

**Medway Council**  
**Meeting of Business Support Overview and Scrutiny**  
**Committee**

**Thursday, 7 February 2013**

**6.35pm to 9.00pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

- Present:** Councillors: Avey, Carr (Chairman), Christine Godwin, Pat Gulvin, Harriott, Irvine, Juby, Maple, Osborne, Royle, Tolhurst and Watson
- Substitutes:** Councillor Hicks for Councillor Bright
- In Attendance:** Neil Davies, Chief Executive  
Stephanie Goad, Assistant Director Communications, Performance and Partnerships  
Mick Hayward, Chief Finance Officer  
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance  
Perry Holmes, Assistant Director Legal and Corporate Services  
Andy Larkin, Finance Support Manager  
Carrie McKenzie, Head of Organisational Change  
Tricia Palmer, Assistant Director, Organisational Services  
Caroline Salisbury, Democratic Services Officer

**823 Record of meeting**

The record of the meeting held on 6 December was agreed and signed as correct by the Chairman.

**824 Apologies for absence**

An apology for absence was received from Councillor Bright.

**825 Urgent matters by reason of special circumstances**

There were none.

The Chairman advised that he would amend the order of the agenda to consider agenda item 10 (Update on Member training on Health and Safety) after agenda item 5 (The Leader in attendance).

The committee was also advised of an amended appendix 3 for agenda item 9 (Treasury Management Strategy 2013/2014) that would be tabled at the meeting.

**826 Declarations of disclosable pecuniary interests**

There were none.

**827 The Leader in attendance**

**Discussion:**

The Leader of the Council had given information in a report about achievements within his portfolio during the past year and the committee asked him questions about these, which included:

- Thanks to staff in the Democratic Services team, especially those who assisted with in-depth reviews
- A request for more support within the Democratic Services team to enable Members to hold more meetings and in-depth reviews
- Police and Crime Commissioner election – what more could have been done to encourage voters to turn out for this election
- Concern at the 5% decrease in the number of residents on the electoral register
- The challenge of holding elections in 2015 with three different elections (general, local and parish) and whether work had started towards these, with consideration of best practice elsewhere
- Individual Electoral Registration (IER) – concern at how National Insurance numbers would be checked and the information stored safely
- The Leader/Cabinet model of governance – consultation with the public
- Review of the role and costs of the Mayoralty in Medway, as the budget of £140,000 a year did not compare favourably with similar size authorities
- Future scrutiny of the Health and Wellbeing Board and public health
- Concern for the Electoral Services team, as it would be undergoing the Better for Less programme at a time when there were national changes in electoral registration and during the preparation for the 2015 elections.

The Leader, Councillor Rodney Chambers, responded to Member's questions and comments as follows:

- The in-depth reviews had been very successful and he congratulated overview and scrutiny on the reviews that had been carried out in the past year. The Cabinet had taken the reports seriously, as evidenced by the fact that most recommendations had been encompassed in the final outcomes. He advised that he would like to see more in-depth reviews and also that the council's overview and scrutiny function assisted more with policy development in the future
- Police and Crime Commissioner election – this might have been more effective if it had not been held in November. It was, in effect, a local election so it would have been better if it had been held in May. This would also have meant that the cost of holding the election would have been reduced considerably

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- The new IER was meant to cut down on electoral fraud but it would create a lot of additional work. It was estimated that 60-70% would match the records held by the Department of Work and Pensions (DWP) but the remaining 30-40% would require further checks against local information and beyond that it would be the responsibility of the individual to respond to an invitation to supply this information. The system would be implemented on a national basis and there remained some issues over how the data would be kept appropriately and safely
- The council prepared for the cost of elections by reserving money in each budget towards elections held every four years. As 2015 also involved a general election, the Electoral Services team had already begun preparations for this, which included whether extra resources would be required
- the Council had considered the Leader/Cabinet model of governance in 2012 with Members able to vote on this matter. The Council had agreed to retain the Leader and Cabinet model
- The role and cost of the Mayoralty was likely to remain the same for 2013/2014 but it was for Full Council to decide the future of this budget
- The role of the Health and Wellbeing Board was the delivery of good public health in Medway and the overview and scrutiny committee's responsibility was to look at all aspects of health and social care, whether public or acute provision. The committee also had powers to request the attendance of any of the health trusts that ran acute provision for Medway residents and he urged the committee to do so, if it had any concerns
- The Electoral Services team had a statutory duty to fulfil which would be met during the various projects and programmes leading up to the 2015 elections.

