

31 October 2017 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks  
Despatched: 23.10.17



## Scrutiny Committee

### Membership:

Chairman, Cllr. Brown; Vice-Chairman, Cllr. London  
Cllrs. Ball, Clack, Hogg, Kitchener, Lindsay, McArthur, Purves, Reay and Searles

### Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b> To approve the Minutes of the meeting of the Committee held on 4 July 2017, as a correct record.	(Pages 1 - 6)	
2. <b>Declarations of Interest</b> Any declarations not already registered		
3. <b>Responses of the Cabinet to reports of the Scrutiny Committee (if any)</b>		
4. <b>Actions from Previous Meeting</b>	(Pages 7 - 10)	
5. <b>Pembury Hospital (Maidstone and Tunbridge Wells NHS Trust)</b> Angela Gallagher, Chief Operating Officer in attendance to answer questions about Pembury Hospital.		
6. <b>Performance Monitoring</b>	(Pages 11 - 28)	Lee Banks Tel: 01732 227161
7. <b>Questions to the Portfolio Holder For Finance</b>	(Pages 29 - 30)	Cllr. Scholey
8. <b>Questions to the Portfolio Holder for Legal &amp; Democratic Services</b>	(Pages 31 - 40)	Cllr. Firth

9. **Work Plan**

(Pages 41 - 42)

**EXEMPT INFORMATION**

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

SCRUTINY COMMITTEE

Minutes of the meeting held on 4 July 2017 commencing at 7.00 pm

Present: Cllr. Brown (Chairman)

Cllr. London (Vice-Chairman)

Cllrs. Ball, Clack, Hogg, Kitchener, Lindsay, McArthur, Purves, Reay and Searles

Cllrs. Hogarth and Piper were also present.

1. Minutes

Resolved: That the minutes of the meeting held on 30 March 2017, be agreed and signed by the Chairman as a correct record.

2. Declarations of Interest

There were none.

3. Responses of the Cabinet to reports of the Scrutiny Committee

The response was noted.

4. Actions from the last meeting of the Committee

The actions were noted.

5. Performance Monitoring

The Chief Officer for Corporate Services introduced a report which summarised performance across the Council to the end of May 2017. Members were asked to consider 8 performance indicators which were performing 10% or more below their target with a commentary from Officers explaining the reason and detailing any plans to improve performance. If actions taken were not deemed sufficient, the report recommend referring those indicators to Cabinet for further assessment. The report also provided key performance indicators relating to the Portfolio Holders invited to the Scrutiny Committee meeting.

Members discussed the performance indicators and questioned at what point a vehicle was classed as abandoned within the indicators.

*Action 1: Chief Officer Environmental and Operational Services to advise when a vehicle was classed as abandoned.*

It was also noted that many of the below target indicators were due to staff vacancies. In response to a question the Chief Officer for Corporate Services advised that once the vacancies were filled the targets would be reached. The Chief Officer for Corporate Services advised that the number of vacant positions across the council would be circulated along with the number of staff currently employed in Customer Services.

*Action 2: Chief Officer Corporate Services to circulate the number of Vacant Positions in the Council and the number of staff employed in Customer Services.*

In regards to the Performance Indicator for higher risk food inspections, members queried what the higher risk categories A & B were.

*Action 3: Chief Officer Environmental and Operational Services to advise what higher risk categories A & B were.*

Members discussed the target for the average number of days to process changes of circumstances for housing benefit, concern was expressed that there were still 457 claimants outstanding. The Chief Finance Officer advised that the number was higher due to the focus being on new claims where the time taken has reduced. There were also a number of cases where information had been requested from the claimant but had not yet been received. The time for processing was not stopped whilst waiting for the information. The outstanding information was actively chased.

*Action 4: Chief Finance Officer to investigate whether there was a final deadline for information to be received from claimants.*

Resolved: That the report be noted.

#### 6. Questions to the Portfolio Holder for Planning

The Portfolio Holder for Planning presented a report updating the committee on recent achievements and challenges ahead. He advised that since the publication of the agenda papers an additional 19% of planning applications had been determined since the same period last year and 1 major application had missed the 13 weeks determination out of the 3 that had been received so far this year. However if none were missed for the remainder of the year the Performance Indicator would be above target. A new Enforcement plan was in draft form, following a review of priorities which would take a new approach to dealing with complaints.

The Portfolio Holder responded to Members' questions.

The Portfolio Holder explained that recruitment of the Enforcement Team Leader has been unsuccessful. It was anticipated that by Christmas all work would be electronically documented. When asked whether there was a problem with staff retention in Planning, Members were advised that there was a high percentage of part time staff, and by offering flexible working hours, staff were retained.

A Member asked about density figures in Swanley. The Portfolio Holder explained that it was not just Swanley that would be looked at having an increased density but other Towns in the District. On average 80 units per hectare were currently built, albeit skewed by the redevelopment of Tubbs Hill House. Alternatives had to be investigated if the Green Belt was to be retained. Another Member queried what exceptional circumstances would be in Swanley. Members were advised that Swanley was in need of regeneration and increasing numbers of units in the Town may encourage new businesses to open, however until the Issues and Options consultation had been completed it was unknown what residents wanted.

A Member was in agreement with Swanley Town Centre needing regeneration. In response to a question, the Chief Planning Officer advised that Swanley Convent of Mercy crossed many Council services and a holistic approach was being taken.

In response to questions concerning the Local list, the Portfolio Holder advised that it was a supplementary planning document that would help to protect buildings which were not based in a Conservation Area or regarded as a listed building.

A Member queried how the Sevenoaks Town Council Masterplan worked. The Portfolio Holder explained that the plans were developed with help from the District Council. This ensured that there was conformity with local development plans.

The Chairman enquired whether there were conflicts of interest when it came to employing agents on the Council's behalf who had previously worked for developers. The Chief Planning Officer advised that there were corporate safeguards but the perception of residents needed to show it was unfettered. It was important that the best advice was provided but Officers were aware this could be an issue.

The Chairman thanked the Portfolio Holder for his attendance.

#### 7. Questions to the Portfolio Holder for Economic & Community Development

The Portfolio Holder for Economic and Community Development presented a report updating the committee on recent achievements within his portfolio, highlighting the positive cross co operation between Portfolio Holders, especially with the Local Plan.

The Portfolio Holder responded to Member's questions.

In response to a question Members were informed that, following the acquisition of the M&Co building in Sevenoaks High Street, there was potential for combined thinking with KCC regarding the library and adult education services as well as potential to improve the bus stop arrangements.

A member sought clarification from the Portfolio Holder on whether the apprenticeship initiative had involved local schools and asked why it was difficult

to recruit. He advised that the Economic Development team were programmed to visit schools in the District to promote the apprenticeship scheme and the pathway to careers. Employers reported that in some cases it was difficult to recruit as some young people lacked the skills to access apprenticeships.

Another Member raised questions in regards to the Kent and Medway Business fund. Members were advised that the loans were at 0% to small and medium sized businesses. The scheme was funded by loan repayments from the previous Regional Growth Fund Scheme, Escalate.

