

Scrutiny & Overview Committee

Meeting held on Tuesday, 16 July 2019 at 6.30 pm in Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillors Sean Fitzsimons (Chair), Robert Ward (Vice-Chair), Leila Ben-Hassel (Deputy Chair), Jerry Fitzpatrick and Joy Prince

Also Present: Councillor Oliver Lewis, Helen Pollard and Paul Scott

Apologies: Councillor Jeet Bains

PART A

9/19 **Minutes of the Previous Meetings**

The minutes of the meeting held on 20 May and 11 June 2019 were agreed as an accurate record.

10/19 **Disclosure of Interests**

There were no disclosures of interest made at the meeting.

11/19 **Urgent Business (if any)**

There were no items of urgent business.

12/19 **Delivery of the Libraries Plan 2019-2028**

The Cabinet Member for Culture, Leisure and Sport, Councillor Oliver Lewis, was in attendance at the meeting to provide an update for the Committee on the delivery of the Libraries Plan, which had been approved by the Council on 15 July 2019.

During the introduction to this item by Councillor Lewis, the following points were noted:-

- It was 18 months since Carillion, the company who previously managed the Libraries Service went into administration. As a result it was decided to bring the management of the service back in house.
- The Libraries Plan had been developed over the preceding 12 months with a view to improving the delivery of the service going forward.
- It was confirmed that all the libraries in the borough would remain open and be fully staffed. Where it was possible to do so options for

extending opening hours would be explored to ensure the service remain convenient for local people.

- There would be increased investment in the book fund to update the current stock and it was planned to increase access to online services such as e-books. It was also planned to re-join the London Libraries Consortium which would give residents access to a stock of approximately 6,000,000 books.
- Provision had been made within the Plan to improve the IT services current available in libraries across the borough. With an investment of £5,000,000 allocated for improving both IT and the general fabric of libraries. The aim was to ensure that all Croydon's libraries were welcoming and attractive with improved facilities for both residents and staff.
- Thought continued to be given on how best to deliver a modern library service, one which was more than just a book borrowing service. This would include working with the Gateway Service on their localities work and also providing flexible spaces that could be used for a variety of events.
- It was confirmed that European funding with the British Library had recently been awarded to provide support and resources for start-up businesses at local libraries.

Following the introduction the Committee was given the opportunity to ask questions on the report. The first related to the report prepared by consultant's which set out possible options for the Library Service, which had been published after the Plan had been originally considered by the Committee in February 2019. As the content of the report had led to public concern about the future of certain libraries in the borough, it was questioned whether it could have been included with the previous report to the Committee, which would have provided the opportunity to dispel some of the misinformation. In response it was highlighted that the consultant's report was a background document which set out possible options. The actual preferred options were set out in the covering report, but with the benefit of hindsight it was acknowledged that this could have been made clearer.

With plans being made to upgrade library facilities, it was suggested that the possibility of offering any unwanted equipment to local charities for reuse should be explored. It was highlighted that this had happened at the Selsdon Library and it was something that would be fine-tuned for future developments.

The investment in the Book Fund was welcomed, but it was questioned whether any analysis would be used to ensure that the correct books were being ordered. It was confirmed that usage was monitored and it was expected that there would be an increase in book borrowing with the introduction of new stock.

It was questioned whether it would be possible to track the cost of the Service going forward to enable an assessment to be made on whether it was best to offer to service in-house or for it to be out sourced again. In response it was highlighted that there had been a 10% overspend in the Service when it was brought back in house last year. A number of changes had been made to ensure that the Service was now operating within its means. The ongoing budget was tracked and at present it was on target for the current year, while also being able to deliver service improvement through the rationalisation of the budget process. Since the Service had been brought back in-house, staff were now being paid the London Living Wage.

In regard to the possible reconfiguration of libraries, it was confirmed that there were no plans to co-locate other services within libraries apart from the Gateway Service that would only use space while in the library and not permanently reduce floor space. It was confirmed that the floor space for the Library Service would not be reduced.

In response to a request for confirmation, it was advised that there would continue to be thirteen libraries in the borough, run by the Council at hours of service no less than their current level. Furthermore the libraries would be fully staffed for their current hours with the use of technology being explored to offer extended hours.

