

Performance and Audit Scrutiny Committee

(Non-decision making virtual meeting)

Minutes of a meeting of the non-decision making **Performance and Audit Scrutiny Committee** held via **MS TeamsLive** remote meeting platform on **Thursday 30 September 2021** at **5.00pm**

Present **Councillors**

Chair Ian Houlder

Vice Chair Karen Richardson

John Augustine

Nick Clarke

James Lay

Victor Lukaniuk

Elaine McManus

Andy Neal

Robert Nobbs

Peter Thompson

Cliff Waterman

Phil Wittam

In attendance

Sarah Broughton, Cabinet Member for Resources and Property

69. **Substitutes**

No substitutions were declared.

70. **Apologies for absence**

No apologies for absence were received.

71. **Minutes**

The minutes of the meeting held on 29 July 2021 were noted as a correct record and would formally be voted on at its meeting on 18 November 2021.

72. **Declarations of interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

73. **Public participation**

There were no members of the public in attendance on this occasion.

74. **Local Government and Social Care Ombudsman: Annual Report 2020 - 2021**

[Councillor Robert Nobbs joined the meeting at 5.05pm.
Councillors John Augustine and Elaine McManus joined the meeting at 5.15pm.
Councillor Peter Thompson joined the meeting at 5.20pm].

The Committee received report number PAS/WS/21/014, which set out the context; number of complaints received, and the outcome of complaints considered by the Local Government and Social Care Ombudsman (LGSCO).

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. This report informed the Performance and Audit Scrutiny Committee on the outcome of complaints considered by the LGSCO about West Suffolk Council for the period 2020 to 2021.

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 handling 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.

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.

The Committee was reassured that the Council's central recording and overview of complaints through Customer Services put the Council in a good place in understanding the corporate perspective on how complaints were managed across the various services provided by the Council. Once the LGSCO review was completed the Council would look at their recommendations to see whether any improvements could be made to the current complaints process.

The Committee considered the report in detail and asked a number of questions, to which comprehensive responses were provided.

In response to a question raised on how easy it was for a complainant to register a complaint, officers explained that the full complaints process was available on the Council's website. Complaints could also be logged with the relevant service. Once received information was passed to Customer Services to record centrally. The Council then carried out an investigation and the complainant was regularly updated through each stage of the complaints process.

In response to a question raised around seeking more reassurance that the complaints process was working correctly, officers explained that the report from the LGSCO only focused on matters referred to them and outcomes from their processes. The LGSCO report did not provide an overview of the Council's whole approach to complaint management, which was facilitated and overseen by Customer Services. In terms of seeking assurance around how complaints were managed, members would need to look at the trends. The number of complaints referred at Stage 2 to the LGSCO had remained fairly consistent over the years, indicating the Council was in a stable position around what was referred to the LGSCO. The volume of Stage 2 investigations shows the Council was able to resolve the majority of complaints at the first point of contact, and the Council provided quick reassurances to complainants who were not happy with services they had received, with services working to address and overcome issues.

In response to a question raised regarding the number of complaints received, officers explained that an overview of complaints received was provided on a quarterly basis to the Performance and Audit Scrutiny Committee through the balanced scorecard. The attached appendices to report number PAS/WS/21/014 set out complaints by service, which had been referred to the LGSCO.

In response to a question raised by Councillor Nick Clarke, suggesting the Committee might wish to review the complaints process. Officers advised that the Committee needed to bear in mind the LGSCO review from a national perspective first as the outcome from the review might provide some areas of improvements once concluded. The Chair of the Committee further advised that a review of the complaints process could be reviewed by the Overview and Scrutiny Committee.

In response to a question raised regarding how complaints relating to the Anglia Revenues Partnership (ARP) and Abbey Croft Leisure were dealt with, officers advised that ARP complaints were handled by the Council and Abbey Croft Leisure had their own process in place for dealing with complaints.

There being decision required, the Committee **noted** the annual report from the Local Government and Social Care Ombudsman 2020-2021.

75. **Regulation of Investigatory Powers Act 2000 - Annual Report and Review of RIPA Guidance**

The Committee received report number PAS/WS/21/015, 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.

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.

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.

Members considered the report and asked questions to which responses were provided. In particular discussions were held on the process involved in applying for covert surveillance and whether any covert surveillance had been carried out by the Council during 2020-2021, to which officers advised one Covert Human Intelligence Source (CHIS) had been authorised (as referenced in the report).

In response to a question raised regarding what regular oversight meant, officers explained that quarterly reports were presented to the Cabinet Member for Governance and to Cabinet - Appendix 2 attached to the report set out the role and the reporting process to the Cabinet Member, with an annual report presented to the Performance and Audit Scrutiny Committee based on the annual inspection outcomes.

In response to a question raised regarding which service areas a local authority might consider using covert surveillance, officers explained that it could be used for example in Environmental Health investigations or fly tipping incidents to gather evidence.

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.

[Councillor Robert Nobbs left the meeting at 5.53pm following the conclusion of this item]

76. Delivering a Sustainable Medium-Term Budget

The Committee received report number PAS/WS/21/016, which informed Members on the approach and timescales for the 2022-2023 budget setting process and medium-term plans to 2025. The report set out the context to the 2022-2023 budget process; key budget assumptions; the approach for delivering a sustainable budget for 2022-2023 and beyond and timescales.

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.

The Committee was 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.

At 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

Members considered the report in detail, the approach and timescales for the 2022-2023 budget setting process and the medium-term plans. Members asked a number of questions to which responses were provided.

In particular, discussions were held on the assumptions made on the pay inflation and "behaving more commercially", to which comprehensive responses were provided.

In response to a question raised regarding debt over 90 days, officers advised that the Committee would receive the Quarter Two Performance report at its November 2021 meeting, which would set out the current position. In the meantime, officers confirmed that debt collection was heading in the right direction. However, there were still a small number of national organisations stilling holding back payment under their lease obligations.

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

77. **Work programme update**

The Committee received report number: PAS/WS/21/017, which updated members on the current status of its rolling work programme of items for scrutiny during 2020-2021 (Appendix 1).

The Director (Resources and Property) informed the Committee that at its 18 November 2021 meeting, members would be scrutinising the Statement of Accounts, but hoped in 2022 that these would be scheduled for September. 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.

There being no decision required, the Committee **noted** the update.

The meeting concluded at 6.18pm

Signed by:

Chair
