

## **Pre-Scrutiny questions and answers on reports being considered by Cabinet on 3 November 2022**

*(This forms part of the considerations at Group meetings before a decision is made on which Cabinet reports will be called-in for scrutiny by the Overview & Scrutiny Committee)*

### **4. Fees and Charges**

(Report author(s): Andrew Rollins – Head of Financial Services)

Question from Councillor Milton:

#### **Appendix 1**

Page 9 - there are references to a 'Commonwealth Games Rate'. What is this and is it still relevant?

Response:

there was a change of narrative (Commonwealth Games changes to 'Special') for these items which hadn't been updated which I will do on the next draft as follows:

Special Rate for 1 green plus function Room per hour
Special Rate for 1/2 green plus function Room per hr
Special Rate room hire

Appendix 1 (page 9) – All references to Commonwealth Games Rate should be replaced with 'Special Rate'. Special rate is for multiple bookings, training sessions or group sessions like a charities. I have updated this in future versions.

Page 23 - Some of the waste collection charges are listed as fixed fees or minimum/maximum amounts but it's not clear if they've changed from last year or not. Could you confirm please.

Response:

Appendix 1 (page 23) – These charges are controlled outside of WDC as they are controlled by Legislation. We have changed the way we show these figures to show the maximum penalty charge. I await further details from the Service manager regarding if they have changed from last year or not.

#### **Appendix 2**

6.2.6 Can you confirm how much income we give away by allowing EV drivers to park for free please?

Response:

Appendix 2 (6.2.6) – Free EV parking was withdrawn earlier this year. Appendix B will be updated to reflect this.

Overall, there isn't an awful lot of mention of the cost of living crisis and how it will impact our residents. Could you please describe what we are doing to protect the most vulnerable residents further?

Response:

Cost of Living. Reviewing all Fees & Charges managers are asked to consider the impacts on local residents as well as Council budgets. Not all budgets are increased by a flat rate and some rates will be frozen, as is the case with Car Parks or decreased in certain instances.

Question from Councillor Syson

### **A few questions on Appendix A**

Page 7, Bowls shows actual income 21/22 of £20, original budget 22/23 of £12,400, but latest budget 22/23 of £7,800 and then a budget forecast in 23/24 of £19,000. The figures seem very variable? Am I missing something obvious?

Page 8, Place, Arts and Economy

Assembly Room, Annexe, Education Room - Royal Pump Room

actual 21/22 £8,135 original budget 22/23 £5,100 latest budget £5,000 budget forecast 23/24 £1,300

Where has the income gone? Loss of Leamington Music?

In contrast to Town Hall Room Hire

actual 21/22 £21,925 original budget 22/23 £75,000 latest budget £75,000 budget forecast 23/24 £75,000

Why did we lose out this year but expect to regain it all next year?

Page 8 Ring Fenced Accounts

CCTV

actual 21/22 £8,114 original budget 22/23 £1,400 latest budget £1,400 budget forecast 23/24 £1,600

My understanding is that CCTV has a viewing charge of £131, but if this their only income how come they made £8,114 last year but are only expected to make £1,400 this year?

Finally, car parking charges at St Peter's, page 20:

1 hour £1.30

2 hours £2.50 an additional £1.20

3 hours £3.80 an additional £1.30

4 hours £5.60 an additional £1.80 for that last hour!

In other Leamington car parks the 4 hour charge is only £5, which would have been an additional £1.20.

Why is St Peter's different and why is that 4<sup>th</sup> hour so expensive?

Response:

Comparisons of 2021-22 actuals with the estimation for 2022-23 & 2023-24 is difficult due to the difficulties experienced during the Covid effected years where the majority of income was low due to lockdowns and lower demand due to restrictions in place.

During this financial year 2022-23, as you are aware, we have changed our Financial system. This has caused some discrepancies when trying to translate old codes to new due to a fresh new coding structure being used. In some circumstances, income has been consolidated from multiple codes into one making this difficult to split income as have previously been shown. All income is showing within Service areas but some may be grouped together. We are working with Service Areas to be able to code split where required for easier reporting going forward. This includes budget setting and future Fees & Charges reports.

With regard to the Car Parking query. St Peters is our flag ship car park and being a Multi-Storey CP the charges reflected the more sought after location, likely as parking is under cover. Within the Service, reviews are taking place, with the potential to smoothing charges across the Authority.

