

Overview & Scrutiny Committee

Monday, 26th November, 2012

6.00 - 8.00 pm

Attendees	
Councillors:	Duncan Smith (Chair), Klara Sudbury (Vice-Chair), Nigel Britter, Barbara Driver, Colin Hay, Helena McCloskey, Ian Bickerton, Andrew Wall and Jo Teakle
Also in attendance:	Councillor Penny Hall, Councillor Anne Regan, Andrew North, Councillor Jon Walklett, Councillor Andrew Chard and Councillor Diggory Seacome

Minutes

1. APOLOGIES

None received.

2. DECLARATIONS OF INTEREST

None.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on the 10th of October 2012 were agreed as a correct record.

4. PUBLIC QUESTIONS, CALLS FOR ACTIONS AND PETITIONS

None.

**5. MATTERS REFERRED TO COMMITTEE - ICT UPDATE
ICT SECURITY AND OPERATIONAL ACTIVITY RELATING TO VIRUS
INFECTION**

A briefing note had been circulated to all Members on 23 November 2012 to keep them informed of matters relating to the virus infection of key ICT Systems and what had been done to prevent its spread and to restore service. Mark Sheldon, Director Resources and Paul Woolcock, ICT Infrastructure Manager were in attendance at the meeting to answer any questions from the committee.

Following an introduction from the Director Resources, Members made the following comments and asked a number of questions:

- When systems go down there was an issue about how contact was made with Members and remote workers and perhaps there needed to be a system of alternative e-mails, possibly working collaboratively with other authorities to send messages out. The loss of the computer-based telephone system at the same time as losing systems needs to be looked at for the future. Availability of remote access over the weekend is critical to Members but if the system is down on Friday afternoon it is typically not restored until Monday morning. More consideration needs to be given to weekend recovery.
- Members were concerned about the loss of moowa which had provided a convenient method of accessing outlook over the web which they could do from their place of work at lunchtime or on their county council laptop. Members highlighted that they would not be able to load Citrix or any other software onto a work machine or county council laptop which they did not administer. They requested a definitive decision on the future of moowa as Citrix was not necessarily a suitable solution unless Members were sitting at home working on their own PC or Council laptop.
- How often does the council review its antivirus software and are we using the latest products? Was there going to be an immediate review to assess whether the antivirus software being used by the council and its GO partners was fit for purpose?
- What was the nature of the virus and if it was a known virus, why was its signature not picked up by the council's antivirus software?
- If the virus did come in from a desktop system, what implications does this have for the training that had been given to staff and Members on data security?
- Was the risk of a computer virus infection now on the corporate risk register?
- In his introduction, the Director Resources said that there was no financial cost incurred as a result of the virus. If staff had been working weekends how was this the case?
- What was the knock-on impact on future ICT budgets of any new software that may have to be put in place to safeguard systems for the future?
- Has there been any reputational damage to the relationship with our partners?
- Is there any redress against the company who has provided us with antivirus software?

In response, the ICT Manager responded that there were no current plans to restore moowa and Citrix was the preferred route. ICT did review their antivirus software and in future this would be done on a more regular basis. However he did acknowledge that a number of client machines had not been receiving any regular updates of antivirus software. This was now being rectified and future training for staff, Members and partners would also be considered as part of the review of this issue. ICT had been careful to align the products used with those of other partners in order that expertise could be shared across councils.

The Director Resources reaffirmed that any out of hours work would be covered under existing budgets with staff potentially taking time off in lieu. The investment strategy for ICT would be going to Cabinet in December and this

would be updated as necessary to incorporate any recommendations as a result of this virus incident. He did not feel there had been any reputational damage as far as our partners were concerned. GO partners had been very supportive and understanding and ICT had taken steps to restore their systems as quickly as possible. Any redress against the suppliers of antivirus software was unlikely.