It was confirmed that pop-up libraries would be used to promote the use of the library service. A pop-up library had recently been used during the Pride and Mela festivals to sign up new users, provide information about the services available within libraries and allow people to take out books. It was also possible that pop-up libraries would be used while libraries were being upgraded.

In response to a concern that offering the opportunity for council staff to hot desk within libraries might reduce the availability for other users it was advised that it was unlikely that the facilities would be over used, but if this was the case, then it would be managed by the library staff.

It was questioned whether there any plans to relocate any of the libraries within the borough. In response it was advised that at present there was no redevelopment planned for any of the libraries. Should there be any plans developed in the future, then it would include a significant amount of community involvement.

In response to a question about investment in the Book Fund, it was advised that the fund was being increased by £25,000. The process used for buying books was also changing to ensure that the Council's money went further. Both of these measures would lead to a net increase in the number of books available to the public.

As it had previously been mentioned that options for extending library opening hours using technology were being explored, reassurance was sought that this would not lead to a reduction in professional library staff. It was confirmed that the library service was being retained at its current level with no reduction

in staff. Any volunteers would be used to provide additional services, such as digital champions who were based within libraries to help people access online facilities.

In response to a question about how the Council will ensure that the needs of people with disabilities are met by the library service, it was highlighted that a lift was being installed in Norbury Library to bring the upper floors back into community use. Options were also being explored to ensure that any updates made to library facilities included a dementia friendly design and were generally made as accessible as possible.

It was questioned how the Council would engage with residents to ensure that they were part of continuous improvement of the service. It was confirmed that many comments on the services were informally fed back via library staff. However further opportunities to engage with the public would be explored going forward.

It was advised that it was hoped that the Libraries Plan would be impact led and as such it was questioned whether performance indicators to measure the success of the plan had been developed. It was confirmed that an evaluation framework was being developed but the overall aim would be to improve library services and increase both footfall and reach from the level of 17% of all residents at present.

It was highlighted that study space was an issue for many young people and as such it was questioned what could be done by the Council through the library service to help. In response it was acknowledged that libraries were an important function for young people. Steps were being taken to improve the offer through volunteers running homework clubs and improved IT and wi-fi. Sunday opening at the Central Library was a reasonable aim going forward, but it would need to be met from within existing staffing levels which may affect the viability of doing so. As noted previously, some libraries within the borough may be able to support technology that would allow for extended opening hours.

It was questioned whether data would be used to map the usage of libraries across the borough. In response it was confirmed that some data was already available and used for this purpose. If specific gaps were identified then initiatives such as pop-up libraries could be used to address.

At the conclusion of this item the Chair thanked the Cabinet Member for attending the meeting and his engagements with the questions of the Committee. It was also highlighted that libraries were an important part of the social infrastructure in the borough which had many benefits for the wider public.

Conclusions

Following discussion of the report, the Committee reached the following conclusions:-

1. That the engagement of the Cabinet Member with the questions of the Committee should be commended and looked forward to an update on the implementation of the Plan as part of the Question Time session with the Cabinet Members later in the year.
2. Given the approval of the Libraries Plan by the Council on 15 July, there was concern that an evaluation framework to enable the success of the Libraries Plan to be judged, had not yet been developed.
3. Although the openness and transparency displayed in publishing the report prepared by Consultants on possible options for the library service was welcomed, it was felt that it would have been preferable if it had been accompanied by a report setting out the Council's position on the option included to prevent undue public concern.

Recommendations

The Committee **RESOLVED** to recommend to the Cabinet Member for Culture, Leisure and Sport that the creation of an evaluation framework for the Libraries Plan should be a priority and it is request that it be shared with the Committee once finalised.

The Committee **RESOLVED** to recommend to all Cabinet Members that any future report prepared by consultants setting out options for Council services should be accompanied by a covering report setting out the Council's position on the options.

13/19

Community Infrastructure Levy - Policy & Strategy

The Committee received a report setting out information on the current approach used to administer the Community Infrastructure Levy (CIL) along with data on the funds raised and its allocation. The Committee was asked for its views which would be fed into a review of the current policy and strategy. The Cabinet Member for Environment, Transport and Regeneration (Job Share), Councillor Paul Scott, was in attendance for this item.

During the introduction to the report the following points were noted.

