

PERFORMANCE SCRUTINY COMMITTEE

Minutes of a meeting of the Performance Scrutiny Committee held in Council Chamber, County Hall, Ruthin on Thursday, 7 June 2018 at 10.00 am.

PRESENT

Councillors Ellie Chard, Martyn Holland, Hugh Irving (Vice-Chair), Huw Jones (Chair), Geraint Lloyd-Williams and Arwel Roberts

Councillors Tony Thomas and Richard Mainon attended at the Committee's request.

ALSO PRESENT

Councillors Mabon ap Gwynfor, Meirick Lloyd Davies, Brian Jones, Melvyn Mile, Huw Hilditch-Roberts, Glenn Swingler, Rhys Thomas, Emrys Wynne and Mark Young.

Chief Executive (JG), Head of Planning and Public Protection (EJ), Senior Public Protection Officer (Community Safety) (TW-E), Principal Manager: Support Services (AL); Statutory and Corporate Complaints Officer (KR), Scrutiny Co-ordinator (RhE) and Committee Administrator (RhT-J)

1 APOLOGIES

Apologies were received from Councillor Ann Davies, Bob Murray and David Williams.

2 DECLARATION OF INTERESTS

A declaration of a personal interest was submitted by Councillor Emrys Wynne, who in his capacity as a magistrate had dealt with a case involving Kingdom Security..

3 APPOINTMENT OF VICE-CHAIR

The Chair asked the Committee for nominations for Vice Chair. Councillor Hugh Irving had expressed an interest in serving as the Committee's Vice-Chair for a further term. Councillor Irving had submitted a CV which had been circulated to Committee members.

Councillor Martyn Holland proposed that Councillor Irving be appointed as the Committee's Vice-Chair for the forthcoming year, Councillor Huw Jones seconded the proposal. No other nominations were received and the Committee unanimously:

Resolved: - that Councillor Hugh Irving be appointed as the Committee's Vice-Chair for the 2018-19 municipal year

4 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters were raised.

5 MINUTES OF THE LAST MEETING

The minutes of the meeting of the Performance Scrutiny Committee held on 26 April 2018 were submitted.

Matters arising:

- Members queried when they would receive the information report in regards to the school exclusion data, they were informed that the information report would be circulated in September.
- The school visit which was raised as an observation during the discussion on 'Behaviour Management in Denbighshire Schools' item was also queried, the scrutiny co-ordinator informed members that Education Service staff were currently in the process of arranging a visit for members to the Pupil Referral Unit and associated projects.

RESOLVED that the minutes of the Performance Scrutiny Committee meeting held on 26 April 2018 be received and approved as a correct record.

6 USE OF KINGDOM SECURITY LTD FOR THE ENFORCEMENT OF ENVIRONMENTAL CRIME

The Lead Member for Housing, Regulation and Environment introduced the Head of Planning and Public Protection's report (previously circulated) which updated the Committee on environmental crime enforcement activities undertaken by Kingdom Security Limited on the Council's behalf. The report was presented to the Committee in response to a request from members who wanted to know how the Council's contract with Kingdom was being managed to realise value for money and what controls were in place to avoid damaging the Council's reputation whilst undertaking enforcement action.

During his introduction the Lead Member emphasised that the contract with Kingdom in Denbighshire was robustly and effectively managed by the Council's Senior Public Protection Officer (Community Safety). Complaints relating to environmental crime in Denbighshire, particularly dog fouling, were amongst the highest in Wales prior to the Council entering into a contract with Kingdom to deliver enforcement services. Surveys undertaken by Keep Wales Tidy in recent years had shown a marked improvement in street cleanliness, with the number of fixed penalty notices (FPNs) issued for dog fouling offences in Denbighshire being consistently amongst the highest in Wales. Prior to Kingdom delivering environmental crime enforcement services Denbighshire served very few FPNs for dog fouling. The current trend indicated a reduction in the number of FPNs served for dog fouling offences, this was attributed to the effectiveness of past performance acting as a deterrent coupled with the educational aspect of the work undertaken by Kingdom i.e. handing out dog faeces bags to the public and where owners were allowing dogs to run freely drawing their attention to the signs which advised the

public that the area was subject to a Public Space Protection Order (PSPO) which necessitated dogs to be kept on a lead at all times.

