

Council

Monday, 7th October, 2013

2.30 - 4.43 pm

Attendees	
Councillors:	Wendy Flynn (Chair), Colin Hay, Andrew Chard, Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Barbara Driver, Bernard Fisher, Jacky Fletcher, Rob Garnham, Les Godwin, Penny Hall, Rowena Hay, Peter Jeffries, Steve Jordan, Paul Massey, Helena McCloskey, Andrew McKinlay, Paul McLain, John Rawson, Anne Regan, Rob Reid, Chris Ryder, Diggory Seacome, Duncan Smith, Klara Sudbury, Pat Thornton, Jon Walklett, Simon Wheeler (Vice-Chair), Roger Whyborn and Suzanne Williams

Minutes

1. APOLOGIES

Apologies had been received from Councillors Harman, Hibbert, Holliday, Lansley, Stennett, Stewart and Wall.

2. DECLARATIONS OF INTEREST

Councillors C Hay, Driver, Smith and Williams declared a personal and prejudicial interest in Agenda item 13 as CBH Board members.

Councillor Massey declared a personal interest in agenda item 14 as a member of the CESG Listed Advisor Scheme'

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 5 September 2013 were approved and signed as a correct record.

4. COMMUNICATIONS BY THE MAYOR

The Mayor informed members that she had attended the opening of the refurbished gym at Leisure@. She then informed Members that she had attended the launch of the new Art Gallery and Museum "The Wilson" and paid tribute to the hard work of Jane Lilystone, the Museum and Arts Manager and Councillor Rowena Hay, Cabinet Member Sport and Culture. This was now a very impressive art gallery and museum and something which Cheltenham should be proud of. The Wilson had received 1600 visitors on Saturday with 500 coming through its doors on both Sunday and Monday. The Heritage Lottery Fund had thanked the Council for its excellent bid and its spectacular building. The Chair of the Arts Council for England had also been very impressed with the Wilson. This was positive news for the town.

Later in the Council proceedings the Mayor asked Councillors to stand for a moments silence in memory of Honorary Alderman Les Freeman who had recently passed away.

5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader of the Council reiterated the thanks already expressed to those who had contributed to “The Wilson” which was a great asset to the town.

Members were informed that the Leisure and Culture Trust was now looking for 11 trustees, 2 of which would be members of council. A no obligation drop-in session would take place on 16 October for those interested to obtain further information.

The Leader paid tribute to the excellent floral displays in the town this year.

Reference was made to the LGA’s “Rewiring Public Services” document and members were informed that the LGA would be hosting a seminar on this on 12 November in Taunton. He would be sending the invitation to the event to group leaders. He believed an all party approach to this was essential as it concerned local government’s response to central government with regard to the local government finance settlement.

The Leader also referred to a recent erroneous article in the Echo stating that the Police would be having a presence in the Municipal Offices on the Promenade. The council had received an apology from the Police & Crime Commissioner as this was not the case. The Council was keen to work with the police on accommodation but consideration would need to be given with regards to timing and location issues.

The Leader reported that the council had received an unqualified opinion for the Statement of Accounts and the Audit Committee had complimented the GO partnership for the work it had done on its behalf.

6. PUBLIC QUESTIONS

None received.

7. MEMBER QUESTIONS

1.	Question from Councillor Jacky Fletcher to the Leader of the Council, Councillor Steve Jordan
	In an article to do with Council IT, Councillor Simon Wheeler was quoted recently in the Echo as saying, <i>“But some of the more elderly councillors may struggle with the new technology. There will be one or two members who won't be able to get their head around it. They struggle with modern technology,”</i> In my view this is insulting to senior councillors who have served this council for many years and do try and understand IT. Does the Leader agree with Councillor Wheeler's offensive remarks and will he apologise on his behalf?
	Response from Councillor Jordan
	I would caution Cllr Fletcher against believing everything she reads in the press, but assume she feels the comments quoted in the article refer to her. If any other councillors feel the comments apply to them please let me know and I'm sure Cllr Wheeler will be happy to discuss it with them.

