

POLICY AND PERFORMANCE - TRANSFORMATION AND RESOURCES COMMITTEE

Thursday, 3 December 2015

Present: Councillor J Williamson (Chair)

Councillors S Foulkes A Sykes
R Gregson B Berry
B Kenny L Fraser
C Muspratt T Pilgrim
J Salter C Carubia
J Walsh

Deputies: Councillors P Brightmore (In place of M Patrick)
D Burgess-Joyce (In place of T Anderson)

22 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members were reminded that they should also declare 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.

No such declarations were made.

23 MINUTES

Members were requested to receive the minutes of the Transformation and Resources Policy and Performance Committee meeting held on 21 September, 2015.

Resolved –That the minutes of the meeting of 21 September, 2015 be approved.

24 NOTICE OF MOTION - OPEN GOVERNMENT?

The Head of Legal and Member Services reported that at the meeting of the Council held on 12 October 2015 (minute 59 refers), the following Notice of Motion proposed by Councillor Phil Gilchrist and seconded by Councillor Chris Carubia was referred by the Mayor to this Committee for consideration –

OPEN GOVERNMENT?

This Council recognises that the Information Commissioner's Office, as the independent authority set up to uphold information rights in the public interest and to promote openness by public bodies, upheld 13 complaints against Wirral Council in the past year.

Of the 18 notices issued between 29 September 2014 and 24 August 2015, the majority (72%) of complaints were upheld.

Council believes that this is a matter for concern, requiring an explanation to its Members. Council requests that lessons should be learned and applied from these decisions and questions whether Officers have been excessively cautious or defensive in their interpretation of the legislation.

Council, therefore, requests that the legislation is approached with greater regard to the 'public interest test' so that the risk of further reputational damage to Wirral can be reduced.

In accordance with Standing Order 7 (6), Councillor Gilchrist had been invited to attend the meeting in order for him to be given an opportunity to explain the Motion.

The Head of Legal and Member Services had also circulated a Briefing Note which gave details and a breakdown of the number of FoI requests and Information Commissioner's (ICO) Decision Notices.

The Briefing Note also referred to the FoI Scrutiny Review which was published in April 2014 which had made 8 recommendations, 6 of which had been implemented and two of which were in the process of being implemented. The ongoing work to achieve the two remaining recommendations was detailed in the Briefing Note.

Councillor Gilchrist sought clarification as to the status of the Briefing Note to which the Head of Legal and Member Services responded that it provided factual information and context to the Notice of Motion which Members would find relevant.

Councillor Gilchrist stated that the calculations circulated in the Briefing Note regarding Decision Notices issued between 29 September, 2014 and 24 August, 2015 (18 Notices containing 28 decisions of which 67.8% were upheld or partly upheld) and Decision Notices issued between 12 February, 2012 and 26 January, 2015 (43 Notices containing 69 decisions of which 68% were upheld or partly upheld) was not dissimilar to the figure of 72% referred to in his Motion. He referred to a couple of individual cases and the responses received from the ICO and also to comparisons with other Local Authorities

and the number of Notices issued and upheld. He welcomed the fact that the Council was now better organised in terms of dealing with requests though questioned whether the Council was being excessively cautious or defensive in dealing with Fol requests.

The Head of Legal and Member Services stated that the Council had improved in its response rate to Fols and was now consistently achieving above target. He acknowledged that there were areas which needed to be improved upon. The Council did exercise a judgement around what it felt was disclosable and that sometimes the ICO agreed with the Council and sometimes it did not. Valid points had been made regarding lateness of responses though the Council did not ignore what the ICO requested of it, overall performance had come a long way since the previous issues of Fols had been raised. With six of the eight recommendations from the scrutiny review implemented and work in progress on the remaining two the position on Fols would further improve and he would be happy for a further Review to take place.

A Member commented that a Notice of Motion was a fairly blunt instrument for raising an issue such as this. He queried whether a list of names of those submitting Fol requests could be provided to the Committee either in open or closed session. Some Fols were also submitted from Members who could have asked for the information in another way.

The Head of Legal and Member Services, in response, stated that it was not lawful to disclose the names of requestors.

A Member commented that he was pleased that a lot of the recommendations from the review had been put in place but suggested that it would be worth looking into the fact that a number of complaints to the ICO had been upheld. With regard to Members sometimes requesting information through Fols he commented that maybe officers should be a bit more amenable with Members.

