

POLICY AND RESOURCES SCRUTINY COMMITTEE

(Committee Rooms 1/2 - Port Talbot Civic Centre)

Members Present:

31 March 2016

Chairperson: Councillor D.W.Davies

Vice Chairperson: Councillor A.Jenkins

Councillors: A.Carter, M.Harvey, A.Llewelyn,
Mrs.K.Pearson, L.M.Purcell, I.D.Williams and
Mrs.A.Wingrave

Officers In Attendance S.John, D.Rees, D.Michael, Mrs.J.Banfield,
N.Chapple and Ms.C.Gadd

Cabinet Invitees: Councillors P.A.Rees and A.N.Woolcock

1. **MINUTES OF THE POLICY AND RESOURCES SCRUTINY COMMITTEE HELD ON 18 FEBRUARY 2016**

The Minutes were noted by the Committee.

2. **JUDICIAL REVIEW UPDATE**

The Committee received the report providing them with a briefing on current general Judicial Review cases in the Local Government Sector, as detailed within the circulated report.

The Committee had requested this information and in particular local and popular Judicial Review issues. It was explained that Judicial Review considers the procedure adopted in decision making rather than the decisions themselves. It was highlighted that part of the decision making process included consultation, and due to budget pressures and streamlining of services, this formed a large aspect of the work of Local Authorities. It was noted that courts differ in their rulings regarding how consultations should be undertaken and whether they should be on the preferred option or whether alternative options should also be included. It was highlighted that Equality Impact Assessments were important and it had to be apparent that

Members had considered them. Members highlighted that some times reports stated that Equality Impact Assessments were not required but did not state the reasons why and it was queried if this information should be requested. Officers explained that if Members had concerns then it was acceptable to request this information.

It was highlighted that Neath Port Talbot Council had been largely successful in Judicial Review action. Members commented that there had been a case regarding a school in Neath Port Talbot and asked what the cost of the case had been to the Council. Officers informed them that they would check the exact costs and it was roughly £40k. In addition, the process was extremely time consuming and involved a lot of officer resources. Officers highlighted that as there were more cases being brought than before in Wales the High Court now tended to meet in Cardiff as well as London. Members asked if there was the right to appeal a decision and it was confirmed that decisions could go to the Court of Appeal or the Supreme Court. Members asked how many Judicial Review cases there had been for the Council in the last financial year and it was explained that there had been two that had amalgamated into one. It was highlighted that Legal Services spend a significant amount of time providing legal advice for committee reports and recommendations in an attempt to prevent future cases.

Members noted that in one of the examples it stated that the Court had ruled that officers had reached a decision rather than the Council in question. It was explained that an adequate reason had to be provided for a decision and there had been a lack of clear reasoning in this case.

Following scrutiny, it was agreed that the report be noted.

3. **LEGAL SERVICES REPORT CARD 2015/2016**

The Committee received the Legal Services Report Card for 2015/16, as detailed within the circulated report.

Members were informed that there were three legal teams, which were Property, Litigation and Childcare. Currently they were all included under one report card, however, in future they could be separate business plans and report cards. It was explained that the provision of legal advice and services was effectively determined by the work received from internal clients on a daily basis. There were several factors identified as having an impact on service planning and

provision, such as changes to legislation, pressure on service delivery and increased likelihood of Judicial Review and the transformation of services. The Service could plan some elements of its work but it was limited as activities were mainly determined by demand and planned activities were subject to change.

Members highlighted that the report card did not state what had not been achieved. Officers explained that there were some items in the original business plan that had not been undertaken. This included completing some tendering exercises, as they were either still ongoing or discontinued and it was up to the services that were carrying them out how they wished to progress with them. Officers noted that a lot of advice for Social Services was new and related to contracts and co-operation with other organisations, for example, the setup of Western Bay Programme on a legal basis and would take up a significant amount of time. In addition the ongoing economic regeneration and redevelopment also involved a significant amount of legal work. Members queried if individual services paid for the legal work and advice they received and it was clarified that this was not the case and the costs had to be absorbed by Legal Services. It was noted that when the Council undertook more shared working and outsourcing then there were further implications, such as contractual issues, rather than just employing someone to do a job.

Members highlighted that the recent decision affecting the steel industry in the County Borough would also have an impact on economic development.

Members noted that a large number of leases had been completed in favour of sports clubs, community councils and groups operating local libraries and facilities and it was queried if there were any guidelines available to assist groups who were interested in doing this. Officers explained that it was a period of learning for both the Council and local groups and there were no set guidelines. It was suggested that the Council for Voluntary Service would be a useful organisation for local groups to contact for advice. In addition it was explained that the Economic and Community Regeneration Scrutiny Committee had considered a lot of the transfers and the Operations Co-ordinator in Education, Leisure and Lifelong Learning Services would be a useful contact.

Officers highlighted that Legal Services had achieved its Forward Financial Plan savings and were due to deliver a projected underspend. However, performance against the Forward Financial

Plan would be more difficult in the forthcoming financial years and this could have an impact on staff and consideration would have to be given to early retirement and voluntary redundancy options. The largest of the three legal teams was childcare, which reflected the fact that the Council still had a high percentage of looked after children. It was noted that the number of cases had started to reduce and the nature of the work had changed and there was more pre-proceeding work.

