

DURHAM COUNTY COUNCIL

At a Meeting of **Corporate Overview and Scrutiny Management Board** held in **Committee Room 2 - County Hall, Durham** on **Tuesday 22 October 2019** at **9.30 am**

Present:

Councillor R Crute (Chair)

Members of the Committee:

Councillors E Adam, R Bell, J Chaplow, M Clarke, P Jopling, L Maddison, J Makepeace, R Manchester, C Martin, C Potts, E Scott (substitute for A Hopgood), H Smith, F Tinsley, J Turnbull and M Wilkes

Also in attendance:

Councillor J Considine

1 Apologies for Absence

Apologies for absence were received from Councillors A Batey, D Boyes, A Hopgood, B Kellett, H Liddle, O Milburn, J Robinson, J Rowlandson, A Savory, A Shield and A Willis.

2 Substitute Members

Councillor E Scott substituted for Councillor A Hopgood.

3 Minutes

The minutes of the meeting held 13 September 2019 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no Declarations of Interest.

The Chair noted that Items 5 and 6 as set out on the agenda would be taken in reverse order, the Quarter One report followed by the Annual Review.

5 Council's use of Powers under the Regulation of Investigative Powers Act 2000 - Quarter One 2019/20

The Board considered a report of the Head of Legal and Democratic Services which informed Members about the Council's use of powers under the Regulation of Investigatory Powers Act ('RIPA') during the period 1 April 2019 until 30 June 2019 (Quarter One) to ensure that it is being used consistently with the Council's policy and that the policy remains fit for purpose (for copy see file of minutes).

The Governance Solicitor advised that there had been no RIPA Directed Surveillance and Covert Human Intelligence Surveillance authorisations during Quarter One. The Governance Solicitor reported that an investigation from Quarter Four was ongoing and details would be reported at a future meeting.

Resolved:

That the quarterly report on the Council's use of RIPA for the period 1 April 2019 until 30 June 2019 be received and note that it is being used consistently with the Council's policy and that it remains fit for purpose.

6 Regulation of Investigative Powers Act 2000 - Annual Review of the Council's use of Powers

The Board considered a report of the Head of Legal and Democratic Services which provided information about the Council's use of powers under the Regulation of Investigatory Powers Act 2000 ('RIPA') during the period 1 April 2018 until 31 March 2019 and to notify Members of the work in terms of recent changes in the law relating to investigatory powers (for copy see file of Minutes).

The Governance Solicitor, noted a reduction in the use of RIPA year on year, this trend was explained by the effective use of non-RIPA methods when carrying out investigations. The Governance Solicitor explained that the recent changes in legislation regarding investigatory powers had been incorporated in to Council policies and procedures, including: a re-constituted RIPA Officers Group; training for Officers; and a review of the Council's Corporate Guidance on RIPA.

Councillor E Adam asked as regards alternative techniques, what they were and how successful.

The Governance Solicitor noted that she did not have specific details, however, she could confirm a decrease in the use of RIPA while there was an increase in the number of prosecutions being dealt with by Legal

Services. The Governance Solicitor explained that this demonstrated that all alternatives were exhausted before the use of RIPA as part of an investigation.

Resolved:

- (i) That the annual report on the Council's use of powers under RIPA be received; and
- (ii) That the update to RIPA Corporate Guidance to reflect current legislation and best practice, be noted.

7 Update on the Delivery of the Medium Term Financial Plan 9 - Quarter One 2019/20

The Board considered a report of the Director of Transformation and Partnerships which provided an update on the progress made on the delivery of the 2019/20 Medium Term Financial Plan (MTFP9) (for copy see file of Minutes).

The Head of Transformation, Andy Palmer noted that paragraph 20 referred to "without an EIA screening", he explained that such screening had now taken place.

Councillor M Wilkes noted that £8 million had been saved in quarter one and asked if there was any indication as regards any additional saving made by achieving those savings early. The Head of Transformation noted that as budgets were made in advance of the year it was not surprising that there had been a 77 percent saving in quarter one. He noted that rather than thinking of the savings as being made in advance, the profile of savings was that which had been planned, any potential windfall would be as per normal budget management.

