

BUSINESS OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 29 November 2016

Present: Councillor M Sullivan (Chair)

Councillors C Spriggs W Ward
RL Abbey C Blakeley
J McManus G Ellis
J Stapleton J Hale
KJ Williams T Pilgrim
S Williams D Mitchell

In attendance: Councillors P Brightmore (In place of A Leech)
C Muspratt (In place of D Realey)

31 APOLOGIES FOR ABSENCE

The Chair welcomed everyone to the meeting and noted that no further apologies had been received other than for Councillors Anita Leech and Denise Realey who both had deputies standing in for them.

32 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.

Councillor Jean Stapleton declared a personal and prejudicial interest in agenda item 6, 'Notice of Motion: Treating all Residents Fairly and Equitably', by virtue of her membership of the Merseyside Fire and Rescue Authority.

33 MINUTES

Members were requested to receive the minutes of the Business Overview and Scrutiny Committee meeting held on 13 September, 2016.

Resolved –That the minutes of the meeting of 13 September, 2016 be approved.

NOTICE OF MOTION: PERFORMANCE MANAGEMENT - REPORTING ARRANGEMENTS

The Assistant Director: Law and Governance reported that at the meeting of the Council held on 17 October, 2016 (minute 67 (5) refers), the following Notice of Motion proposed by Councillor Phil Gilchrist and seconded by Councillor Stuart Kelly was referred by the Mayor to this Committee for consideration –

PERFORMANCE MANAGEMENT – REPORTING ARRANGEMENTS

“Council notes:

1. the training session on the arrangements for Performance Management held on 7 September 2016, attended by a wide range of Members across all parties, at which Members were informed regarding the range of indicators chosen for future reports based on the progress with the Wirral Plan;
2. the concern expressed at that meeting that these reports and proposed indicators do not cover the range of established indicators that Council Members have always followed and expected to see, such as progress with staff appraisals, the level of staff sickness and absence and other issues;
3. that many Members at the training session made the case for a wider range of indicators to show how Council services are performing;
4. that the former Families and Wellbeing Policy & Performance Committee received performance monitoring data on a range of indicators that are and remain sensitive and significant in the light of OFSTED’s recent findings.

Council, therefore, requests that:

- (i). as the data is still being collected and analysed by officers, a set of such wider indicators should be presented to Members on a regular basis;
- (ii). accompanying quarterly performance data, there should also be information as to the target expected in that quarter, in addition to the year end and Plan end (2020) target;
- (iii). the choice of indicators needs to be relevant to the 2020 pledge and undertakes to review those indicators chosen to measure pledge success prior to reporting for Quarter 2 performance;

- (iv). officers report to each Overview and Scrutiny committee the 'added value' expected for those indicators that have been included within the 2020 Vision Plan and, in respect of indicators flagged as under or over performing, additional information and actions proposed in respect of those indicators.

In order to secure a transparent and open review, Members should be invited to submit details of the key areas that they wish to see reported upon by the end of October.

The Spokespersons of each of the newly created Overview and Scrutiny Committees should be requested to examine these suggestions and ensure a sufficient, timely and readily accessible mechanism for such data in future reports.”

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.

Councillor Gilchrist elaborated on the motion which had also been referred to the People Overview and Scrutiny Committee, which had met the previous evening and was going to the Environment Overview and Scrutiny Committee the following evening. He was aware that the Chairs and spokespersons had met to discuss the matter. He suggested the need to find indicators which remained relevant, were accurate and could be easily assessed.

The Chair commented that the Committee would all echo the sentiments being expressed and on a motion by the Chair, duly seconded, it was –

Resolved –

(1) That the Notice of Motion be supported.

(2) That a further meeting of the OSC Chairs, Vice-Chairs and Spokespersons would be welcomed to consider feedback from the OSC Committees on the presentation and content of performance data.

35 **NOTICE OF MOTION: INWARD INVESTMENT**

The Assistant Director: Law and Governance reported that at the meeting of the Council held on 17 October, 2016 (minute 67 (3) refers), the Notice of Motion, 'Inward Investment', proposed by Councillor Phil Davies and seconded by Councillor Ann McLachlan was referred by the Mayor to this Committee for consideration.

The Chair suggested that the Committee defer this item until the January meeting as the Leader of the Council had informed him that over 150 leads were still being followed up after his recent trip to China and he would have more information for the Committee in January.

Councillor Blakeley suggested that he had no issue with the item being deferred but that the same principle should apply to any other Notices of Motion, when neither the proposer nor seconder could be present.