When questioned about the Council's projects in Swanley, the Chief Officer Communities and Business advised that feasibility studies were taking place as to the possible density, form and development on sites and what would be acceptable in planning terms. Valuers were then looking at how much the works would cost and the capital return. Once these works had been completed, Members would be consulted before going out to public consultation.

A Member queried how health related to the One Public Estate. The Portfolio Holder advised that the funding would be for feasibility studies in Swanley for GP surgeries and the potential to relieve some of the more administrative uses at Sevenoaks Hospital. The bid was in Partnership with Tunbridge Wells Borough Council.

The Portfolio Holder was asked more details regarding the Council's business e-newsletter, Real Business. He advised that the e-newsletter had 800 subscribers. It was constantly being critiqued to ensure that it was valuable to its users.

The Chairman queried whether there were any challenges ahead. The Portfolio Holder advised that his role was looking ahead and helping to shape a positive way forward for those living and working in the District. One concern could be Community safety, in light of the national events in recent months and an increasing awareness of those threats. The Community safety partnership was there to reduce crime, reduce the fear of crime and involve communities in solutions which was a positive way forward.

The Chairman thanked the Portfolio Holder for his attendance.

#### 8. Improvements to Sencio Leisure Centre

The Chief Officer Communities and Business and Chief Finance Officer presented a report detailing financial risks to the Council, trading history and future performance of Sencio following the agreement of a loan of £600,000 to Sencio Community Leisure. The report also detailed how the repayment of the loan to Sencio for improvements to the Leisure Centre would be affected if the management fee the Council paid was removed. Members were informed that the Licence for Alterations and Loan Agreement had been drafted. Sencio had also issued a letter of intent to their contractor. Arrangements between Sencio and Sevenoaks Town Council for the payment of £95,000 towards the works were being finalised and it was hoped working would start on 17 July 2017.

**Scrutiny Committee - 4 July 2017**

In response to questions Members were advised that the Council carried out their own latent demand survey. The business plan put forward by Sencio was based on the number of Memberships, but the facilities were also used by non members.

Jane Parish, Chief Executive of Sencio responded to Members questions and advised that the deficit in 2015 was due to different factors, including the closure of the Wilderness Site and inability to retrieve loss of income and additional redundancy costs. As Sencio was a not for profit organisation, most surplus went into investing in facilities. The current year's costings would be taking into consideration paying all staff the living wage and pensionable contributions.

In response to concerns raised, the Chief Finance Officer advised that if Sencio defaulted on a loan repayment the Council could look to declare Sencio insolvent and would then re-tender the asset. The Council did not guarantee Sencio debts. The loan payments were solely for building works and would be made in tranches in line with the work being carried out.

Members thought that it was important to continue to monitor key financial information in regards to the loan and repayments.

It was moved by the Chairman that the Committee continue to monitor key financial information and work completion.

The motion was put to the vote and it was

Resolved: That the Scrutiny Committee continue to monitor key financial information and work completion.

9. Work Plan

The work plan was discussed. It was agreed to remove Sencio Leisure Centre from the meeting on the 31 October and invite Pembury Hospital (Maidstone and Tunbridge Wells NHS Trust). If Pembury Hospital were unable to attend Darent Valley Hospital would be invited.

THE MEETING WAS CONCLUDED AT 9.10 PM

CHAIRMAN

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**ACTIONS FROM THE MEETING HELD ON 4.7.17**

Action	Description	Status and last updated	Contact Officer
ACTION 1	Chief Officer Environmental and Operational Services to advise when a vehicle was classed as abandoned.	<p>There is no legal definition of “abandoned”. It is down to the expert opinion of the officers to deem abandonment. The DEFRA guidance advises the following characteristics are generally common to abandoned vehicles and one or a combination of the following can assist in making a decision on abandonment:</p> <ul style="list-style-type: none"> <li>• Untaxed, with</li> <li>• No current vehicle keeper on the Driver and Vehicle Licensing Agency’s (DVLA) record.</li> <li>• Stationary for a significant amount of time.</li> <li>• Significantly damaged, run down or not road-worthy.</li> <li>• Burned out.</li> <li>• Lacking one or more of its registration plates.</li> <li>• Containing waste.</li> </ul>	Richard Wilson Ext. 7067

<p>ACTION 2</p>	<p>Chief Officer Corporate Services to circulate the number of Vacant Positions in the Council and the number of staff employed in Customer Services.</p>	<p>There are currently 25 vacant positions within the Council.</p> <p>The current number of staff employed in Customer Services is 12.85 FTE.</p>	<p>Jim Carrington-West Ext. 7218</p>
<p>ACTION 3</p>	<p>Chief Officer Environmental and Operational Services to advise what higher risk categories A &amp; B were</p>	<p>When food businesses are registered with Sevenoaks, they are risk assessed and given a category. The risk assessment looks at the size of the business, potential numbers of customers, whether vulnerable groups will eat there (elderly, young and immunosuppressed), type of food to be produced/served, the condition of the property and facilities for food preparation and the management of food safety there. The category determines how often a food business will be visited and inspected by the team. Category A is the highest risk food business. These will be inspected every 6 months. Category B premises are the next highest risk and will be inspected every 12 months.</p>	<p>Richard Wilson Ext. 7067</p>

		It is worth remembering that just because a premises is measured as being “high risk” this does not necessarily mean that it is a poor premises. It may be of high risk because it is a major manufacturer or provides food to those who are more vulnerable to food poisoning/allergens. E.g. a hospital”.	
ACTION 4	Chief Finance Officer to investigate whether there was a final deadline for information to be received from claimants.	Email circulated to Members of the Committee on 7.8.17	Adrain Rowbotham Ext. 7153

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## PERFORMANCE REPORT

### Scrutiny Committee - 31 October 2017

Report of Chief Executive

Status: For Information

Key Decision: No

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**This report supports the Council Promise to provide value for money**

**Portfolio Holder** Cllr. Peter Fleming

**Contact Officer** Lee Banks (Ext. 7161)

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#### **Recommendation to Scrutiny Committee:**

- (a) Members note the contents of the report; and
  - (b) If Members are dissatisfied by actions being taken to improve performance by either Officers, Advisory Committee or Cabinet, they consider areas of underperformance for scrutiny.
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**Reason for recommendation:** To ensure that areas of under performance within services are considered and reviewed by Members.

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#### **Introduction and Background**

- 1 Scrutiny Committee have requested a regular update at each of their meetings of any performance indicators which are not meeting their target level. Attached to this short introduction paper is an exceptions report with a commentary from officers explaining the reasons why performance is not within 10% of target and detailing any actions the service is planning to take to improve performance levels.

#### **Performance Overview**

- 2 The table on the following page summarises performance levels as at the end of September 2017.

