

Overview and Scrutiny Management Committee

MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 27 NOVEMBER 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Graham Wright (Chairman), Cllr Christopher Williams (Vice-Chairman), Cllr Gavin Grant, Cllr Ruth Hopkinson, Cllr Johnny Kidney, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Robert MacNaughton, Cllr Tony Pickernell, Cllr Pip Ridout, Cllr Tom Rounds, Cllr Jonathon Seed, Cllr Jo Trigg and Cllr Jacqui Lay (Substitute)

Also Present:

Cllr Nick Botterill, Cllr Nick Holder, Cllr Dominic Muns

64 **Apologies**

Apologies for absence were received from Committee Member Councillor Tony Jackson, who had arranged for Councillor Jacqui Lay to attend the meeting in his absence.

Additional apologies had been received from Cabinet Members Councillors Richard Clewer, Ian Blair-Pilling and Jane Davies. Councillor Richard Clewer noted that he would have liked to have attended the meeting however due to his attendance at a conference and meetings, he was unable to be present both in person and in an online capacity.

65 **Minutes of the Previous Meeting**

The minutes of the meeting held on 12 September 2024 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 12 September 2024.

66 **Declarations of Interest**

There were no declarations of interest.

67 **Chairman's Announcements**

The Chairman made the following announcements:

- A) Urgent Item

The Chairman noted that under item 18, Urgent Items, the Committee would receive a referral from Cllr Jon Hubbard regarding the Council's engagement with Wiltshire Publications, publishers of the Melksham News newspaper.

This issue was raised at Cabinet last week and Cllr Hubbard's request for scrutiny fell under paragraph 6.13 of Part 8 of the Council's Constitution. This provision allowed any Member of the Council to refer to the Overview and Scrutiny Committee any matter that is relevant to the functions of that Committee and ask that action be taken.

As Cllr Hubbard's request missed the publication of today's agenda by one day, it could not be included as a dedicated item. However, the Chairman agreed to handle the matter under Urgent Items, rather than wait for the next meeting, which was not until 28 January 2025.

B) Marie Gondlach Moving On

The Chairman noted that sadly, Marie Gondlach, a long-serving member of the Scrutiny team, would be leaving the council on 10th December. Marie had been with the council since 2009 and with the Scrutiny team since 2017. During that time, she supported numerous scrutiny activities on many different topics, but primarily in her longstanding role supporting the Children's Select Committee and of its associated activities. Marie had been an incredibly diligent and professional officer, who brought a real passion to her work supporting the scrutiny of children's services and education. She would be greatly missed, and the Committee wished her well in all her future endeavours.

68 **Public Participation**

Joe McCann of Wiltshire Publications made a statement regarding Wiltshire Publications communications and interactions with the council and executive.

69 **Financial Year 2024/25 - Quarter Two Revenue Budget Monitoring**

The Chairman noted that on page 21 of the agenda pack, was a report setting out the second quarterly revenue budget monitoring forecast for the financial year 2024-25 based on the position at the end of September 2024. It also provided an update on the known pressures that would likely impact the future years budgets and MTFs as well as an updated assessment of changes to assumption that affected the 2025/26 budget and the budget gap in future years.

The report was considered by Financial Planning Task Group on 15th November and Cabinet on 19th November. A summary of the Task Group's discussions on the report was provided at page 206 of the agenda pack.

Cllr Nick Botterill, Cabinet Member for Finance, Development Control and Strategic Planning introduced the report and noted that the Q2 report forecasted a better position than the report for Q1, with there now being a projected net overspend for the year of £0.861m compared to £8.284m previously. It was also

suggested that there was confidence that by the end of the year, a balanced figure would be reported and that efforts were taking place to bring spending into line with this. Further attention was also brought to the People Services area, which still experienced continued pressure and that mitigations would continue to be implemented.

Cllr Pip Ridout, Chair of Financial Planning Task Group (FPTG), stated that a report had been submitted by the FPTG to Cabinet with attention drawn to the predicted variance at the year-end in Adult Social Services which was primarily offset by Place. Additionally, the knock-on effects of minimum wage and National Insurance would need to be considered when setting the future budget.

