

**MINUTES OF A MEETING OF THE ECONOMY, RESIDENTS, COMMUNITIES AND GOVERNANCE SCRUTINY COMMITTEE HELD AT BY TEAMS ON THURSDAY, 19 NOVEMBER 2020**

PRESENT: County Councillor M J Dorrance (Chair)  
County Councillors K W Curry, D O Evans, J Gibson-Watt, G Jones, P C Pritchard, J Pugh, D Selby, J Wilkinson and L Skilton

Cabinet Portfolio Holders In Attendance: County Councillors Rosemarie Harris (Leader), Heulwen Hulme (Portfolio Holder for Environment) and Rachel Powell (Portfolio Holder for Young People and Culture)

Officers: Nigel Brinn (Corporate Director - Economy and Environment), Nina Davies (Head of Housing and Community Development) and Wyn Richards (Scrutiny Manager and Head of Democratic Services)

**1. APOLOGIES**

There were no apologies for absence.

**2. DISCLOSURES OF INTEREST**

There were no disclosures of interest by Members relating to items to be considered at the meeting

**3. DECLARATION OF PARTY WHIPS**

The Committee did not receive any disclosures of prohibited party whips which a Member has been given in relation to the meeting in accordance with Section 78(3) of the Local Government Measure 2011.

**4. CORPORATE RISK REGISTER**

**Documents Considered:**

- Corporate Risk Register

**Issues Discussed:**

- The document sets out how strategic risks are managed across the Council. There are 12 strategic risks.

- Questions:

Children's Services – Is the Portfolio Holder confident that the team has access to appropriate controls to manage risk in the Service Area.	It is an unpredictable, high level and complicated service. However, there is confidence in the workforce and the leadership doing all they can to reduce those risks, but it needs to be kept under constant oversight.
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- Compliance – housing stock. There is detailed work and an action plan behind this area. There is also a programme of remedial work behind the compliance work. A compliance 100 Team has been established since December 2019. The Housing Service is also looking to redesign the

whole service and part of that new structure will include a compliance team to ensure that standards are embedded and maintained for the future.

- Questions:

<p>The target dates in the risk register have been changed. Does this provide the mitigation required.</p>	<p>The works referred to in the register is the remedial programmes which needs to be clarified in the document. As the compliance work is undertaken it will also highlight remedial works which are necessary, and these remedial works are ongoing up to the end of 2021.</p>
<p>What challenge is the Head of Service and Corporate Director – Economy and Environment giving the risk owner in relation to the inherent and residual risk rating. What assurances are being given that the ratings are appropriate for the risk.</p>	<p>The Executive Management Team reviews the risk register and the Director of Economy and Environment sits on the Corporate Improvement Board and is sighted on Service issues, working closely with the Head of Service and is content with the rating for the risk. The Head of Service indicated that the compliance 100 team reports to a Compliance Board which oversees and challenges the team on progress. There is also a Housing Improvement Board which monitors progress as well.</p>
<p>HOWPS is a risk on its own on the register, but the work it does impacts on the Housing Service. Is there a reason why these risks are separate.</p>	<p>This is a practical issue as both the Housing Service and HOWPS are separate entities. There are also issues with HOWPS which do not directly relate to the Housing Service. The Housing Service also use other contractors for compliance work in addition to HOWPS.</p>
<p>The Council's housing stock is quite aged. How much impact does this have on the risk and is this taken into account separately from the overall risk. In some areas the stock is fragmented due to the previous right to buy provisions. Does this cause issues for the Housing service where there might be common issues in a row of houses e.g. asbestos, where only some of the houses are Council properties.</p>	<p>The Council does have relatively aged stock as does many other Councils, so this is part of the Council's risk profile and is part of the assessment by the Housing Service. The Head of Housing and Community Development indicated that she wanted the Housing Service to prepare an asset management strategy in 2021 to look at the works required, prioritising those works and tying into housing need.</p>

- Non compliance with Data Protection Legislation – number of controls in the register giving a residual risk of 12.

- Questions:

<p>This area of work can have a significant reputational impact on the Council when something goes wrong. What assurances are there that the appropriate controls are in place.</p>	<p>The Corporate Director – Economy and Environment sits on the Corporate Information Governance Group (CIGG) which oversees compliance with the relevant legislation and the Head of Legal and Democratic Services is the Senior Reporting Officer or Senior Information Risk Owner (SIRO) for data protection. There is also mandatory training for all staff in information governance with a high level of compliance in completing the training.</p>
<p>Data is valuable and there have been examples elsewhere of NHS trusts being hacked and data held to ransom and the Brecon Beacons National Park Authority suffering a cyber security attack. How has the Council learned from these incidents and more resilient in protecting the information the Council holds.</p>	<p>This ties in with another of the risks i.e. cyber security. The Corporate Director – Economy and Environment sits of CIOG (Corporate Information Officers Group) and this group is advised of challenges or experiences elsewhere. The Professional Lead – Data Protection also sits on other all Wales Groups and information is shared from those groups.</p>

- Cyber Security – the rating for this risk is quite high but that reflects that the Council is as risk, as are other organisations. Whilst protections are in place the residual risk is high which is appropriate.

