

# Minutes



## Performance Scrutiny Committee - Place and Corporate

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Date: 5 November 2020

Time: 4.00 pm

Present: Councillors C Evans (Chair), G Berry, M Whitcutt, I Hayat, J Richards, M Al-Nuaimi, C Ferris and M Kellaway

In Attendance: Councillors D Mayer, D Davies and R Truman, Rhys Cornwall (Head of People and Business Change), Tracy McKim (Partnership Policy & Involvement Manager), Matthew Cridland (Regulatory Services Manager – Commercial Standards), Rhys Thomas (Regulatory Services Manager – Environment and Community) and Rachael Davies (HR and OD Manager)

Apologies: Councillors K Critchley

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### 1 Apologies

Councillor K Critchley and Gareth Price

### 2 Declaration of Interest

None.

### 3 Minutes of the previous meeting held on 7 September 2020

Minutes of the meeting held on 7 September 2020 were accepted as a true and accurate record.

### 4 2020/21 Service Plan Mid-Year Reviews

#### Law and Regulation

##### Invitees

- Councillor Ray Truman - Cabinet Member for Law and Regulation
- Matthew Cridland - Regulatory Services Manager – Commercial Standards
- Rhys Thomas - Regulatory Services Manager – Environment and Community

The Cabinet Member gave apologies for the Head of Law and Regulation who was unable to attend the meeting due to illness. The Chair and the committee gave their best wishes for a speedy recovery. An overview of the report to be given to the committee, in which it was advised that work for the first six months has been occupied by Covid-19, as the Cabinet Member's portfolio covers most of the Covid-19 work being undertaken. Around 19 staff have been taken away from their normal work and diverted to cover work for the Test, Trace and Protect regional service. But given the challenges that the service area has faced, there has been great achievements.

The Regulatory Services Manager advised the committee that a vast majority of the work in Trading Standards and Environmental Health has been related to Covid-19 enforcement, particularly around businesses and making sure that all the reasonable measures and social distancing requirements have been met. Surveillance work has been placed on hold however the more higher risk rogue trader work has continued and been managed to be maintained.

The committee were given some facts and figures from the work that had taken place. In the first half of the year, teams from Licensing and Trading Standards have provided advice on Covid-19 compliance on 1451 occasions, completed 1008 Covid-19 compliance inspections and carried out 1993 assessments of compliance. Assessments were also able to be completed remotely, which brought a 93% compliance rate. This was an excellent response rate, however the 7% does relate to non-compliance so enforcement had to take place in some areas. 26 premise improvement notices had been issued for previous failed Track and Tracing requirements. 3 premises have been closed as a result of covert enforcement work and 1 nightclub had their premises licence suspended for three months as they were operating as a nightclub during the lockdown.

There has been a lot partnership and multi-agency work completed with Gwent Police and other Council partners, including other departments in the Council .Colleagues in Environmental Health passed on problems that they had found in business premises, which allowed the Trading Standards team to visit those premises and carry out enforcement work and issue notices. Trading Standards had also worked on intervention investigates and media warnings on rogue traders. This has been quite a strain on the normal working of the local authority, so Welsh Government have given funding for five officers to support with enforcement and consumer protection work.

The Regulatory Services Manager for Environment and Economy gave an overview of his section. The committee were advised and given updates on some of the Amber and Red measures. -

**Point 6 on page 25 – Local Air Quality Management** - a manager has now been in post for six days so will now start working towards the corporate objectives. A meeting will take place later this month with the Chief Executive to discuss the action plan, so we will start to see improvements on this

**Point 8 on page 25 – Regulate business and support consumers/residents to protect and improve health** – The vast majority of regulation had work undertaken elsewhere as previously discussed in the meeting, including a lot of premises had been closed for a considerable amount of time which meant there was not a business to regulate. But the service area still maintain an ability to respond to the highest risk complaints that would originate from them.

**Point 11 on page 26 – Public Space Protection Orders (PSPOs)** – Work is currently ongoing with this measure, with initial information being received back from key partners. We are looking to progress through the remainder of the Autumn into the early Winter.

The committee were then advised of the Test, Track and Protect (TTP) work and the Environmental Health response to Covid-19. The TTP services did not exist until June and has come online in this time. There has been a substantial investment in time and effort to get that process up and running. Keith Leslie was appointed from Environmental Health to lead the team of around 40 advisers and are making very good progress. All of the information given allows us to refer clusters to the Environmental Health team.

