

MAIDSTONE BOROUGH COUNCIL

**STRATEGIC LEADERSHIP AND CORPORATE SERVICES
OVERVIEW AND SCRUTINY COMMITTEE**

MINUTES OF THE MEETING HELD ON 6 AUGUST 2013

Present: Councillor Mrs Gooch (Chairman) and
Councillors Black, Butler, Cuming, Mrs Grigg, Hotson,
D Mortimer, Nelson-Gracie and Pickett

Also Present: Councillors English, Garland and Moss

24. WEBCASTING

RESOLVED: That all items on the agenda be webcast.

25. APOLOGIES

It was noted that apologies for absence had been received from Councillor Yates.

26. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Cuming was substituting for Councillor Yates.

27. NOTIFICATION OF VISITING MEMBERS/WITNESSES

Councillor English attended as a Visiting Member in relation to agenda items 9 and 10.

Councillor Garland attended as a witness in relation to agenda item 10.

Councillor Moss attended as a witness in relation to agenda items 8 and 9.

28. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor D Mortimer disclosed an Other Significant Interest in the report of the Head of Finance and Resources relating to the use of the 2012/13 revenue underspend and the balance of the unused underspend from 2011/12. He explained that he was a Trustee of the Maidstone YMCA which was working in partnership with Golding Homes to build a new community centre for the residents of Tovil, and one of the proposals for the use of the resources was for the Council to make a contribution of £167,000 towards the construction costs.

The Chairman and Councillors Nelson-Gracie and Pickett also disclosed Other Significant Interests in the report of the Head of Finance and Resources by virtue of being members of Maidstone Town Team and, in the case of Councillor Nelson-Gracie, a Director of Maidstone Town Centre

Management Board. One of the proposals was for funding of £50,000 to ensure the sustainability of the Town Team for future years. Another bid was for funding of £10,000 for a Christmas lights switch on event and marketing campaign in conjunction with partners expected to include Maidstone Town Centre Management.

Having disclosed these interests, the Chairman and Councillors D Mortimer, Pickett and Nelson-Gracie indicated that they would leave the room when the report of the Head of Finance and Resources was discussed.

Councillors D Mortimer and Pickett requested that their concern about the fairness of the requirement to disclose these interests and to leave the room when the report was discussed, resulting in the remaining membership being non-politically balanced, be recorded.

29. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

30. MINUTES OF THE MEETING HELD ON 9 JULY 2013

RESOLVED: That the Minutes of the meeting held on 9 July 2013 be approved as a correct record and signed.

31. QUARTER 4 COMPLAINTS REPORT AND REVIEW OF COMPLAINTS 2012-2013

Councillor Moss, Cabinet Member for Corporate Services, and Sam Bailey, Research and Performance Officer, presented the complaints report to the Committee. The report also included details of compliments received by the Council during the last quarter.

Councillor Moss commended the report to the Committee. The figures for the last quarter were very good with 97% of Stage 1 complaints responded to in time. The services which had dealt with the highest number of complaints during the last year were as might be expected given the level of customer contact, and included Waste Collection, Housing and Parking Services.

In response to questions by Members, the Research and Performance Officer explained that:

- The complaints management system provided a useful tool to inform/improve service provision.
- The number of complaints to the Council had increased year on year since 2009/10, and making it easier for people to complain did drive up the figures. However, some services had faced particular issues resulting in large numbers of complaints during the past year. For example, Economic Development had received a large

number of complaints as a result of the High Street regeneration work, and if these were excluded there would be a reduction in the overall number of complaints compared to the previous year.

- Whilst it had been thought that Benefits might see an increase in complaints for quarter 1 of 2013/14 as changes to Council Tax Benefit came into effect, the complaints seemed to be directed more towards Revenues with some people having to pay Council Tax for the first time.

The Research and Performance Officer also undertook to provide the following information in the quarter 1 report for 2013/14:

- An update on the action taken in relation to dissatisfied complainants.
- A definition of an "unreasonable or unreasonably persistent complainant".

RESOLVED:

- (a) That the Council's performance in relation to complaints be noted;
- (b) That the compliments received by teams and individual Officers within the Council be noted;
- (c) That the various teams and Officers be thanked for their performance in dealing with complaints during the last quarter, and, in particular, for the reduction in the overall number of complaints received compared to quarter 3; and
- (d) That the following information be provided for the Committee in the quarter 1 report for 2013/14:
 - (i) An update on the action taken in relation to dissatisfied complainants; and
 - (ii) A definition of an "unreasonable or unreasonably persistent complainant".

32. ADJOURNMENT OF MEETING

The meeting was adjourned from 7.00 p.m. to 7.05 p.m. to enable the Officers to check that the webcasting equipment was working properly.

33. COMMISSIONING & PROCUREMENT STRATEGY 2013-16.

Councillor Moss, Cabinet Member for Corporate Services, David Tibbit, Property and Procurement Manager, and Stephen Trigg, Procurement Manager, presented the Commissioning and Procurement Strategy 2013-2016. The proposals had been discussed with the Committee at the formative stage earlier in the year.