The Director Resources advised the committee that he had already initiated a review of the virus situation in ICT to be undertaken by Internal Audit. This review was already in progress and he expected it to be in a position to report in the next few weeks. The review would assess the nature of the virus and make recommendations on any change to business practices as a result of the virus outbreak. It had also been recorded on the risk register.

In the meantime he had suggested that the committee consider re-forming the ICT scrutiny task group and he circulated these suggested terms of reference:

1. To consider any recommendations following the Internal Audit report in respect of ICT security and Data protection.
2. To ensure that the proposed Infrastructure Investment Strategy (to be agreed by Cabinet in December 2012) addresses specific recommendations identified by the Internal Audit report in respect of antivirus protection.
3. To consider any recommendations from the internal audit report relating to current practices around secure ICT access for staff and Members.

Resolved that the terms of reference for the ICT scrutiny task group be agreed and they meet prior to Cabinet in December 2012 to review the proposed infrastructure investment strategy.

6. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED

Councillor McCloskey reported on two meetings she had attended earlier that day. Firstly the County Community Safety Overview and Scrutiny Committee. The committee had received an update on the floods and how the emergency services were dealing with the situation. In the afternoon she had attended a meeting of the new Police and Crime Panel. The panel had now completed their induction and the newly elected Police and Crime Commissioner attended their meeting and outlined his plans and approach to his new role.

7. UPDATE ON ELECTIONS

The Chief Executive and the Returning Officer, Andrew North, gave members a verbal update on the recent Police and Crime Commissioner elections. He explained how the recommendations from the report of the investigating officer on the Warden Hill elections, reviewed by this committee on 16 July 2012, had been implemented.

Overall the elections process had been very successful. The only difficulty identified was that due to the ICT problems the elections staff had only been able to check 88% of postal ballots rather than their usual target of 100%. However this was well within the legal requirement of 20%. Backup

arrangements for communications with Stroud also had to be implemented so that Cheltenham totals could be advised.

There had been four training sessions for staff involved in the elections, two during the daytime and two in the evening to facilitate attendance. Attendance had been made compulsory and any staff not attending would be disqualified from election duties. He personally had attended two of the training sessions and he confirmed that they contained practical demonstrations which were very effective and encouraged debate and there had been a quiz at the end of the session to check learning. All staff had been given a hard copy of the presentation used during the training and had been given access to the guidance documents produced by the Electoral Commission. There had been one-to-one sessions with new presiding officers and new poll clerks had been placed with more experienced poll clerks on the day. The role of the Inspector had been clarified and on visiting polling stations they had requested staff to talk through the process they were operating.

Regarding the final recommendation in the report of the investigating officer, the Electoral Commission had been contacted and the suggested change to the guidance notes had been made.

This committee had requested a further recommendation which was that a register of significant queries should be maintained at each polling station. This had been done and a number of queries had been recorded although they were more about the public questioning the need for a Police and Crime Commissioner or the lack of information on candidates rather than any queries about the election process being operated at the polling station.

In conclusion, he could confirm to members that all the recommendations in the investigating officer's report had been implemented and would continue to be addressed in all future elections.

The chair thanked the Chief Executive for this update.

8. UPDATES FROM SCRUTINY TASK GROUPS

The chair referred to the update which had been circulated and the Democratic Services Manager talked through the significant points.

Regarding the budget scrutiny working group, the chair of the group, Councillor Andrew Wall, informed the committee that the working group had been presented with draft budget papers for 2013/14 at their meeting in October. As a group they had felt that this was too late in the budget cycle for them to influence the budget in any way and therefore they had agreed that the focus should be on planning for next year's budget cycle. With this approach they would not be in a position to make recommendations to the O&S committee on the 2013/14 budget at their meeting on 10 January 2013. In response to a question he confirmed that they would be reviewing their timetable for the coming year to ensure that they would be in a position to make recommendations in future years.