Members of the Committee discussed the report and made the following comments, which included, but were not limited to regarding the £1.2million forecasted overspend on the Housing Revenue Account, with it suggested that this increase was due to the price increases services being provided for and that it was important to understand these costs and build them into the business model. Detail was also provided on the contract failure affecting void rates, to which it was stated that the void rate was being reduced to a near normal level with completed voids now being with in-house teams in order to mitigate the risk with external contractors.

A discussion took place regarding the overspend in the Adult Social Care spend, with it suggested that the Place budget and savings should not remain to subsidise the overspend. It was also suggested that there was a need for officers and directors to be held account for the overspend. In response, it was suggested that Wiltshire Council was spending less than other local authorities on Adult Social Care, with 62% of the budget allocated and that such overspends were dealt with by a One Council approach. It was outlined that Directors were responsible for their own budgets and service delivery and that if savings could not be delivered these would have to be replaced by savings by other services. It was also stated that recurring meetings were taking place on a fortnightly basis to discuss the Adult Services spend. Members raised further points regarding how the Adult Services spend was for statutory services and therefore such spending was necessary in order to be legally compliant.

Lizzie Watkin, Corporate Director for Resources, Section 151 Officer, provided further clarity on comments made within the report regarding the need for permanent solutions in order to ensure that the Council remained financially stable, with it suggested that it was not sensible to have one-off mitigations as this might cause underlying pressure to follow into subsequent years. The need to be prepared for additional costs caused by National Insurance and National Living Wage was also stressed as well as clarity regarding the Dedicated Schools Grant and how the negative trajectory of the grant would affect the Council as well as the risks faced.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to note:

- a) **The current revenue budget is forecast to overspend by £0.861m by the end of the financial year**
- b) **The current forecast savings delivery performance for the year.**
- c) **The forecast overspend on the HRA of £1.042m and the impact on the HRA reserve.**
- d) **The forecast overspend against Dedicated Schools Grant (DSG) budgets of £14.942m and the impact on the cumulative DSG deficit; and:**
- e) **The comments of the Financial Planning Task Group.**

70 **Financial Year 2024/25 - Quarter Two Capital Budget Monitoring**

The Chairman noted on page 55 of the agenda pack, was a report setting out the Capital Programme for 2024/25 as of 30th September 2024 for the second quarterly budget monitoring period. The report included the additional funding approved by Full Council at its meeting on 8th October 2024 and movements from quarter one and set 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.

The report was considered by Financial Planning Task Group on 15th November and Cabinet on 19th November. A summary of the Task Group's discussions on the report is provided at page 208 of the agenda pack.

Cllr Nick Botterill, Cabinet Member for Finance, Development Control and Strategic Planning introduced the report and stated that the capital programme forecast was £225.798m. It was suggested that at the halfway stage of the financial year, 30% of the budget had been spent, therefore there was a high probability that the Council would not spend the full budget and would more likely spend between £170m-£180m. It was suggested that though this might potentially raise questions, the Council was in a better position for programming and had improved systems to allow for greater accuracy.

Cllr Pip Ridout, Chair of Financial Planning Task Group, stated that though there had been improvements in the forecasting of capital spend, if possible further improvement could be for the report to show out of the capital spend what funding had been borrowed, what was Section 106 funding and what was CIL funding, in order to fully understand how the total sums had been formulated.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to note:

- a) **The Capital Programme for 2024/25 as of 30 September 2024 for the second quarterly budget monitoring period.**
- b) **The comments of the Financial Planning Task Group.**

71 **Mid-Year Treasury Management Review 2024/25**

The Chairman noted on page 105 of the agenda pack, was a report that updated on the performance of the Council in the period to 30 September 2024 against the parameters set out in the approved Treasury Management Strategy for 2024/25. The report was considered by Financial Planning Task Group on 15th November and Cabinet on 19th November. A summary of the Task Group's discussions on the report was provided at page 208 of the agenda pack.

Cllr Nick Botterill, Cabinet Member for Finance, Development Control and Strategic Planning introduced the report and stated that there had been no statutory breaches or breaches of prudential indicators and that the Council had not taken on any additional borrowing, which was important due to the current interest rates. It was however stated that in the future the Council would have to borrow

Lizzie Watkin, Corporate Director for Resources, Section 151 Officer, drew attention to the national position of global markets and how changes in larger countries such as the US would lead to impacts on borrowing. It would therefore be important to be proactive when looking at forecasts and that as Section 151 Officer, it would be important to be aware of the market as well as the opportunities and risks involved.

