

DURHAM COUNTY COUNCIL

CORPORATE ISSUES OVERVIEW AND SCRUTINY COMMITTEE

At a Meeting of **Corporate Issues Overview and Scrutiny Committee** held in Committee Room 2, County Hall, Durham on **Wednesday 20 April 2016 at 9.30 am**

Present:

Councillor J Lethbridge (Chairman)

Members of the Committee:

Councillors J Armstrong, G Bleasdale, K Henig (Vice-Chairman), J Hillary, E Huntington, N Martin, P Stradling, L Taylor, M Wilkes, S Wilson and R Young

1 Apologies.

Apologies for absence were received from Councillor Alvey, L Armstrong, H Bennett, J Carr and J Rowlandson.

2 Substitute Members.

There were no substitutes.

3 Minutes

The minutes of the meeting held on 26 January 2016 were confirmed as a correct record and signed by the Chairman.

The minutes of the meeting held on 19 February 2016 were confirmed as a correct record and signed by the Chairman with the following amendment:

'At a Joint Meeting of the Corporate Issues Overview and Scrutiny and Overview and Scrutiny Management Board'

Matters Arsing

26 January 2016

Page 3, Paragraph 3 – in response to a query raised by Councillor R Bell the Head of Planning and Performance advised that the plan was for 100% business rate retention by 2020. A steering group and working group had been established and it was reported that it would take between 9-12 months to come forward onto the work programme for Corporate Issues.

Page 6, Paragraph 2 – The Head of Planning and performance advised that an update was provided on the Welfare Assistance Scheme under Item 6 of the agenda, page 34.

4 Declarations of Interest, if any.

There were no declarations of interest.

5 Report on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 - Quarter 4 - 2015/16

The Committee received 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 2000 ('RIPA') during the period 1 January 2-16 until 31 March 2016 (Quarter 4), 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).

It was reported that during Quarter 4 there had been 2 new RIPA Directed Surveillance authorisations which related to operations conducted by Trading Standards. In addition there were 2 new Covert Human Intelligence Source (CHIS) authorisations which related to operations conducted by Trading Standards and 1 Communications Data application also relating to Trading Standards.

Councillor Lethbridge advised that it had been suggested that Members further explore RIPA to give a better understanding of the operations undertaken. The Solicitor suggested that the Consumer Protection Manager attends a future meeting to provide further detail, however it was noted that RIPA authorisations were extremely sensitive and limited detail on individual authorisations could be given.

Councillor Martin commented that he was unsure as to what likely actions scrutiny could recommend from receiving further information and added that he felt like they were simply making more work for themselves. Further discussion ensued regarding the topic and it was felt that it would be useful for members to have a short presentation on RIPA and the different types of authorisation/operations used, in order for Members to gain a better understanding of the process.

Resolved:

- (i) That the content of the report be noted.
- (ii) That the Consumer Protection Manager be invited to attend a future meeting to provide an overview of RIPA authorisations and operations.

6 Quarter 3 2015/16 Performance Management Report

The Committee received a report of the Assistant Chief Executive which presented progress against the council's corporate basket of indicators (PIs), Council Plan and service plan actions and reported other performance issues for the this quarter of the 2015/16 financial year, covering the period October to December 2015 (for copy see file of minutes).

The Corporate Scrutiny & Performance Manager proceeded to run through the report highlighting key achievements and key performance issues for the quarter.

Councillor Hillary asked whether since the implementation of the new Sickness Absence Management policy, everyone who had been off on sick leave had, had a return to work interview and whether it was known whether all aspects of the policy had been fully implemented. The Corporate Scrutiny & Performance Manager advised that this information could be reported to a future meeting.

Councillor Hillary in referencing appraisals asked whether any action was taken against those managers whose staff hadn't been appraised within the 12 month period. Councillor Armstrong commented that in some cases events will have led to delays in appraisals being completed such as Ofsted inspections.

Councillor Wilkes commented that he was disappointed that not all actions of the new sickness absence management policy had been implemented and actions surrounding mental health referral were still being scoped.

