

Overview and Scrutiny Management Committee

MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 26 SEPTEMBER 2023 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Graham Wright (Chairman), Cllr Christopher Williams (Vice-Chairman),
Cllr Richard Britton, Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Tony Jackson,
Cllr Johnny Kidney, Cllr Jerry Kunkler, Cllr Tony Pickernell, Cllr Pip Ridout,
Cllr Jo Trigg, Cllr Tony Trotman and Cllr Iain Wallis.

Also Present:

Cllr Nick Botterill.

28 Apologies

Apologies for absence were received from Councillors Richard Clewer and Gordon King.

29 Minutes of the Previous Meeting

The minutes of the meeting held on 26 July 2023 were presented for consideration, it was;

Resolved:

To approve and sign as a true and correct record of the minutes of the meeting held on 26 July 2023.

30 Declarations of Interest

There were no declarations of interest.

31 Chairman's Announcements

The Chairman made the following announcements:

- a) During the last meeting, it had been announced that the chairs and vice-chairs of the select committees had requested an information briefing for OS Management Committee on the council's contract arrangements. Since then, officers had prepared an online briefing, and this was scheduled for 2.00pm on Thursday 28 September, with all welcome to attend.
- b) It was recently raised at the Overview and Scrutiny Management Committee as well as at the Audit and Governance Committee that there

was a need for appropriate scrutiny engagement on the council's wholly owned Stone Circle companies. Currently, the Scrutiny of this sat within the Financial Planning Task Group's terms of reference. Following on from this an online briefing was now being prepared with a date to be announced shortly, and that the Chairman might request a task and finish group look at the matter in more detail and come back with proposals for ongoing scrutiny engagement in Stone Circle.

- c) It was outlined that the council's Constitution Focus Group was currently conducting a full review of the Constitution. This included work to address Part 8, which was the Overview and Scrutiny Procedure rules. Various potential changes had been identified to improve Part 8's clarity and to ensure that the Committee was in line with the Local Government Act 2000. It was noted that the views of the select committee chairmen would be sought before changes are formally brought before Full Council.
- d) The Chairman noted that on 11 July, that he and some of the other select committee chairs and vice-chairs discussed the approach to scrutiny engagement on the annual budget for next year. It was agreed that overall last year's scrutiny process was successful, and this view has also been echoed by the Financial Planning Task Group and the Executive. It was however felt that one area for improvement could be the timing of Scrutiny's engagement and therefore, it was felt that scrutiny could have more impact on the council's sound financial management with earlier sight of the likely pressures and options for the coming year. Earlier engagement could take the form of some focused meetings in the Autumn looking at the key budget areas, the forecast pressures, and options for addressing them. The Chairman had written to the Leader, Cabinet Member for Finance and Section 151 Officer to ask for their support in making this happen.

In response, Cllr Nick Botterill, Cabinet Member for Finance, Development Control and Strategic Planning stated that the process for scrutinising the annual budget was currently being worked on, with consideration to what value could be added by the Overview and Scrutiny Committee.

A suggestion was made by a Committee Member that early budget scrutiny work could consider where "early intervention" could save money, with a positive example cited as being the case with early help for young people.

32 **Public Participation**

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

33 **Financial Year 2023/24 - Quarter One Revenue Budget Monitoring**

The Chairman noted that in the agenda was a report which set out the first quarterly revenue budget monitoring forecast for the financial year 2023/24 based on the position at the end of June 2023. It also provided an update on the

Medium-Term Financial Strategy (MTFS) and budget gap for the financial year 2024/25 and beyond.

It was noted that the report had been considered by Financial Planning Task Group on 8 September and Cabinet on 12 September. A summary of the Task Group's discussions was provided in a report in the agenda pack.

Cllr Nick Botterill, Cabinet Member for Finance, Development Control and Strategic Planning stated that overall, the current figures were good, with a deficit of around £311,000 for this financial year and 99.94% expenditure on budget; due to long term plans in place for the highest spending areas to produce positive results. It was acknowledged that though the position was positive, there were still risks, such as if several high needs children were to present themselves. It was however stated that the current situation should be celebrated in comparison to that of other councils.

