

## **PERFORMANCE SCRUTINY COMMITTEE**

Minutes of a meeting of the Performance Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 14 July 2016 at 9.30 am.

### **PRESENT**

Councillors Ray Bartley, Geraint Lloyd-Williams, Barry Mellor (Chair), Arwel Roberts and Gareth Sandilands

Cabinet Members – Councillors Barbara Smith, David Smith and Julian Thompson-Hill attended at the committee's invitation for items relating to their portfolios.

### **ALSO PRESENT**

Chief Executive (MM); Head of Facilities, Assets and Housing (JG); Lead Officer – Community Housing (GD); Highway Operations and Streetscene Manager (South) (SB); Head of Planning and Public Protection (GB); Public Protection Manager (EJ); Senior Community Safety Enforcement Officer (TWE); Group Manager: Change Programme, Business Support and Tourism (BE); Performance Officer: Highways and Environmental Services (KB); Strategic Planning Team Manager (VR); Scrutiny Coordinator (RE) and Committee Administrator (KEJ)

#### **1 APOLOGIES**

Councillors Meirick Davies, Colin Hughes, Dewi Owens and Joe Welch

#### **2 DECLARATION OF INTERESTS**

No declarations of interest had been raised.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters had been raised.

#### **4 MINUTES OF THE LAST MEETING**

The minutes of the Performance Scrutiny Committee held on 9 June 2016 were submitted.

#### **Matters Arising –**

Page 8 – Item No. 5 Minutes: BT Superfast Cymru Rollout in Denbighshire – Councillor Gareth Sandilands expressed concern that the Council had issued a press statement regarding its disappointment with the Welsh Government's response to the request for it to share the map identifying superfast fibre optic 'not spots' in Denbighshire. He felt it would have been more productive for the Council to engage in dialogue with Welsh Government on the matter rather than go public. Officers advised that the Leader had written to the Minister again requesting the

information so that the Council could inform residents on superfast broadband availability. The Minister's response was still awaited.

Page 9 – Item 6 Corporate Plan Performance Report: Quarter 4 2015/16 – In response to concerns raised at the previous meeting the Highway Operations and Streetscene Manager (South) was in attendance to brief members on the situation regarding the grass cutting contracts for the county's lawned cemeteries. He advised that both contractors engaged to undertake the grass cutting work at the county's seven lawned cemeteries had ceased to trade. As a result the Council's Streetscene Team had assumed responsibility for the work for the remainder of the 2016/17 financial year. He confirmed that problems had been encountered with one of the contractors during the first cut as they had not undertaken the work to the standard specified in the contract. All problems relating to the work undertaken by the contractors had been rectified by the Streetscene staff and the Cemeteries Officer. Discussions were currently underway within Highways and Environmental Services on the most appropriate method for delivering grass cutting services at the cemeteries for the 2017/18 financial year. The Service was experiencing financial pressures with respect to cemeteries income recently following the opening of the new crematorium at St. Asaph, and those pressures would need to be factored into any future budget discussion and decisions. The Lead Member for Modernisation and Housing advised that the Council's Housing service had a separate grass cutting contract which seemed to be delivering to a satisfactory level. She therefore suggested that officers from other services should explore whether it was feasible for that contract to be extended to include cemeteries or could benefit from a similar contract. Councillors Ray Bartley and Arwel Roberts reiterated some of the problems encountered at Denbigh and Rhuddlan Cemeteries and had been pleased with the way in which the Streetscene Team had responded to the issues raised. It was hoped that the current standard of maintenance would continue.

**RESOLVED** that the minutes of the meeting held on 9 June 2016 be received and approved as a correct record.

## **5 RE-LETTING OF COUNCIL HOMES**

Councillor Barbara Smith, Lead Member for Modernisation and Housing introduced the report (previously circulated) on the Council's performance in re-letting Council homes and the approach taken with respect to delivering better outcomes for tenants rather than meeting the designated performance indicator. The report was being presented in response to a request from an elected member who had concerns that the Council was not meeting the target for re-letting properties as set out in the Corporate Plan.