- CIL had been collected by the Council since April 2013, with the levy used to mitigate against the impact of development.
- When CIL was first introduced its charge equated to £120 per square metre (psm). As the levy was linked to indexation, the charge had increased and was currently £170psm. From 2013 until the end of 2018/19 over £27,000,000 had been collected from CIL contributions.
- CIL was split into two sections, namely a Borough CIL which accounted for 85% of the contributions and the Local Meaningful Proportion which equated for the remaining 15% and was at present allocated through Community Ward Budgets.

- A requirement for the Borough CIL was for each local authority to set out a schedule through which spending would be allocated for identified infrastructure projects. No money was allocated from 2013 to 2016 while the outcome from the Growth Zone application was awaited. The schedule was administered through the Council's Infrastructure Finance Group, with the current policy being to allocate CIL funds through the Capital Plan.

Following the introduction of the report the Committee was given the opportunity to ask questions. The first related to the Local Meaningful Proportion and whether there was an excess generated above what was used for the Community Ward Budgets, which was confirmed that there was an excess currently being created. It was noted that this excess could be allocated to the Community Ward Budgets, but the Committee agreed that consideration should be given to developing a scheme that local communities could bid for funding for projects in their local area.

Furthermore, it was agreed that it would be good if any such scheme could be targeted towards those communities experiencing the higher levels of development. It was acknowledged that it would be important for the scheme to take into account the varying ability of communities across the borough to ensure that it was equitable.

In response to a question about data on where CIL income had been generated, it was advised that this information was published annually on a Ward basis. However CIL was collected on a borough wide basis and was not restricted to it being spent in the Ward from where it was raised, which was in line with government regulations for CIL.

It was questioned whether there were safeguards in place to ensure that infrastructure was delivered where it was most needed. In response it was highlighted that the allocation of the Borough CIL was linked through the Local Plan and the Infrastructure Delivery Plan which influenced where CIL was assigned in the capital programme.

Regarding the Local Meaningful Proportion it was confirmed that this was also collected on a borough wide basis rather than being allocated specifically to the Ward in which the development took place. It was highlighted that it could be difficult for residents to understand how CIL was administered and as such it was agreed that thought needed be given to how this could be improved.

It was noted that if local communities prepared a Local Neighbourhood Plan for their area they would be able to retain 25% of CIL contributions for the Local Meaningful Proportion. However if the area in question was not parished then the funds would still be administered by the Council. It was agreed that the possibility of generating additional funding for local areas could potentially be used as an incentive for communities to develop their own Local Neighbourhood Plans.

It was questioned whether there were examples of developers not paying their contributions. In response it was confirmed that the level of non-payment was

very low due to the attentiveness of officers. Should there be an instance of non-payment then there was two options for enforcement recourse which were either issuing a stop notice on the development or through civil litigation. It was noted that there have only been two instances when the Council came close to litigation.

It was confirmed that the Council was able to change its charging schedule, but any change had to be based upon viability. At present there was no proposal to review the CIL charging schedule.

In response to a question about political input into the allocation of CIL funding it was advised that it was currently being reviewed to ensure that there was political oversight. There was also a need for clarity on a local level about where funding was coming from so local communities would be able to see the benefit of new development.

It was confirmed that at present the majority of the Borough CIL had been allocated to education infrastructure projects as education was a priority at the time of allocation. Plans were currently being developed for each area identifying current and future need, which would assist with creating a long term strategy that included a greater level of local information.

At the conclusion of the discussion the Chair thanked the Cabinet Member and the officers for their attendance at the meeting and their engagement with the Committee.

Conclusions

Following discussion of the report, the Committee reached the following conclusions:-

1. That there should be greater opportunity for those local communities where development was taking place to have access to funding from the Local Meaningful Proportion of CIL and any scheme created to address this should be fairly governed to take into account the diversity of the borough.
2. That CIL funding presented an opportunity to increase the level of devolution to local communities in the borough through Local Neighbourhood Plans.
3. There was concern that it might not be apparent to the public that the Community Ward Budgets were being funded from new development in the borough.
4. There was a concern that it was not clear for the public how funds raised through CIL on a local level were spent.

Recommendations

The Committee **RESOLVED** to recommend to the Cabinet Member for Environment, Transport and Regeneration that:

1. A fair and equitable scheme should be developed to allow those communities experiencing a high level of development to apply for funding from the Local Meaningful Proportion of CIL for projects in their local area.
2. Opportunities to increase the level of devolution in the borough, using CIL funding as an incentive, should be explored.
3. That any references to Community Ward Budgets on the Council's website should make clear that the funds for the scheme had been generated through CIL.
4. That consideration should be given to finding a simple way of presenting information relating to CIL, which would allow the public to understand how funds raised in their local area had been allocated.