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	Current Month	Year To Date
<b>Red</b> <i>10% or more below target</i>	6 (12.8%)	7 (14.9%)
<b>Amber</b> <i>Less than 10% below target</i>	10 (21.3%)	9 (19.1%)
<b>Green</b> <i>At or above target</i>	31 (66%)	31 (66%)

- 2 Provided as Appendix A to this report are details of the 7 indicators where performance is 'Red' and missing the target level by 10% or more.
- 3 Commentary is provided for each of the 'red' performance indicators explaining why target has not been met and the actions that are planned to improve performance. The reasons include poor performance earlier in the year which means annual targets require review, and this will take place before the next report to Scrutiny Committee to give a more current view of performance levels.
- 4 Across the organisation there has also been issues experienced in recruiting suitably qualified staff to vacant posts. As the Council has made significant savings in past years by reducing its staffing levels the absence of people in posts can result in workloads becoming temporarily difficult to manage and lead to a fall in performance. It is anticipated in these cases that performance will return to target levels once staff are in post and where relevant appropriately trained to carry out their duties.

### Portfolio Holder Performance Reports

- 5 At the Scrutiny Committee meeting held on 14 July 2015 it was resolved for 'Officers to provide key performance indicators relevant to the Portfolio Holders invited to the Scrutiny Committee at each meeting'. The following performance reports are provided as appendices to this report:
  - Appendix B - Finance Portfolio performance report
  - Appendix C - Legal & Democratic Services Portfolio performance report
- 6 Where performance is 'red' and missing the target level by 10% or more Officers have provided a commentary for Members consideration.

### Other Options Considered and/or Rejected

- 7 None.

## Key Implications

### Financial

- 8 Effective performance management monitoring arrangements will assist the Council in diverting resources to areas or services where it is considered to be a greater priority.

### Legal Implications and Risk Assessment Statement.

- 9 Robust arrangements are in place to ensure that the risk of inaccurate data being reported to Members is minimised and assurance can be placed on the accuracy of data used to assess performance. By reporting to Members and ensuring all Members are able to access the Council's performance management system the risk of poor performance not being identified or addressed is minimised.

### Equality Impacts

- 10 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## Conclusions

- 11 This report to Members summarises performance across the Council with data that was available at the end of September 2017. Members are asked to consider seven performance indicators which are performing 10% or more below their target and if the actions being taken by officers are not deemed sufficient are recommended to refer those indicators to the Cabinet for further assessment.

## Appendices

Appendix A - Exceptions Report

Appendix B - Finance Portfolio performance report

Appendix C - Legal & Democratic Services Portfolio performance report

## Background Papers

None

**Dr Pav Ramewal**  
Chief Executive

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### Scrutiny Committee – Exceptions Report

Key:

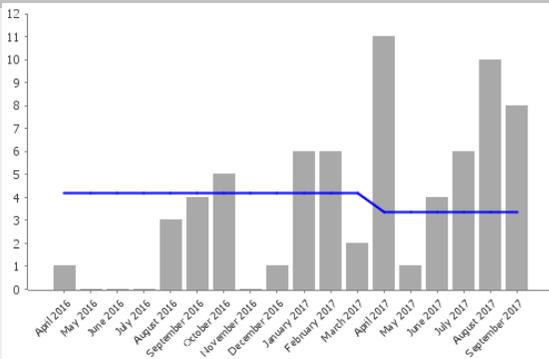
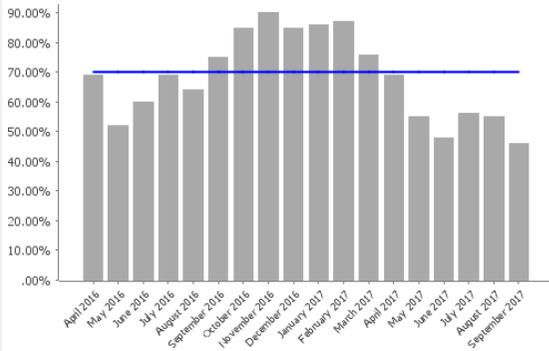
Status	Colour	Details
	Green	At or above target
	Amber	Less than 10% below target
	Red	10% or more below target

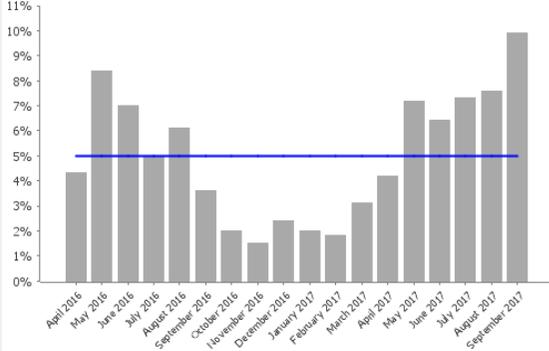
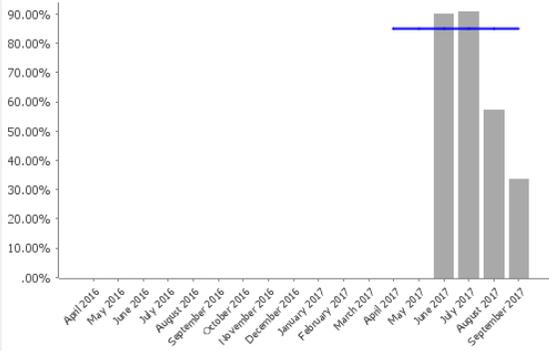
Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2017/18			
						Value	Target	Status	
LPI_HB 04	Average (cumulative) number of days to process a change in circumstances for Housing Benefit	13	10			13	9		<p>The average time is measured in calendar days, rounded to the nearest day, and the clock for measuring performance against this indicator starts on the day the change is reported - and continues even when missing information is being requested from the claimant.</p> <p>The annual target of nine days for this year has been profiled quarter-by-quarter to reflect known trends and fluctuations in average speed of processing.</p> <p>Performance for the first two months in quarter two is currently three days above target.</p>

