

Performance/Administration Cabinet Committee

Tuesday, 19 February 2019

7.30 pm

Present:

Cllr Derek Shelbrooke (Chair)
Cllr John Knight (Vice-Chair)

Councillors: Brian Francis
 Rob Halpin
 Gary Harding
 Samir Jassal
 Peter Scollard
 Narinder Singh Thandi

Jackie Baker	Assistant Manager (Revenues & Benefits)
Michelle Batstone	Corporate Change Manager
Ben Turner	Corporate Performance Manager
Gayle Jones	Information Governance Manager & Data Protection Officer
Chris Wakeford	Committee Services Officer (minutes)

39. Minutes

The minutes of the meeting held on 15 November 2018 were signed by the Chair.

40. Declarations of interest

No declarations of interest were made.

41. General Data Protection Regulations

The Information Governance Manager & Data Protection Officer provided Members with an overview to the introduction of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018, its impact on the council and the work undertaken by the authority to ensure appropriate compliance.

Members were asked to review the report and project plan developed with regards to the implementation of the General Data Protection Regulations and provide comments as necessary.

The Information Governance Manager & Data Protection Officer highlighted the Information Commissioners Office (ICO) '12 Step Program' and the actions undertaken by GBC to deliver appropriate compliance, as detailed in Table One to the report:

Step	Description
1	<p>Awareness: <i>Make sure that decision makers and key people in your organisation are aware that the law is changing to the GDPR. Implementing the GDPR could have significant resource implications, they need to appreciate the impact this is likely to have.</i></p> <p>GBC Status: The council's Management Team was made aware of the GDPR and implementation date with a report presented in January 2017. Information sessions were subsequently held for senior managers at each directorate DMT, accompanied by relevant training provided to staff and Members in January 2017 and early 2018</p>
2	<p>Information you hold: <i>Document what personal data you hold, where it came from and who you share it with. You may need to organise an information audit.</i></p> <p>GBC Status: Forming a key part of the overall project plan, the council has a three phase plan in place for identifying improvements that are needed to comply with the data processing and accountability element of GDPR:</p> <ul style="list-style-type: none"> • Phase one – record retention schedule • Phase two – information asset register • Phase three – information audit <p>Sub-groups within each of the Council's Directorates are currently working their way through all stages of the project plan to implement the required changes.</p>
3	<p>Communicating Privacy Information: <i>Review your current privacy notices and put a plan in place for making any necessary changes in time for GDPR implementation.</i></p> <p>GBC Status: This forms part of the overall project plan that is being progressed through the Directorate sub-groups. Changes that have been made already include updating on the privacy notices on various forms, letters and pieces of correspondence produced by the Council's services and an update to the data processing information and Privacy Notices on the Council's website.</p>
4	<p>Individuals' Rights: Check procedures to ensure they cover all the rights individuals have, including how you would delete personal data or provide data electronically and in a commonly used format.</p> <p>GBC Status: This forms part of the overall project plan that is being progressed through the Directorate sub-groups. Changes that have been made already include updating on the privacy notices on various forms, letters and pieces of correspondence produced by the Council's services and an update to the data processing information and Privacy Notices on the Council's website. Individuals rights are reviewed in Data Protection Impact Assessments, see further information below at step 10.</p>
5	<p>Subject Access Requests: <i>Update procedures and plan how you will handle requests within the new timescales and provide any additional information.</i></p> <p>GBC Status: Subject access request procedures have been reviewed, and further information is distributed to departments at the point at which a Subject Access Request (SAR) is received. This process is now managed centrally through the shared Information Governance Team, providing additional support to staff handling the requests and the individual making the request.</p>