Councillor R Bell asked as regards paragraph 12 of the report, with reference to MTFP10 proposals being on track for Cabinet and asked how this fitted with the usual series of meetings relating to annual budget setting, noting he felt it was being considered very late. The Head of Transformation noted the budget would be considered in February, at meetings of Cabinet, Council and Overview and Scrutiny. He added he would clarify as regards the timetable.

Councillor L Maddison entered the meeting at 9.46am

Councillor R Bell noted he felt the process was very compressed in terms of time to look at the budget. The Chair noted that it was very important for the involvement of the Corporate Overview and Scrutiny Management Board in this matter.

Resolved:

- (i) That the content of the report and amount of savings delivered during Quarter One of the MTFP9 be noted.
- (ii) That the progress on MTFP10 proposals be noted.

8 Welfare Reform and Poverty Issues

The Board received a report of the Director of Transformation and Partnerships which provided an update on Welfare Reform and Poverty Issues (for copy see file of minutes).

The Strategic Manager - Executive Support, Kevin Edworthy noted he and Policy and Executive Support Manager, Emma Gardner were in attendance to speak to Members in relation to the report considered by Cabinet on 19 September 2019 which included: the implications of the Government's welfare reform programme and impacts on the County; progress with the Council and Partners' efforts to address and alleviate poverty; and the development of the Poverty Action Strategy and Plan, including the work of the Poverty Action Steering Group.

The Strategic Manager - Executive Support noted several policy developments since the last update that had been received at Cabinet, highlighting: a delay in the roll out of Universal Credit; the reversal of the decision to bar 18 to 21 year olds from receiving housing benefit; and access to free sanitary products for all girls attending secondary schools from this year and primary schools from next year. He added that it was difficult to assess the impact in terms of welfare reform policy and wider economic trends associated with the recession, recovery and Brexit. He explained that a bone of contention was the Government not having carried out Cumulative Impact Assessments in terms of welfare reform, though Government had noted that experimental statistics would be made available in the latter half of 2020.

The Strategic Manager - Executive Support informed the Board that initial estimates in 2012 were for 109,500 households to be affected by the roll out of Universal Credit, and that this had now been revised downward to 85,400 with 63,200 households yet to migrate to Universal Credit. He noted as regards increasing poverty rates in all age groups, except older people with that being in part as due to the protection afforded to pensioners within the welfare changes.

Councillor J Chaplow left the meeting at 9.53am

The Strategic Manager - Executive Support noted an increase in the use of food banks in the County, an increase in shoplifting, and an increase in the number of Public Health funerals.

The Policy and Executive Support Manager explained as regards the Poverty Action Steering Group (PASG), with the Council working with the community and voluntary sector (CVS), Area Action Partnerships (AAPs) and the newly established Advice in County Durham (AiCD) partnership. She explained that the PASG followed from the Welfare Reform Steering Group, however, the scope widened to include poverty issues in 2015, resulting in the Poverty Action Plan in October 2015.

The Policy and Executive Support Manager noted paragraph 109 of the report set out a number of key points of progress and successes to date, linked to the five themes set out within the Poverty Action Plan. She highlighted successes that included: the AiCD partnership having helped over 11,500 residents; AAPs helping, via their discretionary funds, 80 welfare and poverty related projects with over 21,000 beneficiaries in areas such as 'holiday hunger'; 9,100 residents helped in terms of fuel poverty; and collaboration with local foodbanks, including donations from Council staff.

The Policy and Executive Support Manager explained that a review of the Poverty Action Plan had been undertaken by the PASG earlier in the year, involving the County Durham Partnership, AAPs and Council services. It was reiterated that the new Strategy, underpinned by the Action Plan, was agreed in September 2019. She explained that many actions had been mainstreamed and accordingly the revised Action Plan focussed on new actions, as set out in the appendices to the report. Members were asked to note the work with Business Durham in terms of the 'Durham Living Wage' and the work with Health, Social Care and Housing staff in terms of getting welfare advice out to residents. The Policy and Executive Support Manager referred to the "My Future is Durham" initiative with schools and colleges to raise aspirations of young people and reiterated the importance of the activities and food offer during school holidays for those in need.