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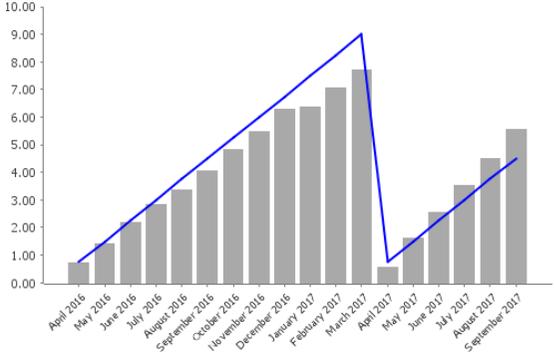
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									<p>An increased volume of changes being notified to the section as a result of a new DWP initiative to help reduce fraud &amp; error has increased caseload.</p> <p>The Wider use of Right Time Information (WuRTI) is a referral based system linked to HMRC data which, when matched with DWP/Local Authority (LA) data, triggers additional referrals to the LA to process.</p> <p>There has also been one Benefit Assessor who has been long-term sick since February 2017.</p> <p>To address the additional workload, a 12-month temporary contract for a Benefit Assessor is due to go out to recruitment shortly.</p>																																						
LPI_DS Waste 004	Number of missed green waste collections	4	5	✔	<table border="1"> <caption>Monthly Missed Green Waste Collections (2016-2017)</caption> <thead> <tr> <th>Month</th> <th>Value</th> </tr> </thead> <tbody> <tr><td>April 2016</td><td>2</td></tr> <tr><td>May 2016</td><td>2</td></tr> <tr><td>June 2016</td><td>50</td></tr> <tr><td>July 2016</td><td>19</td></tr> <tr><td>August 2016</td><td>28</td></tr> <tr><td>September 2016</td><td>2</td></tr> <tr><td>October 2016</td><td>1</td></tr> <tr><td>November 2016</td><td>1</td></tr> <tr><td>December 2016</td><td>3</td></tr> <tr><td>January 2017</td><td>1</td></tr> <tr><td>February 2017</td><td>12</td></tr> <tr><td>March 2017</td><td>5</td></tr> <tr><td>April 2017</td><td>11</td></tr> <tr><td>May 2017</td><td>10</td></tr> <tr><td>June 2017</td><td>11</td></tr> <tr><td>July 2017</td><td>14</td></tr> <tr><td>August 2017</td><td>16</td></tr> <tr><td>September 2017</td><td>4</td></tr> </tbody> </table>	Month	Value	April 2016	2	May 2016	2	June 2016	50	July 2016	19	August 2016	28	September 2016	2	October 2016	1	November 2016	1	December 2016	3	January 2017	1	February 2017	12	March 2017	5	April 2017	11	May 2017	10	June 2017	11	July 2017	14	August 2017	16	September 2017	4	60	29	⊘	<p>An increasing customer base and good growing conditions have put greater pressure upon the collection rounds during the summer peak. Employee sickness has also impacted upon overall performance. The potential for missed collections reduces as demand drops off into the Autumn/Winter but it is recognised the annual target of 70 missed collections of bins and sacks is likely to be exceeded this year.</p>
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Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2017/18			
						Value	Target	Status	
LPI_DS Clean 001	Number of justified Street Cleaning complaints	8	3			40	20		The departure of the street cleansing supervisor and the charge hand, earlier this year, has regrettably impacted service performance. A replacement charge hand is now in post and a start date for the new supervisor will be agreed once satisfactory references / medical clearance have been received. It is expected that complaints will reduce in the latter half of this year.
Page 17 CS 001	Percentage of phone calls answered within 20 seconds by the Contact Centre	46.00%	70.00%			54.83%	70.00%		Staffing has been below required levels this year due to long term sickness absence and staff turnover. It took two rounds of recruitment to fill vacant posts. Pleased to report that five new members of staff are now in post and performance levels are expected to improve in the coming months.

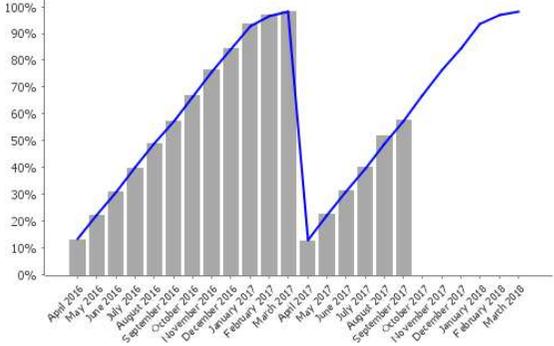
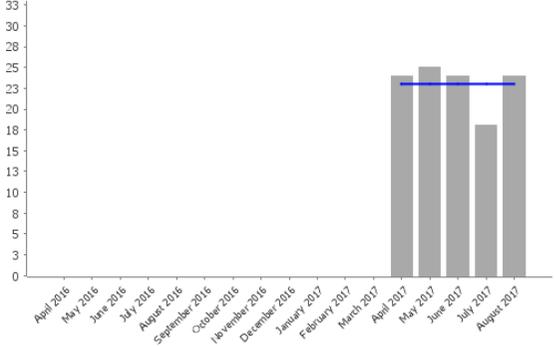
Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2017/18			
						Value	Target	Status	
LPI_CS 002	Percentage of phone calls to the Contact Centre abandoned by the caller	9.9%	5%			7.1%	5%		Staffing has been below required levels this year due to long term sickness absence and staff turnover. It took two rounds of recruitment to fill vacant posts. Pleased to report that five new members of staff are now in post and performance levels are expected to improve in the coming months
LPI_D M 006b	Percentage of site visits for category B enforcement complaints completed within five working days	33.33%	85.00%			67.50%	85.00%		Since April 2017 two enforcement officers have retired and one resigned. More recently (from August 2017) the service has been operating with one officer in post out of a team of four. Vacant posts have been advertised but recruiting replacements will inevitably take time and have a continued impact on performance. The Team are also investigating a number of high profile cases which, with the limited resources available, will also have an effect on the speed site visits are undertaken.

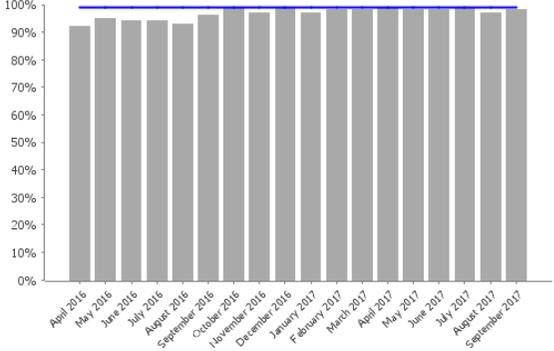
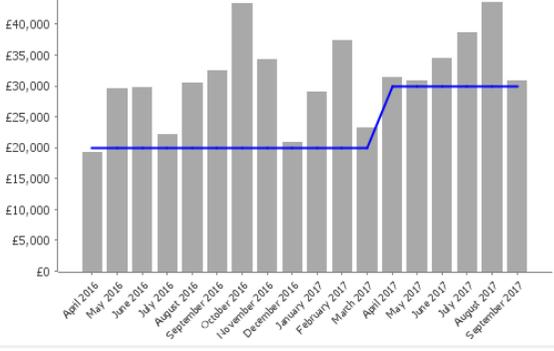
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LPI_HR 001	The average number of working days lost to sickness absence per FTE	5.55	4.50		 <table border="1"> <caption>Performance Chart Data (Estimated)</caption> <thead> <tr> <th>Month</th> <th>Value</th> </tr> </thead> <tbody> <tr><td>April 2016</td><td>0.8</td></tr> <tr><td>May 2016</td><td>1.5</td></tr> <tr><td>June 2016</td><td>2.2</td></tr> <tr><td>July 2016</td><td>2.8</td></tr> <tr><td>August 2016</td><td>3.5</td></tr> <tr><td>September 2016</td><td>4.2</td></tr> <tr><td>October 2016</td><td>4.8</td></tr> <tr><td>November 2016</td><td>5.5</td></tr> <tr><td>December 2016</td><td>6.2</td></tr> <tr><td>January 2017</td><td>6.5</td></tr> <tr><td>February 2017</td><td>7.0</td></tr> <tr><td>March 2017</td><td>7.8</td></tr> <tr><td>April 2017</td><td>9.0</td></tr> <tr><td>May 2017</td><td>1.5</td></tr> <tr><td>June 2017</td><td>2.5</td></tr> <tr><td>July 2017</td><td>3.5</td></tr> <tr><td>August 2017</td><td>4.5</td></tr> <tr><td>September 2017</td><td>5.5</td></tr> </tbody> </table>	Month	Value	April 2016	0.8	May 2016	1.5	June 2016	2.2	July 2016	2.8	August 2016	3.5	September 2016	4.2	October 2016	4.8	November 2016	5.5	December 2016	6.2	January 2017	6.5	February 2017	7.0	March 2017	7.8	April 2017	9.0	May 2017	1.5	June 2017	2.5	July 2017	3.5	August 2017	4.5	September 2017	5.5	5.55	4.50		Long term sickness is unusually high with 11 members of staff with long term absence. All colleagues absent from work are being managed under the Council's policies and occupational health advice is sought in each case. Mental health is a particular issue at the moment, so training is being sought to raise awareness with staff and managers of recognising the early signs of problems.
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September 2017	5.5																																														