	<p>In a supplementary question Cllr Fletcher asked whether the Deputy Mayor would retract his remarks and asked why it had not been rebutted in the press if it was not factually correct.</p> <p>In response the Leader of the Council said it was not necessarily factually inaccurate but suggested that the Councillor concerned spoke directly to the Deputy Mayor.</p>
2.	Question from Councillor Rob Garnham to Cabinet Member Corporate Services, Councillor Jon Walklett
	<p>We have recently had two IT failures caused by equipment in the Server Room switching itself off at night due to overheating when the air conditioning failed. The system was subsequently not available until staff came into work the following morning. I understand that there is no overnight or out of hours technical service available. Could the Cabinet Member for Corporate Services explain why he has allowed this Council to get into such a state that there is no IT out of hours support available?</p>
	Response from Cabinet Member
	<p>To my knowledge, the council has never had formal out of hours cover for ICT. However, staff have responded to issues out of hours when problems have been identified and contact has been made with one of the ICT team. The need for a more formal out of hours cover was identified by both staff and officers recently, partially as a result of the increasing number of system failures resulting from the lack of investment in ICT over very many years and this is now being addressed.</p> <p>The terms and conditions for staff employed by Cheltenham Borough Council were such that finding a workable solution which recompensed staff appropriately would have had significant cost implications across the council as a result of single status. The use of a private contractor would also add cost for a very limited service.</p> <p>However, now that staff have transferred to the Forest of Dean District council and the shared service is undergoing a restructure, we have an opportunity to address this issue without significant cost. In addition, FOD use software which will be applied to upgraded infrastructure at Cheltenham which alerts staff if systems and infrastructure fail. This is about to be applied to the new citrix infrastructure.</p> <p>In a supplementary question Cllr Garnham asked when councillors could expect a fully compliant, robust IT system in place.</p> <p>In response the Cabinet Member Corporate Services said there were no specific dates but explained that when Council had approved the Forest of Dean and CBC shared service in February 2013 it had also agreed to a 2-3 year infrastructure investment project. It was acknowledged that there had been some hiccups and hurdles to overcome during the initial implementation period. Staffing remained an issue as did the heavy workload for IT management. The ICT service desk responses were good and improving. The infrastructure issues affecting the delivery of Citrix were now a priority in conjunction with the roll out of wifi and ipads. He reiterated his offer to make a regular statement at Council on progress.</p>

3.	Question from Councillor Barbara Driver to Cabinet Member Corporate Services, Councillor Jon Walklett
	<p>Can the Cabinet Member for Corporate Services please tell me what has happened to the scrutiny task group set up to look into Town Centre Deprivation.</p> <p>It had to be explained to one Cabinet member at the first meeting this is an O&S working group not a Cabinet Member working group. Then the last meeting was hijacked by another Cabinet Member who asked to be there as an observer.</p>
	Response from Councillor Walklett
	<p>I personally am unaware of any problems or issues connected with the Town Centre Deprivation scrutiny task force and I would suggest to Councillor Driver that she should initially inform her colleague Cllr Duncan Smith in his role as Chairman of Overview and Scrutiny of any such connected concerns.</p> <p>I have been present at all meetings held by this particular task group as an observer and have been very pleased to note that CBC officers summoned to meetings have been well prepared with relevant data covering the geographical areas covered by the Town Centre remit. I believe officers comprehensive knowledge of the part of St Paul's ward included is largely due to that wards local councillors efforts in campaigning for increased monitoring of multi occupancy housing. Certainly my observer status allows me to voice an opinion when sought by members and / or officers at the meetings and I believe the published minutes of the Town Centre Deprivation task force reflect that fact.</p> <p>In a supplementary question Councillor Driver asked why the correct map featuring St Pauls was only passed to officers at the end of the meeting and why the Cabinet Member had held two meetings prior to the task group meeting.</p> <p>In response the Cabinet Member Corporate Services explained that the correct map did appear at the end of the meeting but he had held no discussions prior to this meeting with the planning department. He maintained observer status at this meeting and had not added to the agenda in any way. He suggested that Councillor Driver take up this issue directly with the officers concerned.</p>
4.	Question from Councillor Chard to Cabinet Member Sustainability, Councillor Roger Whyborn
	Can the Cabinet Member for Sustainability tell this Council how much progress he has made regarding each of the 7 recommendations agreed by Ubico Scrutiny Task Group that reported back to Scrutiny in March of this year and to Cabinet in April this year?
	Response from Councillor Whyborn
	<p><i>1. Review decision not to nominate any borough councillors to the [Ubico] Board...</i></p> <p>This matter remains under review.</p>

