

Medway Council
Meeting of Business Support Overview and Scrutiny
Committee

Thursday, 4 July 2019

7.00pm to 9.00pm

Record of the meeting

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

- Present:** Councillors: Buckwell (Chairman), Etheridge, Hackwell, Johnson, Khan, Maple, Murray, Opara, Andy Stamp, Wildey and Williams
- Substitutes:** Councillors:
Bhutia (Substitute for Clarke)
Thompson (Substitute for Tejan)
- In Attendance:** Scott Elliott, Head of Health and Wellbeing Services
Julie Keith, Head of Democratic Services
Andrew Mann, Partnership Director, Medway Norse
Carrie McKenzie, Assistant Director - Transformation
Michael Turner, Democratic Services Officer
Phil Watts, Chief Finance Officer

125 Apologies for absence

Apologies for absence were received from Councillors Clarke and Tejan.

126 Record of meeting

The record of the meeting held on 4 April 2019 and the record of the Joint Meeting of Committees held on 22 May 2019 were agreed and signed by the Chairman as correct.

127 Urgent matters by reason of special circumstances

There were none.

128 Disclosable Pecuniary Interests or Other Significant Interests and Whipping

Disclosable pecuniary interests

There were none.

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Other significant interests (OSIs)

There were none.

Other interests

In relation to agenda item 6 (Voluntary and Community Sector), Councillors Etheridge, Williams and Maple disclosed that they were shareholders of WHoo Cares.

In relation to agenda item 10 (Petitions), Councillor Hackwell disclosed that his daughter was a manager at MHS Homes and Councillor Buckwell disclosed that he rented a garage from MHS Homes.

129 Medway Norse Update

Discussion:

Members considered a report representing a review of the performance of the Medway Norse Joint Venture from the perspective of the Council client for the second half of the 2018/19 financial year. This was accompanied by an update on the Joint Venture's achievements and financial performance prepared by the Partnership Director.

The following issues were discussed:

- **Pesticides** – in response to a query about pesticides used, the Partnership Director advised that the type used by Medway Norse had not changed and it was non-hazardous within seconds of being applied. He was investigating a concern raised that a dog may have been adversely affected after an area had been treated. It was possible this had been a result of too much pesticide being sprayed. A Member expressed surprise that nothing had changed in terms of the type of pesticides used as some trees had turned yellow after treatment, which had not happened in previous years. The Partnership Director advised that all spraying had finished by April. It was possible that this year the weed control programme had been too liberal.
- **Crematorium Pathways** – a Member referred to the poor condition of the pathways at the Palmerston Road cemetery and asked for an assurance that the pathways of the other cemeteries were in a good condition. The Partnership Director acknowledged this was a valid concern and would take this issue forward with the Council. Medway Norse was responsible for patching work but not for re-surfacing.
- **Weed clearing** – a Member commented that some areas were overgrown and weeds in gutters were causing them to become blocked, which suggested a need for the various public bodies responsible for grounds maintenance to work better together. The Partnership Director

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commented that after Medway Norse took on responsibility for street cleansing the public should see improvements in this area.

- **SEN transport** – a Member referred to concerns about the implementation of the new SEN transport policy and queried whether there was a conflict between the statement that transport was being delivered in the best interest of children and young people and the assurance it was being done in the most cost effective manner to ensure best use of public funds. The Partnership Director commented that there was a very professional relationship between the Medway Norse team, parents and the Council. Medway Norse provided the transport but did not decide on eligibility or the type of transport provision. Staff were highly trained and, where appropriate, would feed back to the Council any issues relating to children.

Household Waste and Recycling Centres (HWRCs) – in response to a question about the impact on Medway's HWRC sites of Kent County Council's decision to charge for certain categories of waste, the Partnership Director advised that gates and barriers had been erected at the HWRC sites in Medway in readiness for checks. This had led to more space within the sites and a safer layout. In response to a query, the Partnership Director advised that Kent County Council had made an annual payment of £400,000 before the charges had been introduced. This contribution had then increased to £675,000. As to whether visitors to Medway's sites from outside the borough had increased as a result of the charge, the Partnership Director commented numbers had reduced over the last 3-4 weeks but that may have been due to some sites being closed for refurbishment.