The Head of Facilities, Housing and Assets and the Lead Officer – Community Housing explained that whilst the Council had met the Welsh Housing Quality Standard (WHQS) the work to meet that standard had centred around specific aspects of social housing, i.e. kitchens, bathrooms, windows, heating systems, etc. Following the conclusion of that work a review had been undertaken on the standards of homes re-let by the Council to tenants. That review had concluded that whilst WHQSs had been met, to meet the performance indicator for re-letting council housing the authority was in a many cases re-letting houses in a poor state

of maintenance both internally and externally. This was unfair on the new tenants, who more often than not did not have sufficient disposable income to improve them to a reasonable standard of decoration, etc. Powerpoint slides were shown to the committee to illustrate the condition of some of the houses re-let to tenants in the past and those re-let now that the council had adopted the approach of ensuring that its properties were re-let in appropriate standards. The rationale behind the approach was that re-letting properties in a good state of repair and decoration both inside and outside, including neat and tidy gardens, would encourage the tenants to take pride in their homes and also reduce anti-social behaviour in some areas. The cost to the Council of refurbishing these properties averaged circa £1k per property, money to undertake the work was available in the Housing Revenue Account (HRA). Officers explained the process for decanting council properties and co-ordinating the required maintenance and decorating work to bring them up to the required standard prior to re-letting them. At present this was taking 43 days, however in future it was anticipated that this would reduce to circa 35 days which was still higher than the 26 day target set in the Corporate Plan. With a view to seeking assurances that a new target of 35 days was feasible and that the new approach taken with respect of re-letting Council properties was as lean as it could be in order to deliver better outcomes for tenants, the Housing Service had commissioned Internal Audit to review the processes involved.

In response to members' questions the Lead Member and officers advised that –

- a strict monitoring process was now in place to ensure that tenants were taking pride in their properties and maintaining them accordingly
- the Council let in the region of 200 properties per year
- it was anticipated in time that the time taken to re-let properties would reduce as it was hoped that tenants who had entered into tenancy agreements on properties which were of a high quality standard would take pride in them and vacate them in due course in a reasonable condition
- the Service had taken a conscious decision to use higher specification materials when refurbishing council properties as it felt that superior quality products would pay dividends in future and realise value for money in the long run
- the Head of Service regularly visited council properties with a member of the Housing Team
- the minimum performance indicator for re-letting social housing was 20 days, however landlords who met this target often disrupted the tenants' lives later by undertaking the maintenance work when they were in situ. This was not an ideal situation for either the tenant or landlord
- advertisements were due to be published in the near future for four Community Development Officers to work as part of the Housing team. These officers would be working directly with tenants and Tenant Associations dealing with any concerns they had and liaising with the Council on their behalf if required. They would also come to know the tenants in their areas understanding their needs and concerns and be the Housing Service's 'eyes' and 'ears' in the communities. It was anticipated that by having officers based in the communities a sense of respect, pride and ownership of their neighbourhood and environment would be instilled in the community and that this would also help reduce incidents of anti-social behaviour. The existence of Community Development Officers would also provide a more equitable service across the

county, as they would serve both urban and rural areas. In future the new community development workers may wish to re-introduce the local member visits to estates in their ward

- with a view to ensuring that tenants did maintain their properties to a reasonable standard Property Service operatives who entered the properties would leave 'satisfaction' cards for the tenants to feedback their comments on the work undertaken. The operatives would also undertake a survey of the property's condition. In future it was hoped that a similar 'condition' survey could be completed by any member of Council staff who visited a Council property as it was felt that this was an effective method of ensuring that expected standards were met
- it was hoped that if Council owned properties on estates were maintained to a reasonable standard both internally and externally, owners of former council properties on the same estate would feel obliged to improve the condition of their properties and gardens to at least a comparable standard
- the Housing Service was currently working with Cartrefi Conwy with a view to determining whether it could learn and consequently improve re-letting timescales and standards from adopting any of its practices, and vice versa
- the Service was looking at improving its IT system in order to improve service delivery
- in the long-term it was the Council's ambition to improve on the 35 days re-letting target. Work was currently underway on neighbourhood housing strategies in order to understand future housing needs, acquiring more housing stock and land to build social housing and to reclassify some existing properties to make them easier to let to individuals for families who need them
- environmental works in the Tan yr Eglwys area of Rhuddlan was included in the current business plan and would be undertaken once all the preliminary feasibility work had been completed
- the Housing strategy team worked closely with Registered Social Landlords (RSLs) in the area and if the Council was of the view that an RSL was not maintaining its properties or environmental areas up to the expected standards it would inform it that part of its funding from the local authority (social housing grant) may be withheld until the required maintenance work was completed
- they would be re-visiting the 'Arbed' Scheme currently underway on a number of council properties to examine the benefits of including property boundaries within the Scheme in future
- they were confident that work would commence on Council instigated social housing projects in the county before the end of the year as land had already been acquired and monies had been allocated within the HRA business Plan for the work. Discussions were currently underway with the Planning Department with respect to developing a planning brief for Denbigh, and route to market for the North county land acquisitions.

