

Confident, Capable Council Scrutiny Panel

Minutes - 18 April 2018

Attendance

Members of the Confident, Capable Council Scrutiny Panel

Cllr Alan Bolshaw
Cllr Paula Brookfield
Cllr Dr Michael Hardacre
Cllr Louise Miles (Chair)
Cllr Ian Brookfield
Cllr Craig Collingswood
Cllr Stephen Simkins

Employees

Martin Stevens (Scrutiny Officer) (Minutes)
Mark Taylor (Strategic Director of People)
Claire Nye (Director of Finance)
Alison Shannon (Chief Accountant)
Sukhvinder Mattu (Human Resources Business Partner)

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies**
Apologies for absence were received from Cllr Payal Bedi-Chadha, Cllr Udey Singh, Cllr Jacqueline Sweetman and Cllr Andrew Wynne.
- 2 **Declarations of interest**
There were no declarations of interest.
- 3 **Minutes of previous meeting**
The minutes of the previous meeting, held on 14 February 2018, were approved as a correct record.
- 4 **Matters arising**
A Councillor asked if there had been any further progress on the arrangements for public access to the Committee Rooms on the third floor and the Council Chamber on the fourth floor.

The Scrutiny Officer commented that the audio/visual equipment was still being installed in the Committee rooms. He understood the Director of Commercial Services was still working on the security and access arrangements. Members commented that some Committee meetings such as Planning Committee, had large amounts of public attending and questioned the practicalities of having to escort each person in and out of the building.

The Chair stated, at a meeting recently held at the Civic Centre, members of the public had been left standing in the reception area and unable to access the meeting they wished to attend due to needing a security pass.

The Strategic Director of People undertook to speak to the Deputy Managing Director to find out what progress had been made on the access and security arrangements to the Committee rooms and promised to inform Members promptly with an update on the progress. A Councillor commented the problem had been raised by the Panel over six weeks ago and was surprised the issues had still not been resolved. He was also concerned about the condition of the pointing on the front of the Civic Centre which he had been previously advised would be rectified as part of the Future Space works.

5 **Work Plan**

The Chair stated she had recently met with the Scrutiny Officer to the Panel and had asked for a number of items to be included on the Work Programme for the Confident, Capable Council Scrutiny Committee. These included the management of the Strategic Risk Register, Benefits and Procurement, Legal Services being able to undertake and charge for private work, Finance training for Members, explanatory finance booklet and the terms of reference for a potential Budget Task and Finish Group. She was interested in scrutinising how the Council promoted Local Government elections and the consultations the Council held on the location of Polling Stations, if this fell under "Democracy," which was listed as being in the remit of the Committee. She also suggested the Black Country LEP should be considered by the Scrutiny Board in the near future.

A Councillor asked why apprenticeships was on the Work Programme for two of the Panels when he considered a much more important area to consider was why a large percentage of young people were leaving school without five GCSE's.

The Scrutiny Officer responded apprenticeships was on the Work Programmes for two of the Committees because this had been agreed at Scrutiny Board after the Chair of the Stronger City Economy Scrutiny Panel had specifically requested the item also be considered at that Panel. The reason for it being on the Scrutiny Board Panel in the future was because of previous requests by Councillors to have evaluation scrutiny. A number of recommendations had been made by the Apprenticeships Review Group and Councillors wanted to monitor their progress. He could certainly request that the issue of people leaving school without GCSEs be considered as an item for a Scrutiny Panel in the future.

6 **Smart Working Draft Policy**

The Human Resources Business Partner introduced a report on the Smart Working Policy and outlined the main areas of the report. The policy had been considered by the Strategic Executive Board (SEB) earlier that day and they had requested the

policy be tightened up in certain areas, including addressing the employees who would be disadvantaged. The SEB had been asked to consider whether home working would be permitted during inclement weather in further detail.

A Member of the Panel stated that the draft Smart Working Policy needed to be reconsidered to take into their account concerns over equalities issues for teachers and school staff, who were currently excluded from the policy. Concerns were also raised in relation to the management of staff performance. Some Panel Members suggested the policy should be implemented on a trial basis in a certain team.

A Panel Member stated progress needed to be made on agile working because there were 2000 people to be based at the Civic Centre and only 1400 desks. He hoped appropriate work place risk and health and safety assessments would be taking place for those working at home as the employer still had a duty of care. The extra risk assessments which would be required would put more pressures on managers.

A Panel Member expressed concern that the core working hours were being changed and a request was made for further information on how this would impact staff and the Council. In addition, Members requested further information on which teams the Smart Working Policy was expected to improve performance and for which teams there would be no perceived benefit. The Chair stated she did have some concerns about the equality implications of the draft Smart Working Policy, believing it could cause some tension between staff.

