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To: Scrutiny Committee – 31 March 2017

Subject: Scrutiny Committee overview

Summary: This report outlines the key activities of KCC's Scrutiny Committee during the Council period of May 2013 to March 2017.

1. Scrutiny Committee

1.1 Section 21 (2) of the Local Government Act 2000 requires the provisions in executive arrangements to ensure that a local authority's overview and scrutiny committee has power (or its overview and scrutiny committees have power between them) to:

- review or scrutinise decisions or action taken in respect of any functions which are the responsibility of the executive;
- make reports or recommendations to the local authority or the executive in respect of any functions which are the responsibility of the executive;
- review or scrutinise decisions or action taken in respect of any functions which are not the responsibility of the executive;
- make reports or recommendations to the local authority or the executive in respect of any functions which are not the responsibility of the executive; and
- make reports or recommendations to the local authority or the executive in respect of matters which affect the local authority's area or its inhabitants.

1.2 Under section 21 of the Local Government Act 2000, the Council has appointed the Scrutiny Committee from among the non-executive Members to perform the roles and functions set out in Part 2 of Appendix 2. Their terms of reference cover all the main services of the Council and also meets at least once a year as the Crime and Disorder Committee. In addition, the Scrutiny Committee co-ordinates the Select Committee work programme.

1.3 Section 21(13) (a) provides a power for an overview and scrutiny committee (or subcommittee) to require members of the executive and officers of the local authority to appear before it and answer questions. By virtue of sections 21(14) and (15) it is the duty of such persons to comply with this requirement except that she or he would not be obliged to answer any question which she or he would be entitled to refuse to answer in a court of law. An overview and scrutiny committee (or sub-committee) may also invite, by virtue of section 21(13) (b), any other persons to attend its meetings but cannot require them to do so.

- 1.4 The Scrutiny Committee has met formally on twenty-four occasions, in addition to agenda setting meetings and informal briefings with Cabinet Members and Corporate Directors. The Committee also facilitated the introduction of regular informal discussion sessions between relevant Members and senior officers on issues including budget planning.
- 1.5 Notes on the positive activities of the various sub-committees established by the Scrutiny Committee are provided in sections 2, 3 and 4. The Kent Utilities Engagement Sub-committee and the numerous successful Select Committees were established via careful consideration and discussion by the full Scrutiny Committee, with input from the Leader, Cabinet Members and senior officers, supported by research and evidence gathering provided by Democratic Services. The Scrutiny committee also receives annual reports from a further sub-committee; the Kent Flood Risk Management Committee.
- 1.6 Given the Scrutiny Committee's broad remit to scrutinise the Executive of the Council in relation to formal decision and the executions of any functions of the Council, the items considered by the Scrutiny Committee have been varied and numerous. Positive updates have been provided by the Executive on many occasions, facilitating broader consideration of how services may be improved and providing reassurance to Members and the public that governance arrangements, national guidance and legislation have been adhered to. The Committee has supported Leader and also several Cabinet Member initiated engagements with Central Government aimed at revising or challenging policy which may have a negative impact in Kent but also actively supported positive joint working with government on key issues such as Operation Stack.
- 1.7 Key issues considered by the Scrutiny Committee include:
- Ongoing Social care pressures due to a combination of funding issues and rising demand. The Committee supported further lobbying of central government to review funding plans and develop improved NHS and social care integration strategies and the development of a national dispersal scheme for unaccompanied asylum seeking children.
 - Infrastructure project governance: The Committee review a small number of significant projects such as the Safe and Sensible Street Lighting policy and the St Dunstan's Regeneration Scheme. In both cases, the Committee conducted detailed investigations and resolved that no inappropriate actions had been taken but provided advice and recommendations to the directorate on improving their policies to minimise negative public reaction in the future, with a particular focus on improved communication strategies and transparency.
 - Extensive review of the Regional Growth Fund, which facilitates the distribution of central government funded loans and investments to local businesses as part of the economic growth agenda. The Committee considered specific funding decisions as well as the investment and loan assessment processes, in support of standard internal audit activity undertaken as a matter of course. The Committee made various

recommendations about improved transparency where this could be achieved without impacting on commercial sensitivity as well as supporting a clearer governance route for all relevant decisions, including those devolved to local funding boards.