It was noted that staff sickness absence for the Service had increased this year and they had all been managed in line with Council's policies. Members were informed that one member of staff had retired due to health issues and there had been one death in service.

Members noted that they wanted to ensure that they had enough information to understand if a service was struggling and sometimes it was hard to gauge this through what was included in report cards. Officers recognised this issue and informed Members that Legal Services did have significant pressures and depending on the future of reorganisation of Councils Legal Services would need to be rebuilt to meet future demand.

Following scrutiny, it was agreed that the report be noted.

4. LICENSING DEPARTMENT REPORT CARD 2015/2016

The Committee received the report card for the Licensing Section, as detailed within the circulated report.

Members were informed that an annual report was presented to the Registration and Licensing Committee that provided details on the number of licenses granted and refused and details of enforcement action and the report card did not duplicate this information. It was explained that the Licensing Section was responsible for ensuring that the Council fulfils its statutory duty in respect of the administration and enforcement of licensing functions. Members were provided with a list of the wide variety of licences that were regulated by the team and it was noted that hairdressers had been missed off the list.

Officers explained that there had been five key priority areas that they wanted to achieve during 2015 – 2016 and provided Members with

an update on progress. The first two priorities were reviewing Licensing Act Policy and Gambling Statements in accordance with statutory timescales had been completed and was approved by Council in November 2015. The third priority was to implement taxi driver training in relation to safeguarding issues. It was highlighted that taxi drivers were often the eyes and ears of a community and were ideally placed to be able to recognise and report issues relating to safeguarding. It was noted that the Children, Young People and Education Scrutiny Committee had been supportive of this priority, particularly in preventing child sexual exploitation. There had been some delays in progressing this work and it was hoped that the training would begin in the summer. Initially it would be funded through Swansea Community Safety. Members asked if taxi drivers had Disclosure and Barring Service (DBS) checks and it was confirmed that all taxi drivers were required to have the enhanced DBS checks every 3 years.

Priority four, to implement a risk based inspection system for licence fees to ensure the Council recovers the cost of the Licensing Service from those who derive benefit from it, had been completed. It was highlighted that the service was self-funded, but it was not allowed to make a profit from licensing fees. Priority five had been to implement a risk based inspection system for licences issued under the Licensing Act 2003 to ensure resources were appropriately allocated to those premises that offer the greatest risk. It was explained that the previous approach had been more reactive and this system aimed to be more proactive. The Section aimed to undertake a third of inspections per year for a three year period. However, the inspection figures were currently some way off the levels the team wanted to achieve this year. This had been partly due to staff absence and volume of work; the team were hoping to meet next year's figures. Members queried how far off the inspection figures were from target and officers clarified that 89 inspections had been completed out of 159.

Officers highlighted that sickness absence in the team was relatively low and there had been one member of staff on long term sickness absence and one had been on secondment. Employee Development Reviews had not yet been undertaken and were scheduled to take place the following week and would include setting out training objectives for the year.

Members asked if the representatives on the street that try to gain custom for a product or service, for example accident claims, required

a licence. Officers explained that they did not need a licence, however, if they erect an A-board then permission was needed from the landowner. It was highlighted accident claims companies required a licence from the Ministry of Justice and part of the conditions was that they were not allowed to approach people on the street and could be reported if they did. It was commented that by-laws could be introduced to tackle such issues. Members noted that the Head of Planning was looking at developing a policy document around such issues for town centres in Neath Port Talbot.

Following scrutiny, it was agreed that the report be noted.

5. **PRE-SCRUTINY**

The Committee scrutinised the following matters:

Cabinet Board Proposals

(i) Blue Badge Scheme Update

The Committee received the report about improvements the Customer Service Team had made regarding the Blue Badge re-application process in Neath Port Talbot, as detailed within the circulated report.

Members were provided with a summary of how the Team had improved the customer experience in relation to reapplying for blue badges by reducing duplication and the appropriate and intelligent sharing of data. It was identified that there was potential for more joined up working and data sharing across the Council and with other organisations. This approach had also been fed back to the Welsh Government as it had the potential to be replicated across all local authorities.

Members noted that the process could be improved if the Council's Customer Service staff could view the Department of Work and Pensions (DWP) database to verify benefit entitlement, within strict guidelines. It was further explained that the process only allows the system to be separately queried one applicant at a time. Members felt that this issue should be raised at a higher level and suggested that it should be an item for discussion at the Local Service Board or the new Public Service Board.

Members highlighted examples of members of the public attending reception and having to bring in their existing badges with their renewal letter and being booked by parking services for parking in a disabled space. It was suggested that a slip could be included with the renewal letter to put on the dashboard to explain why the badge was missing which would improve the process further. Officers explained that there was no need to bring in the existing badge when renewing and the old badge had to be returned only once the new badge had been received by the customer. It was not part of the reapplication process and staff would be reminded of this.

