

Minutes



Council

Date: 27 September 2016

Time: 5.00 pm

Present: Councillors D Atwell (Chair), M Al-Nuami, O Ali, P Cockeram, M Cornelious, K Critchley, D Davies, C Evans, M Evans, C Ferris, D Fouweather, E Garland, G Giles, J Guy, P Hannon, D Harvey, I Hayat, P Huntley, R Hutchings, R Jeavons, C Jenkins, M Kellaway, M Linton, D Mayer, S Mlewa, R Mogford, R Poole, J Mudd, M Rahman, J Richards, M Spencer, H Thomas, K Thomas, R Truman, T Watkins, M Whitcutt, R White, K Whitehead, D Wilcox, D Williams and Townsend

Apologies: Councillors T Bond, R Bright, E Corten, V Delahaye, C Maxfield, A Morris, C Suller, T Suller and J Cleverly

1. Preliminaries

Mrs Anne Gatehouse and Ms Christine Jones

The Mayor announced that since the last meeting, Council had been informed of the passing of Mrs Anne Gatehouse and Ms Christine Jones, both of whom were leading Members of the Friends of Newport Transporter Bridge. Mrs Gatehouse also oversaw the Jerome Gatehouse Foundation set up to preserve her husband's vast and important collection of military band memorabilia. The Mayor passed on the Council's condolences to both families.

Councillor Carmel Townsend

The Mayor announced that Councillor Carmel Townsend had been elected at the recent By Election in the St. Julians Ward. The Leader introduced Councillor Townsend to the Mayor and to the Council.

2. Minutes

Councillor Paul Hannon queried the Leader's quote in the minutes of "a press article in May 2016 which showed that 5 million people had visited Friar's Walk in the first 6 months of operation". Councillor Hannon questioned whether the figure of 5 million was correct or a misreporting of the facts. Officers agreed to look into this and report back.

Subject to verification of the above query, the minutes of the meeting of the City Council held on 26 July 2016 were confirmed as a true record and signed by the Mayor.

3. Appointments

Dispensation for Extended Absences

Councillor Debbie Harvey reported that she had met with Councillor Fouweather in August to consider two requests from Councillors to allow their continued absence from Council

business. It was reported that Councillor Maxfield was suffering from an extended illness that would lead her to be absent from meetings beyond a six month period. Approval was requested to allow her absence until her return to health. Councillor Bright was also suffering from a long-term illness and required approval for non-attendance beyond six months, until his return to health.

Councillor David Fouweather seconded the motion, wishing both Councillors well.

Resolved

To grant dispensation for absence to Councillors Bright and Maxfield as described above.

Appointments

The Proper Officer had also been notified of the following appointments:

Street Scene, Regeneration and Safety Scrutiny Committee: Councillor Miqdad Al-Nuaimi to replace Councillor Majid Rahman.

Licensing Committee: Councillor Debbie Harvey to replace Councillor Trevor Watkins.

Newport Transport: Councillor Deborah Davies to replace Councillor Rhys Hutchings.

Fairness Commission: Councillor David Williams to replace Councillor Ray Mogford.

Social Services Rota Visits: Councillor Mark Spencer to replace Councillor Rhys Hutchings.

Governors:

- Kieron Dineen – Ysgol Gymraeg Ifor Hael
- Karen Seager – Malpas Court Primary
- Councillor Gail Giles – Caerleon Lodge Hill Primary
- Councillor Paul Huntley – Caerleon Lodge Hill Primary
- Caroline McLachlan – Caerleon Lodge Hill Primary
- Councillor John Richards – Lliswerry Primary
- Councillor David Fouweather – Ysgol Gymraeg Bro Teyrnnon

4. Police Issues

The Mayor welcomed Superintendent Glyn Fernquest to the meeting.

The Superintendent reported on recent events in the city, noting the impact that the success of Friar's Walk has had on the way the Council and the Police do business, presenting new challenges that were all part of policing a vibrant community and successful city. He particularly thanked Members for assistance with a recent issue regarding the timing of a protest, which Councillors were able to help resolve through their links in the community.

Superintendent Fernquest updated the Council regarding action on recent criminal activity and ongoing police operations. He also outlined future events being held in Cardiff which would have an impact on local policing and infrastructure.

In response to Councillor Truman's concerns regarding local traffic issues, including parking, Superintendent Fernquest reiterated the commitment to engage and enforce where particular problem areas and times were highlighted, although it was also noted that education was the most effective tool in dealing with these issues.

Councillor Al-Nuaimi asked for the Superintendent's view on decriminalising parking. Superintendent Fernquest responded that, while the majority of other areas had taken that route, the Police would support the Council as best they could whether or not parking was decriminalised.