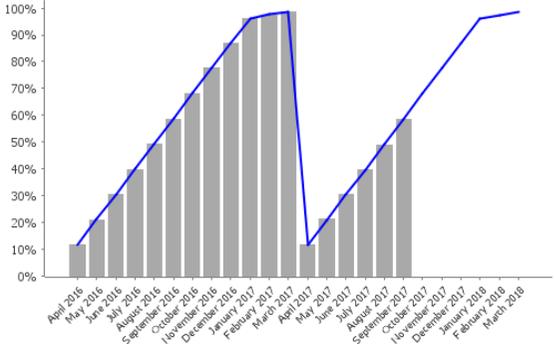
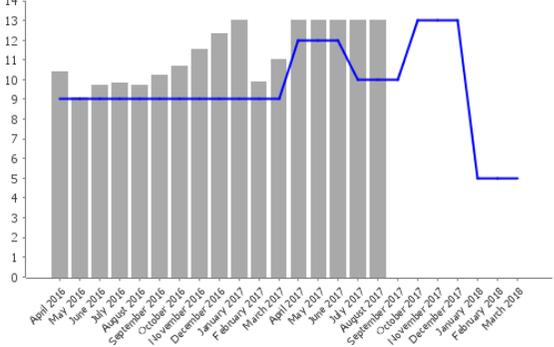
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Scrutiny Committee – Finance Portfolio performance report

Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2017/18			
						Value	Target	Status	
LPI_B R 04	The percentage of business rates collected in-year (Cumulative)	57.8%	57.4%			57.8%	57.4%		
LPI_H B 02	Average time taken to process a new claim for Housing Benefit	24	23			24	23		

Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2017/18			
						Value	Target	Status	
LPI_F S 001	The percentage of undisputed invoices paid within 30 days or agreed terms	98%	99%			98.17%	99%		
LPI_F S 003	Debts outstanding more than 61 days	£30,906	£30,000			£30,906	£30,000		

Agenda Item 6

Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2017/18			
						Value	Target	Status	
LPI_C T 04	The percentage of council tax collected in-year (cumulative)	58.3%	58.6%			58.3%	58.6%		
Page 29 B 04	Average (cumulative) number of days to process a change in circumstances for Housing Benefit	13	10			13	9		

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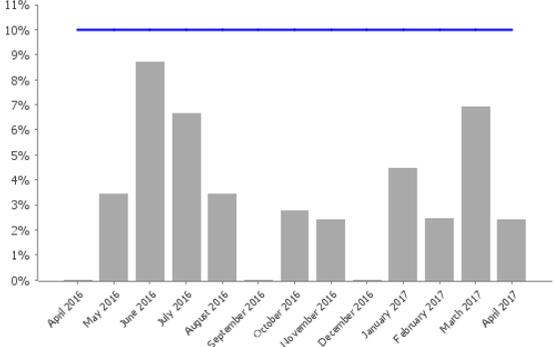
Scrutiny Committee – Legal & Democratic Services Portfolio performance report

Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2017/18			
						Value	Target	Status	
LPI_B C LC 001	Average number of days to process a land charge search	9.8	10	✔		6.8	10	✔	
LPI_L IC 002(s)	The percentage of valid personal licences processed within 2 weeks	100%	95%	✔		97%	95%	✔	

Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2017/18			
						Value	Target	Status	
LPI_LIC 001(s)	The percentage of valid temporary event notices processed within 72 hours	100%	95%			100%	95%		
LPI_LIC 003(s)	Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	100%	95%			92.3%	95%		

Agenda Item 6

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Code	Short Name	Current Value	Current Target	Current Status	Performance Chart	Cumulative (Year to Date) Performance			Latest Note
						2017/18			
						Value	Target	Status	
LPI_L IC 004(s)	Percentage of all applications outstanding for more than one month	2.4%	10%			2.4%	10%		

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**Scrutiny Committee - 31<sup>st</sup> October 2017**

**Finance Portfolio Holder Report**

**Cllr John Scholey**

**Update of Services within the Finance Portfolio**

Finance

- Delivered a balanced 10 year budget including financial self-sufficiency from direct central government funding for 2017/18. The process is progressing for 2018/19 with the same aims.
- Annual accounts 2016/17 were completed on time and have been subject to external audit. A clean audit report has been issued by Grant Thornton UK LLP, SDC's appointed auditor.
- The internal target of "Debts outstanding for more than 61 days" has remained challenging. Within this group are debts relating to advances made to homeless people to enable them to take up privately rented accommodation where customers have not kept up arrangements to repay. Finance and Housing staff is actively chasing these and this additional activity appears to be effective.
- Head of Finance retires on October 17<sup>th</sup>. A replacement has been appointed and has accepted the post subject to satisfactory references. During the three month period before he can join SDC, Veronica Wilson is acting up into the role and a temporary replacement has been recruited to carry out Veronica's duties.
- Property Investment - The existing properties were subject to a recent detailed investigation by Scrutiny Working Group. Council approved a further £25m tranche for future investments, but properties which meet SDC criteria have not been identified to date.
- Municipal Bonds Agency - as a shareholding council we will be invited to participate in the first bond issue which is now expected to take place shortly.

Internal Audit

- The Internal Audit completed their programme of work for 2016-17 on time and their reports have been received positively by auditees.

Revenues and Benefits

- The new Council Tax Reduction Scheme (CTRS) was introduced on 1<sup>st</sup> April 2017 and Council Tax collection rates for CTRS have held up. A minor revision to the scheme for introduction on 1<sup>st</sup> April 2018 is being consulted on.

