

Overview and Scrutiny Management Committee

MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 28 SEPTEMBER 2022 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Graham Wright (Chairman), Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Tony Jackson, Cllr Bob Jones MBE, Cllr Johnny Kidney, Cllr Bill Parks, Cllr Tony Pickernell, Cllr Elizabeth Threlfall, Cllr Jo Trigg, Cllr Tony Trotman, Cllr Iain Wallis and Cllr Ian Thorn (Substitute)

Also Present:

Henry Powell, Andy Brown, Ben Fielding, Perry Holmes, Cllr Laura Mayes, Cllr Ashley O'Neil, Cllr Nick Botterill, Cllr Gavin Grant, Cllr Ian Blair-Pilling, Martin Nichols, Lucy Townsend and Terence Herbert

30 **Apologies**

Apologies for absence were received from Cllr Pip Ridout, Cllr Jerry Kunkler, Cllr Gordon King and Cllr Phil Alford.

It was noted that Cllr Gavin Grant would provide reports on behalf of the Financial Planning Task Group in place of Cllr Pip Ridout. Additionally, Cllr Ian Thorn agreed to attend the meeting in absence of Committee Member Cllr Gordon King.

It was also noted that Committee Member, Cllr Chris Williams had joined the meeting remotely.

31 **Minutes of the Previous Meeting**

The minutes of the meeting held on 14 July 2022 were presented for consideration, and it was;

Resolved:

To approve and sign as a true and correct record of the minutes of the meeting held on 14 July 2022.

32 **Declarations of Interest**

There were no declarations of interest.

33 **Chairman's Announcements**

The Chairman thanked Members who had attended an online financial training session delivered by officers on 8 September 2022. It was noted that the session was useful and that slides and a video would be uploaded to the Councillor's Hub.

34 **Public Participation**

There were no questions or statements submitted by members of the public.

35 **Financial Year 2022/2023 - Quarter One Revenue Budget Monitoring**

The Chairman introduced a report within the Agenda Pack which presented the first quarterly revenue budget monitoring forecast position for the financial year 2022/23. It also provided an update on the MTFS and budget gap for the financial year 2023/24.

The Chairman noted that in Agenda Supplement 3, was a report from the Financial Planning Task Group, which considered the Cabinet report on Monday. Cabinet received the report, and the Task Group's verbal comments, on Tuesday.

The following comments were received by Cllr Nick Botterill, Cabinet Member with responsibility for Finance:

- For Quarter One there had been forecasted an underlying overspend for the year of £12.350million, however with mitigations in place this will be reduced to £6.020million.
- The impact of pay inflation was discussed as being the largest single contributor having caused 60% of the overspend. It was acknowledged that when the budget was set it had been based on a pay increase of 2%, however it is likely that trade unions will settle at a level of around 6.6%. These pressures have added a spend of £6.6million.
- It was stated that the Council has taken the correct actions in order to have the overspend under control.

The following comments were received by the Section 151 Officer:

- The Council had set aside £9million in reserves to deal with inflation pressure, which would be applied to ensure that the Council balances the budget for the financial year.
- Other authorities are also in a similar situation with overspending.

Cllr Gavin Grant introduced the report provided by the Financial Planning Task Group, which noted the following points:

- Attention was drawn to Adult Social Care which had shown an overspend that reflected a change in market preference to use domiciliary care rather than residential care. The positive work conducted by procurement was highlighted with a reduced cost in residential care. It was also

acknowledged that there are factors beyond the Council's control within the care market.

- Children's Services was highlighted as having had an overspend, however this could potentially be down to the impacts of Covid.
- The Dedicated Schools Grant was raised, with Cabinet Members urged to ensure that this responsibility is not transferred to Wiltshire Council as this would cost £8.356million.
- The importance of activities of identification and action plans that could be put in place to seek savings was stressed as the Council moves through further financial quarters. Attention will be given department by department to what spending is taking place and whether savings have been found or whether they remain an aspiration.