Cllr Pip Ridout, Chair of Financial Planning Task Group, further emphasised the importance of good treasury management and that when the Council was required to borrow it would be important to get the most favourable bank rates possible.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to note the update on the council's Treasury Management activities for the period from 1 April 2024 to 30 September 2024.

72 **Performance and Risk Report 2024-25 Quarter Two**

The Chairman noted that on page 127 of the agenda pack, was the quarter two update on performance against the stated missions in the Council's Business Plan 2022-32. The report was considered by Cabinet on 19th November.

The Chairman stated that Children's Select Committee had held a detailed discussion regarding Education Health and Care Plans (EHCPs) yesterday and would continue to monitor activity in that area. Additionally, regarding risks, it was suggested that the Committee focused on those risks that exceed the

council's risk appetite, which were the first six risks listed with the report; one of those risks related to failures in corporate health and safety, which would be the subject of the next agenda item.

Perry Holmes, Monitoring Officer and Director for Legal and Governance, introduced the report which included the main risks that would prevent the Council from providing its business plan priorities. It was suggested that the risks included were different as the report consisted of a new nuanced way of looking at the way risk affects business.

Members of the Committee discussed the report and requested further detail on the uptake of health checks; to which it was clarified that the corporate target was to be above 45% uptake and that though before the pandemic this had been 44%, the percentage was now 33% with data being used in order to make improvements following the implementation of a new data management system. Further points were made regarding health checks including how outreach could be the issue for low uptake rates, with points also made in relation to how different mediums of communication needed to be used to meet all demographics, including those who might not use technology.

Clarity was also provided regarding why street homelessness had not been included within the housing scorecard, to which it was noted that such data was recorded and discussed at the Performance and Outcomes Board as well as the Environment Select Committee. Furthermore, the performance indicators had been approved by the Leader of the Council and that the Council possessed a large amount of data therefore judgement calls had to be made on which data to include within the report.

It was agreed that the Committee would be provided with a breakdown of the figures relating to the housing register.

A point was raised regarding the number of care experienced 16/17-year-olds in education and training and how that trend had decreased, to which clarity was provided that Wiltshire Council performed well in this area compared to other authorities and that the data within the report was from the last quarter, therefore there was likely to be a shift in the future. It was suggested that particular concern for this area could be directed towards the Children's Select Committee.

It was suggested that the report could be further tailored to categorise risks as areas which the Council has a high degree of control over areas the Council has a high degree of influence over, areas which the Council had little control or influence over. Furthermore, the importance of considering trends rather than the numbers was stressed as well as how some of the targets were date defined and others were not. It was therefore suggested that if implemented, the Committee should focus on areas that the Council had a greater ability to influence, potentially encouraging Select Committees to investigate downward trends.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

- a) To note performance against the selected measures mapped to the Council's strategic priorities.**
- b) To note the Strategic Risk Summary.**
- c) That the further data regarding properties within each housing bands requested to be circulated to the Committee.**
- d) To ask the Select Committee chairs to consider whether any of the performance metrics or strategic risks reported require further exploration at select committee level.**

73 Health and Safety Improvement Programme

The Chairman noted that on page 158 of the agenda pack, was an update on the Corporate Health and Safety Improvement programme, the progress made since the programme initiated and ongoing actions that the Health and Safety Service are intending on performing.

James Barragh, Director of Assets introduced the report, which outlined a new improvement programme relating to corporate health and safety. It was stated that the existing service had been reviewed and that occupational health and health and safety had been divided and that the review had produced the programme. The programme included a range of aspects including data management, ICT, governance and comms. The purpose of the review was to build foundations for health and safety and then target high risk areas, for example construction and lone working with personal safety. The programme would then provide the organisation with a greater level of assurance and awareness.

Members of the Committee made the following comments with it suggested that within the report, though there had been mention of employees and contractors, there had not been reference of Elected Members, to which it was agreed that Members would be considered within the programme with an awareness of the safety of elected Members in the community. A further point was raised on this topic that a lot of Parish Councils and members of the public had taken up jobs and responsibilities previously undertaken by the Council and that there was a need for such individuals to be correctly insured. It was stated that the Council had been in conversation with Parish Councils regarding the vital roles of communities and that further reflection would take place as officers in order to further provide assurance for Members. The consideration of un-elected Committee Members, such as those sitting on the Children's Select Committee was also raised.

