

CORPORATE RESOURCES OVERVIEW & SCRUTINY COMMITTEE
16 APRIL 2015

Minutes of the meeting of the Corporate Resources Overview & Scrutiny Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Thursday, 16 April 2015

PRESENT: Councillor David Roney (Chair)

Councillors: Marion Bateman, Clive Carver, Paul Cunningham, Peter Curtis, Andy Dunbobbin, Robin Guest, Joe Johnson, Richard Jones, Tim Newhouse and Arnold Woolley

SUBSTITUTIONS:

Councillors: Vicky Perfect for Ian Dunbar and Carolyn Thomas for Paul Shotton

CONTRIBUTORS:

Leader of the Council & Cabinet Member for Finance, Chief Executive, Corporate Finance Manager, Finance Manager Strategy Accounting & Systems, Policy & Performance Manager (for minute number 88), Internal Audit Manager, For minute numbers 91 and 92 - Chief Officer (Community and Enterprise) and Benefits Manager

Mr. Paul Goodlad from Wales Audit Office for minute number 88

IN ATTENDANCE:

Member Engagement Manager and Committee Officer

85. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

No declarations of interest were made.

86. MINUTES

The minutes of the meetings of the Committee held on 12 March 2015 had been circulated to Members with the agenda.

Councillor Andy Dunbobbin thanked the Revenues & Benefits Manager for providing a prompt response to questions he had raised at the previous meeting on sanctions.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chairman.

87. ANNUAL IMPROVEMENT REPORT AND THE CORPORATE ASSESSMENT REPORT OF THE AUDITOR GENERAL FOR WALES FOR FLINTSHIRE

The Chairman introduced Mr. Paul Goodlad from the Wales Audit Office (WAO) to the meeting. The Chief Executive explained that the report had previously been considered at Audit Committee, Cabinet and County Council.

Mr. Goodlad introduced the report to present the Annual Improvement Report of the Auditor General which for 2015 incorporated the first Corporate

Assessment. He detailed the background to the report and explained that the Corporate Assessment had taken place in September 2014 but had included works undertaken both before and after this date. The report was cautiously positive about the new operating model which had been implemented around this time but emphasised that this would introduce a new set of challenges. The report had identified seven proposals for improvement but Mr. Goodlad indicated that no statutory recommendations had been made. In some areas the Council had recognised that it was under performing and corrective action had been taken, which he welcomed. He highlighted the use of task and finish groups to review Council's approach to issues such as target setting but reports submitted to Overview & Scrutiny Committees were usually for noting which limited its contribution to the Council's policies or priorities. Some areas of progress had been identified and he added that it was encouraging to see the way the Council had continued to identify improvements required and any corrective action that was needed. However, the assessment found considerable inconsistency in the quality of business and service planning to deliver the Council's Improvement objectives. Some performance reports to Committees were too long and contained a large amount of detail and the Council had now implemented an 'exception reporting' format which highlighted only those areas where performance was worse than anticipated or where there were significant risks to future progress. Mr. Goodlad stated that the way progress was now summarised was much clearer.

Mr. Goodlad highlighted the second proposal about making improvements to the quality of reports to Committee and Cabinet. It was reported that the Council had sound structures and arrangements in place to support good governance, but some of its strategies and supporting documents were out of date. He explained that strategies were not well integrated in HR, ICT, Asset Management and People Strategies and therefore did not fully support the governance framework. Implications for budget savings were not always clear in all areas but work had been undertaken to ensure that budget planning was now clearer. He commented on Member development training which was not always well attended and the take-up of Member personal development reviews had not been a success. Mr. Goodlad spoke of the forward work programmes for Overview & Scrutiny Committees and commented that it was not always clear how they were influenced by corporate priorities, the Cabinet agenda or the corporate risk profile. The WAO now had more confidence in how the Medium Term Financial Plan was delivered following work undertaken by the Council. The assessment had also highlighted that the successful completion of the Single Status agreement and Equal Pay Review had been highly demanding and other Human Resources priorities had therefore made slower progress than intended.