## Agenda Item 7

- Universal Credit, which was introduced in the District in October 2015, has had a small impact on the department as it still only applies to a few residents.
- The three new Discretionary Business Rates Reliefs included in the Government's budget have been implemented.
- Council Tax and Business Rates collection is on target.
- The average time to process new Housing Benefit claims continues to reduce.

### Facilities Management

- Continued to ensure key operational assets are maintained as required within budgetary constraints. Energy saving lighting has been installed throughout Argyle Road office space.
- Swanley Leisure Centre - extra costs will continue to be incurred to keep the centre safe and operating prior to a decision on future leisure provision in Swanley.
- Otford Palace Tower has been stabilised and a report on the options for the future use of the asset is due shortly.
- Scanning and removal of historical paper documentation has continued.

## **Legal and Democratic Services – report to the Scrutiny Committee**

As requested this report focuses on Quercus 7, the Council's trading company

### **Quercus 7**

#### **Strategic Direction**

Quercus 7 was set up to enable Sevenoaks District Council to invest in property on a commercial basis, ensuring a sustainable income for the Council, as well as enabling the Council to invest in and hold residential property, which it is otherwise not allowed to do.

The Council, which is also the Shareholder of the Company, wishes Quercus 7 to prioritise return on investment, whilst also recognising that as a public body there may be wider considerations and sensitivities that the Council must consider.

The investments will adhere to the principles set out in the Council's Property Investment Strategy.

#### **Criteria of the strategy:**

- i Income Yield of 5%+ when not borrowing or in excess of 3% for schemes that include some external borrowing, based on an average over 10 years. (Flexibility may be applied to those opportunities that show an acceptable social return on investment).
- ii Individual properties or portfolios.
- iii Lot size of £1m - £5m.
- iv Freehold / long leasehold.
- v Single or multi tenanted.
- vi Asset categories: Industrial, Office, Retail, Trade Counter and Private Residential.
- vii Within a 50 mile radius of Argyle Road, Sevenoaks
- viii Potential to increase rental income, through pro-active Asset Management.

Sometimes Quercus 7 will be able to support the Council's wider strategies in addition to ensuring the best Return on Investment.

On a case-by-case basis, the Council will consider whether an investment should be made directly through the Council, or through Quercus 7, depending on which route is most beneficial to the Council.

#### **Board Membership and Reporting Structure**

The Quercus 7 Board consists of three SDC Chief Officers and two Non-Executive Directors who bring relevant property and finance expertise. The Board report to the Trading Board (consisting of SDC Cabinet Members) on a quarterly basis.

The first Quercus 7 Annual General Meeting will take place after the SDC Council meeting on 21 November 2017.

## Agenda Item 8

### **Financial Forecast**

From when Quercus 7 started in November 2016 until 30 September 2017, £115,000 of expenditure has been incurred. The majority of this is for SDC staff recharges as it is important that full costs are passed on to Quercus 7 as the company is not allowed to receive 'state aid'. Only £10,000 of the expenditure incurred has left the council that was for the allowances paid to the Non-Executive Directors, insurance and company registration.

The current financial plan assumes that the first acquisition starts in April 2018 with a further acquisition in each following year. This plan results in Quercus 7 making a cumulative profit from 2019/20.

### **Investment Opportunities**

The original intention was that Quercus 7 would focus on the development of residential property using land in SDC's ownership. These sites had not got to the stage where Quercus 7 could take them on therefore, in June the Board requested that Quercus 7 be able to look for other investment opportunities that comply with the Property Investment Strategy criteria. The Trading Board approved this approach and agreed that £5m, of the £25m approved by Council for the Property Investment strategy, be earmarked for Quercus 7. This would allow Quercus 7 to be proactive in searching for suitable investments rather than waiting for SDC owned sites to progress appropriately.

Since June, a number of investment opportunities have been investigated with the following still ongoing:

- South London, 24 flats. In discussion with the construction company who own the land and are applying for planning permission.
- East Kent, site with planning permission for 3 houses. Initial appraisal complete.
- Medway, site with outline planning permission for 36 apartments. Initial appraisal complete.
- East Kent, site with planning permission for 6 houses. Initial appraisal complete.
- Surrey, site with planning permission for 14 apartments. Initial appraisal commenced and awaiting further details from agent.
- Mid Kent, site with planning permission for 3 residential units. Initial appraisal commenced and awaiting further details from agent.

Investment opportunities are being identified directly or through a local land agent. Discussions have also started with another construction company about how Quercus 7 could be involved in projects they have planned or on other projects.

### **Other areas of the Legal & Democratic Services Portfolio**

Given the length of time since I last appeared before you an update on other areas of my portfolio follows.

## **Affordable Housing Company**

At my last advisory committee we considered in detail a report on setting up an Affordable Housing Company which will now be considered by Cabinet and Council in November. Authority was given by LDAC to obtain further expert advice to establish whether a sound business case can be proved. Officers will be engaging external advice to develop a detailed business plan for the Affordable Housing Company and, subject to a sound business case being proved, the Company will be set up by the end of December 2017.

## **Licensing**

### **Achievements**

On the 5<sup>th</sup> July 2017 the Department for Business, Energy and Industrial Strategy annual Regulatory Awards awarded a posthumous award to Claire Perry, former Head of Licensing Partnership, recognising her outstanding contribution to the Kent and Medway Better Business for All scheme. The licensing team were also finalists in the Association of Public Sector Excellence awards for the regulatory sector and Claire has been nominated by the Institute of Licensing S E region to the National IOL awards for outstanding contributions to Licensing' on the 16<sup>th</sup> November. It is particularly noteworthy that nine other Councils in addition to SDC have nominated Claire Perry for this award.

Despite the loss of the Partnership Manager the licensing team have met all their performance targets for the current year. Jessica Foley agreed to step up as acting Senior Licensing Officer and Janet Lockie as acting admin team leader and have both performed extremely well. This arrangement continues and it is possible will be made permanent.

A new Head of Licensing Partnership, Sharon Bamborough (currently Business Development Manager including Licensing for the London Borough Of Lambeth) has been appointed and will start on 30<sup>th</sup> October. Sharon has 20 years of licensing experience from her previous roles at the London Boroughs of Lambeth and Westminster. Also on the 30<sup>th</sup> October a new admin assistant starts.

An on line knowledge test for hackney carriage and private hire vehicle taxi drivers was introduced in July.

### **Challenges**

- Succession planning & managing staff changes
- Continuing to absorb LB Bexley's special treatment licences into the team
- Growing the Licensing Partnership to deliver further economies of scale without compromising service quality. A meeting is set up with the London Borough of Bromley before Christmas.