### Questions from Councillor Quinney

This question applies to all those services which are meant to be broadly cost neutral. What assumption has been made overall for 2023/4 for the level of salary increases, to reflect general inflation; or, in cases such as Planning but not limited to that department, to improve staff retention and recruitment?

#### Response:

As per the proposed pay award, we have assumed an average 6% salary increase. This obviously varies depending on the grade of employees within a Team and will range from a 4% increase up to 10% where there is more admin staff.

Our private sector housing manager adds:

When we first considered increases in fees and charges, a 10% increase appeared reasonable based on current inflation levels. However, after benchmarking against other local authorities, it does appear we are significantly more expensive. We also need to be mindful of salary increases in local government hence I feel a 5% increase across all HMO licence applications is more appropriate.

There is case law which we also have to consider carefully, namely *Hemming .v. Westminster City Council* which has implications when setting fees, to demonstrate they are reasonable and proportionate, hence staff retention and recruitment issues cannot be used as the motivation for increasing fees.

### **App A Page 7 & 24-27 Development/Building Control**

Please identify where the Building control revenues on the one hand and the Planning Fee revenues on the other are reported - or are they reported together under 'Building Control' - the ring-fenced account?

Assuming Building Control refers simply to the BC department itself, is the 20% decline in revenues (or 25% in real terms after proposed price increases), from £889k in 22/3 to £711k in 23/24 entirely due to loss of Daventry income?

In the recent past, some Building control fees seemed significantly below local market rates. Are we sure that holding the proposed increase in fees to a modest 4-5%, in spite of overall inflation of 10%, is required to remain competitive? How competitive are we and perhaps most importantly, will we be on salaries to recruit and retain staff against this background?

What legal constraints are there against increasing further the large range of planning fees & charges listed?

What is the rationale for so many planning fees rising by such very low percentages and often on a flat rate basis, whatever the scale of the development proposed?

Response:

Budget for current financial year 2022/23 was set at 882.000 this will be reduced by 171.000 which is the estimated income we will lose from Daventry next year 2023/24.

**Budget for next year 882.00-171.00= 711.000**

### **Current Status**

It is acknowledged at this stage by the Accountant Gary Walker and H of C that there are that many variables to consider at this stage when considering the effect of Daventry District (WNC) leaving the shared service, and a further full review will be required in 12mths time to assess the impact on the Service.

WBC currently has a very healthy reserve account of approx. 474.000 (minus approx. 16k back pay for two officers) this is mainly due to savings on staff salaries over the years, and the service pulling in larger projects. It is recognised that a number of staff have left the service and we cannot afford to lose any further officers as they are few and far between across the industry. We have constant threats to staff being poached by local Approved Inspectors. We cannot afford to agency staff.

The current salaries are low in comparison to other Authorities and will be reviewed under MFS as proposed above.

To that end we have agreed to increase are fees for next year 2023/20224 by 5 % which would be 35k additional income when using next year's budget as a guide only. The Building Control Account is ring fenced and none of the above would affect the general fund of the Council, any profit or loss would be accommodated by the reserves and adjusted in 12 mths time.

### **App A page 15 Licensing of HMO's**

See opening question about departmental salary assumptions underlying the fee levels proposed.

Could the penalty finder's fee for an unreported unlicensed HMO be legally increased from £207 for example to £500 as a deterrent?

Response:

The 'finder's fee' is an administrative charge which is applied in cases where it comes to the attention of the Council that an HMO is operating without a licence and the Council has not received prior notification of it becoming licensable

Or

Where it comes to the Council's attention that a licensed HMO is subject to a change of owner if the new owner fails to submit a new application within 7 days of completion of the purchase.

These scenarios are designed to penalise the landlord for failing to follow due process. In either case, failing to submit a duly made licence application is an offence (Section 72 Housing Act 2004) and irrespective of any administrative charges, the landlord may also be liable to enforcement sanctions. Cases will be investigated following the Code for Crown Prosecutors and the Councils Enforcement Policy. A civil penalty can result in a fine up to £30,000 and for a prosecution, the fine is unlimited.

The 'finders fee' is the administrative fee that is applied and should not be misinterpreted as a 'fine' for failing to obtain an HMO licence. This distinction is set out on the Council's website.

In theory, the 'finder's fee' could be increased beyond the level proposed, but the enforcement route (civil penalty or prosecution) is designed to deal with the failure to licence offence and we should be careful to distinguish between them.

