

MINUTE of MEETING of the PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, CIVIC CENTRE, LIVINGSTON, on 17 MARCH 2017.

Present – Councillors John McGinty (Chair), Peter Johnston, Angela Moohan

Apologies – Councillor Cathy Muldoon, Greg McCarra, George Paul

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Partnership and Resources Development and Scrutiny Panel approved the minute of its meeting held on 27 January 2017. The minute was then signed by the Chair.

3. LoTHIAN VALUATION JOINT BOARD

A report had been circulated by the Chief Executive updating the Panel on the business and activities of the West Lothian Valuation Joint Board.

It was noted that, in accordance with the decision of the Council Executive on 29 June 2010, the business of Lothian Valuation Joint Board was to be reported to the Panel by the production of its minutes and annual report.

The report provided the following appendices:-

Appendix 1 - Audited Financial Statements for the Year Ended 31 March 2016.

Appendix 2 - Minutes of the Lothian Valuation Joint Board meeting held on 28 November 2016.

The report ensured that members were kept apprised of the activities of Lothian Valuation Joint Board as part of the council's Code of Corporate Governance.

It was recommended that the Panel note the Audited Financial Statements for the Year Ended 31 March 2016 and the terms of the Minutes of the meeting held on 28 November 2016 of the Lothian Joint Board.

Decision

To note the terms of the report.

4. PERFORMANCE REPORT FROM THE CORPORATE PERFORMANCE MANAGEMENT SYSTEM

A report had been circulated by the Depute Chief Executive examining current levels of performance for all indicators that supported the council's Corporate Plan and were the responsibility of the Partnership and Resources Policy Development and Scrutiny Panel.

The Panel was informed that of the 38 performance indicators which were the responsibility of the PDSP, 34 were categorised as green 2 as amber and 2 as red.

The Panel note that in the appendix to the report, an explanation was provided for each indicator from the service on the performance levels.

The report concluded that the majority of performance indicators were within target. The information contained in the appendix allowed the Panel to focus on the issues that services currently faced and highlighted where service performance was currently below target. The information allowed the Panel to function in accordance with the council's Code of Corporate Governance and the principles of Best Value.

Decision

To note the terms of the report.

5. WELFARE REFORM:QUARTERLY UPDATE REPORT

A report had been circulated by the Head of Finance and Property Services informing the Panel of recent developments in, and the continuing implications of, the ongoing programme of welfare changes.

The Panel was informed that in relation to Discretionary Housing Payment Fund (DHP), the council's actual and committed spend in 2016/17 was £2.1 million. All applications from those affected by the removal of the spare room subsidy or bedroom tax, and who were entitled to Housing Benefit, would continue to be awarded full DHP to cover the shortfall between rent and the amount of Housing Benefit paid. Council officers were considering how to utilise awards of DHP in 2017/18. This included an additional £100,00 approved by the council on 20 February 2017 as part of the 2017/18 revenue budget.

The report provided a table showing the 2016/17 Scottish Welfare Fund spend to 31 December. As in previous years, the budget was carefully managed to fully utilise the SWF budget by 31 March 2017.

In relation to Universal Credit, it was noted that the latest UC Official Statistics published by the DWP on 15 February 2017 stated that, as at 12 January 2017, a total of 1236 people in West Lothian were on UC. These were all "Single claimants only". Broxburn Job Centre had 150 UC claimants, Livingston had 539, and Bathgate had 547.

In Scotland, five Job Centres, including Inverness and Musselburgh, currently operated the “Full Service”, with Dalkeith and Penicuik Job Centres due to go live with Full Service by the end of the current financial year.

The report provided details of the Household Benefit Cap position. The new lowered benefit had been implemented in West Lothian from 7 November 2016 and had affected some 100 households. The households currently identified by the DWP were a mixture of West Lothian Council, Housing Association, and Private Tenants. The lowered benefit cap predominantly affected families/households with children, and a large proportion of these families (82%) would have three or more children.

The Panel was informed that the DWP was moving claimants of Disability Living Allowance (DLA) to the new Personal Independence Payment (PIP). The report highlighted one major issue which had been experienced relating to the mobility component of PIP. The issue accounted for a major proportion of the Advice Shop’s appeals case load. COSLA had undertaken a survey on the effect in each council area of the move from DLA to the new PIP. This was currently being analysed and would be published shortly.