Mr. Goodlad explained that the section on performance indicators was overwhelmingly positive with the overall conclusion being that the Council had performed well in this area. The likelihood conclusion reported was that 'the Council's track record suggested that it was likely to respond positively to the internal and significant external challenges it faced and make arrangements to secure continuous improvement for 2015-16'. In conclusion, Mr. Goodlad said that there was a need to continue to strengthen some areas but the WAO was satisfied that the Council could continue to deliver its priorities despite the financial challenges the authority faced.

The Chairman thanked Mr. Goodlad for his presentation. The Chief Executive explained that the report also enclosed the executive response of the Cabinet and Senior Officers, to which the Committee could now contribute.

In highlighting the section of the report which indicated that some services did not have service plans in place during 2013-14, Councillor Robin Guest asked if these areas had been identified and whether the details could be provided to Members. Mr. Goodlad responded that the issue had been raised as part of an Internal Audit report on risk management but that he was not aware of which service areas it referred to. The Internal Audit Manager advised that he did not have the details about the areas at this meeting.

The Chief Executive indicated that this was one area where the Council had disagreed with the WAO and added that the issue was about consistency of service plans rather than some not being in place at all. Work was being undertaken by the Chief Officer (Planning and Environment) on whether current plans were sufficient. A renewed appraisal system was also being considered as the current model did not identify the extent to which staff engaged with and owned objectives and targets that related to the areas for which they were responsible. The Policy & Performance Manager spoke of the importance of consistency of service plans and work that was being undertaken to ensure the plans included relevant information.

Councillor Carolyn Thomas referred to Overview & Scrutiny Committees and expressed her concern at reports, such as Budget Monitoring reports, that were submitted to this Committee prior to being considered at Cabinet but which were not amended if Members suggested any changes. She felt that asking Scrutiny Committees to 'note' reports was insufficient and suggested that a briefing note be prepared following Scrutiny meetings to allow any suggested amendments to be considered at the meeting of Cabinet. She also highlighted the issue of repairs and maintenance that was considered at Lifelong Learning Overview & Scrutiny Committee where the Facilitator had to verbally report the suggested changes. Councillor Thomas felt that any financial impacts that were identified should be reported to the relevant Overview & Scrutiny Committee to monitor.

The Chief Executive concurred. He explained that the format of reports was being considered and discussions would be undertaken with Group Leaders. He felt that where there was sufficient time to do so, comments from Overview & Scrutiny Committees should be included in the report submitted to Cabinet. However, if this was not possible, a briefing note could be prepared prior to the Cabinet meeting. The Forward Work Programme for Overview & Scrutiny Committees was not always clear and the purpose of reports also needed to be clearer.

Councillor Richard Jones felt that the main issues related to Overview & Scrutiny Committees. He commented on four important areas (costs, income, risk and performance) and said that it was important to increase income and performance and lower risks and costs. He felt that it was not sufficient for Overview & Scrutiny Committees to simply note reports as any suggestions put forward by Members were not included in the Cabinet report and did therefore not inform Cabinet of any changes that Members felt would improve particular issues.

He raised concern that the report did not make any reference to Value for Money (VFM) as he felt that this was a most important indicator for the Council. On the proposals suggested by the WAO, he highlighted proposals 2, 4 and 5 as all being linked to Overview & Scrutiny and he added that, in his opinion, proposal 5 had not been answered correctly. Councillor Jones indicated that the response commented on a review of the terms of reference but did not raise the issue of 'pre-decision scrutiny' where committees considered issues before they were submitted to Cabinet for decisions to be taken. Proposals 1, 3 and 7 referred to governance and the issue of service plans and Councillor Jones felt that it was important to ensure that these issues were linked. He queried whether some service areas did not have service plans in place or whether those in place were not adequate. He highlighted proposal 6 on risk management and commented on the requirement and importance of Members and officers identifying and addressing areas which were high risk.