It was noted that:

- Previous procurement strategies had supported the Council's strategic plans and visions by focusing on achieving value for money, supporting the local economy, developing best practice in procurement, introducing shared services, incorporating environmental considerations and ensuring compliance with legislation.
- The aim of the new strategy was to continue to develop these practices and policies alongside the introduction of a commissioning approach to the delivery of services. This was in line with the emphasis on the commissioning of services in the Strategic Plan and the requirements of the Social Value and Localism Acts.

During the ensuing discussion, reference was made to the following:

- The need for the Committee to be involved in the discussions regarding the methodology to be used to assess social value and the definition of social value to be used in the community benefit clauses of the procurement documentation.
- The need to keep the Committee fully informed of the assessment methodology to be used to balance the risks associated with engaging smaller local businesses with the requirement to ensure equality of opportunity.
- The potential conflict between the priority of supporting local or smaller businesses and the priority of reducing our carbon footprint where larger firms may have advantages through economies of scale.
- The possibility of linking the action plan to specific items in the Strategic Plan and the Sustainable Community Strategy, and of a note being included in the Strategy to confirm that the savings achieved through the projects listed in section 5 of the document could be substantiated by reference to the accounts of the participating authorities.
- The need to make reference in the action plan to third sector organisations, including social enterprises, given the emphasis now placed on the promotion of social value.
- The need to keep Members informed of the impact of the revised EU Procurement Directives and the action taken by the Procurement Team in response.
- The need to keep Members informed of any difficulties experienced in engaging local suppliers although it was acknowledged that the raising of the threshold for contracts to be let by tender to £75,000 had given the Officers greater scope to use local suppliers subject to them seeking quotations and recording value for money.

- The responsibility of Service Managers for the delivery of services, including monitoring the performance of contactors/providers, taking corrective measures where appropriate and using the experience gained to inform plans for the future.
- The possibility of including a statement in the strategy to the effect that the Council will use lessons learned from past experience to inform its approach to commissioning and procurement in future.
- The difference between project management and contract management, with the project manager being responsible for the delivery of a project and the contract manager being responsible for the delivery of services.
- The Council spent around £19m-£20m per annum on the delivery of services (first sentence of the final paragraph of section 8 of the strategy).

RESOLVED: That the Cabinet Member for Corporate Services be recommended to approve the Commissioning and Procurement Strategy subject to the following:

- (a) The Strategic Leadership and Corporate Services Overview and Scrutiny Committee (the Committee) being involved in the discussions regarding the methodology to be used to assess social value and the definition of social value to be used in the community benefit clauses of the procurement documentation;
- (b) The Committee being kept fully informed of the assessment methodology to be used to balance the risks associated with engaging smaller local businesses with the requirement to ensure equality of opportunity;
- (c) Regard being had to the potential conflict between the priority of supporting local or smaller businesses and the priority of reducing our carbon footprint where larger firms may have advantages through economies of scale;
- (d) The action plan being linked to specific items in the Strategic Plan and the Sustainable Community Strategy, and a note being included in the Strategy to confirm that the savings achieved through the projects listed in section 5 of the document can be substantiated by reference to the accounts of the participating authorities;
- (e) Reference being made in the action plan to third sector organisations, including social enterprises, given the emphasis now placed on the promotion of social value;
- (f) Members being kept informed of the impact of the revised EU Procurement Directives and the action taken by the Procurement Team in response;

- (g) Members being kept informed of any difficulties experienced in engaging local suppliers although it is acknowledged that the raising of the threshold for contracts to be let by tender to £75,000 has given the Officers greater scope to use local suppliers subject to them seeking quotations and recording value for money; and
- (h) The inclusion of a statement in the strategy to the effect that the Council will use lessons learned from past experience to inform its approach to commissioning and procurement in future.

34. USE OF 2012/13 REVENUE UNDERSPEND

Having disclosed Other Significant Interests, the Chairman and Councillors D Mortimer, Nelson-Gracie and Pickett left the room when this item was discussed.

The Vice-Chairman, Councillor Mrs Grigg, took the chair.

Councillors Black and Cuming said that whilst they had put forward proposals for the use of the resources, they did not have disclosable interests in the projects (items 12 - Gatland Park Skateboard Area and 40 - Support for the River Festival). The Head of Finance and Resources advised the Committee that item 40 could be deleted as the event had taken place.

Councillor Garland, the Leader of the Council, said that he shared the concerns expressed about the requirements in relation to the disclosure of interests as the Committee was not a decision making body. The intention had been to involve as many Members as possible in the debate. He suggested that the Committee consider including a review of this aspect of the ethical standards regime in its work programme.

Councillor Garland then introduced the report of the Head of Finance and Resources setting out details of proposals submitted by Members and Officers for the use of the 2012/13 revenue underspend and the balance of the un-used underspend from 2011/12 with a view to the Committee making recommendations to him as to the use of these resources. He said that it was very difficult to plan for either an underspend or an overspend. The resources could remain in balances, but it was considered that they should be put to good use to benefit the community.

