

PERFORMANCE SCRUTINY COMMITTEE

Minutes of a meeting of the Performance Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 20 March 2014 at 9.30 am.

PRESENT

Councillors Richard Davies, Colin Hughes, Dewi Owens, Arwel Roberts (Vice-Chair), Gareth Sandilands and David Simmons (Chair)

ALSO PRESENT

Chief Executive (MM), Head of Adults and Business Services (PG), Head of Internal Audit (IB), Strategic Development Service Manager (GG), Valuation & Estates Manager (DM), Property Manager (DL), Scrutiny Coordinator (RhE) and Democratic Services Officer (KE)

Councillor Raymond Bartley, Councillor Merfyn Parry and Councillor Huw Williams

Councillor Julian Thompson-Hill, Lead Member for Finance and Assets attended at the Committee's request for business item 7.

1 APOLOGIES

Apologies for absence were received from Councillor Bill Cowie, Councillor Meirick Lloyd Davies, Councillor Geraint Lloyd-Williams, Councillor Peter Owen and Lead Member for Social Care – Adults and Children's Services (Councillor Bobby Feeley)

2 DECLARATION OF INTERESTS

Councillors David Simmons and Dewi Owens declared a personal interest in agenda item 7 as they are members of the Board of Agricultural Estates. It was advised that as this was a non-decision making agenda item there was no conflict of interest.

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, 20 February, 2014 were submitted.

Matters arising:-

Pages 6 - 8, 'Modernising Education – Progress Report':

- the Council has not been supplied with a Welsh language version of the Gateway Review report.
- Modernising Education Board Membership: awaiting confirmation of the request for scrutiny representatives to be able to attend/serve on the Board
- Ysgol Plas Brondyffryn: awaiting the outcome of enquiries regarding the positioning of the pillar in the physical education hall.

Page 10 – 'Feedback from Committee Representatives': reference to an Ombudsman's report on the writing off of Council Tax debts. On enquiring with officers there has not been a specific report on the above subject but there was the following ruling within the last year:

"Upheld – March 2013

Mr J complained about the way in which Denbighshire County Council ("the Council") managed the council tax account for his late mother's property. The Council issued a summons for non-payment of council tax, against the Executors of her estate. Mr J was a joint Executor with a local based firm of Solicitors. Mr J made a payment to the council to clear the liability from his personal account.

Mr J later became aware that the new registered occupier of the property had become liable for the charges. He wrote to the Council to request a refund in respect of the monies he had paid. Mr J did not receive an acknowledgement of his request and had to chase the Council for a response. Mr J raised additional concerns about the actions taken by the Council following his request for a refund in seeking the consent of his fellow Executor prior to issuing the refund and the manner in which he felt he was treated by the Council's staff. Mr J received a refund from the Council some 4 months later.

Having considered all of the evidence available the Ombudsman concluded that the Council's management of the council tax account for the property was reasonable in the main. However, the Ombudsman did identify that the Council's service did not meet the required standard for dealing with Mr J's written request for a refund. In addition the Ombudsman felt that the Council should also, at the very least, have advised Mr J of the steps that it had to take to seek the consent of his fellow Executor before it could issue the refund to him. The Council agreed to the Ombudsman's recommendations to apologise to Mr J and to make a payment of £100 in respect of the failings identified and time and trouble taken to pursue the complaint. Case reference 201201315"

The above was reported to the Corporate Governance Committee as part on an Annual Report".

Resolved – *that, subject to the above, the Minutes be received and approved as a correct record.*

5 SERVICE PROVISION FOLLOWING CLOSURE OF COMMUNITY AGENCY

Councillor B. Feeley submitted her apologies for being unable to attend the meeting to present the report.

The Head of Adults and Business Services introduced the report and reminded the Committee of the budget workshops last year where it was proposed to save £25,000 per annum on accommodation costs of the Community Development Agency (CDA). He detailed the steps being taken to ensure alternative means of providing services currently undertaken by the CDA – e.g. by third sector groups.

The following concerns were raised by the Committee:

- The current premises at Rhyl railway station are centrally located and easily accessible to individuals via public transport. Alternative venues such as the Foryd Centre may not be so accessible.
- The potential impact on jobs once the accommodation has been surrendered and the CDA closes.
- To what extent had consultation regarding the closure of the premises and Agency been carried out?

