

Minutes



Overview and Scrutiny Management Committee

Date: 20 September 2018

Time: 10.00 am

Present: Councillors M Al-Nuaimi, G Berry, C Evans, M Evans, C Ferris, L Lacey and M Spencer

In Attendance: Daniel Cooke (Scrutiny Adviser), Leigh Jones (Governance Officer), James Harris (Strategic Director - People), Sally Ann Jenkins (Head of Children & Young Peoples Services), Jenny Jenkins (Service Manager Adult & Community Services), Jonathan Keen (Regulatory Services Manager Environment and Community), Eleanor Mulligan (Democracy and Communications Manager) and Liz Blayney (Scrutiny and Governance Manager)

Apologies: Councillors J Guy and K Thomas

1 Election of a Chairperson

Apologies were received from the Committee Chairperson, Councillor John Guy. The Committee were advised that in the absence of the Chairperson, the Committee would need to nominate and vote another member of the Committee to act as Chair for this meeting. The Committee nominated Cllr Miqdad Al-Nuaimi to Chair the meeting, which was agreed unanimously by the Committee.

2 Declarations of Interest

None

3 Minutes of the Meeting held on 26 July 2018

The minutes of the meeting held on 26 July 2018 were confirmed as a true record, subject to the following amendment:

- **Item 2, 'Minutes of the Meeting held on 21 June 2018':**

The Committee commented that the request for details of the legality of the blanket ban on begging that had been implemented by towns such as Swindon and Kettering, had not been recorded in the minutes, and had been requested at both the June and July meetings.

4 Wales Audit Office - 'Overview and Scrutiny - Fit For The Future?' Report

Attendees;

- Alison Rees – WAO - Performance Auditor
- Non Jenkins – WAO - Local Government Regional Manager (South East Wales Region)
- Elizabeth Blayney – Scrutiny and Governance Manager

- Eleanor Mulligan – Democracy and Communications Manager

The representatives from the WAO introduced the Overview and Scrutiny – FFTF Report at Appendix 1 and outlined the key findings of the report and the six proposals for improvement being suggested for Newport City Council's Scrutiny arrangements.

The Democracy and Communications Manager outlined the Management Response to the WAO proposals for improvement, at Appendix 2. It was advised that what was being recommended had already been reflected within the Scrutiny Annual Report, within the Actions for this year, which had been considered and approved by the Committee at its last meeting.

The Committees questions and related responses are outlined below;

- The Committee enquired whether examples of good practice of public consultation could be provided to the Council by the WAO, particularly relating to how the Committees could engage with the public more effectively and how to identify who to invite to meetings and encourage public involvement in the process. Members were advised that as the review was conducted nationally, examples of good practice could be shared with Councils at a later date. There was a network meeting in November to share examples of good practice where this could be incorporated. The WAO representative agreed to look at obtaining specific examples and distributing them to Local Authorities. The WAO continued to state that they were challenging all Local Authorities to go into the Community to hold scrutiny meetings to make it easier for the public engage.
- The Committee discussed the recommendations and comments within the report relating to the engagement with the Executive. The Committee agreed with the comments within the report noting the Scrutiny tended to direct questioning to the Officers rather than the Executive. The Committee agreed that this needed to be addressed by all Committee's and believed it would require a 'culture change' in order for some of the recommendations to be effectively implemented.
- The Committee discussed communication between Cabinet and Scrutiny, noting that the Cabinet forward work programme was more dynamic than the Scrutiny Work Programme which had made it difficult to align the work programmes in the past. The Committee agreed that further work was required to align the work programmes, in order to develop an effective working relationship between Scrutiny and the Cabinet. The Democracy and Communication Manager explained that the department had recently undergone a restructure and this had impacted on the time it took to implement changes. Democracy and Communication Service areas had been merged under department, and other changes included the creation of a separate Cabinet Office with a dedicated Office Manager who would manage the Cabinet Work programme.
- The Committee noted the importance of improving the consultation for the annual budget, in particular noted the Committee's previous recommendations that the budget saving proposals be provided for public consultation earlier to allow for more time for the public. It was also noted that Cabinet does not have a standard item on its agenda to receive comments and recommendations from Scrutiny. The Democracy and Communication Manager explained that had been a delay in developing a consistent approach to the communication between Scrutiny and Cabinet due to the restructure

outlined previously. It was explained that a process of Scrutiny Letters had been agreed with the Chairs and was being developed, which would see recommendations from the Committees send to Cabinet formally in a letter signed by the Chair. This would be published on the Scrutiny webpages, along with the response received. How the Cabinet would receive these letters was still being determined and agreed.