### **Decision:**

The Leader of the Council was thanked for his attendance and the answers he had provided to the committee.

## **828 Update on Member training on Health and Safety**

### **Discussion:**

The Assistant Director Organisational Services introduced the report, which had been requested by the committee following a training session held on 28 November 2012.

The committee was advised that there were two clear roles for health and safety within a Local Authority with Members carrying out a strategic role and officers holding monitoring and auditing responsibilities. The council had a team of competent, qualified health and safety advisors and there was a strict regime of health and safety committees, which included the trades unions in their membership at directorate and corporate levels. The council held many training sessions, as this was very important as a responsible employer and service provider. Health and Safety was a mandatory part of training for managers. The council had a risk assessment approach to its health and safety responsibilities,

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which involved audits and spot checks focussed, in particular, on high risk areas such as leisure centres. Annual audits were held and if a pattern was seen in the statistics, there would be an investigation.

The Assistant Director also advised that following areas of particular concern raised at the Member's training session, she could confirm that all construction contractors employed by the council were CHAS (Constructors Health and Safety Scheme) accredited. Another issue raised was enforcement and she informed Members that very little enforcement had been required in the last five years with one legal claim decided by a court where the council was ordered to pay a fine to an employee.

The committee discussed the report and asked officers for further information on areas where health and safety was relevant before it became an issue of professional standards, as there seemed to be a fine line between these two practices. A Member also asked whether there had been any health and safety interventions in feedback from Care First (confidential counselling service for staff) particularly during the current difficult time of service restructures and economic downturn.

Officers responded that in the areas of work where there was a professional body that laid down standards of work, this would take responsibility for professional standards of the employee. However, if the standards failed, this could become a health and safety matter. The Care First service provided anonymised statistics in order to evaluate what people used the service for. Stress and anxiety was the highest reason the service was used but two-thirds were for non-work related issues. Occupational health statistics used a similar process and, on occasion, might pick up a pattern of issues.

The Assistant Director also advised that with regard to the matter of corporate manslaughter and a councillor's individual responsibilities, it was important for the council to show what it had done about a specific issue and as long as it could demonstrate that it had appropriate systems in place, there was no problem for councillors.

### **Decision:**

The committee agreed to:

- (a) note the report;
- (b) request a Briefing Note giving examples of where health and safety and professionals' standards apply, together with details of councillor's responsibilities with regard to health and safety;
- (c) request that health and safety is included in the induction programme for all new Councillors following local or by-elections.

**829 Council Plan 2013 - 2015**

**Discussion:**

The Assistant Director Communications, Performance and Partnerships introduced the report advising that it was the council's overarching business plan which set out the council's commitments to achieving certain outcomes during the life of the plan. A key area of change was to reduce the number of priorities from five to four, as it was proposed that the previous priority for transport was incorporated into the regeneration priority. The plan contained the usual foreword from the Leader of the council but there was also a new introduction from the Chief Executive. It also referenced the key projects that officers had identified that would deliver the council's priorities.

The committee was advised of the various proposed deletions and additions from the previous year's plan and was also informed that there would be a financial section detailing where the council's main resources would be spent, once the budget for 2013/2014 had been agreed.

Members asked questions and made comments on a variety of measures and priorities in the draft plan, which included:

- further details of the makeup of the Citizens Panel should be included in the plan
- clarification of the focus of the new measures for vulnerable people feeling safe and secure (page 2 of Appendix 2). Members considered that it was critical these measures were included in the plan following the recent Winterbourne View Care Home report. However, it should be explicit in the notes as to whether it was a service located in Medway (provided by a private company) or that it was a Medway Council service. Officers confirmed that the measure would seek feedback from adult social care clients whether they received services through direct council provision or, through personalised budgets, from other providers
- within the children and young people section, Members asked for the same principle to be applied - to clarify whether it was a school located in Medway or a Medway school (run by the Local Authority), as they both had very different implications for the council
- concern at the new measure – effectiveness of CAF in meeting the needs of children and young people (page 6 of Appendix 2) – as it was not a service within the sole responsibility of the council which could potentially become a failing target, due to others not performing well
- further references to public health and the Health and Wellbeing Board should be included in the plan
- there was no reference to the INSPIRER project
- concern at the removal of the measure of public satisfaction with Community Officers (page 11 of Appendix 2)
- recognition that Members would be involved with the selection of routes used to track average journey time along 6 primary transport corridors and that these were intended to cover all of Medway, not just Chatham as was the case now

