

Medway Council
Meeting of Business Support Overview and Scrutiny
Committee

Thursday, 2 February 2012

6.35pm to 9.40pm

Record of the meeting

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

Present: Councillors: Avey, Bowler, Bright, Carr (Chairman), Pat Gulvin (Vice-Chairman), Harriott, Maple, Osborne, Royle and Tolhurst

Substitutes: Councillors:
Iles (Substitute for Councillor Irvine)
Mackness (Substitute for Councillor Watson)

In Attendance: Councillor Rodney Chambers, Leader
Councillor Glyn Griffiths
Councillor Mike O'Brien, Portfolio Holder for Community Safety and Customer Contact
Marc Blowers, Head of Performance and Service Improvement
Neil Davies, Chief Executive
Angela Drum, Head of Legal Services
Stephen Gaimster, Assistant Director Development, Economy and Transport
Stephanie Goad, Assistant Director Communications, Performance and Partnerships
Matthew Gough, Head of Strategic Housing Services
Mick Hayward, Chief Finance Officer
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
Andy Larkin, Finance Support Manager
Caroline Salisbury, Democratic Services Officer

748 Record of meeting

The record of the meeting held on 1 December 2011 was agreed and signed as correct by the Chairman.

749 Apologies for absence

Apologies for absence were received from Councillors Irvine, Juby and Watson.

750 Urgent matters by reason of special circumstances

There were none.

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751 Declarations of interest

There were none.

752 The Leader of the Council in attendance

Discussion:

The Leader of the Council, Councillor Rodney Chambers, gave a presentation to the committee which included:

- Congratulations to the Returning Officer and electoral services staff for the organisation for the 5 May 2011 local elections
- Turnout for local election had increased to just under 40%
- AV Referendum on 5 May 2011
- Introduction of the Individual Electoral Registration (IER) to replace household registration
- Election of Police and Crime Commissioner in November 2012
- Success of the Members' induction programme
- Continued support for the Mayor and the 263 Mayoral engagements that have taken place
- Reduction in the number of Cabinet and Overview and Scrutiny Committee meetings
- Establishment of the shadow Health and Wellbeing Board
- Future Member presentation on the Localism Act.

The committee raised concerns over the introduction of IER from 2015 onwards. Currently, 91% of households responded to the annual register of electors but results elsewhere showed that this had the potential to decrease significantly because the IER required date of birth and National Insurance details. The Leader was asked what plans were in place to ensure that annual responses did not fall, especially as Medway had a higher than average level of shared properties, students and English as a second language? The Leader responded that 85% of properties were personally canvassed and he would ensure that this exercise continued. Work was on-going with the universities to gain information to allow direct contact with students. He advised that the main problem the Council faced would be to ensure that householders listed all the names of people who lived in the property. He confirmed that he would be looking at the lessons learned elsewhere and on-going best practice.

Some Members voiced their concern about the election of the Police and Crime Commissioner in November 2012 and asked the Leader whether additional help would be available, so that the work for the election caused minimum disruption to the normal business of the Democratic Services and Electoral Services teams. The Leader responded that the public would see no change in the level of service, as there were sufficient personnel to administer this election. It was a difficult time of year to hold an election, coinciding with the annual canvass of the register of electors, but if more staff were required, he would ensure they were in place.

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Members asked the Leader about:

- Localism Act – which gives the power to revert to the committee system. Information about how the committee system worked compared with the current arrangements under the Local Government Act 2000 was requested for the Member briefing to be held on 8 February 2012.
- Referendums – why was the council not engaging with the public about the proposed new airport? Elsewhere in Kent, the public was given the opportunity to give its views on large infrastructure projects.

The Leader responded that the Council had unanimously voted to oppose any new airport to be built in the Thames estuary and therefore a public referendum was not required.

- Recent reduction in the number of Council meetings – this had extended meetings until late in the evening and affected the quality of debate. Could the number of council meetings be re-considered and more arranged for the future?

The Leader advised that he had no evidence to suggest that if more meetings were held they would be any shorter than at present.

- The current decision-making system within the Council was top heavy. Could a more consensual, democratic system be introduced?

