

## **PERFORMANCE SCRUTINY COMMITTEE**

Minutes of a meeting of the Performance Scrutiny Committee held in Conference room 1a, County Hall, Ruthin on Thursday, 12 December 2013 at 9.30 am.

### **PRESENT**

Councillors Bill Cowie, Meirick Davies, Richard Davies, Colin Hughes, Geraint Lloyd-Williams, Dewi Owens, Arwel Roberts, Gareth Sandilands and David Simmons (Chair)

Lead Members, Councillors D.I. Smith and H.C. Irving, attended at the Committee's request.

Councillors M.L. Holland and G.M. Kensler attended as Observers.

### **ALSO PRESENT**

Corporate Director: Economic and Community Ambition (RM), Head of Customers and Education Support (JW), Head of Planning and Public Protection (GB), Corporate Improvement Officer (NK), Audit Manager (BS), Corporate Complaints Officer (CO), Corporate Programme Office Manager (KA), Building Control and Conservation Architect, (PE), Conservation Specialist and Project Manager (KH), Scrutiny Co-ordinator (RE) and Administrative Officer (CIW).

#### **1 APOLOGIES**

Apologies for absence were received from Councillors Peter Owen

#### **2 DECLARATION OF INTERESTS**

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

#### **4 MINUTES OF THE LAST MEETING**

The Minutes of a meeting of the Performance Scrutiny Committee held on Thursday, 24<sup>th</sup> October, 2013 were submitted.

**RESOLVED** – *that the Minutes be received and approved as a correct record.*

#### **5 LISTED BUILDINGS AT RISK**

A copy of a report by the Head of Planning and Public Protection (HPPP), on the condition of the listed building stock within Denbighshire, had been circulated previously.

Councillor D.I. Smith provided a brief summary of the report instigated by the situation at the former North Wales Hospital. A clear understanding of the extent of listed buildings at risk within Denbighshire and the implications to the Authority, together with, details of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the responsibilities of Local Authorities (LAs) under the Act had been included in the report.

A report by Cadw in 2009 had identified 1812 listed buildings in Denbighshire, and a 2011 survey identified 148 buildings in Denbighshire as being in the "at risk" category. The number of buildings in Denbighshire in the worst at risk category with just one point had been 35. Tables summarising the number and percentage of properties at risk in Denbighshire, and nationally, had been provided.

The HPPP explained that many buildings in the worst category were buildings or structures which stood little or no chance of being a financial asset to the owners. Owners would be more likely to view the structures as a financial burden rather than an asset and would be reluctant to spend money on repairs which could result in dilapidation. Of the 35 structures with a point score of 1, 13 were in this category. Enforcement action was likely to result in carrying out work in default and trying to recover the cost from the owner or compulsory purchasing the building/structure. Neither option would be attractive for a Local Authority.

The Building Control and Conservation Architect (BCCA) confirmed that grants were becoming increasingly scarce. The only major funding body with a growing grant budget was the Heritage Lottery Fund and they had previously funded umbrella grant schemes and not private individuals. Some listed buildings provided opportunities to add value by granting planning permission and listed building consent for a change of use, and another route could be to grant planning permission for enabling development. Working with an owner to help improve the condition of buildings at risk would be the preferred option, but in some cases the owner rather than the building could present problems.

The HPPP and BCCA explained that enforcement powers include an Urgent Works Notice and a Repairs Notice. These powers carry an element of risk to LAs with regards the costs of carrying out the urgent works in default or the costs associated with compulsory purchase and consequential responsibility of being the owner of a dilapidated building. The powers were discretionary and exercised with caution, however, in the circumstances where there were no other options, and where the building might be close to total loss, then a decision not to use enforcement powers may be a threat to the reputation of the Authority.

The BCCA referred to the consultation process being undertaken with regard to Welsh Government's (WG's) proposed changes to the legislation. He expressed concern that current powers under the existing legislation were not fit for purpose and did not provide the required authority for appropriate intervention. Members agreed that the Chair submit a letter of support endorsing the views expressed by

the BCCA in his response to the formal consultation, which highlighted the risks associated with the enforcement aspect of the legislation.

The BCCA responded to questions from a number of Members and provided details pertaining to structures located in their respective areas.

Details of potential risks had been incorporated in the report. There were financial and resource implications with tackling buildings at risk which had been managed on a case by case basis. In exceptional cases risks had been mitigated as far as possible and the projects had been subject to formal approval and authorisation.

During the current economic climate the need to target available resources more effectively had been recognised, therefore a building at risk strategy was being drafted which examined how limited resources could be used most effectively.

Appendix 1 set out the category 1 Buildings at Risk in Denbighshire by communities.