At the conclusion of the discussion the committee agreed with officers and Lead Members that an approach to provide residents and communities with what was deemed necessary to meet their needs and what was conducive with a better quality of life was far more appropriate than 'chasing' targets. It was –

**RESOLVED** that, subject to the above observations, to support the approach adopted by the Council with respect of the re-letting of Council homes and the associated revised performance target.

At this juncture (10.30 a.m.) the committee adjourned for a refreshment break.

## **6 DOG FOULING STRATEGY UPDATE**

Councillor David Smith, Lead Member for Public Realm introduced the report and associated appendices (previously circulated) on progress made against the Council's Dog Fouling Strategy and detailed the number of reported incidents and known hot spots.

Members were advised that the Dog Fouling Strategy formed an integral part of the Council's corporate priority of ensuring clean and tidy streets. The problem of dog fouling was raised with councillors by residents on a regular basis and whilst the Council could never eliminate the problem, recent data was definitely showing a reduction in the number of reported incidents and considered a success overall. Denbighshire had been the first Council to engage Kingdom Security Ltd to undertake certain aspects of environmental crime enforcement work, however five out of the six North Wales authorities now commissioned them to undertake enforcement work on their behalf and UK wide they were engaged by 35 authorities. Responding to members' questions the Lead Member, Public Protection and Streetscene Service officers advised that –

- Kingdom were managed on the Council's behalf by the Council's Senior Community Safety Enforcement Officer and any queries/complaints regarding their work should be directed to him
- currently there were no enforceable prohibition orders relating to dogs on beaches, there may be historical by-laws and the only way to enforce these was by instigating court proceedings
- with a view to improving the Council's enforcement powers in relation to dog fouling officers were proposing to introduce Public Space Protection Orders (PSPOs). These Orders, which Councils could make under powers conferred on them in the Anti-Social Behaviour Crime and Policing Act 2014, could include excluding dogs from certain land and/or require dogs to be on a lead in certain areas. The Council expected to be in a position to consult on the proposed Orders before the end of the year, as officers were at present in the process of identifying the most appropriate areas for designation within the Orders
- despite numerous requests to the Police they had not engaged with the Council for the purpose of enforcement action in relation to dog fouling, they were also very reluctant to share information with the Council on dog fouling incidents
- concerns relating to dangerous dogs should be referred to the Police as it was a criminal matter rather than a civil enforcement matter
- where there was a high concentration of dog fouling incidents officers would highlight the fact by marking the pavements with yellow chalk once the Streetscene officers had cleared up the mess. This approach formed part of the promotional campaign to reduce dog fouling

- 'hotspots' were designated based on the number of incidents reported by councillors and/or members of the public in specific areas and recorded on the CRM system
- during the last six months approximately 82 complaints had been received by the Council against Kingdom, this equated roughly to less than 2% of the Fixed Penalty Notices (FPNs) issued for environmental crime offences. Upon receipt of a complaint the Council's Senior Community Safety Enforcement Officer would review all the evidence submitted, including footage from the Enforcement Officer's body camera, before determining whether or not to uphold the complaint. In all cases he would write to the complainant outlining his decision and the basis of his determination
- if complaints against staff employed by Kingdom were judged to be founded the Senior Community Safety Enforcement Officer would inform Kingdom and they would deal with them in accordance with the terms of the Council's contract with them. Staff had been removed out of the area via this procedure during the term of the Council's contract with Kingdom
- the Public Protection Manager and the Senior Community Safety Enforcement Officer undertook random checks on body camera footage to check behaviours etc. on a monthly basis
- there had been incidents of Kingdom staff being assaulted by disgruntled members of the public
- Internal Audit had recently reviewed the work of the Service and Kingdom and a report, which was on the whole a very positive one, was due to be presented to the Corporate Governance Committee imminently
- a higher number of dog fouling incidents tended to be recorded during January, probably due to either people letting their dogs out unaccompanied and due to the reduced number of daylight hours which impaired the visibility required to successfully evidence alleged offences. Staffing rotas for the Streetscene Service during the winter period from now on should assist to address this problem to a certain extent
- public space CCTV cameras had recently been purchased for the purpose of deploying in 'hotspots' to gather evidence. These were compact cameras that recorded footage when triggered by movement. However the law did not permit covert use of the cameras and therefore clear warning signs had to be erected that CCTV cameras were operating in the area
- the Service had considered the option of adopting a dog DNA database approach, similar to the one operating in Barking and Dagenham and under consideration in Flintshire, for the purpose of reducing dog fouling. However it was considered to be too expensive an option to deal with the problem. Nevertheless it may yet be considered again sometime in the future
- Streetscene staff were actively engaging with dog walkers providing them with advice stickers, appropriate bags etc. whilst also gathering intelligence for the Council on any patterns or trends that were occurring within their areas
- the Council was also actively trying to seek intelligence from members of the public in 'hotspot' areas in a bid to apprehend known offenders. However whilst the public were willing to provide verbal evidence to officers they were reluctant to provide written statements or testify as witnesses if required. Nevertheless, any soft evidence provided to officers could prove useful eventually in order to take enforcement action

