

Nottingham City Council

Overview and Scrutiny Committee

Minutes of the meeting held remotely via Zoom on 3 February 2021 from 2.00 pm - 4.24 pm

Membership

Present

Councillor Anne Peach (Chair)
Councillor Georgia Power (Vice Chair)
Councillor Carole McCulloch (Vice Chair)
Councillor Steve Battlemuch
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor Jane Lakey
Councillor Ethan Radford
Councillor Angharad Roberts
Councillor Andrew Rule
Councillor Cate Woodward

Absent

Councillor AJ Matsiko

Colleagues, partners and others in attendance:

Luke Brewster	- Principle Electoral Services Officer
Beth Brown	- Head of Legal and Governance
Owen Harvey	- Sector Growth Manager, Economic Development
Councillor Neghat Kahn	- Portfolio Holder for Employment and Community Protection
Councillor Sally Longford	- Deputy Leader and Portfolio Holder for Energy, Environment and Democratic Services
Sarah Wilson	- Chief Electoral Services Officer
Kim Pocock	- Scrutiny Officer
Laura Wilson	- Senior Governance Officer

47 Apologies for absence

Apologies were received from Councillor AJ Matsiko (bereavement).

48 Declarations of interests

None.

49 Minutes

The Committee confirmed the minutes of the meeting held on 6 January 2021 as a correct record and they were signed by the Chair.

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

Councillor Sally Longford, Deputy Leader and Portfolio Holder for Energy, Environment and Democratic Services (representing Councillor David Mellen, Leader, who was unable to attend the meeting due to other business) attended the meeting to provide a progress report on the recommendations of the Report in the Public Interest Robin Hood Energy (PIR).

She highlighted the following information:

- a) A Governance Improvement Board has been established, chaired by Councillor Longford, which also includes in its membership the Chair of the Overview and Scrutiny Committee and two independent members – Professor Peter Murphy, Nottingham Trent University (NTU) and Mark Edgehill, Local Government Association (LGA). This Board has met twice to monitor the progress of the action plan for the PIR. Minutes of these meetings are publicly available on the City Council website.
- b) Delivery of actions in response to the PIR recommendations is progressing well, including in the following areas:
 - i. review of governance arrangement;
 - ii. strategic review of Robin Hood Energy (RHE) and Enviroenergy.
 - iii. Provision of in-house legal training for Council appointed directors of Council companies;
 - iv. commissioning further training from the Institute of Directors to support more cost effectiveness in running Council companies;
 - v. review of the terms of reference for the Audit Committee and the Overview and Scrutiny Committee;
 - vi. approval by Full Council of a revised member/ officer protocol;
 - vii. the Council's risk management framework now incorporates the risk from the Council's group of companies; and
 - viii. review of the role of shareholder representatives, soon to be finalised.
- c) The role of the Governance Improvement Board may change in light of the work of the Ministry of Housing, Communities and Local Government (MHCLG) Improvement Board's work, but it has been very useful to monitor performance against the PIR recommendations and the input of the independent members has been helpful and supportive.
- d) Overall there has been significant progress against the action plan, with many actions completed already and within timelines.

In response to questions from the Committee and in the subsequent discussion the following points were made:

- e) The Governance Improvement Board will have at least one further meeting to complete its work.

- f) The Governance Improvement Board has focused on identifying priorities and key actions to determine how best to progress the work to deliver the action plan.
- g) The main focus of training in response to the PIR has been training for councillors who are the directors of companies. Training in response to the MHCLG report will be much more associated with cultural change.
- h) Training is outstanding for very few directors of the Council's companies, delayed largely due to illness. This is being rescheduled as people recover.
- i) The Governance Improvement Board has also focused on developing a clear role for the Council's shareholder representatives. It will produce a detailed job description for those who will be responsible for the connection between the company and Companies Governance Sub- Committee, which is effectively the Council's shareholder.

