

DURHAM COUNTY COUNCIL

At a Meeting of **Corporate Overview and Scrutiny Management Board** held in **Council Chamber, County Hall, Durham** on **Monday 16 December 2019** at **9.30 am**

Present:

Councillor R Crute (Chair)

Members of the Committee:

Councillors A Batey (Vice-Chair), E Adam, R Bell, D Boyes, D Freeman (substitute for A Hopgood), B Kellett, H Liddle, L Maddison, C Martin, O Milburn, C Potts, J Robinson, J Rowlandson, A Shield, H Smith, F Tinsley, J Turnbull, M Wilkes, I Jewell (substitute for R Manchester) and J Clark (substitute for M Clarke)

1 Apologies for Absence

Apologies for absence were received from Councillors J Chaplow, M Clarke, A Hopgood, P Jopling, J Makepeace, R Manchester, A Savory and A Willis.

2 Substitute Members

Councillor I Jewell substituted for Councillor R Manchester, Councillor J Clarke substituted for Councillor M Clarke and Councillor D Freeman substituted for Councillor A Hopgood.

3 Minutes

The minutes of the meeting held 22 October 2019 were agreed as a correct record and signed by the Chair.

The Head of Strategy, Jenny Haworth noted matters arising included:

- Minute seven, paragraph four - Councillor R Bell had asked as regards Medium Term Financial Plan 10 (MTFP) and opportunities for Overview and Scrutiny to input into the process. The Head of Strategy explained that this was planned for the Board scheduled for 27 January 2020 and 14 February 2020 but that the Council was awaiting settlement details from Government, with the General Election also being a possible element in that delay.

- Minute nine, paragraphs three, four, five and six - in respect of a number of issues raised by councillors, further information would be provided by the Customer Relations Team Manager, Victoria Murray at Item 7 on the agenda.
- Minute ten, paragraph three – in respect of a question raised by Councillor R Bell as regards the LEADER Programme, it was noted this was an issue that was looked at by the Economy and Enterprise Overview and Scrutiny Committee and would be considered at the meeting of the Committee scheduled for 10 January 2020, with any interested members more than welcome to attend.
- Minute ten, paragraph seven – in respect of a question from Councillor M Wilkes as regards detritus deposits on the highway, the Head of Strategy noted the usual performance report was on the agenda and that the comments had been fed back to the Head of Environment. Councillor M Wilkes noted that the Head of Environment had responded directly to him, explaining that road sweepers had broken down and five new sweepers had been procured, together with two larger machines and therefore it was hoped the situation would now improve.
- Minute eleven, paragraph five – in respect of managers receiving attendance management training, it was noted the Quarter Two performance showed a four percent improvement and a reminder as regards completing the training would be added into the Personal Development Review (PDR) process.

Councillor F Tinsley entered the meeting at 9.35am

4 Declarations of Interest

There were no Declarations of Interest.

5 Council's use of Powers under the Regulation of Investigative Powers Act 2000 - Quarter Two 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 July 2019 until 30 September 2019 (Quarter Two) 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 one RIPA Directed Surveillance and no Covert Human Intelligence Surveillance authorisations during Quarter One. The Governance Solicitor reported that the directed surveillance had been in respect of underage sales of alcohol, with seven premises making underage sales and five of those failing test purchases upon retesting. It was explained that those five premises would be subject to licence review before the Council's Statutory Licensing Sub-Committee in due course.

Resolved:

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

Councillor L Maddison entered the meeting at 9.40am

6 Update on the Delivery of the Medium Term Financial Plan 9 - Quarter Two 2019/20

The Board considered a report of the Corporate Director of Resources 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 the progress to date and reiterated the slight delay in progress with MTFP10 due to awaiting settlement details from Government.

Councillor D Freeman entered the meeting at 9.42am

Councillor R Bell asked about the transformation programme and how it fits with the decision at full Council on changes to the Corporate Management Team. The Head of Transformation noted that the transformation programme had now delivered much of the initial projects with new ways of working operating at many of the strategic sites and work underway on the new headquarters. He added that there would now be a focus on continual improvement and savings in areas such as unitising policy and performance elements, the business support programme and commercialisation projects.

