

CORPORATE SCRUTINY COMMITTEE

Date of Meeting: 23rd September 2013

Present: Councillor J Oakes (Chair)
Councillors Bleakley, Hughes, Milling, Pilling, Procter

In Attendance: Catherine Price, Locality Manager
Carolyn Sharples, Committee and Member Services Manager
Emma Hussain, Principal Policy Officer
Andrew Buckle, Head of Customer Services and ICT
Councillor Barnes, Leader, RBC
Pat Couch, Scrutiny Support Officer

2 Members of the public

1. APOLOGIES FOR ABSENCE

Apologies were received from Keith Pilkington (co-opted Member).

2. MINUTES OF THE LAST MEETINGS

Resolved:

That the Minutes of the last meeting held on 22 July be agreed as a correct record and signed by the Chair.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

5. PUBLIC QUESTION TIME

The Chair agreed to deviate from the Procedure for Public Speaking and allow the members of the public to ask questions as the reports were discussed.

A question was raised about the Citizen's Panel and if equality information was available on the number of disabled members and ethnic minority members on the Panel.

6. CHAIR'S UPDATE

The Chair informed Members that there would be a change to the agenda, with Item D6 being brought forward as D2.

7. CCTV CODE OF PRACTICE

The Locality Manager presented the Council's CCTV Code of Practice. In managing and operating the CCTV system, the Council and its Officers adhere to relevant guidance from the Information Commissioner's Office and the Home Office. The aim of consolidating this guidance into the Council's CCTV Code of Practice was to set out clearly those principles and procedures which the Council follows in order to ensure that good practice standards are maintained.

The CCTV system provides for community safety and any access is closely managed by a small number of council staff.

Information would be released to third parties who can show legitimate reasons for access. All requests for access or for disclosure will be recorded. If access to or disclosure of the images is allowed, details will be documented.

Systems record 24 hours a day, 7 days per week and if an incident occurs then the Police would contact the Council to arrange to see the footage. Any footage should not be kept for longer than 30 days or longer than is reasonably necessary.

A number of questions were raised by Members to which the Locality Manager responded.

There was discussion on CCTV signage within Rawtenstall Centre and the Locality Manager agreed to look at this to see if it needed to be improved.

Resolved:

1. That the Corporate Scrutiny Committee recommend to Cabinet the approval of Rossendale Borough Council's CCTV Code of Practice for implementation.
2. That all future minor amendments to the Code of Practice to be delegated to the Director of Communities and Partnership, in consultation with the Portfolio Holder.

8. FORMAL COMPLAINTS AND COMPLIMENTS REVIEW

The Committee and Member Services Manager presented a report on the annual complaints and compliments received by the Council and the Local Ombudsman complaints recorded for the period 1st April 2012 to 31st March 2013.

Formal complaints and compliments made to the Council as well as the Local Government Ombudsman complaints are administered by the Committee and Members Services Team.

In 2012/13 there were 88 formal complaints received, which was a significant reduction of 54 compared to 2011/12.

During 2012/13 the average number of days taken to deal with complaints was 6 days, which was within the customer service standard of 10 working days.

Of the 88 complaints, 68 were resolved at stage 1, with 20 stage 2 reviews. Of the 20 stage 2 reviews 0 were subsequently referred to the Ombudsman by the complainant.

In relation to the Local Government Ombudsman, they normally provide an Annual Summary of complaints received against the Council each year. However, mid-year they changed the way complaints were now handled and therefore they have notified the Council that they will not be providing this information for the 2012/13 period.

The Local Government Ombudsman Annual Letter noted that an average 10 complaints were received for each district council. During 2012/13 the Ombudsman received 6 complaints about the authority, which was 4 less complaints than the district average.

On a positive note, Members noted that compliments out-weighed complaints and this was very positive for the Council.

Resolved:

That the information be noted.

9. INTEGRATED PERFORMANCE REPORT – QUARTER 1 (April to June 2013)

The Principal Policy Officer presented the Council's performance report for Quarter 1 (April to June 2013), which showed that the Council was performing well.

A number of performance indicators has exceeded target and these were as follows:

- Household waste composted
- Days lost due to sickness
- Major planning applications determine in 13 weeks
- STAN – 52 more customers
- Accuracy of processing HB/CTB claims

There were only three performance indicators which were identified as underachieving for this quarter were as follows, with each providing an explanation for their underachieving within the action plans.