The Chair thanked the officers for their report and summary, noting a somewhat bleak picture in terms of the impact of Welfare Reform. He acknowledged the work of the PASG and noted the thanks of the Board for their efforts.

He added that he felt the impact was felt hardest by those worst off and that the impact of Welfare Reform and wider austerity had yet to be fully picked up. He asked Members for their comments and questions.

Councillor F Tinsley referred to paragraph seven of the report, referencing around 85,000 people to be impacted by Universal Credit and asked if the 63,000 yet to migrate to Universal Credit were part of that 85,000. The

Strategic Manager - Executive Support noted they were. Councillor F Tinsley noted 240,000 pensioners within the County, with around half impacted. He added that only one region within the Czech Republic having a lower GDP than County Durham and three areas in Romania having a higher GDP. He noted that County Durham was falling behind in a dramatic way and added he felt it was incredible that Equality Impact Assessments had not been undertaken.

The Chair noted the links between Welfare Reform, austerity and employment and referred to research carried out by The Centre for Regional Economic and Social Research at Sheffield Hallam University and the Coalfield Regeneration Trust entitled: "The State of the Coalfields 2019".

Councillor R Bell referred to the planned migration for all new claims and those with a change in circumstance to Universal Credit following a pilot in Harrogate in 2020. He asked when the rollout would be for Durham. The Policy and Executive Support Manager noted the rollout was underway and there had been attempts to get some insight from the Department of Work and Pensions (DWP) in relation to this, however, no information had been received. The Chair added that moving from six benefits into a single benefit also muddied the waters somewhat in being able to assess whether there were actual improvements. The Policy and Executive Support Manager commented on the difficulty with statistics, reiterating there was experimental data as mentioned. Councillors asked if Harrogate Borough Council had been approached for any information on this. The Policy and Executive Support Manager noted no information had been received from Government, DWP, Harrogate Borough Council or JobCentre Plus. The Chair suggested approaching the local authority again. The Policy and Executive Support Manager added that the DWP had highlighted County Durham as an exemplar, having very good plans in place to help support residents in terms of being able to carry out the large numbers of managed migration within a short space of time.

Resolved:

That the progress being made by the Council and its Partners in addressing Welfare Reform and the wider poverty issues in the County, including the updated Poverty Action Strategy and Poverty Action Plan included in the report be noted.

9 Quarter One 2019/20 Customer Feedback

The Board considered a report of the Corporate Director of Resources, which presented for information the Members Customer Feedback: Complaints, Compliments and Suggestions report for Quarter One, 2019/20 (for copy see file of Minutes).

Councillor E Scott left the meeting at 10.27am

The Chair referred to page 119 of the agenda pack, and the number of statutory complaints for Children and Young People's Services increasing while the number for Adult and Health Services was decreasing. He asked if there was any further information about this. The Customer Relations Team Manager, Victoria Murray stated the issue would require further investigation, and she would bring back further information to give a comprehensive overview next time.

Councillor E Adam referred to page 113 of the agenda pack and the infographic relating to Do it online and asked if there were any statistics of Members' usage, with Members utilising their Members' Portal to deal with case work and requests from residents. The Customer Relations Team Manager noted she would drill down to look at this element for the next report. She highlighted that overall the trend was of reducing use of telephony and face-to-face contact with increasing use of online services. Councillor E Adam noted it would also be useful to include feedback from Members on their experience of use of the Members Portal, the Chair noted this was an area the Portfolio Holder for Corporate Services and Rural Issues, Councillor A Patterson was looking at.

