

# Scrutiny Panel

## Tuesday, 06 June 2023

**Attendees:** Councillor Tracy Arnold, Councillor Darius Laws, Councillor Sam McCarthy, Councillor Sam McLean, Councillor Thomas Rowe, Councillor Fay Smalls, Councillor Dennis Willetts

**Apologies:**  
**Substitutes:**

### 408 Have Your Say!

Ms. Carinna Cooper attended and addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1), to state concerns which had been raised by members of the public previously with the Council's Environment and Sustainability on 21 March 2023, relating to their views that there were ethical and environmental problems with Lithium mining, and that fires in batteries meant that the Council should not replace its existing fleet with electric vehicles. Ms Cooper also stated her views that Government action during the pandemic caused public harm and that climate change did not exist. Ms Cooper asked the Panel to investigate how environmental policies are drafted and agreed at the Council and sought assurances that the public could challenge decision makers and work with councillors on decision making.

The Chairman welcomed Ms Cooper's participation in the meeting and invited her to attend the Cabinet meeting on 7 June 2023, explaining that Cabinet was the primary decision-making body. The Chairman encouraged public engagement with the Council but explained that the Panel was not empowered to scrutinise the discussion on the matters raised that was held by the Environment and Sustainability Panel.

### 409 Minutes of Previous Meeting

*RESOLVED* that the minutes of the following meetings be accepted as accurate records:

- a) 14 February 2023
- b) 3 March 2023
- c) 14 March 2023
- d) 15 March 2023
- e) 24 May 2023

### 410 Items requested by members of the Panel and other Members

The Chairman informed the Panel that Councillor Willetts had submitted a written request for the Scrutiny Panel to scrutinise matters relating to the recently-reported data breach affecting Capita, and data security regarding the Council and its contractors, which included Capita. Councillor Willetts presented his request, which

included a review of how protection of personal data is approached in procuring contracted services, how the Council ensured contractors' security standards and a review of how the Council ensured that any residents affected by the Capita data breach were contacted, informed and apologised to for the data security failings identified at Capita. Councillor Willetts argued that it should not be assumed that contractors had appropriate data security.

*RESOLVED* that Councillor Willetts' request be approved and 'Safeguarding of resident's personal data processed by the Council and/or its contractors' be added to the Scrutiny Panel work programme for consideration on 4 July 2023.

#### **411 Corporate Key Performance Indicator Targets for 2023-2024**

Councillor Jay, Portfolio Holder for Economy, Transformation and Performance, introduced the targets and informed the Panel that ways to benchmark performance against other local authorities were being examined. The targets were described, and the economic indicators picked out as reflecting the Strategic Plan's priorities. Councillor King, Leader of the Council, stressed that the Strategic Plan should be tightly bound to timescales, which was reflected in the KPIs and targets. Performance standards were always an issue for debate and the Leader noted that the Council aimed for its performance results to be above the median, and above the upper quartile in some areas.

Councillor Sunnucks attended and, with the permission of the Chairman, addressed the Panel about the Strategic Plan and how KPIs related to it. Councillor Sunnucks noted that there would be another difficult Budget to produce this year, where there would be financial constraints on work and performance. Councillor Sunnucks noted that the previous year's accounts had yet to be discussed. The first priority given was to address climate change, where Councillor Sunnucks argued that the KPIs were not ambitious or helpful, noting that the carbon saving target was only to drop production by 0.1%. Clarification was requested as to whether this target reduction related to the Council or to the whole of Colchester. Councillor Sunnucks urged that the conversation be about all of Colchester, asking if fly-tipping statistics only covered Council land, or all land, and whether they were annual or cumulative figures. Councillor Sunnucks also called for a discussion on the sick leave average of around 8 days, which was higher than the national average of 5.7 days and for a narrower, focussed Strategy, to achieve better results. Revenue targets were welcomed, but Councillor Sunnucks argued that these should look at the Council's 'bottom line' and what the Council could do, using financial systems and focussing on how to solve problems. Councillor Sunnucks posited that diversity of targets was at the root of any financial problems and that the Council needed to focus and understand its financial constraints, predicting that opposition councillors would be challenged in the future as to what they wished to cut from Council spending.