A further update on progress will be provided at the Committee's April meeting.

51 Non-Statutory Review/Recovery and Improvement Plan

Councillor Sally Longford, Deputy Leader and Portfolio Holder for Energy, Environment and Democratic Services (representing Councillor David Mellen, Leader, who was unable to attend the meeting due to other business) attended the meeting to provide a progress report on the recovery and improvement plan in place to respond to the non-statutory review of the Council. She highlighted the following information:

- a) Councillor David Mellen is attending the first meeting of the MHCLG Improvement Board, set up to drive and monitor improvements in response to the non-statutory review of the Council, this afternoon.
- b) The key recommendations of the review are as follows:
 - i. produce a 3-year Recovery Plan, to include key milestones to restore financial viability, longer term budget setting and to be submitted to the Secretary of State;
 - ii. MHCLG to establish an Improvement Board with an independent Chair (Sir Tony Redmond) and to include non-executive directors/ mentors;
 - iii. establish a simplified decision making process and ensure that the Recovery Plan is delivered at pace;
 - iv. review the Constitution, to include clarity on the roles of members and officers and to define efficient and streamlined decision making, performance management and procedures;
 - v. carry out an in-depth review of the Council's companies, to include determining the future status of each company; a policy statement about the roles of directors and shareholder representatives and define the relationship with council for each company;
 - vi. clarify the senior officer/ members structure.

In addition, the Secretary of State was recommended to

- vii. limit the Council's borrowing; and
 - viii. publish guidance on Council owned companies including roles and responsibilities of directors and shareholder representatives.
- c) The report noted that the Council will need to focus on recovery for the next two to three years, concentrating on what can be afforded and with support for the current leadership.
- d) The purpose of the Improvement Plan, which needs to be delivered at extreme pace, is to drive necessary change and improvement, while enabling the Council to remain under local democratic control. The Council needs to provide assurance to MHCLG that it understands the scale of the task and the actions required.
- e) The Improvement Plan was agreed by Full Council on 25 January and submitted to MHCLG, and the Improvement Board has now been established.
- f) Current actions in the Plan are deliberately front-loaded to ensure a robust response to the immediate priorities MHCLG has asked the Council to focus on, while leaving room for the development of later actions, eg arising out of the refresh of the Council Plan.
- g) The Plan has been developed at pace and going forward significant engagement and communication with staff, councillors and partners will be required.
- h) The Plan focuses on eight areas – the Medium Term Financial Strategy; Assets; Companies; the Capital Programme and Debt Management; the Constitution; Organisation and Culture; Delivery Options and the Policy Framework.
- i) The following have been prioritised within the Plan:
- i. delivering a sustainable financial footing for the Council in the medium term and protecting delivery of essential services to residents;
 - ii. focusing on providing the best quality core service the Council can afford, whilst continuing to be safe, clean, ambitious and proud for Nottingham;
 - iii. implementing a Council-wide cultural change and improvement programme to remedy the long standing cultural issues identified by the PIR and the non-statutory review;
 - iv. continuing to use the Council's leadership role in Nottingham to unite residents, businesses and partners around a common purpose, and to make a clear case for a better deal for Nottingham;
 - v. supporting Nottingham's businesses, partners and residents with the recovery from Covid 19; and
 - vi. demonstrating excellence in public administration and effective governance.
- j) Members of the Improvement Board are:

- i. Sir Tony Redmond – Independent Chair – former Chief Executive of the Commission for Local Administration and Local Government Ombudsman; former Chief Exec of the London Borough of Harrow
- ii. Sean Nolan – former Chief Finance Officer for two County Councils and a Police and Crime Commissioner; retired from the position of Director of Local Government and Policing for CIPFA (*Chartered Institute of Public Finance and Accountancy*);
- iii. Professor Donna Hall – currently Chair of the New Local Government Network; former Chief Executive of Wigan Council and Chorley Borough Council; appointed Non-Executive Advisor to Birmingham City Council;
- iv. Robin Hughes – Crown Representative at Cabinet Office; former Head of Markets and Economics at BG Group; and
- v. Councillor David Mellen – Leader of Nottingham City Council and representing the Council on the Improvement Board.