The Chair responded that he would defer, if at all possible, in the future and would be totally impartial to requests for deferment. He also confirmed that amendments would be able to be moved by the Committee when the Motion was considered at the next meeting.

Resolved – That the Notice of Motion on Inward Investment be deferred to the January meeting of the Committee.

36 **NOTICE OF MOTION: TREATING ALL RESIDENTS FAIRLY AND EQUITABLY**

Prior to consideration of this item Councillor Jean Stapleton withdrew from the meeting whilst the matter was considered having declared a personal and prejudicial interest (see minute 32 ante).

The Assistant Director: Law and Governance reported that at the meeting of the Council held on 17 October, 2016 (minute 67 (4) refers), the following Notice of Motion proposed by Councillor Chris Blakeley and seconded by Councillor Steve Williams was referred by the Mayor to this Committee for consideration –

TREATING ALL RESIDENTS FAIRLY AND EQUITABLY

“Council notes the overwhelming opposition by local residents to the proposal by Merseyside Fire and Rescue Service to build a fire station on green belt land in Saughall Massie. To date, 2,561 people have signed a petition, 542 people have objected online and a further 524 letters and emails have been received by the Planning Department. Council also thanks the Saughall Massie Village Area Conservation Society and the Wirral Society for their opposition views.

Council further notes that when a proposal for a fire station in Greasby was proposed, the Leader of the Council instructed Council Officers to withdraw the land from consideration, saying 'Having listened to the views of local residents in Greasby and representations made by Labour's Parliamentary candidate in Wirral West, Margaret Greenwood, I believe the council-owned land in the centre of Greasby would be inappropriate for a fire station and would remove a much-loved local green space.'

Council believes that all residents and communities of the Borough should be treated fairly and equitably and therefore, recognising the massive opposition and the value of this much-loved green belt land, requests Officers to withdraw this piece of land with immediate effect and further requests that officers continue to work with the fire service to find an acceptable alternative.”

The Chair invited Councillor Blakeley to explain his motion.

Councillor Blakeley stated that if the Council was going to be fair it must be seen to be fair. More people had objected to the proposal for a Fire Station in Saughall Massie, currently 3,721, than had objected to a proposal for one in Greasby, which was subsequently withdrawn for consideration as a possible site by the Leader of the Council. People should be treated fairly; the people of Greasby were listened to and now the people of Saughall Massie should be listened to also.

The Chair responded that the matter was currently going through the Planning process with a site visit planned and planning should be allowed its due process.

It was moved by the Chair and seconded by Councillor Abbey, that –

“The matter be left to the Planning Committee to see what decision was made there.”

It was moved as an amendment by Councillor Blakeley and seconded by Councillor Steve Williams, that –

“The Notice of Motion be fully supported.”

The amendment was put and lost (5:7) (Two abstentions).
(The following Councillors asked that their votes be recorded - Councillors C Blakeley, G Ellis, J Hale, T Pilgrim and S Williams voting in favour; Councillor C Muspratt abstaining).

The motion was then put and carried (8:5) (One abstention).

Resolved (8:5) (One abstention) (The following Councillors asked that their votes be recorded - Councillors C Blakeley, G Ellis, J Hale, T Pilgrim and S Williams voting against; Councillor C Muspratt voting in favour) – That the matter be left to the Planning Committee to see what decision was made there.

ANY OTHER URGENT BUSINESS - PROPOSAL TO IMPLEMENT RISK BASED VERIFICATION

The Chair agreed to consideration of this item as a matter of urgent business to enable its consideration prior to the next scheduled meeting. He also agreed to bring the item forward on the agenda.

Nicky Dixon, Senior Benefit Manager, introduced the report which set out the preliminary details of a proposal to approve the adoption of Risk Based Verification in determining evidence requirements for the assessment of all new claims and reported change in circumstances in respect of Housing Benefit and Council Tax Support Scheme claims.

Risk Based Verification (RBV) was a method of applying different levels of checks to different circumstances depending on a risk profile given to each customer. The higher the deemed risk, the more the resource requirement would be in order to establish that the claim was genuine. In essence this resulted in optimum use of resource, applying it where most needed and removing any unnecessary effort where the risks were low.

Responding to comments from Members Nicky Dixon gave further details of how RBV would operate as opposed to how the current system worked. Those in the low risk category would not have a renewal period although notification would still need to be given of any circumstantial changes. RBV worked on the premise that the same level of fraud and error would be found using the existing standards of verification as would be identified under the RBV system. It should be recognised that by reducing the level of evidence required against medium risk cases the level of fraud within the system was likely to increase. This risk was largely carried by the Department of Work and Pensions (DWP) who paid 100% subsidy to the local authority for Housing Benefit paid. There was a risk to the local authority if fraud was identified at a later point and overpayments raised as this could lead to a reduced subsidy rate.

