

Report of the Performance and Audit Scrutiny Committee: 30 September 2021

Report number:	CAB/WS/21/046	
Report to and date:	Cabinet	9 November 2021
Cabinet member:	Councillor Sarah Broughton Portfolio Holder for Resources and Property Telephone: 07929 305787 Email: sarah.broughton@westsuffolk.gov.uk	
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Decisions Plan: **This item is not required to be included on the Decisions Plan.**

Wards impacted: **All wards**

Recommendation: **It is recommended that Report number: CAB/WS/21/046, being the report of the Performance and Audit Scrutiny Committee, be noted.**

1. Context to this report

- 1.1 On 30 September 2021, the Performance and Audit Scrutiny Committee held a non-decision-making virtual MS TeamsLive meeting, at which it considered the following items:
1. Local Government and Social Care Ombudsman: Annual Report 2020 – 2021.
 2. Regulation of Investigatory Powers Act 2000 – Annual Report and Review of RIPA Guidance.
 3. Delivering a Sustainable Medium-Term Budget.
 4. Work Programme Update.

2. Proposals within this report

2.1 **Local Government and Social Care Ombudsman: Annual Report 2020 – 2021 (Report number: PAS/WS/21/014)**

- 2.1.1 The Committee received and **noted** the above report, which set out the context; number of complaints received, and the outcome of complaints considered by the Local Government and Social Care Ombudsman (LGSCO).
- 2.1.2 The LGO issues an annual report each year on its activity, which maps the volume and nature of complaints it had received across the country. This was available on the LGO's website. Each council was also issued with its own performance report. The report presented to the Performance and Audit Scrutiny Committee informed members on the outcome of the complaints considered by the LGSCO about West Suffolk Council for the period 2020 to 2021.
- 2.1.3 Attached at Appendix 1 to the report was the LGSCO annual review letter 2021 and at Appendix 2 the complaint statistics for West Suffolk Council. Of the 16 Stage 2 complaints considered by West Suffolk Council in 2021-2022, 10 were reported to the LGSCO. In total the LGSCO considered 12 complaints, which included 2 received in 2019-2020 but not decided on until 2020-2021. Of the 12 complaints considered by the LGSCO only one was upheld, which related to the Council's handing of a parking appeal. The outcome was the LGSCO found the Council to be at fault because it had not considered the appeal against the parking charge properly but found that this had not caused the complainant any injustice.
- 2.1.4 The Committee was informed that upheld complaints and any other recommendations made by the LGSCO were always reviewed to determine whether a service change was required and the LGSCO's annual review would form part of the forthcoming wider work about how complaints were handled by local authorities due to concerns about the status of complaints within local authorities in terms of visibility, capacity, and status. The

Council would be participating and engaging in the review process and would provide updates in due course.

2.1.5 The Committee considered the report and asked questions, to which responses were provided. In particular discussions were held on how easy was it for a complainant to register a complaint; the number of complaints received; seeking reassurance that the complaints process was working correctly; and how were complaints relating to the Anglia Revenues Partnership and Abbey Croft leisure handled.

2.2 **Regulation of Investigatory Powers Act 2000 – Annual Report and Review of RIPA Guidance (Report number: PAS/WS/21/015)**

2.2.1 The Committee received the above report, which set out the Regulation of Investigatory Powers Act 2000 (RIPA) activity at West Suffolk Council; RIPA Guidance and the outcome of the inspection by the Investigatory Powers Commissioner's Office (IPCO) on 21 June 2021.

2.2.2 The Committee was informed that RIPA and the Code of Practice requires councillors to have regular oversight of activities authorised under RIPA. The Code of Practice also required councillors to review the Council's RIPA Guidance, an appendix to the Council's Enforcement Policy at least once a year. Revisions had been made to clause 8 of the RIPA Guidance in respect of the use of Communications Data. This was advised by the IPCS Inspection, who also provided the revised wording. The revisions and tracked changes to the Guidance were attached at Appendix 1 to the report.

2.2.3 The IPCO Inspector also suggested some development areas and officers had prepared an action plan, attached at Appendix 2. The development areas mainly fell under training (last provided in 2018) and recommended that refresher training be provided every three years. The Inspector also recommended exploring the use of social media across the Council to be satisfied that it does not amount to any form of covert surveillance, as well as looking at how the Council retains, reviews, and destroys material collected under RIPA.