Representatives from Kingdom Security Limited had been invited to attend the meeting to discuss environmental crime enforcement with the Committee. Whilst they had initially accepted the invitation, due to concerns about the safety and welfare of their staff they had, within the preceding 24 hours, taken the decision not to attend. They had however issued a statement which the Head of Planning and Public Protection read out at the meeting which outlined the reasons behind their decision not to attend the meeting. Committee members expressed their disappointment that Kingdom had withdrawn from sending a representative to the meeting at such a late stage. Whilst they understood the company's concerns they stressed that they should have nothing to fear from attending a meeting of a democratically constituted committee.

The Head of Planning and Public Protection detailed the report and associated appendices' contents. He informed the Committee that whilst Kingdom were based at the Council's offices in Denbigh they operated across the county and were deployed based on intelligence and complaints received from council officers and the general public. The Council's contract with Kingdom was reviewed and amended annually based on the types of enquiries and complaints received from residents.

Members were advised that the Council had entered into a contract with Kingdom following the 2012 local authority elections when dog fouling had been highlighted by residents as a major problem across the county, which consequently led to a Dog Fouling Strategy being adopted by the Council. The contract with the company was for enforcement against a number of different types of environmental crime i.e. dog fouling, littering, fly posting, smoking in enclosed areas, graffiti, breaches of PSPOs etc. Examples of the different types of offences for which FPNs had been served, along with the number of such offences and their locations, were listed in Appendix A to the report. As part of the contract Kingdom was expected, in addition to taking enforcement action, to educate the public on the hazards caused by environmental crime and consequently realise cleaner, tidier streets across Denbighshire. Recent statistical data on street cleanliness and enforcement activities indicated that this approach was paying dividends. It was evident that the public were now more environmentally responsible, with Kingdom issuing 2,000 fewer fixed penalty notices in the county last year in comparison to the previous year. There was also a downward trend in the number of dog fouling incidents reported which was also an indicator that the contract with Kingdom was working well, although it was acknowledged that it would be nigh on impossible for dog fouling to be completely eradicated. Whilst the number of FPNs issued had reduced in recent times it was pleasing that the payment rate on FPNs issued prior to court proceedings being initiated had increased to 76%. Every effort was made to work with individuals who were not in a position to pay FPNs in one lump sum payment to enable them to pay in affordable instalments.

It was emphasised that the contract with Kingdom was cost neutral to the Council. Whilst the Council provided the company with office accommodation at its

Caledfryn officers it did not actually 'pay' the company for its services. The terms of the contract were that the Council had a 'pay as you go' arrangement with Kingdom, the company kept 60% of the income from each FPN served with the remaining 40% being paid to the Council to cover management costs etc. To ensure that the company was not contravening any procedures and protocols when undertaking enforcement work on the Council's behalf the county's Senior Public Protection Officer (Community Safety) regularly reviewed body camera footage of officers issuing FPNs etc. Any complaints received in relation to the company's enforcement activities were investigated in accordance with the Council's 'Your Voice' complaints procedure, and as part of that investigation the Senior Public Protection Officer (Community Safety) would speak to the Kingdom officer concerned and examine the bodycam footage. The number of complaints received against FPNs issued was fewer than 1% of the number issued. Of the complaints received very few were upheld, and where it was proved that a Kingdom officer had failed to comply with operational procedures and protocols the Council had the power to seek their removal and ask for a replacement officer to be deployed. It was pleasing to report that the number of complaints against the behaviour of Kingdom officers had also decreased in recent years. Prior to commencing prosecution proceedings all bodycam footage was reviewed in detail to ensure that it would stand up to legal scrutiny. Whilst some members of the public had complained about the behaviour of Kingdom officers, non-compliance with procedures, protocols and behaviour policies were rare. However, the behaviour of some members of the public towards Kingdom officers undertaking their duties was less than desirable at times.