- One Councillor expressed the view that he had found Scrutiny Reports easy to understand and that he thought Scrutiny function was performing effectively. It was also noted that Committee Members had to take responsibility by preparing and working together to improve, and by highlighting an issues as soon as they arise. It was also commented that there had been major changes to Scrutiny in the last 3 to 4 years and that those changes had been for the better, although there was always scope to develop and improve.
- Members asked the WAO how Newport Scrutiny Committees compared with other Authorities. Members were told that although this was a fair question, however it was difficult to answer as every authority worked and operated differently within environments, making direct comparisons difficult. Key themes prevalent in some or all Authorities could be shared.
- Members commented that they had limited time to read agendas prior to the meeting, as they were published and circulated 1 week before the meeting. The Democracy and Communications Manager noted that papers were published as soon as they were available, and that the 1 week was in line with statutory obligations.
- The Committee discussed training needs and how this would be different for each individual Member. The Members queried if it would be worth looking at having a training pack with example reports and an explanation on best practice scrutiny questions. The Scrutiny and Governance Manager stated that the team would be more than happy to provide a briefing if that was needed. The Scrutiny and Governance Manager informed the Committee that a feedback questionnaire would be distributed to Committee Members in the coming months and ideas would be welcomed to support and develop the Scrutiny Members. Members were reminded that if there were areas that training was needed, that this could be raised with the Scrutiny Team at any point and would be provided.
- The Committee suggested that the Cabinet Members could receive a briefing on the WAO report and on the Scrutiny process and their role when they attend Scrutiny. The Committee also requested that a timeframe for answering any queries, comments and recommendations e.g. 10 days. The Committee have had instances where a question was not addressed for 4 or 5 months. The Scrutiny and Governance Manager informed the Committee that the department were looking at how Scrutiny recommendations are reported to Cabinet so that everyone can be clear on how to get an answer and feedback.
- Members commented there had been the lack of meaningful comparisons with other Local Authorities on Performance Indicators. Members were informed by the WAO representatives that specific comparisons can be made and that the Council was doing a lot to compare its performance to others, but that a better way to challenge the

performance was to ask why you needed that information rather than look at one detail and question why you are looking at something.

- The Committee commented that in the past there had been a conference organised by WAO where all Local Authorities gathered to discuss scrutiny and shared best practices. The Committee requested that this might be arranged again. The Democracy and Communication Manager advised that the instance referred to had been organised by Newport and would require significant resource to arrange which were. There had been support previously for similar events from the Centre for Public Scrutiny (CfPS) and Welsh Local Government Association (WLGA) which was no longer available due to funding.
- An issue was raised regarding an overspend of £400,000 regarding a Traveller site that had been mentioned at Cabinet agenda, it was questioned that this had not been considered by Scrutiny. The Scrutiny Adviser told the Committee that this would be referred to the appropriate Scrutiny Committee to consider.

The Chair thanked the officers for attending.

Recommendations

The Committee made the following comments and recommendations;

- The Members identified a £400,000 overspend, relating to Norse overspending on a Traveller site, which will be referred to the Performance Scrutiny Committee – Place and Corporate for consideration as part of its consideration of the performance and budget monitoring of the service area.
- A request was made that the Democracy and Communication Manager establish ways of improving communication between Cabinet and Scrutiny, and feed back to the Committee.
- The Democracy and Communication Manager at methods of holding the Executive to account and improving existing functions. The Committee believed that a culture change is needed for this to succeed.
- The Democracy and Communications Manager to look at potential ways of synchronising the Scrutiny and Cabinet work programme.
- The Scrutiny and Governance Manager to devise a training resource for Scrutiny Members based on 'test cases'.
- The Democracy and Communication Manager to develop training Scrutiny specific for Cabinet.
- The Head of People and Business Change to improve ways of providing Scrutiny with comparative data from previous years and other Local Authorities to facilitate better scrutiny.

