

Cabinet Meeting		Agenda Item 14
Meeting Date	11 March 2015	
Report Title	Cabinet response to the Scrutiny Committee recommendations on MKIP Governance and Communication	
Cabinet Member	Cllr Andrew Bowles, Leader of the Council	
SMT Lead	Abdool Kara – Chief Executive	
Head of Service	N/A	
Lead Officer	N/A	
Key Decision	No	
Classification	Open	
Forward Plan	Yes	
Recommendations	1. Cabinet is asked to agree the response to the Scrutiny Committee's recommendations, as attached in Appendix I.	

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is for Cabinet to formally respond to the formal recommendations of the recent Scrutiny Review of MKIP Governance and Communications.

2 Background

- 2.1 This report responds to the recommendations of the Joint Task and Finish Group (JTFG) which was established to review the governance and communication arrangements of the Mid Kent Improvement Partnership.
- 2.2 The Joint Task and Finish Group (JTFG) was established to:
“consider how the Mid Kent Improvement Partnership’s (MKIP) governance arrangements should be taken forward and how an MKIP communications plan should be developed.”
- 2.3 The review was instigated by a joint meeting of the Maidstone, Swale and Tunbridge Wells Scrutiny Committees on 7 July 2014.
- 2.4 The review was conducted principally through a number of question and answer sessions with a range of Cabinet members and senior officers from the three authorities and/ or external partners. The JTFG also reviewed a number of reports, agendas and minutes of meetings and other papers.

- 2.5 The planning support review is outside the remit of the JTFG; however, a preview summary report was included as part of the evidence base.
- 2.6 The final report of the JTFG was completed on 12 January 2015. The recommendations were received by the Swale Cabinet on 4 February 2015.
- 2.7 In line with Swale’s constitutional rules, Cabinet is required to respond as part of its next cycle of decision making, hence this response being listed for its 11 March meeting.

3 Proposals

- 3.1 The proposed response of the Swale Cabinet to the JTFG recommendations are set out at Appendix I.
- 3.2 In summary, Cabinet are broadly supportive of the recommendations but there are some issues of clarification including:
 - (i) clarifying the distinct roles of Cabinet and Overview and Scrutiny (see responses to recommendations a, b and c);
 - (ii) a concern that the JTFG acted beyond the remit that it set itself by straying into areas and making recommendations relating to the management of MKIP services (see responses to recommendations d, e, f and g); and
 - (iii) a misunderstanding of the role of the Programme Manager (see response to recommendation e) and of the MKIP Board itself (see response to recommendation j).

4 Alternative Options

- 4.1 Each recommendation could have a number of different responses. Those included here are considered to be the most appropriate.

5 Consultation Undertaken or Proposed

- 5.1 The original work of the JTFG was widely consulted upon. These responses have been considered through Cabinet and officer discussions.

6 Implications

Issue	Implications
Corporate Plan	The delivery of effective shared services is key to the ongoing corporate health and financial sustainability of Swale Borough Council.

Financial, Resource and Property	The costs of meeting the recommendations that are agreed with will be met from within existing budgets and staffing resources
Legal and Statutory	There are no specific legal or statutory implications – the MKIP Board is not a decision-making body. However, whilst every attempt will be made to ensure transparency in the work of the MKIP Board, there may be occasions where commercially confidential or personally restricted information will be withheld, in line with Data Protection and Freedom of Information guidelines. In addition, the general principles of access to information will be applied so confidential or exempt information, as defined under the Local Government Act 1972, would not be disclosed.
Crime and Disorder	None.
Sustainability	None.
Health and Wellbeing	None.
Risk Management and Health and Safety	None.
Equality and Diversity	None.