	<p><i>2. Review the customer service arrangements at an appropriate time ... and consider whether delivery of this service should return to the depot.</i></p> <p>A comprehensive review of customer service arrangements has taken place, including bad weather arrangements. A systems thinking review has been undertaken looking at the processes within both CBC and Ubico and this is expected to yield improvements. However no advantage can be demonstrated from moving the call centre back into Ubico at the depot.</p> <p><i>3. Review internal and external communication strategies.....</i></p> <p>The review referred to above includes communications. Ubico have also looked at the way in which they communicate with their own teams.</p> <p><i>4. Review the emptying frequency timetable for the bring site facilities.....</i></p> <p>So far only minor changes have been identified as necessary, pending other work streams which are now complete. I can report on this subject in more detail if required.</p> <p><i>5. Consider the adoption of waste and recycling literature (bin tags) which include information including collection dates, bin information and key messages</i></p> <p>This was reviewed but it was considered that this was a not a cost effective means of getting messages to the public. Instead there will be more targeted communications for those who are not recycling.</p> <p><i>6. At the end of the season (April 2013) assess the overall impact of the decision by the senior football league to cease coordination of their sports pitch bookings and if this has had a largely negative impact on resources within the customer services team ask the senior football league to reconsider their decision.....</i></p> <p>The problem which had been highlighted during the review has now been addressed and the processes for pitch bookings has been improved.</p> <p><i>7. Consider providing additional marketing resource on an invest to save basis for the promotion of the trade waste service.....</i></p> <p>An evaluation has been completed, with a recommendation based on modest growth to the service, with appropriate marketing investment. This was brought to the Cabinet member working group on Waste on 28th Sept. and will be further evaluated by cabinet.</p> <p>In a supplementary question Councillor Chard asked whether the Cabinet Member intended to publish the review and whether all members would receive it. In response the Cabinet Member said that some of the work was ongoing but a report could be produced.</p>
5.	Question from Councillor Chard to the Leader, Councillor Steve Jordan
	Can the Leader of the Council please reassure me that members of his

	group do not discuss as a group planning applications prior to meetings of the Planning Committee and, like the Conservative members of that committee, that there is no 'agreed' line on any applications of any nature at Planning Committee.
	Response from Councillor Steve Jordan
	Yes I can.
6.	Question from Councillor Ryder to Cabinet Member Corporate Services Councillor Jon Walklett
	<p>As a councillor it is important that not only do we serve the public but we can be seen to be serving the public. Previously when I was here as a councillor, residents could see the questions and comments I was making on their behalf, as my name would be mentioned in the minutes of Council and the various committees I served on. Now that I have returned, I note that is no longer happening, especially during debates and the time at Council set aside for questions.</p> <p>Can I ask the Cabinet Member if they will review the current practice of minute taking so that, as happens with Planning Committee, all councillors are named in the minutes.</p>
	Response from Councillor Walklett
	<p>Currently I believe the minutes to be in accordance with best practice, in that the purpose of the minutes is to provide context for the decisions that are taken and which enable the reader to understand the discussion which was related to that decision.</p> <p>The published guidance on this matter confirms:-</p> <ul style="list-style-type: none"> a) to establish an accurate record of the decisions taken; b) to comply with legal requirements; and where minutes are used as the vehicle to bring committee proposals before the full assembly, the need also: <ul style="list-style-type: none"> c1) to ensure that the record is sufficiently self-explanatory to enable the council to make a decision in full possession of the relevant facts; c2) to provide adequate information about the authority's business for press and public." <p>The same guidance Law & Practice of Local Authority Meetings by Raymond Knowles also suggests that the "minutes should record the tenor of the discussion on a particular item of business but not attribute views to individual members." Instead it is suggested to use words like "the following points were raised in discussion" and then list them.</p> <p>In a supplementary question Councillor Ryder asked whether OneLegal could look into this further and she looked forward to a valid reply in due course.</p>