Councillor M Wilkes noted paragraph 7 of the report referred to overall savings of £251 million to be made and noted this was £17 million more than members were initially informed. He noted that opposition groups had highlighted the pre-emptive use of reserves to tackle the climate crisis. Such actions have the potential to save money rather than the potential to cost more in the future.

Resolved:

- (i) That the content of the report and amount of savings delivered during Quarter Two of the MTFP9 be noted.
- (ii) That MTFP10 proposals be considered once all information was available.

7 Quarter Two 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 Two, 2019/20 (for copy see file of Minutes).

*Councillor B Kellett left the meeting at 9.48am
Councillor J Rowlandson entered the meeting at 9.48am*

Councillor C Martin asked about a complaint upheld by the Local Government and Social Care Ombudsman, concerning a delay in responding resulting in a £300 payment. The Customer Relations Team Manager noted she would need to request the specific information, however she noted there was a Council redress policy and that the payment would have been made within the context of that framework.

Councillor B Kellett entered the meeting at 9.52am

Councillor E Adam referred to the infographic at the top of page 35 of the agenda pack and the range of percentages. He asked what the targets were for satisfaction and related metrics., He also asked in reference to infographics which set out the top three areas of complaint, given the high percentage of complaints upheld, what work was being undertaken to reduce that number. The Customer Relations Team Manager noted that the measures shown in the infographic were for requests placed via the Customer Relationship Management (CRM) system and though certain targets had not yet been defined, wider corporate targets existed for telephony, answering calls, and “right first time”. In reference to automated call distribution (ACD) and non-ACD lines work was underway to develop measures with services. She added that work was ongoing for Institute of Customer Management accreditation to ensure world class performance. The Customer Relations Team Manager noted that it was recognised that the percentage of upheld complaints was a key measure and Customer Feedback and Innovation Team were working with a number of services and progress was being made, albeit it was early in the process.

She noted that a key driver was missed bin collections, in some narrow back alleys it was not easy for owners to place their bin correctly and this also led to issues with identifying those that had included contaminated waste in their collections. Both those factors had an impact on the figures. The Customer Relations Team Manager added that her team worked with services to identify trends in order to help with service improvement.

Councillor L Maddison noted an example where someone had been turned away from a Household Waste Recycling Centre and she worried that this had the potential to lead to fly tipping. The Customer Relations Team Manager noted she did not have specific details on such cases, however, she knew of a small number of incidents anecdotally where not all the types of waste to be disposed of were set out within a waste permit and therefore the customer would be unable to use the facility that day. She noted that it was now possible to issue permits to customers electronically so they could update the permit to their smartphone while at the site which can help overcome those types of issue.

Councillor M Wilkes noted that looking at the previous month's report the infographics had changed, and he asked for some consistency so that Members were able to compare performance. The Chair thanked Councillor M Wilkes and added that the officer would note the comment.

Councillor J Robinson explained that he had experienced frustration with the automated voice recognition when trying to contact officers. The Customer Relations Team Manager explained that there had been positive feedback received from customers on the new system, though the Council would work with the provider to address issues and provide fail safes. She added that while the system recognised key services, it would not recognise individual names, and that should the system not be able to confirm a request after two attempts the call would be directed to customer services.

Councillor R Bell referred to the number of complaints as a percentage compared with the number of interactions. He noted that this was something that was provided for some services, for example Adult and Health Services, though not others. He added that understanding the number of interactions helped to explain whether a small number of incidents was making a large difference to performance or if there were actually a large number of incidents. The Customer Relations Team Manager noted that this form of reporting had started with information for refuse and recycling collections and that services would look to collect that kind of information.

Councillor A Shield referred to Appendices 4 and 5, Corporate Complaints and Local Government and Social Care Ombudsman statistics. He asked if we had cumulative data on this in order to use trend analysis to focus on areas if required.

The Chair agreed that if an issue has been escalated to the Ombudsman, we had a responsibility to follow up. The Customer Relations Team Manager noted all complaints were logged via CRM and that information on those escalated to the Ombudsman would also be captured, adding that the Head of Strategy and her team would help analyse any trends.

Resolved:

That the content of the report be noted.

