

NOTES OF A MEETING OF THE JOINT CHAIRS AND VICE-CHAIRS STEERING GROUP – SCRUTINY, AUDIT AND DEMOCRATIC SERVICES COMMITTEES

29 NOVEMBER 2013 – THE PAVILION, LLANDRINDOD WELLS

PRESENT: County Councillors R.G. Thomas (Chair).
County Councillors W.T. Jones, Mrs M Mackenzie, E M Jones, and J.G. Morris.

Officers:

David Powell (Strategic Director - Resources), Paul Griffiths (Strategic Director – Place), Peter Jones (Programme Office Manager), Wyn Richards (Scrutiny Manager), Liz Patterson (Scrutiny Officer), Julie Nicholas-Humphreys (Customer Services Manager), John Evans (Communications Manager).

1. Apologies

County Councillors - County Councillors A W Davies and Mrs S Davies.
Officers – Jeremy Patterson (Chief Executive), Nick Philpott (Director – Change and Governance), Clive Pinney (Council Solicitor), Lisa Richards (Scrutiny Officer), Susan Simpson (Partnership and Policy Manager).

2. Notes of Last Meeting

Documents Considered:

- 25th October, 2013

Outcomes:

- Received

3. Scrutiny of the Draft Council Budget.

Documents Considered:

- Draft Guidance – Scrutiny of the Budget Setting process.
- Draft Guidance – Budget and Finance Scrutiny.

Issues Discussed:

- Update provided by the Strategic Director – Resources.
 - Seminar held on 22nd November. Statement of Intent produced by Cabinet, Executive Summary of this to be produced.
 - Final Settlement figure expected on 10th December. Strategic Director meeting with other Treasurers in Wales to discuss overall position and Council Tax position. The Council tax base in Powys will change.
 - Public engagement meetings on the budget to be held mid January 2014 in a joint approach with Powys Health Board. Outcome will be presented to Cabinet on 28th January, 2014.
 - Cabinet on 18th February to receive budget proposals, the Medium Term Financial Plan (MTFP) and the Capital Strategy.
 - 5th March – Council to set Council tax and approve the budget.
 - Powys needs to find £20m savings by April, 2014 which will be difficult. Officers are working on options. An Equality Impact Assessment will be required on all savings proposals.
 - Currently unclear as to the level of Council Tax rises across Wales.

- Joint Chairs expressed concern regarding the timescale to achieve savings and asked if there was confidence that the savings could be achieved.
- Strategic Director – Resources advised that he would be making a personal statement as Section 151 Officer, but it was probable that not all savings could be found by 1st April, 2014. There might be a need to use reserves as a temporary cushion which would need to be repaid in 2015/16.
- Some changes were already happening, but the more difficult decisions would require a political mandate.
- Police precept – it was unclear as to when this would be available. Maximising income generation was also essential and needed to be addressed, in particular reviewing levels of charges.
- It was likely that there would be less services and staff, and services would be delivered to a lower level. However this would be the new normal and the organisation would need to transform to accommodate these changes.
- What are the risk factors and could these be covered by reserves – currently around £19m savings had been identified. There was a risk in reducing services and reducing staff. There would be a need to consider why some departmental reserves existed. The use of reserves would only be to take some pressure out of the system for April, 2014 rather than a long term solution.
- Some of the savings required had already been identified in plans for future years so these could be brought forward.
- The Strategic Director had established a Working Group to work on the budget, and information regarding the budget would be provided to the political groups early in the New Year once the current list of proposals had been tested and challenged by the Working Group.
- The Joint Chairs should be undertaking a strategic overview of the budget proposals and how these linked to the Powys Change Plan and were reflected in the MTFP. The political groups would provide a comment on the more detailed elements of the budget.

Outcomes:

- **That the Joint Chairs undertake a strategic overview of the draft budget proposals.**
- **That the meeting of the Joint Chairs on 24th January be earmarked for the scrutiny of the draft budget.**

4. Draft Statement of Intent.

Documents Considered:

- Draft Statement of Intent V0.5.