5 Pillgwenly Public Spaces Protection Order (PSPO) - Implementation Monitoring

Attendees;

- Jonathan Keen – Regulatory Services Manager Environment and Community
- Inspector Jason Williams – Gwent Police
- Tracey Holyoake – Pillgwenly Ward Councillor

The Regulatory Services Manager presented the report to the Committee and outlined that the report was an update on progress with the implementation of the PSPO in Pillgwenly that the Committee had requested at its previous meeting where it was considered. The report contained information on the Orders restrictions, their implementation and figures on Fixed Penalty Notices (FPN) use and the challenges to enforcement. The Officer advised the Committee on the key points;

- The Officer highlighted Section three of the report, with regards to dispersing people congregating in groups of three or more. The Officer explained that the majority of groups were dispersed without the need to issue a FPN. The Officer outlined that this reflected the impact of the PSPO as members of the public when asked to not drink alcohol, or hand over alcohol containers, have usually done so without the need to issue a FPN.
- Eight FPN have been issued, seven for refusal to stop drinking and one for non-dispersal.
- There had been challenges in the first year and this was covered in section five, the most prevalent was groups not dispersing. Some groups dispersed for short periods and then regrouped. The Police Officers were not sure how long the group needed to disperse for and advice had been sought from Council lawyers as to how to proceed at these times. The legal advice had been that the Police needed to demonstrate it had been reasonable if a FPN was issued following a group reforming. For example, the Police needed to be clear when asking the group to disperse in the first instance the length of time they were required not to reform. If the group then reformed within this time, they would serve a FPN. It was anticipated that this clarification would give the Police further confidence to issue a FPN where appropriate and necessary.
- There have been no calls from the Community Safety Wardens to add or remove any restrictions. The Manager believed that the restrictions were clearly worded properly now and could be used more where appropriate and necessary.

The Inspector introduced himself to the Committee. He informed the Members that the Police reviewed the PSPO. Members were advised that the PSPO was an excellent tool, and in particular for dealing with groups of young people. Whilst it was acknowledged that the numbers of FPNs issued were low, the Officer were utilising the PSPO process to get people to disperse without issuing an FPN. He added that there had been some frustration with when to issue Fixed Penalty Notice, but we had dealt with that with the advice from the Council lawyers. The Inspector stated that the Police wanted the PSPO to carry on maybe with some changes. The Committee were also advised that similar restrictions had been used in Maesglas, as it covered anti-social behaviour i.e. the distribution of drugs or drinking alcohol in public.

Councillor Tracey Holyoake introduced herself to the Committee and explained that whilst living in the ward she had seen the positive impact of the PSPO on the community. The Councillor continued to say that this was done by not just issuing FPNs, but just asking

people to move along. The streets were a lot quieter, although there were other issues emerging. The Councillor noted that the PSPO was an important tool for the Police to make sure that Pill becomes the area residents wanted it to be, and it had been invaluable. There were still issues within the Ward with anti-social behaviour; however the PSPO had made a positive difference.

Members asked the following:

- Members discussed police presence and involvement within Wards, with some noting that there did not appear to be regular presence in their ward. Members were advised that there was a core number of five Officers in Pill, and the force had been lucky to bolster that again by doubling up the number for the short term, and if it was warranted to make permanent. Gwent Police will continue to put Officers in post and build relationships with people in Communities. It was advised that stability was often an issue, with opportunities within other wards for Officers to apply for promotions.
- A Member requested to know how many FPNs were paid and what were the consequences for not paying. The Officer advised that seven FPNs had been issued for drinking alcohol; four had been paid, with three not being paid. One had been issued for antisocial behaviour and refusing to disperse. Of those that had not been paid, none had been taken to court.
- Councillor Holyoake advised the Committee that the dispersion Order was being used effectively in specific areas. Some of those who congregate and were dispersed might go to other areas, including the City Centre. The Police were also aware of this, however but overall the antisocial behaviour in Pill had reduced and the communities had seen an improvement. The Inspector reiterated that the PSPO did work when used in conjunction other tools the PSPO assisted their other powers, and made it easier to address the issues of antisocial behaviour.
- The Committee asked why those not paying FPN were not taken to court for non-payment of fines which would send a positive message to the offenders. Members were advised that work was taking place to gather the correct information needed to take non payers to court. Cllr Holyoake also informed the Committee that there was also work taking place with housing associations to issue warnings to tenants for antisocial behaviour.
- The Inspector advised that Councillor Holyoake had been having ongoing discussions with the Chief Constable outlining plans for short term action to address sex workers. Antisocial Behaviour Orders would allow the Police to highlight an individual being caught with a sex worker; this would go on their record so if they were caught elsewhere other Police authorities would know their history of similar offences. This means that were then caught in outside the Newport area then they would get prosecuted. It was also advised that work was taking place with South East Wales Racial Equality Council and other agencies to help safeguard those being abused and try to remove them from the situation.
- Members advised that the fly tipping problem had improved. The Inspector praised Councillor Holyoake and Council team for helping clean the area.