8 Quarter Two 2019/20 Performance Management

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

The Head of Strategy reminded members of the introduction of the new vision for the county, focussing on: 'more and better jobs'; 'long and independent lives'; and 'connected communities'.

She explained that for quarter two the existing performance report had been aligned with the three new ambitions, together with a fourth of 'better Council', with the report to be reviewed over the coming months to ensure it captured all elements of the new vision.

The Chair thanked the Corporate Scrutiny and Strategy Manager for the report and added that he felt the new report style had helped focus on the new ambitions and noted that it was important for the Board to consider the 'Better Council' element as well as the performance reported back to each of the thematic committees.

Councillor M Wilkes referred to the Corporate Risk Heat Map and corporate strategic risks and noted that it highlighted if there was slippage to the delivery of agreed MTFP savings this could result in further service reductions and job losses. He commented that if such slippage occurred, with £251 million of reserves, he felt that surely the Council would be in a position to deal with this. He added that the level the risk was alarming whereas the risk of no-deal Brexit did not appear within the key risks and he felt that it should. The Chair agreed with the uncertainty regarding Brexit but wondered how this would be quantified. The Head of Strategy noted that Paragraph 4(b) set out the details on the risk of no-deal Brexit and that it had been added to the corporate strategic risk register. She noted that the lead officer for Brexit preparations was now the Corporate Director of Adult and Health Services.

She added that there was the option of using reserves for slippage as a one-off however, the issue would then be ongoing delivery

Councillor M Wilkes noted there was no mention of the hundreds of jobs that relied upon EU funding. He added that the Government was taking a very long time in setting out details of the Shared Prosperity Fund (SPF) and he felt the SPF was unlikely to match the level of current EU funding and felt this was a serious risk. The Chair noted that the issue around the delay in SPF details had been raised at the Economy and Enterprise Overview and Scrutiny Committee. He expected the SPF to be dealt with at a national level and would not expect it to be at the level of current EU funding.

Councillor M Wilkes referred to the key employment rate statistics as set out on page 56, highlighting that County Durham had a higher than national average percentage of those working 'without a disability' with a lower than national average percentage of those working 'with Equality Act core or work limiting disability'. He asked if this was an issue of underreporting in terms of people with disabilities working or was there another reason. The Chair noted this was an issue raised at other committees and also in terms of apprenticeships. The Head of Strategy stated that the indicator was a national measure, though she would investigate the matter and come back to members.

Councillor J Robinson left the meeting at 10.32am

Councillor D Boyes noted that Paragraph 4(e) referred to ensuring that children and young people get the best start in life and services for children with special educational needs and disabilities (SEND) were improved. He noted the pressure on our services including schools and SEND from families coming into the County from other parts of the country. The Chair referred to two recent scrutiny reviews on Children's Residential Care Homes and Elective Home Education which had considered related matters. He suggested the root was social care funding and linked to the housing market in our region.

The Head of Strategy noted that one in seven children had SEND and it was how that whole cohort of young people and their families were supported that was important. She noted if a small number of families with a range of complex needs move into the county, there could be a potential cost and she would discuss the matter with appropriate officers. Councillor D Boyes noted while it was relatively small numbers of people, if other local authorities were encouraging moves to County Durham and there was a concentration of people with such needs within a small community this could create pressures on local resources and services.

The Chair noted it was a complex issue and relates to high needs block funding and a number of issues that were beyond the control of the Council although the council's selective licensing scheme would address the housing issues.

Councillor F Tinsley referred to page 122 of the agenda papers, the risk set out at 4(b) relating to no-deal Brexit. He asked if there were any risks to any workers or agency workers employed by Durham County Council due to their immigration status as EU nationals. The Chair agreed this was an important question for the whole of the public sector. The Head of Strategy noted that the Brexit Task and Finish Group were looking at various issues and this particular issue was one that was being considered.

Resolved:

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

9 Quarter Two September 2019: Forecast of Revenue and Capital Outturn 2019/20

The Board considered two reports of the Corporate Director of Resources which provided details of the forecast outturn budget position for the Resources and Transformation and Partnerships service groupings highlighting major variances in comparison with the budget based on the position to the end of September 2019 (for copy see file of Minutes).

