

Minutes



Cabinet

Date: 13 March 2019

Time: 4.00 pm

Present: Councillors D Wilcox (Chair), P Cockeram, G Giles, D Harvey, R Jeavons, D Mayer, J Mudd, R Truman and M Whitcutt

Apologies: None received.

1 Declarations of Interest

Declarations of interest were declared by:

Cllr Jeavons in his capacity as Chair of the EAS Company Board in respect of Agenda Item, 5 EAS Business Plan 2019.

Cllr Mudd in her capacity as Chair of Newport Transport Board in respect of Agenda Item 8, Draft Response to Welsh Government Transport White Paper Consultation.

Cllr Harvey in her capacity as a Member of Newport Transport Board in respect of Agenda Item 8, Draft Response to Welsh Government Transport White Paper Consultation.

2 Minutes of the Last Meeting

The Minutes of the meeting held on 13 February 2019 were confirmed as a true record.

3 EAS Business Plan 2019

The Leader introduced the report the purpose of which is to ensure ongoing quality assurance of the work of the EAS through a variety of mechanisms. Furthermore, Cabinet will ensure that the Business Plan and accompanying Annex Document enables appropriate support and challenge for Newport schools.

The Business Plan clearly addresses the areas for improvement that have been identified within Newport's Education Strategic Plans and which reflect the recommendations made by Estyn in their recent inspection of Education Services. More focused work has been undertaken to improve the outcomes of disadvantaged learners together with a focus on promoting attainment in the wider curriculum which will impact on the Capped Nine measure.

The Leader further confirmed there has been significant involvement of Cabinet Members in the development of the Business Plan through membership of the Regional Joint Executive Group (Cllr Giles) and the EAS Company Board (Cllr Jeavons). The Leader was satisfied to see that the activities to address Newport's strategic priorities, particularly to develop senior and middle leadership in Key Stage four and to improve outcomes for Free School Meal learners, a key aspect of the Administration's drive for improvement, are so clearly represented in the Business Plan.

The Leader was particularly pleased to note that pupil consultation has been an aspect in the development of the Business Plan. The Leader also congratulated Welsh Government for involving 16 and 17 year olds in the next Welsh Government Elections.

The Leader confirmed the Business Plan had also been taken through the Performance Scrutiny Committee and whilst the minutes of that meeting were not available prior to the meeting of Cabinet, the minutes had since been circulated to Cabinet to consider alongside the Business Plan, particularly the following comments and recommendations:

- The Committee's overall conclusion upon the report was that standards and levels of teaching are maintained and progressed without the ability to use school level data;
- Following consideration of the evidence gathered through questioning the Officers upon the Draft EAS Business Plan 2019/20 the impression from the EAS and Education Department is that they have a greater confidence that they know the level schools are at now, using a collaborative approach between the EAS, Education Department and Schools and also the cluster approach to schools. There is also a greater understanding of the journey of the young person from primary to secondary;
- The Committee raised concerns about the transition from Key Stage 2 to Key Stage 3, which they felt was an area for improvement and requested that when completed Professor Walters' research into the difference between teaching in Year 6 and Year 7 be issued to the Committee for information;
- The Committee raised concerns relating to the reduction in staffing in EAS is now 44% smaller than in 2012, which is shifting the reliance for support onto other schools in the network and peers rather than the EAS. Over-reliance upon other schools could impact upon them adversely;
- The Committee recommends that the EAS should have the confidence to push the Welsh Language forward in their Business Plan as a priority in accordance with the Welsh Language Charter.

The Committee formally requests the following from the Education Achievement Service to be circulated to Members of the Committee for information:

- The school categorisation matrix and supporting information;
- The Excellence in Teaching and Leadership Toolkit
- The research into cluster-based working by Manchester University, when completed;
- The EAS to provide an update seminar to the Committee upon the changes and progress made since July 2018, when the Committee received their first update on accountability and curriculum.

The Cabinet Member for Education and Skills was pleased to reiterate the Leader's comments and confirm the EAS Business Plan appropriately reflects the strategic priorities for Newport Education Service and aligns with recent Newport Education Service's Estyn recommendations to improve wider secondary school outcomes and, in particular, outcomes of learners eligible for Free School Meals. The Business Plan has been amended based on feedback provided during consultation with the Regional Joint Executive Group, pupils, head teachers and governors.

The Cabinet Member was also pleased that EAS had identified a further 2% financial efficiency which is being implemented on a regional footing.

The Cabinet Member also spoke about the Learning Network School model that has been implemented, otherwise known as the self-improving school system, is working well to develop and improve schools in need of support. That support is linked to a wide range of areas including improving whole school pedagogy, leadership skills, inclusion practices, attendance strategies or development with a specific curriculum area. Recognition was also given to the LEA for driving forward change.

Decision:

Cabinet approved the report.