The Leader responded that it would be the Council, as a whole, that would decide whether it wished to change the current system. After the briefing to be held next week, Members could discuss the implications of the Localism Act including the decision-making processes within the Council.

Decision:

The Leader was thanked for his presentation and the responses he had given.

753 Portfolio Holder for Community Safety and Customer First in attendance

The Portfolio Holder for Community Safety and Customer First, Councillor O'Brien, gave a presentation to the committee which included:

Customer First

- Customer First had handled approximately 45,000 calls each month and consistently received 90% + satisfaction ratings across a range of measures
- In May 2011, Customer First successfully completed its annual assessment against the Customer Service Excellence Award and in addition had retained its ISO 9001 accreditation
- The Customer First Community Interpreting Service took 600-700 bookings per month and was expected to give a budget surplus of £70,000 in 2011/2012

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- The Blue Badge scheme (for disabled car users and their carers) was to be modernised
- The Better for Less programme continued to roll-out and had brought together customer service staff from across the Council into one place. The project would make £2.1 million savings and was on course to make £6 million savings over 3 years, a cumulative saving of £13 million over 4 years
- The new Customer Contact team would have access to hand-held technology, allowing them to remain on the road and not have to return to the office to complete paperwork, allowing them to carry out more assessments and visits
- By April 2013, he was committed to achieve the development of one telephone number (333333) to access council services. The exception to this would be for the Macmillan service, which would retain its separate number.

Legal

- Legal services was re-structured in 2011 to reduce expenditure and re-focus support in required areas
- Children's services was the largest work area and the team currently had 109 cases in court proceedings
- Litigation – in the year to date, there had been 46 successful prosecutions for a variety of offences, including housing benefit fraud, flytipping and planning enforcement offences. The team also dealt with employment tribunals and contractual disputes
- Licensing – the legal team recently successfully defended a Licensing Hearing Panel's decision regarding a nightclub which was appealed to the Magistrate's Court by the applicant, with costs awarded to the council
- The legal teams also supported the democratic function, largely behind the scenes with report preparation and relevant legal implications
- Licensing enforcement – the team worked closely with the police and other agencies and carried out regular visits, prioritising on high-risk premises
- Local land charges – the small team of two people had dealt with just under 5,000 searches and brought in an income of over £200,000.

Members asked the Portfolio Holder about:

- Were there stringent IT contingency plans for Customer First, as the customer contact system relied solely on technology, including the hand-held technology?

The Portfolio Holder gave his assurance that there was adequate backup to the technology used by the Customer First team.

- Was the Customer First team being primed for being out-sourced?

Councillor O'Brien advised that there were no plans to outsource this service.

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- The modernisation of the blue badge scheme – would there be an increase in the cost of the badge, as these changes would cost the Council more money to administer?

Members were advised that a consultation had taken place about charging for the badge and, following that consultation, a charge of £10 was proposed in the budget for 2012/2013 to begin on 1 April 2012.

- Members asked whether the legal section checked through employment contracts for consultants to ensure that they were not using a loophole in the tax system to avoid the payment of PAYE tax, as highlighted recently in the national news?

The Head of Legal responded on behalf of the Portfolio Holder advising that it depended on the individual department employing the contractor and some referred the contract to legal for examination. The Chief Executive added that most consultants were already self-employed or had set up a limited company – unlike the case referred to on the news. Members asked that the Portfolio Holder, in consultation with the Head of Legal, should consider enforcing that the legal section examined all contracts for consultants before employment commenced.

- Was the Portfolio Holder aware of any delays to the rollout of the Better for Less programme and if so, would this have an impact on the forecast savings?

The Portfolio Holder responded that there were no delays in bringing the systems into place and, at the moment, everything was in line with the project schedule.

- Following questions on bribery and anti-corruption legislation, the Head of Legal responded that the Audit Committee had previously requested a review into this matter which would be reported back through that committee, the Employment Matters Committee and Full Council.

Decision:

The Portfolio Holder was thanked for his presentation and the responses he had given.

754 Powers to bring empty properties back into use and a review of long-term empty properties

The Head of Strategic Housing introduced the report advising that the committee had previously requested this information. Members were advised that the Council's Housing Strategy set out the approach to bring empty homes back into use, and that the Council would continue to work with owners, primarily where properties presented a risk to adjoining properties, and with housing providers and landlords to encourage properties to be brought back

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into use. Where homes were not brought back into use, the Council had powers to deal with them and these were set out in paragraph 2.5 of the report.