In response to questions from the Committee and in the subsequent discussion the following points were made:

- k) While the sale of assets is not a sustainable way forward, there are assets which, if sold, will contribute to the reduction of current debt. These assets (worth approximately £100 million) largely relate to commercial activity and the Council's property portfolio. The Improvement Board will consider what should be disposed of to give the best return for the Council.
- l) There will also be consideration of different ways of working to achieve change, ie repayment of debt will not be solely focused on sale of assets. There is scope for continued digitisation of processes and councillors and colleagues are looking across the Council's whole group of companies to introduce ways of working efficiently. Clearly the Council will be a smaller organisation and has already started reducing the size of its workforce. The Council will need to be mindful that it does not lose skills and experience build up over time.
- m) The Constitution is under review and changes will include looking at the operation of committees. The work has not yet reached a stage where it can be discussed in detail but work is ongoing.
- n) There do not seem to be any plans to add to the current membership of the Improvement Board and no one has been specifically appointed with political decision making experience to date (as suggested in the non-statutory review).
- o) Discussions are underway in relation to the sale of assets, although the detail cannot yet be shared. Being aware of the impact of Covid on market value and ensuring the best value for sale will be key. The Asset Rationalisation Board will manage this.
- p) While it was acknowledged that the Improvement Board needs to be small to work effectively, concern was expressed regarding the lack of apparent diversity in its composition, especially considering the diversity of the city. It was noted that the Council's Chief Executive will attend meetings as an observer, but is not a member.

- q) The Council Plan will be reviewed and adapted to accommodate the impact of Covid without losing its basis to reflect the manifesto of the party elected to power in the previous election. Resource commitments will need to be managed to deliver realistically, building on previous experience of functioning with limited funds.

A further update on progress will be provided at the Committee's April meeting.

52 Electoral Registration

Sarah Wilson, Chief Electoral Services Officer and Luke Brewster, Principle Electoral Services Officer attended the meeting to provide a progress report on the canvass reform process 2020 and electoral registration. Sarah Wilson highlighted the following information:

- a) The purpose of the canvass is to
- i. include the names and addresses of citizens who are entitled to be registered, but who are not already registered;
 - ii. remove citizens who are on the register, but who are no longer entitled to be registered at a particular address (normally because they have moved).
- b) The objectives of the reform were to
- i. make the process simpler and clearer for citizens;
 - ii. give Electoral Registration Officers (EROs) discretion on how to run their canvass, based on what suits their local area;
 - iii. to reduce the administrative burden on EROs and the financial burden on the tax payer;
 - iv. to safeguard the completeness and accuracy of the register;
 - v. to maintain the security and integrity of the register;
 - vi. to provide a model that is adaptable and has capacity for innovation and improvement.

There are still requirements to be met, but the reform has provided flexibility, eg increased use of electronic communication and using the telephone to canvass, not just door knocking.

- c) Under the previous system:
- i. a Household Enquiry Form (HEF) was sent to every property;
 - ii. a response was required (for changes and no changes);
 - iii. response methods were post, telephone, internet, SMS, in person;
 - iv. the chase cycle included a first reminder then final reminder;
 - v. an Invitation to Register (ITR) was sent to every new person and responses chased;
 - vi. door knocking took place for all non-responders; and
 - vii. the register was published on 1 December.
- d) Under the new system:
- i. following the last election and before beginning the new canvas, the Elections team completed a thorough data match exercise of the existing electoral register against government data (DWP);