14/19 **Corporate & Statutory Annual Complaints Report 2018-2019**

The Committee received a report which set out data on both the Corporate and Statutory complaints received by the Council in 2018 – 2019. During the introduction to the report the following points were noted:-

- The Council operate three separate complaint processes. One for corporate complaints and two others for Children and Adult Services respectively. In all three instances residents have the right to escalate their complaint to the ombudsman.
- Included within the report was complaints data covering the last five years, although due to changes within teams over this period it was difficult to draw a consistent comparison.
- The report also included benchmarking data with other authorities, but this information had not been available for statutory complaints (those relating to Children or Adult Services).
- There had been a rise in the number of corporate complaints received, which could be linked to the new bin role out in autumn 2018. There had also been rise in the number of social care complaints, but a decrease in the number upheld.
- The response times for Children Service complaints had decreased following complaint handling training for managers. The current system did not take account of the often complex nature of complaints received within the service, which meant that response times could be negatively impacted.

The Committee was given the opportunity to asked questions on the content of the report. The first question related to the submission of complaints and whether they had to be submitted online. It was confirmed that complaints were received in a variety of formats including both verbally and in writing. As

such it was requested that the options open to the public in submitting complaints be made clearer on the Council's website.

In response to a question about how complaints data was analysed, it was advised that the Complaints team regularly met with other teams to run through any trends in the complaints received for their respective area and to help with developing corresponding actions to address these trends.

Environmental complaints were currently higher than expected, but there were some teams that traditionally had a higher level of complaints such as environment, repairs, council tax and benefits. In general the number of complaints received tended to increase which was similar to other authorities.

It was confirmed that the Complaints team would share complaints data with CDS to help inform areas where there may be issues.

It was noted that the Children Service was starting to see a positive change, with the team taking a greater ownership of complaints. As such it was questioned whether this was similarly the case elsewhere in the Council. It was advised that complaints handling had improved, but there was still further work to do around visible action plans showing improvements, in relation to complaint themes.

It was suggested that the level of complaints received may not be representative of the actual number of people wanting to complain. In response it was advised that it was the Council's responsibility to ensure that the mechanism for complaining was easy. For instance work was currently being progressed on making it easier for children to complain. There was also a need to look at the reasons for complaints and ensure that these were being addressed.

At the conclusion of the item the Chair thanked the officers for their attendance at the meeting and noted that it would be interesting to find out if the issues raised by the Committee had been addressed when the Annual Complaints report was next reviewed in 12 months.

Conclusions

Following discussion of the report, the Committee reached the following conclusions:-

1. It was recognised that the team were starting to get a grip on the complaints process.
2. It was agreed that it would be valuable for the Health and Social Care Sub-Committee to look at the Adults complaints process in further detail during the forthcoming year.
3. That it would be useful for the Committee to be made aware of any increase in the number of complaints relating to a specific area during the year.

4. That information relating to complaints with specific Portfolios should be included as part of the written report presented by the Cabinet Member to the Committee for their Question Time item.

Recommendations

The Committee **RESOLVED** to recommend to the Cabinet Member for Finance and Resources that a mechanism should be put in place to provide the Scrutiny Members with a regular updates on the Council's Complaints Performance.

The Committee **RESOLVED** to recommend to all Cabinet Members that information relating to complaints within their Portfolio should be included within each Cabinet Member's Question Time report.

15/19 **Freedom of Information (FOI) & Subject Access Requests (SARs)**

The Committee received a report setting out the process for making both a Freedom of Information (FOI) and Subject Access Requests (SAR), along with information on trends and an improvement plan for the process. During the introduction to the report the following points were noted:-

- An improvement process was in place for the Council's handling of both FOIs and SARs. The improvement journey was currently being progressed with process mapping due to be completed.
- A new case management system would go live in August which would help to streamline data and improve accessibility.
- Reports were also being made to the Information Commissioner's Office (ICO) on the improvement process. The ICO target for compliance with both FOIs and SARs was 90%. Since December 2018 the Council had received 100% compliance.