In response, the Chief Executive explained that the response to proposal 5 was an initial one. He added that there were some areas where improvement could be made but it was also important to ensure that the correct balance was achieved such as on the issue of consultation. Training and development for Members received a mixed reaction when it was discussed at the meeting of Group Leaders as it was felt that some training was useful and some was not. Appraisals for Members had also not yet taken place. The Chief Executive added that a more appropriate reporting format would be pursued.

Mr. Goodlad agreed with the comments of Councillor Jones on VFM but explained that WAO had not carried out a VFM assessment. On the issue of reporting formats, he suggested that the recommendation of the report could be included at the start of the report rather than where it currently featured.

In welcoming the report, Councillor Peter Curtis felt that it was good overall and said that he would have been surprised if there had been no areas where improvement was suggested. On the issue of reports being submitted to Overview & Scrutiny Committees before they were considered by Cabinet, he felt that there was a need for Scrutiny Committees to be more assertive about what they were proposing to Cabinet.

Councillor Paul Cunningham indicated that he was satisfied with the training that he had received to date but would welcome more if it was felt that it was appropriate. Councillor Arnold Woolley raised concern that some issues that were considered by Overview & Scrutiny were historical and was keen to identify ways of scrutinising items before they took place rather than after. Mr. Goodlad concurred but said that scrutiny of what had already happened was important too.

In response to a comment from Councillor Clive Carver about how he felt that meetings did not last as long as they used to, the Member Engagement Manager suggested that this could be as a result of more effective reporting and appropriate questioning. Councillor Jones felt that effectiveness of decisions should not depend on the length of time they took to consider. He referred to information that had been provided in the past about the timeline for business plans/service plans and how departments interacted with each other in the preparation of the plans. The Policy & Performance Manager agreed to provide the requested information. Councillor Jones spoke of the importance of business

plans and of appraisals as he felt that employees needed to be aware of where they fitted into the service plan and how this fitted into the budget plan.

The Chief Executive welcomed the comments made particularly on the quality of the business plans. He added that work would be undertaken following the Annual Meeting with the Chairs of Overview & Scrutiny Committees on consideration of items at Committees. In response to a comment from Councillor Jones on whether the response to proposal 5 would be changed, the Chief Executive suggested that a specific reference business plans be included.

RESOLVED:

That the Annual Improvement Plan be accepted, subject to an amendment to the response to proposal 5 and the response following consultation with the Audit Committee be endorsed with the addition of comments from this Committee.

88. REVENUE BUDGET MONITORING 2014/15 (MONTH 10)

The Finance Manager introduced a report to provide Members with the Revenue Budget Monitoring 2014/15 (Month 10) information for the Council Fund and Housing Revenue Account (HRA) which was being submitted to Cabinet on 21 April 2015.

For the Council Fund, the projected net in-year expenditure was forecast to be £1.716m lower than budget which was a decreased underspend from Month 9. Appendix 1 detailed the reasons for the changes from Month 9 and this was mainly as a result of adjustments relating to the John Summers High School no longer being progressed within the 21st Century Schools Programme as agreed by Cabinet on 17 February 2015. Section 3.07 detailed the efficiencies and it was currently projected that £7.688 of the £8.840m (87%) would be achieved. Details of the efficiencies currently projected to not be achieved in full were shown in appendix 3. The overall net underachievement on all workforce related efficiencies was £0.211m; an increase of £0.091m.

Section 4 detailed the carry forward requests to 2015/16 and section 5 detailed amounts included for inflation and underspends on the amounts for non-standard inflation were detailed in paragraph 5.02. Emerging and existing risks were detailed in the report and section 7 and appendix 4 provided details of the unearmarked reserves and contingency reserve which, at Month 10, was projected to be £4.657m at 31 March 2015.