2.2.4 Members considered the report in detail and asked questions to which responses were provided. In particular discussions were held on the process involved in applying for covert surveillance; whether any covert surveillance had been carried out by the Council during 2020-2021; what was meant by regular oversight; the reporting process to the Cabinet Member for Governance; and which service areas would a local authority consider using covert surveillance.

2.2.5 At the conclusion of discussions, the Committee:

- 1) **Noted** the update on the use of RIPA and other associated matters, including the findings of the Investigatory Powers Commissioner’s Officer (IPCO) following a recent RIPA inspection; and
- 2) **Endorsed** the Council’s RIPA Guidance, taking into account the recommendations of the IPCO, for formal approval at its meeting on 18 November 2021.

2.3 Delivering a Sustainable Medium-Term Budget (Report number: PAS/WS/21/016)

2.3.1 The Committee received the above report, which informed Members on the approach and timescales for the 2022 to 2023 budget setting process and medium-term plans to 2025. The report set out the context to the 2022 to 2023 budget process; key budget assumptions; the approach for delivering a sustainable budget for 2022 to 2023 and beyond and timescales.

2.3.2 The Committee was informed that the financial impact of COVID-19 on the council’s budget was likely to be felt for several years. Therefore, the council would need to make provision in its medium-term budget plans for recovery to pre-covid levels. Any longer-term impact of COVID-19 on the council’s services would only be established in due course.

2.3.3 The Committee was also informed that the 2022 to 2023 budget and medium-term financial strategy was also being prepared in the context of significant uncertainties around Government policy in terms of the following:

- 1) The Comprehensive Spending Review;
- 2) Local Government Finance Settlement;
- 3) The Fairer Funding Review, Business Rates Retention Scheme Review;
- 4) Commercial investment policy; and
- 5) Potential major reforms with the Resources and Waste Strategy; Health and Social Care reforms and the Planning Reform White Paper.

2.3.4 In the February 2021 Council meeting, the Budget and Council Tax Setting 2021 to 2022 and Medium-Term Financial Strategy 2021 to 2025 report set out the financial plan to 2025. The plan set a balanced budget for 2021 to 2022 but included the following initiative budget gaps, which would be reviewed as part of the 2022 to 2023 budget process:

	2022 to 2023	2023 to 2024	2024 to 2025
Budget Gap	£1.0m	£1.6m	£2.2m

2.3.5 The Committee considered the report in detail, the approach and timescales for the 2022 to 2023 budget setting process and the medium-

term plans. Members asked questions to which responses were provided. In particular, discussions were held on the assumptions made on the pay inflation; behaving more commercially, and debt over 90 days.

2.3.6 There being no decision required at this stage of the budget process, the Committee **noted** the contents of the report.

2.4 **Work programme update 2021 (Report number: PAS/WS/21/017)**

2.4.1 The Committee received report number PAS/WS/21/017, which provided information on the current status of its forward work programme for 2021.

2.4.2 The Committee was informed that in addition to the reports already scheduled for 18 November 2021, the following report would be added to the agenda:

- Arrangement for Appointment of External Auditors.

2.4.3 The Committee **noted** the contents of its forward work programme for 2021.

3. **Alternative options that have been considered**

3.1 Please see background papers.

4. **Consultation and engagement undertaken**

4.1 Please see background papers.

5. **Risks associated with the proposals**

5.1 Please see background papers.

6. **Implications arising from the proposals**

6.1 Financial:

Please see background papers.

6.2 Equalities:

Please see background papers.

7. Appendices referenced in this report

7.1 Please see background papers.

8. Background documents associated with this report

- 8.1 Report number [PAS/WS/21/014](#) and [Appendix 1](#), [Appendix 2](#) and [Appendix 2a](#) to the Performance and Audit Scrutiny Committee: Local Government and Social Care Ombudsman: Annual Report 2020 – 2021
- 8.2 Report number [PAS/WS/21/015](#) and [Appendix 1](#), [Appendix 2](#) and [Appendix 2a](#) to the Performance and Audit Scrutiny Committee: Regulation of Investigatory Powers Act 2000 - Annual Report and Review of RIPA Guidance
- 8.3 Report number [PAS/WS/21/016](#) to the Performance and Audit Scrutiny Committee: Delivering a Sustainable Medium-Term Budget
- 8.4 Report number [PAS/WS/21/017](#) and [Appendix 1](#) to the Performance and Audit Scrutiny Committee: Work programme update