In response to comments made regarding appraisals the Corporate Scrutiny & Performance Manager advised that maternity leave and long term sickness absence were no longer included in the figures however it was still impossible to reach a 100% target as there would always be a reason as to why an appraisal could not be completed on time due to manager absence or unexpected leave.

The Head of Planning and Performance advised that Oracle now included a facility which would notify Senior Managers when appraisals within their department were due to be completed by where previously Senior Managers had only been alerted when overdue.

Councillor K Henig added that in her opinion members of staff should be appraised prior to going off on maternity leave and if that was done on time there was no need to exclude this group. She further suggested that it would be worthwhile asking a representative from the appropriate service to attend a future meeting to provide more detail on the subject. The Head of Planning and Performance agreed that this could be arranged.

Councillor Wilkes asked when the change to remove maternity and long term sick from the figures had been implemented and questioned whether this was the reason that they now appeared better than previously reported. The Head of Planning and Performance advised that the removal of these two categories had only made a very minor difference to figures.

Councillor Stradling commented that a review report on sickness absence was due in the coming months and with such suggested that the topic be discussed further at the next meeting.

Councillor Martin in referencing the performance of housing benefits and page 32 of the report, chart 5, suggested that it would be useful to know how many people were in receipt of housing benefit as the data presented only provided a partial picture. He also felt that this would enable councillors to determine how the council were dealing with this burden and what impact the economic situation had on figures over the last 2/3 years. The Assessment and Awards Manager advised that these figures could be provided. In addition she commented that figures were monitored internally by tenure type and annual comparisons were made with other local authorities. It was agreed that the further information should be presented as part of the Quarter 4 reporting.

Councillor Wilkes commented that councillors could not assume that if less benefits were being claimed that less resources were required in order to process them. His comments were noted by Councillor Martin.

Further discussion ensued regarding sickness absence and appraisals and it was suggested that these points be taken back to the appropriate officer and further discussed at a future meeting.

Resolved:

That the content of the report be noted.

7 Customer Feedback: Complaints, Compliments and Suggestions 2015/16 - Quarter 3

The Committee considered a Joint Report of the Assistant Chief Executive and Corporate Director, Neighbourhood Services which provided details for each service grouping in relation to both statutory and non-statutory complaints, compliments and suggestions received in Quarter 3 2014/15 (for copy see file of minutes).

The Customer Relations, Policy and Performance Manager proceeded to provide detail regarding complaints, compliments and suggestions received across the council during Quarter 3, 2015/16 and it was reported that during the period the council received 641 complaints, 43 statutory complaints and 598 corporate complaints. It was further noted that the average time for service to close a complaint had reduced by 2 days and the number handled within the agreed timescale had increased by 47%. Furthermore 100% of independent investigations were being handled within the agreed timescale and the average days to close had reduced by 27 days.

It was reported that although in recent years the number of complaints received had shown a downward trend, this had slightly reversed. This was however attributable to 2 events during quarter 3; the period of heavy snowfall toward the end of December and the traffic census which had taken place during November.

With regard to the ways in which customers were reporting complaints, it was noted that there had been a shift from telephone to website contact during the quarter. In addition it was reported that process improvements continued to positively impact the way complaints were handled.

The report further provided detail regarding statutory and corporate complaints for each service grouping along with detail of those complaints which had been subjected to independent review.

The Customer Relations, Policy and Performance Manager also reported upon Local Government Ombudsman decisions and any action to be taken.

In conclusion she reported upon suggestions and compliments which had been received noting that many positive comments had been received about the staff and services provided by Durham County Council.

Councillor Wilkes raised a query regarding the 17 CAS complaints which had been fully or partially upheld and asked whether councillors and officers at an appropriate level were looking into this further to ensure that things were being done correctly.

Councillor Armstrong added that Councillors were able to approach the Corporate Director to seek information regarding case reviews, however must be appreciating of the fact, that the information was extremely sensitive and in many cases could not be disclosed.

Resolved:

That the content of the report be noted.