After further discussion, the committee decided that the budget was a very important issue for scrutiny and therefore they requested a presentation at their

meeting on 10 January with an opportunity to ask questions of officers and the Cabinet Member Finance.

Regarding the JCS and Planning Liaison scrutiny task group, it was noted that a special meeting of this committee or its subcommittee may be required in mid-January to review the recommendations from this task group before they are forwarded to the joint member steering group.

Councillor Sudbury referred to the task group update which advised that herself and Councillor Chard had stepped down from this group. She wished it to be noted that this was in no way due to a lack of interest but they had taken this action in order to ensure that the membership of the task group had credibility in terms of its balance.

Regarding the Events scrutiny task group, the committee recalled that they had considered this at the last meeting and given clear steer on what further work needed to be done. Councillor Penny Hall, as chair of the working group, advised that the task group had taken their advice on board and as a result they were nearing completion and were in fact meeting after this meeting to finalise the report. In view of this, the committee agreed that the task group should report to Council in December to seek views from all members on their recommendations. The report would then be endorsed by this committee in January before being forwarded to Cabinet later in the month. The Democratic Services Manager agreed to consider how this report would be presented at Council and liaise with the Mayor.

9. REPORT OF THE SCRUTINY TASK GROUP - COMMUNITY GOVERNANCE REVIEW

The Strategy and Engagement Manager introduced the report of the scrutiny task group on the community governance review. Helen Down, as Participation and Engagement Team Leader and author of the report, invited comments from the committee on any aspects of the recommendations.

Councillor Driver, as a member of the working group, commended Helen Down for the work she had done in getting the review to this stage. It had been a difficult process and had felt somewhat chaotic at times with all members of the group wanting to voice their strong opinions.

In the discussion that followed, members raised a number of concerns about the outcomes set out in the report.

- It was very clear that the parish councils were keen to extend their boundaries but Scrutiny members were unsure of the logic behind some of the proposals being made. Members made particular reference to Battledown and Charlton Kings and the old GCHQ site at Oakley where a small number of households would be asked about a large area of land.
- Members felt that The Reddings was a very distinct community and had no real links with Up Hatherley due to the railway line, yet it was suggested that it could be incorporated into that parish council's area. Councillor Britter as the ward councillor for that area, had feedback from his residents that there was no interest in being parished. There was

reference that it had previously been a parished area but this was over 30 years ago and the area now consisted of many new houses.

- Advice was sought about the optimum size for a parish council as the recommendations would result in very differing population sizes and could increase significantly with any major developments in those areas.
- There were concerns about the consultation and the fairness if only a small number of people responded. A period of three weeks was too short and some felt the consultation could be much wider across the town, though this would cost more.
- There was concern that if the consultation was done on a household basis, as proposed, individual electors would not have a vote.
- There was concern about the cost of the consultation which was being borne by the borough council.
- Councillor Teakle mentioned an informal survey that she had been part of that suggested that there was a general perception that currently people preferred the status quo i.e. to remain a part of a parished area if they were in one and not to be parished if they were not already.
- There are a number of important changes coming up which could have a major influence including neighbourhood plans, major developments and how would these be taken into account?
- The parish council boundaries should be linked as far as possible to ward boundaries.
- Councillor Sudbury, as a former member of the task group, had found it a difficult experience. She felt very strongly that the starting point for any review should be based on community identity so that people can feel part of a community and focus on the issues that are important to them. This review had only done half a job and it was important that it should be done properly if at all. She felt in particular that residents within the existing parish council boundaries should also be consulted.
- Councillor Regan, invited to speak by the chair, gave her personal view and not as a member of the Leckhampton with Warden Hill parish council. She felt the review was totally unnecessary and felt that the proposed resulting increases to the population in her parish council did not make sense. The consultation should not be undertaken unless absolutely essential.

