

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**OVERVIEW AND SCRUTINY COMMITTEE**

**MINUTES** of the meeting of the Overview & Scrutiny Committee held at the County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale, on Tuesday, 4<sup>th</sup> February 2014 at 5 pm.

**Present:**

County Borough Councillor R K Turner – in the Chair

**County Borough Councillors:**

H Boggis	(Mrs) J Cass	(Mrs) A Crimmings
G R Davies	(Mrs) M E Davies	P Griffiths
G Hopkins	P Jarman	(Mrs) C Leyshon
(Mrs) S Rees	G Stacey	G Thomas
P Wasley	C J Williams	

**Members in attendance:**

L G Walker

**Officers in Attendance:**

Mr C B Jones – Service Director, Legal & Democratic Services  
Mr C Lee – Director of Financial Services  
Mr N Elliott – Service Director, Direct Services, Business & Housing  
Mr N Jones – Service Director, Operational Finance  
Ms K May – Democratic Services Manager  
Ms A Edwards – Scrutiny Support Officer

**22. APOLOGIES FOR ABSENCE**

Apologies for absence were received from County Borough Councillors S Bradwick and M A Norris.

**23. DECLARATIONS OF INTEREST**

**RESOLVED** to note that in accordance with the Members' Code of Conduct, there were no declarations of interest made in relation to the agenda.

**24. MINUTES**

**RESOLVED:** to approve as an accurate record the minutes of the meeting of the Overview & Scrutiny Committee held on 18<sup>th</sup> December 2013.

## **REPORT OF THE GROUP DIRECTOR, CORPORATE SERVICES**

### **25. GENERAL BUDGET CONSULTATION**

Members were circulated with the feedback from the four service scrutiny committees and the Chairman provided Members with the opportunity to read the detail prior to beginning the discussion.

The Director of Financial Services reported that the detailed feedback from the four service scrutiny committees had been provided for consideration and explained that Members were being asked to note the comments and consider whether they wished to add any further comment as part of the budget strategy consultation process and explained that the feedback from scrutiny would help to inform the Cabinet when they met to consider the budget strategy.

The Chairman pointed out he was also a member of the Environmental Services Scrutiny Committee and welcomed the detailed discussion which had been undertaken at each of the service scrutiny committees. He asked Members whether they had any further comments that they wished to add for consideration and the following discussion points are set out below:

- A Member referred back to a point made at the Education & Lifelong Learning Scrutiny Committee pointing out that certain assumptions had been made in relation to the initial budget strategy ie that Council Tax would be increased by 3.5% when in fact it is now proposed to be a 4.5% rise and that in addition, Fees and Charges are now proposed to rise by 3% above RPI, and she questioned why there had been no reference to this in the consultation process with the public. The Director of Financial Services explained that whilst the consultation had been focussed on the main building blocks of the strategy (ie, the treatment of schools, efficiency, council tax levels and use of transitional funding), there had been reference to the increase in Fees and Charges in the main draft strategy report which set out the proposals for Members to debate and other stakeholders to consider. In relation to the proposal for fees and charges increases, it was also noted that the 3% above RPI was proposed to be an average increase.
- A Member commented that he wished to expand on an issue which he had raised at the Corporate Services Scrutiny Committee with regard to the Council doing more to generate wealth. He questioned whether more could be done to generate wealth from areas such as Leisure Centres suggesting that perhaps there should be a change in attitude; rather than considering them a cost liability they should be seen as an opportunity to generate income. The Director of Financial Services pointed out that the Council had a balancing act to play in terms of delivering income and providing

access to services. Inevitably, this often resulted in subsidised services, but he confirmed that where there were opportunities to generate income these would be explored.

- The Chairman of the Environmental Services Scrutiny Committee referred to the request he had made to the Director of Financial Services that the £4m efficiency savings expected to be delivered in 2014/15 be expressed as a percentage and confirmed that the Director had responded to him. The Director of Financial Services confirmed that this figure was 1.6%. The Chairman asked what the likely savings would be if the Council adopted a reduction in the standard hours worked by staff (with the exception of Education) by 1 hour ie rather than a standard 37 hour week there would be a standard 36 hour week. The Director of Financial Services explained that this was difficult to estimate as the majority of the Council's staff was not office based and therefore the notion of a standard current 37 hour week was often not a good starting point.
- A Member referred to the comment made at the Corporate Services Scrutiny Committee in relation to staff sickness and pointed out that at a time when greater efficiency was needed staff sickness was an important issue. The Director of Financial Services assured Members that the issue was given prominence being reported as part of the quarterly performance exception reports and explained that there was a strong sickness absence process in place to enable managers to monitor staff absence. He suggested that an improvement in staff sickness absence was being seen especially within the Community & Children's Services Group but agreed that it was still an issue of importance.