The Service Manager for Strategic Development assured the Committee that the Foryd Centre premises were within 500 yards of the station on Princes Street.

It was explained that until 5 years ago there had been 5 members of staff working for the Community Development Agency, these had slowly been reduced to 2 employees and the Agency would have closed had it not been for funding received from the New Work Connections (NWC) project. It was envisaged that the 2 employees currently working in the Community Development Agency would be redeployed into a community support role within the Service.

Other staff had been employed by New Work Connections. They were employed on short term contracts with full knowledge that future employment depended on further grant funding being received.

The closure of the Agency had been discussed with all individuals who had use of the facility. There was recognition that the same level of discussion had not been had with the wider communities but Elected Members from Prestatyn and Rhyl had participated in a workshop that went through the exit strategy.

The changes to the service were undergoing full consultation and an Equality Impact Assessment is being undertaken. The service would continue for the next 3 months whilst discussions with 3rd party groups continue to seek alternative provision.

The Committee referred to the figures showing the facilities usage over a 3 month period and asked for the statistics for the preceding 12 months. They also asked for

the figures to show a breakdown of how many people outside of Rhyl used the facility?

Resolved: -

- (a) *that subject to the observations made and the provision of the required information that the Committee endorse the actions being taken to ensure alternative ways are found for providing the range of services currently provided by the Community Development Agency on the reduction in their budget of £25,000; and*
- (b) *that an information report be provided to the Committee in the autumn of 2014 detailing the progress made in securing alternative delivery arrangements and premises for the purpose of delivering the Agency's services.*

6 IN-HOUSE PROVIDER VISIT 2013/14 OVERVIEW

The Head of Adults and Business Services presented a report on the progress of In-House provider visits and the feedback received as a result of the visits. He explained that elected members visited the County's social care establishments on a rota basis and provided feedback that enabled an action plan to be compiled to address deficiencies or areas of concern.

In the main feedback was positive and management endeavoured to implement recommended improvements quickly, particularly those without budgetary implications.

Overall it was reported that standards of care were of very good quality and any concerns raised tended to be regarding buildings' maintenance issues. Any major work requirement would need to be discussed with Finance.

The Committee commended the care and services provided by the Authority in these establishments. It was acknowledged that residential social care provision was expensive and that some local authorities no longer provided such services. Denbighshire may in the near future have to consider whether it could continue to provide the same level of care provision establishments. The Chair requested a condition survey report on the Authority's social care establishments with a view to investigating which were fit for purpose.

The Head of Internal Audit raised the issue of lax adherence to policies in some of the establishments – particularly around signing in, fire drills and security – which are improving following his intervention.

The Chief Executive (CE) also suggested looking at the value for money aspect of the in-house services, It was noted that there was a cost of approximately £5 million associated with providing residential homes used by 70/80 individuals. The CE highlighted that other Local Authorities did not have this type of provision as it was discretionary not statutory and questioned whether it was affordable. He expressed the view that these were "big ticket" issues that needed exploration and suggested

the Committee start the discussion on alternative ways of carrying out present in-house activities.

It was suggested that a comparison could be made with the private sector regarding cost per head of such a service provision. The Chair responded that the use of task and finish groups had been discussed at the recent Scrutiny Chairs and Vice-Chairs Group (SCVCG) and suggested that this would be an ideal subject for a task and finish group. He agreed to broach the proposal at the next SCVCG meeting.

Resolved: - *to note the information provided on the In-House Provider Visits and that a cross-Scrutiny Task and Finish Group be established with a view to examining value for money options for delivering high quality social care services in the County.*

7 AGRICULTURAL ESTATE

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 12, 13 and 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

PART II

The Lead Member for Finance and Assets gave an overview of the confidential report previously circulated. He highlighted the particular relevance of distinguishing between the two types of tenancy agreements currently in place.

Tenancies held under the Agricultural Holdings Act 1986 (AHA '86) are favoured towards the tenants with maintenance responsibilities held by the Authority. They are seen as lifetime tenancies, should the tenant cease farming the Authority would be liable to provide alternative accommodation. Alternately tenancies formed under the Farm Tenancies Act 1995 (FBT '95) offer more flexibility to liaise with tenants and the onus for repairs and maintenance is down to the tenant rather than the landlord.