The Chief Executive advised that although the costs of the consultation were detailed in the report, there would be additional resource implications for the Strategy and Engagement team in supporting the consultation and the analysis of any results. He suggested that the challenge for this committee was to consider whether this was a good exercise in democracy versus the need to be prudent in the current budget constraints.

The Director Commissioning informed members that it was considered good practice to conduct a review every 10 to 15 years and the last review in Cheltenham was carried out in 2002. This particular review had been requested by three of our parish councils to look at some changes to their current boundaries. The timescales for the review had been set in order to have any changes in place for the 2014 elections. However given the concerns raised this evening, members may wish to recommend that the review is stopped at this point and re-instigated in time for the 2018 elections. By then there would be a clearer view on potential growth in the town and the impact of neighbourhood

plans. She advised that the review was the responsibility of the borough council and although she had initially asked the parish councils as to whether they would be able to commit any resources to the review, they had only contributed time and not financial resources.

The Strategy and Engagement Manager highlighted the work that officers had put into this review and expressed his disappointment that the review had reached this stage before these concerns were aired. He emphasised that officers had tried hard to engage elected borough council members in the work of the scrutiny task group and he commended Councillor Driver for her persistence in supporting the review. The committee acknowledged the work of officers.

Resolved that:

- 1. The committee do not support the recommendations in the report**
- 2. The review should be deferred to a later date when any recommendations can be implemented for the 2018 elections**
- 3. The scope of the review should be reviewed at that time taking into account the views expressed at this meeting**

10. REPORT OF THE SCRUTINY TASK GROUP - GRASS VERGES

The chair of the scrutiny task group introduced their final report on grass verges. In her introduction, she thanked officers, members of the working group and the county council for all their contributions. In particular she thanked John Rees, Ubico Ltd - Environmental maintenance manager and Tony McNamara, CBC Community parks development officer for their input and they were in attendance at this meeting to answer any questions. She added that the Cabinet Member Sustainability had been engaged in the review. She highlighted the recommendation regarding information on the website which she felt was critical to the overall success of the improvements being put forward. She asked the committee to consider whether they now want to these recommendations to go directly to Cabinet or whether they wished them to have a wider debate in Council.

In the discussion that followed members commended the task group for engaging the county council in the review and on an excellent report. They were concerned that the bye laws regarding parking on the grass verges could not be enforced as this was a frequent source of complaints from residents. They would welcome any action that could be taken on this.

There was some discussion about biodiversity. The chair of the working group assured members that there were no cost savings associated with wild flower borders and they would not be positioned so as to block views from private driveways. The suggestion to seek sponsorship for wild flower borders was noted.

In response to a question from a member, officers confirmed that typically two cuts would be missed whilst waiting for bulb foliage to die down and the next cut would then be timed for May or early June.

Regarding the practice referred to in 4.4 of blowing the cut grass off the pavements and back onto the verges, a member suggested that a more

sensible practice would be for someone to follow on with a brush and spade and a black plastic bin liner and gather up the cuttings for composting. Officers advised that this would be very costly and impractical in view of extent of the verges being considered. Their priority must be to ensure the pavements are clear and the council would not be liable for injuries to persons from slipping on the cuttings.

The chair thanked the task group for an excellent piece of work.

Resolved that the recommendations of the scrutiny task group on grass verges be endorsed and forwarded to Cabinet in December.

11. REVIEW OF SCRUTINY WORKPLAN

The workplan was noted and it was agreed that follow-up of recommendations would be included.

The internal audit report on the ICT virus problem would also be added to the workplan.

Councillor Driver suggested a review should be carried out of small pockets in the town which may suffer from deprivation but may not get the consideration that the more obvious deprived areas get.

Councillor Smith suggested that a review could be carried out of the joint services with One Legal and the Chief Executive suggested that it may be worth looking at Building Control as this also a shared service with Tewkesbury Borough Council which was set up at the same time as One Legal,

12. DATE OF NEXT MEETING

Thursday 10 January at 6 p.m.

Duncan Smith
Chairman