- Members commended the work of the local ward Councillor, and the collaborative working with Police and Officers to try and improve the area. It was then asked if this positive work was being replicated and a similar approach being taken within other Police forces. Members were advised that at the moment Newport was seeking advice from other Police forces. The Regulatory Services Manager advised the Committee that Barnsley Council had visited to find out more about Newport's PSPO.
- Clarification was sought regarding about the information provided by the Council lawyer on page 19 of the agenda, paragraph 5. Members were advised that only the local authority could prosecute for a breach of the PSPO.
- The Committee enquired as to how the Council could have the PSPO for longer than 3 years. The Inspector advised that 3 years is the maximum length of time set out in UK legislation. It was the Council's decision when to review the PSPO and decide if it wished to renew the Order.
- Members requested that the Committee receive a record of all instances of warnings and fines that have been issued.

Recommendations

The Committee noted the update on the implementation of the PSPO and noted the progress being made in this area.

The Committee requested that a further report be included on the Committees work programme for a years' time, and that this report includes information on all instances of Police Officers and Council employees using the Order's restrictions to be recorded.

6 Draft Director of Social Services Annual Report 2017/18

Attendees

- James Harris – Strategic Director – People
- Sally Anne Jenkins – Head of Children and Young People
- Jenny Jenkins - Service Manager

The Strategic Director – People introduced the report to the Committee, and advised the format of the report followed the Welsh Government recommendations. The Committee were directed that there the intention had been to make the report straightforward, manageable and readable. The final word from the Strategic Director was that the report was currently draft and based on the Committee's comments and recommendations the draft would be updated prior to it being sent to Cabinet and Council.

Members discussed the following:

- The Members commended the Officer on how easy and accessible the report was to read. It was noted that on page 31 – 33 there were number of statistics, but no information for comparison purposes. The Committee recommended including previous year's figures and other local authorities achievements for comparison. Members also made comment that there had been a reliance on surveys.

- Members discussed the Social Services Rota visits which were made to children and adult homes. The Committee enquired if Members carried out enough visits and what added value they provided. The Officer explained that visits were undertaken once a month, and it was designed to take feedback from the staff and residents and view the facilities to check if the building were fit for purpose. The visits from the Members have provided value and feedback, which was fed back to the homes and actions were taken where appropriate.
- Members were pleased with the manager of Oaklands being recognised in the report and said it was a good example of community working. Members then queried the South East Wales Fostering Service, and asked if there was a danger of children are placed outside their local community. The example was given of a child being placed in Blaenau Gwent, which could make family contact challenging. The Committee also sought reassurance that children placed by private firms would have had the same quality of care and monitoring as they would with the Council. The Members were informed that fostering population was aging, so recruitment of new foster carers needed to be undertaken. Each region had looked at what they could contribute together and what worked for each Local Authority. There was a willingness to work together and how to share resources to improve the quality of services across the five authorities. The Council manage family contact with the children in our care, and families will be supported to maintain contact. Members were also told that there is no difference whatsoever in the support offered in public sector and private sector agencies and all children have the same access.
- The Committee requested that more information on the transition from Children to Adults Services be included in the final report. The Member specified how many transitions were under taken and how many were on time. The Members were advised that an element of this would be added to the final report, and the revised draft would be circulated after changes had been made.
- The Committee commented on the key achievements for Newport 2017-18 included in the report. One example was that the 4000 course attendances did not state what outcomes were achieved, and just attendance figures did not help members understand why it was a key achievement. The Members thought that not all of the key priorities listed in the report were achievable. Members were pleased to see a glossary of terms in the report although a few more terms need to be added, one example provided was 'NEET'.
- Members discussed the commitments to be achieved by 2022 in the Corporate Plan 2017-2022: "*We will ensure that 85% of care leavers enter employment, education or training*". The figure on page 53 of the report which stated 44.4 % of young people are in education, training or employment 12 months after leaving care. The Member wished to know if this was considered to be comparatively low. Members were advised that often an extra 12 months can make a big difference to young people, especially care leavers. Young people will mature and as they do they will recognise how important education is, so when they settle they return back to education. The Head of Children and Young People Services explained that it is sometimes challenging to get looked after children into education, as by the time children get to Social Services they have already missed a large part of their education.