The following comments were made by Andy Brown, Deputy Chief Executive and Section 151 Officer, who stated that as per the commentary within the report, the forecast was positive for Q1, however there was an awareness that it wouldn't take much to take this off track, with warning signs such as inflation and the pay award higher than what was budgeted for, though action had been taken towards this. It was further outlined that action would have to be taken around the Dedicated Schools Grant as an annual deficit of £10million could accumulatively grow. It was additionally noted that, savings delivery was progressing well and into a high 80% level when compared to previously lower years.

Cllr Pip Ridout, Chair of the Financial Planning Task Group (FPTG), stated that this was a good news story and that the Council having been very prudent over past years was now in a stable position. Reference was drawn to the summary forecast of Q1, which drew attention to identified highs and lows, with a need for Select Committee Chairs to further monitor operational output against financial.

The following comments were received by Members of the Committee, including that the budget was in a positive position, however risks did exist such as the potential arrival of asylum seekers. Reference was also drawn to Safety Valve as an example of the need to be watchful of the budget. Emphasis was placed on the need to be aware of risks and for Select Committee Chairmen to look at ways to identify savings to ensure that the budget remained in a positive place.

Reference was drawn to page 22 of the report, which highlighted that Cabinet was requested to approve a draw from reserves to fund activity, including £0.772mill towards Ukrainian Education Funding. It was clarified during the meeting that this money was going to be used solely for Ukrainian pupils in Wiltshire Schools.

Questions were also asked in relation to the savings table 14 and whether there were proposals in place to realise savings in year one, rather than in years two and three. It was discussed that where some areas were identified as being red,

some of these issues related to timing and couldn't be delivered this year but would rather be in the future. However, if savings could be made now then this would be conducted; for example, the proposed VAT on leisure following the HRMC tribunal case. Further information was also provided in relation to how the data had been presented for forecasting purposes and that overall, comfort could be taken from the savings table due to being in a better position than was hoped for at this stage.

Attention was drawn to the Living and Aging Well projected overspend and considering the pressures within this sector, whether savings could realistically be delivered. In response, the officer, stressed the importance of working with the market and that though there were pressures to manage providers and market risk, it wouldn't mean savings would be unlikely to be achieved. It was also suggested that within the adult social care, a problem faced was the lack of workforce, with it suggested that the Council was working on schemes or going to education settings to encourage people to come into the sector. It was also noted that work was being conducted to identify how the Market Sustainability Improvement Fund could be allocated.

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 £0.311m by the end of the financial year;**
- 2. The current forecast savings delivery performance for the year;**
- 3. The updated MTFS position and revised gap of £7.344m by 2025/26; and**
- 4. The report of the Financial Planning Task Group.**

34 Financial Year 2023/24 - Quarter One Capital Budget Monitoring

The Chairman noted that in the agenda was a report which set out the Capital Programme for 2023/24 as of 30 June 2023 for the first quarterly budget monitoring period. It included the movements from the original budget set by Full Council in February 2023 to the revised programme and sets out how the programme was forecast to be financed. It provided an update on the significant schemes that were planned to be delivered and those that had been reprofiled to future years.

It was noted that the report had been considered by Financial Planning Task Group on 8 September and Cabinet on 12 September. A summary of the Task Group's discussions was provided in a report in the agenda pack.

Cllr Nick Botterill, Cabinet Member for Finance, Development Control and Strategic Planning stated that there has been an awareness of overprogramming, with attempts having been made to improve this, in some

places down to new systems. It was noted that initial concern had been raised when it identified that Highways had only spent 7% of the budget in place, however assurance had been made that this was down to the systems in place rather than contracts and other issues. Furthermore, it was updated that an additional £10million had been allocated to Highways as this had been an area requested by residents, with hope that a second tranche of spending would follow, should the initial £10million be spent properly with value for money received.

The following comments were made by Lizzie Watkin, Director of Finance, who stated that the report was still showing the programme as having £189million deliverability, when historical experience shows that this sits at £120million. The importance of knowing the revenue implications of programmes, particularly in relation to schemes funded by borrowing was stressed, as well as the impact on cashflow forecasting, which would also affect treasury management. Attention was drawn within the report to where money had been prudently set aside to offset loans for Stone Circle Housing work; with it noted that within other local authorities there had been issues of not setting aside money for more complex investments.