Members asked the following –

- Members thanked the service area for the excellent work being done during this difficult time. Comment was made about action 11 – Public Spaces Protection Order, which is showing as Amber. Does the delay affect anything at all, and will it still be valid in the city centre and Pill?

Members were advised that when the PSPOs cease they need to be reissued and all the key stakeholders need to be consulted with the need for the order to be evidenced. We are currently at that stage. The Regulatory Services Manager (Rhys) will get the information from the Head of Service and advise the committee.

- The Food Standards Agency have now relaxed the requirements for local authorities to undertake proactive inspections and recognise the resources that are required for the Covid-19 response. Should we be taking our eyes off food standards in this situation?

Members were advised that this was the initial steer that was issued towards the start of the Summer but since then there have been a variety of updates from the Food Standards Agency. However, the concerns were acknowledged that there may be some risks associated with not inspecting some food businesses

- Comment was that it was understandable that some performance measures are in Amber given the position the service area are placed in. Members queried the Air Quality performance measure and understood that air quality had improved across this period because of the reduction of the amount of traffic. It was then asked if air quality was measured all across Newport and not just Caerleon.

Members were advised that it is measured all across Newport. They are measured in two ways – passives tubes and a dedicated airport monitoring station. Both of those functions have been maintain, although there has not been a dedicated Air Quality and Contaminated Land Officer imposed since back in the Spring. Members advised that it would be useful to see the collected data when things get back to normal. Members were then told that the specifics would be referred to the Scientific Officer. It was then advised that air quality is an integrated problem, not just local and it has a much more regional impact. The next couple of years will be drawn on and affected by a number of other decisions, not just by traffic.

- Members queried point 21 on page 28 – **Produce a Local Toilets Strategy in accordance with the Public Health Wales Act 2017** – With so many pubs and restaurants being forced to close down, are there any ideas how to compensate with the lack of these facilities?

The Cabinet Member advised that the Local Toilets Strategy was drafted by the former Regulatory Services Manager – Environment and Community after consultation through 2019 as a result of the Public Health Wales Act. This report will be going to the Cabinet meeting on 11<sup>th</sup> November 2020. It commits the local authority councillors to assess the need of toilet provision and to be innovative about how to provide it. Members were then advised that the toilet legislation and the guidance associated doesn't require local authorities directly to provide facilities but to be mindful of how they can be provided in the future through developments working with partners.

- Members queried point 10 on page 19 – **to improve the Coroners service and deliver efficiencies** – is this the view of the dire circumstances we might be in if the epidemic gets worse?

The Cabinet Member advised that that Coroners Service is now based in the Civic Centre. The service area are looking to rearrange offices to accommodate them. The team have been extremely busy so they had to employ additional staff to help with the registrations of deaths, so changes are being made to give the service more capacity.

- Quite a few actions, Action Nos 7, 8, 14, 17 and 18 have all been interrupted by the Covid-19 enforcement work. Any idea when the grant funded COVID enforcements will be brought in, to allow NCC officers to be released to continue their duties?

Members were advised that the grant is for a six month period, which would be from October 2020. Staff should be back in their normal roles soon. Two Compliance Officers whose jobs are to inspect businesses, just started two weeks ago. They are ex Police Officers and have already done many inspections. As they have skills and qualities from the Police but no knowledge of our regulations, they problem spot for the Council and then send the information back to the experienced officers. This will free up more officers to do more rogue trader work.

As we are approaching the end of the fire break lockdown to the regulations, which are quite complicated, work with the Police and our officers will take place to do a lot of inspections over the next two or three weeks and going on into December, including consumer protection and licensing work. If it had not been for the change of rules, this work would have been going on now.

- Members queried Public Space Protection Orders. With everything currently on hold, are these likely to get back up and running in the new financial year?

Members were advised that it is the intention for these to be worked on.

The Chair thanked the Officers for attending.

### **People and Business Change**

Invitees:

- Councillor David Mayer – Cabinet Member for Community and Resources
- Councillor Deb Davies – Cabinet Member for Sustainable Development – Matters Relating to Well-being of Future Generations
- Rhys Cornwall – Head of People and Business Change
- Tracy McKim – Policy Partnership and Involvement Manager's
- Rachael Davies – HR and OD Manager

The Cabinet Member for Community and Resources introduced himself to the committee, and praised the officers for the quality of their work. It was advised that it is a pleasure to present the report coming to committee as is at a high quality as previous reports for this service area, and again praised his service area for being amongst the best in Wales, if not the United Kingdom.

