

Nottingham City Council

Overview and Scrutiny Committee

Minutes of the meeting held remotely via Zoom and livestreamed on the Council's YouTube channel on 9 September 2020 from 2.01 pm - 4.28 pm

Membership

Present

Councillor Anne Peach (Chair)
Councillor Carole McCulloch (Vice Chair)
Councillor Maria Joannou
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor Jane Lakey
Councillor AJ Matsiko
Councillor Ethan Radford
Councillor Angharad Roberts
Councillor Andrew Rule
Councillor Cate Woodward

Absent

Councillor Georgia Power (Vice Chair)

Colleagues, partners and others in attendance:

Mel Barrett	- Chief Executive
Beth Brown	- Head of Legal and Governance
Elaine Fox	- Policy and Performance Officer
Councillor Sally Longford	- Portfolio Holder for Energy, Environment and Democratic Services
Councillor David Mellen	- Leader of the Council
Laura Pattman	- Strategic Director of Finance
James Rhodes	- Head of Analysis and Insight
Richard Taylor	- Environmental Health and Safer Places Manager
Malcolm Townroe	- Director of Legal and Governance
Jonathan Ward	- Principal Energy Policy Officer
Hugh White	- Corporate Director for Covid Response and Recovery
Laura Wilson	- Senior Governance Officer

9 Apologies for absence

There were no apologies for absence, but Councillors Jane Lakey and Carole McCulloch informed the Committee that they would need to leave the meeting early due to other commitments.

10 Declarations of interests

Councillor Anne Peach declared an Other Interest in agenda item 6 (minute 12) – Action Plan in response to the Report in the Public Interest on Nottingham City Council's governance arrangements for Robin Hood Energy, as a Council nominated Director on the Board of the National Ice Centre, in an unpaid capacity.

Councillor Pavlos Kotsonis declared an Other Interest in agenda item 6 (minute 12) – Action Plan in response to the Report in the Public Interest on Nottingham City Council’s governance arrangements for Robin Hood Energy, as a Council nominated Director on the Board of Robin Hood Energy, in an unpaid capacity.

Councillor Angharad Roberts declared an Other Interest in agenda item 6 (minute 12) – Action Plan in response to the Report in the Public Interest on Nottingham City Council’s governance arrangements for Robin Hood Energy, as a Council nominated Director on the Board of Nottingham City Transport, in an unpaid capacity.

Councillor Ethan Radford declared an Other Interest in agenda item 6 (minute 12) – Action Plan in response to the Report in the Public Interest on Nottingham City Council’s governance arrangements for Robin Hood Energy, as a Council nominated Director on the Board of Nottingham City Homes, in an unpaid capacity.

Councillor AJ Matsiko declared an Other Interest in agenda item 6 (minute 12) – Action Plan in response to the Report in the Public Interest on Nottingham City Council’s governance arrangements for Robin Hood Energy, as a Council nominated Director on the Board of EnviroEnergy, in an unpaid capacity.

Councillor Cate Woodward declared an Other Interest in agenda item 6 (minute 12) – Action Plan in response to the Report in the Public Interest on Nottingham City Council’s governance arrangements for Robin Hood Energy, as a Council nominated Director on the Board of EnviroEnergy, in an unpaid capacity.

11 Minutes

The minutes of the meeting held on 5 August 2020 were confirmed as a true record and signed by the Chair.

12 Action Plan in response to the Report in the Public Interest on Nottingham City Council's governance arrangements for Robin Hood Energy

Councillor David Mellen, Leader of the Council, presented the Action Plan in response to the Report in the Public Interest on Nottingham City Council’s governance arrangements for Robin Hood Energy, and highlighted the following points:

- (a) the Report in the Public Interest says that:
- there are inadequacies in holding the company to account, and that governance arrangements are not strong enough;
 - there is a lack of clarity in important roles in governance;
 - there is insufficient understanding of risk, the financial position of the company and expertise on the Board;
 - there is inappropriate balance between holding the company to account and allowing it freedom to operate as a commercial company;
 - the Council needs to ensure that lessons are learned from this experience;
 - the Council needs to reflect on overall governance arrangements of companies and itself;

- the policy initiatives and their delivery need to be challenged as part of normal governance, and it would be seen as healthy to do this, and all Council risks need to be understood and managed;