	In response the Cabinet Member Corporate Services clarified that there had been legal input into the written answer. He suggested that the way Planning Committee was minuted was very different to Cabinet and Council. He would however ask OneLegal to provide a fuller explanation to his response.
7.	Question from Councillor Regan to the Leader Councillor Steve Jordan
	What is this administration doing now to prevent 795 homes being built on Greenbelt land on the Up Hatherley Way" ?
	Response from Cabinet Member
	<p>We are encouraging everyone to take part in the planned consultation of the proposals in the Joint Core Strategy starting on 15th October. The site mentioned by Cllr Regan is currently included as a potential development site in order to meet the assessed need for housing across the JCS area. We will ensure that the method of calculating the assessed need is reviewed to make it is as accurate as possible and that the data used is kept up to date. By the final version of the JCS we will work to ensure that the housing numbers allocated for Cheltenham match the need rather than exceed it as in the current version.</p> <p>In a supplementary question Councillor Regan asked whether the Leader had held any meetings with Tewkesbury Borough Council since the last Council meeting in order to remove the proposed development on Greenbelt Land on Up Hatherley Way.</p> <p>In response the Leader of the Council clarified that he was not aware of any meetings taking place. He clarified that it was only when the consultation had finished that changes would be made to the proposals, not at this point.</p>
8.	Question from Councillor Seacome to the Leader, Councillor Steve Jordan
	Recently we have had meetings of Overview and Scrutiny cancelled. Earlier this year there was a proposal to cancel a full Council meeting, and it was only held after the Conservative Group demanded its reinstatement. The agenda for the meeting today has now had a major item removed which leaves us with nothing to discuss but one confidential item. How can the Leader of the Council be confident that the citizens of Cheltenham, who pay for this council, are being properly served, given the complete lack of accountability and transparency that is a reflection of the way his Party is trying to run the Council, and by extension, the town?
	Response from Councillor Jordan
	<p>Councillor Seacome should talk to Councillor Smith if he is concerned about scheduling of Overview & Scrutiny meetings, as it not something I have any control over. However, my understanding is that the 3rd October Overview & Scrutiny meeting was only scheduled if required and turned out not to be.</p> <p>Since there was a special council meeting to discuss the JCS last month</p>

	<p>and another special council meeting to discuss the Cheltenham Transport Plan next month, Cllr Seacome's claim that there is a lack of items to discuss would appear ludicrous.</p> <p>The Conservative group is of course free to use the 'Notice of Motion' item on the council agenda to discuss any issue they feel necessary. It is instructive to note that they have not put forward a single motion in the last year.</p> <p>In a supplementary question Councillor Seacome made reference to the fact that there were only 2 items on the agenda of this meeting and asked whether other decisions were being taken behind closed doors.</p> <p>In response the Leader of the Council said he failed to understand what Councillor Seacome was referring to and suggested that if he had issues then these should be raised as a notice of motion at Council.</p>
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8. PETITION RECEIVED ON THE CHELTENHAM TRANSPORT PLAN

Members noted that the discussion on the petition regarding the Cheltenham Transport Plan had been postponed to the special meeting of Council to be held on Monday 18 November at the request of the petitioners.

9. NOTICES OF MOTION

None received.

10. TO RECEIVE PETITIONS

None received.

11. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION

The Mayor informed Members that she had agreed to take an item as urgent business as it was deemed to be sufficiently significant to the Authority's operations so as to justify its consideration as an urgent item of business at the meeting. This would be discussed in exempt session as Agenda Item 14.

12. LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION RESOLVED

"That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

13. ST PAUL'S PHASE TWO

Having declared personal and prejudicial interests in this item Councillors Driver, C Hay, Smith and Williams left the room and did not participate in the debate.

The Cabinet Member Housing and Safety introduced the report and explained that this constituted the last strand of work in the St Paul's regeneration project. Prior to the construction phase commencing, this report concerned funding allocations and approval required, including loan arrangements.

In terms of overall project loan finance, CBC would apply for this via the Public Works Loan Board and then advance these funds with the appropriate agreements in place to CBH. Repayment of this finance would be met from the net rental income over the longer term.

The Cabinet Member Housing and Safety referred to concerns previously expressed by Members relating to the risk of losing the HCA grant. He reported that this risk remained until the project was complete. This was due to the fact that there was a different mechanism for paying the grant. He reassured Members that all possible factors that could result in delays had been identified and were being monitored via robust project management.

The Cabinet Member paid tribute to the hard work being undertaken by CBH officers on this project and made reference to the award CBH had received at a national housing awards ceremony. He also highlighted the fact that CBH had obtained finance of nearly £4 million in a very difficult financial climate.

In response to a question the Cabinet Member Housing and Safety clarified that the term of the loan period was 40 years.

A member paid tribute to the work CBH had done in levering in funding and suggested that CBH be involved in the JCS policy to raise more affordable housing in the town. In response the Cabinet Member Housing and Safety explained that CBH was currently looking at its whole strategy to add to its housing stock.

