

PERFORMANCE SCRUTINY COMMITTEE

Minutes of a meeting of the Performance Scrutiny Committee held in Council Chamber, County Hall, Ruthin and by video conference on Thursday, 30 November 2023 at 10.00 am.

PRESENT

Councillors Ellie Chard, Bobby Feeley, Martyn Hogg, Carol Holliday, Alan Hughes, Hugh Irving (Chair), Paul Keddie, Terry Mendies and Gareth Sandilands (Vice-Chair)

Lead Members – Councillor Julie Mathews, Lead Member for Corporate Strategy, Policy and Equalities and Councillor Gwyneth Ellis, Lead Member for Finance, Performance and Strategic Assets.

ALSO PRESENT

Corporate Director: Governance and Business (Monitoring Officer) (GW), Head of Corporate Support Service: Performance, Digital & Assets (HV-E), Strategic Planning and Performance Team Leader (IM), Planning and Performance Officer (EH), Scrutiny Coordinators (RhE & KE) and Senior Committee Administrator (KJ).

1 APOLOGIES

Apologies for absence were received from Councillors Diane King and Andrea Tomlin.

The Scrutiny Co-ordinator informed the Committee that the Leader of Independent Group had resigned his position on the Committee and appointed Councillor Bobby Feeley to serve in his place as one of the Group's representatives.

2 DECLARATION OF INTERESTS

No interests of a personal, or a personal and prejudicial nature, were declared.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No items of an urgent nature had been raised with the Chair or the Scrutiny Co-ordinator prior to the commencement of the meeting.

4 MINUTES OF THE LAST MEETING

The minutes of the Performance Scrutiny Committee meeting held on 28 September 2023 were submitted.

Matters arising:

Business item 5, 'Christ the Word Catholic School Inspection Report Update' – the Chair confirmed that a progress report would be presented to the Committee in July 2024 for further scrutiny. The Vice-Chair emphasised the importance of Performance Scrutiny Committee examining and monitoring education related

matters across the Council, particularly the local education authority's provision of services and support to schools.

Business item 8, 'Denbighshire's Housing and Homelessness Strategy Action Plan' – members were advised that further scrutiny of the action plan's delivery would take place in November 2024.

It was:

Resolved: that the minutes of the Performance Scrutiny Committee meeting held on 28 September 2023 be approved as a true, accurate and correct record of the proceedings.

5 CORPORATE RISK REGISTER REPORT

The Lead Member for Corporate Strategy, Policy and Equalities introduced the report (previously circulated) reminding members that the purpose of the Corporate Risk Register was to identify the potential future events that might have a detrimental impact on the Council's ability to achieve its objectives and delivery of the Corporate Plan 2022 – 2027.

The Head of Corporate Support: Performance, Digital & Assets advised members that the Corporate Risk Register update report had been compiled following a review in September where a number of changes had been made. Appendices to the report highlighted:

1. Appendix 1 – summary of significant changes
2. Appendix 2 - table and trend analysis of the Corporate Risks
3. Appendix 3 – detailed information on the 13 Corporate Risks
4. Appendix 4 – a reminder of the Risk Appetite Statement - agreed November 2022 to be reviewed in February 2024.

The Committee were asked to use appendices 2 and 3 as a tool to identify areas for further scrutiny to inform their forward work plan.

The Strategic Planning and Performance Team Leader explained that the review had been comprehensive to reflect the change in the structure and circumstances of the Council. It had also been an opportunity to merge and de-escalate some risks.

At the last review in February 2023 there were 20 Corporate Risks. Of those 9 had been amalgamated / de-escalated to a Service level (para 4.5 of the report referred). Two new risks – 51 and 52 - had been added to the Register to reflect the financial situation of the Authority, culminating in a total of 13 identified risks. Seven of those risks were inconsistent with the Risk Appetite Statement i.e. serious enough to be on the Register.

