

# COUNCIL EXCELLENCE OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 17 March 2010

Present: Councillor C Meaden (Chair)

Councillors C Teggins A Pritchard  
L Rowlands AER Jones  
D Elderton P Gilchrist  
G Ellis

Deputies: Councillors H Smith (In place of J George)  
A Taylor (In place of S Quinn)

## 57 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST/PARTY WHIP

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillor H Smith declared his personal interest in agenda item 6 – Freedom of Information (Fol) Requests (see minute 58 post) by virtue of him having had a request for information refused under the Act.

Councillor Mrs C Meaden declared her personal interest in agenda item 9 – 2009/2010 Third Quarter Performance Report by Exception (see minute 65 post) by virtue of her daughters employment within the Children and Young People's Department.

## 58 FREEDOM OF INFORMATION (FOI) REQUESTS

Further to minute 54 (1 February 2010), the Director of Finance presented an update to the monitoring report, which had previously been considered by the Community and Customer Engagement Overview and Scrutiny Committee at its meeting on 8 April 2009 (minute 38 refers). He reported upon the number of Freedom of Information (Fol) requests received by the Council since the introduction of the Act on 1 January 2005 and commented that whilst Central Government had seen a stabilisation of requests over the last two years, Local Government was reporting an increase year on year in general terms.

Wirral had benchmarked against a number of other local authorities and a comparison of the volume of requests since 2005 showed that Wirral had received a particularly high volume. He reported that the increasing number of FoI requests may necessitate a review of the staffing establishment. The high levels of FoI requests had also been cited by the Audit Commission as one of the reasons why the external audit fees payable by the Authority were above the scale level. He commented that the requests continued to reflect local topical issues such as the Strategic Asset Review, expenses claims, gritting of roads and allotment provision. They also reflected more global and national issues such as the use of biometrics in schools, amounts of Housing Benefits paid and adoption statistics.

The Director reported that the Council was allowed to refuse to disclose information to requestors if there was a legal exemption to do so. However, the Council refused only a small percentage of requests and the requestor was always given an explanation for a refusal. A requestor also had the right to request an internal review of how a request was handled. He commented that there was additional scope within the legislation to refuse to disclose information to requestors whose requests had become repeated or vexatious; Wirral has issued only two such refusal notices in total since the access rights came into force in 2005.

With the agreement of Members, a local resident, Mrs M Campbell, addressed the Committee and expressed concern as to how FoI requests were handled by the Council. She referred to guidance from the Information Commissioner in relation to the issue of refusal notices and to the requirements of section 17 of the Act.

Following a brief adjournment to seek clarification in relation to refusals and refusal notices, and other legal issues referred to, the Director of Law, HR and Asset Management confirmed that a Refusal Notice could be issued to requestors whose requests had become repeated or vexatious; this was done with reluctance and the Council always followed the advice of the Information Commissioners. A refusal to disclose information could be for a number of reasons, where there was a legal exemption, including requests for personal data and information which could prejudice the effective conduct of public affairs. In such circumstances, reasons for the refusal should be given, together with information as to how the requestor could pursue the matter, either by way of an internal review, or an appeal to the Office of the Information Commissioner.

In response to comments from Members, the Directors confirmed that a register was maintained of FoI requests and a breakdown could be provided to a future meeting of the Committee, although officers could not disclose the identity of persons who had made requests for information. With regard to a specific request referred to by a Member, where a response had not been received, the Director of Law, HR and Asset Management requested that it be forwarded to him direct for investigation.

**Resolved –**

- (1) That the report be noted.**
- (2) That a further detailed report be presented to the next meeting of the Committee to include a breakdown of requests made under the Freedom of Information Act during 2009/2010.**

- (3) That the officers be requested to arrange to meet with Mrs Campbell in order to consider fully the issues referred to in her statement.
- (4) That the issue of Freedom of Information requests be included in the Committees work programme for 2010/2011.

59 **MINUTES**

**Resolved – That the minutes of the meeting held on 1 February 2010, be approved.**

60 **FINANCIAL MONITORING STATEMENT**

The Director of Finance provided a summary in tabular format of the current position of the revenue accounts and General Fund balances as at 31 January 2010. He also circulated an updated statement of the financial position as at 28 February 2010. The monitoring statement included the composition of the original 2009/2010 budget by Department including agreed savings and policy options; monitoring against the 2009/2010 budget including the financial implications of any Cabinet decisions; anticipated variances against the original budget; and an explanation of variances and areas identified as requiring further attention.