Issues Discussed:

- Document provided an introduction, an overview of issues which the Council would need to address, the Council's intent and finally Services' intent i.e. where services intended to be in 2 to 3 years time and how changes were to be delivered.
- It was questioned as to whether the document gave a clear indication of the way forward, whether there was too much of a focus on priorities and whether lesser options should be considered.
- It was also questioned whether services should be delivered other than by the Council. It was suggested that the Williams review of local government structures and service delivery might clarify the position, particularly in relation

to joint / regional delivery of services. This also linked to the importance of joint working /delivery by means of the One Powys Plan.

- There is a need to take account of the public's view in determining options.
- It is important that the Statement of Intent is determined earlier in future years – probably May or June so that the budget process could also be brought forward.

Outcomes:

- **Joint Chairs to feed back to the Scrutiny Manager on any omissions in the document / whether the options are joined up and do not conflict with one another.**

5. Presentations.

Documents Considered:

- Report of the Customer Services Manager – Complaints.
- Report of the Customer Services Manager – Regulation of Investigatory Powers Act 2000 (RIPA)

Issues Discussed:

Complaints.

- Model policy developed following recommendations by the Ombudsman. Social Care is outside the policy at present but this is to be reviewed in 2014 as to whether Social Care should come within a single process.
- There are no new resources to provide this – all complaints come through the “Have Your Say” process.
- The figures provided are for 6 months, and they require some further work.
- Training is ongoing with staff as to how to undertake investigations. The Solicitor to the Council continues to be responsible for Ombudsman complaints.
- There is a need to tighten the policy in respect of complaints moving from Stage 1 to Stage 2. There is a need for additional reasons as to why a complaint should proceed to Stage 2 rather than the complainant does not like the outcome of Stage 1. The new policy will be presented to Cabinet in January 2014, which will include a revision to the vexatious complainants policy.
- Members need to be advised on how to use the “Have Your Say” process to log complaints / compliments made to them, even though they might have resolved them, to ensure that accurate statistics are kept.
- Encouraging that of 228 Stage 1 complaints only 25 became Stage 2 complaints.
- Member comments for future use of / improvements to the complaints report:
 - Complaints statistics should feed into the process for the development of the Statement of Intent.
 - Need for additional detail including whether outcomes resolved or not.
 - Possibly provide top 10 most significant types of complaints only.
 - General trends across the Council / Services would be useful.
 - Include details of the number of Ombudsman complaints.
 - Include the number of complaints submitted to the Wales Audit Office / Whistleblowing complaints.

RIPA.

- RIPA surveillance not used by the Council since 2010. It now needs the involvement of the Magistrates' Court for authorisation to undertake such surveillance. There is also a requirement that the surveillance is in respect of a

matter where if proven could lead to a potential custodial sentence of 6 months or more.

- The Solicitor to the Council is the authorising officer in respect of RIPA.
- The Steering Group was asked whether an annual report should be presented in respect of RIPA or whether it should be more frequent.

Outcomes:

- **Customer Services Manager to provide guidance to Members on how to use the “Have Your Say” process to log complaints / compliments.**
- **Guidance to Members to be included with the next report to the to the Joint Chairs Steering Group.**
- **That reports in respect of RIPA should be made on an annual basis to the Steering Group unless there was any activity in a particular quarter of a year in which an update should be provided at the end of that quarter.**

6. Assessment of Work Programme Items.

Documents Considered:

- Overview – Assessment of Work Programme Items.
- Working Group Updates – June to November 2013.
- Assessment of Potential Work Programme Items – Council Procurement and Commissioning Process.

Issues Discussed:

- The Council had received the report by Estyn following their re-inspection of the Council which included positive comments regarding scrutiny.
- Assessment of Potential Work Programme Items – Council Procurement and Commissioning Process – this should be a joint review by the 2 scrutiny committees as it was relevant to the commissioning agenda for the Council. There was also a need to consider the capacity of the Council in respect of procurement as part of the review.