Property Services are actively working on freeing up farm property for disposal by moving tenants under AHA '86 terms to alternative farms with less of a maintenance requirement / budget burden. However they are only a small team who are dependent on fee income who have been called to deal with other Corporate Priorities - e.g. compulsory purchases in West Rhyl and condition surveys of arms length corporation sites – which left only the 0.5 full time equivalent surveyor to work on the back log of agricultural estates issues.

Cllr. Hughes raised concerns that houses on farms do not fall under the requirement of Welsh Housing Quality Standard, that they may be dilapidated, cramped and not fit for purpose for a family. Cllr. Hughes suggested that capital receipts for agricultural estate disposal should be used for renovation of farm houses.

Cllr. Thompson-Hill responded that there was previously a policy of ring fencing capital receipts but it wasn't delivering the levels of funds needed. The Authority have had to focus on the health and safety aspect of the estates rather than the renovation.

The Valuation & Estate Manager (VEM), David Mathews confirmed that some farm buildings are in so much need of work that it would be more cost effective to replace than repair them. Where the work is required on the farm house the best solution would be disposal. He ruminated that the Authority could retain a sizeable agricultural estate but significant changes needed to be made.

Cllr. Roberts questioned the absence of a professionally qualified Rural Practice Surveyor within the Council and the risk this imposed. The VEM responded that they are employed as consultants when finances allow and they are needed – for rent reviews for instance.

Cllr. Roberts asked for clarification regarding the use of Legal resources. The VEM confirmed that they usually consult the in-house legal executives but the FTA '95 also provides for valuers / surveyors to draw up the tenancies. The VEM has been undertaking this role as he has several years' experience and understands the language involved.

A discussion ensued regarding the current position of County farms including tenant's leases, usage, rents and alternative options. Members asked whether there was enough emphasis on generating capital receipts by disposal of agricultural properties? Where disposal was not an option why was the rental income far less than would be expected in the private sector?

The Property Manager, Dave Lorey, conceded that the strategy for agricultural estates needed to be reviewed as did the terms of reference for the Agricultural Estate Board.

Resolved: - that

- (a) a meeting of the Agricultural Estate Working Group be convened urgently with a view to devising a clear long-term vision for the Council's Agricultural Estate and develop a robust strategy to deliver the vision. The Working Group should to review its Terms of Reference, meet on a regular basis and conduct a condition survey of all holdings with a view to delivering the vision; and*
- (b) a report be presented to the Committee at its meeting on 12 June 2014 outlining the progress achieved to date in progressing the above*

8 SCRUTINY WORK PROGRAMME

The meeting resumed in open session for the remainder of the business.

PART I

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.

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) the information report on condition of the County's schools should be available by the May meeting of the Committee.
- b) The Draft Director of Social Services Annual Report for 2013/14 be included on the work programme for the Committee's forward work programme for its meeting on 17 July.
- c) An update of Agricultural Estate matters be brought back to the 12 June meeting.
- d) The Provision of CCTV and Out of Hours Services will subsequently be moved onto the agenda for 17 July.

Resolved – *that subject to the above amendments and agreements, the Work Programme as set out in Appendix 1 to the report be approved.*

9 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillor D. Owens informed the Committee that he and Councillor P.W. Owen had recently visited the Revenues and Benefits Department in Rhyl. He informed the Committee that huge problems were being caused by the introduction of the new Universal Credit payment.

They had also visited the Pavilion Theatre staff in Rhyl and had been impressed with the team work ethos shown by the staff, he suggested that the team be highlighted as an example to other departments. Councillor A. Roberts proposed that a letter of recognition be sent to the staff at both the Theatre and the Revenues and Benefits Department acknowledging their commitment.

Councillor A Roberts advised that he had recently attended School Standards Monitoring Group (SSMG) meetings at which the performance of two schools had been examined in detail.

Councillor R. Davies updated the Committee on the plans to wrap a pillar in the middle of the canteen/sports hall at Ysgol Plas Brondyffryn (YPBD) in cladding to reduce the risk of possible collision injuries. He also highlighted the issue of

children from YPBD having to travel to Rhyl for swimming sessions and requested a notice of clarification that the pool at Denbigh Leisure Centre is not solely for Denbigh High School's use.

Resolved – *that the reports be received and noted.*