The following comments were received by Members of the Committee:

- At Cabinet, questions were asked around the staff pay award and inflation, which were satisfactorily answered by officers.
- It was explained that the staff pay award had been included in Quarter One, as an estimate had been included. It was noted that currently one trade union had accepted an offer, however three trade unions must agree as a collective.
- It was questioned whether the proposed minibudget from central government would have an impact on the revenue budget both immediately and medium term. It was clarified that borrowing costs would have a material impact on what the Council would be able to do, however currently the situation is unknown until the budget is confirmed.
- It was queried how £6million had been saved, to which the Section 151 Officer noted that the budget, when approved by Full Council is the best set of estimates available and that Directors and Heads of Services have to balance vacancies, recruitment and department performance.
- It was queried why there had been an increase of over 5% for EHCPs whilst there had not been an increase in pupils. It was stated that there will be an entire programme dedicated to the induction of EHCPs as part of the Council's vision for SEND.
- It was questioned whether it would be possible to strengthen the Council's early health offer due to the savings which had been made, to which it was stated that the Council has begun to investigate the budget for next year with work being conducted by Oxford Brookes University into early intervention.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to note:

- 1. The current revenue budget is forecast to overspend by £6.020m by the end of the financial year and that this will be managed through the use of earmarked reserves;**

2. The current forecast savings delivery performance for the year;
3. The updated position in respect of the current estimated financial gap for 2023/24; and
4. The report of the Financial Planning Task Group, having reviewed the report in detail before Cabinet.

36 **Financial Year 2022/2023 - Quarter One Capital Budget Monitoring**

The Chairman introduced a report within the Agenda Pack which set out the Capital Programme for 2022/23 as of 30 June 2022 for the first quarterly budget monitoring period.

The Chairman noted that in Agenda Supplement 3, was a report from the Financial Planning Task Group, which considered the Cabinet report on Monday. Cabinet received the report, and the Task Group's verbal comments, on Tuesday.

The following comments were received by Cllr Nick Botterill, Cabinet Member with responsibility for Finance:

- The Capital Programme budget has reduced from £279.176m and currently stands at £269.427m as of 30 June 2022.
- It was noted that capital spend is much more vulnerable to inflation than revenue spending and therefore it is likely that there will be further delay to projects as well as some projects becoming unviable.
- A take-away thought from the Quarter One monitoring as identified as looking at how the Council can better reflect what projects are realistic and can be delivered within a year.

The following comments were received by the Section 151 Officer:

- The Section 151 Officer was set to Chair a meeting of the Asset Gateway Board in the coming week, which would look at the results for the level of spend for Quarter One as well as considering schemes in the programme for Quarter Two with forecasting and re-programming.
- Work is being conducted to investigate how the £269.427m will come down to a more realistic figure of what will be spent in this financial year should cash flows be managed as expected.

Cllr Gavin Grant introduced the report provided by the Financial Planning Task Group, which noted the following points:

- The overprogramming of the Capital programme was referenced as well as the under-delivery of it and the implications on cashflow.
- It was stated that though the underperformance of Capital work can be seen as a material benefit, this is not good practice and there is therefore frustration that though substantial capital funding is allocated, borrowing provision is potentially made which comes at a cost against capital spend.

- Attention was drawn to paragraph 10, which referenced changes to procedures and processes with the additional rigour and focus put into place welcomed by the Financial Planning Task Group.
- It was suggested that it could be worthwhile to understand the work of the Asset Gateway Board as well as changes to processes and procedure.
- It was stated that the current position is predictable, with run rates having been similar for capital spend as they had been last year.

The following comments were received by Members of the Committee:

- Concern was raised in regard to the need for the Council to recognise when they are being over ambitious with Capital projects, with examples cited of schools being informed they would be given improvements but the Council then only delivering a portion of them. It was clarified by the Section 151 Officer that such work would be happening but had been reprogrammed for Easter next year and that more information about reprofiling and reprogramming could be included in an appendix to future report submissions.
- It was suggested that Children's Select Committee take an in-depth look into the delivery of Capital projects for school, with it stated by the Financial Planning Task Group that select committees should be aware of the revenue and capital schemes within their areas of work.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to note:

- 1. The 2022/23 Capital Programme as at Quarter 1 and the capital spend as of 30 June 2022; and**
- 2. The report of the Financial Planning Task Group, having reviewed the report in detail before Cabinet;**
- 3. To note that Children's Select Committee will be requesting a report on capital funding for the maintenance of school buildings.**

37 Council Performance and Risk - Quarter One Monitoring

The Chairman introduced a report within the Agenda Pack, which provided an update on performance against the stated missions in the Council's Business Plan 2022-32, its strategic risks and proposed future developments.

The Chairman noted that the report the first of its kind and has been considered by the other three select committees prior to today, as well as by Cabinet yesterday. The Chairman stated that the Children's and Health Select Committees have resolved to explore how they will conduct more detailed scrutiny of performance indicators within their remits.

It was noted that future iterations of this high-level report would be considered on a quarterly basis by both Cabinet and the Overview and Scrutiny Management Committee.