Superintendent Fernquest informed Councillor Fouweather that actions were being taken to tackle a spike in crime in the Allt-yr-yn ward. The concerns regarding parking were also noted.

Superintendent Fernquest informed Councillor Garland that leaflet drops could be made, alongside reminders on social media, to raise residents' awareness of car crime and security.

Superintendent Fernquest recognised Councillor Cockeram's safety concerns regarding the increased traffic on Malpas Road due to the night closures of the Brynglas Tunnels. Whilst roadworks and additional traffic pressures were not within the control of the Police, the Superintendent agreed to look at resources available to undertake safety checks and other mitigating measures.

The Superintendent agreed to look into the issues raised by Councillor Chris Evans regarding non-attendance of Police at pre-arranged surgeries.

Councillor Charles Ferris shared the recent experiences of the street pastors encountering more rough sleepers who were new to the area. Superintendent Fernquest confirmed that local officers had also noted this, and were looking to develop a working group with partner agencies, including the council, to address this new challenge and provide the necessary support to these individuals.

The Superintendent updated Councillor Critchley on police recruitment.

Councillors Whitehead and Hannon thanked local police for recent actions and assistance in their wards.

5. Annual Report by the Overview and Scrutiny Committees

Councillor Omar Ali, Chair of the Street Scene, Regeneration and Safety Scrutiny Committee, presented the Annual Report of the Overview and Scrutiny Committees. He highlighted the good progress made in the last year, and the continuing focus of the new Committee Chairs on strengthening the structure of scrutiny so it is in a strong position for the new Council in May. In particular, in the coming year scrutiny would be working on:

- Developing pre-meetings, to focus challenge and improve questioning;
- Introducing an effective system of public services board scrutiny;
- Implementing the public engagement strategy;
- Developing scrutiny's role in performance management; and
- Delivering and developing training and induction events for Scrutiny Members.

Finally, Councillor Ali thanked the Scrutiny Team and other officers who supported scrutiny in driving forward continuous improvement.

Councillor David Williams, Chair of the Community Planning and Development Scrutiny Committee, seconded the report.

The Leader spoke in support of the report, outlining some positive feedback that had been received from the Welsh Local Government Association following a recent training session with the Committee Chairs and Scrutiny Team.

Some Members commented upon the heavy workload of the Committees, over-emphasis on process, and limited impact of scrutiny.

Resolved

To agree the content of the annual report as a basis for the work of the Scrutiny Committees in the coming year.

6. Annual Report by the Standards Committee

Mrs Hazel Taylor OBE, Chair of the Standards Committee, attended for this item.

Before the report was presented, as Mrs Taylor had recently retired from her position as Chair and Committee Member, the Mayor led Members in thanking Mrs Taylor for her contribution to the Standards Committee over 15 years. The Leader, the Leader of the Opposition, and a number of other Members paid tribute to Mrs Taylor's dedication and service to local public services during her long and distinguished career. The Council also offered its thanks to Mr John Pickering, Vice-Chair of the Standards Committee, who was also standing down from the Committee.

Mrs Taylor thanked Members for their kind words. In presenting the report, she commended the Council for its attitude to ethical standards in public life, and highlighted the Council's excellent record of never having any serious complaints upheld and sanctions imposed against individual Members. There was however no room for complacency, and Mrs Taylor highlighted the need to continue the focus on ethical standards.

Mrs Taylor paid tribute to retiring Vice Chair John Pickering, and Committee Member Gerald Hancock who would be retiring later in the year. She also thanked the staff at the Civic Centre for their excellent support during her time of office.

Resolved

To receive the Standards Committee Annual Report for 2015/16 and to note the forward work programme.

7. Annual Review of the 2015-2016 Improvement Plan

The Leader of the Council moved the report, which set out progress made against the priorities set out in the 2015/16 Improvement Plan.

In presenting the report, the Leader highlighted that overall progress against the plan's priorities had been assessed as "good", and the Council had also continued to improve performance against National Strategic Indicators and Public Accountability Measures, with performance on 60% of national measures either improved or maintained.

The Leader recognised, however, that there were still areas in need of improvement, and those areas of underperformance were the subject of challenge and review by the Cabinet, within the context of an increasingly difficult financial environment. The Leader ended her presentation by highlighting the overall aim of the Council, to provide the best possible outcomes and the highest possible services for the city and its residents.

The Leader of the Opposition moved the following amendment:

To amend the proposal in the report to add "and to continue to scrutinise areas of underperformance".

In presenting the amendment, the Leader of the Opposition stated that, while he supported the original proposal “to note the content of the report and to commend areas of successful service delivery”, the proposed amendment would make it a matter of public record that areas of underperformance would continue to be subject to scrutiny and challenge.