A Member suggested that with 3,975 Fols received and 1.1% of these resulting in complaints upheld this was a satisfactory response rate. The Motion gave the impression that the Council's approach to Fols was systemically dysfunctional when this was clearly not the case.

Responding to further comments the Head of Legal and Member Services stated that there were certain individuals who did regularly submit Fol requests but these prolific requestors did not make up the majority as Fol requests came in from a number of individuals and bodies / organisations. Requests were significant but probably not disproportionate to other similar sized Councils. There was a need to ensure that information was readily and easily available. Responses to those Fols which were relatively straightforward were provided well within the 35 day period. The complexity of

certain Fols was sometimes quite challenging when a variety of issues, sometimes sensitive matters, were raised.

It was then moved by Councillor Sykes, seconded by Councillor Muspratt, that –

“Given that the recommendations for improvements to the Fol process are still being implemented, which will hopefully improve the situation, but that this is an important issue to tackle, therefore the Committee asks for a reconvening of the Task and Finish Panel to look at whether further recommendations may be necessary and to review the progress of the current implementation in further detail.”

Councillor Gilchrist, in response to comments made stated that he had brought the matter to Council because he thought it was of sufficient general interest and he would welcome the reconvening of the Task and Finish Panel.

The Chair then moved an alternative motion, which was seconded by Councillor Muspratt, that –

“Committee acknowledges that the number of complaints upheld by the ICO total 1.19% of all Fol requests and that the Council is committed to working towards improving how it responds to Fols and recommends a further ‘task and finish’ review is undertaken.”

At this point Councillor Sykes withdrew his motion and it was then –

Resolved (14:0) – Committee acknowledges that the number of complaints upheld by the ICO total 1.19% of all Fol requests and that the Council is committed to working towards improving how it responds to Fols and recommends a further ‘task and finish’ review is undertaken.

25 **SOCIAL MEDIA POLICY**

The Acting Head of Human Resources and Organisational Development introduced a report which set out proposals for a new Social Media Policy for Council employees.

The Council’s Human Resources policies were subject to an ongoing review to ensure that they remained fit for purpose, legally compliant and provided a valuable and workable resource for employees and managers on employment related issues in the workplace.

The Council used social media sites to proactively promote and market the Council’s communication messages related to campaigns, events and services, as well as interact with its customers and residents. As 87% of Wirral Council staff lived in Wirral, a very high percentage of the Council’s

employees (and in turn their families and friends) were also the Council's customers. Currently, only a limited number of Council employees with a proven business need could access social media sites such as Facebook and Twitter on their council PCs. Another number had permission, based on a business case, to run and manage social media feeds on behalf of council services. This was a historical position but did not reflect how social media had changed.

The Council's Senior Leadership Team had agreed to broaden access to social media sites for all employees. This meant that employees would be able to use their Wirral Council IT equipment to access social media sites, including Council marketing campaigns and promotional information.

The aim of the Social Media policy was primarily to safeguard both Council staff and service users whilst using social media, to protect the Council from the legal risks of social media and also to ensure the reputation of the authority was protected. Many organisations had Social Media Policies to ensure that employees were clear about the rules and that the organisation effectively managed the corporate use of social media. This policy set out what was expected of employees when accessing social media for personal use, whilst at work and also officially on behalf of the Council.

It remained the case that employees should limit their use of social media to their official rest breaks such as their lunch break / times and any serious breaches of the social media policy could result in disciplinary action being taken.

Responding to comments from Members the Acting Head of Human Resources and Organisational Development made a number of points, including:

- Use of the internet and in future of social media sites would be monitored if there were concerns and the Council's IT systems did support the ability to see what pages had been visited by staff.
- Discussions had been held with the Council's IT managers and they had said that increased traffic to social media sites at the peak period of lunchtimes would not present any particular issues.
- The policy wouldn't apply in its entirety to Members as there were separate guidelines and there were also separate processes for use in libraries.

The Chair reminded Members that they were also bound by the Members' Code of Conduct.

Resolved – That this Committee recommends to Council approval of the Social Media Policy.

SECURITY OF ACCESS TO COUNCIL ISSUED DEVICES

The Head of Financial Services introduced a report regarding Security of Access to Council issued devices. The report detailed the Central Government IT governance frameworks that the Authority operated within and some of the IT security controls applied to council owned and issued devices.