- ii. where all of the details of electors matched **Route 1** was followed, ie E-comms and Canvass Communication A was sent to these properties, followed by a paper form and no response was required unless changes needed to be made.
 - iii. where households had at least one unmatched elector **Route 2** was followed, ie a canvass form was sent to the property, followed by reminders and personal contact via telephone/door knock and E-comms where possible – a response was required;
 - iv. where a household was classed as a defined property (eg student halls, care homes) **Route 3** was followed, ie a request was made by email to the designated responsible person for the specific property type, rather than directly with the property.
- e) Route Processes
- i. **Route 1** – initial contact was by email or text. if one person responded to this no further work was required. Initially 14,000 responses were received (24% response rate). If there was no response, then a paper form was sent. No response was required to this unless there were changes to be made. A further 3,000 responses were received following receipt of the paper form.
 - ii. **Route 2** - the paper canvass form was sent to 33,000 unmatched properties on 3 August 2020 and non-responders were chased on 2 occasions. Nottingham City Council chose to chase by letter and these were sent to properties on 7 September with a view to door knocking to follow up. However, as Nottingham was in Tier 3, due to Covid, the follow up was completed by telephone between November and December 2020.
 - iii. **Route 3** – the Election Services contacted all care homes in the city and discussed with them how to respond. Responses were low as this was a very difficult time due to the pandemic. There were also difficulties where an individual lacked capacity to respond themselves, as someone has to have to have power of attorney to register on their behalf.
- f) There were issues with student accommodation due to initial concerns from them about GDPR. The team tried to allay those as it is a legal requirement to provide the information. Since 2017 Universities have been obliged to notify Election Services of students in university accommodation. The universities are providing better information than previously. However, there are still problems with students who only provide their campus details rather than their actual address. This has to be followed up, taking a lot of workforce resource. The team achieved a 90% match rate as a result of their work. The Council Plan goal of increasing the number of registered students was achieved before the General Election in December 2019, but this has now been impacted by Covid and movement of students.
- g) Covid has not impacted on citizens' ability to register to vote and Electoral Services have been able to work from home throughout the pandemic. All canvass responses have been processed in time to be included in the revised register, due to the use of electronic methods of response and off site scanning. The door knocking element of the personal canvass did have to be cancelled, but

the canvass period was extended to maximise contact via telephone. As a result, publication of the register was delayed from 1 December 2020 to 4 January 2021.

- h) The overall percentage completion rate for both Routes 1 and 2 this year was 89.42%, an increase of 6.13% from last year's response rate of 83.29% (although not comparing like for like). The reforms will allow Electoral Services to focus more on hard to reach groups in future to maximise registration and participation in elections. The cost of the canvass has been reduced by nearly £40,000, due to the changes, despite an additional form and the telephone calls due to the cancellation of the personal canvass. Further reductions in expenditure are expected in future years, as the number of electronic communications and responses increases.

In response to questions from the Committee and in the subsequent discussion the following points were made:

- i) In terms of students, while properties are providing new names there may still be the names of previous students who no longer reside in the property on the register. Election Services is working with a software provider to bulk review any names not coming directly from a household. In the meantime, the team is checking the data manually as the link with the DWP enables identification of those students and follow up.
- j) While the new system offers flexibility, Electoral Services will be providing feedback to the Cabinet Office on parts of the system, for example:
 - i. wider use of electronic communications would help to make contact with more individuals and, therefore, a more accurate register – parts of the process require paper communication at present;
 - ii. The team has to trust the DWP data in terms of Route 1, leaving them without direct access to the data for information and checking;
 - iii. if someone does not respond when required, they are not auto deleted from the register – they have to be checked against other sources, eg council tax, and then removed if they are not there.
- k) Councillors can support the canvass to achieve completion rates, particularly in areas with traditionally low completion rates, through, for example, ward walks, attending student events on campus. Student areas do tend to have a low response rate.
- l) Electoral Services does not have specific data on EU citizens with settled status. It does receive lists of people who become British citizens
- m) Residents are legally required to respond to annual canvass. Under the new requirements a penalty can only be applied if there are changes to make, as there is then a duty to respond. However, the Council does not impose the fine of up to £1000 as it requires disproportionate effort and time to collect fines; and some of those who don't respond may have other issues to address - it would not help to take them to court.
- n) Data shows that a lot of people have used electronic methods of communication and there will be continuing drives to use this. However, Electoral Services is

likely to continue to use the paper form at the first stage of contact to give that option. Keeping a range of communication methods is likely to achieve the greatest response.