7 Appendices

- 7.1 Appendix I: Cabinet Response to the Scrutiny Committee Recommendations on MKIP Governance and Communications

8 Background Papers

- 8.1 The report of the JTFG as agreed by the joint meeting of the Overview and Scrutiny Committees on 12 January:
<http://services.swale.gov.uk/meetings/documents/s1962/MKIP%20Report.pdf>
and the minutes of that meeting:
<http://services.swale.gov.uk/meetings/documents/g1504/Printed%20minutes%2012th-Jan-2015%2019.00%20Special%20Meeting%20of%20the%20Overview%20and%20Scrutiny%20Committee.pdf?T=1>

Cabinet Response to the Scrutiny Committee Recommendations on MKIP Governance and Communications

<p>Overarching recommendation: That the Overview and Scrutiny Committees for Maidstone Borough Council, Swale Borough Council and Tunbridge Wells Borough Council each request that their individual Cabinets should jointly consider and respond to the following recommendations that have arisen from the joint scrutiny of governance and communications.</p>			
<p>Cabinet response: the MKIP authorities have considered responding jointly, as suggested above, but have decided to respond separately as the recommendations affect each council's governance and communications arrangements in slightly different ways.</p>			
Scrutiny Recommendations	Cabinet Response	Cabinet Member	Lead Officer
MKIP Governance			
a) That opportunities for pre-scrutiny should be provided within existing governance arrangements at each authority prior to any new shared service proposals being considered at a tri-Cabinet meeting (i.e. after MKIP Board consideration, if not before)	<p>Opportunities for scrutiny pre-decision consideration of any Cabinet decision already exist both in law and therefore as part of our constitutional arrangements.</p> <p>Cabinet would of course be pleased to engage with Overview and Scrutiny on any such discussions that they choose to activate.</p>	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive
b) That joint Overview & Scrutiny task and finish groups should be convened by the Overview and Scrutiny Committee(s) of the individual authorities, as necessary, to jointly review any major issues that arise in regard to shared service delivery and also any new options, such as the possibility of contracting to deliver a shared service for an authority outside the partnership	<p>The convening of task and finish groups by Overview and Scrutiny is a matter for Overview and Scrutiny, and not for Cabinet.</p> <p>However, Cabinet would of course be pleased to engage with Overview and Scrutiny on any such discussions that they choose to activate.</p>	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive
c) That the MKIP Board will notify the Overview and Scrutiny functions of each authority when there are potential items of interest that a joint task and finish group	<p>It is for Overview and Scrutiny to consider the potential items that it wishes to review, and it is not for Cabinet to presume what they might be.</p>	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive

could review on their behalf	Having said that, see the response to item (m) below, where the proposal is to place those MKIP Board papers that are not subject to commercial or personal confidentiality issues on an accessible part of the Swale intranet for Overview and Scrutiny members to review as they see fit.		
d) That the creation of the Mid Kent Services Director post should be favourably considered in light of the value already placed on this role by members of the Shared Services Boards and others, as it provides a single point of contact for the MKIP Board and Mid Kent Service Managers;	<p>This recommendation strays beyond the remit of the Joint Scrutiny Task and Finish Group as set out in its initial scoping report¹ – in particular this is a recommendation related to management issues.</p> <p>Having said that, we are clear that it will be appropriate to review the position of the MKSD at the agreed time and on an evidential basis, in light of the report due from the independent review group that has been set up, chaired by Zena Cooke from Maidstone BC, and of course taking into consideration the resources available to fund the post.</p>	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive
e) That the role of the MKIP Programme Manager should be re-examined and aligned with the reporting arrangements arising from the appointment of a Mid Kent Services Director (if the post is confirmed);	<p>Again, this is a recommendation related to management issues and not issues of governance or communications.</p> <p>Having said that, the post of the Programme Manager has been designed since its inception to largely support the 'client' side of the MKIP arrangements, in particular the MKIP Board, the MKIP Chief Executives, and latterly the improvement in effective working of the Shared Service Boards.</p> <p>The necessity for this role is unaffected by the appointment of the MKSD role.</p>	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive
f) That early consideration should be given to transferring the management of the Planning Support and Environmental Health shared services under the Mid Kent Services umbrella as soon as	<p>Again, this is a recommendation related to management issues and not issues of governance or communications.</p> <p>Having said that these services are hosted/led by Maidstone and Tunbridge Wells BCs respectively, and therefore the line management location of these services are in law a matter</p>	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive

¹ The terms of reference were stated as: Governance arrangements; Seeking clarity on the role of O&S to be able to scrutinise the decisions of the MKIP Management Board, if it so wished; The objectives of the Mid Kent Services Director and how these would be measured; and Communication.

possible	<p>for those authorities to determine, rather than ourselves.</p> <p>However, we work closely in partnership with both authorities, and so would expect to continue to have meaningful and positive discussions with them about the most appropriate management arrangements for both of these services.</p>		
g) That a toolkit is created to assist managers in their role as internal clients of shared services	<p>Again, this is a recommendation related to management issues and not issues of governance or communications.</p> <p>Having said that, we would support the sharing of good practice for those officers who are acting as client-side managers. To a great extent this is already happening through the maturing of the Shared Service Boards and the role of the MKSD.</p>	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive
h) That (where appropriate) shared services create a service catalogue for their service that will help internal clients to better understand the extent of the service they provide.	<p>Cabinet is clear that it is for the client side of any service to explicitly specify the range, scope, scale, and quality of service that it wishes to receive from its respective shared service, and for the shared service to be clear about what the cost for that would be.</p> <p>This process is formally followed each year as part of agreeing the annual Service Level Agreement and Service Plan.</p>	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive
Communication			
i) That a joint communications plan is developed to improve staff and member awareness and understanding of MKIP (shared service development) and MKS (shared service delivery);	<p>Cabinet support this recommendation.</p>	Councillor Andrew Bowles, Leader	Emma Wiggins, Head of Economy and Communities
j) That the MKIP Board has responsibility for the effective implementation of an agreed communications plan and ensures its delivery is resourced appropriately	<p>It is right that the MKIP Board would take an overview of the creation and implementation of the communications plan, but the aim must be to keep the MKIP Board working at a strategic and forward-looking level.</p> <p>Therefore, implementation will in practice be actively</p>	Councillor Andrew Bowles, Leader	Emma Wiggins, Head of Economy and Communities

	monitored by the MKIP Chief Executives, and day-to-day implementation will be led by the MKIP Programme Manager.		
k) That communication should be improved between the newly created Shared Service Boards and the MKIP Board to ensure the latter is fully aware of any major service issues and any suggested options for change	The relatively new reporting format that escalates issues from the shared services boards to the MKIP Board is working well, and we consider that it is already fulfilling this function.	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive
l) That client representatives on the Shared Service Boards should ensure the outcomes of their meetings, including any related direction coming from the MKIP Board, are effectively cascaded to relevant staff within each authority	Cabinet supports this recommendation, but considers that this is already largely the case at Swale BC, with an update provided after every Shared Service Board by the client side Director.	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive
m) That future MKIP Board meetings should be held and papers published in accordance with the appropriate local authority access to information regulations.	Cabinet agrees that MKIP papers should be afforded the same degree of openness as the Access to Information legislation requires. However, we do not wish to add unnecessary bureaucracy and extra costs to our already stretched Democratic Services Team. Therefore, this may best be achieved by placing those MKIP Board papers that are not subject to commercial or personal confidentiality issues on an accessible part of the Swale intranet for Overview and Scrutiny members to review as they see fit.	Councillor Andrew Bowles, Leader	Abdool Kara, Chief Executive
Corporate Governance			
n) That, given the change in governance arrangements at Maidstone BC from May 2015, consequential amendments be made to reflect that the Overview and Scrutiny function will be absorbed within the Policy and Resources and three other service committees.	Not applicable to Swale BC.	N/A	N/A