The following comments were received from Cllr Laura Mayes, Deputy Leader and Cabinet Member for Children's Services:

- The Leader wanted a set of measures in order to assess performance through the means of a living document in order to remain accountable.
- Some departments have been more used to performance management than others, therefore meaning it took longer to identify some performance indicators.
- Currently, the performance document does not have targets, with it identified that there is a need for targets to have a balance of being both ambitious yet achievable. These would be included within the next evolution of the document.
- It was stated that though the Risk Register forms part of the document, this is not an early warning system for performance and outcomes.
- The Overview and Scrutiny Management Committee was invited to get involved in the Performance and Outcomes Board.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to welcome the report and note the updates and outturns:

- 1. Against the measures and activities ascribed against the Council's priorities and that targets for the measures will be included in the quarter two performance report.**
- 2. To note the Strategic Risk Register, issues and emerging risks;**
- 3. To note that the Children's and Health Select Committees have resolved to explore more detailed scrutiny of those performance indicators within their remits.**

38 Annual Wiltshire Council Complaints Report 2021-2022

The Chairman introduced a report within Agenda Supplement 1, which presented the council's Annual Complaints report for the 2021-22 financial year. It was noted that the report would also be considered by the Standards Committee on the 5 October, as they oversee the council's complaints handling arrangements.

The following comments were received from Cllr Ashley O'Neil, Cabinet Member with responsibility for council Governance:

- The report covered the complaints received annually by the Council and how these had been dealt with, including information about the complaints system as well as how the resolutions to complaints are meeting statutory responsibilities.
- The report covered the outcomes of complaints and whether these were fully or partially upheld, as well as the breakdown and volume of complaints received by each department and also those which were sent to the Local Government and Social Care Ombudsman.
- It was noted that the report does not cover complaints received about elected members or the Police and Crime Commissioner.

The following comments were received from Perry Holmes, Director for Legal and Governance:

- Perry Holmes commended Henry Powell and his team for their work having taken over the complaints team, with it noted that a complaints report had previously not been delivered.
- It was noted that complaints can be a rich source of information for the Council.

The following comments were received from Henry Powell, Democracy and Complaints Manager:

- It was noted that the detailed report includes 19 charts and shows a gradual reduction in the number of complaints received by the Council over the past 4 years.
- The number of service requests had been stable, with $\frac{3}{4}$ of such requests being resolved by means of direction to the relevant department, with only $\frac{1}{4}$ of service requests ending in a formal complaint.
- There had been a small increase to the number of complaints upheld and partially upheld.
- The area that attracted the highest number of complaints was Children's Services (88), however it was recognised that this area tends to reach a high number of customers or involves contentious decisions.
- In regard to service requests, the area that attracted the highest numbers was Waste Management (256).
- There has been a slight increase in complaints about the Council received by the Local Government and Social Care Ombudsman, but a decrease on all three years prior to that.
- The Local Government and Social Care Ombudsman upheld a smaller amount of complaints about the Council compared to other unitary authorities and that all recommendations had been complied with.
- A new IT system will be in place soon in order to allow stats to be produced quicker as well as allowing for greater corporate awareness of complaints.

The following comments were received by Members of the Committee:

- It was queried whether there would be a way of capturing lower-level complaints received by Councillors.
- In regard to complaints about Development and Building Control, it was suggested that this is part of the process and residents sometimes place complaints about planning applications that they object to.
- It was suggested that complaints are not necessarily a bad thing as they show that residents are interested and engaged in issues.
- It was queried whether the Council is able to benchmark against other local authorities, to which it was clarified that though this is difficult due to the way other Councils format their departments, this is an area that would like to be addressed within the next report.
- The issue of waiting times for those calling the 0300 Council number was raised, with it clarified that data is available for numbers of those who end their call. It was however stated that once past holding the service received was very good.
- Issues regarding the MyWilts app were raised, with it stated that a survey is set to be sent out to Members regarding the app with a Member User Group set to be formed. Cllrs Graham Wright, Chris Williams and Bill Parks volunteered to be part of the user Group.
- Andy Brown made the Committee aware that within the Q1 report, approval had been granted to draw down funds for the customer experience programme which would have a focus on the digital offer.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to note:

- 1. To note the Wiltshire Council Complaints Report for 2021-22.**
- 2. To note that formal complaints to the council have reduced by 41% since 2018-19.**
- 3. To note the actions to further improve the council's complaints handling function over the next 12 months.**

39 Report of the Asset Transfer Policy Rapid Scrutiny Exercise

The Chairman introduced a report within Agenda Supplement 1, which presented the report of the Asset Transfer Policy Rapid Scrutiny Exercise, which was retrospective post Cabinet approval of the new policy.