## **Equalities**

### **Achievements**

- Successfully preparing for the Apprenticeship Levy and Duty, with three apprentices appointed in 2017 and a traineeship funded through the levy

## Agenda Item 8

- Supporting Dementia Friendly Communities, including the very first Run, Walk, Push event for Dementia and training for Taxi drivers
- Supporting those who are old, lonely, ill or very over-weight by the introduction of a new volunteer led gentle well-being walk, **Every Step Counts** which meets in Otford every Wednesday in the memorial carpark at 10 am. Launched on National Fitness Day, Wednesday, 27th September, by local former BBC newsreader Peter Sissons with the support of the Council's health team.
- Approved new taxi licensing policy to increase the number of accessible vehicles
- Reviewed our local council tax support scheme in 2017 with a proposal to improve access to support for the self-employed
- Improved the accessibility of the Council website
- At our next "Making It Happen" Awards we will introduce categories for Carer of the Year and Equalities Champion of the Year.

### Challenges

- Tunbridge Wells BC decision to end the shared West Kent Equalities Officer post
- Developing and delivering on a new Equalities Action Plan for 2017/18
- Preparing for the new duty for mandatory gender pay gap reporting

And there are a list of other achievements in the last report to Advisory Committee at <http://cds.sevenoaks.gov.uk/documents/s31543/09%20Equality%20Action%20Plan.pdf?J=1>

### Shared Services

#### Achievements

- On the 22<sup>nd</sup> August I presented the Shared Services work at SDC to the Kent Ambassadors which now saves this Council Shared services now result in annual savings of nearly £700,000.
- Parking Enforcement for Tandridge DC – started 01/09/17, expected to deliver a saving of around £50,000 pa.
- West Kent Health Integration Hub –
  - On 20th September 2016 it was agreed at the West Kent Integration Board that a new West Kent Preventative Health Service would be established, comprising the three West Kent Councils (Sevenoaks, Tunbridge Wells and Tonbridge & Malling) and Kent County Council's Public Health Service.
  - This Partnership will deliver local health improvements through three local hubs one in each district/borough, supporting the County wide delivery of the 'One You' Service
  - The advantage of this approach is that it will ensure a more holistic triage and assessment of need, particularly picking up and support vulnerable people to address wider underlying causes of ill health such as debt, unemployment or poor housing.
  - The West Kent Health Hub started on 01/10/17. This will not result in any savings but will result in an improved service to residents.

### **Challenges**

Finding additional shared services that deliver additional savings to SDC without reducing performance and committing scarce resources.

### **Shared Services**

On 22<sup>nd</sup> August I presented our shared services work to the Kent Ambassadors which now result in annual savings of nearly £700,000. Two new shared services have come on-line since the last meeting of this committee.

- Parking Enforcement for Tandridge DC – started 01/09/17 and expected to deliver a saving of around £50,000 pa; and
- The West Kent Health Integration Hub which started on the 1/10/17 which will not result in any additional savings to this authority but will result in an improved service to residents.

### **Legal**

The legal team is currently made up of 3 lawyers: Martin Goodman, Head of Legal Services & Monitoring Officer, Kate Jardine, temporary locum planning Solicitor and David Lagzdins, qualified Solicitor.

### **Achievements**

A table of the legal teams recent successes is attached to this report including:

- Obtaining High Court injunction at Combe Bank to prevent any development taking place
- High profile environmental health prosecution against UK Chicken Doner & Poultry Ltd and Sukru Ahmet which resulted in a 4 months custodial sentence.

### **Challenges**

Staffing - the Council is currently advertising for the second time for a Senior Legal Officer having failed to get a single application first time round. The addition of a training contract has helped. Finding a permanent Principal Planning Solicitor to replace Kate Jardine is also proving very difficult.

### **Electoral services**

#### **Achievements**

- Successful delivery of two major national elections ( May and June 2017)
- Piloting use of tablets to carry out annual IER household canvass
- Successful delivery of annual IER canvass (ongoing). 43% of people have now responded on-line cf 41% last year and a third the year before resulting in a modest saving this year of £2,000.
- Successful delivery of District By-Election for Penshurst, Fordcombe and Chiddingstone on 3<sup>rd</sup> August. (Turnout 37%)

#### **Challenges**

- Continue to drive behavioural change towards on-line IER – target is 50% on-line. Containing costs of IER.

## Agenda Item 8

- Polling Place Review in 2018

### **Democratic Services**

#### **Achievements**

- Team restructure and relocation.
- Delivery of new member training programme to commence shortly following very positive response to the “Investing in Members Survey” earlier this year.
- Supporting the Chairman - The Chairman’s diary is now sent out electronically to Cabinet and Deputy Cabinet members to encourage closer working with the Chairman. This is working well and the next step is to try and alert members when the Chairman is going to be in their ward to ensure members have the opportunity to also be present. The Chairman is working extremely hard and doing a superb job.

#### **Challenges**

Staff turnover – The two last junior Democratic Services Officers have left in a matter of months putting a considerable burden on Vanessa Etheridge and Charlotte Sinclair.

### **Corporate Health & Safety at work**

The officer working group continues to embed good H&S practise across the organisation by accident investigation and reporting, review of H&S policies, review of risk assessments and training. Recently many staff have been trained in asbestos awareness and lone working. A lone working safety device has been introduced and implemented across the Council where lone working regularly occurs.

### **Governance**

Considering and reviewing the report of the Joint Independent Remuneration Panel (JIRP) concerning member allowances. Final recommendations to go to Full Council will be discussed and agreed by the Governance committee on 7<sup>th</sup> November 2017.

**Anna Firth, Portfolio Holder**

## LEGAL SUCCESSES

DATE	LEGAL ACTION	RESULTS	FINANCIAL IMPLICATIONS	FOLLOW-UP
September 2017	Maple Farm Ltd non-payment of rates	<p>The applicants had refused to pay rates over many years. Legal action encouraged them to pay the Council in Summer 2017.</p> <p>The applicants have since received a successful appeal on their ratings valuation.</p> <p>A small refund has now been made to the owners but the Council's legal costs and disbursements were recovered for their unreasonable actions.</p>	£4,700 plus disbursements	None
29 September 2017	Renewal lease for Holly Bush All Weather Pitch	Completed	£250 Legal; £500 surveyor costs paid	None
28 September 2017	Environmental Health prosecution against UK Chicken Doner & Poultry Ltd and Sukru Ahmet	<p>Sukru Ahmet - 4 months custodial sentence, Hygiene Prohibition Order (indefinite prohibition from managing a food business) and ½ costs</p> <p>UK Chicken Doner - £30,000 fine and ½ costs</p>	Full costs were awarded at £23,760. The half of costs imposed on the company are not likely to be recovered.	<p>His son has business on same site which is fully compliant.</p> <p>No further actions being taken.</p>
6 October 2017	Environmental Health	Defendant pleaded Not Guilty	Investigation and legal	Monitor breaches of