Responding to the Committee's questions Officers advised:

- The Strategic Planning Team (SPT) were actively engaged with officers, the Corporate Executive Team (CET) and service management teams to address risk and performance management issues.
- Risk around capacity had increased under the budget pressures, that risk was common across all services.
- The SPT were also supporting the budget process by collating information around the impact of budget cuts on wellbeing and future generations by focussing the WBIA on key cohorts in the communities and wellbeing goals.
- The budget process was comprehensive and underway, working via workshops for proposals to deal with major savings. In addition the proposals were circulated to members and Teams meeting arranged for their consideration. Whereas the Budget used to be an annual 'event' moving forward it would be an ongoing process.
- The Strategic Direction paper previously shared with members indicated that the direction of travel was a Council that transforms what / how it worked rather than chipping away at services on an incremental basis.
- Information on proposals had been circulated to members (workshops and Teams meetings for questions and answer (Q&A) sessions with the Head of Service). Members were able to raise concerns on any proposals at those briefings.
- All proposals subsequently had to go through the open and transparent decision making democratic process e.g. Cabinet. If members were unhappy with the decision made there was an opportunity to call the decision in for scrutiny.
- The law provided that decisions made by Local Authorities were divided into executive functions (under the Cabinet, Lead Member Delegated Decision or Lead Officer Delegated Decision) and non-executive functions (Council). Council could not overturn a Cabinet decision. Scrutiny could challenge a decision and ask for it to be reconsidered but Cabinet was the ultimate decision maker.
- The Risk Appetite indicated the level that the Council would like the risk to be rather than where it was at that time.
- Nationally there had been concern around children being placed in unregulated placements. An information report would be requested from the Head of Children's Service as to whether Denbighshire had any children placed in unregulated premises.
- With respect to the recruitment of Care Workers, the Authority recruited on the basis of knowledge, skills and experience – not their gender or age. All Equalities (Act 2010) provisions were applied within the recruitment process.
- In the care sector, particularly with the lower graded roles, it was difficult to compete with the higher wages of the retail and hospitality sectors.
- Nationally there were not enough qualified social workers to fill the vacancies.
- The Authority continued to streamline its recruitment process and consider the of suitability of career graded posts to address problems around recruitment.
- Fraud would always be on the Corporate Risk Register - given the number of employees, external individuals/companies and spending undertaken. It was

important to have clear controls to prevent, deter, investigate and deal with fraud.

- The Authority already paid more than the National Living Wage (NLW), therefore the increase to the NLW would have no further impact on budget considerations.
- With respect of Risk 45 (Climate Change) it was the risk of not moving quickly enough on circumstances within the Council's control that could lead to reputational risk. It was to be noted that the Corporate Risk Register was a register of risks to the business – not the community.
- Whilst the Council could not change the risk of an unexpected or unplanned serious event occurring it could change its preparedness by its business continuity plans.

During the discussions the Lead Member for Equalities addressed the suggestion made by Councillor Terry Mendies - in respect of targeting care work recruitment towards mature women, rather than younger women who may take maternity leave at the rate payers' expense – as being wholly inappropriate and discriminatory towards women.

The Committee requested further information on:

- The number of (and reason for) children under the Authority's care in placements in unregulated premises (risk 50);
- The figures attributed risk 31 - The risk of fraud and corruption resulting in financial and reputational loss and possibly impacting on service delivery.

At the conclusion of an in-depth discussion the Committee:

Resolved: *subject to the above observations and the provision of the additional information requested to receive and acknowledge the –*

- (i) amendments made to the Corporate Risk Register through the September 2023 review (Appendix 3), including the status of each risk against the Council's Risk Appetite Statement (Appendix 4); and*
- (ii) to receive and endorse the summary document (Appendix 2) which incorporated the colour and trend status.*

At this juncture the Committee adjourned for a 15 minute break.

6 COUNCIL PERFORMANCE SELF-ASSESSMENT UPDATE

The Lead Member for Finance, Performance and Strategic Assets and the Head of Corporate Support Service: Performance, Digital & Assets introduced the report (previously circulated) that provided an update on the Council's performance against the Corporate Plan up to the end of quarter 2, September 2023.

