

CUMBERLAND SHADOW SCRUTINY COMMITTEE

Minutes of a Meeting of the Shadow Scrutiny Committee held on Wednesday, 2 November 2022 at 10.30 am at Conference Room A/B, Cumbria House, Botchergate, Carlisle, CA1 1RD.

PRESENT:

Cllr T Allison
Cllr R Betton
Cllr Dr H Davison
Cllr M Eldon
Cllr J Ghayouba
Cllr J Gridale
Cllr M Hawkins (Chair)
Cllr L Jones-Bulman
Cllr J Mallinson
Cllr L Patrick
Cllr S Pollen
Cllr A Pratt (Vice-Chair)
Cllr G Troughton
Cllr H Tucker

Officers in attendance:

Ms S Fawkes - Programme Manager for Local Government Reorganisation (Cumbria County Council)
Mrs L Harker - Senior Democratic Services Officer (Cumbria County Council)
Ms R Jones - Policy and Scrutiny Officer (Carlisle City Council)
Ms C Liddell - Head of Legal and Democratic Services/Deputy Monitoring Officer (Carlisle City Council)
Ms C Parkinson - Interim Monitoring Officer
Mr J Rasbash - Policy and Scrutiny Officer (Cumbria County Council)

Councillor Lisa Brown (Deputy Leader (Statutory) and Executive Member - Governance and Enabling) and Ms K Atkinson, Leadership Support Officer - Labour Group (Cumbria County Council) were also in attendance.

**PART 1 ITEMS CONSIDERED IN THE PRESENCE
OF THE PUBLIC AND PRESS**

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr M Fryer and Mr A Seekings.

9. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

10. EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be not excluded from the meeting for any items of business on this occasion.

11. MINUTES OF PREVIOUS MEETINGS

- (1) With reference to minute 4 – Minutes of Previous Meeting held on 10 August 2022 it was agreed that the words ‘and members’ be added to the final sentence of the resolution which referred to the Draft Cumberland Council Plan; this would, therefore, read ‘explore opportunities for climate change training for officers **and members**’.
- (2) With reference to minute 5 (paragraph 7) – Cumberland Plan – Consultation Response it was agreed that the words ‘a JUST’ be added; the sentence would, therefore, read ‘He also queried whether trade unions had been involved, especially with the focus on climate and **the JUST** transition from high carbon jobs.’

RESOLVED, that with the inclusion of the above amendments the minutes of the meeting held on 23 September 2022 be confirmed as a correct record and signed by the Chair.

12. LOCAL GOVERNMENT RE-ORGANISATION PROGRAMME UPDATE REPORT

The Committee considered a report from the LGR Programme Director which provided an update on the Programme in place to support Local Government Reorganisation in Cumbria.

Members noted that the report detailed the latest Programme Dashboard presented to the Programme Board on 18 October 2022 together with a summary of the Day One Board report which was presented to the Day One Programme Board on 18 October 2022.

The Committee was informed that the Member Implementation Board had completed the review of hosted service proposals and their final recommendations on hosting arrangements were due to be considered by Cumberland Shadow Executive on 27 October 2022.

Members noted that activity was now underway to develop the Inter Authority Agreement(s) and the associated Service Level Agreement framework for hosted services.

The Committee was informed that the Tier 1-3 staffing structure consultation ended on 24 October 2022, with the appointment process planned to commence after 21 November 2022. It was highlighted that the risk relating to the loss of senior managers in advance of Day One had increased.

A discussion took place regarding the Tier 1-3 staffing structure consultation and members highlighted the need to ensure Cumberland Council considered the skills and experience of individuals as well as salaries. The Deputy Leader (Statutory) and Executive Member - Governance and Enabling acknowledged the concerns raised and informed members that 97% of current staff would TUPE to the new Authority. The Committee was informed of the support and advice which was available to all staff who were not in scope for positions. Officers explained there was a Communications Strategy which included all councils. During the course of discussion it was emphasised that the exercise was only a consultation and that no decisions had been made.

Members highlighted their concerns regarding the impact on resources and felt this could result in a significant exodus of trained and skilled staff.

The Committee emphasised their concerns regarding staff retention highlighting the effects this could have on the Cumberland Council Plan which had set out an agenda for positive change for communities.

The Committee discussed the process for staff leaving authorities and officers confirmed that exit interviews were undertaken and data was collated and analysed.

Members welcomed the information whilst emphasising the need to ensure that all staff were appropriately supported. The Programme Manager outlined the support available which included face to face meetings, one to one meetings, team meetings, staff briefings, live question and answer sessions and a 'frequently asked questions' page on websites dedicated to LGR.

Members noted that further statutory officer appointments had been made with Section 151 and Monitoring Officer for Cumberland.