The committee discussed the definition of an 'empty property' and whether all empty and derelict properties had been included in the figures shown in the report. Officers advised that the definition of an 'empty home' was set out in Council Tax legislation and the number of properties quoted in the report was based on that definition. It did not include derelict properties. Members were also advised that through the Council Tax legislation, if a property was uninhabitable, the owner was exempt from the payment of council tax. Officers inspected those properties on a regular basis, so this exemption was not abused.

Members voiced their concern that empty properties were a serious problem in Medway but the report gave no indication of how Medway's figures compared to other authorities. Members also wished to know what action other authorities were taking to overcome the problem of many properties being left empty. Other councils might be spending more money but also getting more properties habitable and back into use.

The Head of Strategic Housing responded that the government target for the number of long-term empty properties was 3%. Medway was currently at 1.3%. Officers advised that for the housing market to work efficiently and effectively, it required 1.5% of the total number of properties in the area to be vacant for property turnover purposes. Council tax information indicated that there were currently 75 empty homes in Medway, which had not been occupied for over 5 years. The remaining 1206 empty properties had been occupied at some point since 2007.

Officers also advised that they regularly researched the work of other authorities and this informed the approach carried out in Medway, which gave heavy emphasis on working with Housing Associations for funding. The Audit Commission had commented on the work in Medway stating that 'the council made the best use of what it had'.

Members requested a Briefing Note on why the 75 long-term empty properties remained empty. Members also asked that a particular property in Clive Road, Rochester was used as an example, with details of all the options that the council could take in order to bring it back into use. Members also requested that the Briefing Note gave details on the remaining 1206 empty properties, specifically with regard to the amount of council tax income lost by any of them deemed uninhabitable, rather than the six month council tax exemption if they remained habitable, as it would appear that owners were better off if they let the property become uninhabitable. The committee also asked to know how long the debt had been on each of these properties.

The committee re-enforced its deep concern on this matter and requested regular reports on the number of long-term and empty properties in Medway together with up-to-date information of what had been achieved to bring them back into use. Officers were also requested to consider refining the role of the

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council's Community Officers to include identification of empty dwellings, and report these to the housing and council tax sections so that they could begin action on the property.

The committee also discussed whether the council had the ability to fulfil Members' wishes as a previous team (which had spent part of its time on bringing empty properties back into use) had been disbanded. A Member advised that another authority had chosen to place immediate Compulsory Purchase Orders (CPO) on any new empty property and then put it up for auction and that there was currently a lack of this type of initiative in Medway.

Officers responded that the disbanded team referred to had spent the majority of its time administering the provision of energy efficiency and empty homes grants and loans but this funding had now been withdrawn. The figures stated in the table at paragraph 2.5 of the report had all been achieved by the current housing team.

The committee also asked for the following information: how many empty properties were there in Medway prior to the current 1206 shown in the report; the number of dilapidated buildings that were not fit for habitation and if these had increased in number; how many Empty Dwelling Management Orders had been issued and how did this compare to other authorities? Officers agreed to supply this information via a Briefing Note.

Decision:

The committee noted the report, with reservations, as set out above and requested the following:

(a) information via a Briefing Note:

- (i) why did the current 75 long-term empty properties remain empty?
- (ii) that a property in Clive Road, Rochester is used as an example with details of all the options open to the council to bring it back into use
- (iii) details of the remaining 1206 empty properties, specifically with regard to the amount of council tax income lost by them being deemed uninhabitable and how long the debt had been in place on each of these properties?
- (iv) how many empty properties were there in Medway prior to the current 1206?
- (v) how many dilapidated buildings that were not fit for habitation were there?
- (vi) how many Empty Dwelling Management Orders had been issued and how did this compare with other authorities?

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- (b) regular monitoring reports to overview and scrutiny on the number of long-term and empty properties in Medway together with up-to-date information of what had been achieved to bring them back into use;
- (c) officers extend the remit of Community Officers to include the identification of empty dwellings and report back to the council tax and housing sections in order that they could begin action on the property.