### **App A page 7 Lillington Recreation Centre**

Why are projected revenues here so much lower (down to £11k in 23/24 from £15k in 20/21) in spite of the proposed increases in charges of around 15%?

Response:

During this financial year 2022-23, as you are aware, we have changed our Financial system. This has caused some discrepancies when trying to translate old codes to new due to a fresh new coding structure being used. In some circumstances, income has been consolidated from multiple codes into one making this difficult to split income as have previously been shown. All income is showing within Service areas but some may be grouped together. We are working with Service Areas to be able to code split where required for easier reporting going forward. This includes budget setting and future Fees & Charges reports.

### **App A pages 8 & 20 Off-Street Parking**

This remains a major source of Council Revenue. Even a 5% net increase in parking revenues would generate £150k to help bridge our MTFS deficit.

What is the rationale for continuing to freeze our parking charges post-pandemic when -

- a. demand is still forecast to increase modestly (page 8)
- b. b. costs for managing and maintaining the facilities continue to rise
- c. c. our current rates are now broadly competitive with other nearby towns, whose rates are surely also likely to increase in 23/4, reflecting the same pressures.

County on-street rates are broadly aligned with ours. Will they also not welcome the opportunity to maintain tariffs and revenues in line with inflation?

Can Kenilworth town centre parking charges be fully aligned with the three other towns from 23/4?

Response:

- a. Leamington's snapshot parking usage last month demonstrates a consistent 50% and lower usage at 10am and 2pm over 7 days, even if there is a modest increase we will still be low, perhaps a price increase may harm usage further? We believe this usage is consistent in all our car parks.
- b. Agreed, particularly energy

c. Coventry and Solihull prices are lower than our current rates.

County parking rates have not increased since January 2018 and appear to be 18% lower than ours with 20p difference for an hour. Off-street should be lower than on-street to avoid congestion, reduce emissions and round-robin parking space hunting

I appreciate this price difference appears unfair but there are different market forces between the three towns, Kenilworth has less retail and our approach mirrors that of WCC on-street parking too. There are two supermarket car parks in the centre that offer free parking for 2 hours and one private car park off Talisman Square that is cheaper than us too. My briefing note proposes some modest price increases (if an increase is wanted) for Abbey End and Fields prices and freeze the much quieter Square West car park.

### **App A pages 12 & 29 Street Trading & Market Stalls**

We are trying to breathe new life into our Town Centres.

What is the rationale for 20% increases in fees for these activities in most locations? The increase seems to be contradicted by the text in App B 7.3.1

Response:

Warwick and Leamington's markets are thriving and the 20% increase in fees puts charges in line with comparable market fees charged at Coombe Abbey for example.

Why is the increase for Kenilworth contractor market stalls only 10% and set at a level almost 30% lower than the other two main towns?

Response:

- Kenilworth's market is performing less well, it was deemed that 10% was the maximum fee increase that would be acceptable.
- The Market Contract holder has been consulted on the proposed fee increases and understands the reasons.
- This is the first significant increase in fees, in 3 years. The figures were rounded up in 2020.



## **App A page 15 Breach of MEES regulations**

Can these penalties be increased by more than the 5% proposed?

Response:

The maximum penalties are set out in the Statutory Instrument and cannot be increased by inflation.

## **APP C - Controllable Fees and Charges**

Are the periods during which these fees apply also controlled? If not, what changes in session lengths and timings where people can benefit from these tariffs have been implemented since the start of the contract with EA?

Are we monitoring the level of non-controllable tariffs over time and by comparison with other Leisure facilities in the region? If so, could this be shared as background to this Appendix? if not, could a report please be made to O&S so members can understand the trends in volumes, tariffs, and revenues?

Response:

During the consultation period when the leisure specification was being drawn up , members were keen that all users that were eligible for concessionary benefits weren't stigmatised when using the facilities. Therefore these users can access general open sessions without being singled out. The timetable does offer certain target sessions but these are very static throughout the contract and any changes would have to be agreed by the Sports and Leisure Team.

Non controllable tariffs are monitored by the Sports and Leisure Team and discussed with Everyone Active. There are various benchmarking exercises that have been undertaken but these are not reliable as the comparison isn't a simple one, there are differing off peak/peak times, concessions, activities and activity spaces.

Trends in volumes, tariffs and revenues again are very unreliable due to the Covid period and slow recovery.