Councillor M Clarke asked at what rate the 135,000 Do it online accounts were growing and what strategy we had to drive the numbers. The Customer Relations Team Manager noted it was a positive trend, and more information would feature in the next report. She explained there were a number of different ways customers could access the Do it online accounts. Customers could attend a customer access point (CAP) where there were a number of self-serve PCs and there were tablet devices at the Seaham CAP for customer use. She added there was also the ability to show customers how to use the online features from their own device, signing up to and accessing the system. Members noted that in conversations with customers they are asked if they are aware of the ability to use Do it online. The Customer Relations Team Manager added that the Council's social media updates directed customers to Do it online. Voice recognition systems are in place to ask questions and direct to the relevant online form options, with a possibility of being able to send the relevant link to a customer's smartphone. She explained to the Board that there was a webchat option, and the many technical options were to promote choice and to help provide responses to customers.

Councillor J Turnbull commented he had received some complaints from residents about Do it online, for example a request about highways had resulted in an answer stating the area was not Council owned land and the customer should contact the Land Registry. He felt that this was not correct,

and the issue was one for the local authority to deal with. The Customer Relations Team Manager explained that there had been some issues with the Graphical Information System (GIS) although it could identify which housing association land did belong to. She added she would welcome any specific examples that could help shape and improve the process.

Councillor J Makepeace noted 60 percent of complaints referred to waste collections and he felt there had not been an improvement in the situation. He gave an example where a box containing glass for recycling was placed inside the top of a bin to prevent it blowing over in strong winds and this resulted in the recycling not being taken. He said he had not been able to get in touch with the Head of Environment. He added that difficulties arose with a transient population and didn't think that education on recycling was just the answer. He added that there was a £16 charge for bulky items, and it appeared as if people were required to drag items into the street at midnight to conform to the requirements about leaving rubbish out. Councillor J Makepeace said he did not feel there was any progress in his division.

The Customer Relations Team Manager responded by saying there was an ongoing challenge with waste collection, however the complaints represented 0.01 percent of the total number of collections and the service was performing well. She noted there were nuanced challenges in each area based on geography, house types and so on. She added there had been a focus on contamination and there was work with crews in order to be able to target resources at specific problems. She noted she would be happy to speak to Councillors on specific issues. Councillor J Makepeace replied that he could not go back to residents experiencing problems and simply say the percentage of problems was low. The Chair commented that in his division there were a number of empty private sector houses, and this could lead to issues and that the conduit would be to report via the Customer Relationship Management (CRM) system.

The Customer Relations Team Manager stated that members were encouraged to report all issues, to be able to gather information on identifying hot-spots. Councillor J Makepeace noted he had regular walks around his division with Councillors, Neighbourhood Wardens, officers from the Police and Fire Service and asked was that not reporting? The Chair suggested Councillor J Makepeace could speak to the Customer Relations Team Manager outside of the meeting on any specific issues. Councillor E Adam noted that the Head of Environment was very active, and he found it easy to get in touch with him.

He added that he would be happy to help liaise if required and noted that the meeting of the Environment and Sustainable Communities Overview and

Scrutiny Committee on 4 November would look at fly-tipping and issues could be raised at that meeting as appropriate.

Councillor M Wilkes commented that all Members had issues in their areas and many Council staff were out and about in the County and understood the issues. He added that the 915 compliments received made a strong point in that the Council did do some very good things and he felt this was worth highlighting. The Chair agreed, noting it was important to recognise such good work.

Councillor L Maddison agreed in general with the points made by Members, and her experience was that any issues she reported were acted upon quickly. She however, gave an example where a customer was advised that if a mattress was scheduled for collection it must not be wet or it would not be taken. She queried how this could work in practice as the weather was becoming more inclement as the year progressed.

Councillor J Makepeace left the meeting at 10.47am

Councillor M Wilkes said he believed this was a health and safety issue, as the weight of a sodden mattress was considerable, and therefore it was preferable to place it out for collection on the morning.

Councillor F Tinsley noted he welcomed 'Do it online' but reminded all that there would always be a number of people, for example older persons, that may not be able to use online services. He felt that it was important that staff use their discretion and help direct people towards the most appropriate contact method for them.