The Partnership Director undertook to look into a case raised by a Member who had witnessed no ID checks taking place at the Gillingham site.

A Member noted that there was no facility to dispose of plastics at the Capstone HWRC site. The Partnership director replied there was a limited market to recycle rigid plastics due to the costs involved. However, this policy was kept under continuous review.

- **Waste collection and street cleansing** – a Member asked if the terms and conditions of staff, including whether weekly paid staff would be changed to monthly payments, would change when transferred to Medway Norse. The Partnership Director assured Members he had no plans to change any terms and conditions. The consultation process would begin soon and Norse were keen to look after the personal wellbeing of staff being transferred as well as dealing with employment issues. Some staff were paid weekly and would be moved to a monthly cycle but he would ensure no-one suffered financially as a result of the transition.

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A Member asked if Medway Norse would be taking forward the action plan drawn up by Veolia following the serious incident in Rochester High Street. The Partnership Director assured Members that he would be reviewing both that plan and any other action plans following serious incidents both in and outside of Medway.

- **Capstone Country Park** - the Partnership Director undertook to look into a concern that the lake had been emptied of fish and would not be re-stocked, while anglers were still being charged for a licence to fish.

Decision:

The Committee agreed to note the report and the contents of the Joint Venture update.

130 Voluntary and Community Sector

Discussion:

Members considered a report which provided an update on the recent commissioning activity for the Voluntary and Community Sector, as requested at by the Committee in April 2018.

Some Members commented that the origins of this item was a wish to understand the value and extent of the voluntary sector in Medway and how the sector could add further value to work commissioned by the Council. It was important also that smaller charities be given an opportunity to engage in commissioning, either independently or in conjunction with others.

Another Member questioned why the Council did not have a compact with the Medway voluntary sector. The Head of Health and Wellbeing Services assured Members there was a clear strategic direction. The Council was aware of possible pressures affecting the voluntary sector due to an increased demand in social prescribing activities put in place to alleviate pressure on health and social care. There were good models elsewhere which showed how the Council and the NHS could leverage investment for the sector from other areas.

A Member asked for an update on the development of an interactive and digital map of community assets and directory of services for effective signposting. The Committee was advised that this had recently gone live.

Noting a suggestion that the Committee should hear directly from the sector, the Committee agreed to re-visit this issue at its next meeting, including possibly hearing from the Chief Executive of Medway Voluntary Action.

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Decision:

The Committee agreed to:

- a) note the report, and;
- b) consider the issue of the voluntary sector again at its August meeting, including hearing directly from representatives of Medway Voluntary Action.

131 Scrutiny of Risk and Commercialisation

Discussion:

Members considered a report which set out which Council services had been transferred to Medway Commercial Group and Medway Norse and which then came back to the Council, together with details of what action the Council subsequently took. This report also gave a wider overview of the key themes in a recently published Guide for Local Scrutiny Councillors on Risk and Commercialisation.

Regarding the proposal that a Member Development Session be arranged to provide a briefing for O&S Members on the Council's current approach to commercialisation, a Member asked that this event also look at the rationale for and the alternatives to commercialisation. The point was made that the Council itself was capable of delivering services in more innovative, efficient and sustainable ways than commercial bodies. In addition commercialisation was not a new idea and there had been high profile examples of it failing in the public sector.

It was suggested the session could also helpfully include a case study examining how a service had been provided before a decision had been made to go down a commercial route, including a projection of how the service was expected to develop in the future. The Assistant Director – Transformation undertook to look at including that. A Member asked that the Member development session begin with an overview of the current arrangements for the benefit of new Members.