The Head of Finance and Property Services concluded that, as the welfare changes were rolled out, and as further changes took effect, officers would assess the cumulative effects of these challenges in order to develop and shape work going forward. This would include further analysis of the measures in the Scotland Act and engagement with the Social Security Committee of the Scottish Parliament and with COSLA, and the IRRV, as the practicalities of the proposed changes were considered. The results of this work would continue to be reported to elected members via the PDSP process and relevant action would be proposed by the council and community planning partners to pro-actively address issues arising.

It was recommended that the Panel note the impacts of the welfare changes in West Lothian and the actions which the council and community planning partners were taking in response.

Decision

To note the terms of the report.

6. SICKNESS ABSENCE (1 APRIL 2016 - 31 DECEMBER 2016)

A report had been circulated by the Head of Corporate Services examining sickness absence rates for the 9 month period from 1 April 2016 to 31 December 2016 and providing an update on the ongoing application of the council’s Policy and Procedure on Managing Sickness Absence.

The sickness absence SPI for the full council as at December 2016 was

set out at Appendix 1 to the report, together with comparative indicators for the full years 2013/14, 2014/15 and 2015/16.

The sickness absence SPI for each individual service area for the period 1 April 2016 to 31 December 2016 was set out at Appendix 2.

The Panel was informed that, of the seven council service areas, five reported sickness absence rates above the council target of 3.6%.

Only CEO, Finance and Property and Corporate Services were below the Council target of 3.6%.

The report went on to provide details of Long-Term Absence and Disregarded Absences. It also provided an analysis of categories of Absence, highlighting that the most common reason for long term absence across the council during the period fell within the category of Mental and Behavioural.

The Head of Corporate Services advised that the absence management team with HR Services had continued to work closely with managers across the council, providing advance and guidance on the management of sickness absence and monitoring the application of the Policy and Procedure on Managing Sickness Absence.

The report provided commentary in relation to Occupational Health Services, Mentally Healthy Workplace Training and Employee Health and Wellbeing.

The Head of Corporate Services concluded that, during 2016/17, the rising trend in sickness absence rates prevalent over the previous 5 years had not been arrested. During the first three Quarters of 2016.17. nearly 20% of all days lost to sickness absences were disregarded under the council's policy compared with approximately 17% during the equivalent period in 2015/16. Those days lost still counted towards the sickness absence SPI.

The Panel was asked to note the content of the report.

Decision

To note the terms of the report.

7. PARTICIPATION REQUEST PROCESS

A report had been circulated by the Head of Planning, Economic Development and regeneration informing the Panel of plans to establish a process to manage participation requests as a result of new provisions included in the Community Empowerment (Scotland) Act 2015.

The report provided background information relating to the Community Empowerment (Scotland) Act which had received Royal Assent on 24 July 2015.

The Panel was informed that the legal framework for participation requests was set out in Part 3 of the Act. The regulations and guidance needed to be agreed and published before the procedure could be used. The draft guidance had been published in early February 2017 and it was expected that this part of the Act would come into force on or around 1 April 2017.

The draft guidance outlined some potential uses of participation requests which could be broadly divided into four categories.

There was still a degree of uncertainty as to what the content or participation requests might be, the resources that might be needed to deal with them and the number of requests that might be made.

To ensure that the council was able to manage participation requests, it was proposed that a process be established which would enable robust assessment, decision making and governance. The regulations split the process into four key stages – Making a Request, Decision, Outcome, Improvement Process, and Reporting.

The report went on to provide details of each stage of the process and highlighted some key points to consider in relation to setting up the council's process for dealing with requests. Appendix 1 illustrated the different stages of the process and Appendix 2 summarised the key recommendations.

The Head of Planning, Economic Development and Regeneration concluded that participation requests would have significant implications for the council and other public sector partners in that they gave communities the opportunity to become involved in helping to achieve changes or improvements they wanted to see. The regulations and guidance that supported the legislation outlined the participation process itself. There were a number of factors that required consideration in setting up internal processes to manage participation requests, outlined in the report.

It was recommended that the Panel:

1. Note the new rights and duties arising from implementation of Part 3 of the Community Empowerment (Scotland) Act 2015;
2. Note that procedures would be required to ensure the council handled and determined participation enquiries in accordance with legislation and guidance;
3. Note that it was proposed that the Head of Planning, Economic Development and Regeneration should have overall responsibility for managing participation requests;
4. Note that all Heads of Services should have roles and responsibilities in relation to participation requests as set out in the report;

5. Consider the involvement of specific services in the participation request process;
6. Note the formal procedure as set out in the report and in Appendix 1; and
7. Note that the proposed procedure should be reported to Council Executive for approval.