Outcomes:

- **Overview – Assessment of Work Programme Items – Received.**
- **Working Group Updates – Received.**
- **Council Procurement and Commissioning Process – Add to Forward Work Programme.**

7. Good Scrutiny? Good Question! – Wales Audit Office Scrutiny Improvement Study.

Documents Considered:

- National Welsh Scrutiny Officers Network – Characteristics of Effective Local Government Scrutiny.

Issues Discussed:

- Public engagement in scrutiny needs to be considered by the Council including the use of social media.
- The return on investment model also needs consideration as to how it can demonstrate the effectiveness / value added by scrutiny. However it was

stressed that there are other value factors such as regulator assurance, in addition to showing cash savings made as a result of scrutiny intervention.

- 'Scrutiny in the Spotlight Conference' held on 28th November, 2013 was disappointing generally although there were some interesting elements.

Outcomes:

- **Characteristics of Effective Local Government Scrutiny – received.**

8. Scrutiny Press Release.

Documents Considered:

- None.

Issues Discussed:

- Discussion with John Evans, Communications Manager regarding the Council's media protocol. There is a need to revise the protocol to include press / media releases from Scrutiny Chairs.
- Current protocol is that all media releases need to be approved by Cabinet Members. Ideally media releases should be joint releases by Scrutiny Chairs / Committees and Cabinet Members. However if there is not agreement on a joint release then Scrutiny Chairs / Committees could issue their own release.

Outcomes:

- **Communications Manager to revise media protocol to be sent to Scrutiny Manager for circulation to the Joint Chairs.**

9. Discussion Regarding the Process to be Followed Following the Production of Scrutiny Review Reports.

Documents Considered:

- Draft Protocol for Scrutiny Reports.

Issues Discussed:

- Revised protocol considered to take account of need for a discussion with the Cabinet Member and Heads of Service as to the number of scrutiny recommendations which would be accepted or not, prior to the scrutiny report being presented to the Cabinet.
- The revised protocol also covered the issue of the release of press releases as discussed in the previous item. The Joint Chairs were asked to consider the timescale for the receipt of responses by the Cabinet following the receipt of a scrutiny review report, and the need to divide scrutiny recommendations into those recommendations which would be included in the corporate tracker and those which would be monitored by the Scrutiny Working Group - possibly following the basis used by the Wales Audit Office of Statutory Recommendations and Areas for Improvement.
- The attendance by Cabinet Members / Heads of Service at Cabinet meetings when relevant scrutiny review reports were presented was also discussed.

Outcomes:

- **Process for discussing draft review reports with Cabinet Members and Heads of Service prior to consideration of the review report by Cabinet was approved.**

- **As a minimum requirement the Cabinet Portfolio Holder and Head of Service should attend Cabinet meetings when a scrutiny report is being presented to the Cabinet. The Management Team and Leader should be advised of reports being submitted to the Cabinet.**
- **The Cabinet should be asked to provide a response / action plan to a scrutiny review report within 30 days / 6 weeks of the report being presented to the Cabinet.**
- **Scrutiny recommendations in review reports should be divided into those recommendations which would be included in the Corporate Tracker and those which would be monitored by the Scrutiny Working Group – possibly following the basis used by the Wales Audit Office of Statutory Recommendations and Areas for Improvement.**
- **The Steering Group should be monitoring the implementation of key recommendations in the Corporate Tracker.**
- **A flow chart for the processes / tracking of recommendations be added to the Draft Revised Protocol.**

10. Dates of future meetings

- 24th January, 2014
- 21st March, 2014
- 16th May, 2014
- 18th July, 2014
- 19th September, 2014
- 14th November, 2014

11. LSB Meeting Dates

- 16th January, 2014
- 13th February, 2014
- 13th March, 2014
- 12th June, 2014
- 25th September, 2014
- 11th December, 2014

**County Councillor R.G. Thomas
Chair**