(b) recommendations in the report include:

- the Council should review its overall position in using councillors on the boards. This should be informed by a full understanding of the role of and legal requirements for company Board members;
- the Council should urgently determine the future of Robin Hood Energy, taking into account the Council's current financial position, and in response to this, the Council has taken the decision to sell Robin Hood Energy's customers and close the business;
- where it continues to use councillors in such roles, it should ensure that non-executives (including councillors) on the relevant board have, in aggregate, the required knowledge and experience to challenge management. This is of particular importance where the company is operating in a specialised sector which is outside the normal experience of councillors;
- where councillors are used in such roles, the Council should ensure that the councillors are provided with sufficient and appropriate training which is updated periodically;
- the Council should ensure that all elements of its governance structure, including the shareholder role, are properly defined and that those definitions are effectively communicated to the necessary individuals;
- when allocating roles on Council owned organisations to individual councillors, the Council should ensure that the scope for conflict of interest is minimised, with a clear divide those in such roles and those responsible for holding them to account or overseeing them;
- the Council should ensure that risks relating to its companies are considered for inclusion in its overall risk management processes with appropriate escalation and reporting, rather than being seen in isolation;
- the Council should consider the appropriateness of the definition of the shareholder role adopted in the 2019 report, and give it an emphasis of protections of the Council's financial interests, alongside other elements;
- as the new arrangements for monitoring companies are rolled out alongside the Companies Governance Sub Committee (CGSC), the Council should ensure that financial information is provided in accordance with its requirements and is fully understood by the CGSC, and others involved in holding the companies to accounts, and that robust action, with oversight of the s151 Officer, is taken if information is not provided;
- the Council needs to ensure that responsibilities for scrutiny and risk management are given sufficient prominence, including giving Audit Committee explicit responsibility for scrutiny of governance and risk management;
- the Council should apply the lessons learned from Robin Hood Energy in a review of its company governance arrangements, in particular, to ensure risks are appropriately flagged and managed, as well as successfully implementing the more robust monitoring agreed by the CGSC;

(c) action taken so far includes:

- publishing the Report in the Public Interest on the date it was received – 11 August;
- on 19 August the Council's response/Action Plan and the External Auditor's report was published for the Extraordinary Council meeting taking place on 27 August;
- an Extraordinary Council meeting was held on 27 August, where the Action Plan and the response to the Report in the Public Interest were discussed and agreed;
- notified the External Auditor, the people of Nottingham and the Ministry of Housing, Communities and Local Government of the response;
- met with the Chairs and Chief Officers of Council companies;
- met with the Chairs of Overview and Scrutiny and Audit Committee to discuss the implementation of the Action Plan;

(d) the Action Plan includes:

- concluding the Strategic Review and produce a report on the lessons to be learnt from Robin Hood Energy;
- a commitment to learn from best practice from partners, from successful other companies, and from national bodies such as the Local Government Association;
- reviewing the overall approach to using councillors on boards;
- ensuring that non-executive (including councillors) on relevant boards have the required knowledge and experience to challenge managements;
- seeking out external advice on a best practice model of council ownership of companies;
- working with the Chairs and Chief Executive/Chief Officers of council companies to understand any self-assessment models that might be used;
- drawing out any lessons or good practice that can be shared across all companies;
- ensuring that the risks relating to companies are considered for inclusion in the Council's overall risk management process;
- reviewing current training for company directors, and only councillors who have completed the training will be able to remain as appointed directors;
- reviewing the Council's scheme of delegation to ensure effective governance;
- reviewing the roles of Executive Board, CGSC, Overview and Scrutiny and Audit Committee to ensure clarity on their roles and accountability across the Council;
- ensuring that the Chairs of Overview and Scrutiny and Audit Committee are fully involved in the review;
- reviewing how councillors are appointed on boards;
- refining a high level risk register including company risks, with a review of the regularity of reporting to Audit Committee, Overview and Scrutiny and Executive Board, with the Chairs being fully involved;
- commissioning an overarching review of the Council's wider governance arrangements, following advice from the Local Government Association and other relevant external bodies;
- continuing the work on a refreshed Medium Term Financial Strategy, which will be presented to full Council in October 2020.