Nicky Dixon also commented that universal credit would be using the same process and with regard to other Local Authorities who had already introduced RBV she was not aware of any evidence to suggest an increase in fraudulent activity. She also expressed confidence that this could be rolled out with the staffing resources available.

Resolved – That this Committee supports further progression of the proposal to adopt Risk Based Verification within the Benefits service by approving the introduction of Wirral’s Risk Based Verification Policy and associated Operational Framework.

At the start of consideration of this item Councillor C Muspratt declared a personal interest by virtue of her being a trustee of Mayer Hall.

Councillor W Ward declared a personal interest by virtue of his former employment with the Merseyside Police and Crime Commissioner, in which he had played a role in the estates strategy of Merseyside Police.

The Committee received a presentation from Jeanette Royle, Senior Manager, Asset Management and Mandy Chesters, Manager, Asset Management on the Asset Strategy.

The Strategy's vision was, 'to create an efficient, fit for purpose and sustainable estate to deliver better integrated public services across Wirral and the wider city region, to support businesses and to use our assets as an enabler for economic growth and income generation.'

The five priorities in the Asset Strategy were:

1. Place Shaping
2. Policy and Strategy
3. One Public Estate
4. Financial Efficiency
5. Managing the Corporate Portfolio

The activities in Asset Management were increasingly linked to Regeneration projects which were co-ordinated through the newly established "Assets Board". This would include further rationalisation of the Council's estate in Birkenhead (Conway, Hamilton, Treasury, Cheshire Lines, and Old Market House) with a possibility of a New Civic Centre including co-location with partners. They outlined work to be undertaken through the One Public Estate bid in respect of the two review areas, Moreton and Bebington. The work of the newly established Wirral Property Board, comprising of the Council, Clinical Commissioning Group, Police, Fire, Magenta Living, Chamber of Commerce, Ambulance Service and Wirral Metropolitan College was also referred to along with the new Transformation Assets Board. The presentation also highlighted the contribution which assets made to the financial efficiency of the Council.

Members commented upon proposed new housing developments of 500 homes in certain areas, such as Leasowe and Moreton East and Eastham and the impact this would have on traffic, schools, shopping areas etc. and the need for a multiplicity of factors to be taken into account as and when these projects were developed. Concerns were also raised at the lack of Ward Councillor involvement when decisions were made about Council assets, in

particular when any developments were undertaken at Council buildings in conservation areas.

Responding to comments from Members, the Strategic Commissioner – Growth, stated that sometimes the Council did acquire land if there were certain plots which would be advantageous to purchase and which would become part of a wider regeneration project.

A Member expressed his concerns over the lack of Councillor involvement in asset decisions when one of the roles of a Councillor was to talk to their electorate and keep them informed as to what was going on. He suggested that a paper be provided on the role of Councillors in this process.

Members concurred with these sentiments and the lack of information from Asset Management, sometimes only being made aware of issues after decisions had been taken.

In response to Members' comments, both Jeanette Royle and Mandy Chesters commented that they would take back the concerns raised in respect of work going on in conservation areas. The Property Board was something which was new and had now had an inaugural meeting; its role was to put forward recommendations which would then be fed through to the relevant Cabinet portfolio holders.

A Member suggested that the presentation should be made to the four Constituency Committees as a first stage in keeping Members informed.

On a motion by Councillor R Abbey, seconded by Councillor J Hale, it was –

Resolved – That a report be brought to the January meeting of this Committee to describe and confirm the role of a Councillor in the Wirral Asset Strategy process.

39 **LIVERPOOL CITY REGION COMBINED AUTHORITY SCRUTINY PANEL - UPDATE**

At the start of consideration of this item, Councillor R Abbey declared a personal non-pecuniary interest as a member of the Merseytravel Committee of the Liverpool City Region Combined Authority (LCRCA).

The Chair reported upon the work of the Liverpool City Region Combined Authority Scrutiny Panel which had last met on 19 October, 2016. At that meeting items under discussion had included:

- Short-Hop Bus Fares Scrutiny Review
- Governance and Revised Constitution
- Scrutiny Work Programme

A Task and Finish Scrutiny Review was also being undertaken on apprenticeships within the City Region with a final report likely to be reported to the formal Scrutiny Panel meeting in January, 2017 and the Chair elaborated on the benefits of apprenticeships.