A Panel Member stated they wanted to have a better understanding of how performance would be monitored before the policy was implemented. It was requested the item should come back to Scrutiny as a policy formulation item, where a vision could be established for agile working. The Strategic Director of People confirmed that the draft policy was still yet to be considered by the Cabinet. Some of the agile working practices detailed in the report, were already being trialed in some teams on an informal basis.

There was a discussion about the financial implications of the Smart Working Policy. The report had stated that there were no direct costs associated with the report. Members believed there were indirect savings associated with the report due to agile working enabling Council owned or rented buildings to be relinquished, due to more staff being able to use Civic Centre as a base because of agile working. The Strategic Director of People agreed with this assessment.

A Member asked if Human Resources reports were still completed on the percentage of employees who had been given an annual appraisal. He felt that if this was not at 100% compliance, then more work was required on managing performance before Smart Working was enhanced.

The Chair expressed dissatisfaction with the recent communications the Council had sent to Staff and Councillors on 11 December 2017 about inclement weather. She expressed concern that it adversely effected women more than men and was therefore unlawful under the Equalities Act. The second concern was that an employer could only ask staff to take a day's paid leave if they gave them sufficient warning. The law stated that you must be given a warning period of at least double the length of the annual leave you were being asked to take. So, if an employer wanted you to take one day's annual leave, they would need to give you two days'

notice. If a workplace was closed the law stated you were entitled to be paid and an employer could not force you to take annual leave. She made a formal recommendation that the Strategic Executive Board (SEB) should reconsider the current inclement weather policy. A Member stated that the communications sent out adversely affected people who had further to travel than someone living close to their office, who were more likely to be able to use alternative methods of transport, if they could not drive their car. There were also concerns that people who had no remaining annual leave, would have been adversely affected.

The Strategic Director of People stated that cooking and cleaning staff had been informed they would not be paid if the school was closed, which was clearly not right. The Chair stated that it was her opinion this had been probably unlawful. The Strategic Director of People stated that whilst the communications to staff about inclement weather arrangements had been sent with the right intent, they had in practice not achieved their original goals. A full equalities impact assessment was required. The concerns raised by Panel Members would be raised with the Strategic Executive Board (SEB) in the future.

Members of the Panel requested the draft Smart Working Policy be considered again at a future meeting of the Confident and Capable Council Scrutiny Panel with more information provided on the concerns they had raised as a Panel.

7 **Treasury Management**

The Director of Finance introduced a report on treasury management. As part of the Treasury Management Strategy it was a requirement that the Confident, Capable Council Scrutiny Panel review the Strategy. CIPFA had updated and released new versions of both the Code of Practice on Treasury Management and the Prudential Code in December 2017. Although the new codes had been released and were effective for the 2018-2019 financial year, the detailed specific guidance had not been issued. CIPFA had recognised that the requirement to produce a Capital Strategy, which was a new requirement under the Prudential Code, would potentially require a longer lead-in time and that this requirement would potentially not be able to be implemented until the 2019-2020 financial year.

A Panel Member stated that Members needed comprehensive training on treasury management. It was important that Members had a good understanding of treasury management in order to hold the Executive and the Section 151 Finance Officer to account. In response, the Finance Director stated the Council's treasury advisor, "Link Assets," were happy to provide training as required. Finance training sessions had been put on in the past, which had not been as well attended as had been hoped. A Panel Member suggested it should be a compulsory requirement for Members to undertake Finance and Risk training and Counter-Terrorism training each year.

A Councillor asked what scrutiny arrangements were in place to consider the finances of the West Midlands Combined Authority (WMCA). He wanted to ensure there was appropriate oversight of the Combined Authority, particularly when the Council was lending the WMCA money. The Scrutiny Officer responded that the WMCA had a Scrutiny Committee and there was also a Budget Task and Finish Group. Cllr Stephen Simkins was the Council's representative on the WMCA Scrutiny Committee and Cllr Jaqueline Sweetman was his substitute Member. Cllr Simkins stated he had some concerns about the WMCA scrutiny arrangements. He

thought the work of the WMCA should be debated by the Full Council on at least a quarterly basis.

After a discussion about the formulation of Scrutiny Panel recommendations the Chair asked for the process of how a Scrutiny Panel constructs recommendations, to be considered at the Scrutiny Annual Work Programme Event on the 28 June 2018.

The Chair stated that the Vice-Chair, who was unable to be present for the meeting, had asked her to convey how he had seen the Scrutiny Panel as a good example of working outside political affiliations and how much he had enjoyed being the Vice-Chair of the Panel.

The Chair of Scrutiny Board, Cllr Simkins, and other Panel Members thanked the Chair for her hard work over the course of the Council year.

The meeting closed at 7:40pm.