WDC are signed up to Moving Communities which is a Sport England initiative which measures performance against other comparable sites across the country. This shows the recovery from Covid and benchmarks with other sites. I am happy to provide information that give the social value of the contract as well as other factors like customer satisfaction and usage levels. (response from Ann Hill)

## Questions from the Labour Group

### 1. In Table 4.2.4

Housing GF shows a big reduction from actual to budget and forecast, can I ask for more clarification on this?

Actual 21/22 63,000

Followed by 28 000, 29 000, and 30 000.

#### Response:

During this financial year 2022-23, as you are aware, we have changed our Financial system. This has caused some discrepancies when trying to translate old codes to new due to a fresh new coding structure being used. In some circumstances, income has been consolidated from multiple codes into one making this difficult to split income as have previously been shown. All income is showing within Service areas but some may be grouped together. We are working with Service Areas to be able to code split where required for easier reporting going forward. This includes budget setting and future Fees & Charges reports.

### 2. HMO Licensing - Can licences be increased to fully cover increased enforcement of HMO's? This may help to solve many of the problems created for certain areas, especially with a plan to license all HMO's is in the pipeline.

#### Response:

We must be mindful of Hemming .v. Westminster City Council when setting licence fees to ensure they are reasonable and proportionate. Fees must be 'cost neutral' and intend to cover all of the administrative and enforcement aspects of operating a service. Benchmarking against other local authorities in Warwickshire already shows our fees are more expensive and are more vulnerable to legal challenge.

We have not specifically set out to increase enforcement activity although this may be a consequence of extending licensing to cover smaller HMOs, should the Council proceed with an Additional Licensing Scheme. This can be considered further in 2023/24.

We should also bear in mind that local authorities can retain any civil penalties and 'ringfence' them for future housing enforcement work. Cases which are dealt with by the courts allow local authorities to claim costs, but fines are kept by the Crown.

3. Why are the charges for The Pump Rooms and the Town Hall shown as percentages?

Response:

The Arts team negotiates charges for each event as the financial deals for performances and events are often quite complicated and based upon a split of the income between parties. Our costs vary depending on the event and this negotiation allows us to ensure that we cover our own costs and make a profit, while also allowing us to work with community and charitable clients to find a price they can realistically afford.

4. 2.5.2 P.31 -Pest Control

There is reference made to the removal of price reduction for those eligible, which seems ill advised for services involving Health and Safety for the community and individual households. Private services are even more expensive.

Response:

The reduced price fees were removed last year and there is no plan to reintroduce them this year. The fees for pest control outlined in this report should be read with reference to the cabinet report on the future service delivery of pest control (Cabinet report item 7) and item 2.5.3 on Appendix B. The fees being set this year are being set in case the cabinet report recommendation is not accepted. If the report is accepted then the fees will not be required.

## **5. Significant Business Risk Register**

(Report author(s): Richard Barr – Audit and Risk Manager)

### Questions from Councillor Cullinan:

1. Considering increased risks identified should 10 -Risk of Partnerships not Delivering, be increased. Revenue from partnerships such as Everyone Active have been affected and may continue in this Cost-of-Living crisis. Our Profit share could be reduced or obliterated.
2. In addition, given these high risks, do we need to look again at large projects such as Kenilworth Leisure sites, ideally a cross party approach.
3. Do we need to consult with outside auditors? Garner their views on our capital expenditure projects.
4. Though not to be classed as an actual significant risk, I feel that there is such a significant amount of work being undertaken of such a low standard that additional costs are having to be met by revisiting. The public toilets recently refurbished in Jephson Gardens are again out of action.

### Response:

1. We are monitoring Everyone Active income on a monthly basis and at the moment it is line with the revised forecast
2. We will be reporting the major corporate projects to Scrutiny on a 1/4ly basis via a comprehensive project table. This will enable Members to retain strategic oversight and raise any pertinent questions.
3. We do not believe this is necessary. The auditor will report on value for money in respect of the Council's overall activities but there are legal, Political and management controls in place to monitor large capital projects
4. One example has been cited of where there appears to have been an issue, however, this does not then mean that "a significant amount of work" is being delivered to "a low standard".

### Questions from Councillor J Dearing:

Recommendation (2) refers to 'content of section 1.3' and 'emerging risks in section 1.4'. These seem to be typos as they presumably refer to sections 3 and 4.

Response:

That is correct – my apologies for this error

'Recent Movements of Risk' are usefully summarised in section 3 but I can see no details of emerging risks/horizon scanning in section 4. Have these been inadvertently omitted?