4 School National Categorisation

The Leader introduced the report and confirmed that categorisation is a national process to determine the level of support a school requires. The strong performance of Newport primary schools shown in the categorisation outcomes aligns with the findings of the Estyn inspections where the rate of excellent judgments is significantly higher in Newport than across Wales as a whole.

Whilst there is still further work to do at secondary level, it was noted that 55% of Newport's secondary schools have been classified as green or yellow and that both Bassaleg School and St Joseph's High school remain classified as green.

The Cabinet Member was delighted to report that primary school categorisation in Newport has continued to demonstrate an improving trend, with 97% of primary schools now categorised as either green or yellow schools. It was particularly pleasing to note that 64% of Newport primary schools have been categorised as green reflecting the highest levels of leadership, provision and governance. The Cabinet Member will strive to ensure that the one primary school categorised as red will continue to receive the appropriate support and challenge required to improve its categorisation.

The Cabinet Member also stated that whilst there is evidenced strong practice at a secondary school level, indicated by 55% of schools being categorised as green or yellow, the bespoke support and challenge for those schools categorised as red or amber remains a priority for Education Services.

Within Curriculum Reform, many of the previous accountability measures have and will continue to disappear. There will be a specific focus on the quality of a school's self-evaluation and single improvement plan paired with some new and emerging key performance indicators. The Cabinet Member will ensure that Officers provide an elected member briefing on these changes over the forthcoming term to ensure that members can continue to fulfil their school governor roles effectively.

Cabinet thanked officers, teachers, parents and pupils for helping to achieve this excellent outcome. Cabinet also emphasised the holistic approach taken by professionals within the education service to help pupils achieve their potential; a great achievement that should be congratulated. The support provided by EAS in particular to one Newport East secondary school categorised as red was also applauded.

Decision:

Cabinet agreed the report.

5 Corporate Risk Register - Quarter Three

The Leader presented the report, the purpose of which was to provide Cabinet with the Quarter 3 update on the Corporate Risk Register, which supports the delivery of the Council's Corporate Plan 2017/22.

Cabinet was asked to consider the contents of the report and note the changes to the Corporate Risk Register for quarter 3.

The summary of changes to the Corporate Risk Register were noted:

- At the end of quarter 3 there were 14 corporate risks consisting 6 high risks and 8 medium risks.
- Appendix 1 of the report provides a summary of the risks and movement with the risk scores over the last year.
- Appendix 2 provides a detailed report of the Corporate Risk Register.
- In November 2018 the Council's Audit Committee raised 3 recommendations in relation to the Council's Brexit Risk, Asset Management and partnership work.

Further to these recommendations and as part of the Council's quarterly review the following changes have taken place:

Risk 4 (Brexit)

- Newport Council has been undertaking ongoing work to prepare for Brexit and used guidance provided by the WLGA and Welsh Government Brexit Task & Finish Group led by the Strategic Director for Place; (The Leader announced during the meeting that Welsh Government has just announced extra funding to help local authorities prepare for Brexit; the Chief Executive also confirmed an announcement has been made by Welsh Government about making money available for local authorities who have ports within their boundary);
- The group has identified key Brexit risks to the Council's services, and actions are in place to monitor the progress of the actions;
- However, the uncertainty over the UK Government's position and an increased probability of a 'No Deal' scenario from 29th March has resulted in the risk score increasing to 16.

Risk 8 (Stability of External Suppliers in Social Services)

- The risk score has increased from 16 to 20 in quarter 3 which is a reflection of Brexit and the impact which it could have to the health and social care sector.
- Actions have been identified by the Council's Brexit Task & Finish Group and there is ongoing dialogue between the health service and social services to ensure the necessary supplies, staffing resources are in place to provide continuity of care to the community.

Risk 9 (Pressure on Infrastructure)

- This risk has been closed following a review of the Council's Asset Management risk (Risk 13).
- The risk will be monitored through the new Risk '*Maintaining the Highways Network*'

Risk 11 (Information Technology Modernisation) and Risk 12 (Cyber Attack)

- The actions to manage both of these risks were reviewed in quarter 3 and have been updated to reflect the changes in arrangements with the Council's IT provider Shared Resource Service (SRS) and also to reflect the necessary actions required by the Council to securely store and protect data and comply with the Data Protection Act.

Risk 13 (Maintaining the Highways Network) and Risk 16 (Council Buildings and Assets)

- A review of the Council's Asset Management risk has resulted in 2 new risks being identified.
- The maintenance of the Council's Highways Network remains one of the high level risks (20) to the Council due to:
 - The level of funding required to maintain and replace the existing infrastructure; and
 - The impact of the removal of the Severn Bridge tolls to the highways network

- Council's Buildings and Assets risk has been scored as 12 which acknowledges the existing risk management processes in place to manage the Council's assets but also the required funding needed to maintain and improve all of the Council's assets.

