

Cabinet

Thursday, 1 February 2024, 10.00 am, County Hall

Membership

Councillors:

Cllr Simon Geraghty (Chairman), Cllr Marc Bayliss, Cllr Adrian Hardman, Cllr Marcus Hart (Vice Chairman), Cllr Adam Kent, Cllr Steve Mackay, Cllr Karen May, Cllr Richard Morris, Cllr Tracey Onslow and Cllr Mike Rouse

Supplement

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Report from Overview and Scrutiny Performance Board (OSPB) to Cabinet on 1 February 2024 - Budget Scrutiny 2024/25 Comments

Introduction

1. The OSPB considered the comments from the January Scrutiny meetings on the draft budget approved for consultation by Cabinet on 10 January 2024. It was acknowledged that although 1 February Cabinet Report had recently been published, it had not been available for most of the January Scrutiny Panel meetings.
2. The Scrutiny comments came from a rigorous scrutiny process, in particular of the revenue budget, and the Board is grateful to the officers and witnesses who enabled this Scrutiny to take place in a tight timescale.

OSPB's Overall Comments

3. The Leader attended the 29 January meeting of OSPB and provided an overview of the Council's overall budgetary position and measures being proposed to achieve a balanced budget. The Board was informed that the three significant areas of budget overspend for the Council were the Children's Social Care placements, Home to School Transport and Adult Social Care packages, as was the case for other local authorities. The Board welcomed the initiatives being considered to reduce the overspends, examples of which were, the specialist foster carers scheme and the potential use of the rental market for supported living options for 16-18 year-olds, which could potentially have significant impact on budget pressures. The Board, expressed concern, however, at the lack of evidence of plans being put in place to address the deficit in the Home to School Transport budget.
4. The ongoing use of the reserves was raised as a concern and if this pattern was to continue whether the Council would have sufficient reserves in the future. The Leader advised that Government were keen to ensure that Councils had used the reserves built up during the Covid-19 pandemic and that there was a commitment to ensure a significant risk reserve was in place, but not at a level that could be challenged as excessive. In light of the Government's recent additional funding allocation for social care, with a particular focus on children's services including Home to School Transport, he reported that there would now be less reserves forecast to be used in 2024/25 than had been previously anticipated.
5. The issue of RAAC in the County Hall building was highlighted as a concern in terms of the as yet unknown, budgetary implications for the Council. The Board was informed that experts were currently carrying out a review and that a report would be received in due course. In the meantime, the Board was assured that the operational efficiency of the Council was unaffected and services to the public had not been impeded.
6. Ash Dieback disease was also raised as a concern and specifically what the financial implications for the Council were likely to be. It was agreed that this matter would be looked into, but we had not been made aware of any particular concerns.

7. The Chairman of the Board highlighted that a District Council had increased council tax levels on second homes, a policy from which the County Council also benefitted financially. It was hoped that other district/borough councils could be encouraged to take a similar approach. The Leader also highlighted that business rate pooling had continued and was also making a difference and had generated an additional £1.5m.

Scrutiny Panels

8. Through the OSPB, Overview and Scrutiny Panels have had the benefit of quarterly performance and financial monitoring throughout the year as part of its role in maintaining oversight of service provision, identifying trends, budget pressures and challenges.
9. In July 2023, the Leader and Chief Executive asked scrutiny to focus on the three main budget pressures, as part of its budget scrutiny process, mainly:
 - Children's Social Care
 - Home to School Transport
 - Adult Social Care Placements
10. The relevant Overview and Scrutiny Panels discussed these areas during their Autumn 2023 meetings and all Overview and Scrutiny Panels considered the overall draft Council Budget for 2024/25 and specifically the main issues and pressures impacting on the remit of the Panel, at their meetings in January 2024.

Emerging Cost Pressures – Children's Social Care (Children and Families Overview and Scrutiny Panel)

27 September 2023

11. The Panel recognised the considerable pressures on the budget for Children's Social Care Placements and welcomed the opportunity to scrutinise this area in greater detail. Members noted the reasons for the forecast overspend including inflationary pressures leading to more expensive placements and a rise in demand which was outstripping capacity. The Panel noted that all Local Authorities nationally were experiencing similar budget pressures and acknowledged the initiatives which are already underway to reduce spend and demand such as focused support for families who were experiencing difficulties, ensuring that only those children who needed to be looked after by the local authority were taken into care and work to prevent placement breakdown and recruit more specialist foster carers.
12. The Panel was reassured that the focus of WCF work remained on the safety and well-being of children and, despite the budget difficulties, there would be no change in this ethos, an approach which was supported by The CMR for Children and Families and the Board of WCF.