6	<p>Legal Basis for Processing Personal Data: Look at the various types of data processing you carry out, identify your legal basis for carrying it out and document it.</p>
	<p>GBC Status: This forms part of the overall project plan that is being progressed through the Directorate sub-groups. Changes that have been made already include updating on the privacy notices on various forms, letters and pieces of correspondence produced by the Council's services and an update to the data processing information and Privacy Notices on the Council's website. The 'Three Phase Plan' has been drafted to account for these processing requirements. The basis for processing is reviewed in Data Protection Impact Assessments, see further information below at step 10.</p>
7	<p>Consent: <i>Review how you are seeking, obtaining and recording consent and whether you need to make any changes.</i></p>
	<p>GBC Status: Where necessary, consent is now sought for the obtaining and recording of personal data, and practical examples of this are in relation to sign-up procedures for the Council's electronic version of Your Borough, where all recipients have had to provide their explicit permission for the Council to hold their personal data and use it to communicate with them on a regular basis.</p>
8	<p>Children: <i>Think now about putting systems in place to verify individuals' ages and to gather parental or guardian consent for the data processing activity.</i></p>
	<p>GBC Status: This forms part of the overall project plan that is being progressed through the Directorate sub-groups. Changes that have been made already include updating on the privacy notices on various forms, letters and pieces of correspondence produced by the Council's services and an update to the data processing information and Privacy Notice on the Council's website. Changes have been made to the Council's Safeguarding policies to take about of this requirements. The processing of children's data is reviewed in Data Protection Impact Assessments; see further information below at step 10.</p>
9	<p>Data Breaches: <i>Make sure you have the right procedures in place to detect, report and investigate a personal data breach.</i></p>
	<p>GBC Status: The Information Governance Group now has specific responsibility for the consideration and reporting of any personal data breach identified within the authority, and training has been provided to front-line data handlers to enable them to identify instances where data could have been breached. Such instances are rare, and tend to relate solely to human error or printing issues, with no requirement to report any data breaches to the ICO at this time.</p>
10	<p>Data Protection by Design and Data Protection Impact Assessments: <i>Familiarise yourself now with the guidance the ICO has produced on Data Protection Impact Assessments and work out how and when to implement them in your organisation.</i></p>
	<p>GBC Status: The GDPR makes privacy by design a legal requirement, under the term 'data protection by design and default'. It also makes Data Protection Impact Assessments (DPIA) mandatory in situations where processing is likely to result in high risk to the rights and freedoms of individuals and accordingly all new/revised system requests (involving the processing of personal data) now require a DPIA to be carried out. As such, DPIA is a formal consideration for all decision making reports as required e.g. the recently launched Corporate Plan 2019-23</p>

	Consultation requires the processing of personal information relating to resident respondents and therefore a DPIA was undertaken to support this process.
11	Data Protection Officers: Designate a Data Protection Officer to take responsibility for data protection compliance and assess where this role will sit within your organisation's structure and governance arrangements.
	GBC Status: As defined by Article 39 of the Regulation, the Information Governance Manager, employed by Medway Council as part of the Legal Shared Service, has been nominated by Gravesham Borough Council as the Data Protection Officer (DPO).
12	International: <i>If your organisation operates internationally, you should determine which data protection supervisory authority you come under.</i>
	GBC Status: This is considered when investigating the use of cloud storage for any elements of the Council's business, with a recent example being the investigation of the cloud-based storage credentials of continuing to use Survey Monkey, with the outcome being that this was considered viable for the Council.

The Information Governance Manager & Data Protection Officer fielded questions from the Committee and highlighted the following:

- The Council conduct training needs analysis for staff and allocate training where required.
- Recent history has shown that the ICO appears to be fairly lenient regarding fines for Local Authorities involved in data breaches; an enforcement notice, with a report back to the ICO in 6 months, seems to be the preferred route. However, non-compliance with an enforcement notice has resulted in fines for other Local Authorities.
- The Council has a records retention schedule that dictates why and when data is deleted.
- The Council has its own bespoke systems that contain modules that ensure data is properly deleted at the appropriate time.
- The Information Governance Manager & Data Protection Officer works closely with the Service Manager (IT Services) to ensure all data processing is transferred securely.
- The Information Governance Manager & Data Protection Officer highlighted the importance of all Councillors registering as Data Controllers on the ICO website.

Resolved that the Committee noted the report.

42. Corporate Performance Update - Quarter Three 2018-19

The Corporate Performance Manager presented Members of the Performance and Administration Committee with an update against the Performance Management Framework, as set out within the council's Corporate Plan 2015-19, for Quarter Three 2018-19 (October – December 2018).

The Corporate Performance Manager explained that two performance measures have missed their target; PM 11 – Average time taken to process Housing benefit / Council Tax claims (days) and PM12 – Average time taken to process Housing Benefit / Council Tax change of circumstances (days). However; both measures are still performing ahead of the equivalent Kent and County averages.

Officers fielded questions from the Committee and highlighted the following:

- Page 30: of the 11 outstanding Audit recommendations; 3 have moved on and been adopted:
 - Introduction of KPIs for Legal Services
 - Review of arrangements for the use of petty cash
 - Void property management and re-let;
 - A review of the re-let process to identify efficiencies and improve turnaround times,
 - the introduction of a voids policy, and
 - maintaining of records throughout the re-let process

The Audit team are currently operating at 90.9% of their recommendations.

- PM 11 – Average time taken to process Housing benefit / Council Tax claims (days): currently at 20.4 days which is slightly above target. It is worth noting that the figures reflect the cumulative total of both Housing benefit and Council Tax claims.

Detailed statistics for each quarter:

Q1: 23.4 days

Q2: 21.8 days Year-To-Date (YTD) 22.7

Q3: 14.6 days (way above target) YTD 20.4

Q4: currently 13.7 days – will bring YTD to 19 days and ahead of the set annual target of 20 days.

Housing Benefit only:

Q1: 22.4 days

Q2: 17.6 days YTD 20.8

Q3: 14.5 days YTD 19.4

Q4: currently 12.5 days) – will bring YTD to 18 days.