The HRA was projected to have an overall underspend of £0.354m and a projected closing balance at month 10 of £1.519m which at 5.06% of total expenditure satisfied the prudent approach of ensuring a minimum level of 3%.

Councillor Carolyn Thomas queried the decrease in overall revenue underspend of £0.250m as a result of the John Summers High School programme not progressing and sought clarification on whether prudential borrowing to match fund the amount had been used and whether there were any implications from this. The Corporate Finance Manager advised that some costs that had previously been from the capital fund but now had to be reflected in the revenue account; it was expected that the amount of funding would reduce. The

Chief Executive provided an explanation of what the funding may be required for but explained that it was mainly for internal costs that would be reflected from one account to another. He confirmed that this would not have an impact on the service and that it would be netted off against the outturn level at the end of the year.

Councillor Richard Jones referred to the emerging risk for recycling and queried how this would affect future years and asked for further clarification on the costs associated with the Former Euticals site and the non-progression of the John Summers High School within the 21st Century Schools Programme. He also asked about the loss of income for Deeside Leisure Centre and income from garages and how these overstated incomes would affect the 2015/16 budget.

In response, the Corporate Finance Manager explained that in relation to John Summers High School, the initial estimate had been £0.250m which consisted of £0.150m potential penalty costs, £0.050m fees on capital which now needed to be funded from the revenue account and the additional £0.050m was an estimated amount for other costs. He added that these costs were expected to reduce. The Chief Executive spoke of the need to accelerate the process to prevent further costs being incurred and as a result of this, there may be a penalty clause claim. Councillor Jones asked for further information on the costs implications associated with the programme not proceeding.

Councillor Tim Newhouse queried whether any underspend in the Council Fund, which was £1.716m at Month 10, would be used to reduce the budget gap. The Corporate Finance Manager advised that any underspend would be added to the reserves as the budget for 2015/16 had already been agreed. Councillor Newhouse also queried whether there were any proposals from Welsh Government to produce a report on running education centrally from Cardiff rather than through the 22 local authorities. He spoke of the education system in Australia which he felt worked well. The Leader of the Council commented on the importance of localism for issues such as education and said that he was not aware of any such proposals; he added that he disagreed with centralisation.

On the recycling risk, the Corporate Finance Manager explained that the 2015/16 budget had been set based on the best information available and therefore the situation would be monitored throughout the year. It was hoped that the reduction in shortfall in income for Leisure Services was a one-off and this would also be monitored. The Chief Executive referred to the risk for the former Euticals site and said that a one-off grant of £0.700m had been secured from WG as a result of the unique situation. The current costs of running the site had already been incurred and the grant would provide funding for the remaining expected costs. The Leader of the Council welcomed the grant received from WG but expressed significant concern that the public purse had been required to pay the costs because the Council had a duty of care to make the site safe and to clear the site. The Chief Executive added that all efforts had been made to recover the costs from the parent company of Euticals.

In response to a query from Councillor Marion Bateman about fixed price contracts for recycling, the Chief Executive said that he would provide further details for the Committee.

Councillor Carolyn Thomas felt that the use of agency staff for Refuse Collections needed to be addressed and asked whether any overspends could be monitored by the Environment Overview & Scrutiny Committee. She also raised concern about the amount of money that had been identified in relation to the John Summers High School and indicated that this had not been raised at the Lifelong Learning Overview & Scrutiny Committee.

Following a query from Councillor Jones about reporting back to corporate finance about issues of concern relating to over or underspends, the Corporate Finance Manager provided assurance that this was undertaken.

RESOLVED:

- (a) That the report be received; and
- (b) That the following issues be brought to the attention of Cabinet:-
 - (i) the levels of spending on overtime and agency staff within Streetscene resulting in a projected overspend of £0.086m
 - (ii) cost implications of the decision not to proceed with the John Summers High School project
 - (iii) Areas where it would appear that projected income had been over-stated
 - (iv) Areas where potential losses have been over-stated
 - (v) Recycling income potential under-achievement due to market volatility and the requirement for assurance that the most beneficial contracts are being sought and secured
 - (vi) That the successful work undertaken to secure Welsh Government support for the Council's expenditure on the former Euticals site be supported and that it be noted that all efforts were being made to recover the costs from the parent company.