During the discussion that followed the following points were raised:

- (e) the recommendations don't say that councillors shouldn't be on boards, but how the appointments are made will be reviewed and suitable training will be put in place;
- (f) there has been no feedback from the Auditor on the Action Plan, but this will begin once implementation commences;
- (g) the outcomes of reviews and any reports concerning them will be made available to Overview and Scrutiny and Audit Committee where appropriate;
- (h) there needs to be sensible and efficient distribution of work between Overview and Scrutiny and Audit Committee to ensure that every aspect is appropriately dealt with, and results are demonstrated.

Resolved to schedule regular reviews of the Action Plan and provide any feedback on it to Executive Board.

13 Work Programme

Councillor Anne Peach, Chair of Overview and Scrutiny, presented a report on the work programme detailing issues for scrutiny by the Committee for the remainder of 2020/21 Municipal Year.

Resolved to agree the work programme, noting that reviewing the Action Plan in response to the Report in the Public Interest on Nottingham City Council's governance arrangements for Robin Hood Energy will be included at appropriate times throughout the year.

14 Covid-19 Pandemic - Nottingham City Council's Response

Hugh White, Corporate Director for Covid Response and Recovery, gave a presentation detailing how Nottingham City Council has responded to the Covid-19 pandemic and highlighted the following points:

- (a) national guidance and existing local influenza pandemic plans were followed, and on 17 March Council staff were instructed to work from home where possible;
- (b) the response was led by Public Health, alongside the Local Resilience Forum, and its sub-groups:
 - Tactical Co-ordinating Group (co-Chaired by the City Council);
 - Health and Social Care Economy Tactical Co-ordinating Group;
 - Communications Cell;
 - Excess Deaths Cell (Chaired by the City Council);
 - Humanitarian Assistance Group;
 - Care Homes and Home Care Cell;
 - Recovery Group (Chaired by the City Council);

- (c) there are five workstreams. Three requested by Government, and two determined by the City Council. The three requested by the Government are:
- Keeping Social Care Going:
 - supporting social care, including staffing front line services;
 - support for care homes;
 - assisting schools to open and support vulnerable pupils;
 - sourcing PPE;
 - Mobilising Civil Society:
 - supporting medically and socially vulnerable citizens;
 - Safe and Well checks and food parcels;
 - setting up the 'golden number';
 - Supporting and Protecting the Economy:
 - distributing grants to businesses;
 - reopening the City Centre;
 - supporting people seeking work into care roles.

The two determined by the City Council are:

- Financial Resilience:
 - focus on the budget due to extra expenses and loss of income;
- Welfare of the Workforce and Corporate Resilience:
 - referring staff for testing;
 - monitoring sickness absence to ensure key work areas had sufficient staffing;
 - conversations with BAME employees about extra support;
 - 'Coronavirus queries' email account set up and FAQs were posted on the intranet.

The Council has also:

- published Coronavirus pages on the Council website;
- provided support for roughsleepers including hotel provision, 'move-on' tenancies, and health and wellbeing support;

- (d) an outline of lessons learned for each workstream has been created. These include:

- ensuring all teams adopt the same programme management approach;
- confirming teams' contingency plans include the equipment required to enable urgent home-working;
- communicating key messages sooner, including service reinstatement requirements and processes;

- (e) the lessons learned document also includes successes:

- the launch of the 'golden number' providing support to citizens and the work of the Customer Hub;
- an increase in online services and use of them, advancing the digital agenda;
- recruitment of large numbers of social care staff;
- greater co-operation between teams and with partners;

- (f) a Local Outbreak Control Plan has been published which sets out how the city will prepare for future outbreaks of Covid-19. The plan sets out how the City Council will work with the NHS, with partners, with businesses, with community leaders, and with neighbouring councils to keep people safe and protected;