Emerging Cost Pressures – Home to School Transport (Children and Families Overview and Scrutiny Panel)

6 December 2023

13. The Panel received details of the significant cost pressures facing the Council on HTST, with a current forecast overspend of £9.5m, which would see a 29% increase in spend from the previous year. The increased demand for the HTST service had seen a 45% increase in mainstream pupils using the service in the past 4 years and a 49% increase in pupils with an Education Health and Care Plan (EHCP) in the same period. The scale of this challenge was how to make the service more cost effective, whilst still maintaining an appropriate service for children. It was clarified for Members that HTST spend resulted from duties set out in both statute and policy.
14. The Panel acknowledged the national context of this issue, with the same predicament being faced by many local authorities across the country. The Panel was keen to learn what measures were being put in place in terms of a long-term, sustainable solution. Members discussed the importance of ensuring that joined up thinking took place from an early stage, so that for instance, when new housing developments were built, the access to primary and secondary schools and safe walking routes, were key considerations. The CMR for Highways and Transport and the Assistant Director for Highways and Transport Operations assured Members that these types of considerations were already in place, but that safe walking routes to schools needed to be developed further. The Director for All Age Disability also confirmed that when an extension of school places was being considered for SEN provision, close liaison with planning colleagues ensured that these matters were taken into account at an early stage in the process.
15. The Panel was informed that given the demand pressures on the service, the HTST Review would focus on the supply side, including commissioning and contract management arrangements. All aspects of operations were being reviewed, including route optimisation of the fleet, discussions with private operators on viable options, as well as consideration of the Council's in-house fleet and drivers. The importance of a more holistic approach was highlighted, with innovative solutions being required. The Council was currently networking with other authorities, and it was highlighted that there could be opportunities to make savings through, for example, cross border collaboration whereby the scale of operations would be increased across a wider rural area.
16. It was noted that the budgetary responsibility for this area had been transferred to the Environment and Infrastructure Directorate.

**Emerging Cost Pressures – Adult Social Care Placements
(Adult Care and Well Being Overview and Scrutiny Panel)**

13 October and 5 December 2023

17. The main budget pressures on Adult Social Care continues to be care package costs and inflationary pressures. The Panel has been provided with additional information on adult placements and the proportionate split for the 2023/24 budget across different service areas for older people (£90m), learning disabilities (£79m), physical disabilities (£22m) and mental health (£28m).
18. In December, we learned that at Period 6 there was no change to the £8.9m gross forecast overspend on placements, partially mitigated by use of a one off

£3.6m additional grant from central Government however caution was given that winter was approaching, which would increase costs.

19. The current budget was based on a 4% growth in clients, but this point had already been reached by the end of July 2023. By the end of September there was a 5.5% growth, resulting in an additional 366 packages.
20. There was also pressure across the market, for example a 30% mark up on agency staffing costs.
21. Statutory services have to be delivered; however, it is vital that the Council is not overpaying and all Staff have been reminded to check and challenge the market.
22. Home of Choice continues to be important for residents, with families having the option to top up what the Council can offer if an alternative provision is preferred.
23. The Council is mindful that some companies could withdraw services from Worcestershire due to market pressures, however the Council cannot always deliver all the uplifts asked for. There were cases when companies had challenged the Council, however an annual budget had been set and Council priorities were delivered.
24. The Panel has been assured that robust plans are in place if provision was withdrawn at short notice. Work is ongoing with Homes to look at future opportunities given the change in needs of clients entering care. Currently, the average stay in Care is around 2 years, a figure comparable nationally.
25. Learning Disabilities accounts for more than half the placement budget because of clients' complex needs and a further factor was increased costs amongst individuals coming through from WCF. It has been explained that whilst WCF looks after young people until the age of 25, as part of the recently agreed all-age disability Strategy, costs for each individual switch to Adult Services from the age of 18. The Strategic Director for People believes there is more work to be done in getting involved at an earlier stage to plan different life paths.
26. The Panel has asked about increased admissions to permanent care for those aged 18-64, of whom the majority would be adults with learning disabilities. In discussions with the CMR and Senior Officers, it has been stressed to the Panel that wherever possible the Council looks to provide alternatives to residential care, for example supported living. Best value principles are also always applied to placements.
27. The Panel has been advised that factors for entering long term placements include the fact that the wariness of entering these settings during the pandemic, is now dissipating, and for older people, increased severity of people's health is also a factor, as people are living for longer.
28. The fact has been raised that residential care is often the default route and it is very difficult for the Council to turn around these decisions without prior involvement, although there is good information on the Council's website about options to stay independent and living at home. It is understood that dialogue is being pursued within the integrated care system to highlight to health organisations the impact of decisions for individuals on adult social care budgets.