The officers provided the following responses to issues raised and questions from Members:-

- the BCCA provided details of the proposed process to be adopted with regard to the inclusion of newly listed buildings.
- It was anticipated that a database containing details of all listed buildings would be provided in the future and updated on a regular basis.
- there was no formal appeal process for listed buildings, however buildings could be removed from the list if it could be demonstrated that the information which had led to the building's listing was incorrect or inaccurate.
- confirmation was provided that a Preservation Notice could be issued to protect a building in danger of demolition or significant alteration, prior to examination by Cadw.
- the BCCA provided an assurance that the majority of listed buildings in the ownership of the County Council were well maintained and kept in good repair.
- The Lead Member for Public Realm requested that Members inform him or the relevant officers if they became aware of listed buildings within their electoral division being modified or demolished without the required consent.

Following further discussion, it was:-

**RESOLVED** – *that, subject to the above observations, the Committee:-*

- (a) receive and note the contents of the report, and*
- (b) agree that the Chair submit a letter of support endorsing the views expressed by the BCCA in his response to the formal consultation on the proposed changes to legislation relating to listed buildings.*

## **6 YOUR VOICE - QUARTER 2 REPORT 2013/2014**

A copy of a report by the Head of Customers and Education Support (HCES), which provided an overview of the feedback received via Denbighshire's customer

feedback policy 'Your Voice' for Quarter 2 of 2013/14, had been circulated with the papers for the meeting.

Councillor H.C. Irving introduced the report which provided information regarding performance issues. The HCES explained that Headlines for Quarter 2 had been included in the Appendices to the report and a summary of the following salient points were highlighted:-

- The Council had received 149 complaints.
- More than a quarter (26%) of complaints concerned Planning and Public Protection. This was an increase of 488% compared to Q1. Almost half of the complaints (44%) concerned Community Safety Enforcement.
- The Council had received 261 compliments during Q2, a 264% increase on Q1.
- Adult and Business Services received the most compliments – 97 (37%).

#### Performance

- 97% of complaints had been responded to within the 'Your Voice' timescales. This matched Q1 performance and had exceeded the corporate target of 95%.
- Every stage 2 and stage 3 complaint had been responded to within the 'Your Voice' timescales, which had been an improvement on Q1.
- 87% of complaints received were successfully dealt with at stage 1, an improvement on Q1 (86%).
- 2 service areas had been highlighted as having ORANGE status; Finance and Assets and Highways and Infrastructure.
- ICT had been highlighted as having RED status.

The Committee were informed that The Your Voice scheme directly contributed to the corporate aim of "An excellent Council, close to the community". All costs relating to customer feedback had been absorbed within existing budgets.

The Corporate Complaints Officer (CCO) informed Members that reference in Table 1: Overall complaint response times for Q2, to "other" 67%, only related to two complaints received in respect of HR and one relating to IT.

In reply to concerns raised by Councillor M.LI. Davies, the HCES confirmed that it was Council Policy to provide Welsh responses to complaints received through the medium of Welsh, and any anomalies should be forwarded to the respective Head of Service. It was also confirmed that responses to complaints submitted by Members should be provided in writing and if Members were dissatisfied with the response received this should be referred to the relevant Head of Service to ensure that problematic areas were targeted. The HCES informed the Committee that a Members Workshop would be held on the 13<sup>th</sup> December, 2013 when a demonstration of the changes to the CRM system would be provided. The importance of ensuring that Members utilised the CRM system was emphasised by the HCES even when contacting specific officers.

The CCO responded to a question from Councillor R.J. Davies and explained that the changes to the current schools complaints process were currently out to school governors for consultation. The HCES agreed that the consultation document, recently circulated to School Governors, be distributed to Members of the Committee.

During the ensuing discussion, Members of the Committee congratulated the Head of Customers and Education Support and her staff for the work undertaken.

**RESOLVED** – *that, subject to the above observations, the Committee receive the report and note the performance of services in dealing with complaints.*

Members congratulated the Complaints Team on their effective administration of the Complaints process.

## **7 CORPORATE RISK REGISTER REVIEW**

A copy of a report by the Head of Business, Planning and Performance, on the November, 2013 formal revision to the Corporate Risk Register, had been circulated with the papers for the meeting.

The Corporate Improvement Officer (CIO) introduced the report which incorporated the latest version of the Corporate Risk Register, as agreed at Cabinet Briefing. Formerly the report had been submitted only to CET. However, including Members in its development and management had been prudent. It had been considered that the most effective way would be to involve Lead Members at Cabinet Briefing.

A detailed summary of the main issues to note for the Corporate Risk Register, which had been included in the report, were provided by the (CIO) for Members.

The (CIO) responded to a question from Councillor G. Sandilands and explained that it had been anticipated that the Corporate Risk Register would next be reviewed following agreement of the budget, in February or March, 2014.