He indicated that as at 28 February 2010, the decisions taken by the Cabinet and the overspends in Adult Social Services, Regeneration and Technical Services, if realised, would reduce the balance at 31 March 2010 by £2.9m, from £10.7m agreed by the Council on 1 March 2010 down to £7.8m. This was a significant improvement upon the projected overspend of £4.6m at 31 December 2009, due to the actions within Regeneration and Children & Young People (where spend was now anticipated to be within the budget allocated). The relevant Directors continued to look at actions to address the projected overspends.

In response to a question from a Member in relation to processes to address consistent overspends, the Director reported that the appropriate process was the Annual Budget and that it was the responsibility of Chief Officers to deliver it.

**Resolved – That the report be noted.**

61 **GENERAL FINANCIAL MATTERS**

The Director of Finance reported upon the treasury management position, monitoring of the prudential indicators, the position regarding Council Tax, National Non Domestic Rate, general debt and cash income collection and the payment of benefits.

As expected, the inflation figures for January 2010 increased significantly with CPI at 3.5% and RPI at 3.7%. The increases were largely due to VAT returning to its normal 17.5% level and an increase in oil prices. However, this was expected to be a temporary spike with higher inflation not expected to be an issue in the near future. He reported also that the Bank of England (BoE) base rate remained at 0.5% and was forecast to remain at this level throughout 2010. The BoE had now ceased the Quantitative Easing (QE) programme but had not ruled out using more QE in future if the economy continued to stall. He commented that the economy remained in a very

weak state and in urgent need of growth. Until it showed real signs of prolonged and stable growth the base rate would remain low.

**Resolved – That the report be noted.**

**62 TREASURY MANAGEMENT AND INVESTMENT STRATEGY 2010 TO 2013**

The Director of Finance presented the Treasury Management Strategy Statement and Investment Strategy for 2010-2013, which had been approved by the Cabinet (minute 333 (22 February 2010) refers) in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management in Public Services.

He reported that the Statement incorporated the Investment Strategy, as required under the Department for Communities and Local Government (DCLG) Investment Guidance and he set out also the CIPFA definition of Treasury Management and the main risks to Treasury Management activities.

**Resolved – That the Treasury Management Strategy Statement and Investment Strategy for 2010 to 2013, be noted.**

**63 FORWARD PLAN**

Further to minute 298 (Cabinet – 4 February 2010), the Director of Finance presented details of the Finance Department items included in the Forward Plan for the four month period 1 March to 30 June 2010.

**Resolved – That the report be noted.**

**64 REACHING 'EXCELLENT' LEVEL OF THE EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT**

The Head of Policy reported that since November 2009, when the Council was awarded level 3 of the Equality Standard for Local Government, the Improvement and Development Agency (IDeA) had developed a new Equality Framework for Local Government in order for Councils to be able to respond to new thinking on equality outcomes. Councils would now work towards three levels – Developing, Achieving and Excellent and he reported that Wirral Council had automatically migrated to 'Achieving' status of the new Framework. However, the Council would need to be assessed for 'Excellent' status by November 2011 or risk having 'Achieving' status removed.

A Corporate Action Plan for reaching 'Excellent' status was currently being developed by the Corporate Equality and Diversity team, who were monitoring, on a quarterly basis, the detailed milestones that were being identified by all departments. The Director referred to the role of scrutiny in reaching 'Excellent' level and commented that the Equality Framework highlighted the need for effective scrutiny in a number of areas.

**Resolved –**

- (1) That the Corporate Action Plan for reaching ‘Excellent’ level of the Equality Framework for Local Government be noted**
- (2) That the scrutiny function be further developed to incorporate the criteria of the Equality Framework for Local Government.**

**65 2009/2010 THIRD QUARTER PERFORMANCE REPORT BY EXCEPTION**

Further to minute 50 (1 February 2010), the Head of Policy presented the Council's third quarter performance for 2009/2010. Performance overall against the 2009/2010 Corporate Plan at quarter three was good with 71% or 47 of performance indicators rated as green or over-performing and 75% of projects rated as green or completed. However, the Director reported that a number of performance indicators were projected not to reach the expected or desired performance and he provided further detail in relation to those indicators that were –

- Currently red and not projected to meet their end of year target, such as Social care clients receiving self directed support (NI 130);
- amber at quarter 3 and projected to remain this way at the year end, such as all-age, all cause mortality (NI 120 a/b) and Progression by 2 levels in English between Key Stage 1 and Key Stage 2 (NI 93);
- red at quarter 3 although predicted to meet their year end target, such as time taken to process housing benefit/council tax claims (NI 181) and Council employees aged 65 and over (Local 7000).