755 Housing Revenue Account capital and revenue budgets 2012/2013

Discussion:

The Chief Finance Officer introduced the report advising that it set out the 2012/2013 revenue and capital proposals for the Housing Revenue Account (HRA) including proposals for rent and service charges increases. The committee was also informed that the Localism Act had created an exciting opportunity for the council by introducing the self-financing regime for the HRA that removed the former Housing Subsidy calculation and this was described in paragraphs 2.1 – 2.4 of the report.

The Housing Subsidy system would come to an end on 31 March 2012 and this meant that the council would no longer need to pay an annual subsidy payment to government which had been worked out by a formula. The cost of this, in 2011/2012, had been £1.8 million. However, the new self-financing regime would require the council to take on additional debt of £19.1 million and the cost of this would fall on the HRA. The graph at table 3 of the report (page 24 of the agenda) showed that were all the surplus monies allocated for the purpose of paying off this debt, it should be paid off in the 17th year of the 30 year plan and thereafter the council would generate a surplus in income for the HRA, which was a huge benefit to the council.

The committee was also advised that the government had previously determined that council rents and service charges would progress to converge with those of Registered Social Landlords (RSLs) with a target date of April 2015. The proposed increase in rents for 2012/2013 was to achieve that convergence; the proposed increase in service charges was to continue the agreement made last year that charges should increase progressively to fully recover costs by 2014/2015. The report also contained details of some inconsistencies in rent charging schemes and an inequality in classification of some properties.

The Chief Finance Officer also highlighted the capital budget for the HRA advising that the detailed plan for capital works for housing was currently being revised in conjunction with the Asset Management Strategy, it was estimated that the cost of capital works would be £5.5 million. The report also highlighted the hard work of staff in the housing section to achieve a decrease in the turnaround period of void properties and the decrease in the level of rent arrears.

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The committee asked whether the new debt to be taken on by the HRA of £19.1 million for the self-financing scheme would be amended at any time in the future and was assured that this figure would not change.

Members commented that the inconsistency with rent charging, as set out in paragraph 6 of the report, was a practical and sensible approach to resolving this situation.

Members asked about the convergence of rents between council housing and those of RSLs and whether the council had reached the required figure? Officers advised that the council continued to reduce the gap between rents which were getting closer and this was set out in Appendix B (page 35) of the report.

Some Members voiced concern about the proposed rent increases, as the average increase was 7–8% which would be very difficult for a lot of families in this difficult economic time. They also requested further information about the planned maintenance programme in order to be kept fully informed. Officers advised that there was a cross-party Asset Management Group, chaired by the Portfolio Holder for housing, and details of the planned maintenance were reported there for consideration. Members requested that this information was also made available outside of this group and officers agreed that the information would be reported to overview and scrutiny in the future.

Decision:

The committee agreed to recommend to Cabinet:

- (a) the proposed revenue and capital budgets for 2012/2013, inclusive of an average rent increase of £5.39 per week (based upon 50 collection weeks and equating to an increase of 7.26%);
- (b) that service charges for 2012/13 reflect the costs incurred in providing that service, where possible, and that where costs are not fully recovered, the uplift is such that costs can be fully recovered by 2014/15 using above inflation increases to do so as per Appendix C to this report. The average increase will be 5.99%;
- (c) that the application of the Warden Service charge to residents in the Annexe at Longford Court be applied over a three year period with effect from 1 April 2012 for current tenants;
- (d) properties identified with “pods” at Beatty Avenue and Cornwallis Avenue to be charged for only bedrooms on the upper floors of properties from 1 April 2012 and pods, regardless of their usage, be disregarded for rent charging purposes;
- (e) refunds to be made to current tenants only, who have been overcharged for rent for properties in Beatty Avenue and Cornwallis Avenue;

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- (f) that the approach for rent charging for any further properties identified that have “pods” fitted, be set as described in the context of this report in the future.

The committee requested that:

- (g) a detailed breakdown of the planned maintenance programme for housing services is submitted to overview and scrutiny in the near future.