In reply to a question from Councillor D. Owens regarding the level of risk in relation to the revision to DCC021: 'The risk that effective partnerships and interfaces between BCU Health Board and Denbighshire County Council (DCC) do not develop, leading to significant misalignment between the strategic and operational direction of BCU and DCC'. The (CIO) provided details of the Inherent and Residual Risk marking ratings process and how they related to DCC021.

The CD:ECA responded to a question from the Chair regarding any possible implications for Directorates as a result of the reduced level of support provided by HR. It was explained that the inclusion of HR on the Risk Register indicated that there was an acknowledgement that there were concerns regarding the level of support available across the Authority. The CD:ECA confirmed that HR had an Improvement Action Plan in place, and this had been an issue which had been flagged following an Internal Audit Review and considered by the Corporate Governance Committee. The Improvement Action Plan was currently being implemented, which included the level of support provided to managers and the

manner in which it was provided. It was explained the Authority had made a decision to change the way in which HR support was provided with HR providing a supporting role for managers. Members were informed that a review would be undertaken, following the implementation of the improvements, to evaluate the outcomes. The Service Challenge for the HR Service was scheduled to take place in the near future and the Committee representative, Councillor R J Davies, was asked to raise the Committee's concerns at that meeting.

**RESOLVED** – *that, subject to the above observations, the Committee receive the report and note the deletions, additions and amendments to the Corporate Risk Register.*

## **8 CORPORATE PLAN PERFORMANCE REPORT - QUARTER 2 2013/14**

A copy of a report by the Head of Business, Planning and Performance, which provided an update on the delivery of the Corporate Plan 2012-17 at the end of quarter 2 of 2013/14, had been circulated with the papers for the meeting.

The Corporate Improvement Officer (CIO) and Corporate Programme Office Manager (CPOM) introduced the report and informed Members that regular reporting was an essential monitoring requirement of the Corporate Plan to ensure that the Council exercised its duty to improve. The Appendix to the report presented a summary of each outcome in the Corporate Plan. Overall, the report indicated that acceptable progress had been made in delivering the Corporate Plan. It had been recognised that some areas for improvement would take longer to achieve than others. However, it would be important to understand what the improvement journey should look like and this had been incorporated into the analysis within the report.

The key performance aspects of the Corporate Plan for quarter 2 had been summarised and included in the report, and the CIO provided a detailed summary of each of the Outcomes in the Performance Report. The Committee acknowledged that it was still early in the Corporate Plan's life to achieve significant progress in delivering elements of some of the priorities. However, Members highlighted the following concerns relating to four following priorities:-

### **Developing the Local Economy:**

- Outcome 5, 'Vibrant Towns and Communities', the Committee suggested that consideration be given to using the most up to date data available as indicators for measuring 'Tackling Deprivation and Poverty, particularly in parts of Rhyl and Upper Denbigh'. For accuracy purposes it may therefore be useful to use the 2012 median income figures for these indicators.
- Outcome 6, 'Well-promoted Denbighshire': having regard to the number of new build housing completions for the first half of 2013/14 the Committee did have concerns with respect to the Council's ability to deliver its LDP within the expected timeframe

### **Improving Performance in Education & Quality of Our School Buildings:**

- the Committee had a number of concerns with respect to the use of mobile classrooms across the County. Consequently it asked for a comprehensive report to be submitted for its consideration in January on the number, location, age and condition of mobile classrooms as well as on the condition of school buildings in general and on pupil projections and capacity assessments to deal with the projected pupil numbers at the county's schools

### **Clean and Tidy Streets:**

- Outcome 11: the performance against the indicator on clearing fly tipping incidents had been a cause of concern for the Committee since September 2013. The Committee also had concerns with respect to the accuracy of the Authority's statistical reporting of this PI and had asked that a report on this matter be presented to members at January's meeting and that the report should also contain a definition on what exactly "excellence in relation to reducing fly tipping" would look like.
- Members also expressed concerns on the number of Fixed Penalty Notices (FPNs) issued and enforcement action taken with respect to dog fouling across the county, particularly in comparison to the action and number of FPNs issued for littering. Similar concerns were raised by Communities Scrutiny Committee when it considered the progress report on the Anti Fouling Strategy at its meeting on 25 November.

### **Ensuring Access to Good Quality Housing:**

- The Committee queried the Council's performance against the performance measure relating to the % of householder planning applications determined within 8 weeks. Officers had already reported on this matter to the Committee in October and whilst members were satisfied with the information imparted the Chair confirmed that he would arrange to meet the Head of Service to discuss this matter further and to see whether any steps could be taken to improve performance in this area.