29. At the Panel's request, the regular performance dashboard it receives now includes detail about the primary reasons for admission to residential and nursing care, the highest number being for personal care.

Emerging Cost Pressures – Pay and Contract Inflation
(Corporate and Communities Overview and Scrutiny Panel)

29 September and 23 November 2023

Contract Inflation

30. The main issue highlighted to the Panel is that while inflation is now decreasing, budget setting for 2022/23 had been based on trajectories of an earlier reducing trend.
31. The fact that many contracts had already been set meant the Council was not benefitting from the recent decrease in inflation, as they were set for the year. Although inflation is now coming down, prices remain high. Of interest is the West Mercia Energy contract, which has built in a link to market price, which is bringing cost benefits as it is not tied into contract rates.
32. The Panel asked about contract durations and was advised that good practice pointed to contracts with short-term extensions and there was a whole range of durations. The Council uses the dynamic purchasing method, although not all are open to negotiation, for example for Microsoft options. A Commercial Board meets monthly and reviews mechanisms for how contracts are structured, which is chaired by the Chief Executive or the Strategic Director of Commercial and Change.
33. It has been explained that in order to support service areas across the Council as a whole, the Commercial Team are endeavouring to commit more resources, time and effort into contract and supplier relationship management, although this is constrained to an extent by recruitment challenges for this skillset, which is a regional issue.
34. The Panel queried whether the Council has access to providers' books when negotiating contracts, and the view is that very little is hidden, and the Council has the right to request information, although the fact remains that information could be presented which may not necessarily be the full picture.
35. In terms of the governance and approval process for contracts, the Council's constitution does not include a financial amount to decree when a contract should be highlighted as a key decision to the Cabinet. It would not be appropriate for all contracts to be discussed by Cabinet, and the main deciding factor is whether public discussions would be involved, such as a new school.
36. When setting contracts, there is a scheme of delegation and financial thresholds – those with a value up to £200,000 can be signed off by Chief Officers, but those with a value from this point up to £500,000 require consultation with the CMR. CMR decisions need to be documented and displayed on the website. Anything over £500,000 is for Cabinet to approve unless a pre-existing delegation, from Cabinet, is in place.

37. It is acknowledged that there is a role for Scrutiny in looking at the performance of individual contracts where appropriate, and that the entire budget and capital programme is discussed by Cabinet and subsequently full Council. Contract information is also communicated to local members.
38. The main areas of particular budget pressure are packages of care for children, adults and also school transport, where numbers and therefore demand, are not fixed, and these areas are being subject to scrutiny by the appropriate Overview and Scrutiny Panels.
39. The Panel would like to acknowledge and pay tribute to the efforts and competence of staff in managing budgets, in the face of unprecedented budget pressures.

Pay Inflation

40. The Panel has expressed concern about the delay in a pay settlement being agreed for 2023, and the impact on staff income with the current increases in costs of living. The Council's Officers remain supportive of national pay bargaining, although it is understood that a handful of local authorities have opted out.
41. There remains two groups of staff where a pay settlement has yet to be reached between the employer/employee sides. These are education professionals employed in local authority services (Soulbury Officers) and JNC Craft Workers.
42. It is acknowledged that the ongoing dispute is outside the control of the Council, however the Panel has asked to be kept updated on the ongoing negotiations to reach pay settlements for these staff groups, recognising the employees' side have now requested mediation with a view to reaching an agreement.