756 Treasury Management Strategy 2012/2013

Discussion:

The Finance Support Officer introduced the report advising that additional papers had been tabled at the meeting. The government had announced on 1 February 2012 the self-financing debt settlement for the council, as set out in paragraph 3.2 of the report. The additional debt for the council for changing from the subsidy system to the new self-financing regime would be £19.1 million, rather than the estimated £19.5 million and this figure had resulted in amendments to other figures in the Treasury Management Strategy. The tabled paper set out those changes.

The committee was also advised that the strategy remained fundamentally the same as last year with only a few amendments which included a slight change to the minimum sovereign credit limit for countries. Currently the minimum credit rating was AA- for any country, however officers were now recommending that the UK was excluded from that minimum. This would mean that regardless of the UK sovereign credit rating, investment could be retained within the UK. Additionally, the minimum criteria for the council's Fund Manager investments was being revised. The council's investment and borrowing policy also remained the same with the exception of the debt due to be taken on in the Housing Revenue Account, as explained in the previous agenda item.

Members were supportive of the change to allow investments to remain in the UK regardless of the UK credit rating and asked whether the council took into account the corporate risk of who it invested in, rather than just the country's sovereign rating? Officers responded with an in-depth analysis of how corporate assessments were made, starting with sovereign credit rating (for the country), then using the three international credit rating agencies, any credit watch and outlook applicable to that counterparty along with their Credit Default Swap index was then applied and all these were taken into account to score the creditworthiness of the company invested in.

Members also asked about 'credit default swaps' and were advised that the council did not buy or trade in these. However, officers did follow their size and trends, as they could assess the risk of the company by this mechanism. The council's financial advisors, who sent out weekly updates, produced this information and officers also used other sources. The council's fund managers, Investec, applied their own creditworthiness policy. Members asked whether reports that this market was manufactured to make countries and organisations

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less stable were correct and whether this was taken into account? Officers responded that the council's financial advisors were extremely clear that 'credit default swaps' should be looked at by their trend and not on a day-to-day basis.

The committee asked whether the council ensured that its investments were ethical and not tied up in a more varied portfolio of companies? The Chief Finance Officer advised that the council did not invest in equities but only in cash-flow deposits.

Decision:

The committee noted the report.

757 Draft revenue and capital budget 2012/2013

Discussion:

The Chief Finance Officer introduced the report which gave details for the part of the council's budget within this committee's remit. The committee had considered the Cabinet's initial budget proposals of 29 November 2011 in December where it was reported that there was a predicted gap in the budget for 2012/2013 of £6.2 million.

Members commented on the current budget process, where Councillors only had seven days in which to analyse and understand up-to-date complex financial information, as the budget reports at overview and scrutiny committees were out of date. The council's model for building the budget was flawed, not least in its engagement with the public, when there were other council's holding public consultations about their budgets for the forthcoming year. Officers responded that some council's did carry out consultation exercises at the end of the budget process when a choice had to be made between different services being reduced. However, Medway Council used consultation to influence services overall and to develop policies, so that the public's priorities and concerns were taken into account as part of the overall process.

The committee also asked about the predicted budget gap of £5.1 million and whether this would have to be funded from reserves? The Chief Finance Officer responded that the gap in funding was based on the forecast at quarter 2 (July – September 2011). Since then, work had been carried out, including a moratorium on spending, and this should be reflected in the figures for quarter 3 (October – December 2011) when they were reported to Cabinet on 14 February 2012. He assured Members that the funding gap would no longer be at £5.1 million.

Members questioned the contractual inflation assumptions included in the budget, as set out in paragraph 4.5 of the report. Officers advised that these had been reported to the relevant overview and scrutiny committee, for example the inflationary rise in the waste contract was discussed at the Regeneration, Community and Culture Overview and Scrutiny Committee.

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Officers advised that they would investigate every possibility to contain rises including variations to the terms of contract if appropriate.

Decision:

The committee agreed to note the draft capital and revenue budget for 2012/2013 insofar as it affected this committee and to forward the comments, as set out above, to the Cabinet for consideration on 14 February 2012.

758 Draft revenue and capital budgets 2012/2013 (reports from other Overview and Scrutiny Committees)

Discussion:

The committee discussed the report and asked whether any progress had been made with regard to Special Educational Needs (SEN) transport? Officers responded that they were looking into the services currently provided outside of Medway, as these were expensive and awkward for parents.