Cllr Pip Ridout, Chair of the Financial Planning Task Group (FPTG), stated that the new system had been encouraging and more accurate when considering capital with it difficult to ever be fully accurate due to affecting factors. Praise was given to the Finance Team for improving the reports and providing them in a phased manner for a better approach.

The following comments were received by Members of the Committee, including that it might be worthwhile for Members to see the data presented in a format that separated capital underspend and revenue implications, to improve ease of understanding of where savings had been achieved within actual spend. Clarity was sought regarding the number of households in temporary accommodation increasing, with further clarity sought on the accommodation types being used and the cost; to which it was stated that this would be referred to officers with a response to be included within the minutes.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

- 1. To note the capital programme position as set out in the report, the comments of the Financial Planning Task Group.**

35 **Performance and Risk Report 2023-24 - Quarter One**

The Chairman noted that in the agenda was a report which set out a quarter one update on performance against the stated missions in the Council's Business Plan 2022-32. The Strategic Risk Summary is also included.

It was noted that the report had been considered by Cabinet on 12 September.

Cllr Nick Botterill, Cabinet Member for Finance, Development Control and Strategic Planning stated that the report was the best way to ensure that the Council was open and transparent about achieved performance. The report was an important tool in discussions about long term performance as well as allowing a way to monitor and ask questions when things go wrong.

Perry Holmes, Director for Legal and Governance, stated that there was an aspiration to provide this report every quarter to outline financial position, what money was being spent on as well as risk. It was noted that the performance information was now a settled data set with patterns and elements emerging for consideration. It was outlined that performance was considered in several areas including Performance and Outcomes Boards (POBs), Cabinet as well as Scrutiny to provide a good oversight of performance. Reference within the report was made to the Office for Local Government (OFLOG), with it noted that information produced by OFLOG might not be providing a balanced picture, with the Chief Executive likely to make representations.

The following comments were received by Members of the Committee, including requests for additional information against performance metrics including temporary accommodation and adult social care; to which it was agreed that a response would be added to the minutes. Attention was also drawn to numbers relating to anti-social behaviour cases sitting at 70%, under the identified target of 90%; to which the Director of Legal and Governance noted that the figures provided were from the Police. Points were also raised regarding the percentage of gigabit broadband and 4G mobile coverage being lower than it would be liked, with a suggestion that 37% of the county do not have gigabit connectivity. To which it was suggested that though this was a valid point in relation to aspirations of business and connectivity, it was important to remember that Wiltshire was home to significant areas of outstanding beauty and therefore due to geography would not always be able to provide the improvements referred to. It was also suggested by the Director that should this be an area of interest for Scrutiny, it would be possible to pull together data and timelines for improvements. It was also noted that the data provided was based on the coverage of premises and access to one of the four network providers and was not based on the area itself.

Further comments were received in relation to the record of activity in children, with clarity sought in relation to where the responsibility of encouraging activity in children would lie. Points in response noted that Wiltshire Council had a vested interest in the active population through its business plan and corporate statements as well as being the democratic body which could convene parts of society to transform the active nature of the population. Furthermore, that the Council did have a statutory duty under the Education act to promote positive activities for young people, with a provision provided through £350,000 funding distributed through Local Youth Networks.

A further point was also made in relation to the positive data reported in relation to the reablement service and how this was within 1.2% of the target zone, which it was suggested could possibly be met if not for staff vacancies.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to note:

- 1. The updates and outturns against the measures and activities mapped against the Council's priorities.**
- 2. The Strategic Risk Summary.**
- 3. To seek written responses to the questions raised against specific indicators within report.**
- 4. To invite the select committees to consider the indicators within their remits and explore further where appropriate.**

36 Wiltshire Council Annual Complaints Report 2022-23

The Chairman noted that in the agenda was a report which presented the council's Annual Complaints report for the 2022-23 financial year. It was also noted that the report would also be considered by the Standards Committee on the 3 October, as the committee that oversaw the council's complaints handling arrangements.