### **Modernising the Council to be efficient & improve services for customers**

- Outcome 14: the Committee had concerns on the % of performance appraisals that had been completed which was well below the acceptable level of 95%. Whilst acknowledging that there may be data inaccuracies Members expressed an interest in monitoring the situation going forward.

Details of the financial aspects, consultations undertaken, the Chief Finance Officer Statement and the risks and actions implemented to mitigate them had been included in the report.

Following further discussion and the receipt of responses provided to questions from Members, it was:-

**RESOLVED** – *that the Performance Scrutiny Committee:-*

- (a) receive the report, and*
- (b) note the concerns highlighted by Members relating to five of the corporate priorities.*

## **9 SCRUTINY WORK PROGRAMME**

A copy of a report by the Scrutiny Coordinator, which requested the Committee to review and agree its Forward Work Programme and provided an update on relevant issues, had been circulated with the papers for the meeting.

A 'proposal form', Appendix 2, had been received for consideration at the meeting which related to the Annual Report on Corporate Health and Safety. The request emanated from a risk identified in a recent Internal Audit report regarding the lack of clarity around the governance arrangements for Health and Safety. Members agreed that the Annual Report be presented to the Committee at its meeting in May, 2014.

The Cabinet Forward Work Programme had been included as Appendix 3 and a table summarising recent Committee resolutions, and advising on progress with their implementation, had been attached at Appendix 4 to the report.

In September the Committee had requested that they receive an information report on the Authority's use of supply teaching staff. It was explained that due to the complex nature of the work required to draw this information together the report would not be available until the summer term 2014.

The Scrutiny Chairs and Vice-Chairs Group had met on the 24<sup>th</sup> October, 2013 and the 5<sup>th</sup> December, 2013. The Scrutiny Coordinator invited Members attention to Appendix 2 of the Information Brief document which referred to the Economic and Community Ambition Programme Board. Members considered the information circulated, which requested that a Committee representative be appointed to serve on the Board, and agreed that Councillor G. Sandilands be appointed to serve on the Economic and Community Ambition Board. Confirmation was provided that training would be provided for Members appointed to the Board.

In response to questions from Councillor C. Hughes, the CD:ECA provided details of the membership of the Board and agreed to provide further details in respect of the right of non-members to attend meetings.

In response to concerns raised by Councillor C. Hughes regarding the lack of maintenance budget after a period of six months to undertake certain grounds maintenance works, the CD:ECA explained that Housing Services were currently subject to an Improvement Programme. Members agreed that a report on the Improvement Action Plan, which could assist in addressing the concerns expressed, be included in the Committee's Forward Work Programme for February, 2014.



The Committee considered its draft Forward Work Programme for future meetings, as detailed in Appendix 1, and the following amendments and additions were agreed for the following meetings:-

A report on School Places and Mobile Classrooms be included in the forward Work Programme for the 16<sup>th</sup> January, 2014.

**RESOLVED** - that

a) *subject to the above amendments and agreements, the Work Programme as set out in Appendix 1 to the report be approved; and*

b) *Councillor Gareth Sandilands be appointed as the Committee's representative on the Economic and Community Ambition Programme Board*

## **10 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

Councillor C. Hughes reported he had recently attended a Finance and Assets meeting and the following areas were highlighted:-

- Concerns relating to the RAG status.
- Number of attendees at relevant procurement training courses, which had been below the intervention target. An assurance had been provided that this matter was being addressed, together with, a similar issue pertaining to electronic tenders and quotations.
- Finance and Assets having fallen below their targets in respect of complaints.
- Problems having been experienced regarding management information from the TRENT system.

Councillor D. Owens explained that he and Councillor C. Hughes had attended a Property and Audit meeting on the 11<sup>th</sup> December, 2013 and a report would be submitted to the next meeting of the Committee.

Councillor W.L. Cowie informed the Committee that a meeting with the Section Manager: Network Management had been deferred until January, 2014.

Councillor Geraint Lloyd-Williams reported he had attended the pre Service Challenge meeting in November to select questions to be presented to the Head of Service for Communication, Marketing and Leisure. Councillor Lloyd-Williams expressed his surprise at some of the questions that had been selected for the Service Challenge. He explained that he had recently met with the Head of Communication, Marketing and Leisure and informed the Committee it had been reassuring to see the broad range of new sporting events which had been planned in Denbighshire. Reference was made to the three year programme for Rally GB and confirmation was provided that Denbighshire would be at the forefront of future events.

Councillor R.J. Davies explained that a meeting had been scheduled in respect of Lines of Enquiry for HR and a report would be presented to a future meeting.

Councillor G. Sandilands had attended a Strategic Investment Group meeting, at which the provision of funding for the Glasdir bund had been agreed.

***RESOLVED*** – *that the reports be received and the contents noted.*

Meeting ended at 12.25 p.m.