Resolved:

That the content of the report be noted.

10 Quarter One 2019/20 Performance Management

The Board considered a report of the Director of Transformation and Partnerships which presented progress towards achieving the key outcomes of the Council's corporate performance framework (for copy see file of minutes).

The Corporate Scrutiny and Strategy Manager reported the key performance messages for the quarter by priority theme. The Chair thanked the Corporate Scrutiny and Strategy Manager for the report and all the reports considered by each of the thematic Committees.

Councillor J Makepeace entered the meeting at 11.08am

Councillor R Bell referred to page 139 of the agenda pack under the Altogether Wealthier theme, specifically the LEADER Programme relating to the Dales and Coast. He asked if information on that Programme was reported at the Economy and Enterprise Overview and Scrutiny Committee and if it was not, could it be, as he felt it would be very interesting and commented the programme had struggled in terms of visibility. The Chair confirmed that the issue was one considered by the Economy and Enterprise Overview and Scrutiny Committee, when looking at wider EU funding issues and the economy of the coast and North Pennines. He added that advice from the relevant officers would be given relating to any specific LEADER Programme. Councillor M Clarke, Chair of the Economy and Enterprise Overview and Scrutiny Committee said he would speak to the relevant Scrutiny Officer about when item would be discussed within the Committee's Work Programme and liaise with Councillor R Bell.

Councillor C Martin referred to the numbers of apprentices at the Council and asked if we had data on how many progressed to employment following completion of their apprenticeship. The Head of People and Talent Management, Alison Lazizzera confirmed there was a 72 percent retention rate for apprentices within the Council, with the remainder moving on to jobs elsewhere or leaving for personal reasons. She added in some cases apprentices can move on to employment outside of the council prior to completion of their apprenticeship. The Chair commented that the retention rate was very impressive.

Councillor E Adam referred to page 146 of the agenda pack, relating to the percentage of Education, Health and Care Plans (EHCPs) completed within 20 weeks. He asked what actions were being taken to address the 64 percent of plans completed which was considerable lower than the target of 90.

Councillor H Smith, Chair of the Children and Young People's Services Overview and Scrutiny Committee stated that EHCPs were multi agency plans and there were some delays from the NHS, although they were looking at how to improve local authority input. The Chair added that the Elective Home Education Working Group had also noted the issue.

Councillor M Wilkes referred to page 197 of the agenda pack, and Performance Indicator 109 relating to the percentage of relevant land and highways assessed as having deposits of detritus that fall below an acceptable level. He asked, given that the current percentage of 16.22 was much higher than the level of 4 percent in 2011, what impact was there in terms of cost and risk in relation to drains flooding and was this a consequence of cut-backs in this area. The Chair asked if it was possible for

such links to be drawn and the Corporate Scrutiny and Strategy Manager indicated he would look at the long-term trend and refer it to the service for them to consider if there was a business case for a new road sweeper.

Resolved:

That the Board considers the overall position and direction of travel in relation to quarter four performance, and the actions being taken to address areas of underperformance.

11 Attendance Management

The Board considered a report of the Corporate Director of Resources which provided an update on progress against recommendations from the Scrutiny Review of Attendance Management (for copy see file of minutes).

The Head of People and Talent Management referred Members to the development plan and recommendations from the review, noting that regular updates had been provided to the Corporate Management Team (CMT), and that CMT and Service Heads were kept up-to-date as regards any hotspots or issues. She explained the report and appendix two set out the action plan updates and progress that had been made.

The Chair noted the statistics set out on page 212 of the agenda pack and asked if there was comparison data with the Council's nearest statistical neighbours. He suggested issues such as outsourcing of the Direct Labour Organisation (DLO) at these other authorities could affect a direct comparison. The Head of People and Talent Management commented that not all authorities in the region reported their statistics in the same way and for the next update the make-up and functions undertaken by those authorities could be set out.