- PM 12 - Average time taken to process Housing Benefit / Council Tax change of circumstances (days):

Q1: 7.3 days

Q2: 6 days YTD 6.7

Q3: 4.3 days YTD 5.9

Q4: currently 3.2 days - will bring YTD to 5.3 days

- The Assistant Manager (Revenues & Benefits) explained that the new recruits to the team are performing well but an apprentice needs to be recruited on the overpayment side.

- The Corporate Performance Manager advised that the use of targets and the whole performance framework itself will be reviewed in the near future as part of the development of the council's new Corporate Plan.
- PM 9 - Percentage of council tax collected: 84.3%
- PM 10 - Percentage of NNDR collected: At 84.3% for Q3, the Council is heading towards 99% which would equal a record outturn for the authority.
- Importantly, the recovery doesn't stop at the end of the year; the team still try and recover the debt year on year. These statistics can be added to the report for future meetings.
- PI 42 - Total amount of housing benefit overpayments raised and PI 43 - Total amount of housing benefit overpayments recovered: these figures do tend to go up and down but the Council is on target to collect more than last year but this will be shown at the end of the year.
- Licensing Shared Service became operational on 01.01.2019, with officers previously employed by Medway Council transferring to the employment of Gravesham Borough Council. At this stage, there are no further shared service or shared working arrangements being explored. As has previously been agreed across the council, shared working arrangements will be explored as and when opportunities arise and as such, this is an area of activity that will be monitored closely moving forward.
- Over recent years, officers have been working to deliver the savings required against each of the activities identified in the 'Bridging the Gap' Strategy and have made significant progress; approx. £800k is still required in order to meet the full £2.9m required and work is continuing to deliver these initiatives. Over the course of the past two years, however, there have been a number of further changes which have culminated in the need to identify additional savings/income generation initiatives to deliver at least, a further £1 million in order to balance the Council's Medium Term Financial Plan.
- In November 2018, both the Cabinet and the Overview Scrutiny Committee considered a report which set out a number of proposals for the council, in order to address the additional budget gap identified. The proposals set out in the report amounted to a total of £1.3m in budget savings, more than the £1m identified. Members felt that it would be prudent to consider options that deliver more than the identified budget gap at this time, due to the number of potential 'unknowns' in the future of local government financing.
- The Corporate Performance Manager agreed to circulate the suite of 43 Financial Indicators to the Committee and highlighted the following statistics:
 - 74% of the suite of Financial Indicators have improved on the year before.
 - 79% of the suite of Financial Indicators are now more efficient than the Kent averages.
 - Total level of expenditure for this authority per head of population: in 2017/18 GBC was spending £111.47 for every person in the Borough, this positions Gravesham third least in Kent.

- The Corporate Change Manager provided the following figures for the Committee regarding the 'Bridging the Gap Strategy':
 - Property Acquisitions Activity (first phase): Target of £400,000 (target has been met, no further work required)
 - Fees and Charges Activity: Target of £270,000 (still a saving of £100,000 to be achieved)
 - Service Review Process: £1.4million identified.
 - Shared Service progression: Target £240,000 (£120,000 achieved, another £120,000 to be identified)
 - Property Acquisitions Activity (second phase): Target of £390,000 (this has been achieved)
 - Budgetary challenge measures: Target of £200,000 (this has been achieved)

Resolved that the report be noted.

43. Working in Partnership Framework

The Corporate Change Manager presented Members of the Performance & Administration Committee with a draft of the updated Working in Partnership Framework for discussion.

Appendix two to the report sets out the revised Framework (and accompanying appendices) for the council; specific changes that have been made are as follows:

- Updates to reflect changes in officer titles.
- Reference to the revised General Data Protection regulations and consideration of these when considering partnership and shared-working arrangements.
- Inclusion of the principles that have been agreed across North Kent for the development of shared working arrangements.
- Inclusion within the Partnership Evaluation Form of specific consideration to Safeguarding obligations.

The report will be presented to Cabinet for approval, followed by submission to Full Council for formal adoption into the council's Policy Framework.

The Corporate Change Manager fielded questions from the Committee and highlighted the following:

- Legal advice is sought on all shared service matters to ensure the Council is protected.
- Darren Everden, Service Manager - IT Services, is working with the Kent Connects Partnership to progress IT compatibility across Kent. IT for the Licensing Shared Service has worked well; Medway transferred to the Idox System.
- The HR Department are involved in every shared service project. The Council tries to engage staff at an early stage to ensure they are fully aware of the proposals.

The Committee discussed the recent article that had appeared in the local news regarding the shared CCTV service arrangements.

The Chair agreed that this matter should be placed on the agenda at the next meeting of the Committee on 26 March 2019.

Resolved that the report be noted.

Close of meeting

The meeting ended at 8.45 pm