Reference was made to planning that was taking place regarding the Member Induction Programme, set to take place following the local elections in 2025, to

which it was suggested that it would be useful to include training regarding software requirements and cyber-attacks.

The tracking of the health and safety of third-party suppliers and contractors was discussed, with it noted that often during the procurement process discussions and engagement would take place with contractors in order to gain assurance. In construction there was also specific regulations relating to safety of delivery and that though there wasn't a specific performance indicator, those involved were ultimately held accountable.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

- a) **To note that a review of the Council's Health and Safety function across the organisation has identified areas that require updating and priority areas have been established.**
- b) **To note that a Health and Safety Phase 1 Action Plan has been created to monitor progress of the improvement programme.**
- c) **To ask that the Health and Safety of elected and co-opted members is considered for inclusion within the action plan and within the training opportunities provided by the council, including within the post-election councillor induction programme.**

Chairman called meeting to a break at 12.10pm and resumed the meeting at 12.15pm.

During the break, a conversation had taken place with a point raised that in regard to the Performance and Risk Report a lot of time was spent discussing performance, however the notion of risks hadn't necessarily been introduced to the Committee, with the report having contained risks that were in excess of Council policy. The importance of discussing risk was stressed with it agreed by the Monitoring Officer and Director for Legal and Governance, that in the future the report would be split into two separate reports for Performance and Risk with the Committee to consider separate recommendations.

74 **Executive Response to the Final Report of the Stone Circle Governance Task Group**

The Chairman noted that on page 185 of the agenda pack, was a report presenting the Executive's response to relevant recommendations from the Final Report of the Stone Circle Governance Task Group, which were endorsed by the Committee at the last meeting.

The Chairman reminded members, that one of the other recommendations the Committee endorsed was to establish a standing Stone Circle Task Group to

undertake ongoing scrutiny of the actions of the Stone Circle Cabinet shareholder group. That task group's first meeting was now being scheduled and that though the group now had four members, the opportunity remained open for anyone else who would be interested in this important area of scrutiny.

Cllr Ruth Hopkinson, Chair of the Task Group stated that she was very pleased with the recommendations and that they had been accepted. It was suggested that the Task Group had worked well with such an extremely complex topic due to the wide range of information involved.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to note the positive executive response to recommendations 1-3 of Stone Circle Governance Task Group.

75 **Final report of the Evolve Task Group**

The Chairman noted that on page 189 of the agenda pack, was the Final Report of the Evolve Task Group, which had been conducting ongoing scrutiny and monitoring of the Council's Evolve Programme since January 2022. Its recommendations were included at page 195 of the agenda pack.

Cllr Ruth Hopkinson, Vice-Chairman of the Task Group thanked officers for their engagement with the Task Group and for how open they had been during the process. It was outlined that the Evolve Programme had been a complex transformation process which had involved the implementation of a cloud-based system and a business change programme and though there had been numerous resourcing issues, the system had been implemented as of October 2024 within budget. It was outlined that the Task Group had considered areas including governance, procurement, planning and resource management. Particular points were raised regarding a resource gap which had adversely affected implementation as government procurement frameworks.

The Chairman of the Overview and Scrutiny Management Committee formally noted that they were disappointed that no Cabinet Member had been allocated to oversee this area of work or were present at the meeting to respond to the item.

Stuart Honeyball, Director of Transformation, thanked Task Group Members for their close work and engagement which had improved the delivery of the project. The Director agreed with the recommendations made and that they were a transparent reflection of the programme. Further reference was made to the resourcing issues experienced, particularly stemming from secondment of officers and how knowledge transfer had been over-relied upon and that training and internal activity would now take place in order to address needs.

Members of the Committee referred to the benefits model referenced within the report, to which clarity was provided that the benefits model had initially made a number of assumptions, however the transition phase had been underestimated therefore the benefits model was set to be re-casted.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

- a) **To endorse the report of the Evolve Task Group and refer it to the relevant Cabinet Members for response at the Committee's next meeting.**
- b) **To thank all members of the Task Group for the significant amount of work undertaken during its lifespan.**

76 **Final Report of the Transformation Programme Task Group**

The Chairman noted that on page 199 of the agenda pack, was the Final Report of the Transformation Programme Task Group. The task group was established in November 2023 to consider how overview and scrutiny should best engage with the Council's transformation activity. Its recommendations were included at page 204 of the agenda pack.