The Cabinet Member for Sustainable Development introduced herself to the committee, and advised that Objective 1 in the report – the Future Generations and Well-being Act, falls under her portfolio, as well as the new Objective 5, which is to look at the aim and implementation of the social economic duty. It is intended to complement the Public Sector Equality Duty and the intentions of the Well-being and Future Generations Act. This work is

currently in development and needs to be enforced by March 2021. It was then advised that there has been really good progress made throughout the last five years since its implementation and we can see that work being developed through our Corporate Plans and also with our Public Service Board. We can see evidence of progress that's been made with the annual reports have been published and two reports that are available for public domain from the Public service board

The Head of People and Business Change then gave an overview of the report. It was advised that the Covid-19 pandemic has had an effect on the service plan. It is a rolling service plan now, which has now been put into a five year service plan process, which is updated and adapted over that period of time in order to deliver the Corporate Plan which takes up to 2022. The report has also taken into account the Strategic Recovery Aims that the Council has put in place in order to get out of the impact that we are facing.

The Head of Service explained that the underspend in the budget is primarily related to the impact of Covid-19, which includes the Organisational Development budget, as the service area pay for the a lot of training for staff. Due to Covid-19, the service area had to find new ways of delivering the training therefore the cost has significantly reduced. A lot of developments haven't been able to take place over the last six months as there were a lot of issues around IT to ensure the Council were able to work remotely. The service area also lead on risk and performance, and are currently dealing with large risks, which are shown in the Risk Register. Covid-19 is the highest scored risk, which is being dealt with on a multi-, agency basis.

The Head of Service then gave advice on the three areas that are the highest risk – **Cyber-security** – At the beginning of the lockdown when a number of officers had started to work from home, the Council had a national notification of the increased risk around cyber attacks, so the service area had placed a number of mitigations in place to protect us from that. The service area had also enabled the rest of the organisation to operate due to effective preparation. Within three days of the national lockdown, 1,200 staff work working from home. Because of investments that were made previously in some of the strategic decisions made, 85 staff were given laptops and were able to take home with them. Systems were already set up to work remotely and securely, and Office 360 which had facilities such as Teams were also included so the Council were already in a good position. The Head of Service then advised that the Health and Safety Team had played a critical role in supporting the organisation and our schools and ensuring Covid-19 compliance to ensure that we keep both our staff, people and service users safe. The Civil Contingencies Team, which is led by the Policy Partnership and Involvement Manager, held a lot of this work together and worked extremely hard and also worked with the Resilience Forum across Gwent.

The committee were then advised that there are 13 Amber and 2 Red measures. There are a series of Amber measures around pushing forward the Wellbeing of Future Generations Act within the organisation around some of the work that Civil Contingencies are doing for the organisation and around risk management. A lot of resources for things such as communication and integration work had been redirected for delivery of activities against Covid-19. Other Amber measures are due to the service area currently going through a restructure, which has taken longer because of the Covid-19 pandemic. It started before the lockdown and is still ongoing.

The Head of Service then briefly advised of the Red measures, one being around Governance. Members were reassured that there are governance arrangements in place all around the change processes, Heads of Service are responsible for change within the services areas which are reported through the service plans, but this measure has been slightly delayed. The other Red measure is around representative workforce issues. Members were told that we still do not have a workforce that is representative of the

communities it serves, so there is a work program in place to allow us to move forward with this.

Members asked the following -

- Members made comment regarding ongoing changes in national policies such as furlough. Does it raise challenges in planning in terms of the HR function and have many of our staff been impacted?

Members were advised that incredibly small numbers of our staff have been impacted by the furlough scheme because we have continued employment of all our staff. Some staff were able to be redeployed to other areas. Around 1200 of staff were working from home within a few days of the pandemic starting and a lot of other staff were able to carry out their duties in places other than their offices. Members were then advised that the ongoing changing of policies and schemes around business support had required the service area to think at their feet more and put more resources into doing things differently.

- Members understood why there were Amber and Red measures in the report considering the situation we are currently facing.
- Comment was made of the figure of around 1200 staff working from home, which is about a third of the workforce. Are those that aren't working from home on the furlough scheme?

Members were advised that there are around 2000 non-school staff. Not all of the approximate 1200 staff are now working from home. The directive at the time was for those staff who could work from home, should. So everybody was sent home at that point and the Council was still operational. The other staff are those working in social services and City Services. Those staff who were unable to carry out their duties from home have been made sure that they are working in a safe environment.

