

SCRUTINY COMMITTEE

Minutes of the meeting held on 15 July 2014 commencing at 7.00 pm

Present: Cllr. London (Chairman)

Cllr. Brown (Vice-Chairman)

Cllrs. Brookbank, Davison, Grint, Neal, Orridge, Pett and Underwood

Apologies for absence were received from Cllrs. Walshe

Cllrs. Mrs. Hunter and Ms. Lowe were also present.

CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded all Council Members that they could request that items be considered by the Scrutiny Committee under the Councillor Call for Action, however that Member would be responsible for presenting it to the Committee and for supporting any follow-up actions taken. The Committee would be considering the process behind any decisions taken and the impact the decision had.

He had asked Officers to prepare a report clarifying the role the Committee had in examining Cabinet decisions.

Quasi-judicial decisions would not be considered, though the processes behind them may be.

1. Minutes

Resolved: That the Minutes of the meeting of the Scrutiny Committee held on 2 April 2014, be approved and signed by the Chairman as a correct record.

2. Declarations of Interest

Cllr. Orridge declared in relation to Minute Item 5 that he was a Member of Edenbridge Town Council, as registered, who were trustees of the Edenbridge and Westerham Citizens Advice Bureau.

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

There were none.

4. Actions from the last meeting of the Committee

Members noted the Officers' responses to the actions.

The Committee requested further information on the outcome of planning appeals to understand the proportion of appeals upheld where Members had overturned the Officer

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recommendation and how this compared to Officer recommendations and Officer delegated decisions.

Action 1: Officers to provide further information on the proportion of Member and Officer planning decisions overturned on appeal.

5. Citizens Advice Bureaux

The Chairman welcomed 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. Martin Wells gave a presentation on behalf of both bureaux. He emphasised that the two bureaux worked closely together and with Gravesham and Tonbridge and Malling bureaux to reduce costs. As they provided a wide range of services the CABx could provide holistic solutions to customers for any underlying problems they faced. He believed that the CABx provided a £500,000 yearly return to the District from the investment the Council put in. The CABx had a 90% success rate in cases they took to tribunals.

The representatives of the CABx responded to Members questions.

The Vice-Chairman enquired whether they had relationships with local law faculties to bring law students in as volunteers and whether the increase in fees for employment tribunals had a significant impact on the number of cases taken forward. Angela Newey considered that a link with law students would be very helpful but most sought experience in east London or other perceived-challenging areas. The number of employment tribunal cases had fallen as the CABx could provide advice but not the fees.

A Member asked what trends the CABx noticed in their work and whether outreach offices stretched their resources. Jill Eyre advised there was an increase in work around medical assessments for the Employment and Support Allowance. Outreach offices were principally set up using Big Lottery funding but the CABx hoped to make the offices sustainable by eventually using only volunteer staff in them.

Another Member asked whether the move of the Swanley office to the Swanley Gateway would remove some pressures as voluntary groups would be acting together. Martin Wells advised that the existing building was shared by the DWP and the Swanley Foodbank, but this move would create further opportunities. Almost all customers were given a telephone appointment before meeting with an advisor and so also this reduced pressures on the first contact meeting.

Martin Wells had calculated as £23 the cost of the CABx per customer, excluding any monies spent on capital expenditure.

Some Members asked about comparisons between their service and the Council's HERO project. Martin Wells thought there were some overlaps between the services but they continued to work closely with the HERO project. The representatives added that the CAB trained advisors for six to nine months and the CABx were audited every three years to ensure they met national CAB standards.

A Member asked what joint working the Swanley office did with the Dartford CAB. Martin Wells saw the benefits of Gravesham, Dartford and Swanley offices working closely and

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the improved performance of the Gravesham branch allowed them to contribute more to the customers in Swanley.

The representatives commented that if grants or donations were reduced then this would negatively impact service. However closure was not an option but there would need to be changes to staff structures including a reduction in staffing numbers which would result in fewer services being delivered. The service could apply for specific project funding but the core funding, as provided by the Council, was essential.

A Member asked what the criteria were when deciding where and when to deliver new outreach sites. Cost and locations based on need were always a priority and the availability of suitable community venues. Recently the CABx had been offered the library in Hartley on Mondays and had been in discussions with Westerham Town Council to move back to the town later in the year.

Martin Wells clarified the benefits from the CABx joining the national umbrella, including the brand, the IT systems and regular advice updates. Occasionally the national organisation failed to meet expectations, such as the Advice Line telephone service, which the bureaux replaced by using the same system as the Tonbridge branch.

The Vice-Chairman asked whether solicitors provided pro-bono assistance to the CABx. He was advised that Sevenoaks had relationships with firms who rotated every two weeks across the year.

The Chairman thanked the CAB representatives for attending the Committee.

6. Performance Monitoring

Members considered a report which summarised performance across the Council to the end of May 2014. Members were asked to consider three performance indicators which were performing 10% or more below their target with a commentary from Officers explaining the reasons and detailing any plans to improve performance. If actions taken were not deemed sufficient, the report recommended referring those indicators to Cabinet for further assessment.

The Committee noted that 73.6% of planning applications had been validated within 5 days in the period of April and May 2014, although the target was 87.5%. It was likely the significant increase in major planning applications received and the imminent introduction of the Community Infrastructure Levy were having a short term impact on performance. It was thought that an increase in major applications could have an impact upon the rest of the service. The Committee had concerns at the performance and wanted Cabinet to consider, in the context of reduced resources across the Council, what resources were available to deal with any increases in the number of applications, particularly major applications.