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- new measure on page 17 of Appendix 2 (number of walking buses) should also include how many children used the walking bus service
- consideration should be given to whether the new measures (N14 timeliness of assessments and N15 timeliness of Initial Child Protection Conference) should be supplemented by measures capturing outcomes achieved for children as this was often more important to the people involved. Also, that it was better to have a good assessment that took two days longer to complete, than have a rushed assessment in order to comply with the target
- clarification when reporting the statistics in future on the number of children with SEN placed outside Medway because there was no provision appropriate for them within Medway, as they had complex needs (page 9 of Appendix 1)
- request that officers review the data for PB8 (number of people receiving support from a Health and Lifestyle Trainer) and PH1 (number of adults taking part in healthy weight and exercise referral interventions) (page 4 of Appendix 2) as there was a possible contradiction in the data currently provided
- request for further information on NI 123 (rate of self-reported four week smoking quitters aged 16 or over) and whether the number of occurrences reported were separate individuals, or the total number of quits which could count people more than once if they repeatedly stopped and restarted smoking.

Officers provided information and answers to Members questions and agreed to provide further information via a Briefing Note.

### **Decision:**

The committee agreed to:

- (a) endorse the draft Council Plan 2013-2015 and Appendices 1 and 2 and refer the following comments for Cabinet consideration:
  - (i) further information should be included in the plan on the constitution of the Citizen's Panel;
  - (ii) reference should be included to the EU project INSPIRER;
  - (iii) there should be clear notes in future monitoring reports if partners were responsible for performance results relating to CAF;
  - (iv) future measurements should clarify, where appropriate, whether it was a service or school located in Medway rather than a Medway service provided by, or a Medway school run by, the council;
  - (v) retain the measure for satisfaction with Community Officers;

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- (vi) include how many people also used the walking buses in the new measure for the number of walking buses;
- vii) consideration given to whether the new measures (N14 timeliness of assessments and N15 timeliness of Initial Child Protection Conference) should be supplemented by a measure on the outcomes achieved for children

(b) request a Briefing Note providing:

- (i) information on whether NI 123 (rate of self-reported four week smoking quitters aged 16 or over) was the number of individuals or the number of times they had tried to quit smoking;
- (ii) information on the Citizen's Panel, including a breakdown by demographic, gender, ward, etc.

### **830 Draft capital and revenue budget 2013/2014**

#### **Discussion:**

The committee considered the draft budget as relevant to the remit of the committee, together with the comments from other Overview and Scrutiny Committees, which had considered the budget within their remit at recent meetings (agenda item 8).

The Chief Finance Officer introduced the report reminding Members that the Cabinet had published its initial budget proposals on 27 November 2012 but that this report now encompassed the outcome of the Funding Settlement, so reflected the current situation. He advised that Appendix 2b set out the position for the Business Support Department where there had originally been a pressure of £1.1 million but these pressures had now been removed and listed in the 'Further Proposals' column.

The committee voiced its serious concern at the lack of regard by government to the Local Authority budget setting timetable and that it was unreasonable to issue the final funding settlement and the Local Authority Central Support for Schools (LACSEG), so late in the process.

A Member raised the issue of the number schools becoming Academies and the impact this might have on Local Authority provision, in particular HR provision to schools. He also voiced concern for Special Educational Needs (SEN) provision and the wasted years when the council could have used a 'spend to save' scheme to benefit both families and the local economy but had not taken the opportunity to do so. Officers advised that current monitoring had shown that there was a current under spend on the SEN budget.

A Member asked why non-recurring funding for the airport campaign had been removed from the budget for 2013/2014, as the need for a campaign looked to continue for a number of years. Officers advised that the airport campaign was one of a number of recurring and non-recurring items funded in 2012/13 from

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the general reserve fund. In this instance the project was a non-recurring addition and had therefore been removed. It remained open to Cabinet or Full Council whether to put the money for this campaign back into the budget.