It was recognised that there had been a lot of work within the team over the past few months to improve both the FOI and SARs processes. It was agreed that it would be important to informally review the progress made in six months to find out if the changes were having the desired impact. If there had not been the expected improvement, then another report would be requested for the Committee. If progress was being made then the next report would be the annual report in 12 months.

It was agreed that a key performance indicator of whether the service was improving would be the response time to requests, with it hoped that 90% of FOI and SAR requests could be dealt with within their specified timescales. Other indicators suggested included whether the request was answered and the number of requests for review.

It was questioned whether the team was being supported across the Council to allow it to compile the information required to respond to FOI and SAR requests. In response it was advised that there was a structure in place

identifying those responsible for responding in each team. When the new case management system went live it would give a further opportunity to embed these processes within the organisational culture of the Council through the delivery of targeted service training.

It was hoped that the new case management system would provide a wider range of data which would allow the team to identify those teams responsible for creating blockages in providing responses.

At the conclusion of this item the Chair thanked the officer for her attendance at the meeting and noted that the Committee had been encouraged by the improvement plan and looked forward to seeing the progress made in the coming months.

Conclusions

Following discussion of the report, the Committee reached the following conclusions:-

1. It was recognised that there had been historically poor performance relating to Freedom of Information Requests, but it was welcomed that this was being addressed through the improvement plan.
2. It was agreed that FOIs and SARs performance would be formally reviewed in twelve months, but an informal update was requested in six months to allow the Committee to monitor whether the improvement plan was having an effect.
3. It was requested that the next report in twelve months includes information on the role out of training for FOIs and SARs.

16/19 Scrutiny Work Programme 2019-20

The Committee received a report for its approval setting out its work programme for those for the three Scrutiny Sub-Committees namely:-

- Children and Young People
- Health and Social Care
- Streets, Environment and Homes

It was noted that the work programme set out was a draft and it was expected that changes could be made during the year to allow Scrutiny to respond to any urgent items of business.

At first glance the schedule of business for the Children and Young People Sub-Committee meeting in November looked extensive, but reassurance was given that many of the items should be fairly straightforward to deal with.

It was suggested that choice based lettings may be something to be reviewed by the Streets, Environment and Homes Sub-Committee. It was agreed that this would be added to the work programme.

It was **resolved** that the Scrutiny Work Programme 2019-20 be agreed.

17/19 **Update from the London Scrutiny Network**

An update was given on the latest meeting of the London Scrutiny Network which was held on 5 July 2019. The main item at the meeting was on the new Scrutiny Guidance and how differing London boroughs would be responding.

The next meeting of the Network would be on 1 November and would focus on how best to scrutinise the subject of youth violence.

18/19 **Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities**

The Committee received a report which had previously been included on the agenda of the previous meeting on 11 June 2019, which had been deferred to allow for further consideration.

It was agreed that communication of the role and work of Scrutiny was an area highlighted in the guidance that needed to be addressed. It was confirmed that the Democratic Services team were in the process of drafting a Scrutiny Communications Protocol that would hopefully address some of the concerns raised.

It was also highlighted that there often seemed to be an issue with the timeliness of information provided to Scrutiny and general concerns about access to information of Scrutiny Members. It was noted that the Governance Review was currently looking at these issues and as such whether they were addressed through the review would need to be monitored.

As the guidance highlighted the need to raise the awareness of the role of Scrutiny the Committee agreed that it would be important to formally ask the Cabinet how it will help to ensure that the good practice set out in the guidance would be enacted.

Conclusions

Following discussion of the report, the Committee reached the following conclusions:-

1. It was agreed that the guidance was clear on the importance of support being provided for Scrutiny communication and publicity, with it welcomed that the Democratic Services team were creating a Scrutiny Communications Protocol to manage this going forward.
2. That access to information was a concern for Scrutiny Members and the response to this issue through the Governance Review would be monitored.

3. That it would be important to have a formal response from the Cabinet to clarify how it will help to enact the Scrutiny guidance.

Recommendations

The Committee **RESOLVED** to recommend to the Cabinet that a formal response be requested from the Cabinet on how they will help to ensure that the good practice set out in the Scrutiny guidance will be enacted.

19/19 **Exclusion of the Press and Public**

This motion was not required.

The meeting ended at 9.30 pm

Signed:

Date:

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