The Head of Finance and Resources advised the Committee that a revenue underspend of £0.275m had been reported for 2012/13 which combined with the balance unused from 2011/12 (£0.283m) had resulted in £0.558m being available for use whilst leaving an adequate level of balances. Proposals totalling £2.3m had been received and these had been evaluated against specific criteria intended to support the decent place to live priority, demonstrate community/neighbourhood level involvement and engagement and provide a sustainable local environmental benefit or improvement.

The Committee considered the bids page by page. During the discussion, reference was made to the following:

- Lobbying material had been received in support of the provision of skateboard ramps at Gatland Park.
- A report would be considered by the Planning Committee regarding the proposed Heads of Terms of a S106 agreement to secure contributions to mitigate the impact of application MA/12/2314 on the town centre with the monies being used towards public realm improvement projects in the town centre and to fund the programme of the Maidstone Town Team. The outcome would affect the view taken on items 16 (Environmental Improvements at Gabriels Hill) and 17 (Maidstone Town Team - Ongoing Funding for 24 Months).
- There was a possibility that a S106 contribution had been secured to fund improvements to the River Medway towpath (item 34).

It was suggested that:

- With regard to item 15 (Crematorium Access Gates), there should be a further assessment of the need taking into account increased income from the facility.
- With regard to item 23 (Christmas Light Improvements), a view should be taken on the preferred option having regard to the differential in the technical costs of options 1 and 2 and the potential availability of additional resources contingent on the completion of the S106 agreement relating to MA/12/2314.
- In the event of item 17 going forward, the Leader of the Council should take a view on the inclusion of taxi marshalling at an additional cost of £10,000, in the interests of safety.
- If, following investigation, it is found that item 12 (Gatland Park Skateboard Area) is not to be funded from the Play Area Capital Programme, the Leader of the Council should take a view on this project going forward with funding from the underspends.
- Given its importance, the Leader of the Council should take a view on item 36 (Private Sector Housing - Stock Modelling) going forward with funding from the underspends.
- When considering the proposals, the Leader of the Council should have regard to the fact that the land referred to in item 27 (Land Acquisition - Loose Valley Conservation Society) may not be available in future.
- When considering the proposals, the Leader of the Council should have regard to the ongoing commitment to the projects and possible exit arrangements.

- The Head of Finance and Resources should group connected proposals in future reports.

RESOLVED:

- (a) That the report be noted;
- (b) That all proposed awards in column L of Appendix A to the report of the Head of Finance and Resources be recommended to the Leader of the Council for funding from the revenue underspend 2012/13 and the balance of the unused underspend from 2011/12 subject to the following:
 - (i) Item 15 (Crematorium Access Gates) - A further assessment of the need taking into account increased income from the facility;
 - (ii) Items 16 (Environmental Improvements at Gabriels Hill) and 17 (Maidstone Town Team - Ongoing Funding for 24 Months) - The deletion of these items if funding is secured through the completion of a S106 agreement to mitigate the impact of application MA/12/2314 on the town centre with the monies being used towards public realm improvement projects in the town centre and to fund the programme of the Maidstone Town Team;
 - (iii) Item 23 (Christmas Light Improvements) - A view being taken on the preferred option having regard to the differential in the technical costs of options 1 and 2 and the potential availability of additional resources contingent on the completion of the S106 agreement referred to above; and
 - (iv) Item 34 (River Medway Towpath Improvements) - The deletion of this item if it is found that a S106 contribution has been secured for this work.
- (c) That in the event of item 17 going forward, the Leader of the Council be recommended to take a view on the inclusion of taxi marshalling at an additional cost of £10,000, in the interests of safety;
- (d) That if, following investigation, it is found that item 12 (Gatland Park Skateboard Area) is not to be funded from the Play Area Capital Programme, the Leader of the Council be recommended to take a view on this project going forward with funding from the underspends;
- (e) That given its importance, the Leader of the Council be recommended to take a view on item 36 (Private Sector Housing - Stock Modelling) going forward with funding from the underspends;
- (f) That when considering the proposals, the Leader of the Council be recommended to have regard to the fact that the land referred to in

item 27 (Land Acquisition - Loose Valley Conservation Society) may not be available in future;

- (g) That when considering the proposals, the Leader of the Council be recommended to have regard to the ongoing commitment to the projects and possible exit arrangements; and
- (h) That the Head of Finance and Resources be recommended to group connected proposals in future reports.

35. FUTURE WORK PROGRAMME

The Chairman and Councillors D Mortimer, Nelson-Gracie and Pickett returned to the meeting for consideration of this item.

The Committee considered its future work programme. It was noted that the training on questioning skills was in hand.

The Chairman said that she would raise Members' concerns regarding the requirements in relation to the disclosure of interests with the Officers.

RESOLVED:

- (a) That no changes need to be made to the Committee's work programme at present; and
- (b) That the Chairman should raise Members' concerns regarding the requirements in relation to the disclosure of interests with the Officers.

36. DURATION OF MEETING

6.32 p.m. to 8.40 p.m.