Response:

At its last meeting, SLT considered emerging risks, as it nearly always does, but did not note any, other than those previously highlighted and/or featuring in the risk register. As a general response, that the report refers to emerging risks is sloppiness on my part. Although it is no excuse, and I do not offer it as such, the report was produced hurriedly.

2.1 You suggest referring to the Audit Commission's publication "Worth the risk: improving risk management in local government" I had difficulty finding a copy online and wondered if you had a link. It also appears to be over 20 years old and perhaps you could suggest more up to date guidance.

Response:

The publication is no longer available online. In my humble opinion, although the publication is over 20 years old, the guidance it contains has stood the test of time and is as relevant today as it was then. As you can imagine, however, numerous publications have followed this and I attach a few which may provide interesting/useful reading [available as background document from [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)]. Unfortunately, though, I'm not able to put my hands on a publication that provides such universal guidance to local government on risk management as the Audit Commission publication did, but I guess that's my point.

6.2.2 I think this needs revising. A report on Quarter 1's financial position and the financial implications of the failed merger to the August Cabinet are not relevant here. Having said that, I can't see a report to the August Cabinet on this issue beyond the Item 8 1.4.1.

Response:

Another error on my part. I have removed this from the report template' so that it doesn't feature in future reports.

7.1 The text here seems inconsistent with Appendix 3. The text says “the probability of a risk being realised, and how many times it might happen, is assessed over a number of years, not as if it is going to happen tomorrow”. But Appendix 3 describes high risk quite formally as 'likely to occur each year' (50% chance). The description in the text seems to refer to Medium and Low risk categories.

Response:

I concur. This paragraph was written by someone else a while ago and I have neglected to perform an adequate editorial review of it – then or since. I have now corrected it for future reports.

7.2 Internal Impacts. I don't understand how the text referred to in 'As above' reflects potential Internal Impacts. For example, one of the headline messages in the report is increased risk of reduced income to council (#8). This must surely have the potential to affect services, staff recruitment/retention, and WDC's financial footing.

Response:

Yes, it does, but the text should not be seen as in conflict with that

Or does this paragraph refer to something else?

Response:

The text refers to the paragraph above that starts “The Significant Business Risk Register is based on the Council's corporate priorities and key strategic projects...”. These comments apply to both External and Internal Impacts. Whilst not abdicating responsibility for the comments, it was a standard response that was suggested to me.

Appendix 1 Risk matrices show two changes since last review - an increase likelihood of additional financial liabilities (#7) and not receiving potential income services (#8). However, the positions of risk in the matrices (increased likelihood show with arrow) do not seem to reflect the risk rating descriptions which also state increased impact. The position of #8 can be changed to reflect this but there is a problem for #7 as the residual risk rating is as high as the matrix allows and cannot reflect the increased impact.

Response:

Risk 8 should have been changed so that the Impact score is one level higher (now at the maximum level of 5). Although the Impact for Risk 7 is deemed to have increased, this cannot be depicted on the matrix as the impact is, as you correctly point out, already at the highest level.

There are no changes specified for Risk Mitigation/Future Actions (columns 4 in bold/highlight?) against any of the high-risk areas #6, #13, #16, and # 17 or new higher risk areas #7 and #8. Is this column therefore designed only as a retrospective record consequent upon future change programmes (3.2)?

Response:

I have referred this question to the Chief Executive and Deputy Chief Executive who will respond to you.

Response from Chief Executive:

We should have had in bold in column 4 the future mitigation as being "Implementing a Change Programme". The programme will come to Cabinet to be agreed subsequently.

I think its clear as officers as a whole that we haven't been as diligent in checking the detail of the report to make sure it properly covered what we as the SLT had discussed. My apologies, we will do better next time.

The ranked order of the risks in column 1 seems to reflect the relative importance of the specific risk i.e. red zoned risks are ranked above yellow. However even within the red zone there are surely different appetites or levels of acceptability for the specified risks. Can these be differentiated in the report?

Response:

Whilst I agree with your observation in purely theoretical terms, I do not think this is worthwhile undertaking. The approach to risk management at WDC is to try to keep things as simple as possible and we believe applying a more sophisticated/elaborate approach (e.g. along the lines suggested) would mitigate that.

Possible Consequences (columns 3) for #16 and #17 include 'Political consequences.' What is meant by this?