Perry Holmes, Director for Legal and Governance, introduced the item, with focus on the complaints received and how they were addressed. Henry Powell, Democracy and Complaints Manager, and his team were praised for the improvements that had been seen within the complaints process.

Henry Powell, Democracy and Complaints Manager provided the Committee with a presentation, which covered the following points:

- The Annual Complaints report covered the previous financial year, including all formal complaints except for those relating to Councillors and the PCC.
- There had been an increase in formal complaints received in the last 5 years (12%), which could be attributable to a rise in SEND complaints (an increase of 136% and 56 complaints).
- Stage 1 complaints had reduced slightly however Stage 2 complaints had increased by 43%, with Service Requests also having risen by 35%. In turn causing a small increase to the percentage of complaints upheld or partially upheld.
- The area which received the most formal complaints (148) was Children's services, mainly due to complaints relating to EHCPs. An increase of 68%.
- The area which received the most Service Requests was Waste Management (387), an increase of 51%.

- Regarding the LGSCO, there had been a 10% increase in complaints received, however a decrease in those requiring investigation as well as a 2% decrease in complaints upheld by the LGSCO.
- Annual data was provided over a 5-year period to demonstrate how complaints had been dealt with as well as responses within target timescales and the outcomes of complaints.
- As detailed within the report, actions to further enhance the Council's complaint handling function were outlined.

The following comments were received by Members of the Committee but were not limited to that multiple Service Requests had been received by Councillors in relation to grass cutting, therefore it would be positive to have further detail in relation to complaints about grass cutting. The progression of Service Requests into formal complaints was discussed and the reasonings behind residents might escalate matters so quickly.

The Chairman thanked the Democracy and Complaints Manager, as well as the Director for Legal and Governance for the report.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

1. **To note the Wiltshire Council Annual Complaints Report for 2022-23.**
2. **To note the actions to further improve the council's complaints handling function over the next 12 months.**
3. **To ask the Select Committee Chairmen to consider the complaints data within their portfolio areas and explore further as appropriate.**

37 **Council Tax Reduction Scheme**

The Chairman agreed to take this item ahead of item 9 due to officer availability.

The Chairman noted that in the agenda was a report which set out proposals for consultation to further adapt the scheme to improve administration and accommodate the effects of the ongoing rollout of Universal Credit, as well as ensuring the support for low-income households remained at the appropriate level considering the ongoing cost of living crisis.

It was noted that the report had been considered by Financial Planning Task Group on 8th September and Cabinet on 12 September.

Cllr Nick Botterill, Cabinet Member for Finance, Development Control and Strategic Planning stated that there was an obligation to make sure that the Council Tax Scheme was fit for purpose and would not cause an undue burden for both the administrators and those receiving it. It was outlined that the idea

was to increase the percentage of households able to contribute towards Council Tax, by reviewing the scheme to ensure it met the priorities of the Council and delivered an appropriate level of support for low-income households. It was noted that a consultation would take place, with a final proposal to follow in December.

Cllr Pip Ridout, Chair of the Financial Planning Task Group (FPTG), suggested that it would be worthwhile for the proposal to be scrutinised before December as the implications would affect the budget.

The following comments were received by Members of the Committee, including acknowledgement that until figures were confirmed after the consultation, scrutiny could not take place. Additionally, that it would be positive to make Council Tax more affordable to those who might have been previously unable to pay it, potentially creating a positive impact on mental health. It was also suggested that the proposal to change legislation giving Council's the discretionary power to add premiums of up to 300% to those owning second homes would be well received. This led to a discussion around contributions made by the MOD and NHS in relation to their owned homes.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to note that on 12 September 2023, Cabinet:

- 1. Delegated to the Director Finance, to go out to consultation on the proposals included in this report;**
- 2. Approved an increase in the Council Tax premium charge levied on long term empty properties with effect from 1 April 2024.**

38 Task Group Update

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

Evolve Programme Task Group

Cllr Jon Hubbard, Chairman of the Evolve Programme Task Group noted that the task group had not met since the last meeting of the Select Committee, however the updates that had been received were positive and that a meeting would take place soon.