- enforcement officers were required to inform a person suspected of committing an environmental crime that the interview was being recorded. The cameras were not activated until the alleged offence had been committed, therefore there would be no footage of the actual offence
- that FPNs had been issued in Mount Wood in Denbigh
- between 5 and 7 enforcement officers patrolled areas of the county at any one time, some patrolled outside of the standard 9.00 a.m. to 5.00 p.m. time in order to try and catch persistent offenders
- Kingdom officers were permitted to patrol covertly in plain clothes for the purpose of policing and issuing FPNs for dog fouling. They were not allowed to patrol in plain clothes for the purpose of detecting other types of environmental crime. Incidents when these rules had been contravened had come to light and in those cases Kingdom had been reprimanded for contravening the rules of the contract
- if councillors or residents had concerns about the behaviour of Kingdom officers they should report them immediately to the Senior Community Safety Enforcement Officer or the Public Protection Manager
- circa 3000 FPNs were issued in Denbighshire in a 12 month period, the highest number issued in any local authority in North Wales. Approximately 2% of those issued with a FPN lodged a formal complaint against its issue and proceeded to appeal, a minority of those appeals were upheld
- Kingdom's income from its contract with the Council was partly based on a set contract fee, and part income generation per FPN it issued
- if it was the Council's wish for the service to be provided in-house that could be done, but it would need to secure funding to enable that to take place
- litter in and around schools reduced drastically during school holiday periods. Discussions were underway with Keep Wales Tidy with a view to delivering sessions to year 6 pupils to educate them about the importance of keeping the environment tidy in a bid to instil a sense of pride in them that would be sustained throughout their lives and be sustained from one generation to the next. The possibility of securing funding to run a pilot of the programme within Ysgol Brynhyfryd's feeder schools was currently being explored
- a sustained anti-dog fouling public relations campaign was required in order to keep its profile high. With this in mind officers were in discussion with the Head of Customers, Communications and Marketing with a view to progressing the campaign on a regular basis via social media, and
- that scrutiny may wish to be consulted on the draft PSPOs in due course.

In response to an alleged smoking related FPN incident involving officers from Kingdom and an elderly gentleman, reported in the press earlier in the week, the Head of Service and Senior Community Safety Enforcement Officer advised that the matter had since been satisfactorily resolved.

Members –

- suggested that once the PSPOs had been agreed and made it may be appropriate for enforcement staff, including Kingdom, to inform and educate people about them initially before actually taking any enforcement actions against contraventions

- asked that Ystrad Road, Denbigh through towards Brookhouse, and Central Park football ground Denbigh be visited to determine whether they should be included in the 'dog fouling hotspot' list
- when drawing up proposed PSPOs care should be taken in areas where there was a shortage of areas to exercise dogs to strike an appropriate balance between the need for safe recreational areas for children and the public and those of dog walkers/owners. Rhuddlan was cited as an example, in particular Admiral's Playing Fields
- requested that Mount Wood, Denbigh also be considered as a potential area for a PSPO, and
- requested that an element of flexibility and a common sense approach be introduced to the issuing of FPNs during large events, such as the Rhyl Air Show, where members of the public could not deposit litter etc. in the bins provided due to them being full capacity. Officers did confirm that enforcement staff would be advised to use their discretion at such events and assume more of an advisory role. The Environmental Services Team would also be on hand to empty bins etc., immediately crowds had dispersed.

At the conclusion of the discussion officers undertook to provide members with the latest information on the number of complaints lodged against Kingdom via the Council's 'Your Voice' Corporate Complaints procedure and to re-introduce the quarterly statistical report to members on the number of FPNs issued. It was –

***RESOLVED*** that, subject to the above observations, to support the excellent work undertaken by officers across services to tackle dog fouling in the county.

## **7 CORPORATE RISK REGISTER REVIEW - JUNE 2016**

Councillor Julian Thompson-Hill, Lead Member for Finance, Corporate Plan and Performance introduced the report (previously circulated) on the June 2016 review of the Council's Corporate Risk Register.