The Portfolio Holder for Economy, Transformation and Performance agreed that some targets would benefit from more detail and fuller explanation, and agreed to stay vigilant of the Council's 'bottom line' and the effect it would have on service provision. The Chairman noted that, whilst 'addressing Climate Change' was given as the first priority of the Strategic Plan, this did not necessarily mean that it was being given a

higher priority than the other priorities on the list.

The Leader of the Council welcomed challenge and explained that there was a balance to strike between volume of data presented, and the presentation of it in an understandable fashion. Members' views on this would be taken back to Cabinet and Portfolio Holders would be in a better position to talk to the KPI targets over time. The targets set reflected the Strategic Plan priorities, set against the backdrop facing the Council. The Leader noted that Scrutiny Panel and Governance and Audit Committee both looked at these matters and, if the general view was that more information is needed to judge performance, this would be provided. It would be a challenging year and Budget setting, and members would need to give indicators as to what specifically they wished to see change.

The Panel considered the responses given, and of possibilities for benchmarking. A Panel member suggested there could be a case for providing more context and reference points, such as national performance figures, such as for council tax collection rates, staff sick leave rates and other commonly compiled statistics. This would give assurance that the Council was performing well in comparison with others. The Portfolio Holder for Economy, Transformation and Performance agreed and confirmed that some comparisons had been obtained and that more data was being collected for benchmarking, including waste collection rates. A suggestion was made by the Panel that the Local Government Association might be able to assist with this. A Panel member noted that KPIs allowed councillors to 'navigate' through the Strategic Plan, and that the proposal was for setting KPI targets that best reflected priorities. This meant that it was important to agree upon KPI targets which could show that the Plan was working, and that the values set were realistic and appropriate.

A Panel member noted that the target for Council Tax collection, set at 97.65%, was slightly increased from the previous target, but lower than actual current performance, and expressed concern at this, arguing that it was not acceptable to set targets that were under current performance, unless there were extreme reasons for doing so. It was noted that every additional 1% of Council Tax collected cost the Council more to collect than the previous ones. The Leader of the Council agreed that the target was fractionally lower than current performance and underlined the pressures currently on residents, from inflation and reductions in value of pay, noting that the Council collected a higher percentage of Council Tax owed than other local authorities. A Panel member responded that the Council had a generous Council Tax Support Scheme, and argued that cost of living was not a good excuse for non-payment of Council Tax, or rent owed to the Council.

A concern was raised that there was a target set for Leisure Centre income, but that profitability was the key issue and the KPI should reflect this, the balance between income and costs. The Portfolio Holder for Economy, Transformation and Performance agreed to raise this point with Cabinet.

A query was raised regarding the Capital Programme KPI, which was said in one place to be 80% of forecast against spend, but 70% in the paragraph following. The Leader acknowledged that this was a typographical error. [It was confirmed, following the meeting, that the correct KPI target was 70%].

The Leader emphasised that this was a new Strategic Plan, and the KPI target setting was a work in progress. Earned value was an important issue, not just the level of spending. The Leader acknowledged that the Council needed to manage its capital better than it had previously.

Concern was expressed from the Panel that, regarding climate change, there was a proposal to relax the KPI target for percentage of residual waste collected. A significant effort had been made over the years to reduce the volume of black bag waste put out for collection, and a Panel member stated that it was unacceptable to now loosen the target, from 346kg to 354kg per household. There was concern that this might include more garden waste in the future. The Portfolio Holder for Economy, Transformation and Performance explained that there were mitigating factors and that the Council was working on influencing changes in behaviour. Targets would be assessed, year on year, and Cabinet were focussed on setting targets that were achievable.

Concerns were also raised by a Panel member that the target for recycling, reusing or composting waste was being relaxed. The Council had worked hard to improve its recycling performance, moving from bottom of the local performance tables to being mid-table, and it was argued that relaxing the target would give the wrong impression. The Leader of the Council pointed out that the proposed target would still demand improvement in the Council's performance.

There was a discussion of the target set for clearance of fly tipping, with clarification given that the number of incidents was counted, with a separate count made of instances the Council cleared, to give an overall comparison and performance measure.

Answering points regarding the proposed reductions in emissions not being sufficient to achieve net zero emissions by 2030, Richard Block, Chief Operating Officer, explained that much progress had already been made on reducing carbon output, working with the Carbon Trust. More savings were expected in later years, prior to the target of achieving net zero by 2030. This would include the switch to using electric vehicles in the Council's fleet.