Decision:

The committee noted the comments from individual overview and scrutiny committees as set out in paragraph 3 of the report and agreed to forward them to the Cabinet on 14 February 2012.

759 Draft Council Plan 2012/2013

Discussion:

The Assistant Director, Communications, Performance & Partnerships, introduced the report advising that this had been circulated as a supplementary agenda. She explained that it was a high-level business plan which should be considered alongside the Council's budget. There had been a radical review of the Council Plan for 2011/2012 and no major changes were proposed in the overall priorities for the Council this year, the focus had been to strengthen the measures of success. This was an opportunity for Members to shape and comment on the draft plan for 2012/2013.

Some Members of the committee commented that the draft plan did not set out how the council planned to achieve its stated priorities. The Assistant Director explained that Members had endorsed the decision to produce a more focussed plan, with the detail on activity undertaken currently being included in quarterly monitoring reports. Members acknowledged that prior to 2011, the plan had become too large and had required a complete review but felt it had now become too lean. Officers were asked to consider whether more detail would be appropriate.

Members asked whether there was a commitment to improving Key Stage 2 (KS2) results within the plan and were advised that this was included as a measure of success in the commitment "We will champion strong leadership

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and high standards in schools so that all children can achieve their potential, and the gaps between the least advantaged and their peers are narrowed”, as set out on page 10 of the supplementary agenda.

Members also asked whether there was a measure of success for looked after children being able to access the services they required, eg CAMHS? The Assistant Director advised that this was not included in the Council Plan but was a measure that the Children and Adults Directorate scrutinised carefully.

The committee also commented that for adult social care measures (as set out in the third commitment on page 11 of the report), there should be a distinction made between the offer and take-up of personalised budgets, as some service users would not want to have a personalised budget. Members were keen to emphasise that direct payments should not be regarded as the same as personalised budgets as there were restrictions on use of council provided services when using a direct payment that did not apply to personalised budgets.

Decision:

The committee agreed to note the Council Plan 2012/2013 as set out in Appendix 1 and forward the comments detailed above to Cabinet for consideration on 14 February 2012.

760 Petitions

Discussion:

The committee considered the report.

Decision:

The committee noted the petition response and appropriate officer action.

761 Work Programme

The Democratic Services Officer introduced the report, advising Members of the recent Council decision to refer the issue of “legal loan sharking” to a cross-party task group of Overview and Scrutiny. The Members of this task group had been nominated and would be Councillors Hicks, Pat Gulvin, Juby, Maple and Turpin. This committee was now required to officially set up the task group and note the delay in starting other programmed reviews. Members were also advised that there were no new items in the Cabinet’s Forward Plan within the remit of this committee.

Members sought assurance that the delay in starting the other programmed reviews would not have a detrimental impact into the review of mental health services. The Chairman of the Health and Adult Social Care Overview and Scrutiny Committee (which would carry out the review into mental health services) responded that this review had been set to be last on the programme,

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as a report from a House of Common's Select Committee and the outcomes of the 'Dilnott Committee' was awaited, together with the re-organisation of the council's own mental health services – all of which were to be completed prior to the commencement of this review. It was also anticipated that the "legal loan sharking" review should only delay the other reviews by approximately 8 weeks.

Members also discussed the cross-party group that had been set up to respond to the proposals for a new airport in the Thames estuary and asked where this group would report to and what opportunities Members would have to comment on this issue? Officers responded that it was a Cabinet Advisory Group, so would report directly to the Cabinet. Its report should appear on the Cabinet's Forward Plan, so the committee would have the ability to consider the report prior to it being submitted to the Cabinet.

Decision:

The committee agreed to note:

- (a) the work undertaken by all overview and scrutiny committees;
- (b) the decision of the Council to refer the issue of "legal loan sharking" to a cross-party Task Group of Overview and Scrutiny as a priority and agreed to set up a task group to undertake the review and report back to the Regeneration, Community & Culture Overview and Scrutiny Committee and this committee;
- (c) that the programme of in-depth reviews would be revised accordingly and that the other reviews would proceed sequentially in the order listed in paragraph 6.2 of the report when the in-depth review of "legal loan sharking" had concluded.

Chairman

Date:

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