Decision

1. To note the terms of the report; and
2. To note that the proposed procedure would be forwarded to Council Executive for approval.

8. REVIEW OF CORPORATE PROCUREMENT STRATEGY 2013/18

A report had been circulated by the Head of Corporate Services presenting the outcome of a review and update of the existing Corporate Procurement Strategy 2013/18 for consideration.

The Head of Corporate Services advised that the Corporate Procurement Strategy established a commitment to developing and improving procurement practices to ensure that procurement activities were as effective, efficient and sustainable as possible.

The strategy supported the council's eight priorities through the adoption of a strategic approach to procurement, by integrating procurement planning as part of overall business planning. The strategy provided a clear and consistent framework to ensure that procurement activity supported all services to meet the Council's priorities and outlined six outcomes. The outcomes were listed in the report.

The Panel was informed that the Procurement Reform (Scotland) Act 2014, which came into force on 17 June 2016, made provision about the procedures relating to the award of certain public contracts, focusing on sustainable public procurement. The act contained general requirements for contracting authorities to treat relevant economic operators equally and without discrimination and to act in a transparent and proportionate manner. Other specific duties contained in the Act were outlined in the report.

The Head of Corporate Services reported that the Corporate Procurement Strategy 2013/18 had been reviewed to ensure compliance with the requirements of the Act. Whilst the Strategy Outcomes addressed the requirement, there were a number of amendments proposed to the Outcome purposes and activities, and these were examined in the report.

A copy of the Corporate Procurement Strategy 2013/18 with proposed amendments shown highlighted was attached at Appendix 1 to the report. A summary of the changes were contained in Appendix 2.

The Head of Corporate Services concluded that the Corporate Procurement Strategy 2013/18 ensured that procurement contributed to the achievement of the outcomes identified within the councils Corporate plan. The proposed amendments ensured that the Strategy was compliant with the requirements of the procurement Reform (Scotland) Act 2014.

It was recommended that the Panel note the terms of the revised Corporate Procurement Strategy.

Decision

To note the terms of the report.

9. EQUALITY OUTCOMES AND MAINSTREAMING REPORTS

A report had been circulated by the Head of Corporate Services providing an update on the Council's Equality Mainstreaming commitments, progress made against the Council's Corporate Equality Outcomes for 2013-2017 and a revised Equal Pay Statement.

The Panel was informed that, under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, public bodies were required to develop and publish an equality mainstreaming report and to report on progress against that report every two years.

The Head of Corporate Services advised that the 2015-17 progress report should include data related to the specific duties on employment monitoring information including recruitment, development and retention of employees by protected characteristic. In addition the council was required to publish information on the percentage difference, among its employees between the average hourly pay of men and the average hourly pay of women.

The Council's employment equality information and analysis for the period 1 January 2015 to 31 December 2016 and revised Policy Statement on Equal Pay was provided in Appendix 1 to the report. The council was also required to develop and publish a set of Equality Outcomes and the report on progress against these Outcomes every two years. The Council had developed 10 Corporate Equality Outcomes in 2013 and these were outlined within the Equality Outcomes Progress Report which was attached as Appendix 2 to the report.

The Head of Corporate Services concluded that the Council had demonstrated significant progress towards its equality mainstreaming commitments and Corporate Equality Outcomes.

It was recommended that the Panel note and comment upon the terms of the Equality Mainstreaming report, a revised Policy Statement on Equal Pay and Equality Outcome report which was intended to be referred to the Council Executive for approval.

Decision

1. To note the terms of the report; and
2. To note that the report would be forwarded to Council Executive for approval.

10. SOCIAL WORK COMPLAINTS HANDLING PROCEDURE

A report had been circulated by the Head of Social Policy advising the Panel of the revised Social Work Complaints Handling Procedure.

The Panel was informed that, following a Scottish Government review of social work complaints, the office of the Scottish Public Services Ombudsman (SPSO) had advised that the system for social work complaints would change from 1 April 2017.

The SPSO had published a Social Work Model Complaints Handling Procedure (CHP). It set out how complaints about social work services should be handled from 1 April 2017. It would bring social work complaints largely in line with the complaints handling arrangements in place across the wider public sector, and with NHS complaints handling which was also set to change from April 2017.