Regarding 'Time to process housing benefit and local council tax support new claims and changes', it was questioned why the targets were being set at four and five days respectively, when current performance was running at an average of two days for both. The Chief Operating Officer explained that exceptional performance in this area was often discussed, and cautioned that there may well be heavier demand on these services over time, due to increases in living costs, noting that this would likely increase the time it took to process individual cases.

The Panel considered the performance relating to sickness rates, where the average taking of sick leave in the year was higher at the Council than the national average in the private sector. A Panel member asked what happened regarding illness amongst home-working staff, and whether those officers took sick leave and if it was shown in the figures given. Another member asked whether the higher level of sick leave taken at the Council was due to the significant strain and stresses encountered by officers in

Neighbourhood Services, and primarily waste collection operatives. It was suggested by the Panel that it would help to show the situation if a separate sickness KPI were to be recorded for Neighbourhood Services sickness levels alone. The Chief Operating Officer confirmed that the levels in Neighbourhood Services were what caused the higher sickness level overall. The rest of the Council's average for sick leave was 5 days per year per employee. It was a Council priority to examine and improve conditions for the affected officers in waste collection, using the Waste Strategy to drive improvements to their wellbeing. The physical call on collection officers was emphasised. The Leader of the Council suggested that the Panel might wish to examine this issue in greater depth at one of its future meetings, offering to first share information and a briefing note on the situation.

The target for 'social value in procurement' was raised, with a Panel member asking to what this related, and how it was measured. The Chief Operating Officer explained that social value included things such as number of additional staff employed locally by contractors, or numbers of additional apprenticeships as a result of Council decisions or contracts awarded. It was not about seeking contractors to do more work than was being contracted for.

The Chairman noted that Panel members seemed generally encouraged by the KPI targets set out, but wanted more details. It was seen that new targets were mostly improving on previous targets, but concern had been expressed where the new targets were below the current performance in those areas.

A Panel member stated that private sector organisation waste management achieved recycling rates of 90% or more and asked what was needed to improve the Council's performance, suggesting that the setting of stretch targets would help, along with scrutiny as to why targets were not hit, where this occurs. The Leader of the Council argued that the Council was doing well, but had further improvement to go, and that Government sets expectation and then discusses with Councils about what resources are required. The Chief Operating Officer welcomed elected members' involvement with the creation of a new Waste Strategy.

The Panel held further debate about the importance of benchmarking and other comparisons. The Portfolio Holder for Economy, Transformation and Performance stated that the Council was working towards this, ensuring that it was comparing 'like with like', benchmarking against similar authorities. This showed that the Council's performance on recycling was well above that of comparable authorities. More data on this would be added to the KPI targets. A Panel member urged for benchmarking to be carried out using comparisons with well-performing local authorities, not just those located nearby.

*RECOMMENDED* to CABINET that:

- a) Noting the Council's policy of continuous improvement in its services, the Council's performance targets should be set by Cabinet so as to take performance in an upward direction, unless there are exceptional circumstances to justify diverging from this approach;
- b) The proposed range of performance targets be adopted as being a reasonable way of measuring progress on the Council's new Strategic Plan

**Work Programme 2023-24**

The Work Programme was discussed, and Owen Howell, Democratic Services Officer, explained the approach being taken to scheduling portfolio holder briefings. The Panel discussed whether to maintain an annual review of the performance of Colchester Borough Homes. The Panel noted that the Governance and Audit Committee scrutinised CBH and decided that the annual review of the company could be removed from the Panel's work programme.

The Panel discussed how it wished to scrutinise the work of the arts organisations receiving Council funding. Previous scrutiny sessions had seen entertaining presentations given, but some members wanted to receive more 'nuts and bolts' information and performance data relating to the organisations. The Panel agreed that it would be happy to avoid annual scrutiny of these organisations, and to have sessions halfway through their quadrennial funding term, and at its end.

The Panel agreed that it wished to receive a report on 'Safeguarding of resident's personal data processed by the Council and/or its contractors' at the earliest opportunity, at its next meeting, on 4 July 2023

*RESOLVED* that the work programme 2023-24 be approved, subject to the following amendments: -

- a) Addition of an item on 'Safeguarding of resident's personal data processed by the Council and/or its contractors', to be considered by Panel on 4 July 2023;
- b) Deletion of the annual review of CBH performance