Councillor M Wilkes asked for further details relating to ICT Services figures, and the £407,000 overbudget of which £381,000 was direct revenue financing. The Finance Manager - Resources and Transformation and Partnerships, Ian Herberson agreed to get feedback from colleagues on this.

Councillor C Martin noted page 131 of the report referred to variations in budget, giving details in relation to European elections and added it would be helpful if a similar narrative was included with each element.

The Finance Manager - Resources and Transformation advised he would work on this with Managers within services for the Quarter Three report.

Councillor R Bell referred to page 140 of the report on Member Neighbourhoods Revenue Budget and AAP Budgets. He asked if underspends were held in reserve or lost to the general budget. The Finance Manager - Resources and Transformation noted that if funds were earmarked then they would roll forward, and any underspend would be also carried forward.

He confirmed that none would be lost back to the corporate centre or go into general resources. Councillor R Bell felt that at some point, if funds were continuing to build up, there would be a cut-off point. The Chair asked if clarity could be sought on this issue.

Resolved:

That the content of the reports be noted.

10 Request for Call-in - County Durham Plan: Delivery of the Western Relief Road

The Board considered a report of the Head of Legal and Democratic Services which advised the Corporate Overview and Scrutiny Management Board of a request for a call-in of a Cabinet decision, and the decision made by the Chair of the Board not to call-in the decision (for copy see file of minutes).

The Deputy Monitoring Officer, James Etherington noted the request for a call-in was received on 21 November 2019 for a Cabinet decision relating to the County Durham Plan – Delivery of the Western Relief Road. The request had been shared with the Deputy Monitoring Officer and Chief Finance Officer. The Deputy Monitoring Officer explained that on the 27 November 2019 he consulted with the Chair of the Corporate Overview and Scrutiny Management Board, who decided not to call the decision in for the reasons set out within the report. The reasons included the overview and scrutiny involvement in the County Durham Plan process and the report to Cabinet being a commitment in principle to deliver the Western Relief Road, subject to the outcome of the County Durham Plan process.

Councillor M Wilkes commented that a number of the political groups had worked together in respect of this call-in, noting colleagues had been discussing the issues at Murton while Cabinet had been making the decision at County Hall. He stated that the cost to date had been requested, with no response having been received so far.

He added that Cabinet had effectively approved the scheme without any scrutiny and without knowing what had been spent. Councillor M Wilkes said he felt this was a breach of being open and transparent and disagreed with the decision not to call the decision in.

Councillor C Martin noted that there would be substantial sums of money involved with the Western Relief Road and asked if there could be assurance that once the costs involved were firmed up that there would be the opportunity to look at those figures.

The Chair advised that the report being considered was only in relation to his decision not to call the decision in, and not in relation to the Examination in Public of the County Durham Plan, or subsequent consideration by overview and scrutiny following the findings of the Inspector at the Examination in Public.

Councillor F Tinsley noted that the request for call-in had referred to no overview and scrutiny involvement, questions not being answered at Cabinet and no costs or details being made available for Members. Councillor F Tinsley referred to Paragraph 11 onward of the report which clearly set out the consideration of the matter by overview and scrutiny on several occasions. He added he was not at the Cabinet meeting, as he had been one of those discussing the matter at Murton. Councillor F Tinsley noted that, in reference to the costs and funding, Paragraph 14 of the Cabinet report set out an estimated cost of £35 million and Paragraph 16 noted a commitment to 43 percent from private funding and the fact the scheme had been able to attract Local Growth Fund funding of around £6.3 million in 2014. He concluded by saying that he supported the emerging County Durham Plan and its policies, including the relief road, and he hoped it would be supported by the Inspector and that if it had not been supported by Cabinet that would have been wrong.

Resolved:

That the content of the report be noted.

11 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 – Details of Provisional Finance Statement;
- Update on Planning of Budget and Development of Service Plans – Final Budget Report; and
- Selective Licensing Business Case.

Resolved:

That the content of the report be noted.

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

The Board considered a report of the Corporate Director of Resources which provided an information update of overview and scrutiny activity from 22 October to December 2019 (for copy see file of minutes).

Resolved:

That the content of the report be noted.