A Member expressed the view that he believed the Government was using apprenticeships as cheap labour and that there needed to be serious scrutiny of apprenticeships.

The Chair commented that the Scrutiny Review would be hearing from both those undertaking apprenticeships and those who had dropped out of apprenticeships.

Another Member suggested the need for the Council to aim for the 'gold standard' with apprenticeships particularly within the creative industries' sector.

In respect of the appendix on the proposed principles for the operation of scrutiny in the LCRCA, it was moved by Councillor D Mitchell and seconded by Councillor C Blakeley, that –

“This Council, whilst welcoming opportunities for co-operation, funding growth and identity that the deal provides, cannot endorse the Governance Report or scrutiny principles on the lines suggested.

Whilst there are checks and balances that require unanimity between the Council Leaders and the Mayor, and majority voting in defined circumstances, there is insufficient opportunity formally set out for the Members of the Councils to influence or shape our City Region.

The Call-in process suggested is rarely likely to be triggered if the compositions of the Councils remain similar to the current configuration. Setting up and enshrining such a high bar for the Call-in process is undemocratic.

The governance mechanism does not formally require the Mayor to bring together, consult and involve members from the constituent authorities. This democratic deficit has to be addressed.”

Prior to voting on the motion, the Chair suggested that it was more relevant for this to be considered at the Extraordinary Council meeting on 6 December, 2016 and that it was the Government which was laying down the law as to how the LCRCA should be governed.

The motion was then put and lost (5:8).

Resolved – That the report be noted.

40 **2016/17 QUARTER 2 WIRRAL PLAN PERFORMANCE - BUSINESS THEME**

Alan Evans, Strategic Commissioner - Growth, introduced a report which described performance at Quarter 2 (July to September 2016). At quarter 1, a range of feedback was provided by each of the Overview and Scrutiny Committees on the reports provided. Following this, officers had met with the Committee Chairs and Spokespersons to review report provision. The report submitted was a pilot approach, agreed at that session, to provide more detail in terms of performance against each of the pledges that fell within the remit of this Committee. A list of key performance highlights was provided in the report.

Responding to comments from Members, Mike Callon, Team Leader, Performance and Scrutiny, explained how some of the indicators were measured. Indicators were identified in consultation with partners through the new partnership delivery arrangements. It was acknowledged that no indicator on its own would demonstrate the achievement of the pledges and where possible, a range of indicators and / or measures were identified to demonstrate outcomes being delivered. Indicators and measures could be either annual or quarterly. For annual indicators, data was released at different times of the year and reported in the quarter when it became available. This was a new way of performance reporting as the Wirral Plan was an outcome-focussed, partnership plan. All indicators and measures would be reviewed as part of planning for 2017/18.

Resolved – That the report be noted.

41 **FINANCIAL MONITORING QUARTER 2 2016/17**

Jenny Spick, Senior Manager, Financial Planning and Policy, introduced a report which set out the projected revenue and capital monitoring position for 2016/17 as at the close of quarter 2 (30 September 2016).

The quarter two revenue forecast was for an overall underspend of £0.2 million for the year (£1.1 million overspend was forecast at quarter 1). The Families and Wellbeing overspend increased during the period but had been compensated for by increased savings within treasury management.

The quarter two capital report updated the capital programme and reflected significant re-profiling of schemes between years to reduce the 2016/17 capital programme to £38.1 million. Expenditure after the second quarter concluded was £10.6 million.

The report also provided details of the re-allocation of existing budgets to reflect the new operating model, which was implemented in November, 2016.

Jenny Spick responded to comments from Members and informed the Committee that the overspend for Families and Wellbeing did not reflect the additional investment required in light of the recent OFSTED report. She elaborated upon the Business Rates pilot scheme in the Liverpool City Region and also on the analysis of outstanding arrears for accounts receivable.

The Chair commented that there was a need to know what debt was historic and how it was moving over time, what would be recovered and what would be written off.

Resolved – That the report and appendices be noted.

42 **BUSINESS OVERVIEW & SCRUTINY COMMITTEE WORK PROGRAMME**

The Committee considered a report from the Chair which provided an update regarding progress made since the last Committee on 13 September on the scrutiny work programme.

The Chair asked for volunteers for a Task and Finish Scrutiny Review Panel on supporting the creative sector.

Resolved –

(1) That the proposed Business Overview & Scrutiny Committee work programme for 2016/17, be approved.

(2) That a Review Panel for the Supporting the Creative Sector Task & Finish Scrutiny Review, be established to include the following Members, Councillors Chris Spriggs, Julie McManus, Dave Mitchell and Warren Ward.