The Committee's work in this area has made a significant positive contribution to the revised Regional Growth Fund scheme that was introduced in 2017, with the recommendations of the Committee reflected in the new guidance and protocols.

- Education reform and review: The Committee considered the academisation scheme proposed by central government as well as ongoing school funding formulae review. In both cases, the Committee strongly supported actions taken by the Cabinet Member to raise concerns with the Secretary of State for Education and provided supporting statements via the Chairman.
- Budget Scrutiny: The Committee has considered the draft budget and medium term financial plan each year during the Council term, providing feedback and comments for consideration by the Cabinet Member for Finance.

2. Kent Utilities Engagement Sub-Committee

2.1 The Kent Utilities Engagement Sub-Committee was established by the Scrutiny Committee at its meeting on 9 June 2016 and it first met on 27 July 2016. This was an inaugural meeting to allow discussion with Members and Environment, Planning and Enforcement (EPE) department officers regarding the practical remit of the sub-committee and outline plans for working with the key partners in the sector. The sub-committee agreed to attend sector specific training prior to external engagement.

The sub-committee agreed its scope as follows:

- (a) Gathering and scrutinising evidence as to the performance of utilities and other relevant bodies to support current and future growth, gathering information and data from all stakeholders – utility companies, developers, and districts;
- (b) Identifying the key barriers presented by utilities and other relevant bodies to growth ;
- (c) Identifying and testing recommendations for overcoming these barriers; and
- (d) Engaging with national regulators as appropriate to promote these recommendations.
- (e) Promoting the maintenance and improvement of current infrastructure in the Kent and Medway Growth and Infrastructure Framework.

- 2.2 The Sub-Committee met informally in November 2016 to receive detailed training on the water sector from EPE staff (Lead Officer – Alan Turner).
- 2.3 Sub-Committee met on 27 January to receive presentations from Ofwat (Water regulator) and Southern Water. Members had a positive discussion with the external guests, taking reassurance from the improvement in service levels noted by Ofwat and Southern Water’s in engaging in better partnerships with developers and local authorities. Key recommendations from the session relate to KCC promoting and supporting improvement in early strategic collaboration and information sharing between local authorities, developers and the utility sector (supported by Ofwat experience that lack of communication between parties had been the key cause of most disputes).
- 2.4 The Sub-Committee met on 27 February to receive presentation from Technical & Development Services (TDS - a private development consultancy firm) and South East Water. TDS provided an overview of some of the challenges facing developers, with consideration of some of the good work being done in partnership with some utility companies, including South East Water. South East Water provided an overview of their activities in Kent and highlighted the positive progress in the industry with the recognition of developers and customers. South East Water also noted the expectation the new charging scheme, when implemented would help simplify the development system and allow for better long term planning and information sharing. The Committee resolved that engagement with Central Government on encouraging appropriate authorities to work together on the range of issues with a co-ordinated approach to improve consistency around the country.

3. Crime and Disorder Committee Activity

- 3.1 The Scrutiny Committee is required to meet in the form of the Crime and Disorder Committee to review and scrutinise work undertaken by relevant partner agencies and authorities responsible for managing crime and disorder in the County. This duty arises from the Police and Justice Act 2006 which introduced Crime and Disorder Committees to fulfil this scrutiny function.
- 3.2 The Committee exists as a ‘critical friend’ of the Community Safety Partnership, considering the strategic level approach on crime and disorder and should not seek to challenge operation level actions. Reviewing, considering and commenting on the Community Safety Agreement (CSA) and its associated action plan has served as a constructive approach for the Committee to fulfil its statutory requirement to scrutinise the strategic activity in the arena of crime and disorder. Consequently, consideration of the CSA has been the primary feature of Crime and Disorder Committee meetings since 2013.
- 3.3 For information, Community Safety Agreements (CSAs) are mandatory for two tier authorities and are used by the Community Safety Partnerships (CSPs) to meet their statutory duty under Section 17 of the Crime and Disorder Act 1998

(as amended by the Police and Justice Act 2006). Additionally, the 2006 Act required CSPs to include anti-social behaviour (ASB) and substance abuse within their strategies. The Police and Crime Act 2009 added reducing reoffending to the areas to be addressed by CSPs.