## LEGAL SUCCESSES

	Prosecution against Mr William Cook (Jnr) of Oakview Stud Farm, Horton Kirby (fires on site)	<p>at first hearing; changed his plea to Guilty on 4 October (date set down for trial).</p> <p>Sentence: £4,000 fine + victim surcharge + costs</p> <p>Total to pay £12,600</p> <p>Criminal Behaviour Order also granted by the court - breach of the Order is an imprisonable offence. Order restricts any fires on site.</p>	<p>costs of £8,500 awarded against the Defendant.</p> <p>Defendant has agreed to pay monthly instalments of £400, 1<sup>st</sup> payment on 31.10.17</p>	<p>the CBO (fires on site).</p> <p>Obtain police assistance in those matters for arrest to secure attendance at court on breach of the order.</p>
6 October 2017	Planning Prosecution against Mrs Wenham and Mr Arnold of Land at Hopgarden Farm, Otford (stationing of a caravan for residential use)	Matter was adjourned until 5 January 2018 to allow for the Planning Inspectorate to consider an appeal against the refusal of planning permission.	Investigation/legal costs will ultimately be applied for if the case proceeds. If the appeal is allowed, no further action will be taken on the prosecution (costs saving)	Await outcome of appeal.
5 May 2017 (previously unreported)	United House, Swanley - Section 106A Deed of Variation to exclude mortgagees in possession from liability (standard request from Registered Providers)	Agreement and completion of Deed of Variation	Legal income received £500	
6 October 2017	Section 106A Deed of Variation - Land to the rear of	Agreement and completion of	Legal income received	

## LEGAL SUCCESSES

	High Trees, Wilderness Avenue - to be completed w/c 9 Oct	Deed of Variation	£250	
6 October 2017	Section 106A Deed of Variation - Powder Mill Lane - to be completed w/c 9 Oct	Agreement and completion of Deed of Variation	Legal income received £1,000	
6 October 2017	Legal agreement for the securing of Affordable Housing contributions on Buckhurst 2 Car Park	Arrangement with Tonbridge & Malling Borough Council to act as the enforcing authority on the contributions	Legal fees of TMBC to be paid by SDC - yet to be assessed.	

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Scrutiny Committee Work plan

Committee Date	8 November 2016	7 February 2017	30 March 2017	4 July 2017
<b>External Invitees</b>	Kent Police (Crime & Disorder in the Sevenoaks District) - Chief Inspector Roscoe Walford, Sevenoaks District Commander	Kent County Council (Library Services) - Mike Hill, Cabinet Member for Community Services and James Pearson, Service Improvement Manager of the Libraries, Registration and Archives Service	Pembury Hospital (Maidstone and Tunbridge Wells NHS Trust) - Angela Gallagher, Chief Operating Officer	
<b>Scrutiny Committee</b>	Performance Monitoring Robert Piper - Portfolio Holder for Planning Anna Firth - Portfolio Holder for Legal & Democratic Services	Performance Monitoring Michelle Lowe - Portfolio Holder for Housing & Health Peter Fleming - Leader and Portfolio Holder for Policy & Performance	Performance Monitoring Matthew Dickins - Portfolio Holder for Direct & Trading Services Chairman's annual report to Council	Performance Monitoring Robert Piper - Portfolio Holder for Planning Roddy Hogarth - Portfolio Holder for Economic & Community Development
<b>In-Depth Scrutiny</b>	Working Group Property Investment Strategy - Update Stages One/Two/Three <sup>1</sup>	Working Group Property Investment Strategy - Update Stages Three/Four <sup>1</sup>	Working Group Property Investment Strategy - Final report Stages Four/Five <sup>1</sup>	

Committee Date	31 October 2017	8 February 2018	24 April 2018	Summer 2018
<b>External Invitees</b>	Pembury Hospital or Darent Valley Hospital	Kent County Council (Highways) - Cabinet Member for Environment and Transport		
<b>Scrutiny Committee</b>	Performance Monitoring John Scholey - Portfolio Holder for Finance Anna Firth - Portfolio Holder for Legal and Democratic Services			
<b>In-Depth Scrutiny</b>				

<sup>1</sup> For detailed information on stages refer to "A Guide to In-Depth Scrutiny"

**Past In-Depth Scrutiny Working Groups**

<b>2013/14</b>	
Parking	Cllrs Clark, Cooke, Edwards-Winsler, Eyre, Mrs Purves, Raikes (Chairman)
Budget	Cllrs Abraham, Mrs Bracken (Chairman), Butler, Gaywood, Maskell
<b>2014/15</b>	
Leisure	Cllrs. Gaywood, Grint, Mrs. Morris, and Pett (Chairman)
Investment in Property (put on hold)	Cllrs. Brookbank, Davison (Chairman) and Underwood
<b>2015/16</b>	
Leisure	Cllrs. Ball, Brown (Chairman), Clack and Kitchener
<b>2016/17</b>	
Property Investment	Cllrs. Clack (Chairman), Hogg, Kitchener and Purves

**Current In-Depth Scrutiny Working Groups**

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**Possible future areas for In-Depth Scrutiny**

Housing - accommodation for vulnerable people

**Past External Invitees**

<b>2013/14</b>	
21/11/13	Maidstone & Tunbridge Wells NHS (Jayne Black, Director of Operations)
04/02/14	KCC Highways & Transportation (David Brazier, KCC Cabinet Member Transportation & Environment)
02/04/14	Kent Police (Area Commander Chief Superintendent Steve Corbishly and District Commander Chief Inspector Tim Cook)
<b>2014/15</b>	
15/07/14	Citizens Advice Bureaux (Martin Wells and Angela Newey, Chairman and Manager at Sevenoaks & Swanley Citizens Advice Bureau (CAB), and Mike Musgrove and Jill Eyre, Director and Manager at Edenbridge & Westerham CAB)
02/10/14	Sencio Community Leisure (Jane Parish, Chief Executive)
20/11/14	KCC Secondary Schools (Roger Gough, KCC Cabinet Member for Education & Health Reform)
03/02/15	West Kent Clinical Commissioning Group (Ian Ayres, Chief Officer and Accountable Officer)
<b>2015/16</b>	
14/07/15	KCC Primary Schools and Apprenticeships (Margaret Crabtree, KCC Deputy Cabinet Member for Education and Health Reform)
24/11/15	Kent Police (Chief Inspector Roscoe Walford)
23/02/16	KCC Highways (Matthew Balfour, KCC Cabinet Member for Environment and Transport) (Did not attend)
03/05/16	KCC Commercial & Traded Services (Paul Carter CBE, KCC Leader and Cabinet Member for Business Strategy, Audit and Transformation and Commercial and Traded Services)

<b>2016/17</b>	
05/07/16	Moat Housing (Elizabeth Austerberry, Chief Executive) West Kent Housing (Deborah White, Housing and Communities Director)
08/11/16	Kent Police (Chief Inspector Roscoe Walford)
07/02/17	Kent County Council Library Provision (County Councillor Mike Hill; Cabinet Member for Community Services and James Pearson; Service Improvement Manager of the Libraries, Registration and Archives Service)
30/03/17	Pembury Hospital (Maidstone and Tunbridge Wells NHS Trust) (Angela Gallagher, Chief operating Officer and Jim Lusby, Deputy Chief Executive) (Did not attend)

**Possible External Invitees**

Position	Name	Topic
Citizen's Advice Bureaux	TBC	TBC
KCC Adult Social Care	TBC	TBC