A Member commented that most of the difficulties had been in respect of Medway Commercial Group (MCG) and a significant concern was how services could be handed back to the Council and the risks this entailed. In addition, more work was needed across the four O&S committees to ensure the range of services being delivered by the commercial bodies set up by the Council were scrutinised.

Some Members emphasised the importance of ethics and governance in establishing and scrutinising commercial activities. The point was made that the MCG Directors were a relatively small group with close links to the Council whereas Medway Development Company (MDC) had appointed two external non-executive directors. The Assistant Director – Transformation commented the MDC model worked better and expected the MCG model to look more like

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that in the future. Members were assured that a number of steps were followed before decisions were taken to transfer services or enter into shared services arrangements, including consideration by Members of a detailed business case.

A Member asked for the rationale underpinning the decisions to transfer services back to the Council. Noting that some detail about this was included in Appendix 1 to the report, the Assistant Director – Transformation commented it was often about a particular service not being profitable.

Decision:

The Committee agreed to:

- a) note the information provided in the report and;
- b) request a Member Development Session to provide a briefing for Overview and Scrutiny Members on the Council's current approach to commercialisation and a facilitated discussion on the emerging role for Scrutiny, including the matters raised by Members during the discussion.

132 New Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

Discussion:

Members considered a report which summarised the recommended policies and best practice included in new statutory guidance on Overview and Scrutiny (O&S) in Local and Combined Authorities that local authorities should adopt, or consider adopting, with an overview of how the current arrangements in Medway measured up and some suggested areas for possible further discussion and development.

There was a recognition that in many areas Medway was in a fairly healthy place overall in terms of its O&S arrangements. The Council's four O&S Committees had different approaches to scrutiny, with the Health and Adult Social Care O&S Committee typically conducting scrutiny in a more outward looking manner. A Member commented that the Statutory Scrutiny Officer in local government did not have parity with the other statutory officers.

Members noted that the Guidance stated that, while it was for each authority to determine the method for selecting a Chair, councils should consider doing so by secret ballot. Some Members considered this an interesting suggestion but it was also argued that this method would lack transparency.

The point was made that, generally, Local Economic Partnerships (LEPs) were not effectively held to account and it was suggested that one model that could work in Medway would be to hold the LEP to account on an annual basis, followed by the Council's representative on the LEP being held to account.

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It was agreed that all Members should be made aware of the new Statutory Guidance by making it easily accessible.

Decision:

The Committee agreed to instruct the Council's Statutory Scrutiny Officer to take the following action, in consultation with the Chairman, Vice Chairman and Opposition Spokesperson of this Committee, in response to the revised Statutory Guidance on Overview and Scrutiny as set out in paragraphs 3.5 and 4.3 of the report:

- a) work to more systematically evaluate and capture learning from the impact of Overview and Scrutiny activity generally across all Overview and Scrutiny Committees;
- b) explore the potential for Overview and Scrutiny to develop a closer working relationship with the Council's Communications Team with a view to more reporting and promotion of Overview and Scrutiny activity with a particular focus on the use of new digital technology and to consider the scope to improve the connection between Overview and Scrutiny and the public (for example by more use of the Citizen's Panel);
- c) explore the scope to draw more extensively on independent local experts where appropriate in Overview and Scrutiny reviews (for example, the Universities in Medway);
- d) work with the Chief Legal Officer on the scope to require organisations contracted or commissioned by the Council to provide goods and services to provide information and attend Overview and Scrutiny Committees on request;
- e) work with the Chief Legal Officer to develop a framework for overview and scrutiny of the performance of the Council's commercial entities noting that the proposed starting point is a Member Development Session in the Autumn with the recently published Centre for Public Scrutiny guide scrutiny of risk and commercialisation as a point of reference as set out in agenda item 7;
- f) consider how scrutiny of SELEP might be incorporated into the Medway Overview and Scrutiny arrangements, noting that the Centre for Public Scrutiny will be publishing guidance on scrutiny of LEPs later in the year, and;
- g) ensure that all Members were able to easily access the new Statutory Guidance.