- Members queried whether the issues being raised relating to the staffing would result in a 'staffing crisis' in the future. Members were advised that there was not a 'staffing crisis' at the moment, but the importance of increasing the numbers of people entering the care profession was stressed to prevent a crisis in the future. This was a Wales wide issue, the trajectory was heading towards staff shortages. There was pressure for residential homes to retain their staff, but due to the high turnover of staff it was remained a problem. The Gwent wide academy was aiming to create a career pathway in to the care profession.
- The Officer informed the Committee that the Council were trying to support the care workforce the best it can to promote sustainability. The Gwent Care Academy had a strategic view of how to bring people into the profession and increase staff retention. The academy would offer a training passport which would lead to a standardisation of training provided to staff and give more status to the training. The passport would help bring down the costs of training staff and carers could transfer their qualifications from agency to agency.
- Members wished to have a letter of thanks sent to all foster carers to commend them on the great job they are doing. The Head of Children and Young People agreed with the Committee and informed them that this would be done.
- Members discussed the report's comment about the Cabinet Member on page 59 and commended the work. The Members continued to add that it would be useful in the final report to explain a more about how the meetings the Cabinet Member had had with community groups translated into more engagement, and what the outcomes are of that work had been.

Recommendations

The Committee made the following comments and recommendations;

- The Strategic Director would redraft the report with the changes discussed prior to the report going to Cabinet.
- A letter of thanks to foster carers would be sent out by the Head of Children and Young People.

7 Scrutiny Adviser Reports

Attendees:

- Daniel Cooke – Scrutiny Adviser

a) Forward Work Programme Update

The Scrutiny Adviser presented the Forward Work Programme, and informed the Committee of the topics being discussed at the next two committee meetings:

Thursday 15 November 2018

The agenda items included;

- Corporate Plan – Recommendations Monitoring
- Performance Management Strategy – Recommendations Monitoring

- Consultation and Public Engagement Review

Following a discussion on the need to ensure an Executive representative for the agenda item relating to the Corporate Plan, the Committee decided to requested that the Leader of the Council be invited to attend the meeting on 15 November for the *Corporate Plan – Recommendations Monitoring* Agenda Item.

Thursday 31 January 2019

The agenda item included;

- 2019/2020 Cabinet Draft Budget Proposals

b) Actions Arising

The Committee requested that the action sheet be next to the minutes at the front of the agenda rather than at the back. It was also commented that many of the actions were still awaiting a response. The Scrutiny Adviser informed the Committee that letters were sent to the necessary Officer to action where appropriate. Where the actions were outstanding, they would remain on the action sheet until an adequate response had been provided to the Committee.

Members also requested if reports could be in portrait rather than landscape. The Scrutiny Advisor informed the Committee that it was not always possible to have reports in a portrait orientation.

In relation to the recommendations made to the Cabinet on Item 3 of the minutes, 'Budget Process and Public Engagement – Recommendations Monitoring', The Committee noted that they had not yet received a response from the Cabinet. In particular, the Committee had made a number of recommendations regarding the arrangements for public consultation of the budget which would impact this year's consultation in December. The Scrutiny Adviser noted that this would be provided at the Committee's next meeting.

An additional enquiry was made relating to how Scrutiny was still awaiting responses relating to the budget process. The Scrutiny Adviser told the Committee that the process had recently been put in place which enabled Cabinet to receive Scrutiny's letters and we would see a faster response in the future.

c) Information Reports

d) None received.

The meeting terminated at 1.00 pm