- (g) an Outbreak Cell has been established which:
- works across Nottingham and Nottinghamshire;
 - meets everyday at lunchtime to look at local cases and other relevant information;
 - includes Public Health, the Local Resilience Forum, Infection Prevention Control, Public Health England and others;
 - determines if an Incident Management Team needs to be set up. Incident Management Teams are not set up for every outbreak, some are discontinued when no longer needed and moved on to other priorities;
- (h) a detailed service reinstatement process has been established, and the following service reinstatements have been approved so far:
- May:
 - recycling centres;
 - outdoor tennis courts;
 - June:
 - public toilets;
 - Bulwell Hall Golf Club;
 - litter picking, grass cutting, and grounds maintenance;
 - libraries (began in June and was completed in July);
 - Registrars services;
 - children's playgrounds;
 - indoor markets;
 - July:
 - Short Breaks services;
 - respite services including Crocus Fields, Indian Day Centre, Albany House, and the Learning Disability Day Service;
 - leisure centres;
- (i) there has been lots of communication with citizens through the Council's website, the Arrow, and support information leaflets distributed throughout communities, provided in different languages and alternative formats, which included contact details and locations of foodbanks, etc;
- (j) Government policies and announcements include:
- March:
 - the 2020 budget, including £1.6bn for local authorities;
 - a request emergency accommodation for homeless people;
 - April:
 - financial relief for local authorities, including deferred Business Rates;
 - a discretionary fund for smaller businesses ran by Councils;
 - May – the care home support package through the Adult Social Care Infection Control Fund;
 - June:
 - funding to Councils to support vulnerable families over the summer;
 - a Covid-19 'catch up fund' for pupils;
 - July:
 - funding for Councils to respond to Covid-19 and recover lost income;
 - care home visiting guidance was published;
 - August – a Hospital Discharge Policy was published;

- (k) the next steps include:
- local authorities supporting the test and trace programme, aided by the Outbreak Control Plan, with a greater role in directing and delivering contact tracing. A ring-fenced test and trace service support grant is available to resource this and Nottingham City has been awarded £3.1m;
 - upper tier authorities have the powers to close premises, public outdoor places and prevent specific events;
 - planning is in place to fully reopen Council office buildings with reduced capacity and increased cleaning;
 - analysis of the staff survey regarding getting back into Council buildings safely;
 - carrying out a Health Inequalities Impact Assessment;
 - supporting schools, colleges and universities as they return;
 - engagement with citizens on the Covid-19 impact and what they think Council priorities should be post-Coronavirus;
 - capturing Covid-19 activity as a supplement for future Council priorities;
- (l) the ongoing impacts include:
- depression and loneliness numbers doubled during lockdown;
 - unemployment in the city (and UK) has risen and is expected to increase further over the next few months as the furlough scheme reduces and eventually ends. 29% of working age people in Nottingham City are either unemployed or furloughed, compared to 28.8% in Greater Nottingham, 33.3% in the East Midlands, and 34.7% in England;
 - the impact on educational attainment and wellbeing of children from school closures;
 - the Council's financial situation if Government funding does not meet Covid-19 costs and lost income;
 - the effect on local and national economies.

During the discussion which followed the following points were raised:

- (m) the impact of shared housing and the return of university students is a concern and work has been ongoing with the universities over the last few months through the Outbreak Control Engagement Board. They are increasing their resources and carrying out testing to mitigate the risk, and wardens are working with Community Protection Officers to react and be proactive to any issues;
- (n) timelines for service reinstatements vary depending on the complexities of the service but, in general, they take a few weeks due to carrying out risk assessments, involving stakeholders, learning from phased reinstatements, etc;
- (o) Public Health monitor postcode and individual date to understand where cases are. They carry out a track and trace type exercise to ascertain why there are cases, and if there are any clusters of cases then an Incident Management Team meeting is held to decide on action to be taken;
- (p) it is expected that staff will not be back at Loxley House until after the end of September, but this is kept under constant review to respond to the situation. Work is underway to achieve the revised capacity of 40%;

- (q) it isn't planned for any services to remain permanently closed, but it is unclear when some will be able to reopen;
- (r) welfare checks are regularly carried out for staff working from home, and all staff have been asked to carry out work station assessments to ensure the working environment is suitable. Equipment such as desks, chairs, etc are available for staff to use at home;
- (s) every BAME colleague has had a needs assessment to reduce the risk to them.