NI 191 – residual household waste per household, this is likely to be marginally below target at the end of the year. The reclassification by LCC of leaves which must now go to landfill also has an impact. The Council operates a no side waste policy and is auditing households with more than one general waste bin.

PM3 – new claims decided within 14 days of receipt of information. This impacts on performance as a result of central government changes. It had been agreed to wait until after Q1 before setting the target to enable Officers to understand the effect on the workloads from the various welfare reforms. The speed and accuracy for processing new claims remains on track.

CS2 – customer waiting times in the one stop shop. The system for recording waiting times was not in operation until 19th August, following relocation of the One Stop Shop to the new facility at Futures Park. In accordance with the quarterly periods, partial information will be available for Q2, and for Q3 and Q4 full data will be available for reporting. Also, in Q1, 2496 customers were seen in the One Stop Shop, all without complaint in relation to waiting times and service.

On an ongoing basis the Council considers the potential risks it is facing some within, and some outside of its direct control, and looks at what mitigating actions it can reasonably put in place to reduce these risks. In relation to managing our risks, in Q1 the Council has identified that 59.3% of its risks that were low (showing 'green') and 40.7% of its risks were medium (showing 'amber'). No high (red) risks were identified at Q1.

The Principal Policy Officer reminded members that at the last meeting there was discussion on the challenges in relation to fraud related Performance Indicators. Officers had asked that L176d, Housing Benefit Security – number of prosecutions and sanctions be removed as it related to PI 176c, Housing Benefit - number of fraud investigations. It was previously agreed to reactivate this PI pending review of the national fraud arrangements.

The Council was not receiving the referrals that were received previously due to changes with DWP and uncertainty surrounding the new 'single fraud investigation service' which is a central government change. A report is due to be presented to the Committee in March 2014 by the Licensing and Enforcement Manager. The Council is still involved with cases and interviews were held under caution.

There was discussion around the need for Corporate Scrutiny to monitor performance levels and the impacts of recent service reviews and current proposed changes as they are implemented. It was agreed that the Refuse, Street Cleansing and Parks and Open Spaces performance should be monitored closely to ensure targets were being met.

Resolved:

1. That the Corporate Scrutiny Committee notes the level of performance and risks detailed in the report.
2. That the Corporate Scrutiny Committee continues to monitor performance of those actions and performance indicators that are underachieving targeted levels of performance, also taking into account the review of services for refuse, street cleansing and parks and open spaces.
3. That the Corporate Scrutiny Committee approve the removal of L176d – housing benefit security – number of prosecutions and sanctions.

10. ANNUAL EQUALITY REPORT 2012/13

The Principal Policy Officer presented the Council's Annual Equality Report 2012/13.

The Equality Act 2010 states that everyone has the right to be treated fairly and equally. The two main purposes of the Act bring together and simplify all of the existing discrimination law and strengthen the law to further support progress on equality.

The Council is required to publish equality information on at least an annual basis. It was noted that the Council continues to take an appropriate and proportionate approach to equality and diversity.

The report and the appendices provide an overview of the Council's key progress and achievements during 2012/13, in relation to equality and diversity. It also presents the Council's key equality data.

From a qualitative perspective the report highlights that despite some difficult financial challenges and changes the Council has been able to support a range of projects within the community, with some real positive results. Although the Council will continue to ensure it is compliant with its required duties, it should be noted that as financial challenges and changes within the Council continue, this could have an impact on the extent of the Council's involvement in this agenda in future years.

From a quantitative perspective, the equality data shows:-

- In terms of gender diversity, the majority of the workforce is male; 62.1% male and 37.9% female.
- 3.3% of our employees have disclosed that they have a disability.
- 1.6% of employees identified as BME (Black or Minority Ethnic).
- Over a third (34.6%) of our workforce is aged 50-59 years.
- Those aged 20-29 years account for 12% of our workforce. In addition there are two short term administration apprenticeships, to which young people under 24 years have been appointed.
- The Council does not employ anyone under 20 years old.
- The Council's entire recorded BME and disabled workforce was able to access training and development opportunities during 2012-13.
- Of those people that have chosen to identify as gay, lesbian, bisexual, there appears to be an underrepresentation of gay, lesbian and bisexual people for both employees and councillors.

In relation to Warmer Homes Healthy People 2012/13, funding was secured from the Department of Health to deliver the project over the winter months of 2012/13. Over 800 at risk of fuel poverty had benefitted from the partnership programme.