89. BUDGET VIREMENT PROCESS

The Corporate Finance Manager introduced a report to provide an overview of the rules and procedures in place governing the virement of budgets and the provide assurance that there are adequate budget management arrangements in place.

He detailed the background to the report and highlighted the definition of virement as referred to in the report. There were two main types of virements and these were detailed and examples of both were provided. The vast majority of budget changes were in relation to accounting adjustments to deal with the effects of significant change. The Corporate Finance Manager explained that one of the key principles underpinning the control of budget virements was that any virement in excess of £75,000 had to be submitted to Cabinet for approval. The Internal Audit report on Financial Management and Budgetary Control in April 2014 gave substantial assurance that controls were in place but it was recommended that a documented process be put in place for undertaking virements. Overall control of budget virements was undertaken within the Strategy, Accounting and Systems team which tracked the movements and ensured that any virements that changed the purpose of the funding were subject

to the relevant approval. As Section 151 Officer, he was satisfied that there were adequate arrangements in place. Appendix 1 detailed all of the virements for 2014/15.

In highlighting the content of the appendix, Councillor Richard Jones queried what was listed. In response, the Corporate Finance Manager responded that all accounting adjustments were detailed in appendix 1 and that there had not been any formal budget virements that changed the purpose in 2014/15.

Councillor Tim Newhouse raised concern about actions over virements that had taken place in the past and sought assurance that it would not be repeated. In response, the Internal Audit Manager stated that a review of virements had been undertaken and that account movements that were not formal virements had been identified but this was not an error. He was satisfied with the overall control of virements.

RESOLVED:

That the Committee are assured that there are adequate procedures in place governing the virement of budgets.

90. DISCRETIONARY HOUSING PAYMENT POLICY

The Benefits Manager introduced a report to seek input from the Committee on the Draft Discretionary Housing Payments (DHP) Policy 2015 prior to its consideration by Cabinet on 21 April 2015.

She detailed the background to the report and explained that following criticism from Welsh Government regarding a perceived inconsistency in the awards process, colleagues from 20 of the 22 Welsh Local Authorities had worked together to establish an all Wales DHP policy framework. The Council were already undertaking a large number of the recommendations put forward by the group. A detailed analysis was also being undertaken on the DHP workload to identify the need for future budget commitments more easily and also to work proactively with customers to identify issues and problems. The Benefits Manager explained that DHP was not a long term solution and was a limited pot of money and examples of how a DHP could help were detailed in the report. The new policy enabled the Council to apply a level of conditionality to the DHP awards and a range of support options, which included working with a debt advisor, were reported. It was the customer's responsibility to demonstrate that they were making every effort to make changes or access/accept support or advice. The table in the report detailed the DHP Government contribution, Flintshire Top-up and total spend for 2012/13 to 2015/16 and showed that DWP funding had increased for the previous three years but had reduced for 2015/16.

The Leader of the Council and Cabinet Member for Finance spoke of the Welfare Reforms and the work that had been undertaken to assist tenants. He raised concern about the reduction in the DHP Government contribution but fully supported the proposals in the Discretionary Housing Payment Policy.

Councillor Richard Jones stated that an officer had previously indicated that the Welfare Reforms had not had the impact that had been expected as Housing Benefit and unemployment had reduced. The policy reported that the DHPs were paid from a fixed budget and Councillor Jones asked whether work was being undertaken to identify whether any further funding was available to ensure consistency for customers. The Chief Officer (Community & Enterprise) indicated that a reduction in funding had not been expected for 2015/16 and it was difficult to say what pressures this would put on the budget. The policy would assist with consistency of claims but there would be a need to monitor claims during this year and each case would be reviewed individually. The Council provided funding for staff to deal with people affected by Welfare Reform which included support to the Citizen's Advice Bureau. However, an area of concern was the further rollout of Universal Credit and this would need to be monitored closely to ensure any additional in-year pressures were identified quickly.