RESOLVED THAT

- 1. The use of £100,000 from usable capital receipts arising from HRA asset disposals that the Council has previously resolved to apply to the provision of affordable housing be approved. This subsidy is to be used to support the affordable housing build element of the St Paul's Phase two development**
- 2. The Authority sourcing loan finance of up to £2.3m from the Public Works Loan Board be approved and that the sums be advanced to CBH to be used for the construction of the affordable housing units to be comprised within the St Paul's phase two development. And that a payment guarantee be authorised to the contractor in respect of the building contract.**
- 3. A loan agreement be entered into with CBH to a maximum of**

£2.3m, repayable from the net rental stream from the affordable housing properties

- 4. The use of an additional £50,000 be approved from usable capital receipts arising from HRA asset disposals that the Council has previously resolved to apply to the provision of affordable housing for the site assembly, thus increasing the associated budget from £450,000 to £500,000**
- 5. Authority be delegated to the Director of Resources in consultation with the Borough Solicitor to agree the terms of the loan agreement between the Council and CBH and financial contractual agreements between the Council, CBH and the contractor.**

14. ICT NETWORK ISSUE

The Mayor confirmed to Members that she was of the opinion that the ICT network issue relating to the council's PSN submission was sufficiently significant to the authority's operations so as to justify its consideration as an urgent item of business at the meeting. It was agreed that Members could speak more than once in the debate.

The Cabinet Member Corporate Services introduced the report and updated Members on the current position regarding PSN compliance. He explained that an extensive note had been separately issued which alerted public sector organisations to resourcing issues in the Cabinet Office. This note referred to 300+ organisations which needed extensive support to achieve compliance and that there was no immediate risk to suspension of PSN where there was genuine appetite and realistic plans to achieve compliance.

The Cabinet Member then highlighted the following:

- Access to the PSN allowed emails to be received and transmitted via the Government Connect Secure Extranet (GCSX). It was a requirement of the government that access should only be allowed if users completed an annual compliance assessment
- The PSN rules required users to be compliant with a range of standards and criteria, when they are, they can use the GCSX to send and receive emails within an encrypted framework.
- The authority had been using GCSX as a method to transfer restricted data electronically since April 2009 and completed two previous assessments without issue.
- ICT Shared Service had been working on the current compliance submission and associated infrastructure work since April of this year with the compliance team for the Cabinet Office. Despite this, the Cabinet Office still issued formal warning letters to remind councils of deadlines.
- The management of the PSN compliance process and evidential requirements have changed substantially since last year which meant that the council had to provide significantly more evidence that the same ICT infrastructure, which had previously complied, still complied.

- The goalposts were moving on a continual basis with new guidance being provided on unmanaged end point devices as late as August 2013 which ICT responded to by amending its processes and guidance to remote workers connecting in to the council.
- He explained that this had therefore been a challenging process and had highlighted some key concerns for both officers and members and that there was a need to ensure that there was earlier engagement with the compliance team to address issues well ahead of the deadlines. He was confident that the new ICT shared service would ensure this happened.
- The Cabinet Member noted that that this had been a particularly challenging year for the ICT team and the more complex and stringent process had been adhered to despite dealing with a significant number of other pressures including the creation of the ICT shared service, a virus, the failure of some key infrastructure and systems due to age and lack of investment. In addition the team had created reciprocal disaster recovery arrangements in the Forest of Dean and had supported some major projects including significant ICT input into the newly opened Art Gallery and Museum as well as commencing the infrastructure upgrade which would deliver a stable citrix environment, wifi for councillors and support for the ipad trials. This had been achieved despite losing some key personnel within the team.
- The Cabinet Member acknowledged that the authority had not kept up to speed in its investment in ICT infrastructure and the service over very many years but reminded members that in February 2013 Council allocated £1.3 million to improve this.

The Cabinet Member referred Members to the recommendations in the report and proposed a further recommendation:

“That Council notes the significant effort made by the ICT team in dealing with the compliance process and refers to the Scrutiny ICT members working group a request to follow up this issue and make any future recommendations to Cabinet in relation to the future compliance process”.