Scrutiny Panels - General Comments

Adult Care and Well Being Overview and Scrutiny Panel (22 January 2024)

43. In relation to specific 2024/25 Budget information for Adult Services, the total indicative investment into Adult Social Care was £19.2m and a further £0.8m pay and contract inflation investment into Provider Services. This would be offset by £2.9m indicative reductions, resulting in a net indicative investment of £17.1m.
44. During the discussion, the following points were raised:
 - Although the structural deficit for Adult Services in 2023/24 amounted to £5.9m (from a Council wide deficit position of £35m), it was difficult to forecast future years. Demand and price could not always be predicted and the 2023/24 Budget had been set based on what was known at the time. The majority of pressure was in price and Officers worked tirelessly to manage both demand and price. The CMR was optimistic that the £5.9m structural deficit could be lower at the end of the financial year and predictions for demand were about right, which was a testament to Officers and partnerships with health organisations.

- A structural deficit of nearly £4m for the Learning Disabilities Service was due to an increase in service users year on year, many of whom now outlived their parents and required support from social care. In addition, the cost of care was increasing and acuity was increasing.
- The Budget includes service users who were transitioning from children's to adult services as part of the All Age Disability Strategy. Early identification of service users from children's services was supported in order to ensure a smoother transition to adult services. It was explained that by working with young people and their families from an earlier age, conversations had taken place such as what housing provision was available, and there had been some successful outcomes of young adults living independently with support.
- Despite the suggestion that service demand would naturally increase, it was reported that life expectancy in the County had gone down, however, Worcestershire was still the second fastest ageing county in the UK. The CMR and Officers emphasised the message that we should be supporting adults to live independently for as long as possible.
- The Panel was concerned by the lack of any national funding reform and with insufficient funding it would result in Worcestershire residents not receiving the best possible care. Officers were working with providers to ensure that the right services were available to accommodate changing need, such as retention of independence. For example, more people are living in Extra Care housing since 2017 and this was more cost effective than care.
- The Panel agreed that Government's statement for Councils to use Reserves was not sustainable for Worcestershire. The Council and local MPs had been lobbying Government for fairer funding with the final settlement due early February.
- It had been previously reported that the 2023/24 Budget was based on a 4% growth in clients and by the end of September the growth had been 5.5%. By the end of October it was 6.4% and 6.5% by the end of November. Officers advised that the slowdown was usual at this time of year and the growth curve historically flattens out as the winter progressed. The CMR stressed that predictions were difficult as the Covid pandemic had changed mindsets. The 4% growth was a reasonable target based on the information available at the time.
- The Agenda Report referred to forecast additional income and a Member asked how confident Officers were with the figures presented. In response, Members were advised that there was a risk-based approach and the figures were quite prudent based on the predictions of benefit increases however each client has a financial assessment undertaken relating to ability to pay so will be based on actual clients and their individual assessments. In relation to NHS Continuing Healthcare, the Council was now in a much stronger position to challenge decisions and had the support of legal services.

- It was noted that some of the corporate saving efficiencies related to staff applying (and being accepted) for the Council's Voluntary Redundancy and Reduction In Hours Schemes. Numbers were yet to be confirmed as the Schemes had recently closed. It was noted however that essential roles were exempt from the Scheme, e.g. front line social workers.

Children and Families Overview and Scrutiny Panel (10 January 2024)