- Questions:

<p>There must also be a risk in the capacity of the Council's network as more people are now online for longer, as staff are working from home, more meetings held electronically. Any disruption to the network or a cyber attack could seriously affect the Council. What work is being undertaken to mitigate that possibility.</p>	<p>The Council is more dependent on electronic systems than previously. A response would be sought from the Head of Digital Services which can be circulated to the Committee.</p>
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- Brexit. There are several potential consequences for the Council. Work is being undertaken to update Service risk registers in relation to Brexit, based on current advice and guidance from the Welsh Local Government Association (WLGA). Where there is clarification staff, teams, residents and business are signposted to that current guidance. The Council has

established an internal facing and external facing group to deal with Brexit issues.

- The Leader explained that the external working group had been looking at options should there be no trade deal. The Leader has also been involved in meetings with the Counsel General and Minister for European Transition in Welsh Government. However, there is little information available at present. The Working Group will include representatives of the farming unions, the federation of small businesses, WLGA, Welsh Government, plus a number of Council representatives including the leads from opposition groups. Welsh Government has commissioned a Trade Research report by Grant Thornton which indicates a possible 19% reduction in exports if there is no trade deal, which equates to £3.5 billion per annum to Wales. A smaller trade deal would mean a loss of £1.1 billion in exports per year. A broad estimate is a loss of 27,500 jobs if there is no trade deal. One area of concern is the level of preparedness of small businesses in Powys, particularly those that export, but assistance will be available from Welsh Government some of this through the Council.
- A Member commented that there are opportunities for building companies due to Brexit as many smaller companies were excluded from being able to tender for contracts due to European Union regulations.

- Questions:

Can the information shared with group leaders be shared with Members of the Council, or could a seminar be held for Members to update them.	The Leader indicated that as much information as possible could be shared with Members.
What are some of the controls or actions to address the risk from Brexit.	The key for the Council is to update all the Service risk registers. The difficulty with the individual service detail in the Brexit risk register is the lack of detail available to the Council currently. This is the same for the Council's suppliers and others in the supply chain. The Committee received an assurance that the Council is doing as much as it can within a very uncertain position. The key controls in place are the 2 groups which have been established. The internal group is focussed on ensuring that within Powys staff are sighted on the latest guidance and that there is corporate awareness and co-ordination.

- Regulatory Reports

- Questions:

Is this all regulatory reports rather than social care. This is the third	The Leader indicated that this information may be out of date as
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<p>highest ranking risk, why is this the case and is this correct.</p>	<p>the recent positive inspection of care services has meant that the Improvement and Assurance Board is no longer required and Welsh Government are assured that the Council can continue with its own monitoring in place instead of the Board. There is also an inherent risk in the provision of social care, both adult and children. In addition with the inclusion of Education there is a high funding risk so this would lead to this being ranked as an overall high risk.</p>
<p>The risk is that the Council might receive a negative regulatory report. What does that say about the quality and performance of the Services the Council provides.</p>	<p>The level of this risk needs to be reviewed as its level may not be as high as previously. The risk is in the challenge of the services rather than a negative report.</p>

- Covid-19. The risk to the Council is significant and there is much activity to mitigate that within the Council.

- Questions:

<p>There is mass testing being undertaken in the Merthyr area, as we have provided support to other areas recently, and as this mass testing is being led by the council there, are there resource implications for Powys.</p>	<p>Discussions at present are not in relation to mass testing but in relation to the mass vaccination exercise which will be undertaken. The Council has itself had a spike in the number of contacts recently, with a large number of telephone calls being required every day and therefore the Council will be asking for assistance from other Councils for other elements of work whilst the Council focusses on the calls to contacts. There has been some mass testing in Powys in work settings and as yet the Council has not been asked for assistance in Merthyr.</p>
<p>There will be learning for the Council following the pandemic as to how it responded. Will there be learning in terms of business continuity planning and the way that Gold and Silver commands work to make the Council more resilient for the future.</p>	<p>There will need to be a review of how all bodies have reacted during the pandemic. However, the timing of the review is currently difficult as the pandemic is ongoing and organisations are constantly adapting to changing circumstances.</p>

- Heart of Wales Property Services (HOWPS). HOWPS is a key provider to a number of Council services. In terms of controls there are a series of meetings and controls in place such as the Contract Management Forum which is led by the client side teams. There is also the Joint Venture Board on which the Council has four representatives.

