

Overview and Scrutiny Committee

Minutes of a Meeting of the Overview & Scrutiny Committee held in Council Chamber, Civic Centre, Tannery Lane, Ashford on the **13th February 2024**.

Present:

Cllr. Bell (Chair),
Cllr. Chilton (Vice-Chair),

Cllrs. Arnold, Bartlett, Mrs. Bell, Feacey, Joseph, Ledger, Michael, C. Suddards.

In accordance with Procedure Rule 1.2(c), Cllr Mrs. Bell attended as Substitute Member for Cllr. Shilton.

Apologies:

Cllrs. Buchanan, Hayward, Meaden, Ovenden, Shilton.

In attendance:

Cllrs. Campkin, Nilsson, Wright

Chief Executive; Deputy Chief Executive; Corporate Director of Place, Space & Leisure; Corporate Director of Housing, Customer, Technology & Finance; Assistant Director of Environment, Property & Recreation; Assistant Director HR Customer Services Communications & Digital; Safety & Wellbeing Manager; Development Partnership Manager; Service Lead Finance; Senior Accountant; Scrutiny & Partnerships Manager; Senior Governance & Data Protection Officer; Member Services Officer.

Also in Attendance (virtually)

Cllrs. Hallett, McGeever.

302 Declarations of Interest

Cllr	Interest	Minute No
Bartlett	Made a Voluntary Announcement that he was a KCC Member	306
Mrs.Bell	Made a Voluntary Announcement that she was a KCC Member	306
Feacey	Made a Voluntary Announcement that he was Chair of Ashford Volunteer Centre and Chair of Ashford International Development Company	306

303 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 12th December 2023 be approved and confirmed as a correct record.

304 Safeguarding Annual Report

The Safety & Wellbeing Manager introduced the report, which detailed the work undertaken to meet the Council's safeguarding obligations and activities that the Council had participated in or organised, in conjunction with external partners. Additional information on statutory returns to the county boards and around the work done to support the training of ABC staff and Members was included.

The Chairman opened up the item for discussion and the following questions/points were raised:

- Information pertaining to Designated Safeguarding Officers was included on the ABC internal smart hub.
- Job descriptions were not going to be amended for the Safeguarding Lead Officers, but they would receive a letter detailing the additional responsibilities.
- In response to a question asking who determined the Red Amber Green (RAG) rating, and why did the RAG rating for 2023 and the panel RAG rating differ, the Safety & Wellbeing Manager explained that the Safeguarding Team completed and determined the original RAG rating since it was a self-assessment framework. The Kent and Medway Safeguarding Adult Board then reviewed that assessment in conjunction with safeguarding specialists from either the police, social services or health services and then awarded their rating based on their review. The Council then had 12 months to work towards improving all of those from Amber to Green.
- A Member spoke about a proposal that schools in Ashford were going to have to bid against one another for funding for SEND children, and asked what sort of work was being carried out in schools in the Borough, particularly around special educational needs. It was established that the Safeguarding Team did undertake some work with schools on different areas in relation to safeguarding working with third party providers, and with the Local Children's Partnership Group. If there were particular issues that were raised, then the Officers would work with KCC to support that family where needed.

Resolved:

That the report be received and noted.

305 Corporate Performance Report Quarter 3

The Senior Governance & Data Protection Officer introduced the report, which summarised performance against the Key Performance Indicators (KPI's) reflecting the Corporate Plan for 2022/24.

Following questions received when the Q2 report was presented, additional commentary had been included in response to those questions:

- KPI 22 - 18 to 24 years old unemployment, an additional note has been added to give some insight into the work done with local partners to improve this measure
- KPI 44 – Council Tax collection, where some concern was raised about the slightly below target returned for the previous year's collections.

Members attention was also drawn to some corrections that had been made to some of the planning measures found towards the end of the report, following a review driven by a disparity identified between the reported figures and those published nationally.

The Chairman opened up the item for discussion and the following questions/points were raised:

- A Member referred to KPI 09 (recycling rate) and asked why it did not include figures from the Ashford Waste Recycling Centre, and was it possible to obtain those figures from Kent County Council. It was explained that any Kent resident could use the Centre and it was not exclusively just for Ashford residents. The data from the Recycling Centre was assigned to ABC, with returns being submitted to WRAP and to Defra, and that data would then be consolidated. Therefore, the current figures were potentially underrepresented, but after consolidation of the two sets of data together at the end of the financial year, those figures would be more accurate.
- KPI 33 (business survival) vacancy rate was based upon rated premises. This could include commercial premises, shops, factories, or warehouses. Concerning a situation where someone decided to take their business out of the unit and relocate to home, that premises would consequently become vacant and would be flagged up in that KPI figure.
- A Member noted in reference to KPI 13 (Food hygiene), that in recent months the local press had reported that some restaurants had dipped and failed to meet expected standards. The Senior Governance & Data Protection Officer agreed there was now generally an increase in publicity of this topic in the local press than in previous years. He added that a large number of food business had opened up during COVID including take away businesses and they were now under more financial pressure because of the cost of living squeeze.
- A Member commented that he was pleased to see that KPI 46 (Gas Safety Certificates) now stood at 100%.