The Mayor invited Members to ask questions on the issue and the following points were raised :

- Comments were made on the amount of technical jargon contained in the report.
- In response to a question as to what contingency was in place should GCSX be disconnected and what effect this would have on those receiving benefits, the Cabinet Member Corporate Services stated that from the outset a contingency plan had been put in place and this was confirmed by the Director Resources as being with Forest of Dean Council. Following the submission at the end of August a conversation had taken place at senior management level on how the ICT Team would work with the Cabinet Office’s technical compliance team.
- When asked whether a conversation had taken place with the Leader or the Chief Executive of the Forest of Dean to run CBC systems which were non compliant, the Director Resources stated that discussions had taken place about using the FoD infrastructure.

- The Cabinet Member Corporate Services believed that he had a sufficient understanding of the technical detail in the report. Members questioned why the matter was being dealt with in exempt session. The Chief Executive responded that it was not appropriate to discuss any live issues of IT security in open session. It was confirmed by the Cabinet Member Corporate Services that once formal confirmation had been received there was no reason why the debate could not be made public. The Head of Legal Services informed Members that Council could pass a resolution to go into open session but in his view there appeared to be a reasonable basis to continue to debate the issue in closed session at this stage. Having heard this, the Mayor decided to continue in exempt session.
- A technical explanation was also requested on how routing through the FoD infrastructure could solve the issue and this was addressed by the ICT Manager. When asked whether FoD had gone through the same process with the Cabinet Office the Cabinet Member confirmed that the timing of their submission was ahead of CBC. In response to a question on why CBC had not shared information and understanding with the FoD about this process for common input, the Cabinet Member explained that the FoD submission had been different to CBCs and since then the goalposts had changed in terms of the detailed information required.
- A member made reference to the recommendation that the ICT scrutiny working group had made when examining the virus issue regarding the need for a second firewall and the Head of ICT Shared Services addressed this point.
- A member asked why there was no up to date risk assessment with the report and in response the Corporate Governance Officer explained that 3 risks had been identified and how these had been managed.
- When asked at what point members would have been made aware of the issue had Cllr Garnham not requested it to come to Council as an urgent item, the Cabinet Member Corporate Services explained that immediately on receipt of the Cabinet Office letter the Chief Executive had arranged for a report to be prepared for Audit Committee.
- In response to a question as to what mechanism would be in place should standards change again to avoid the recurrence of this situation the Head of ICT Shared Services explained that there was a code of connections and the strategy was to start to prepare six months in advance and with the engagement of external consultants.
- A member queried why, in the context of the risk assessment, the impact was only scored as a 3 since the risk to the reputation of the council could be severe. In her view the actions proposed did nothing to mitigate against the damage to the councils reputation. The Corporate Governance Officer confirmed that a risk assessment had been made on the Thursday prior to this meeting and as the final submission had met the standards the risk was assessed as lower. Some members believed that the risk should be reassessed as the very fact that the council could have to transfer operations to the FoD would be a high impact in terms of reputation, customers and benefits payments. The Cabinet Member confirmed that the risk factor accurately reflected the most up to date situation.

- When asked whether those in receipt of benefits would be unaffected the next day, the Cabinet Member Corporate Services explained that benefits would be paid as normal.
- A member asked when exactly matters had been brought to the attention of the Cabinet and when they had been discussed. In response the Cabinet Member Corporate Services confirmed that Cabinet had been informed on 19 September at an informal meeting but in advance of which the Leader had been informed via the Chair of Audit Committee.

There being no further questions the Mayor moved to the debate.

In response to some of the questions that had been raised by members, the Leader of the Council stated that he felt that it was appropriate for the report to be an exempt item and that the debate should not be held in public. Although he was confident that the systems were now compliant, formal clarification had yet to be received from the Cabinet Office. He was confident that the ICT shared service was doing all that it could to resolve the matter.

A member stated their concern that it appeared that no one was taking responsibility for the matter and that others were being blamed for the situation. They wanted to know how the council had arrived at a situation where services were threatened and wanted to understand what solutions were being proposed.

There was a brief discussion as to whether during debates on exempt items, mobile phones and mobile devices should be switched off, but it was recognised that some members may require them to be switched on for emergency contact or to access their council papers.

Members expressed their concerns that if access to the network had been compromised then it would have been the most vulnerable people in society who would have felt the impacts. There was a suggestion that the Cabinet Office should be questioned as to whether they had fully thought through the consequences of disconnection. It was noted that the Cabinet had raised the issue of the impacts on vulnerable people when the matter had been brought to the meeting of the informal cabinet. The Chief Executive indicated that he would be writing to the Cabinet Office and would raise members concerns.