The Lead Member detailed the main issues highlighted within the report and explained why the risk categorisation of some had been amended and others had been removed or scaled down to Service risks rather than corporate risks.

In response to members' questions the Lead Members present and Chief Executive advised that –

- with regards to the result of the recent Referendum on European Union (EU) membership the Council had asked the Welsh Local Government Association (WLGA) to undertake a county by county and region by region analysis of the impact of the decision to withdraw from the EU. This would be an extensive piece of work, and due to the UK Government uncertainties at present, it was not anticipated that a clear picture would emerge of the actual impact on local government until the autumn at the earliest. As EU structural funds had virtually been agreed until 2020, when the new structural funds were due to be available, it was anticipated that the impact on projects already agreed in Denbighshire would be minimal

- with regards to Corporate Risk DCC032 relating to local government reorganisation it was now clear that local government would not be reorganised in the near future, as the Welsh Government had confirmed that next year's local authority elections would be for a 5 year council term, up to 2022. Nevertheless, there was still a risk in relation to the financial sustainability of local government going forward
- the risk relating to alternative service models had recently come to the fore with the conclusions of the Estyn inspection of the North Wales regional school improvement service, GwE. Officers from Denbighshire had submitted proposals on how GwE could be reformed for the benefit of Denbighshire pupils, although there was no certainty on whether these proposals would be supported by other local education authorities who were stakeholders in GwE. If Denbighshire was not happy with the way forward with the regional service it would give notice to withdraw. No decision had yet been taken with respect of this, but a meeting was scheduled with Welsh Government officials during the summer to discuss how the model could be improved
- DCC017 – this risk had now been removed from the Corporate Risk Register and would in future be managed at a Service level as all the strategic IT implementation work relating to migration to Outlook and the telephony system had been completed. Issues relating to elected members' IT would be discussed at a joint IT and Democratic Services Working Group due to be established during the summer to discuss potential IT solutions and requirements for elected members post the 2017 local authority elections
- DCC016 – this risk relating to the impact of welfare reforms having a more significant impact than originally anticipated had been removed from the Corporate Risk Register. Nevertheless, once Universal Credit (UC) was introduced, a new risk relating to UC may be included on the Risk Register. The Cutting Our Cloth Task and Finish Group had examined the impact of the withdrawal of the Welfare Rights Unit (WRU) and the transfer of service provision to the Citizens Advice Bureau (CAB) and concluded that the impact had not been worse than originally anticipated. It was due to examine the matter again at its meeting at the end of July as it was eager to see what additional services/advice the CAB had been able to provide.

Rhyl Members advised that the Town Council had been approached by Rhyl Benefits Advice Shop for funding to secure its future following the end of this year. The basis of their case for funding was that they had secured £4m worth of benefits, etc. for citizens in the Rhyl area. The Chief Executive advised elected members to apply caution when approached with requests for substantial funding. He cited the WRU/CAB as an example of where losing a provider did not equate to residents losing out on a service or losing out financially.

At the conclusion of the discussion the committee –

***RESOLVED*** that, subject to the above observations, to note the deletions, additions and amendments to the Corporate Risk Register and receive them accordingly.

The Scrutiny Coordinator submitted a report (previously circulated) seeking members' review of the committee's work programme and providing an update on relevant issues.

The Scrutiny Coordinator elaborated upon forthcoming items to be considered at future meetings and responded to members' questions thereon. She reported upon the next meeting scheduled for 29 September which included both a morning and afternoon session and emphasised the importance of members' attendance and meeting quorum requirements. The committee also noted that the Scrutiny Chairs and Vice-Chair's Group had directed the committee to scrutinise the performance of Adult Safeguarding in Denbighshire which had been included in the items for consideration at the next meeting. It was agreed that the relevant Lead Members also be invited to attend that meeting. Finally members' attention was drawn to the 'Your Voice' report (May 2016) contained within the committee's information brief.

***RESOLVED*** that the forward work programme as detailed in Appendix 1 to the report be approved and the relevant Lead Members be invited to attend for their particular items at the next meeting in September.

## **9 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

Councillor Arwel Roberts reported upon the last Schools Standards Monitoring Group (SSMG) meeting advising that the two schools considered had performed very well and had been well supported by GwE. However, during meetings of the SSMGs pupil absenteeism continued to be raised as an issue of concern. The Scrutiny Coordinator advised that Communities Scrutiny Committee would be considering the School Absenteeism Policy at their meeting on 8 September 2016.

***RESOLVED*** that the verbal report be received and noted.

The meeting concluded at 12.35 p.m.