Cllr Laura Mayes, Deputy Leader and Cabinet Member for Children's Service introduced the report and noted that it had been debated thoroughly at the Cabinet meeting which took place 27 October 2022.

Cllr Ruth Hopkinson, Lead Member for the Rapid Scrutiny Group stated that she had attended the Cabinet meeting which took place along with the four Members of the Task Group. Cllr Hopkinson stated that she was disappointed

with the lack of engagement with the report as well as how the decision had been made to adopt a policy before it had gone before the Overview and Scrutiny Management Committee. In addition that the previous Asset Transfer Policy had been taken to a meeting of the Full Council, when this one had not.

The Chairman thanked Cllr Ruth Hopkinson for chairing the Task Group as well as the Members which partook in the work undertaken by it.

The following comments were received by Members of the Committee:

- It would be positive to see timescales on transfers in order for towns to be able to set their precepts.
- The asset transfer of the Warminster Athenaeum was cited, with it stated that the transfer cost a significant amount of money in legal fees, therefore anything to streamline and facilitate the process would be positive.
- It was suggested that review processes could include visibility of which items transferred to towns or parishes would be eligible to receive Section 106 money.
- Whilst recognising that the policy had now been approved by Cabinet, disappointment was voiced by a Member of the Committee with reference to how previously Cabinet had amended recommendations rather than accepting or rejecting them.
- It was suggested by a Committee Member that given the level of concern across groups that it should be considered whether policy could be brought to Full Council for discussion.
- The Chairman stated that though the policy had been approved at Cabinet, scrutiny would be undertaken to ensure that the policy was delivered.
- Concern was placed that the policy had not included enough project management or resourcing for it to work.
- The Section 151 officer stated that officers deployed elsewhere would be brought back to work on the policy in order to assist with resource constraints and that additional resources for the legal department had been agreed. It was also stated that the Council would be in touch with 9 Town Councils who had declared an interest in an asset transfer and that with a policy in place there could be clear clarity with expectations set.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

- 1. To endorse the report of the Asset Transfer Rapid Scrutiny Exercise, which was received by Cabinet on 27 September 2022;**
- 2. To note that Cabinet approved the new Service Devolution & Asset Transfer Policy on 27 September 2022.**

- 3. In line with the Rapid Scrutiny group's recommendation, to monitor the implementation of the refreshed Service Devolution & Asset Transfer policy and receive a progress update within 6 months.**

40 **Management Committee Task Groups**

A report was received on the Task Groups and Panels established by the Management Committee.

Swindon and Wiltshire Local Enterprise Partnership (SWLEP) Joint Scrutiny Panel

It was noted that the Panel is in abeyance until the national picture regarding LEPs is clarified. Additionally, The LEP is currently considering the future type of scrutiny it wishes to commission, given the dramatic reduction in LEP funding being provided by Central Government.

Evolve Programme Task Group

It was noted that the task group meets quarterly had not met since the last Committee meeting. Its next meeting is scheduled for 30 September 2022, so the Committee would receive its next update on its work in November.

Cllr Jon Hubbard stated as Task Group Chair that an agenda setting meeting had taken place with officers the previous week and that the programme faces challenges in the near future.

Financial Planning Task Group

It was noted that the next meeting of the Financial Planning Task Group had been scheduled for 7 October.

The Chairman noted that the task group had a vacancy in its membership and that as Cllr Ian Thorn had put himself forward for the role, the Chairman proposed that Cllr Ian Thorn be added to the membership.

In addition, the Chairman stated that in autumn it would be important for scrutiny to investigate the key service budgets and the implications for delivery. It was therefore proposed that the Task Group lead this process, with the Chairman and Vice-chairman of the relevant select committees also participating. This would take the form of dedicated Task Group meetings with the relevant Select Committee chairs and vice-chairs, Cabinet Members and senior officers attending.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

1. To note the update on activity provided;
2. To appoint Cllr Ian Thorn to Financial Planning Task Group

41 **Forward Work Programme**

The Committee considered the forward work programmes for each select Committee, as well as updates from the Chairman for each Select Committee.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

1. To note the updates on select committee activity and approve the Overview and Scrutiny Forward Work Programme.

42 **Date of Next Meeting**

The date of the next meeting was confirmed as 15 November 2022.

43 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.00am – 12.25pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line 01225 718656, e-mail Benjamin.Fielding@wiltshire.gov.uk
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