Members also raised concern that this was yet another ICT issue and that the service was not robust. They noted that other councils do not seem to have similar issues with their ICT.

Councillor Garnham, leader of the conservative group, stated that having read the report and listened to the answers to members' questions, he believed that his request to ask for the urgent item had been the right one. This was a serious matter and he wanted reassurances from the Cabinet as to what they were doing to address the matter. Given that the council had been advised earlier in the year as to the potential risk of disconnection he wanted to know what the Cabinet had done about the issue and how they had worked with officers to resolve the matter. He questioned whether members would ever have been told about the matter had he not requested the item be brought to council. It was the first time in all of his service as a councillor that he had ever

requested an urgent agenda item. He recognised that there had been a lack of investment in the ICT service and infrastructure but in his opinion the blame lay with the administration.

In response a member reminded the council, that the administration had earmarked £1.3m ICT investment at the last budget, and that the disinvestment in ICT had started in a conservative administration. He did acknowledge that there were problems with the ICT system particularly citrix. He also acknowledged that it was important that the council was prepared to deal with the PSN submission in future years so that a similar situation did not arise. It was inevitable with the growth of cyber crime that the security restrictions would increase and the council needed to be fully prepared. However he felt that the process was restrictive and that the Cabinet Office needed to provide a proportionate response so that the council is not classed as dealing with the same type of secure information which is held by national security agencies.

A couple of members indicated that they felt that the debate had been useful but felt that the comments made by the leader of the opposition were unhelpful in securing an appropriate debate and response to this serious matter.

The way in which the risk assessment accompanying the report had been scored, was a concern for several members who felt that the impact score was insufficient given the reputation risks and the risks that any service interruption would impact on vulnerable individuals. It was also pointed out that ICT currently provides services for other partner organisations and therefore there could also have been an impact on their operations and this was not mentioned in the report. There was a general consensus amongst those members who spoke on the issue of the risk assessment that there may be a requirement to revisit the risk process and ensure that council officers are reminded about the scoring mechanism and have a good understanding about the differences between impact and a likelihood score. It was recognised that the risk register was an important tool for both the executive and overview and scrutiny committee and members need confidence in the risk management process.

Members also commented that the overview and scrutiny committee had set up a task group looking at ICT and they had made a number of recommendations relating to security following the virus earlier in the year. They would be disappointed if these recommendations had not been taken on board and actioned. It was also noted that there had been an internal audit report setting out security risks and one member questioned whether the Cabinet Member Corporate Services had been proactive in ensuring that the matter was dealt with appropriately, and whether the cabinet had made sufficient effort to prioritise this work. They went on to say that it was inappropriate to cast blame at the Cabinet Office.

Concern was raised again about the item being taken as an exempt item particularly as the Echo was aware of the matter. There was a call for when the matter will be made public, given that there was nothing within the debate which warranted such an exemption. The Chief Executive advised members that the Echo had contacted him and therefore he had to respond.

In summing up the Cabinet Member Corporate Services said that he had listened to the debate with interest. He acknowledged that this was a serious

matter, which warranted debate. He advised members that as soon as the letter from the Cabinet Office was received that a report was prepared for the Audit Committee, and that ICT had worked hard to prepare a resubmission which could demonstrate that the council was compliant. He reminded members that he had offered in the past to brief council on a regular basis about ICT if they so wish, and restated that he was happy to do this to future meetings if so wished by members. He reminded members of the proposed addition to the recommendations:

- That Council notes the significant effort made by the ICT team in dealing with the compliance process and refers to the ICT Scrutiny task group a request to follow up this issue and make any future recommendations to Cabinet in relation to the future compliance process

Councillor Garnham proposed an additional amendment

- That all Councillors be sent a copy of the final confirmation email with regards to compliance along with advice as to when the matter can be made public.

This additional recommendation was approved by members.

On moving to the vote it was

RESOLVED THAT

- 1. the communication from the Cabinet Office regarding PSN compliance authorisation, the Chief Executive's response, the actions taken by the authority and the up to date position be noted**
- 2. the significant effort made by the ICT team be noted and that the matter is referred to the ICT Scrutiny task group for further consideration and for them to make any recommendations to cabinet on compliance issues.**
- 3. Councillors be sent a copy of the final confirmation email with regards to compliance along with advice as to when the matter can be made public.**

Voting : For : 27, Against : 1; Abstentions:1

Wendy Flynn
Chair

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