Response:

In this context, "political" is used to convey both big and small 'p' political forces and influences that may affect the performance of, or the options open to, the organisation. Political consequences include the popularity or otherwise by voters of actions taken by the organisation that could in turn affect the popularity or otherwise of political parties, or specific politicians.

To what extent do you think the SBBR reflects the overall potential impact of the whole portfolio of risks?

Response:

Whilst I'm reluctant as an individual to give a view on that, I can say that in my professional opinion the risk management processes we have are reasonably robust and, as a result, very likely to lead to a risk register that reflects the organisation's risk environment.

Questions from Councillor Kohler:

1.4 of the report refers to a joint SDC / WDC SBBR - is that still the intention?

At the August Cabinet meeting, minutes state that Cabinet resolved that:

"the following two points be added to the

Significant Business Risk Register:

- Local Government re-organisation – should be a risk in itself; and
- The potential for disruption from industrial action – should be a trigger to be included in a number of risks (officers to review)"

Please could you indicate how these points have been addressed in this update of the SBBR?

Response:

I've brought your first item to the attention of the Chief Executive and the Deputy Chief Executive. They have said that the LGO matter requires much greater great consideration before being included as a risk in its own right as it could trigger



significant disquiet among staff (and possibly Members). They have said that they will be discussing the matter with Members. In the meantime, the issue will be discussed the next time that the SBRR is reviewed by SLT. No doubt you will wish to monitor the development of this item.

The second item was discussed by SLT the last time it reviewed the Risk Register (6 October). SLT agreed that industrial action as a potential trigger for various risks was implicit and therefore need not be stated throughout the Risk Register. This is consistent with the approach taken to some other triggers that are deemed to apply to a variety of risks. Furthermore, industrial action by staff can be viewed as a consequence of economic factors, the latter being referenced, as applicable, in the Risk Register.

Paragraph 1.4 is erroneous and should have been omitted from the report. Needless to say it is entirely my fault for leaving it in from an earlier report to Cabinet. My apologies for the error.

#### Questions from Councillor Syson:

Risk 2, page 8, Risk of sustained service quality reduction.

This has already occurred in Planning, particularly Enforcement, though this is now improving, but I suspect there are other areas under stress. Perhaps the existing control measures were not sufficient. Please could we have a bit more explanation as to what the new "Enhanced Performance Management System regime: infrastructure now in place" entails

#### Response:

Service Area Plans and performance information is now accessible to all Members via the Business Information Portal. To ensure that Members have the latest information, Officers will be updating data on a more regular basis. The system is administered by an officer with specific performance management responsibilities. The increased frequency of updating will enable officers to respond to trend information more proactively

Risk 8, page 11, Risk of not obtaining potential income sources.

Highlighted in yellow is "Fees and charges may need to be set at significantly increased rates, reducing service demand."

I read this 2 ways, firstly does it mean set the fees deliberately higher in order to reduce demand, eg fewer car parks required, or does it mean that if the rates are significantly increased demand may fall and with it overall income such as car park income?

Response:

The latter interpretation is the correct one.

So, what is an effective fees and charges scheme as listed under the control measures?

Response:

An effective overall scheme is one that seeks to reflect demand, affordability and the overall strategic objectives of the Council. Not an exact science and officers will weigh-up many different elements.

Risk 1 Fit for the Future, page 14,

I note that the new addition is "Change Programme is being developed for future Cabinet/Council sign-off." Is it possible, please, to have a rough outline of what this entails?

Response:

This will be a programme of work that seeks to address the significant financial challenge the Council faces whilst trying to maintain the breadth and depth of its services. Early indications suggest that the programme will need to touch all aspects of the organisation.

Risk 5 Risk of staff not being developed effectively, page 15

Under possible consequences is listed "Disruption to Council services – staff cannot undertake level or volume of work to meet all priorities."

As noted in Risk 2 this has already happened. Can you briefly explain how will the addition of "New LMS system to support workflows and reporting" improve the situation?

Response:

Some context on this one is that prior to the LMS system being introduced, Managers only had access to review training data or approve training courses through a 'manual system' of asking HR for the information.

The LMS system will now enable managers to review and access data more quickly and efficiently. New starters are booked on waitlists and this is also processed through the system for automatic updates.

We have since decided that this should not link directly to the 'Disruption of Council services' but about how the improvement in our systems of accessing Learning and Development and how we monitor this will improve when the risk is around 'staff not being developed effectively'.