During the course of discussion concerns were raised regarding the risks associated with the further loss of key senior managers in the run up to day 1 and the demands the LGR programme could put upon council services that were already under-resourced. Members felt this could result in reduced progress or reduced ability to deliver essential services. The Programme Manager assured members those risks were being closely monitored and that any gaps would be filled through permanent or agency staff in the short-term.

The Committee was informed that the staff allocation process had been slightly delayed but it was still planned for the majority of staff to be informed of their allocated employer by the end of November 2022.

Members noted that planning for services activity was to commence with priority services during November and all other services in December; this would align with the shadow councils plans and the current activity underway to develop the councils design principles and operating models.

The Day 1 Board and Programme Board continued to maintain close oversight of the resourcing and delivery of the ICT Theme with a particular focus being given to the "top 10" systems which included finance, HR/Payroll and Adult and Social Care systems.

A discussion took place regarding the LGR Implementation Reserve which had been closely monitored with increased controls; the high priority requests currently in process meant that the agreed minimum contingency would be exceeded. It was explained that the Programme Board considered a report on 18 October 2022 with proposals to obtain additional funding; the risk of exceeding available resources had been increased to the maximum risk score.

The Programme Manager confirmed that the £18.92m had been fully committed and the Section 151 Officer was investigating further resources. Members were informed that strong governance arrangements were in place and all financial information was made available to the SROs and Section 151 Officer.

The Committee raised their concerns regarding the Implementation Reserve whilst highlighting their inability to scrutinise this due to the lack of information being made available to members. During the course of discussion the Committee emphasised the need to have knowledge of budget information in the future, including details regarding how much additional money would be required to complete the process.

The Programme Manager explained that initially there were no estimates available for proposed schemes which had meant that as the Programme moved forward and costs were made available there was a need to re-profile. It was acknowledged that budget information should have been made available to the Committee and it was agreed profiling and expectation details would be available in the future.

A reference was made to the Programme implementation costs exceeding budget and asked whether the increase in members' allowances agreed at the last full Council meeting had been taken into account. The Interim Monitoring Officer confirmed that when the increase in members allowances had been considered a £361,000 virement had been requested from contingency which had been approved and incorporated.

A discussion took place regarding risk management and members were informed that the scores would be reviewed in the next cycle and made available to the Committee.

Members were informed that the baseline plan of all key programme milestones was now in place with the exception of ICT where further work to identify key points in the programme to Vesting Day was required. It was explained that the work was anticipated to be completed by the end of October 2022.

The Committee drew attention to the imminent ICT milestones and highlighted the need to look at trends for future reports.

A discussion then took place regarding additional high risks which included case management systems and the Implementation Reserve.

Members were informed of the requirement for the Authority to have a case management system in place from day 1 and had received assurances from the external supplier that this would be implemented. It was explained that the residual risk score was high due to the reliance on the external resources.

A discussion took place regarding the risks which related to Children and Adults Social Care and the Programme Manager confirmed this referred to the Social Care Management system. It was explained this was currently one system that would need to be disaggregated, therefore, the system currently used by Cumbria County Council would have to be split into two in accordance with General Data Protection Regulations which does not allow the information to be shared.

Members were informed this presented a high risk due to the sensitive data and reliance on external resources, whilst noting that a dedicated Team had been assigned to this. It was explained that as information was received from external resources this could lower the risk management. It was agreed that going forward the report would include additional information to show revised risk levels after taking account of mitigation.

Members asked that more specific updates regarding key complex risks were made available in future reports and suggested that key leads were invited to future meetings.

The Committee referred to a previous request for direction of travel information and it was agreed this would be made available at the next meeting.

Councillor Betton raised a concern regarding the lack of information and transparency within the report and suggested further and more in-depth information be made available at future meetings. It was agreed that the Interim Monitoring Officer would speak to Councillor Betton outside the meeting.

In conclusion members were informed there were a total of 1,223 milestones within the programme and 221 (15.1%) were complete. It was explained that of the 239 Day One Requirements, 10 were complete with a further eight nearing completion with 205 currently have activity underway.

It was agreed that any further questions be forwarded to the Chair or scrutiny officers direct.

The Chair, on behalf of the Committee, thanked officers for the report.

RESOLVED, the

- (1) report details and key points included in section 3 of be noted;

- (2) the Chair of the Committee and Scrutiny Officers will work with the Programme Management Team to investigate further the Panel's comments on issues such as direction of travel and spend and the information will be reflected in future reports.

13. FUTURE SCRUTINY ARRANGEMENTS: TASK AND FINISH GROUP

The Committee considered a report from the Task and Finish Group on Future Scrutiny arrangements. The Committee welcomed the report and a detailed discussion took place regarding the recommendations.