8 Quarter 3 Forecast of Revenue and Capital Outturn 2015/16

The Committee received two reports the first of the Corporate Director Resources and the second of the Assistant Chief Executive which provided details of the forecast outturn budget position for the Resources and Assistant Chief Executive's service groupings, highlighting major variances in comparison with the budget based on the position to the end of December 2015 (for copy see file of minutes).

The Finance Manager in referring to the Resources advised that the service was reporting a cash limit (underspend) of £1,442,000 against a revised budget of £17.967 million. This compared with an underspend of £990,000 which was reported at Quarter 2. Further details relating to the underspend were detailed within the report by Subjective Analysis and Head of Service.

In summary the service grouping was on track to maintain spending within its cash limit. It was also reported that all MTFP savings were on track with some early achievement of 2016/17 savings.

In relation to the capital programme it was reported the original budget had been revised for additions / reductions and with such was now set at £11.616 million. Total expenditure to 31 December 2015 was £6.337 million and with such was below profiled / expected spend in the year to date. Details of actual expenditure were included within the report.

Moving on to the Assistant Chief Executives service grouping the Finance Manager advised that the revised General Fund Budget now stood at £9.522 million.

He further advised that the service grouping was reporting a cash limit under budget of £222,000 against a revised budget of £9.522. This compared to an under budget of £237,000 reported at Quarter 2. Details were provided in the report of actual expenditure by Subjective Analysis and by Head of Service.

It was further reported that the service grouping was on track to maintain spending within its cash limit and furthermore that MTFP savings for 2015/16 had been fully achieved.

Moving on to the capital programme the Finance Manager advised that the budget had been rephased from 2014/15 and with such had increased to £3.776 million. Further

revisions had also been made during the course of the year and with such the revised budget now stood at £3.991 million. The service had to date incurred £1.090 million of actual expenditure.

Councillor Wilkes in referencing the £1.442m underspend in Resources queried whether this amount which was not known about at the time of setting the budget would be available for spending and if not what would it be used for. In response the Finance Manager advised that the service would be looking for 16/17 savings early and an element of the £1.4 million would be taken into account. Any additional underspend would be added to the end of year reserves.

Councillor Wilkes in response commented that in his opinion, Councillors should have the ability to recommend what any underspend was spent on once it was known that there was more money in pot than the agreed budget originally said.

Councillor Armstrong added that the council was in strong position because of the high level of reserves held by the council. He further added that he considered the suggestions totally acceptable, adding that members could ask Cabinet to consider utilising any areas of underspend on different projects.

Councillor Martin further commented that at present there seemed to be a lack of transparency regarding money going into cash limit reserves as it was not known or reported what those individual department plans were for deploying that cash. Further discussion took place regarding cash limits and Councillor Hillary added that he felt that cash limits were not a good thing and that special cases should be put forward for any suggested spend. He further added that he would like to see these buffers reduced in future. In response the Finance Manager advised that cash limits allowed managers to take ownership of their budgets which in turn avoided a last minute rush at year end to spend allocated budgets. Councillor Hillary noted that he could see benefits in both sides of the argument.

Resolved:

That the content of the reports be noted.

9 Council Plan 2016-2019 Refresh of the Work Programme for the Corporate Issues Scrutiny Committee

The Committee considered a report of the Assistant Chief Executive which provided members with information contained within the Council Plan 2016 -2019, relevant to the work of the Corporate Issues Overview and Scrutiny Committee. This further provided members with the opportunity to refresh the Committee Work Programme to reflect the 4 objectives and associated outcomes and action areas identified within the Council Plan for the Council's Altogether better Council priority theme (for copy see file of minutes).

The Head of Planning and Performance referred members to paragraph 7 of the report which detailed the current areas of work and overview areas of activity. Further detail was provided in paragraph 8 relating to areas for consideration in the work programme and members views were sought.