It may be that we need to review the words 'level'/'volume' and change to 'staff are not skilled to meet all the priorities'.

Risk 15 Risk of a major incident not responded to effectively, page 19

Under Risk mitigation is listed "Additional expert resource acquired to support the organisation through alignment process in preparation for games delivery and its implications on emergency preparedness. (HoSCLE)" Was this a permanent appointment or just temporary for the Commonwealth Games?

Response:

The extra resource was contracted for the games 6 months before and the 6 months afterwards. This allowed us to prepare for the games and then catch up with the workload which was put on hold due to the games.

Questions from Councillor R Dickson:

Whilst accepting the opening statement of paragraph 1.6, can you please advise for:

- 1) Risk 3 - given the challenges facing the economy at the moment, is there not a case for increasing the likelihood of a major contractor failing or withdrawing from a contract?

Response:

Officers have received no indication that this is the case. Should the "market feeling" alter then of course this will be reviewed

For the two major capital projects in Kenilworth what risk mitigation measures exist against the risk of corporate failure? What was learned from the failure of Carillion four years ago?

Response:

The procurement process required a comprehensive assessment of the financial health of the company. The Carillion episode demonstrates that this can never be 100% fool proof but all reasonable steps have been taken. Should there be corporate failure then the Council will need to consider its options dependent upon when the failure occurred.

2) Risk 12 - security of information systems is a major risk facing any complex organisation. What cybersecurity lessons have been learned from the recent problems experienced by Gloucester City Council and the Irish HSE that suggest that both the likelihood and impact assessment should be higher?

Response:

Whenever another organisation is unfortunate enough to suffer from an attack, we always try to learn from their experiences to improve our own cyber posture. In addition to the cyber entry within the Significant Business Risk Register, ICT also maintains a dedicated profile for Cyber Risks as part of our security operations and we try to focus our activities in areas that will have the biggest impact.

The Council engages with the NCSC, LGA and DLUHC's cyber teams on a regular basis in addition to our commercial partners. In the recent years there have been a number of cyber-attacks that have hit public sector organisations; the Irish HSE, Gloucester City Council, Redcar and Cleveland and Hackney are some of the more widely known examples where services have been disrupted – not to mention the WannaCry attacks of 2017 that crippled the NHS. Generally, when a successful attack happens, these teams will publish as much information as possible and where we see vulnerabilities in these attacks that could affect us, we try to make changes wherever practically possible. For virtually all past incidents, lessons have been learned that form controls on many of our risks and where appropriate, they are also recorded as actions.

WannaCry for example highlighted the importance of software updates, Redcar and Cleveland brought home the importance of having reliable, immutable backups, and Irish HSE highlighted the ongoing and serious battle against malicious email – which remains the most common attack vector.

ICT do recognise the significant impact a cyberattack would have on the organisation and we're investing as much as we can to improve our stance. We recently undertook our annual penetration testing exercise for example, where an ethical hacker attempted to compromise our systems both from within the Council and from outside. The results of this exercise are now being looked at to implement the recommendations. We've also engaged with the DLUHC's cyber team who recently awarded us a grant of £100,000 to improve some aspects of our cyber delivery. We're looking internally at how we can bolster our core security operations, without unnecessarily inconveniencing users and we're actively investing in the training of our staff; two of our team members are currently undertaking cyber security degrees provided through the apprenticeship leavy.

We will continue to invest our time and resource in ensuring that the Council is protected from cyberattacks, using all of the tools, knowledge and resources available to us, including the lessons learned from other organisations.

## **7. Future Delivery of the Domestic Pest Control Service**

(Report author(s): Marianne Rolfe – Head of Safer Communities, Leisure and Environment)

### Question from Green Group:

Thank you for this comprehensive and well assessed paper. The new waste collection system has led to some instances of infestation caused by mixed waste in the wrong bins and attacks by vermin in poorly secured food caddies.

Can the new advisory service be very engaged and proactive in giving preventative advice and education on how to avoid rat infestations in the first place?

### **Response:**

The service already provided proactive advice regard to preventing infestations in partnership with colleagues in other service areas. This will continue.

For example, plastic information notices, leafletting, better security of bins, and even one to one visits on proper usage, targeted for example to:

- Vulnerable households
- HMOs
- Blocks of flats

### **Response:**

SCLE are happy to assist in producing content for leaflets to support the appropriate use of food waste containers.