The Overview and Scrutiny Committee **RESOLVED** to endorse the views of the four Scrutiny Committees and submit them for consideration by the Cabinet along with the additional comments set out above.

## **REPORTS OF THE DIRECTOR OF LEGAL & DEMOCRATIC SERVICES**

### **26. REPORT OF THE WELFARE REFORM SCRUTINY WORKING GROUP**

The Scrutiny Support Officer presented the Committee with the report of the Welfare Reform Scrutiny Working Group and highlighted the main conclusions of the report. She asked the Committee to consider whether it was in agreement with the recommendations set out at the front of the report or whether Members wished to make any additions or amendments.

The Committee discussed the report and a Member referred to the recent publicity surrounding a loophole with regard to 'bedroom tax' legislation and asked what the position was. The Service Director Operational Finance reported that the DWP had confirmed that there was a loophole whereby an exemption from the under occupancy rules applies to tenants who have been continuously claiming housing benefit from before 1<sup>st</sup> January 1996 .and have

lived at the same address. This was because the 'eligible rent' referred to in bedroom tax regulations do not apply prior to 1 January 1996 when a previous set of rules existed. He reported that the DWP was intending to close the loophole by changing the regulations but local authorities across the country now had the task of trying to identify the households affected and in some cases their records held did not go back to 1996. He explained that an additional complication was that some of these households might have received payment from the Discretionary Housing Payment fund to make up their shortfall. The Member questioned whether many people would have taken action as a result of the bedroom tax and moved to alternative accommodation. The Service Director, Direct Services, Business & Housing explained that within Rhondda Cynon Taf, approximately 470 people had applied to be included on the Common Housing Register due to bedroom tax and approximately 36% of these had moved with the remainder still on the waiting list to move to smaller accommodation. He pointed out that whilst he could provide an update in respect of those registered on the Common Housing Register there could be other cases which they were unaware of.

In response to a query it was explained that the news of the loophole had broken following the conclusion of the group's work and the drafting of the report, and had therefore not been included within the report. However, it was agreed that the situation needed to be kept under review.

A Member of the working group commented on the limited scope which the Council had in responding to the welfare reforms and their implications. However, he wished to re-enforce the message to those social housing providers who might feel it necessary to pursue a policy of eviction to act in a compassionate way. He also felt that it was important that those providing advice and support services worked together in a more joined up way.

A Member expressed her concern that the money set aside in the Discretionary Assistance Fund and intended to support the most vulnerable was not being accessed. She was also dismayed that people needed to rely on foodbanks. She expressed her thanks to those who had contributed to the preparation of the report and felt that the report should be shared with a wider audience.

A Member commented that the current benefits system was based on the labour market of 20 years ago or more. He pointed out that employment patterns had changed with more short term contracts and in his opinion the benefit system was not geared up to the frequent changes to people's circumstances.

The Service Director Operational Finance reported that in early December 2013 he had enquired with the Discretionary Assistance Fund (DAF) whether expenditure and number of claims data was available for quarter 2, 2013/14 and could it be provided. He had been advised that the Welsh Government had not published the information and all requests for information need their approval. To date this information has still not been made available.

The Service Director, Services, Business & Housing reported that the Council's Welfare Rights team was dealing with many cases which involved people shifting between benefits and as a result were looking for assistance from the DAF and the foodbanks.

A Member commented that the Trussell Trust had reported that a delay in benefit payment is the main reason for people using foodbanks.

In conclusion, the Chairman commented that it had been a privilege to chair the working group and thanked the Committee for its comments. He thanked the Members of the Working Group for the time and effort which they put into the process and wished to reiterate the thanks of the working group to the two Service Directors, Mr Neil Elliott and Mr Nick Jones; the Head of Revenues, Benefits and Awards, Mr Andy Symes; and the Scrutiny Support Officer, Ann Edwards.