Kingdom acknowledged that Denbighshire managed its contract with the company extremely stringently, which resulted in them knowing exactly what was expected of them.

Responding to members' questions the Lead Member, Head of Planning and Public Protection and the Senior Public Protection Officer (Community Safety):

- confirmed that the current contract with Kingdom expired in November 2018, therefore officers would commence reviewing the contract imminently;
- advised that Kingdom worked closely and effectively with officers from the Council's Highways and Environmental Services to address matters such as fly tipping incidents in known 'hot spots' around the county. They also worked closely together in relation to assessing where to locate waste bins across the county along with the number required in various locations. In addition, based on intelligence gathered by both the Council and Kingdom waste bin capacity had been increased in certain areas and additional staff were deployed at peak times i.e. bank holidays to ensure that the bins were emptied regularly;
- confirmed that the Council did not have an alternative option for effectively delivering environmental crime enforcement services. It certainly could not deliver such a service in-house in the current public services financial climate. For the Council to deliver the service in-house it would need to secure some substantial funding initially to purchase the FPN machines which cost circa £5K each, uniforms, body cameras etc. ;

- informed the Committee that the Council's Communications Team were currently working on a publicity campaign to highlight the importance to the public of disposing of dog faeces and litter responsibly and not creating a health hazard for other members of the public or turning the environment into an eyesore. This campaign would be promoted on a number of fronts, including posters, electronic videos, press releases, social media etc.;
- confirmed that the number of dog fouling incidents generally increased during the winter months due to the number of hours of darkness. To secure a successful prosecution for an environmental crime all bodycam footage had to be clear and have sufficient daylight to enable the offender to be clearly identified;
- advised that immediately a large number of complaints were received regarding dog fouling in a specific area it would be designated a hotspot and Kingdom officers would be deployed to patrol that area immediately. In addition Environmental Services would visit the area to clear up any mess, incidents of dog fouling were prioritised within the Service's work schedule;
- confirmed that the Council knew the whereabouts of Kingdom officers throughout the day as all vehicles were fitted with trackers. Kingdom and Council officers had a good working relationship and consequently a high level of mutual trust existed between both parties within the contract which resulted in effective enforcement and a reduction in the number of environmental crime incidents;
- advised that due to the reduction in the number of environmental crime incidents there was no basis for a case to increase the number of Kingdom/environmental crime enforcement officers patrolling the county;
- advised that whilst the public were concerned about dog fouling, fly tipping and other environmental crime incidents in public spaces, such as Countryside Services managed areas, they were not always willing to provide statements to substantiate environmental crime incidents they had witnessed. Consequently, Kingdom nor the Council could pursue the suspected offenders;
- confirmed that they had, as part of the preparatory work for the new contract, discussed with the Council's Procurement Service the viability of entering into a sub-regional contract across North East Wales for procuring environmental crime enforcement services;
- advised that whilst Kingdom patrolled the county's more urban areas in the main it did, in response to intelligence received, patrol other more rural parts of the county if required;
- advised that where complaints had been upheld the reasons for them being upheld differed on a case by case basis. It was not always upheld due to the behaviour of the Kingdom officer, in some cases it was upheld due to insufficient evidence;
- confirmed that FPNs for 'begging offences' had only been served in one specific area of the county. These were issued in relation to anti-social behaviour. The offenders concerned were persistent, repetitive offenders and Kingdom worked closely with the Police when serving these FPNs. If it became apparent that mental health issues were at the root of their

behaviour Kingdom and the Council would work closely with Social Services and other agencies with a view to securing appropriate and adequate support for the individuals concerned;