The amendment was seconded by Councillor David Fouweather.

A number of Members spoke for and against the amendment. Points made for the amendment included:

- Reports should not just focus upon the positive achievements.
- Times were challenging, and priorities were more difficult to achieve, so it was more important than ever to ensure that underperformance was scrutinised properly.
- This was a simple amendment that would make clear the intention to challenge problem areas.

Points made against the amendment included:

- There is already an ongoing process of scrutiny looking at underperformance, and Council is already subject to significant scrutiny from external agencies such as the Wales Audit Office.
- Any Member can refer an issue to scrutiny at any time.
- The amendment was not relevant within the context of the report, as there was no implication that underperformance would not be scrutinised.

The vote was put to the Council and the amendment was **lost**.

The substantive motion was then considered. A vote was taken and the substantive motion was carried.

Resolved

To note the content of the report and to commend areas of successful service delivery.

8. Heads of Service : Pay Bands

All Heads of Service were required to leave the Chamber during consideration of this item, due to their personal interest in the report.

The Chief Executive presented the report, providing some detail on the context and background to the issue. He reminded Council that pay for Heads of Service had not been included in the main Total Reward exercise, as Cabinet had agreed to conclude negotiations for the rest of workforce before reviewing senior pay. The Total Reward agreement had now been implemented, and Cabinet had therefore agreed to commission Hay to undertake a job evaluation exercise to review the Head of Service posts. The results of this exercise were included in the report, and Council was being asked to acknowledge the outcome and implement the recommended changes.

The Chief Executive highlighted that this had been an independent process, undertaken by an external partner. The results had also been evaluated and endorsed by the Independent Remuneration Panel. Due to the conflict of interest for the Monitoring Officer, Geldards had been instructed by the Chief Executive to provide independent legal advice in relation to the issue of Heads of Service pay, and their comments had been included in the report. Kim Howell of Geldards was also in attendance at the Council meeting to answer Members' questions and provide any points of clarification on the legal advice given.

Finally the Chief Executive noted the issues also set out in the report regarding market rates, although it was recognised that this was an issue across the Council. However Council was alerted to the risks surrounding market rates for Heads of Service, particularly regarding recruitment and retention, although there were no specific proposals before Council at this time regarding pay levels.

Members were invited to ask any questions they may have on the content of the report, before the debate on the proposal before them was opened.

Points of clarification were provided in response to Member questions, including:

- This report was produced independently from the Council, endorsed by the Independent Remuneration Panel and subject to independent legal advice.
- The report was not legally binding. The only legally binding evaluation would be that of an employment tribunal determining an equal value claim, which would also entitle the claimants to retrospective compensation. This was not the case for this report, and Council were being asked whether or not to act upon its recommendations.
- There would be no impact upon roles below Head of service level, as these had already been evaluated through a separate job evaluation process.
- There was a risk around equal pay claims if the senior roles were not subject to evaluation.
- The issues raised around market rates for senior pay were entirely separate from the job evaluation exercise undertaken by Hay. Pay rates were being highlighted as a risk, and it would be a matter for Council whether to address this in the future. The issue to hand was to resolve the gap in completing job evaluation.
- The cost of the Hay job evaluation report was £8,000 plus VAT.
- It was confirmed that decisions relating to Chief Officer remuneration were a matter for Council (Constitution: Article 4: 4.2.XII).

The report was moved by the Leader and seconded by the Deputy Leader. A number of Members spoke on the report. Points raised included:

- There should be parity in the pay of people working at the same level and with comparable responsibilities.
- The Council had a responsibility as an employer to act in a fair, balanced and principled way, and in accordance with employment law.
- This report was the final part of the job evaluation process which had been undertaken across the whole Council, in an open and transparent way.
- The recruitment and retention issues associated with market rates of pay were also a concern, and the Council needed to look at different ways to address this going forward.

Resolved

1. To acknowledge the outcome of a recent job evaluation exercise for Heads of Service and move three identified posts to HDS02 in line with the outcome of that exercise.
2. To note the ongoing recruitment and retention issues for this staffing group due to market rate values being inconsistent with NCC's current pay levels.

9. Questions to the Chair of the Cabinet

There were no questions to the Chair of Cabinet on this occasion.

10. Questions to Cabinet Members

There were no questions to the Cabinet Members on this occasion.

11. **Questions to Committee Chairs**

There were no questions to the Chairs on this occasion.

12. **Standards Committee - Minutes**

The minutes of the meeting of the Standards Committee held on 15 September 2016 were received by the Council.

The meeting terminated at 7.30 pm