Financial Planning Task Group

The Chairman noted that there was a desire to increase membership to the Financial Planning Task Group as it had recently lost some active Members.

Those interested were encouraged to get in contact with the Chairman, Simon Bennett or Henry Powell.

The Chairman thanked the Task Groups, Members and Officers for their work.

After which it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

- 1. To note the update on the Task Group activity provided.**
- 2. To note the Financial Planning Task Group's forward work plan.**
- 3. To add Cllrs Ruth Hopkinson, Graham Wright and Chris Williams to the membership of the Financial Planning Task Group.**

39 **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.**
- 2. To establish a task group to consider arrangements for scrutiny engagement on the council's activity in regard to its wholly-owned Stone Circle companies and to bring proposals back to Committee.**

40 **Date of Next Meeting**

The date of the next meeting was confirmed as 15 November 2023.

41 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.00 pm)

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

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Anti-social behaviour

Response from the Head of Service- Public Protection – John Carter

Corporate Performance Scorecard Measure:

Percentage of reported antisocial behaviour cases resolved within 60 days.

OSMC Question:

Why are we below the current target?

Response:

This is a new measure and the recording mechanisms are still bedding in. The 60-day indicator results in a lag between the end of the quarter and the accurate performance figure being available.

Following the committee's comments, we have worked through the figures case by case to review the data.

There were a few cases wrongly coded and these have been updated to differentiate between ASB cases and community safety complaints which relate to longer term actions such as Public Spaces Protection Orders.

Updated figures are as follows:

21 Total cases including Pre-ASBRAC and 5 Community Safety cases

16 Pre-ASBRAC (Community Safety cases removed)

15 resolved/closed within 60-days

1 waiting for mediation

Total resolution rate in 60 days = 93%

Temporary Accommodation

Response from the Head of Housing, Migration and Resettlement – Nicole Smith

Corporate Performance Scorecard Measure:

Total Households in Temporary Accommodation

OSMC Question:

What type of accommodation is being used for temporary accommodation and how much is this costing?

Response:

The temporary accommodation we use is either managed by a housing provider, our own stock or through a private sector lease arrangements with a private landlord. Rents and service charges cover the cost of the use of this temporary accommodation. Our costs come in when we need to use B&B. The average cost of a weeks' placements in a B&B is around £500 a week for a single applicant. We are currently not using B&Bs.

The three main causes of homelessness are still being asked to leave by family and friends, termination of assured shorthold tenancies and relationship breakdowns with increasing numbers of Domestic Abuse. The increasing use of temporary accommodation is due to higher volumes of homeless applications being received. Preventions have become harder as we are seeing huge demands on the private sector and increasing rental prices that are well above the LHA (Local Housing Allowance), which is making private rented unaffordable for those on benefits. We are also seeing fewer moves into social housing during the prevention stage as demands in the higher bands have significantly increased.

Adult Social Care

Response from Director of Adult Social Care – Emma Legg

Corporate Performance Scorecard Measure:

Number of working-aged adults in residential care (Long-term support needs of younger adults aged 18-64 met by admission to residential and nursing care homes, per 100,000 population - ASCOF)

OSMC Question:

Is the recent increase the start of a longer-term trend and, if so, what are the causes and implications?

Response:

It's important to note that this metric is looking at the number of admissions as opposed to the number of adults. The way that this metric is calculated is looking at the last 12 months (rolling year) and any new admissions in that period. A new admission is valid if where the client was before was **not** a residential care home or nursing home. This does include where a client was in a residential or nursing care home, had a period in hospital and then was discharged to a residential or nursing care home following discharge.

In terms of numbers, for the rolling years to June 2023 (Q1) we are looking at 58 admissions, which is very slightly higher than March 2023 (Q4) at 52 and December 2022 (Q3) at 46. With the introduction of the Moving on Service we did expect to see a slight increase in our data. Reducing this figure is a key priority for our operational and commissioning teams and we are scrutinising this activity through our performance outcomes groups and board.

Although this is focussing on working age adults in residential care, these are not all specialist residential placements