45. It was highlighted that the draft Budget included figures of total investment in Home to School Transport (£15.7m) and Children's Social Care (29.6m), a total of £45.3m to reflect known and projected demand. It was explained that this could be considered as £28.6m for the structural deficit and £16.7m in new growth.
46. The Panel was informed that they would usually be given the indicative WCF Contract price at this stage, but this was delayed due to the late Government settlement and ongoing pressure to close the projected gap in the 2024-25 Budget position. The Panel was advised that the proposed savings of £10.2m for Children and Families budget areas were set out in Appendix 2 of the 10 January Cabinet Report, with the final figures to be determined in the next few weeks, including potentially further savings proposals in order to deliver a balanced budget.
47. It was highlighted that Safeguarding and SEND services had been treated as priority areas and protected from savings. Alongside savings, the Panel was informed of activity plans to reduce numbers of looked after children through promoting permanency out of care and independence, with the aim to avoid further costs and reduce future growth. The Panel was assured that no initiatives would be progressed unless they were in the best interests of the child.
48. Members were also provided with details of the Dedicated Schools Grant (DSG) for 2024-25, which included a significant increase in the early years block due to the expansion of funded places for 2-year-olds from April 2024. Members were familiar with the ongoing situation regarding the High Needs block and noted that the current statutory override was in place until March 2026.
49. During the discussion, the following main points were discussed:
- The initiatives to reduce the pressure on the childcare placements budget, including the plans to increase the number of foster carers, and specialist foster carers. Some positive results were already being seen, and going forward it was expected that there would be a significant positive impact on this budget. The detail of other initiatives being progressed, including the preventative use of respite care to avoid placements breaking down and consideration of supported living options for 16 to 17 year olds who may no longer require a residential setting.
 - Whilst acknowledging the late budget settlement and the fact that savings plans were still being working on Panel Members expressed their dissatisfaction at the information provided to them for this meeting which lacked the detail required to carry out Budget Scrutiny. Clarification around the WCF final contract price and details of the savings plans and how they

would be achieved was requested and the Panel requested a further meeting to discuss the detail when available.

- The DSG deficit was raised which it was highlighted was a major concern for local authorities nationally. The Panel was informed that the Council did not have any funds earmarked as a reserve to offset this accumulating ringfenced deficit at a later point, which despite the best efforts of the Teams, continued to increase.

Corporate and Communities Overview and Scrutiny Panel (18 January 2024)

50. The Panel very much appreciates the time and effort of staff in mitigating the extremely challenging budget situation for 2024/25 and acknowledges that lobbying for an increased final settlement continues through every avenue open to both the Council and political leadership.
51. The Panel highlighted the fact that the majority of budgets within the Panel's remit have a good record in balancing the budget, and the CMR for Corporate Services and Communication has assured the Panel that all service areas of the Council are being subject to a 'deep dive' review – including children's and adults' social care and home to school transport, which nationally, are the main reason for this year's particular budget challenge.
52. The cessation of the Council's talent management programme is very concerning, and Officers have acknowledged there will be an impact, although this will be offset by using the apprenticeship programme.
53. In view of budget challenges, the Panel has questioned the necessity of the £0.2m increase in funding for wellbeing work, and Officers have explained the return in this investment, which includes mental health first aiders, health checks and wellbeing events - for example this has resulted in a 22% reduction in musculoskeletal type conditions, which is the biggest cause of staff absence.
54. The Council's Voluntary Redundancy scheme is on track to deliver the proposed savings target of £1.5m, however the scheme has not yet concluded, and the Panel has requested an update later in the year to understand the impact of losing posts. It is understood that in the main, post reductions will be felt by internal staff and Officers will seek to minimise the impact on the public.
55. The Panel has been reassured that procurement and contract management continue to be a prime area of focus for the CMR, and the Director has pointed out that this is one service area which will not be reduced.
56. The Panel has also been reassured around management of any budget reserves and reminded that previous practices of directorates retaining reserves have not operated for several years, mainly due to ongoing budget pressures.
57. The Panel has enquired about any monetary impact from the temporary changes to use of County Hall buildings while sections are closed due to the presence of RAAC, such as security personnel to check staff passes and doors letting in cold air. The Officers have explained that these are very temporary changes and that survey data will soon be available to enable decisions to be made for the future.

58. Regarding energy costs now that the cost of energy was reducing, it has been explained that savings are not yet being seen and the residential energy cap has only very recently increased, however, the Council's stake in West Mercia Energy has produced excellent results.
59. Regarding income from meeting rooms, for example those in libraries, it is understood that they are marketed as rentable spaces and a new digital system is about to be introduced which will help.
60. Higher interest rates are impacting on any borrowing and the Panel has asked about the impact on Council budgets of even relatively minor shifts in interest rates and has been advised that this is difficult to estimate due to the long-term nature of many Council investments. The Local Authority has a portfolio of debt and borrowing that ranges from broadly 0.5% to just over 3.5%, and every effort is made to borrow at the lowest possible rate, or not to borrow at all.
61. Regarding the Capital Programme, which for this Panel's remit relates mainly to IT and property, the Officers have reassured the Panel that any new schemes would be subject to a business case, review by the Business Board and Cabinet; there is strong challenge and currently only schemes funded by grants or external funding are being approved.
62. The Officers and CMR have advised they are always receptive to ideas to sell or utilise Council assets innovatively, however, caution is exercised and there is an asset policy in place as legislation requires that best value is demonstrated.
63. In terms of practical budget suggestions, the Panel urges greater development of the County Hall grounds for a wider range of events, to generate income.