- confirmed that approximately 93% of the FPNs issued during 2017 had been issued for smoking related offences, the majority for not discarding cigarettes in a responsible manner. In relation to waste discarded on roadside verges the Public Protection Service and Kingdom worked closely with Highways and Environmental Services. Whilst Kingdom could serve a FPN for littering etc. its officers did not have the powers to follow vehicles etc. on the off chance that a littering offence may occur;
- explained that the county's improved performance in relation to Keep Wales Tidy surveys was not solely attributable to Kingdom's enforcement work, although its work significantly contributed towards the county having cleaner and tidier streets. The improvement was down to effective enforcement which was supported by awareness raising, educating the public about their responsibilities and the Environmental Service's prioritisation of clearing dog mess;
- confirmed that members could have sight of the Council's contract with Kingdom, and that the contract did not contain any set targets;
- advised that whilst the number of FPNs for dog fouling was reducing this was because of fewer incidents being reported. If elected members and the general public were aware of areas where dog fouling was persistently high or on the increase they should report it to the Council's Customer Services Centre to enable the Council to seek Kingdom to deploy officers to those areas;
- confirmed that the contract that the Council had in place with Kingdom was reviewed on an annual basis and if members felt that more of the company's time should be spent in other, possibly more rural areas of the county, that could be negotiated as part of the review process; and
- confirmed that Appendix A to the report listed the numbers and types of offences for which FPNs had been issued, not the number of visits to certain areas of the county. It was also explained that the annual income figure of circa £300K quoted for Kingdom in Denbighshire, was income and not profit. Wages and other costs had to be financed from this income figure, therefore the profit figure would be much lower.

Some members informed the Committee that they had accompanied Kingdom officers when they were patrolling their area and had been extremely impressed with their work and their conduct. They advised that they had been surprised by the lack of respect and attitude shown by some members of the public towards their communities and the environment and how prepared they were to irresponsibly discard of litter and dog faeces in public places, community facilities and family orientated recreational areas such as the Marine Lake in Rhyl. Members underlined the risks to public health and to the agricultural industry caused by dog fouling and the need for all residents and visitors to the county to act responsibly with regards to the local environment.

At the conclusion of the discussion some members queried whether, due to the level of expertise Denbighshire had in managing the environmental crime enforcement contract with Kingdom, the Council could operate a regional or sub-

regional service for other local authorities and generate an income from it to reinvest in other services that would benefit Denbighshire residents. A number of councillors were of the view that Denbighshire's streets were far cleaner now than they had been prior to Kingdom being appointed to deliver environmental crime enforcement services but that it would be worthwhile to undertake a benchmarking exercise to evaluate the effectiveness of the current service against that provided by other potential providers ahead of awarding the next contract. Consequently they asked that the Lead Member and officers:

- explore, via the Education Service and schools etc. how the Authority can improve and strengthen its education provision in so far as it relates to individual behaviour and responsibilities towards the environment and environmental crime;
- invite all county councillors to shadow a Kingdom officer on patrol in their ward to see exactly what they do and how they do it; and
- amongst the potential options to be explored for future provision should be an in-house Denbighshire service; a joint service with another county or counties, and a Denbighshire Council service that could provide environmental crime enforcement services to other authorities thus generating an income for Denbighshire

All members present reiterated their extreme disappointment with Kingdom Security Limited's decision not to send a representative to the meeting.

The Committee:

Resolved: - ***subject to the above actions being progressed, that Cabinet in due course receive an options appraisal with recommendations for the future provision of enforcement services for environmental crime***

7 YOUR VOICE' COMPLAINTS PERFORMANCE (Q4)

The Lead Member for Developing Community Infrastructure introduced the Statutory and Corporate Complaints Officer's report (previously circulated) on Services' compliance and performance with the corporate customer complaints policy during quarter 4 of the 2017/18 reporting year. During his introduction he informed members that the number of complaints received along with the number of compliments and suggestions received were all higher than the previous quarter. Nevertheless, only one complaint had not been dealt with within the set time, this complaint related to the Education Service. Due to the pressures it was under because of personnel and resources being allocated towards the work involved with the Estyn inspection at the time, the Service had not been able to gather all the views it needed to respond to the complaint in time. Nevertheless the Council had still attained a performance rate of 99% in dealing with complaints. During quarter 4 2017/18 customer feedback had resulted in a learning point for the Single Point of Access (SPoA) Service, which would result in a better service for all in due course. For the 2017/18 year in its entirety the Council's performance in dealing with complaints within the specified time was in the region of 99%.