There were changes in the presentation of the Performance Update Report compared to that in quarter 1, the changes were highlighted under section 4.4 of the report to more easily identify corporate successes and areas of improvement.

Cabinet had considered the Performance Update Report the previous week and identified two performance areas for improvement which had been added to the Q2 report:

- Housing and Environmental Services – to provide an update on the performance against the indicator relating to the percentage of damage to roads and pavements made safe in target times.
- For the Organisation to provide an overview of the cultural offer provided across Council services as part of the plan to develop setting out the Cultural Strategy and how that would connect with personal and economic wellbeing.

It was anticipated that sustaining performance was likely to be challenging going forward given the financial pressures and subsequent unavoidable service reductions.

The Planning and Performance Officer gave an overview of the report explaining that the objective was to identify where the performance measures were at within each of the nine Corporate Plan Themes, projects and activities.

Overall the performance ratings were for:

- Measures – orange (acceptable) and
- Projects – yellow (experiencing obstacles) apart from the theme of A Fairer, Safer Denbighshire where the rating was red (priority for improvement) due to the ongoing problems relating to poverty and worklessness.

Summarising the position on the various Corporate Themes the Planning and Performance Officer advised:

A Denbighshire of quality housing that meets people's needs -

- The new 'My Home Denbighshire' intervention had resulted in fewer individuals as presenting as homeless. There were fewer numbers on the Single Access Route to Housing (SARTH) waiting list, but the numbers were still higher than the Authority wished to see on the list.
- Financial pressures and lack of capacity had proved challenging in the energy efficiency projects for council homes in preparation for the new Welsh Housing Quality Standards (WHQS).

A prosperous Denbighshire -

- Still some challenges around the larger projects in Denbigh and Rhyl due to delays and funding shortages. It was anticipated that the recent announcement of Levelling Up 3 award would address those problems.
- Tourism and associated spending had increased.
- Incomes and employment remained a priority for improvement. An economic strategy had been developed, utilising external expertise and capacity from the Wellbeing and Future Generations Commissioner's Office.

A healthier and happier, caring Denbighshire -

- Some challenges around embedding the whole school approach to mental health.

A learning and growing Denbighshire –

- Still waiting for attainment measures from Welsh Government to be able to understand the performance of schools within the given context.
- The Modernising Education Programme was still experiencing delays – specific updates were included within the content of the report.
- Early Years support, Llwybrau and Working Denbighshire were achieving some positive outcomes.

A better connected Denbighshire –

- Repair of damage to roads and pavements remain a cause for concern.
- The 20mph speed limit had now been implemented.

A greener Denbighshire –

- Still looking at methodology around measuring the carbon tonnage reduction from supply chains.
- Preparation was underway for reviewing the strategy.

A fairer, safe, and more equal Denbighshire –

- The free school meals programme was expanding.
- There had been an increase in figures received from North Wales Police (NWP) around domestic violence and repeat offending. It was understood that the rise was due to a change in reporting methods.
- Concern regarding employees' completion of equality modules had been flagged and was being addressed.

A Denbighshire of vibrant culture and thriving Welsh language –

- As a result of the pandemic and subsequent lockdowns there had been a decrease in children continuing their education through the medium of Welsh, plans were ongoing to encourage more children into nurseries through the medium of Welsh.
- Work around the cultural strategy had been paused for a while but there were many projects ongoing to support the Welsh language and culture through heritage venues, tourism, libraries and national park and levelling up projects etc.

A well-run, high performing Council –

Being open and transparent was part of the Council's core values. The new Well-Run, High Performance Council Board had been established to embed the organisational culture more deeply. An all member workshop was planned for January 2024 to establish how they wish to be involved.

Responding to the Committee's questions officers advised:

- Performance was reported in arrears (3 months) therefore issues around employee capacity might be recorded in December – given the restriction on staff vacancies implemented in September. The impact of future changes would be reported similarly.