- o) Nottingham City Council benchmarks well with other core cities, even though Nottingham's student population as a proportion of its electorate is very high and, as a small geographic city, Nottingham has fewer suburban areas.

53 Scrutiny of the Portfolio Holder for Employment and Community Protection

Councillor Neghat Khan, Portfolio Holder for Employment and Community Protection attended the meeting to report on progress against her priorities in the Council Plan. She highlighted the following information, focusing on key areas from her 29 commitments:

- a) All crime has reduced due to Covid (including victim based crime) but anti-social behaviour (ASB) has increased by 33.3%. Covid breeches are being recorded as ASB incidents. A number of activities are under way to try to tackle ASB, including regular meetings of all partners, targeting hot spot areas and ensuring a Community Protection response to all incidents.
- b) The full roll out of the noise-nuisance hotline has been delayed due to Covid, but is being used by some Community Protection Officers (CPOs). Noise nuisance is responded to within 48 hours by CPOs by visit or telephone.
- c) The target for increasing Level 2 qualifications for Nottingham residents is 74% (ie within 3% of the national average) within three years– in 2019/20, 69.9% was achieved. Figures for 2021 will be available in April. The Kickstart programme has been introduced, which provides funding to employers to recruit 16-24 year olds. This will play a part in increasing Level 2 qualifications.
- d) The Higher Education data lag is 18 months and data for 2019/20 is due to be reported in late February 2021. 226 city residents have been supported towards the 4-year target of creating 500 new apprenticeships.
- e) The Council has joined the Nottingham College joint planning team to work on employer needs. The One Stop Jobs and Training Centre, opened to provide a range of support under one banner, is closed for face to face contact, but partners are engaging clients virtually.
- f) Work is ongoing with the Police to deliver 'Operation Graduate' to help students keep their homes and property safe. CPOs are visible in student areas, although these areas are currently relatively quiet as students are at home.
- g) The city centre Public Space Protection Order (PSPO) is fully implemented and operational. 70 Fixed Penalty Notices were issued in quarter three (October – December 2020). This has been impacted by the lower footfall in the city centre due to lockdown.

- h) The Nottingham Hate Crime Strategy was launched in October, following consultation, adopted at Full Council and signed off by the Crime and Drugs Partnership Board. The target to reduce hate crime by 10% has not yet been met, but hate crime is currently well below the 2019 baseline. A more focused approach is being taken to neighbourhood based incidents, especially neighbour disputes, which have grown during Covid. This is monitored by the Police and reported monthly to the Hate Crime Incidents Performance Panel. Learning will be reported to the Hate Crime Partnership Board.
- i) Participation of young people in work experience has been delayed by Covid, but work is now ongoing with partners to look at how to deliver this on a virtual platform. In partnership with Futures, an annual partnership programme which will support 100 young people at risk of not being in employment, education or training, including children in care, will be delivered during the week commencing 1 March. Students who missed out last year will also be captured, as well as new students this year. The Council will offer work experience placements in its own departments and link up with its apprenticeships.
- j) Work with the universities to link with businesses, particularly in creative industries has been delayed by Covid, but the Creative Quarter continues to work with businesses.
- k) The Council, along with other partners is in discussion with the Police and Crime Commissioner to create a Violence against Women and Girls Strategy to address the safety of women and girls in their homes and their communities.
- l) To improve the work of Rapid Response teams to ASB, Community Protection phones are now compatible with the ASB platform, so that incidents can be reported quickly and to the right people.
- m) Areas of work which will present challenge as budgets are tightened include staffing the 24 hour CCTV control room, maintaining the teams dealing with ASB and noise nuisance, managing services with a reduction in the number of CPOs (a reduction of 20% is currently out to consultation), retaining students in Nottingham after they graduate, protecting Job Fairs (through seeking external sponsorship funding) and protecting the Jobs Hub which has been unable to secure funding for the future to date.
- n) Further challenges include the impact of economic shocks (unemployment rates, furlough, sector disruption as a result of Covid), reaching disadvantaged groups remotely (digital exclusion, health, disability, over 50s, cultural barriers) and a landscape of saturated provision (limited referral opportunities, duplication of services, employer confusion). However, partnership working, the introduction of Kickstart and securing investment from industry for IT equipment and connectivity all provide opportunities.