The Head of Social Policy reported that Social Policy had drafted a revised procedure for social work complaints and a copy was attached as Appendix 1 to the report. It had been drafted in accordance with the requirements of the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2015 and the SPSO guidance.

It was recommended that the Panel:

1. Note the revised Social Work Complaints Handling Procedure developed in accordance with the requirements of the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016.
2. Recommend approval of the revised Social Work Complaints Handling Procedure to the Council Executive.

During discussion, the Chief Executive referred to a minor error relating to Appendix 1, third paragraph, page 15 under 'Chief Executive'. Officers would make a correction to the paragraph prior to submitting the report to Council Executive.

Decision

1. To note the terms of the report; and
2. To note that the revised Social Work Complaints Handling Procedure would be forwarded to Council Executive for approval.

11. RECORDING AND BROADCASTING COUNCIL MEETINGS

A report had been circulated by the Chief Executive providing information about the costs and other resources required for the recording and broadcasting of council meetings.

The report recalled that, in November 2016, the Council Executive had instructed officers to investigate the feasibility and cost of broadcasting full council meetings from the start of the new council term in May 2017 and to report back to the Panel in March 2017.

It was reported that, since meetings of full council took place in the council chamber in the Civic Centre, investigations had been confined to that location. Any equipment installed for use for full council meetings could be utilised for meetings there of any other committees or PDSPs. Although capital costs might not be affected by that extended use, there might be additional costs incurred, for instance in staff time. Investigations had centred around using or building on the existing sound system where possible.

Appendix 1 to the report provided a list of five options and the report contained further information on each of the options.

The report went on to advise that three options from the five were not recommended by officers. These were Options 1 and 2 and 5 in Appendix 1.

There were two options recommended for further consideration and these were:-

Option 3 - This option required meetings to be recorded (audio only) and simultaneously broadcast over the Internet using a commercial service. A laptop or Android device was required to interface between the microphone system and the broadcast service. An example of this type of set up could be seen from Essex County Council.

Option 4 – This option introduced video recording and would require the installation of cameras into the council chambers. Cameras would automatically direct to the current live microphone position within the Chamber. Audio recording to accompany the video would be sourced from the existing microphone system. The option reviewed had been offered by the council's maintenance contractor.

Finally, the report provided information relating to legislation and Standing Orders. It was noted that if recording and/or broadcasting was to be taken forward then amendments to Standing Orders would be needed, and those required to be made through full council. This was because Standing Orders currently prohibited the recording of a council or committee meeting unless the particular meeting agree to allow it.

It was recommended that the Panel note the information provided about methods and costs of broadcasting council meetings and to consider those alternatives prior to referral to Council Executive for decision.

Decision

1. To note the terms of the report; and
2. To note that the report would be forwarded to Council Executive for consideration and decision.

12. 2018 REVIEW OF UK PARLIAMENT CONSTITUENCIES - SECONDARY CONSULTATION

A report had been circulated by the Chief Executive advising the Panel that the Boundary Commission for Scotland was undertaking a four week secondary consultation to allow remarks to be made to the commission concerning any of the comments made during the public consultation on the Commissions Initial Proposals for constituencies.

The Panel was informed that all comments and alternative suggestions received by the BCS were available to view on their consultation portal. Comments made in relation to West Lothian were collated in Appendix 1 to the report.

It was noted that there was a period 4 weeks where remarks could be made on the comments received on the initial proposals. The BCS would consider all representations, the proceedings of the public hearings, scrutiny comments, and any other relevant information. The BCS would then make any amendments to the initial proposals that they judged necessary.

If any particularly complex issues were raised the BCS might ask the Secretary of State to appoint an Assistant Commissioner to assist in their considerations. If any alterations were made to the initial proposals then the BCS would publish revised proposals for further 8 week consultation. There would be no public hearings in connection with revised proposals nor would representations be published for public scrutiny.

If any modifications required to be made to revised proposals then there was no requirement to publish them for consultation.

Once the review had been completed the BCS would submit recommendations in a report to the Secretary of State for Scotland, who was then responsible for laying them before the UK Parliament.

It was recommended that the Panel:

- Consider the comments made in response to the Initial Proposals for the West Lothian Council area.
- Recommend any further response to the Council Executive.

Decision

1. To note the terms of the report; and

2. To note that the report would be forwarded to the Council Executive for consideration and decision.

13. WORKPLAN

A copy of the Workplan had been circulated for information.

Decision

To note the Workplan.