- A Member asked whether the measure for National Lottery tickets could be changed from number of tickets sold to the value instead, and display how much of the money was going to good causes.
- A request was made for the committee to support the three forums of the Friends of Victoria Park with sums similar to the National Lottery tickets. The Scrutiny and Partnerships Manager said that she was happy to advise Members on the procedure for Community Grant Funding applications.

Resolved

That the report be received and noted.

306 Final Report of the Budget Scrutiny Task Group

The Chairman spoke to the Committee about his final report, which had not been included in the BSTG final report. He outlined the points contained within his report:

- The draft budget documents were considered by the Budget Scrutiny Task Group and detailed how the Council intended to fund its services and initiatives for the next municipal year, including any financial risks to the budget and key income streams.
- The Task Group noted the Council held a diverse property portfolio and were confident that there was low risk in this area of the budget. However, it was felt that opportunities to develop sites for industrial units should be explored in light of how well these types of development performed in the current portfolio.
- Members agreed there were adequate resources allocated to the Planning and Development service budget to support the ongoing preparation for the next Local Plan. Resources were also focused on meeting the performance targets determined by the statutory time scale period set by the government.
- Issues at Stodmarsh continued to have a significant impact on major applications. The Task Group had identified further performance indicators to help ascertain the difference between backlog planning applications that had not been affected by Stodmarsh
- Thanks was given to the Members of the Task Group and all of the Officers who were involved with scrutinizing 2024/25 draft Budget Task Group, acknowledged officers for the hard work and time taken to prepare various presentations and reports. Thanks was also extended to the Portfolio Holders and other Members who attended the meetings.

The Chairman then gave his view that the budget was not sound and deliverable or achievable. His reasons for this included;

- The Council's debt was subject to short-term interest rates, which were not locked in and therefore could potentially increase.
- The recent development of ABC running the Picture House Cinema now placed a large risk to the budget as the risks and the costs were developing.
- KCC interagency receivable waste funds of £272,000 a year were now at risk.

- There was a degree of scepticism and worry that the savings from International House would not be as large as previously stated in the budget.
- Dover District Council were reported to be considering taking action against the government and Defra, (not ABC) about their decision to ensure the checking of food products. The existence of potential legal action posed a possible risk with financial ramifications.
- There was a continuing risk for the Monitoring Centre being able to deliver the service expected by the public and Members, and that could present a further risk to the budget.

The Service Lead Finance responded to the first comment the Chairman had made regarding interest rates. He advised that £6.7 million was held in the next year's accounts for short-term borrowing, with the interest rate at 5.75%. Indications from the Bank of England pointed to a downward turn in interest rates, and additionally there were still funds in reserves. The Chairman outlined his concern with the strategy to remain in short term borrowing whereas other Councils had moved to Public Work Loan Board borrowing with fixed lower interest rates. The Service Lead Finance responded to say that the budget for 2024/25 was sufficient going forward to the Medium Term Financial Plan, but beyond 24/25, there was a risk not yet forecast. He added that the risk could be fully mitigated by locking into the current rate, or the Council could uphold the current strategy and then be in a position to capture the downside of the interest rates. A Member added that it was reasonable to assume that at some point during the next financial year, the market would deliver interest rates reductions and so accepted the strategy. The Deputy Chief Executive reiterated the suggestion to monitor the situation and then consider how the Council would get the benefit of the predicted lowering of interest rates. Arlingclose were an independent treasury advisory organisation and would be attending a meeting to talk to Members about the current situation and the appropriate strategy going forward.

The Assistant Director of Environment, Property & Recreation advised that she was a director of Ashford Cinema and if the Chair felt this presented a conflict of interest then she would leave the room. The Chair was happy for her to stay and asked the Committee keep the detail inexplicit to avoid disclosure of any undefined figures. The Service Lead Finance confirmed that the cinema did present a risk to the budget since the income figure would now be unachievable. The strategic investment and property risk reserve had been set up explicitly for the purpose to counteract that risk. The Chairman felt that some of the information regarding the cinema would have been known before the Budget Scrutiny Task Group had finished their deliberations, and it was unfortunate that they had not been given the opportunity to discuss it there. A recommendation could be made to Cabinet to adjust the budget, which in turn would increase the deficit, and result in drawing more from reserves. The Council had a legal responsibility to set a balanced budget, as they had done every year, and there was always risk associated with that.