### Questions from Councillor Milton:

1. Can I be clear about which option is being recommended? I presume that it's the option that's examined in s7 of the report but it's not straightforward to connect these up.

Response:

The recommendation/preferred option as outlined in section 8 is that explored in section 7 of the report.

2. Has an assessment been carried out on the likely impact on our pest population by withdrawing this service? I understand the financial case but how do you think it will affect our towns and wider district?

Response:

Residents have always been able to select a pest control operator which was suitable for them. There are many services that operate in the district providing a wider range of pest treatments, with faster appointment availability.

The council has not run a full service over the last two years, prior to that the domestic pest service only covered a very limited pest range. There has not been an increase in requests for to the service during this period, or complaints regarding infestations or lack of service and there has not been an increase in enforcement activities as a result.

The examination of the impact has been considered when conducting the service review and options appraisals.

Due to the way in which the service has been delivered since 2020 we have reviewed the impact on communities and demand for service. As part of that review, we have also considered the experiences of other local authorities who have taken a similar decision with regard to their pest control services.

We have also reviewed the quantity of other operators within the district and those that are located outside of the boundary. There are sufficient services to cover any pest treatments needed. When we began the review of the pest service, we were aware that WDC domestic pest service only had a very small percentage of the market share.

3. What would be the potential cost of any enforcement activity? This is obviously a risk so some quantification would be helpful.

Response:

Any costs associated with the service of notices would be covered by existing salary budgets.

If the individual does not comply with the enforcement notice. In that case, the work in default including officer time would be recoverable from the individual landowner on whom the notice is serve.

This is the current procedure for when these notices are currently served.

## Questions from the Labour Group

Primarily, we are very disappointed to see the degradation of this service and feel it goes against the necessity to protect communities from rats and mice.

Statutory Duty under Prevention of Damage by Pests Act 1949, states  
'Take such steps as may be necessary to secure as far as possible that their district is kept free from rats and mice'

Surely a solution needs to be found.

1. We are very confused as to the wording on 1.11 and 1.12. can you give more clarity on this? In 1.12, is the fall in requests numbers leading to these strange statistics?

### Response:

1.11 refers to the percentage number of calls which move forward to a treatment visit. There is a reduction in the percentage of treatments from requests however, given that there are less staff resources, therefore waiting times for visits have increased, that the service has prioritised the types of pests being delivered in order to fit the resources available.

1.12 demonstrates based on the current number of enquires, treatments and existing conversion between the two, if the council was to set full cost recovery fees, what the council would need to charge in order to provide a cost neutral service.

2. In Table 1, how can the dramatic fall in numbers of calls concerning Rats and Mice be explained?

2019-896  
2020-640  
2021-566  
2022-41



As Councillors we have listened to increasing and numerous serious Rat infestations in Clarendon Ward alone. This sudden drop seems confusing. There are Rats often visible during daytime in some areas. This needs a more intense approach and wide treatment area.

Response:

Pre 2020, the council had an inflated number of service requests comparatively to other local authorities providing a pest service due to the free services provided. This service was used by residents no matter whether they could afford to pay for a treatment or not. As the council treat its own assets through a private contractor those who could most afford to pay for a service were gaining the greatest advantage.

As the council had only a small market share to begin, with the reduction in service availability and the introduction of fees for treatments, it is possible that the majority of residents have chosen to use other private pest control services.

All reported of rodent activity in the community have been investigated and are included in the numbers listed (with the exception of any statutory public health pest related to council owned land and assets as these treatments are not provided by the domestic pest control service)

3. There is no mention of joint work with Severn Trent? Is this still likely to happen?

Response:

We will continue to work with asset owners to ensure that they appropriately maintain their land (or in the case of Severn Trent, their sewers) free of rodents.

4. What are the arrangements for Pest Control in WDC owned property? How many treatments has the Town Hall had since 2019, at what cost?

Response:

The council will continue to manage their land for Statutory public health pests. They will continue to be treated by the procured contractors as per the current arrangements for those properties. This report has no impact on those services.

For other pests the residents are free to choose any pest contractor which best suits their needs as they always have.

The Town hall is covered by a full pest contract with a private contractor as required by insurance. This contract will continue unaffected by the recommendations of this report.

The following was provided by the Arts and Culture Team. The contract for the town hall is now £523.07+VAT per year. This includes 6 service visits per year at 2 monthly intervals. Anything required above the standard contract is charged at approximately £100 per ad hoc call-out when we have a pest issue. We have only called them out once this year.