She provided details of corrective action and indicated that the year end position would be reported in due course. He commented also that it was important to continue to highlight good performance in order to capture and share good practice and learning across the organisation. Exception reporting identified where the improvement activity should be focused and what more or what else the organisation needed to do to increase the likelihood of achieving its targets. In response to comments from Members, the Head of Policy agreed that future performance reports would include comparison data to highlight progress.

**Resolved –**

- (1) That the report be noted.**
- (2) That quarterly monitoring reports be presented to future meetings of the Committee.**

**66 OFFICE RATIONALISATION PROJECT - UPDATE**

Further to minute 53 (1 February 2010), the Director of Law, HR and Asset Management provided an update on the work being undertaken to rationalise office accommodation and he set out progress and work undertaken since the last meeting against each of the five project work streams –

- Work Stream 1 – Baseline Information
- Work Stream 2 – Building Utilisation/disposal
- Work Stream 3 – Workplace Change/Policy
- Work Stream 4 – Facilities Management
- Work Stream 5 – Implementation

He indicated that the primary focus of work in recent weeks had been, with the support of EC Harris, the development of a plan for future building use. Office rationalisation formed part of the wider corporate change programme and was being dealt with in a corporate context. The project was complex, with an appropriate formal governance structure drawing on input from all departments and from key resource areas. Consultants had been appointed to support the project and to develop a business case for the Council's future office need and whilst the vacation and disposal of some minor administrative assets was proceeding, the bulk of the rationalisation programme would follow the agreement of the business case. In the meantime, he reported that preparatory work was under way in a number of areas to ensure that, once the rationalisation programme was finalised, it could proceed as quickly as possible.

In response to questions from Members in relation to the progress of the preparation of properties for disposal, the Director indicated that staff at Esher House were expected to be relocated during the current calendar year and, at this stage, the property had not yet been marketed. Negotiations related to the sale to Wirral Partnership Homes of Bridge Court, West Kirby were proceeding and he agreed to provide a detailed update direct to Councillor Elderton.

**Resolved –**

- (1) That the report be noted.**
- (2) That the Strategic Asset Review Office Rationalisation Project form part of the Committee's work programme for 2010/2011 and regular updates be presented to future meetings of the Committee.**

**67 COMMITTEE REFERRAL - CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE - 21 JANUARY 2010**

Further to minute 25 (16 September 2009), the Director of Law, HR and Asset Management reported that at its meeting held on 21 January 2010 (minute 55a refers), the Children and Young People O&S Committee considered the serious concerns expressed by the Council Excellence Committee with regard to the projected overspend in the Children and Young People's Department. The Committee had considered also comments of the Director of Children's Services and had requested that they be referred to the Council Excellence O&S Committee. The Director of Finance reported that although Children and Young People still faced demands, primarily from residential care and SEN (including transport), actions to maximise grants and control spend now meant that the Director of Children's Services was now anticipating spend to be kept within the budget allocated (see minute 60 ante)

**Resolved – That the referral from Children and Young People Overview and Scrutiny Committee (minute 55a – 21 January 2010), and the comments of the Director of Finance, be noted.**

**68 REVIEW OF SCRUTINY WORK PROGRAMME**

Further to minute 56 (1 February 2010), the Chair presented the final work programme monitoring report and was pleased to report that the Committee's targets for the current year had all been achieved. She thanked Members and officers for their ongoing support and proposed a number of additions to the work programme for 2010/2011.

**Resolved – That the following items be added to the work programme for the 2010/2011 municipal year –**

- **Strategic Asset Review – Office Rationalisation Project**
- **Freedom of Information Act**
- **Common Administrative Processes**
- **Community Cohesion**

**69 VOTE OF THANKS**

The Chair thanked both officers and Members for the work undertaken over the past year, and accorded her best wishes to Councillor Chris Teggin, who was not seeking re-election to the Council in the forthcoming election.

Members of the Committee thanked the Chair for her hard work and forbearance during the past municipal year.

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