Councillor Martin in referring to the Joint Meeting with Overview and Scrutiny Management Board, where consideration of the MTFP had taken place, added that there had been a distinct lack of prior scrutiny of budget proposals and suggested that a report should be available for scrutiny to consider in the autumn, outlining in detail how and what budget proposals were for 2017/18. Councillor Wilkes further commented that most officers would know at an early stage what their savings were for 2017/18 and what figures were in their allocated budgets. He suggested therefore that each scrutiny committee received on a quarterly basis details regarding budget proposals, in order for members to have the opportunity to comment early in the process.

Councillor Armstrong commented that he had no problem in receiving information in a timely manner and suggested that the Portfolio Holder should bring forward their plans as soon as they are available. He further added that unfortunately on a number of occasions the council had had to be reactive regarding budget proposals due to the timing of receiving the settlement from central government.

Councillor Stradling added that this had already been discussed and agreed that savings should be reported to OSMB and disseminated down to scrutiny committees. Councillor K Henig agreed that it was better if OSMB had the opportunity to consider and comment on proposals first.

Councillor Wilkes further commented that savings were based on a 3-5 year plan, not upon the settlement received from central government. By waiting for this information to come from government there was no opportunity to look at proposals in detail. He further made reference to Gateshead Council, who circulated to members, details of proposals relevant to each service area well in advance. Further discussion ensued and Councillor Martin added that he could see no reason why the committee could not ask for the scope of savings to be presented earlier and that any changes that did have to be made as a result of the settlement could be factored in at that time. He further commented that members did need the information earlier (with detail) as at this present time, were not getting the opportunity to scrutinise.

Councillor Armstrong suggested that the comments be taken back to the Assistant Chief Executive and a request be made that reports be submitted in a more timely manner via OSMB and that a timetable for scoping the budget be put in place. Councillor Wilkes further added that if services were unable to provide the required level of detail that a full explanation be provided as to why it was unavailable and when it was to be expected. He further commented that in his opinion the OSC's should be reporting to OSMB rather than the other way around as there could potentially be delays between meetings.

In conclusion the Head of Planning and Performance advised that she would take comments made regarding budget proposals back to the Assistant Chief Executive.

Councillor Hillary in referring back to the work programme asked whether it would be worth the committee looking at succession planning. He further added that he would be pleased to receive further information as part of review updates regarding sickness absence and appraisals.

Resolved:

That the content of the report be noted and comments be taken back to the Assistant Chief Executive for consideration.

10 CRM Light Touch Review - Verbal Update.

The Committee received a verbal update by the Head of Planning and Performance regarding progress of the CRM Light Touch Review group. She advised that at the last meeting members had been given a demonstration of the basic system that had been developed for Durham County Council and this had proved useful.

It was then intended that a representative from Northumberland County Council would attend a meeting to discuss the development of their CRM system and the Member Portal. Unfortunately the meeting had to be cancelled at short notice as the officer was unable to attend. It was therefore proposed that this session be undertaken alongside a site visit to Northumberland County Council headquarters followed by a workshop. Members would be notified as soon as this had been arranged.

Regarding the development of Durham County Council's CRM system it was noted that Phase 1 was due to be implemented in May so members still had time to input into the process and make recommendations on the remainder of its development.

Resolved:

That the content of the update be noted.

11 Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Councillor Wilkes had sent an email to Councillor Lethbridge notifying him that he wished to raise and issue regarding the recent email which had been sent to all staff requesting details of their year-end flexi time and annual leave balances. He asked why this was required when Oracle had facility to store all information such as this corporately and would allow managers to manage their teams more effectively by tracking leave etc and would save money by not having to undergo costly exercises such as this at year end.

Councillor Hillary commented that there was very little cost benefit from implementing a computer based system to record this data when staff leave cards had been and were being used effectively.

Councillor Martin further commented that it appeared that this email was interrogating individual officers and was unnecessary.

The Head of Planning and Performance added that this task was used for the simple reason of reconciling accounts at year end and was not about monitoring or reviewing leave taken by individual employees. It was suggested that this issue of leave entitlement and flexi time be raised under the review of sickness absence management and the Head of Finance (Financial Services) be invited to attend a future meeting).