It had been confirmed that the KCC interagency agreement had been cut, which resulted in a deficit of £272,000. The Chairman said that he wished to highlight it because he had not officially been told about this as a member of the Budget Task Group, but had seen it on the KCC website. The Corporate Director of Place, Space & Leisure added that statutorily, ABC were owed recycling credits and would be pursuing KCC for that funding.

Figures for International House remained sound and robust, and any changes to the estimates would be reported. The final moving date remained likely to be within the financial year, and would be finalised once the Tender had been completed. A Member commented that this was a huge project for ABC and there were risks to the budget if deadlines had to be moved back.

The Committee discussed allocating quantifiable values to each of the risks being discussed, and the subsequent use of reserves. It was noted that pushing up the deficit would increase the savings target for the next year and tougher harder decisions would need to be taken. The MTFP already factored in reductions in the interest rate budget going forward. A Member added that it had previously been agreed that the Committee would review the MTFP on an annual basis.

The Vice-Chair spoke about the language used within the report, and that when reviewing the budget, specifically the arithmetic, he felt that it was 'deliverable'. Whether it was 'sound' was another matter and that was something to be deliberated, particularly when considering the late information that had been presented. The Chairman noted that the words used should be 'sound and achievable'.

He then went onto speak about the Port Health and the Deputy Chief Executive confirmed that Defra had given an undertaking that they would cover ABC costs and continue to underwrite those costs. There was also an understanding that Defra would be rebutting the points made by Dover and they remained confident in the decisions already made. A request was made that the letter from Defra be circulated to O&S Committee members, with clear annotation on its confidentiality level. Advice would be sought from the Monitoring Officer before circulating.

A suggestion was made that a statement be produced stating that if information becomes available to the Council during the budget scrutiny process, and that information could impact on the budget, then the Budget Scrutiny Task Group should be told immediately.

The Scrutiny & Partnerships Manager explained that she would formulate some wording into an additional report for Cabinet to explain that the Task Group wished to make further recommendations to reflect changes to the draft budget since it was scrutinised. She highlighted that the report needed to be submitted as a late agenda paper to Cabinet, which was being held on 22nd February 2024. The Minutes from this meeting would be formally agreed at the next O&S Committee meeting, whilst the Chairman's further recommendations and Final Report could be shared with the BSTG members before being forwarded to Management Team and Cabinet.

Members thanked the Officers for the excellent work undertaken to pull everything together and producing written information and reports.

Resolved:

That the report be received and noted.

307 Hybrid Working Report

The Assistant Director HR Customer Services Communications & Digital introduced the report, which provided a review of the Council's hybrid working arrangements and attitudes, together with some National Research data. It provided a summary of some performance data, and the committee were reminded that the normal working patterns within ABC continued to be Monday to Friday office hours. The report also reflected some of the factors that were important to recruitment when looking for a role and highlighted the key role that the option of hybrid working had on the Council's ability to attract new staff. The final section of the report provided further information on performance pre and post pandemic. It showed that there had been no discernible reduction to performance during the period where hybrid working was now established. The report concluded by reflecting that hybrid working was now necessary as part of a modern workplace, but observations were required regarding productivity and morale, and the Council had to remain agile and adapt as lessons were learned from the ongoing experience.

The Chairman opened up the item for discussion and the following questions/points were raised:

- The Managers guide referenced in the report was openly available and could be readily shared. The review taking place was pending the outcomes of the report being shared with the O&S Committee. The corporate KPI's provided high-level data in relation to monitoring performance and output. There was currently no policy in place to reimburse staff for costs associated with working from home. Homeworking was not a contractual requirement for the individual, and many staff were able to save money in their commuting charges, so it was a decision purely for them. The HMRC tax code change for employees working from home had been widely publicised at the Council.
- One Member acknowledged that remote working was not available to him when he was younger and working and he wished he was still working today, but he did not agree with all of the sentiments. He asked how the conflict between the difficulty of managing hybrid working and the benefits of happier staff was being addressed. It was explained to him that guidance for managers was available and the principles of hybrid working had been incorporated within the Management Development Programmes. Additionally, staff were encouraged to come into the office to work where any challenges with managing could only be resolved through that face-to-face contact and staff engagement continued to be a priority. HR remained in place to provide support where difficult issues arose.
- A comment was made that it seemed difficult to measure productivity when staff were working remotely and the Member asked whether staff were set tasks by management or was their work self-determined. It was explained that productivity within the organisation could not be measured in one uniform way, since each department worked differently. For example, Customer Services could be measured by calls/emails answered and within a certain period, other departments would require clear set objectives that would then be reviewed at appraisals and one to one meetings. Salaries were not

performance related, but increments could be withheld if performance issues arose, as was the situation prior to hybrid working.

