmed that the Cabinet report would seek to address community resilience and the role of parish councils to ensure a more resilient county. A template existed for a Parish Community Resilience Plan which was available from the KCC Resilience and Emergencies Unit. Mr Tant explained that KCC had limited powers, in response to an earlier question he confirmed that it was possible to ensure the pipes were maintained but not always that their size was increased, different situations required different strategies. In response to a comment from Mr. Harrison, Mr

Harwood gave a practical example of sustainable urban drainage technology at a new retail development in Maidstone, at Eclipse Park near J7 of the M20, which had incorporated sustainable urban drainage. This technology had not only prevented flooding on site all through a very wet winter construction phase, but had also prevented historic problems with off-site flooding on the adjacent Bearsted Road dual carriageway re-occurring.

10. A number of Members praised the report from the Flood Risk Management Committee, and suggested areas where additional risks might be found. It was felt that ensuring that the Flood Risk Management Committee took on board the comments made might help alleviate future problems. Mr Harrison explained that as well as the Flood Risk Management Committee, there was also a Regional Flood Defence Committee. Through the suggestions of the Scrutiny Committee the Flood Risk Management Committee would invite representatives from Kent Highways Services to a future meeting.
11. A Member referred to experiences in Holland, most of which was under sea level, where flood risk management was clearly very well managed. Members asked whether the Flood Risk Management Committee had received an update or feedback from the discussions between the Environment Agency and representatives from Holland, this had not been received. Another Member commented on the funding put into flood defences in the Netherlands, which was considered to be significantly higher than in the United Kingdom.
12. In response to a question about de-silting vs dredging Mr Tant explained that de-silting was the removal of silt without engineering implications and dredging applied to navigable rivers and harbours to ensure that a channel was maintained.
13. Mr Harrison explained to Members that he had recently undertaken a trip up the River Great Stour, there was a lack of maintenance on the river which was locally perceived as resulting in slow flows and a greater potential for tide-locking and surface water events in surrounding areas. Mr. Harrison stated that he believed that some de-silting would allow the local catchments to drain more efficiently.
14. Referring to the limited powers of the Committee a Member commented that KCC had powers of persuasion; the recommendations put forward by the Flooding Select Committee addressed future planning.

RESOLVED that the Scrutiny Committee:

15. Thank Mr Harrison, Mr Harwood, Mr Tant and Mr Tait for attending the meeting and answering Members' questions and for their excellent report.
16. Look forward to a report back from the Kent Flood Risk Management Committee in 12 months' time.

45. Three month report back on the European Select Committee report
(Item C2)

1. Mr Dance, Cabinet Member for Economic Development introduced the report, good work had previously been undertaken by the Council and the Select Committee, which had held numerous interviews and findings had provided a

good basis on which to move forward. The main aim was to repatriate as much money as possible back from European funds relevant to the people and businesses of Kent. Other vital activities included developing partnerships in Europe and with Essex and East Sussex in the case of the Local Enterprise Partnership's EU programme.

2. A Member commented on the areas not yet complete, there was a discussion about the appropriate timing of a report back to the Committee; Ms Fitch confirmed that the usual monitoring process for Select Committee reports was that one year on (March 2015) the Select Committee would meet to look at progress and report back to the Scrutiny Committee.
3. Mr Dance explained that it might be a good time to review the progress during January/February when the guidance would be clearer, and this would be a good time to monitor bids.
4. A Member commended the report and any money that could be repatriated back was welcomed particularly bearing in mind the money put into the European Union. The Member looked forward to the progress report but was not happy with the way the issue had been handled.
5. Mr Dance explained that an options paper regarding Hardelot would be submitted to Cabinet Members on 14 July, in recent times circumstances had changed in favour of running Hardelot but this would be set out in the options paper. The Economic Directorate was asked to save 20-25% and they had looked at options including the Brussels Office, there was an opportunity for a new office with a simple arrangement, this would produce savings of around 25%. There was a need to work with other regions to access some funds, and this would be reviewed annually but currently it was considered the right decision to make.
6. A Member supported the review of progress earlier than one year on. He then went on to ask whether, regarding Ashford Spur, phase one and two, did the Government make any contribution to either? Mr Dance explained that for Ashford the International Station was crucial, it was a growth town, 37minutes to London. A joint meeting had been held on the 'Rock project' recently and Rail track and Eurostar needed to agree a clear outcome. A design had been proposed resulting in more trains stopping at Ashford, with better efficiency for Eurostar and this was a high priority. Whether the Government financed phase one or two of the Ashford Spur was not known but would be investigated and reported back.
7. Referring to the £100million that it was possible to get from Europe, what was the likelihood of getting the full amount? Mr Dance explained that Mr Moys' team was very small in relation to other teams working towards European funding, so it was necessary to bear in mind that funding would be needed, if the capacity was not there, to enable the team to write bids to enable further funding. It was the intention of the team to be proactive and access as much of the funding as possible and the £100million was well within limits.
8. In response to a query Mr Dance explained that a letter was written, from KCC to Government, in relation to the EU Solidarity Fund for flood damage, but this had not been pursued by Government.