133 Sponsorship of Gillingham Football Club

Discussion:

Members considered a report on the Medway Council sponsorship agreement for the 2018/19 season for Gillingham Football Club which had recently come to a close.

Some Members whose constituents had received complimentary tickets as part of the agreement commented on how well the latter had been looked after by the club and how enjoyable they had found the experience.

A Member asked where the re-naming of the stadium to the Medway Priestfield Stadium had been publicised. The Assistant Director – Transformation advised the new name had appeared on the club’s website and also referred to in FA fixtures publicity.

Some Members questioned the analysis in the report that there had been no burden on local council tax payers, arguing that on the occasions the club had used the sports pitches then they could not be hired to anyone who would have paid a charge to use the pitches. The Assistant Director – Transformation commented that the pitches were used by the club at times they would not have been, or would rarely be, hired by anyone else. Noting that there were set charges for the hire of the pitches, a Member asked for details of what income the Council would have received if the club had paid the commercial rates for the pitches. In response to a question whether the club had received preferential access to the pitches, the Committee was advised that efforts had been made to publicise the times when the club were using the grounds.

In response to a query, although it was very difficult to rule out additional maintenance costs having been incurred as a result of the agreement, the pitches would have had to have been maintained in any event.

A Member also asked for the figures of the time spent by the Communications Team that the club were able to draw on under the agreement. The Assistant Director – Transformation undertook to look into this.

Another Member made the point that any potential financial loss to the Council had to be balanced against the positive publicity the Council had received and the goodwill the agreement had generated in the community.

A Member asked if it would be possible to see details of what community activity the club had engaged in prior to the arrangement with the Council and whether the club would be happy to provide complimentary tickets next season to the 36 organisations unsuccessful in the ballot for tickets under the agreement.

Decision:

The Committee agreed to note the report.

134 Petitions

Discussion:

Members considered a report on petitions received by the Council which fell within the remit of this Committee including a summary of the response sent to the petition organisers by officers.

A Member expressed a concern about the independence of the legal advice being sought by the Council on the operation of Uber in Medway as this advice had come from the same Chambers that had also given advice to Uber. It was also noted though that it was not unusual for the same Chambers to act for different parties in a dispute and it was not known whether the same counsel had acted for both parties in this case.

Decision:

The Committee agreed to note the petition responses and appropriate officer action in paragraph 3 of the report.

135 Work programme

Discussion:

Members considered a report regarding the Committee's current work programme.

A Member thanked those officers who had worked to satisfactorily resolve the public rights of way issues referred to in paragraphs 3.4 – 3.7 of the report.

Decision:

The Committee:

- a) noted its work programme (Appendix 1 to the report);
- b) noted the work programmes of the other overview and scrutiny committees (Appendix 2 to the report);
- c) agreed that Physical Activity should be the topic for the next Scrutiny Task Group review with a membership of 7 Councillors (4 x Conservative and 3 x Labour) drawn from the Health and Adult Social Care (HASC), Children and Young People (CYP) and Regeneration Culture and Environment (RCE) Overview and Scrutiny Committees, noting that the HASC Overview and Scrutiny Committee will be the lead Committee;

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- d) authorised the Head of Democratic Services to appoint the Members of the Physical Activity Task Group once nominations have been received from Group Whips in consultation with the relevant Overview and Scrutiny Committee Chairmen and Opposition Spokespersons;
- e) agreed to add the following items to the work programme for pre-decision scrutiny:
 - Housing Allocations Policy – 22 August
 - Draft Homelessness and Rough Sleeping Strategy – 24 October
 - Housing Enforcement and Licensing Policy - 28 November
- (f) agreed to add to the work programme the timetable for holding Portfolio Holders to account as set out in paragraph 3.13 of the report

Chairman

Date:

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