Resolved: That the Committee's concerns with LPI DC 001 be referred to Cabinet and that Cabinet be asked to consider what resources were available to deal with any increases in the number of planning applications, particularly major planning applications.

7. Reconstitution of Leisure In-Depth Scrutiny Working Group

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The Committee reviewed the Leisure in-depth scrutiny working group, its terms of reference and membership and whether it should be reconstituted for the present municipal year.

The Health and Community Services Manager updated the Committee on the progress of the working group. It had met twice, focussing on customer service, value for money and the Council's relationship with Sencio. They had been provided with financial and performance data (including the Council's asset maintenance costs), centre usage, membership retention and benchmarking across Kent.

The Chairman advised that Cllrs. Gaywood and Mrs. Morris were prepared to remain on the working group.

The Committee agreed it should continue and build on the work of the working group but should focus more on the question of value for money including whether alternative, private sector provision could provide services for a lower cost to the Council and the customer.

Resolved: That

- a) the following be added to the terms of reference of the Leisure In-Depth Scrutiny Working Group which are otherwise reconfirmed:

“vi) in the context of value for money to look at alternative provision by private providers”;

- b) Cllrs. Gaywood, Grint, Mrs. Morris and Pett be appointed members of the Working Group; and
- c) Cllr. Pett be appointed Chairman of the Working Group

8. Establishment of a Member Budget In-Depth Scrutiny Working Group

Members considered a report of the Chief Finance Officer which asked them to consider the constitution of a Budget Working Group to allow in-depth scrutiny of the budget decision making. The report advised that the Working Group would need to report by September 2014 in order to feed into the next budget setting process.

The Committee felt that there were sufficient other Committees who were already due to consider the substance of the budget. They also felt there were no identified deficiencies in the budget setting process which required in-depth scrutiny.

Resolved: That no Member Budget Working Group be set up.

9. Questions to the Portfolio Holder for Housing and Community Safety

The Portfolio Holder for Housing, Welfare and Community Safety presented a report on the successes and challenges facing her Portfolio. She added that the HERO project did not have a significant overlap with CABx. HERO officers focussed on finding appropriate types of housing and built close and trusting relationships with customers. HERO officers

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referred customers to a CAB when appropriate. The HERO Project was an externally funded Council run project and may in future generate income for the Council.

The Vice-Chairman raised concerns at a clause put into the section 106 agreement for the West Kent Cold Store development where the developers could reduce the provision of affordable housing as it only had to be provided if able to be built at a fixed cost. The Portfolio Holder assured the Committee that such clauses would not be inserted into section 106 agreements in future.

The Chairman of the Audit Committee asked whether the Portfolio Holder was content all was being done to recover monies lost by fraud. She was concerned that the move to the Single Fraud Investigation Service would lose local knowledge. Fraud matters would likely move to the Finance and Resources Portfolio soon. Cllr. Firth was investigating whether funding for fraud services could be received from Kent County Council, Police and Fire & Rescue Service as they were major recipients of monies recovered from council tax fraud. The Anti-Fraud Team had discovered £288,000 of overpaid Housing Benefit, Council Tax Benefit and Council Tax Support in 2013/14, of which £135,000 was recovered in the year.

Action 2: The Committee to be provided with the number of customers the HERO Officers have seen in a year together with the relevant incomes and expenditures and therefore the cost per customer of the service.

A Member asked whether the Council had any landlord regulation schemes given a recent incident in Swanley. The Housing Policy Manager advised that HMOs were licensed but only large local authorities, particularly in London, had extended regulation to all landlords. The Portfolio Holder added that the Council operated a tenant accreditation scheme, so that landlords would be more willing to accept tenants on benefits who had a good record of making payments.

Action 3: Information on the Swanley property to be circulated to Members of the Committee, including its compliance with fire safety and development control.

A Member indicated that Community Safety meetings should be held more often within the community itself rather than in Council offices, to allow the public more confidence in the system and allow more people to attend.

Responding to a question the Portfolio Holder confirmed that it continued to be difficult to recruit staff for the Benefits Team due to the introduction of the Universal Credit system in the near future. The service was continuing at a level of under-staffing.

10. Work Plan

Members were asked by the Chairman to consider items which may require scrutiny. The Committee agreed that a working group be established to consider the investment strategy in property assets. The Committee noted that the investment strategy had only recently been approved by Cabinet and so the working group would need to clarify its terms of reference in due course, once more information was available. The working group was to provide an initial report to the meeting of the Committee on 2 October 2014.

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The Committee agreed to invite Ian Ayres of the West Kent Clinical Commissioning Group to the meeting of the Committee on 20 November 2014. County Councillor Gough should be invited to a future meeting in his role as Cabinet Member for Education & Health Reform to discuss school provision in the District, together with County Councillor Mrs. Crabtree.

Resolved: That

- a) an in depth scrutiny Members' working group be set up to consider the investment strategy in property assets;
- b) the working group be Chaired by Cllr. Davison and to include Cllrs. Brookbank and Underwood; and
- c) the terms of reference for the working group be drafted by the working group and confirmed by the Chairman and Vice Chairman of the Committee.

THE MEETING WAS CONCLUDED AT 9.25 PM

CHAIRMAN