- Members enquired about the commentary on point 14, page 64 of the report which advised "Additionally, the creation of a resolution based approach to handling conflict will replace the process driven disciplinary and grievance policies". This is showing as Green although only 20% had been achieved. Is there any further progress on this?

The HR and Policy Manager advised that some policies such as disciplinary grievance need to be kept as a formal process, however the service area believe there are alternative ways to come up with a conflict resolution policy which is around treating people mutually with respect , figure out what the problems are, how they can be resolved informally or at the lowest possible denominator and to be able to move forward in a pragmatic and adult way. At the moment, the only option available is to take people through a long and costly formal process which is stressful for individuals and teams involved. They are currently looking at an approach similar to what is being used in schools for restorative justice.

This measure is showing as Green because it is currently on track in terms of where the service area wish to be in relationship to the design and the development.

- Committee were pleased to note that there had been engagement with places of worship. Comment was made if every place of worship were going to be engaged?

It was not known whether it would involve every place of worship, but this would be checked and advised. Engagement has been carried out with mosques and churches about safety and expectations. Members were reminded that this work was done in the first half of the year, and work is still ongoing by liaising with church leaders, community leaders and places of worship. Members were then given context on discussions on social media which claim churches and mosques were opening when they in fact had not. The Policy Partnership and Involvement Manager's team – Community Cohesion officers carry out the engagement.

- Corporate Risk for COVID-19 Pandemic Outbreak, Brexit and Cyber Security are all showing as Red – High probability and High impact. What mitigation is in place to reduce the impact of capacity and capability for the service area to deliver their objectives?

Members were advised that these show red when they hit a certain threshold. The Head of Service gave updates on the three Red measures:

**Cyber security** – A lot of work has been undertaken as an organisation over the last four or five years which has been led by Mb. An additional level of security for the organisation has been procured which is currently being implemented so this will reduce the risk.

**Brexit** – The impact on the service area are primarily around the availability of IT equipment. The trade war between the USA and China has impacted components going out of the USA and China to manufacturers. Another impact is around communication, so the service area have been doing a lot of work encouraging people to apply for a settlement status. A Brexit report will be going to Cabinet next week.

**COVID-19** – Lots of work has taken place with Community Cohesion. The service area are the Covid lead on that Resilience was also noted as a problem, as the Council has a low staff base when compared to similar sized local authorities. Lots of staff had to operate in different ways. The Head of Service then praised all of the service area for the hard work they have done during the pandemic, whether it be ensuring staff have the correct IT and equipment to contact tracing.

The Head of Service also advised that last week the service area held a 40 minute Mindfulness session via Microsoft Teams, will help to look after staff. The performance of enforcement and contact tracing work was also praised.

- Action No 2, page 65 – **“Support the Council in developing robust governance arrangements that monitors the delivery of strategic programmes and projects that aligns with the Council's finance, HR, planning, performance and risk management processes.”** Is there any idea when next year this will start, or is it dependent on the pandemic?

Members were advised that there are aspirations what this will feel like. Paul Flint has done a really good job of developing the performance management system. The service area had started a restructure of that team, once this has been completed it will allow the service area to take the next steps. It is hopeful that in late Spring this will be in a better position.

- Query was made about Democracy – 20 Things to do by 2020. How far did the Council get with this?

The committee were advised that some were completed, but will report back to the committee with full information.

The Chair thanked the Cabinet Member and officers for attending.

### **Conclusion of Reports**

#### **Law and Regulations**

- The committee appreciated the hard work that officers at all levels have undertaken during the pandemic and managing to keep things going. The committee commented that the Amber measures were a good result given the position placed upon them.
- Members commented that it would be useful in to collect data for the improvements in air quality in the city and would like to see this in future reports.
- Members were pleased that the local toilet strategy report will be going to Cabinet shortly, as there are concerns about the lack of provisions available with many pubs and restaurants closing.

#### **People and Business Change**

- Members welcomed the detailed nature of the commentary
- Members the hard work that officers at all levels have undertaken during the pandemic and managing to keep things going and were extremely thankful that the service area were able to sort out remote working for the workforce in such a small time frame.
- Committee were please that there had been engagement with places of worship. Comment was made if every place of worship were going to be engaged.
- Query was made about Democracy – 20 Things to do by 2020. How far did the Council get with this?

The meeting terminated at 18:00 pm