- Thresholds / measurements may need to be reconsidered depending impact of proposed changes.
- Discussions would need to be held with Cabinet for the potential reduction of Corporate Themes in light of the budget cuts.
- The Verto performance management system was limited to the functions that the Council paid for – generally used as a reporting tool rather than performance management.
- The Well-Run, High Performance Council Board would be looking at the culture of the Council and how Performance Information data was used would be under consideration.
- There was a statutory duty to report on the seven key governance areas, detailed in the report. They referred to matters such as the Corporate planning processes, performance management, financial management, procurement processes etc. the governance of the Council rather than functions and services delivered.
- An update to the Welsh Index for areas of Multiple Deprivation (WIMD) were expected late 2025 or early 2026.
- Whilst developing the theme around a Fair and Equal Denbighshire information was drawn from a number of available national data around poverty, including Data Cymru.
- Sources for the content of the Performance Framework could come from various directions, such as:
 - National publications
 - Welsh Government
 - Service plans
 - Strategic Boards
- There may well be productivity gains to be made by the Council via the likes of Artificial Intelligence (AI) / ChatGBT. Its use would need to have regard to ethical principles and data protection (GDPR) legislation.

The Committee raised concern around the percentage of Year 11 school leavers not known to be in Education, Employment or Training. The Scrutiny Coordinator advised that there was a report due to be presented to Performance Scrutiny Committee in the new year on Ensuring Engagement in Education.

Following the discussion

The Committee:

Resolved: subject to the above observations, and consideration being given to issues raised during the discussion in relation to the Council's ability to deliver the full suite of corporate priorities during a prolonged period of financial constraints, to receive and acknowledge the progress made to date in delivering the Council's Corporate Plan during Quarter 2 2023/24.

7 SCRUTINY WORK PROGRAMME

The Scrutiny Co-ordinator introduced the report and appendices, (previously circulated) the purpose of which was to seek the Committee to review its programme of future work.

The next meeting of the Performance Scrutiny Committee was scheduled for the 25 January 2024, proposed for that meeting were two agenda items.

- I. Library Service Standards 2022/23 and
- II. Ensuring Engagement in Education.

The report on the Economic and Business Development Strategy due to come to January's meeting had been moved with the permission of the Chair to March's meeting.

The Scrutiny Coordinator reminded the Committee that if there was anything in the reports presented at the current meeting which in their view merited further scrutiny they should complete the form in appendix 2 for the next Scrutiny Chairs and Vice-Chairs Group (SC&VCG) who would next meet in January.

At the recent meeting of the SC&VCG they had considered a proposal to consider the processes/procedures for applying for grant funding e.g. Levelling Up Fund/Shared Prosperity Fund (SPF) to ensure the Authority was able to respond and submit applications at short notice if necessary. More work was required in relation to scoping out the purpose of the report and the outcomes of examining the matter, but it was anticipated that it would be added to the forward work programme, probably in the spring 2024.

An information report regarding the Management of Council House Stock was listed on the forward work programme for the submission to the Committee in March 2024. The topic was closely related to an item on the Communities Scrutiny Committee's agenda on 1st February and would therefore be included in that report.

It was:

Resolved: subject to the above to confirm the Committee's forward work programme as set out in Appendix 1 to the report.

8 FEEDBACK FROM COMMITTEE REPRESENTATIVES

The Chair, Councillor Hugh Irving, informed the Committee that he had been unable to attend a recent meeting of the Queen's Building Project Board as he was away on holiday. The Board would be holding its next meeting the following week and he would be attending that meeting.

The Vice-Chair, Councillor Gareth Sandilands, reported on a recent meeting of the Capital Scrutiny Group (CSG) which he had attended. At that meeting the Group had considered financial bids for the Ruthin Velodrome Project, school building extension works, financial bids for minor adaptations work, along with how capital funds would be spent in future.

The Committee:

Resolved: to receive the verbal reports provided.

Meeting concluded at 12.20pm