- It was confirmed that staff were expected to attend the office at least two days per week (pro rata for part time staff), but it varied across departments with different service needs and agreed arrangements with managers. A Member questioned the health and wellbeing of staff whilst working remotely and how the Council were safeguarding their staff. The Assistant Director HR Customer Services Communications & Digitalisation explained that wellbeing was widely cited as a benefit of hybrid working because people had a better work life balance. Where there may be concerns about people having stress or those kinds of issues, then support programs remained available for staff to access and the one to one meeting with their manager was pivotal to that. If remote working were the reason for a deterioration in their mental health, then the option to work full time from the office would be encouraged to that individual.
- A Member asked whether there had been an increase in complaints compared to previous years and it was confirmed that there were no complaints where the causal factor had been a member of staff working from home.
- The Chairman commented that a lot of the graphs and statistics featured within the report were based on a particular survey from the Chartered Institute of Personnel and from Bupa, but the tone of that data countered what he had read in publications such as the Financial Times and the Economist. He quoted an article from the Economist in June 2023 titled 'Working from Home – the illusion fades. It's not more productive than being in an office after all'. The article was produced by companies that researched productivity and it quoted working from home as being less productive. The article went onto list the companies telling staff to return to the office three days a week including Apple, Google and Meta. He asked whether it was worth broadening the articles and investigations used for the report. The Assistant Director HR Customer Services Communications & Digitalisation explained that the reason she had selected the CIPD was that it was part of her professional body; it was relatively recent research and because it had no political agenda and she was trying to provide a balanced view based on it. She added that there had been an increase in staff returning to the office since the pandemic finished. The Chairman said that there was possibly an element of people wanting to be paid their salary for doing less, and he pondered whether the Council ought to be encouraging and showing a lead to get staff in the office rather than just asking them. Another Member commented that in his ward, many people worked in London in the Finance and Banking sector and all of them had been asked to go back to Canary Wharf and the City of London five days a week. The ethos in that field of work was that a lot of good business was achieved with people bouncing off each other.
- A further question was asked about induction of new staff in particular, and whether they were required to be in the office since many city firms were now insisting on that for the probationary period of new staff. At ABC some staff

were required to be in the office for a number of weeks to train before working remotely, whilst in other areas new starters would be able to remote work one or two days to review reports and various documents.

- A Member spoke about the volume of people being driven to go online to apply for various things including parking permits, and suggested a method such as 'mystery shopper' to test how easy it was for customers to use. The Chief Executive reminded Members that digital transformation was a separate issue to hybrid working. Many services had been transferred online as part of the digital transformation project to offer 24/7 access so that residents could transact with ABC over a wider period. People could still use the customer services desk anytime and come in for face-to-face meetings with staff and no service had been withdrawn. Anyone unable to access an online service could ask for assistance from a Customer Service representative, who would help them using the PC at the front desk.
- The Chief Executive explained that the productivity of the Authority was still operational and was still good. The KPI's demonstrated that and she gave assurance that managers were on top of any performance issues and continued standard setting with staff to ensure things were being done correctly. Managers had the authority to require staff to come into the office every day if necessary. The process for new people coming into the organisation was important and managers were encouraged to make sure that graduates and apprentices were in the office more frequently to benefit from the in house learning from colleagues. Many jobs within the Council were unable to be carried out from home e.g. Civil Enforcement Officers, Monitoring Centre, Aspire, Sheltered Housing and that should be taken into proportion.
- The Portfolio Holder identified that publications such as the Financial Times and the Economist were focused more towards private sector businesses rather than the public sector. She observed that hybrid working was the way forward for the NHS like Local Authorities, since people that could work from home saved the NHS a lot of money.
- The Deputy Leader stated that, with respect to the Committee, they had requested the report, which had been presented to them. That report was based on up-to-date data specific to the Council, whereas an article from the Financial Times could be perceived as irrelevant to the Local Authority. The Committee were not being asked to like the conclusions of the report, but it did show that the organisation was working fine with hybrid working, and that was the key theme, since working 9:00 to 5:00, Monday to Friday, did not suit everyone in the same way that working from home every day did not suit everyone. He said that Members should be trusting of the staff and Officers to make that decision.
- A Member suggested the Committee revisit the topic in 12 months' time, as the Council would then have moved to International House and working patterns may have changed once again.

Resolved

- i) that the report be received and noted
- ii) that a further review of hybrid working be undertaken in 12 months time

308 Schedule of Key Decisions

Resolved:

That the report be received and noted.

309 Work Programme and Tracker

The Scrutiny & Partnerships Manager stated that a treasury management presentation from Arlingclose was planned for the April committee meeting, subject to their availability.

Resolved:

That the report be received and noted.