

MINUTES of the meeting of the **COUNCIL OVERVIEW & SCRUTINY COMMITTEE** held at 3.15 pm on 16 June 2014 at Council Chamber, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting on Wednesday, 2 July 2014.

Members:

- * Mr Nick Skellett CBE (Chairman)
Mr Eber A Kington (Vice-Chairman)
Mr Mark Brett-Warburton
- * Mr Bill Chapman
Mr Stephen Cooksey
Mr Bob Gardner
Dr Zully Grant-Duff
- * Mr David Harmer
Mr David Ivison
- * Mrs Denise Saliagopoulos
Mr Chris Townsend
- * Mr Richard Walsh
- * Mrs Hazel Watson
- * Mr Keith Witham
Mrs Victoria Young

Ex-officio Members:

Mr David Munro, Chairman of the County Council
Mrs Sally Ann B Marks, Vice Chairman of the County Council

Substitutes:

- * Denis Fuller
- * Colin Kemp
- * Fiona White
- * Richard Wilson

* = present

50/14 DECLARATIONS OF INTEREST [Item 2]

There were no declarations of interest.

51/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Mark Brett-Warburton, Stephen Cooksey, Bob Gardner, Zully Grant-Duff, David Ivison and Eber Kington.

Denis Fuller substituted for Zully Grant-Duff, Colin Kemp substituted for Mark Brett-Warburton, Fiona White substituted for Stephen Cooksey and Richard Wilson substituted for Bob Gardner.

52/14 CALL-IN OF CABINET DECISION: GRANT CRITERIA AND FUNDING OPPORTUNITIES GUIDE [Item 3]

Declarations of interest: None

Witnesses:

Mel Few, Cabinet Member for Adult Social Care
Denise Le Gal, Cabinet Member for Business Services
Jeremy Taylor, Procurement & Commissioning Partnership Officer
Christian George, Category Manager
Sarah Baker, Group Manager (Children, Education and Adults Group)

Key points raised during the discussion:

1. The Chairman explained that the item on Grant Criteria and Funding Opportunities Guide had been called in due to two concerns of Members; those being that there was not enough emphasis on the Family, Friends and Community Support programme (FFCS) and a need for clarification regarding the disclosure of Members interests in the guidance.
2. The Cabinet Member for Business Services stated that the wording for an amendment to the report had been agreed between senior officers and Members, with the approval of the Leader. However, Cabinet Members had felt that the wording was too specific and that it was not appropriate to single out Adult Social Care, in addition there were concerns that the FFCS programme may change its name in future. By changing the wording of the amendment to relate to the Corporate Priorities it was felt that more applications could be considered, many of which would relate to Adult Social Care.
3. The Category Manager from Procurement explained that the criteria was a high level document, and there was a feeling that they did not want to concentrate on FFCS as there were additional good areas which deserved funding, including children's. When using the criteria officers would work with senior officers, portfolio holders and possibly local Members to consider applications. In addition, officers would be provided with training to ensure the process was robust and the best outcomes were met.
4. Members of the Committee raised concerns that Adult Social Care would be unable to meet the demands of the budget and that they wanted to ensure that grants were available for FFCS, as savings within the budget were predicated on FFCS being successful. It was felt that wording could be added to the document which covered an eventuality where the name of the FFCS programme was changed. Furthermore, the wording of the amendment relating to FFCS could include 'where appropriate'.
5. The Council awarded £40 million of grants to the voluntary sector and it was felt by Members that due to FFCS being worth £35 million in the next four years it was important that some focus was given to this area within the criteria.