Economy Overview and Scrutiny Panel (16 January 2024)

64. The Panel noted that demand for services was continuing to increase, particularly across adults and children's social care as well as home to school transport. Currently there was a £20.4m gap that needed addressing.
65. The proposed Council tax was an increase of 4.99% (which included 2% Adult Social Care Levy to contribute to the existing cost pressures of Worcestershire's ageing population) and 2.99% to provide financial support to continue to fund investments in those areas that the public had consistently highlighted as important.
66. The Panel asked for clarification what a S114 Notice of the Local Government Finance Act 1988 was. It was explained that this was a report issued by a Council's statutory chief finance officer (section 151 officer) when it appears to them that the council's expenditure will exceed the resources it has available in a financial year.
67. The Panel discussed the timeline for the final Government settlement which was expected by the end of January 2024 and questioned whether it was likely that Worcestershire would be allocated more funding. The Panel was advised that there was no indication from Government that further funding would be made available to Councils despite strong lobbying. Councils were expected to use reserves, maximise income from Council Tax and live within their means. The

Deputy Chief Finance Officer assured the Panel that Worcestershire County Council would be setting a balanced budget for 2024/25.

68. In response to a question about whether the Government settlement had taken into account the high rate of inflation, the Panel was advised that the grants awarded in the settlement had been set to cover 2 years and inflation been factored in, but Government estimates had been based on inflation falling quicker than it had.
69. The Panel noted that some Councils had requested special permission to increase their Council tax beyond the 4.99% cap to 9.99% without the need for a referendum if they were having trouble in settling a balanced budget and this was termed "pre S114".
70. Members expressed concern that the Council's reserves could not continue to reduce year on year indefinitely and suggested although unpalatable, consideration should be given to whether any reductions could be made to the Capital Programme or whether the Council's contracts could be reviewed.
71. With service demand increasing in adult and children's social care placements and home to school transport, innovative ways needed to be found to save money and it was suggested that although unpopular, it may be necessary to reduce the spend on highways and footways to meet other essential service demands.
72. Acknowledging that home to school transport was being considered by the Children and Families Overview and Scrutiny Panel, it was suggested that it was important to look at optimising routes and other innovative options to provide transport and save money including the potential for school employees to be able to transport children where possible.

Environment Overview and Scrutiny Panel (25 January 2024)

73. The Panel has scrutinised the draft 2024/25 budget for the services of the Economy and Infrastructure (E&I) Directorate which come under the Panel's remit, and therefore understands the increase to £75.922m, which seems reasonable, taking into account pay and contract inflation.
74. The Panel was shocked to see the budget for Home to School Transport has gone from a budget of £20.759m in 2023/24 to £35.108m in 2024/5 which equals a 69% increase. The Panel understand that this increase is due mostly to the extra demand for transport for children with special educational needs and disabilities (SEND). The Panel is pleased to see that senior management has been tasked with finding new policies to reduce this spend and looks forward to seeing the proposals. The Panel understands this is a difficult area with different factors including location of specialist schools. Education, Health and Care (EHC) Plans are written by WCF, therefore the huge impact on E&I budgets in delivering transport solutions, is very difficult to mitigate by the E&I Directorate. However, the Panel remains concerned that the draft budget of approximately £24m for SEND home to school transport is exceptionally high, and the proposed plan to make savings of £1.25m is not aspirational.

75. The Panel is pleased to hear that the CMR for Environment plans to increase messaging to encourage residents to produce less waste, as waste management is the largest percentage of the E&I Directorate's budget.
76. The Panel recommends for next year's budget scrutiny, a separate budget task group, to enable Panel members to drill down through the data, hopefully using data via Power-BI, therefore giving greater transparency in preparation for the public budget discussion.

Councillor Tom Wells, Chairman OSPB
30 January 2023