Cllr Chris Williams, Chairman of the Task Group, outlined that the group had met on four occasions with gratitude placed towards Stuart Honeyball, Director Business Transformation, Kate Beckinsale-Smith, Service Delivery Manager Transformation and Andy Brown, former Deputy Chief Executive and Corporate Director Resources. The Task Group considered the following areas, including governance and oversight, the evaluation and impact, the transformation process. The Task Group also identified that there was no cabinet member with specific responsibility for transformation to engage with this scrutiny.

Stuart Honeyball, Director of Business Transformation stated that the interactions with Members had been important during the process and that a Cabinet Member to have oversight of Transformation would be welcomed. The recommendations of the Task Group were welcomed with many activities already taking place relating to them. It was outlined that an assessment of the Transformation maturity had taken place using the local government maturity model, which had then provided 11 areas of strength and weakness, which could then allow for further work with three areas in particular identified as being weak. It was expressed that the Director would be happy to keep reporting back to the Overview and Scrutiny Management Committee with it hoped that a standardised way of reporting would be introduced for consistency.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed to endorse the report of the Task Group and, in the absence of a cabinet member with overall responsibility for transformation, refer it to the Leader of the Council for response at the Committee's next meeting.

77 **Financial Planning Task Group Update**

The Chairman noted that on page 205 of the agenda pack, was an update on the work of the Financial Planning Task Group. The updates in the report related to previous items on the agenda.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

- a) **To note the update on the Task Group activity provided.**
- b) **To note the Financial Planning Task Group's forward work plan.**

78 **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 to note the updates on select committee activity and approve the Overview and Scrutiny Forward Work Programme.

79 **Cabinet Member Update**

No updates were received as Cllr Botterill had spoken earlier in the meeting.

80 **Date of Next Meeting**

The date of the next meeting was confirmed as 28 January 2025.

81 **Urgent Items**

The Chairman stated that mentioned under Charman's announcements, the Statutory Scrutiny Officer had received a request from Cllr Jon Hubbard under paragraph 6.13 of the council's Constitution. The request related to the

Council's position regarding engagement with Wiltshire Publications; the publishers of the Melksham News newspaper.

The Chairman noted that In Agenda Supplement 1, was covering report, Cllr Hubbard's written request as Appendix 1, a response from the Director for Legal and Governance at Appendix 2 and, for context, a previous public statement on the matter issued by the council.

In accordance with paragraph 6.14, Cllr Hubbard was invited to set out what Overview and Scrutiny activity or action he considered to be appropriate. Cllr Hubbard spoke to the Committee regarding Wiltshire Publications communications and interactions with the council and executive and raised critical questions to be considered by the Committee.

The Chairman then moved that the Committee discuss the request and invited Perry Holmes, Monitoring Officer and Director for Legal and Governance to speak. The Monitoring Officer and Director for Legal and Governance directly replied to the questions raised by Cllr Hubbard as well as providing the Committee with a timeline of engagements with Wiltshire Publications since September 2023. It was clarified that the decision made was an incidental officer decision as per the Constitution and that the Council had previously explained why it chooses to advertise in the way that it does. It was also outlined that on 13 December a meeting was set to take place between Wiltshire Publications, Lucy Townsend (Chief Executive), Richard Clewer (Leader of the Council) and Perry Holmes (Monitoring Officer and Director for Legal and Governance) in order to find a way forward.

Members of the Committee discussed the request made by Cllr Hubbard and were provided with an opportunity to consider what action, if any, to be taken in relation to the request. Cllrs Jonathon Seed, Tom Rounds, Chris Williams, Ruth Hopkinson and Gordon King spoke on the matter.

Cllr Jon Hubbard requested that it be recorded that he had been refused the opportunity to respond by the Chairman.

At the conclusion of discussion, it was,

Resolved:

The Overview and Scrutiny Management Committee agreed:

- a) **To thank Cllr Hubbard for his request for action by the OS Management Committee under paragraph 6.13 in Part 8 of the Constitution and note the response provided by officers.**

b) To take no further action beyond the discussion held today because the matter pertains to an operational decision taken by an officer and is not considered a matter appropriate for further scrutiny by OS Management Committee.

(Duration of meeting: 10.30 am - 1.35 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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