In response to questions from the Committee and in the subsequent discussion the following points were made:

- o) There is a PSPO for the city centre and one for each neighbourhood. Where hotspot areas are identified, resources are focused to tackle issues.

- p) Residents are encouraged to call 101 when they need support. The direct number to PCOs is only shared in cases of repeat offences to avoid blocking the number for the more serious issues.
- q) The portfolio is challenging as it is wide, doesn't always present coherently and overlaps with other portfolios. This is mitigated to some extent by good partnership working and regular joint meetings with other portfolio holders. Portfolios are currently being reviewed, which may impact on the remit in the future.
- r) Employment Task Force meetings to bring together partners, working through hubs and linking clear pathways from school to apprenticeships, employment and university, particularly for disadvantaged groups, are all ways that have been and continue to be developed to manage the proliferation of different organisations, funded in multiple ways in the field of training and employment.
- s) While campaigning for more Police officers, reducing the number of CPOs is necessary in the current financial climate. Moving from an area to a ward structure for the work of CPOs and a clear definition of what they do and what the Police do will be a way of managing the impact of this reduction. CPOS we will have to move to a more reactive response-based enforcement model. It was acknowledged that losing the proactive work may potentially impact on the willingness of people to report ASB.
- t) The Council is currently looking at an action plan, with clear milestones and measurable outcomes with the two universities, which can be shared with the Committee at a later date if required. Work continues to regularly contact local businesses and a range of organisations to explore placement opportunities – currently 111 employers are willing to take students on placement.
- u) The voice of hate crime victims has been heard through their input into the Hate Crime Strategy. Work has now begun to deliver the strategy out into the community and work is ongoing to build trust and confidence to report hate crime.
- v) While the number of furloughs has reduced, the unemployment figures have increased. This data is currently being explored to identify the reasons for this and how best to support citizens to enter employment that is available. The Employment Task Force meetings with partners will be one way of responding to this. DWP had agreed to set up a number of mentoring and listening circles across the city for those who have been unemployed long-term to discuss the hurdles and barriers.

54 Work Programme

The Committee considered its work programme for the remaining meetings in 2020/21 and agreed the following:

3 March:

- Scrutiny of the Portfolio Holder for Housing, Planning and Heritage – Councillor Linda Woodings

Overview and Scrutiny Committee - 3.02.21

- Section 106 Contributions

7 April

- Scrutiny of the Portfolio Holder for Leisure, Culture and IT – Councillor Dave Trimble
- Covid-19 Pandemic – Update on the Impact on Nottingham City Council and the Council's Response
- Update on the Action Plans in response to the Report in the Public Interest on Nottingham City Council's governance arrangements for Robin Hood Energy and the Non-Statutory Review

The Committee agreed to hold an informal work programming session to bring back a proposed work programme for 2021/22 to the formal Committee.

The Chair has raised the issue of clearing weeds with Councillor Rebecca Langton, Portfolio Holder for Communities, Highways and Strategic Transport, who is preparing a statement for the Committee on progress to date following delays caused by Covid 19.