4. Flood Risk Management Committee

- 4.1 The Flood Risk Management Committee is responsible (under the Localism Act 2011) for reviewing and scrutinising the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.
- 4.2 This work involves the preparation, monitoring and review of a strategic action plan for flood risk management in Kent, taking into account any Select Committee recommendations, Pitt Review and relevant requirements of the Flood and Water Management Act 2010.
- 4.3 The Committee has developed positive and informative annual reports which have been presented to and discussed by the Scrutiny Committee each Summer. This has facilitated broader consideration of the key flood risk issues affecting Kent. Dates of the annual reports may be found in the Scrutiny Committee agenda summary list at Appendix 2.

5. Select Committees

- 5.1 The Scrutiny Committee facilitates the identification and selection of subjects for Select Committees, via its Topic Review agenda items. Select Committees are sub-committees of the Scrutiny Committee, with equivalent powers to require attendance of relevant Members of the Council and senior officers. These Committees operate on an apolitical basis and while they are operated under proportionality rules, the reports developed by the Committees represent excellent examples of cross-party working and Member engagement in challenging areas of work for the County Council.
- 5.2 The Scrutiny Committee established the following Select Committees during the 2013 – 2017 Council period:
 - Kent's European Relations
 - Commissioning
 - Corporate Parenting
 - Energy Security
 - Grammar Schools and Social Mobility
 - Bus Transport and Public Subsidy
- 5.3 An overview of the outcomes of the Select Committees was presented to County Council on 16 March 2017 and the report is included as an appendix to this item.

6. Summary

- 6.1 The Scrutiny Committee, alongside the important activities of its various sub-committees, has delivered an active ongoing programme of thoughtful consideration of key issues affecting Kent. Appropriate critical Scrutiny has been brought to bear on Executive decisions and activities, as well as collaborative engagement with Executive action to facilitate service and policy review. The vast majority of resolutions have represented cross-party unanimous agreement on recommendations and comments to the relevant Cabinet Members and Officers and even where discussions have involved disagreement, relevant comments and concerns have been flagged with the appropriate Directorates for consideration.
- 6.2 It should also be noted that the call-in system has been employed to delay and consider a small number of decisions, permitting further review and assessment of relevant governance and decision making practices. The use of such formal powers on occasion by the Committee helps demonstrate its commitment to transparency and meeting its responsibility to hold the Executive to account.
- 6.3 Despite the rare use of call-in powers, the Committee has continued to maintain a busy work programme that captured important information across the range of KCC services, providing useful comment to the Executive and to the Authority as a whole. Agenda setting processes always recognised right of any Member to request items be placed on future agendas and this is reflected in the regularity of meetings and the range of subjects considered as discussion items.
- 6.4 Appendix 2 provides an overview of all issues considered at formal Scrutiny Committee meetings since 2013 with summaries of the key resolutions which give an good indication of the positive work undertaken by the Committee.

7. Recommendation

- 7.1 The Committee is invited to the note the report on the positive work it and its sub-committees have achieved in the 2013 – 17 Council period.

Background Documents:

Kent County Council – Constitution

Local Government Act 1972 - amended

Appendices:

Appendix 1 - Scrutiny Committee terms of reference (KCC Constitution excerpt)

Appendix 2 - Agenda & item consideration summary – 2013 to 2017

Appendix 3 - Select Committee Overview report (March County Council 2017 report)

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