A number of questions were raised which the Principal Policy Officer responded.

Resolved:

1. That Corporate Scrutiny notes the Council's Annual Equality Report for 2012/13.
2. That Corporate Scrutiny continues to monitor the Council's progress on equality and sufficient publication of equality information in line with current legislative and best practice requirements to ensure that Council is operating fairly and equitably.

11. COMMUNITY RIGHT TO BID: ASSETS OF COMMUNITY VALUE POLICY AND GUIDANCE

The Principal Policy Officer presented the proposed Community Right to Bid Policy and Guidance.

As part of the Government's Localism Act 2011, a number of new Community Rights were introduced. The Community Right to Bid gives communities a right to identify 'up front' a building or other land that they believe to be of 'community value,' of importance to their community's social well-being.

Nominations would be considered by the Council to determine whether it is of 'community value'. The owner has the right of appeal as part of this process.

Successful listing would stay on the Assets of Community Value Register for 5 years and puts certain restrictions on the owner of the asset which are documented on the Land Registry database.

If the owner of a listed asset wishes to dispose of that asset and it is a 'relevant disposal' according to the regulations, the owner is required to inform the Council before it goes on the open market. The Council will then notify the nominating group who must advise whether or not they wish to be treated as a potential bidder. If they do, there is a protected window of up to six months (Moratorium) to allow the community to prepare the bid. If the group does not wish to bid, the owner is free to sell the asset straight away.

It was proposed that the Director of Business be the designated lead senior officer and named contact for the Community Right to Bid process and Committee and Members Services to undertake the associated administrative support function for this process.

It is further proposed that a member Consultation Working Group be set up, The Consultation Working Group will meet once at the start of each year for training purposes and to agree a chairperson, thereafter proposed on a virtual basis, with two primary functions:

1. To act as a wider consultation reference group on range of council related issues.

2. To act as the mechanism through which assets of community value nominations are reviewed and decided upon.

Concern was raised that the idea of a 'virtual group' was not appropriate in relation to decision making for assets of community value nominations, as the process was new to Members who would be making important decisions. Therefore, it was agreed that the policy and terms of reference should be amended to reflect this.

There was a brief discussion on two recent 'live nominations' which had been submitted to Cabinet prior to the Policy being finalised. The Principal Policy Officer indicated that these were being dealt with according to legislation. There was no requirement on the decision making structure as it was a local determination.

Resolved:

1. That the Corporate Scrutiny Committee note the content of the report, policy and guidance document and other supporting appendices in relation to the proposed Community Right to Bid process and recommend to Cabinet the approval, subject to the concept of the 'virtual working group' being removed from the Policy.
2. That the Corporate Scrutiny Committee recommend to Cabinet that Officers are given delegated authority to deal with Community Right to Bid nominations, claims and appeals as detailed in the Community Right to Bid policy.
3. That the Corporate Scrutiny Committee recommend to Cabinet the setting up of a Consultation Working Group to deal with Community Right to Bid nomination, taking into account their comments in resolution1 above.
4. That the Corporate Scrutiny Committee recommend to Cabinet that all future amendments to the policy and guidance to be delegated to the Director of Business in consultation with the Portfolio Holder.

12. MEMBERS MOBILE PHONE POLICY

The Head of Customer Services and ICT presented the revised mobile phone policy for Members.

The existing mobile phone policy was out of date and needed refreshing in line with current technologies as Members have moved from a Blackberry device to a Smart phone. In December 2012, they also changed provider from Vodaphone to O2.

The Head of Customer Services and ICT informed Members that Smart phones devices were quite costly to replace and repair and if a phone was broken, damaged or stolen, then the Member would be responsible. Following a question by a Member, it was confirmed that the Council do not have insurance for the devices and in the past any replacements were at a cost to the Council.

There was in-depth discussion around the Policy and it was agreed by Members that if they were required to sign a telephone policy then they should be provided with training on how to use the phone correctly, so save on costs.

Concern was also raised by Members that the policy was not clear on what a Member can and cannot do or which numbers should be used to save on costs.

Members agreed that more work was needed on the Policy to ensure it was clearer to understand and that the following sentence should be included in the Policy.

“That any Member at any time can opt-out of the Policy”.

Resolved:

That further work be undertaken on the Policy, taking into account the views of members and that the Policy be brought back to the Corporate Scrutiny Committee in November.

The meeting commenced at 6.30pm and closed at 8.00pm

Signed
(Chair)

Date