6. The Committee was informed that the paper came under Procurement, but that the Cabinet Member for Community Services was in support of what Cabinet agreed.
7. The Cabinet Member for Business Services expressed concern that the Committee were sceptical that Adult Social Care would be able deliver to the set budget but stressed that it was for the directorate to deliver. However, the Cabinet Member did confirm that officers would be trained to identify grant applications relating to Adult Social Care and to prioritise them.
8. The Cabinet Member for Adult Social Care confirmed that the directorate was aware of and fully focused on making the necessary savings. The Committee were also informed that the directorate was in the process of moving grants over to contracts to ensure that there were measurable and specific outcomes.
9. Some Members were concerned that having a specific reference to FFCS would cause other voluntary organisations to not apply and felt that having a more general reference to Corporate Priorities would be beneficial.
10. The Chairman stated that FFCS was fundamental part of the financial wellbeing of the Council, and that it was necessary to build capacity and identify this area specifically within the grant criteria. Furthermore it was also important to ensure that the FFCS programme was being publicised. The Cabinet Member for Business Services assured the Committee that awareness of the FFCS programme and grant criteria could be raised without putting reference to it in the document.
11. The Category Manager stated that the Adult Social Care directorate was focussed on imbedding the FFCS programme however the grant criteria was aimed to be a high level document, and thus it was felt that it would be inappropriate to list all priority areas of the Council.
12. The Chairman queried how the Cabinet proposed to implement the decision to support the Council Overview and Scrutiny Committee recommendation at the meeting on 25 March 2014.
13. It was felt that it was important that the voluntary sector was supported and that they were aware of the assistance available. In addition, it was important that officers communicated with one another, and voluntary organisations, to assist in the delivery of this programme.
14. Proposed wording for the amendment was circulated, and this was voted upon by the Committee. Seven Members voted for the amendment and three against. The proposed wording being as follows:

“Where appropriate, officers should ensure that any grants awarded are aligned to the Council’s Corporate Strategy, and in particular with, and in support of, the objectives of the Family, Friends and Community Support Programme. Senior Managers in Adult Social Care will have

access to the details of grants awarded to aid the implementation of the Family, Friends and Community Support Programme.”

15. The Committee considered the second part of the call-in of the decision regarding the lack of clarity with regards to Members' interests. The Chairman clarified that the reference to section 3.2.7 on page 17 of the agenda pack, should read 3.5.7.
16. Members felt that the guidance in the document went beyond the requirements of the Localism Act, and the signing of a confidentiality agreement as stated in 3.5.7 duplicated the Members' Code of Conduct.
17. The Group Manager stated that the conflicts of interests which were being referred to were not necessarily the pecuniary interests usually required to be declared. An example given was if a Member of a grant decision panel was also a governor of a school applying for a grant. In that situation it was felt that it would not be appropriate for the Member to take part in the discussion.
18. Members expressed concern that there would be difficulty in finding Members to sit on grant panels as many worked with community groups. In addition, the wording in section 3.5.7 regarding not taking part in an organisation for the life of the grant would cause further difficulty. The Group Manager clarified that if the Member did not take part in the grant decision discussion then they would not be required to resign from their post in the organisation.
19. The Chairman of the Council further stated that Members should be trusted to use their own discretion in these occasions, and that a light touch approach would be preferable. It was felt that requirements stated within the document went beyond the Code of Conduct.
20. The Category Manager informed the Committee that the aim was to move grants to become contracts where appropriate, which would make them more commercial and transparent. The aim of the guidance was to protect Members by ensuring they disclosed any possible conflicts of interests.
21. The Procurement & Commissioning Partnership Officer clarified that the guidance was aimed more at members of evaluation panels who were not County Councillors.
22. It was felt that more clarification was required with an additional paragraph which clarified Members' position and requirements with regards to declaring interests. The wording of this would be agreed by Legal Services after consultation with the Chairman and the Cabinet Member for Business Services. In addition, the wording "also" be included in section 1.5.3 paragraph two as suggested in appendix 4.

Recommendations:

- (a) That the following addition be made to the core requirements section of the Grant Criteria and Funding Opportunities Guide to

ensure that, where grants are made in relation to Adult Social Care, the objectives of the current Family, Friends & Community Support programme are fully considered and applied where appropriate:

‘Where appropriate, officers should ensure that any grants awarded are aligned to the Council’s Corporate Strategy, and in particular with, and in support of, the objectives of the Family, Friends and Community Support Programme. Senior Managers in Adult Social Care will have access to the details of grants awarded to aid the implementation of the Family, Friends and Community Support Programme.’

- (b) That an additional paragraph be included in the Guide to clarify the specific responsibilities in relation to disclosures of interests and the signing of confidentiality agreements for councillors serving on evaluation panels: the wording to be agreed by Legal Services in consultation with the Cabinet Member for Business Services and the Chairman of the Council Overview & Scrutiny Committee.
- (c) That the first sentence of the second paragraph of section 1.5.3 of the Guide be amended by the addition of the word ‘also’, to read ‘Conflicts of interest can also arise...’.

Actions/further information to be provided: None.

Committee next steps: None.

53/14 DATE OF NEXT MEETING [Item 4]

The Committee noted the next meeting of the Council Overview and Scrutiny Committee would be on 2 July 2014 at 10.30am.

Meeting ended at: 4.35 pm

Chairman