Resolved – That the report be noted.

27 2015/16 QUARTER 2 DIRECTORATE PLAN PERFORMANCE MANAGEMENT REPORT

The Head of Financial Services presented a report which outlined the quarter 2 (July to September 2015) performance against the Directorate Plan for 2015/16.

Whilst the Corporate Plan 2015/16 (and supporting Directorate Plans) had been superseded by the Wirral Council Plan 2020 Vision, they still formed the basis of the in-year performance management framework. A new Performance Management Framework would be developed for the Council Plan once the associated delivery plan had been finalised.

Of the 19 reportable indicators, 10 were rated Green, 2 were rated Amber and 7 were rated Red. For indicators rated Amber and Red, the responsible officer had indicated the corrective action being put in place to get performance back on track. The seven measures rated red were:

- Percentage of Performance Appraisals (PAs) completed by September 2015 (TRCP03)
- Sickness absence: the number of working days / shifts lost due to sickness absence (TRCP04)
- Percentage of suppliers paid within 30 days or payment terms (TRDP06)
- Percentage of client finance recovered by end of month following billing (TRDP13)
- Percentage spend allocation of Discretionary Housing Payment (TRDP16)
- Average number of days to accurately process change in circumstance benefit claims (TRDP23)
- Percentage grant income achieved (TRDP24)

A Member referring to the number of indicators which were red requested that the Strategic Director attend. The Chair suggested that the indicator on PAs should be referred to the Cabinet Member, Councillor Adrian Jones, and that the Strategic Director should be requested to attend the next meeting.

The Acting Head of Human Resources and Organisational Development responding to comments on the PA indicator stated that he understood and accepted all the concerns raised. 84% of managers' appraisals had now been

completed and 60 – 65% of all employees. There were concerns regarding more remote areas of staff such as those in the Ranger service, cleaners and caterers and some issues with data on multiple job holders, whereby they might have had one appraisal completed for one role but not for another.

A Member commented upon the need for a breakdown by department of sickness absence figures.

The Transaction Centre Manager responded to comments on ‘average number of days to accurately process change in circumstance benefit claims’ stated that in April 2015 there were 19,000 transactions to be processed and this was now currently 4,000, the direction of travel of this indicator was certainly showing an improvement and the department was working closely with the Department for Work and Pensions on this and inroads were being made into the backlogs. She would be able to provide further figures on this and acknowledged the need to distinguish between those claims accurately submitted or accurately processed.

Responding to comments from Members the Head of Financial Services stated that more individuals were paying additional sums towards Council Tax this current year following the ending of the local discount for Over 70’s households. This had led to a fall in collection levels early in the year and performance was now improving.

Resolved – That the report be noted and the concerns over the indicators be referred to the Cabinet Member, Councillor Adrian Jones, and the Strategic Director be requested to attend the next meeting.

28 **FINANCIAL MONITORING 2015/16 QUARTER 2 (JULY - SEPTEMBER 2015)**

The Head of Financial Services introduced a report which set out financial monitoring information in respect of the quarter 2 (July to September 2015) budget performance for the Transformation and Resources Directorate. The report gave details of performance against revenue and capital budgets and also against in year efficiency targets, which in 2015/16 were £3.9m.

In respect of the Revenue Budget, the Transformation and Resources Directorate was projecting an underspend of £3m, as at 30 September 2015. The Directorate 2015/16 Capital Programme budget was £3 million with £0.735 million expended at the end of quarter 2.

Responding to comments from Members the Head of Financial Services commented upon the investment of surplus cash to secure the best rates of return in line with the Treasury Management Policy. This included investing with banks, building societies and a number of other local authorities. There

were some savings not fully achieved this year, such as £120,000 in libraries, but these were on track to be delivered.

A Member commented that there were would be other Committees where a surplus would not be so healthy and credit for this underspend should be given when it was due.

Resolved – That the report be noted.

29 **WORK PROGRAMME UPDATE REPORT**

The Committee considered a report from the Chair which updated Members on the current position regarding the Committee's work programme.

Councillor Sykes gave an update on the Disaster Recovery Task and Finish Scrutiny Review, which he was chairing and which had had its initial scoping meeting, further meetings of the Review Panel would take place in the New Year.

Resolved – That with the addition of a Task and Finish Review on Freedom of Information requests, the work programme for 2015/16 be approved.