- Questions:

<p>HOWPS is a risk to the Council. The risk of a Joint Venture needs to be properly recorded particularly with Kier in their current circumstances. A backup strategy if required in case the relationship fails for any reason. The risk is probably not recorded completely at present and should be reviewed.</p>	<p>This is an issue which has been highlighted in a number of discussions and is an issue which the Cabinet needs to discuss.</p>
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- Workforce.

- Questions:

<p>There is action for the Council to take to reverse demographic trends such as improving the economy and services to retain young people in the county.</p>	<p>The Regional Learning and Skills Partnership (RLSP) has recently been established which will allow a more specific focus on the needs of Powys and its communities.</p>
<p>There is also a risk in the Council needing to improve post 16 education and apprenticeships and retaining young people in the county.</p>	<p>The Leader advised that the Regional Learning and Skills Partnership is being created under the banner of the Mid Wales Growth Deal which involves Powys and Ceredigion Councils. There will be an investment in further and higher education. The Councils will also want to work with businesses to identify what skills are required and then to assist in developing those skills. There are some risks with the Mid Wales Growth Deal with promises of funding made but not yet received, two authorities and two governments involved. One of the largest risks are corporate joint committees the first meeting of which has to be held by September 2021. However, there are a number of positives such as the Council is in the position where it is ready to sign the heads of terms of agreement for the deal and work is ongoing with the Centre for Rail Excellence.</p>
<p>Whilst the Risk Register is considered at corporate level, by the</p>	<p>Training is available to officers to ensure that risks are prepared</p>

Cabinet and in scrutiny, what training is given to those compiling the risks, as the risks and controls are dependent on the person compiling the risk.	equitably and appropriately. There is also a quarterly review of service performance and risks with the Portfolio Holder for that area.
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**Outcomes:**

Action	Action By / Completion Date
Recommended to the Cabinet that the HOWPS risk be reviewed as it was not considered by the Committee to be fully recorded at present.	NB / WR

**5. SCRUTINY WORK PROGRAMME**

The Committee noted that forthcoming meeting of the Committee were scheduled as follows:

07-12-20	10.00 – 12.00	Freedom Leisure
18-01-21		Performance Q3 + Risk Options for Improving Broadband Structure - Head of Digital Services <b>(Provisional – Confidential Report – Housing)</b>
28-01-21		Budget
01-03-21		Digital Strategy 2021-25
12-04-21		
03-06-21		Performance Q4 + Risk
12-07-21		Performance Q1 + Risk
06-09-21		
18-10-21		Performance Q2 + Risk
29-11-21		

Potential items for consideration:

- Regulatory Services
- Recycling rates – what advantage is being taken of the increases in recycling rates and how can we maintain recycling rates.
- Economic Impact Study / Town Centre Focus Group
- County Farms
- Review of removal of Pest Control Service (added by Co-ordinating Committee)

Update Information arising from previous meeting:

- Car Parking Charges review – second meeting held 13 October 2020.

The Portfolio Holder for Environment commented that the proposals from the Car Parking Working Group were now being considered by officers. As a Service there needs to be a wider review of car parks provision which includes a car park asset review, usage, capacity. On street parking needs to be included in the review, as well as overnight parking, resident parking permits. Any trial of new arrangements needs to be undertaken outside of the pandemic so that the new

"normal" can be assessed. More than one trial will be required so it is intended to have one north, mid and south of the county.

The Portfolio Holder suggested that this work is suspended and reviewed at the end of the financial year.

The Chair asked for clarification that the Portfolio Holder was intending to ask the Service to bring forward proposals for consideration by scrutiny by the end of the financial year. The Portfolio Holder indicated that the intention would be to delay any further work until there was a clearer picture of the usage of car parks after the pandemic, but if it is possible to bring an update to the Committee before the end of the financial year, then that would be provided. The Leader suggested that the Portfolio Holder could bring an interim report to the Committee in March / April 2021.

- Questions:

Could the Portfolio Holder make sure the review takes account of changes to government policy particularly regarding the increased use of electrically powered cars and the potential for the Council in having an income stream by providing charging points in car parks.	The Cabinet Portfolio Holder indicated that she would include this in the review.
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- Members commented:

- There is a decreased use of car parks at present. However, traffic wardens are not patrolling estates and other locations where the Council has implemented double yellow lines, and drivers are parking in these locations rather than using car parks.
- Why cannot the Council offer free car parking for a number of days in a week to support local businesses as the loss of income during the winter would be negligible.
- Could the Committee receive a plan of what the review will be considering. The Chair agreed to discuss this with the Portfolio Holder.

- Forward Work Plan:

- Add Housing Asset Management Strategy (Head of Housing and Communities)

**County Councillor M J Dorrance (Chair)**