15 Scrutiny of the Portfolio Holder for Energy, Environment and Democratic Services

Councillor Sally Longford, Portfolio Holder for Energy, Environment and Democratic Services, gave a presentation on the current position of her portfolio and performance in relation to her Council Plan priorities, and highlighted the following points:

- (a) strategic priorities include:
 - to be Carbon Neutral by 2028;
 - improving Air Quality in the city;
 - tackling fuel poverty;
 - sustainable solutions to waste issues;
 - making it easier for citizens to contact the Council;
 - improving electoral registration in the city amongst students;
- (b) there are 19 Council Plan commitments for the portfolio, 1 has an expected outcome of Red (not achieved), 6 have an expected outcome of Amber (partly achieved), and 12 have an expected outcome of Green (achieved):
 - those with an expected outcome of Green are:
 - ensure that all Nottingham Hackney carriage fleet is ultra-low emissions, reduce the maximum age of taxis from 15 to 12 years, and exclude dirty diesel taxis from the city centre;
 - ensure that all planning and development decisions take account of environmental and sustainability considerations;
 - provide bee-friendly habitats in every neighbourhood;
 - extend the garden waste collection service to include November;
 - make it easier to contact the Council, helping you report problems online wherever possible and aiming to solve your problem the first time you contact us;
 - protect from cuts: access to Council services online, in person and over the phone;
 - protect from cuts: free bulky waste collections for Nottingham residents;
 - make the Council single-use plastic free;
 - support local businesses by providing 364 day a year commercial waste collection service;
 - exclude dirty diesels from the city centre;
 - hold fix-it days in areas across the city, helping local people re-use and recycle household items;

- reduce plastic by providing water bottle refill stations in the city centre and make the Council single-use plastic free;
 - those with an expected outcome of Amber are:
 - become the first carbon neutral city in the country, reaching this by 2028;
 - deliver an annual kerbside collection of unwanted items;
 - improve air quality in Nottingham by cutting NO2 and particulates by 20%;
 - make sure students have a voice in elections by increasing the number of students registered to vote by a quarter;
 - reduce the number of older people experiencing fuel poverty by 10%;
 - work with the Environment Agency to protect 1,000 more homes from the risk of flooding;
 - the commitment with an expected outcome of Red is – double the number of Nottingham residents using Robin Hood Energy and continue to provide discounts for the who live in the city. As reported by the Leader earlier, the decision has been taken to sell the customers and close the company;
- (c) the challenges and opportunities going forward are:
- achieving the Carbon Neutral target by 2028 as support from Government is required on legislation and financing;
 - reducing air pollution;
 - increasing recycling to ensure there is a sustainable solution to waste issues.

During the discussion which followed the following points were raised:

- (d) lots of plans haven't been possible due to Covid-19, but the 28 for 28 challenge devised and led by partners would be continuing on the 28th day of every month;
- (e) recycling from apartment blocks has improved greatly, with the number of orange bags being used reducing dramatically;
- (f) Robin Hood Energy had never been the Council's only source of tackling fuel poverty. The Warm Homes Hub and Nottingham Energy Partnership are still in place. Work is taking place across the city to help those without a gas supply to access one to give them cheaper fuel. The Carbon Neutral programme includes better insulation, etc which will help to reduce fuel bills;
- (g) a garden waste collection has been moved from October to enable a November collection, which is the end of the growing season. This has been done so that a later collection can be provided on a cost neutral basis;
- (h) the work to achieve the Carbon Neutral status doesn't have budget implications for the Council as the Council is applying for grant funding from the Transforming Cities Fund;
- (i) Colin Street has been closed, which was a major air pollutant source. It is understood that some of pollution may be transferred to the southern relief route so monitoring is taking place;

- (j) the campaign for electrification of the Midland Mainline is continuing which will also help to improve air quality;
- (k) the Council's vehicle fleet is 30% electric, with the first fully electric bin lorry being delivered shortly;
- (l) there was an increase in fly-tipping while the recycling centres and bulky waste services were closed, but these reopened as soon as they could, and work is ongoing to clear the backlog of bulky waste collections.

16 Citizen Satisfaction Survey Written Update

Councillor Anne Peach, Chair of Overview and Scrutiny, presented a report on the written update from the Portfolio Holder for Communities, Highways and Strategic Transport detailing the work undertaken during the budget process following the Committee's recommendation to reduce the frequency of the Citizen Satisfaction Survey to every other year.

Resolved to note that the Committee's recommendation to reduce the frequency of the Citizen Satisfaction Survey to every other year has been implemented.