The Leader of the Council disagreed with the comments made by Councillor Jones about the impact of Welfare Reform and he spoke of the significant amount of work undertaken to assist and support those affected the Welfare Reform changes.

Councillor Robin Guest welcomed the policy but suggested that the words 'and social' be added after the word 'financial' in the third bullet point in paragraph 3.3 of the policy. He commented on the work of the Team Manager – Advice & Homeless Services and suggested that he attend a future meeting to provide an update on the impact of Welfare Reforms. The Chief Officer welcomed the suggested amendment to the policy and advised the Committee that a joint meeting with this Committee and Housing Overview & Scrutiny Committee to provide an update on Welfare Reforms was being considered.

In highlighting the underspend on DHPs compared to the DHP Government Contribution for 2012/13, Councillor Clive Carver asked whether any surplus was retained by the Council. The Benefits Manager confirmed that if the spend was less than the contribution, the excess would need to be returned to the DWP. Councillor Carver also spoke of an issue in his ward and asked if a training course for Members on DHPs was appropriate. The Chief Officer requested that Councillor Carver discuss the issue with her following the meeting. The Benefits Manager explained that only those in receipt of Housing Benefit or Universal Credit could apply for a DHP.

Councillor Carolyn Thomas spoke about an issue that had been raised with her by a resident and she commented on a recent visit to one of the Flintshire Connects offices. In response to a query from Councillor Thomas about whether staff in the offices could deal with Welfare Reforms queries, the Benefits Manager advised that a duty officer for benefits was currently available at the reception office in Mold for more complex queries.

RESOLVED:

That the Committee welcomes the report and advises the Cabinet that it supports the policy subject to the third bullet point on paragraph 3.3 being amended to read 'the wider financial and social consequences of not making an award'.

91. HOUSING BENEFIT OVERPAYMENTS POLICY

The Benefits Manager introduced a report to seek input from the Committee on the draft Housing Benefit Overpayment Policy 2015 prior to its consideration by Cabinet on 21 April 2015.

She detailed the background to the report and highlighted the different reasons for why an overpayment could occur. Although the recovery of Housing Benefit Overpayments was included in the Council's Fair Debt Policy, due to the specific nature of the debts and the guidance from the Department of Work and Pensions around recovery options, a specific policy was appropriate.

RESOLVED:

That the Committee welcomes the report and advises the Cabinet that it supports the policy.

92. FORWARD WORK PROGRAMME

The Member Engagement Manager introduced the report to consider the Forward Work Programme for the Committee.

He explained that a report had been submitted to the Constitution Committee the previous day on new structures for each of the six Overview & Scrutiny Committees which was to be submitted to the Annual Meeting of the Council for consideration. This remit for this Committee would include Crime and Disorder and would therefore require one meeting to be designated to a Crime and Disorder meeting. He explained that the Chief Officer (Community and Enterprise) had earlier spoken of a joint meeting on Welfare Reform which was yet to be confirmed. The Member Engagement Manager suggested that he liaise with the Chair, Vice-Chair and officers to amend the Forward Work Programme as necessary.

Councillor Arnold Woolley suggested that payments through Post Offices was a concern and should be considered at a future meeting. The Member Engagement Manager advised that this would be within the remit of the Community & Enterprise Committee in the new structure and added that he would ensure that the request was passed on to the appropriate Facilitator.

RESOLVED:

- (a) That the Forward Work Programme be approved as submitted; and
- (b) That the Member Engagement Manager, in consultation with the Chair and officers, be authorised to vary the work programme between meetings.

93. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the public or press in attendance.

(The meeting started at 10.00 am and ended at 12.02 pm)

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Chair