In response to members' questions the Lead Member, Principal Manager (Support Services) – Community Support Services, and the Statutory and Corporate Complaints Officer:

- advised that having a dedicated officer dealing with statutory and corporate complaints had been crucial in securing an improvement in the Council's performance in dealing with complaints. He was able to focus on responding and handling the complaints and securing that they were dealt with within the designated target dates. There was now a better system in place to deal with complaints and processes relating to dealing with complaints had been tightened;
- confirmed that there had been an increase in recent months in the number of Freedom of Information (FOI) requests received. However, as a separate officer dealt with FOI requests it did not adversely impact on the Authority's performance in dealing with complaints;
- advised that complaints received in relation to individual schools were dealt with by the schools concerned. Complaints relating to education or education related policies were dealt with centrally by the Council;
- confirmed that the nature of the complaints received were analysed with a view to identifying any emerging trends and improvements to services i.e. trends identified as part of the social services complaints process would be reported within the Director of Social Services' Annual Report along with proposed improvements to address any shortcomings or failings;
- advised that all complaints received were analysed on a quantitative and qualitative basis; and
- informed the Committee that it was pleasing to report that Highways and Environmental Services had received a high volume of compliments following their efforts clearing snow and keeping roads open etc. during the recent periods of adverse weather conditions.

Committee members congratulated all services on their excellent performance in responding and dealing with complaints and

Resolved: - subject to the above observations to recommend that in future

- (i) Quarter 1 and Quarter 3 'Your Voice' performance reports be presented to the Committee as 'Information Reports'; and***
- (ii) Quarter 2 and 4 'Your Voice' performance reports be formally presented to the Committee at a meeting, unless any concerns in relation to performance in complying with the complaints procedures or the types of complaints received necessitates the presentation of a report to the Committee to highlight concerns.***

8 SCRUTINY WORK PROGRAMME

The Scrutiny Co-ordinator presented to the Committee the forward programme. Members were informed that the next meeting had a potentially heavy workload and asked whether members would like to reschedule specific items.

The Committee was informed that an officer from Welsh Government (WG) would be attending the meeting on 19 July 2018 for the discussion on Capital Funding for

Highways Projects. Following a discussion on its forward work programme and the number of important items that merited discussion the Committee was of the view that all items listed on the work programme for the 19th July should be considered and therefore no item should be deferred.

As Councillor Peter Scott was now Chair of County Council he was no longer a member of the Committee. Councillor Martyn Holland informed the Committee that he was seeking a nomination from the Conservative Group to serve on Performance Scrutiny Committee in place of Councillor Scott. Councillor Scott had also been the Committee's representative on the Finance Service's Service Challenge Group, therefore the Committee was requested to appoint a replacement representative to serve on that Group. Following a discussion by members on which services they felt would benefit from their individual expertise the Committee:

Resolved: - subject to the above observations –

- (i) to confirm its forward work programme; and***
- (ii) that Councillor Ellie Chard serve as the Committee's representative on the Education and Children's Services Service Challenge Group and Councillor Martyn Holland serve as its representative on the Finance Service's Service Challenge Group***

9 FEEDBACK FROM COMMITTEE REPRESENTATIVES

Councillor Arwel Roberts reported on a recent meeting of the School Standards Monitoring Group (SSMG) in which he had participated. Representatives from Ysgol Trefnant and Ysgol Frongoch had attended the meeting and been robustly challenged on a number of aspects relating to their education provision and performance. Councillor Roberts was of the view that the SSMG was an effective forum for raising school standards.

Meeting concluded at 12.35pm