**RESOLVED:**

(i) to endorse the findings and recommendations of the Committee's Welfare Reform Scrutiny Working Group as set out in their report, subject to the additional recommendations being included as drafted below; and an amendment to recommendation 13:

- It is recommended that a report be presented to a future meeting of the Overview & Scrutiny Committee in relation to the implications of the loophole which has come to light with regard to the under occupancy rules;
- It is recommended that the Council should re-enforce the message to those social housing providers who might feel it necessary to pursue a policy of eviction that they be asked to do all that they can to act in a compassionate way.

Rec 13 – The Working Group endorses the action proposed in the Council's Social Regeneration Action Plan to review the advice services to ensure the quality of these services; **ensure that there is no unnecessary duplication of services** and to ensure that all parts of the County Borough have access to good quality debt advice.

(ii) that the report be passed to the Executive with the request that the appropriate action be undertaken in response to the recommendations.

**27. ENHANCED CHECK OF ELECTED MEMBERS BY THE 'DISCLOSURE AND BARRING SERVICE'**

The Democratic Services Manager reported on a request from Cabinet following a Notice of Motion to Council, that the Overview & Scrutiny Committee review the possibility of a policy being introduced whereby all elected Members of Rhondda Cynon Taf undergo an enhanced check by the 'Disclosure and Barring Service'.

With the permission of the Chairman, County Borough Councillor L G Walker conveyed his reasons why he had brought attention to this issue initially by way of the Notice of Motion.

Members discussed the issue in depth with the Democratic Service Manager responding to questions. She explained that whilst Members of the Committee may be sympathetic to the argument put forward by Councillor Walker, as a result of her discussions with the Disclosure and Barring Service (DBS) and through her research of actions undertaken by other Welsh Local Authorities, it was clear that the criteria set down by the DBS would not allow a blanket approach to be taken with regard to all Council members undergoing enhanced checks. She also advised Members of the information booklet provided to them following the last local government election which advised Members against making lone visits to constituents' homes etc.

Following consideration of the report it was **RESOLVED** that the following recommendations be made to an appropriate meeting of the Cabinet:

- (1) That in view of the fact that the legislation changed in 2012 and that elected Members are not listed in the exceptions Order of the Rehabilitation of Offenders Act, which stipulates which occupations require a DBS (as shown on Appendix 1 to the report) other than those Members who meet the criteria set out by the DBS, a Policy be not introduced;
- (2) Notwithstanding (1) above, Members with areas of specific responsibility be given the opportunity to undergo a check by the "Disclosure and Barring Service", subject to the DBS agreeing to provide such checks.
- (3) That the Democratic Services Manager be assigned as one of the lead Counter Signatories for the administrations of Disclosure and Barring Service, who will undertake the checks for the eligible Members.

## **29. SCRUTINY WORKING GROUP – ACCESS TO PAYDAY LOAN WEBSITES**

The Chairman was pleased to report on the action which had been undertaken by the scrutiny working group, which had resulted in action being undertaken to re-direct any users of the Council's Public Access PCs (and PCs used internally within the Council) from pay day loan websites to the Council's webpage for "Money Matters". He explained that the working group had been formed as a result of a Notice of Motion to Council on 25<sup>th</sup> September 2013. He wished to thank the Director of Customer Care & ICT for the research undertaken on behalf of the working group and his subsequent prompt action.

**RESOLVED** to note the recommendations of the Scrutiny Working Group and the subsequent actions taken.

**30. URGENT ITEM**  
**FFRAMWAITH CHILDREN & YOUNG PEOPLE'S PARTNERSHIP**

The Service Director, Legal & Democratic Services referred Members to Minute 20 of the Overview & Scrutiny Committee meeting held on 18<sup>th</sup> December 2013. He reported that both the Community & Children's Services Scrutiny Committee and the Education & Lifelong Learning Scrutiny Committee had expressed the wish to continue to receive the minutes of the Fframwaith Partnership Board.

A Member expressed the view that the minutes themselves did not provide a great deal of information and highlighted the importance of being able to ask questions.

The Committee was informed that the service scrutiny committees would be provided with the link to access the appropriate agenda and reports to provide greater context. The Scrutiny Support Officer also explained that in order to provide any additional information for Members or arrange the attendance at committee of appropriate officers who might be from outside the Council, that they be advised in advance of meetings of any particular areas of interest or concern.

**RESOLVED** to note that it had been agreed by both the Community & Children's Services Scrutiny Committee and the Education & Lifelong Learning Scrutiny Committee that they should continue to receive the minutes of the Fframwaith Partnership Board meetings for consideration.

R K Turner  
Chairman

The meeting closed at 6.30 pm.