Councillor M Wilkes commented that a lot of good work that had been carried out, however he noted that the average sickness absence was 10.2 days at Durham County Council. This was only a reduction of 0.25 days in 10 years. He remarked that 60 percent of staff did not have days off sick and he felt that there was a lot of extra pressure on those staff. Councillor M Wilkes noted the situation in terms of return to work interviews, with the report stating they were critical in terms of challenging short-term absence however figures showed 134 had not received their interview. He felt the figure should be as close to zero as possible.

Councillor M Wilkes expressed concern that approximately 240 managers had not received the attendance management training.

Councillor M Clarke left the meeting at 11.41am.

He added that with around 20 percent of managers not trained after three years, he felt this was unacceptable. Councillor M Wilkes referred to paragraph 61 of the report, which set out a quotation of approximately £260,000 for use of an external health advisor for employees to report their absence. He asked, given the cost of sickness absence to the authority why we would not choose to take up the option, what were projected savings and benefits and did any other local authorities use the system with any success.

The Head of People and Talent Management replied she did not have that level of detail to hand, however she said that the emphasis and focus was on managers to control sickness absence. She added it was felt that engaging an external company would remove the human element and take away from the role of the manager. Councillor M Wilkes asked if the goal was for managers to control then why had 240 managers not yet received sickness management training. The Head of People and Talent Management confirmed she would look at the issue.

Councillor R Bell noted, following on from the points made by Councillor M Wilkes, that where managers do control sickness absence it was working and was successful. He asked about recent changes to granting more compassionate leave and what effect that had on sickness absence. The Head of People and Talent Management responded it was too early to say as it had been a very recent change. Councillor R Bell asked what the maximum time off was, in terms of compassionate leave. The Head of People and Talent Management replied it was five days for an emergency or death of a partner and three days for the death of a close relative. Councillor R Bell commented it would be useful to include the compassionate leave figures in future reports. The Head of People and Talent Management noted the figures were not huge proportionally.

Councillor F Tinsley noted that average sickness absence was less than a 13-day average for the civil service. Councillor M Wilkes commented that the 2018 data showed an average of 6.9 days, down from 10.1 days in 1999.

Councillor L Maddison suggested the pressure on staff in some services, such as social services, was more than in other areas. She commented that understanding the cost of those absences and covering such roles with the relevant professionals was important. She added it was therefore important to have a breakdown by service in order to look at the cost to the Council in those terms. The Board agreed.

Resolved:

- (i) That the progress update on the recommendations of the Scrutiny Review of Attendance Management be noted.

- (ii) That the work to date on improving attendance management within the Council by way of robust management in accordance with the Attendance Management Policy / HR interventions and associated actions.

12 Update in relation to Petitions

The Board considered a report of the Head of Legal and Democratic Services which provided information on the quarterly update in relation to the current situation regarding various petitions received by the authority (for copy see file of minutes).

The Senior Committee Services Officer, Michael Turnbull advised that since the last update nine e-petitions had been submitted, four had been rejected. It was added that four paper-based petitions had also been received and all of which had been closed.

Resolved:

That the content of the report be noted.

13 Notice of Key Decisions

The Board considered a report of the Head of Legal and Democratic Services which provided a list of key decisions that were scheduled to be considered by the Executive (for copy see file of minutes).

The Senior Committee Services Officer informed the Board that the following were new to the plan and associated timescales:

- Update on Planning of Budget and Development of Service Plans - Analysis of Comprehensive Spending Review/Autumn Statement;
- Update on Planning of Budget and Development of Service Plans;
- Update on the Review of School Provision, Wolsingham School and Sixth Form;
- Oral Health Strategy Update;
- Selective Licensing Business Case;
- Habitat Regulations Assessment, Developer Guidance and Requirements;
- Future residual waste procurement arrangements.

Resolved:

That the content of the report be noted.

14 Information Update from the Chairs of the Overview and Scrutiny Committees

The Board considered a report of the Director of Transformation and Partnerships which provided an information update of overview and scrutiny activity from 13 September to October 2019 (for copy see file of minutes).

Resolved:

That the content of the report be noted.