The Committee noted that by agreeing the findings and recommendations of the Task and Finish Review they would have set a clear direction for future Scrutiny arrangements that would inform the considerations of the Executive and the Constitution Review Group in considering the future Scrutiny function in Cumberland Council.

Members were informed that the recommendations were based on national and current Cumbrian best practice, and that members participating in the review were satisfied they had been afforded the opportunity to carry out of a robust assessment of the options in reaching their conclusions.

Members acknowledged the vital function of scrutiny whilst highlighting their concerns regarding the configuration of elected members on the Cumberland Council and the need to ensure this was effective by maximising the use of their limited resources.

During the course of discussion concerns were raised regarding the additional pressures on rural members, highlighting the number of parish councils within their divisions.

Members felt that due to the reduced number of elected members in Cumberland Council there would be a need for additional support in the future for councillors to deal with the casework. It was suggested an additional recommendation be considered for member support as well as scrutiny support. The Chair of the Group agreed that additional support would be required and explained to the Committee that this was outside the scope of the Task and Finish Group.

Whilst the Committee acknowledged the pressures on members they also highlighted the importance of ensuring the membership of each scrutiny committee included a broad representation to ensure effective scrutiny took place.

A discussion took place regarding the remit of proposed committees and the need to ensure community was included.

Members noted the proposal for the membership of the Co-ordination Committee to include the Chairs and Vice-Chairs of the three Service Committees and highlighted the need to consider the political make-up of committees to ensure there was representation from all parties.

Concerns were raised regarding the proposed quarterly meetings as it was felt this could prevent early intervention. The Chair of the Group acknowledged the concerns and suggested the scrutiny Work Programme could be considered in a different arena such as a Task and Finish Group which could meet remotely on a more regular basis.

Members asked that flexibility regarding whole day meetings should be considered, highlighting that this could potentially exclude members. During the course of the discussion it was suggested the evening meetings be considered in the future to allow greater flexibility.

The Chair of the Group explained the rationale regarding quarterly whole day meetings, highlighting the requirement for all formal public meetings to take place in person, therefore, it was felt there was a need to maximise time. During the discussion the Panel asked that meetings did not clash and that they took place on different days of the week.

A discussion took place regarding venues for meetings and a suggestion was made that an area in the middle of the county should be considered to reduce travel time.

A concern was raised regarding the lack of inclusion in the report regarding the environment and it was felt there was a need to consider those impacts.

The (Deputy Leader (Statutory) and Executive Member - Governance and Enabling) reassured members that their concerns would be considered and taken into account.

The Chair, on behalf of the Committee, thanked officers and members of the Task and Finish Group, and in particular, Councillor G Troughton for the work which had been undertaken.

RESOLVED, that the report and recommendations be considered initially by the Informal Executive with feedback made available to this Committee, Constitution Working Group, Shadow Council in December and Shadow Authority in January for formalisation.

14. SCRUTINY OVERVIEW AND WORK PROGRAMME

Members considered a report by the Scrutiny Officers which provided an overview of matters related to the Committee's work together with the current version of the Scrutiny Work Programme.

Councillor R Betton raised a number of concerns regarding transparency and the need for additional information to be made available to members. The Interim Monitoring Officer, whilst acknowledging the concerns, explained the remit of the Shadow Scrutiny Committee and asked for further clarification regarding the concerns raised. It was suggested that Councillor Betton raise this matter with the Interim Monitoring Officer direct outside the meeting.

The Scrutiny Officer explained that the Shadow Scrutiny Committee could not scrutinise the matters that fell within the remit of sovereign authorities.

Members were informed that a budget workshop was scheduled for 25 November 2022 and an invitation had been extended to all non-Executive members.

The Committee discussed the future Work Programme and members asked for briefings regarding major projects of sovereign councils and staff recruitment. It was agreed that members pass any comments regarding the staff recruitment briefing to the scrutiny officers.

The Committee discussed the future Work Programme and members asked for briefings regarding major projects of sovereign councils and local government re-organisation impacts on staff. It was agreed that members pass any comments regarding local government re-organisation impacts on staff briefings to the scrutiny officers.

RESOLVED, that

- (1) the following be noted:-
 - (a) items on the most recent Forward Plan of Key Decisions;
 - (b) the current work programme, work planning activity and comment on the programme, in particular on items for the next Committee meeting;

- (2) briefings on major projects of sovereign councils and local government re-organisation impacts on staff be made available to members.

15. DATE AND TIME OF FUTURE MEETING

It was noted that the next meeting of the Committee would be held on Wednesday 21 December 2022 at 10.30 am at the Civic Centre, Rickergate, Carlisle, CA3 8QG.

The meeting ended at 1.40 pm