Officers were also asked about the public health grant which the council was due to receive when the public health role moved from NHS ownership to become a council function in April 2013. Members were advised that the ring-fenced grant had been confirmed as £13.2 million and officers estimated that £12 million was already committed expenditure for 2013/2014. However, the government expected council's to accomplish more with this grant than was presently achieved.

The committee also discussed:

- expectation that 'floor-damping' was due to rise to £5 million
- early intervention funding for 2 year olds
- maximum gain to be achieved from the Category Management team
- maintenance funding for the Medway Tunnel
- quantifying of demographic growth and pressure in social care budgets.

### **Decision:**

The committee agreed to note the draft revenue and capital budget 2013/2014 insofar as it affected the committee and noted the discussions held at other Overview and Scrutiny committees and forwarded the comments for consideration by Cabinet on 12 February 2013.

### **831 Draft capital and revenue budget 2013/2014 - responses from other Overview and Scrutiny Committees**

#### **Discussion:**

See previous minute.

### **832 Treasury Management Strategy 2013/2014**

#### **Discussion:**

The Finance Support Manager introduced the report advising that there were only a few changes from last year's strategy and that the council would continue with the careful policy approach to reduce investments and pay off debt when economically opportune.

The committee was also advised of an amended Appendix 3 to the report that had been tabled at the meeting, which corrected some incorrect information and changed the upper limit percentage of fixed rate borrowing under 12 months from 50% to 75%, following a recent change in practice by CIPFA, whereby loans should be recorded within time profiles as repayable at the earliest "call" date rather than continuing to full term.



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Members discussed the report and asked, if the UK lost its AAA credit rating, what this might mean financially for Medway. Officers advised that there were two schools of thought on this. Firstly, where the United States and France had recently been downgraded from AAA, there had been no discernable impact and therefore it could be assumed the same would occur if the UK lost its AAA status. The second view was that if downgraded, the UK might no longer be seen as a safe haven for investors, which could result in investors demanding greater yields on gilts, thereby increasing the cost of borrowing for the UK government. This increase would make borrowing more expensive for Local Government and potentially it might also cause an increase in general interest rates. As Medway was not planning to borrow in the foreseeable future and all the council's loans were on fixed rate interest, an increase in borrowing rates would not affect the council. If general interest rates increased, giving a better return on investment, then this would benefit Medway. Therefore it was likely that there would either be no impact or a marginal benefit.

The committee thanked officers for the positive strategy and excellent management of the council's financial investments and congratulated the Finance Support Manager on his team's successful work.

### **Decision:**

The committee agreed to endorse the Treasury Management Strategy 2013/2014 and forward it for recommendation by Cabinet on 12 February 2013.

## **833 Work Programme**

### **Discussion:**

The Democratic Services Officer introduced the report, which advised the committee on the work of all overview and scrutiny committees and gave an update on the programme of current in-depth scrutiny reviews and future items on the Cabinet Forward plan within the remit of this committee. She reminded Members to forward any ideas for future in-depth topics for 2013/2014 to the Chairman or Spokespersons before they met to discuss this at the end of February 2013.

A Member requested that an additional report was added to this committee's work programme, at the first meeting of the new municipal year (June 2013), giving an update on the outcome of current discussions with the Gambling Commission and that the Licensing and Safety Committee might also wish to consider a similar report.

He also requested that a report was added to the next meeting of the Health and Adult Social Care Overview and Scrutiny Committee on the implications for Medway Council of the final report into the care provided by Mid- Staffordshire NHS Foundation Trust (the Francis report) published on 6 February 2013, so that the council did not have to wait a further three months before the following

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meeting (June 2013) before this could be considered. The committee discussed the forthcoming merger of Dartford and Gravesham NHS Trust with Medway NHS Foundation Trust and requested further information.

### **Decision:**

The committee agreed to:

- (a) note the current work programme and add a report to the meeting in June 2013 giving an update on the outcome of current discussions with the Gambling Commission (following a recommendation made by the committee on 6 December 2012);
- (b) request that a report is submitted to the next meeting of the Health and Adult Social Care Overview and Scrutiny Committee on the implications for Medway Council of the Francis report into the care provided by Mid-Staffordshire NHS Foundation Trust;
- (c) request further information on the forthcoming merger of Dartford and Gravesham NHS Trust with Medway NHS Foundation Trust.

**Chairman**

**Date:**

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