Members noted that there had been innovative suggestions put forward by the Service and queried if similar processes could be used for the proposed new short term blue badge scheme. Officers explained that the short term blue badge scheme had not yet been implemented and the Service had contributed to the consultation. Only an overview of the consultation responses had been published, which highlighted some aspects but had not included all points made by the Council. It was noted that Members had been emailed this information. It was highlighted that this scheme would take some time to be implemented and would require legislation changes. Officers explained that the new process would not be suitable for the initial short term blue badge but it would be if the badges needed to be extended. It was highlighted that the short term scheme would result in an increase in administration costs and Councils received no additional funding for administering blue badges.

Following scrutiny, it was agreed that the report be noted.

(ii) Welsh Language Standards 2016-2017

The Committee received the report to rescind the Council's Welsh Language Scheme and approve the Neath Port Talbot County Borough Council Welsh Language Standards 2016-2017, as detailed within the circulated report.

Members were informed that under the Welsh language standards that had been applied to the Council there was a requirement to publish a document to identify those standards with which the Council must comply, along with other

administrative requirements. It was highlighted that the standards superseded the Welsh Language Scheme.

It was highlighted that the Council had submitted challenge to the Welsh Language Commissioner in relation to 55 of the standards. Fifty four of those challenged the Commissioner had considered valid and the outcome was still awaited. The remaining standards were considered achievable as they mirrored or were very similar to the commitments in the Welsh Language Scheme. Members asked which of the 55 standards that had been challenged and had not received exemption. Officers informed them that it had been standard 47 – If you produce a document for public use, and no other standard has required you to produce the document in Welsh, you must produce it in Welsh. Members noted that other Council's had challenged fewer of the standards and it was recognised that it would vary for each Council according to resources and technology.

Members noted that standard 84 – if you offer an education course that is open to the public, you must offer it in Welsh - had been challenged and highlighted Neath Port Talbot was the only Council to challenge this standard. It was asked what the reason was and would the Council work towards it afterwards. It was agreed that the relevant officers, who were not available for this meeting, would circulate an answer to this question outside of the meeting.

It was recognised that by adopting the standards it would encourage members of the public to use Welsh. Members raised concerns that the current Welsh Language Line was not always answered by a Welsh speaker. The initial greeting was in Welsh but it was not always transferred to a Welsh speaker. Officers informed Members that this issue had been addressed in readiness for the implementation of the standards. It was explained that there was no longer a separate Welsh language line and there was one main contact number of the Council. The first greeting would be in Welsh followed by an English greeting and the caller would then select whether they wished to continue in Welsh or English via a touch button system. If the caller selected Welsh then they would be held in a queue to speak to the next available Welsh speakers. Reassurances were given that if a call was urgent and a Welsh speaker was not available they would have the option to jump out of the

queue and speak to an advisor in English. It was noted that there may be an occasional day when there would be no Welsh speaking staff available.

In relation to some of the standards around service delivery Members recognised that there limited number of Welsh speaking employees and asked if there would be excessive demands made on them. Officers highlighted that the employee directory had been amended to identify Welsh speakers and their capabilities. Also it had to be ensured that Members of staff who were prepared to deal with queries in Welsh were not identifiable by direct line numbers, as this would have an impact on monitoring demand and recording volume of calls. It was noted that if it became evident that there were excessive demands on the Welsh speakers then there may be a need to invest in employing more Welsh speakers.

Members requested assurances that the regular review of standards would be undertaken by this Committee. It was confirmed that Democratic Services would work with Corporate Strategy to ensure that this information was included on the forward work programmes.

Following scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet Board.

(iii) Urgency Action Re: Welsh Language Measure (Wales) Standards

The Committee commented that the urgency action should have been reported in a timelier manner and the level of detail was not required as it was out of date. Officers took these comments on board and they would be fed back to the relevant department.

(iv) Universal Credit – Customer Support

The Committee received the report on the service level agreement for the funding received from the Department of Work and Pensions for the provision of support to Universal Credit claimants for 2016/17, as detailed within the circulated report.

Members queried who the partner organisations were and why it was required to go outside the Council to deliver this work. Officers clarified that the partner organisations were Registered Social Landlords and Credit Unions. It was explained that the organisations currently provided this advice and it was an extension to work they already undertook. The proposals would result in a better service.

Following scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet Board.

6. **ACCESS TO MEETINGS**

Resolved: that pursuant to Section 100A(4) and (5) of the Local Government Act 1972, the public be excluded for the following items of business which involved the likely disclosure of exempt information as defined in paragraph 12 and 14 of Part 4 of Schedule 12A to the above Act.

7. **PRE-SCRUTINY**

The Committee scrutinised the following matters:

Cabinet Board proposals

(i) Food Procurement

The Committee received the report on the supply of groceries, provisions and frozen foods, as detailed within the circulated report.

Members queried if the suppliers were companies the Council already used. It was confirmed that this was the case and that the companies had been ranked the top two suppliers under the Welsh Purchasing Framework. It was noted that National Procurement Service (NPS) Framework award was still being awaited. The Committee had written to NPS requesting further information and the response would be reported back to the Committee once it had been received.

Following scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet Board.

CHAIRPERSON