9. Referring to Hardelot, a Scrutiny Committee Member asked whether the options paper would include an option to close the building. Mr Dance explained that there was not an option to close the building, there was an option to work with the private sector. There was a view from the Scrutiny Committee Member that all options should be available within the options paper.

RESOLVED that the Scrutiny Committee:

10. Thank Mr Dance and Mr Ron Moys for their attendance at the Scrutiny Committee meeting, for answering Members' questions and for the excellent report submitted to the Committee;
11. Ask that the Select Committee be reconvened at the most appropriate time to receive feedback on progress with their recommendations even if this was before the normal 1 year monitoring period and report back to the Scrutiny Committee via their minutes.

46. The Role of Scrutiny report (Item C3)

1. Ms Fitch explained that the paper had been produced following the last discussion had by the Scrutiny Committee and was to support the formal discussion looking at ways of working and improvements to ways of working. Members' views were sought on a draft work programme for the Committee and for further new Select Committee Topics from Members.
2. The Chairman, along with other members thanked Mr Sass for producing the excellent report.
3. A Member was pleased with the emphasis on the Scrutiny Committee being politically impartial and it was requested that any Select Committee agendas did not have any political agenda.
4. A Member agreed with the work programme for the Committee and this should include budget and performance, crime and disorder and flood risk management issues. It was considered more sensible to discuss the work of the Flood Risk Management Committee before next winter to ensure preparedness. In relation to briefings for Members it was considered that the Chairman and Spokespeople briefings had been used in a more interactive way and if it was the intention to continue in this way then they should be expanded to include all Committee Members, however they should not be referred to as briefings, but rather exploratory or preparatory meetings.
5. It was considered that Members needed to be involved before decisions were made. Directors should report to Scrutiny with their plans for the future for scrutiny by the Committee. If the authority was to become a commissioning authority there would have to be major changes in the way the Council worked. The Member was supportive of the paper and particularly para 4.6 but there was a need to go a stage further and be involved earlier in the process.

6. Mr Garten, the Parent Governor Representative, was asked for his view and he considered that more public involvement was needed, perhaps with the co-option of other members from outside the authority.
7. A Member commented that the Scrutiny Committee was a highly political committee, it would be necessary to look at the role of Members in the transformed authority, and the role of Scrutiny and the Cabinet perhaps with the use of a workshop. There was a view that Cabinet Committees were not working in relation to pre scrutiny of decisions, the discussion of the paper was the start of a dialogue and should continue.
8. A Member concurred that the Scrutiny Committee should be scrutinising before the decisions were taken, there was also a view that the Scrutiny Committee should be chaired by a member of the opposition, it was considered that this would improve the perception of the Committee, there were also concerns over the frequency of 'urgent decisions'. The Chairman confirmed that the frequency of urgent decisions would be looked at, with regards to the Chairmanship this was contained within the constitution and it was suggested that this be the subject of a discussion with the Group Leaders.
9. Another Member supported the work programme for the Committee. Referring to public involvement this had been done in the past and this opportunity should be given to the public and managed correctly.
10. The Parent Governor representative reiterated his view that the Scrutiny Committee ought to be non-political and this should be strengthened particularly as the public were disenchanted and this would help bring decision making back to the public.
11. A Member commented that when members of the public had been present at meetings, Members had accused witnesses of being politically motivated. Guests and witnesses should be welcomed and not treated as a threat. The Member explained that following a meeting with the Leader and Group spokespeople that the next Select Committee might focus on the Troubled Families Programme.
12. Referring to public involvement and questions at Committee meetings this had not been discarded, meetings were webcast; it was considered that the public would be more engaged if there was real debate and grilling at an earlier stage.
13. A Member expressed the view that all Members held their own philosophy. It was not possible to deny that those views were held and that members would be influenced. In relation to pre-decision scrutiny, Members were informed of decisions to be made, and this provided members with the opportunity to make comments. The ideal situation was a parity of esteem between the Executive and Scrutiny, pre-decision scrutiny was a good way of moving forward.
14. The Chairman reminded members of the Cabinet Committee system which was an excellent way of pre-decision scrutiny.

RESOLVED that the Scrutiny Committee

15. Thank the officers for the report,

16. Request a report back on the way forward for the Scrutiny Committee via the Chairman and Spokespeople.

47. Scrutiny Committee input into the Commissioning Select Committee action plan
(Item C4)

1. The Chairman explained that this report had been brought to the Committee earlier than usual at the request of Members. A team had not yet been appointed to put together the implementation plan and Mr Whittle was present to listen to the debate and take Members comments and views away to the relevant officer.
2. A Member suggested a detailed discussion on this issue was premature and should be part of a larger debate.
3. One Member explained that at the Leaders' meeting the previous day the Commissioning Programme had been discussed, there was a proposal for an all Members' briefing on the afternoon of the County Council meeting on 17 July to look at the whole Commissioning process.

RESOLVED that the Scrutiny Committee:

4. Agreed that bearing in mind the Leaders' commitment earlier in the day to an all Members' briefing following the County Council meeting on 17 July the Scrutiny Committee defer any further discussion until their scheduled report back in September 2014.