Risk 15 (Newport City Centre Security and Safety)

- This is a new risk that has been identified and included in the Council's risk register.
- As more major events are attracted to Newport City Centre such as the Tour of Britain and the British Transplant Games and the continued regeneration of Newport City Centre it is recognised that this poses additional risk to the security and safety of citizens, businesses and infrastructure.
- This risk has been scored at 15 which reflects the impact which any threat to the city centre and the ongoing work required to improve security and safety by Newport Council and partner organisations such as Gwent Police.

Decision:

Cabinet agreed the report and the changes made to the Risk Register.

6 Draft Response to Welsh Government Transport White Paper Consultation

The Leader introduced the report which confirms the Welsh Government is considering changes to the planning and delivery of Bus and Taxi/Private Hire Vehicles (PHV). The objective of the White Paper consultation is to address declining use of bus services and contribute to climate change/local air quality agenda.

The consultation covers the following areas:

- Planning and delivery of local bus services
- Concessionary travel eligibility (bus pass)
- Supply of information by public bodies (including Local Authorities)
- Creation of Joint Transport Authorities
- Taxis and Private Hire Vehicles (PHV) provision

The report covers two Cabinet Member portfolios and the Authority has varying degrees of responsibility in each of these areas; therefore, changes to current arrangements could have significant implications for staff resources and Welsh Government funding distribution.

The White Paper proposes the creation of Joint Transport Authorities (JTA), including revisions to existing legislation that would include the representation of Welsh Ministers on any JTA and/or the intervention powers for an underperforming JTA.

The JTA could assume responsibilities for some/all local transport functions currently undertaken by the authority. The scope of functions are to be determined, including the creation of a national JTA to undertake specific functions, i.e., standardised ticketing. This is not currently an option under existing legislation.

Issues to note:

- Any transfer of functions would have resource/staffing implications for local authorities,
- Proposal includes legislative change to provide local authorities with additional options to procure bus services,
- Consultation does not include any indication of future funding streams to support the proposed options,
- Proposal includes phased increase to the age of eligibility for concessionary bus travel to reflect female retirement age. There would be no loss of entitlement for existing pass holders,

- Proposals include revision to taxi/PHV licencing arrangements including:
 - The establishment of common quality standards;
 - Enforcement powers extended to allow authorities to take action against any licensed vehicle operating in their area;
 - Establishing a national driver database for licence/disclosure and barring service checks;
 - Transfer of licensing functions to a JTA.

Cabinet noted the consultation period closes on the 27th March 2019.

Cabinet was asked to give agreement to the proposed response.

Decision:

Cabinet agreed the proposed response.

7 Public Services Ombudsman for Wales

The Leader presented the annual report from The Public Services Ombudsman for Wales (PSOW) and confirmed the PSOW and his team have the powers to look into complaints about public services and independent care providers in Wales, as well as complaints against members of local authorities relating to code of conduct matters.

The report set out a summary of the PSOW's team's activity for the 2017/18 period with some overview for Wales and more specific information for Newport City Council.

The Leader stressed that the Council operates in an environment of intense scrutiny and ever growing expectation of the activities of local authorities and in that context the Leader was pleased to note there has been a decrease in complaints about local authorities. For Newport it was also pleasing to note that the number of complaints is as expected and that only a small percentage actually resulted in action by the Ombudsman. This shows that overall the Council has an effective complaint's process and services are being delivered in a fair and effective way.

It was acknowledged there have been some issues around the length of time it has sometimes taken to engage with the Ombudsman's office. However, additional resources devoted to this important activity are now in place and it is expected this part of the activity will improve.

The Chief Executive gave an explanation of the complaint received against the average expected for the authority.

Cabinet was asked to note the report and its contents.

Decision:

Cabinet noted the report.

8 Work Programme

The Leader presented the Cabinet Work Programme.

Decision:

To agree the proposed programme.

9 Exclusion of the Press and Public

To consider whether to exclude the press and public during consideration of the following item on the grounds that its consideration involved the likely disclosure of exempt information as defined in the Local Government Act 1972 and the exemption outweighs the public interest in disclosure.

10 Civic Centre Presentation - Chartist Tower

Officers provided Cabinet with a presentation on Chartist Tower.

Officers recapped on the timeline associated with this project from the initial interest from the developer in 2017 to the present date.

Officers confirmed:

The proposal is for a hotel development with lower floor retail and Grade A office accommodation and roof top restaurant. A 4-star internationally recognised hotel brand has agreed Heads of Terms.

The developer is South Wales based and has been established since 1995 with a growing presence in the local market, its portfolio includes a mix of vacant commercial stock primed for redevelopment. Developments have been achieved in Bristol, Swansea, Cardiff and other parts of South Wales.

Demand for an additional 100,000 room nights in Newport per year on the opening of the International Convention Centre which is due to open mid-2019.

This project will bring economic benefits to Newport including; jobs, new enterprises, new commercial units, investment, increase in revenue to the local supply chain, increase in Grade A office space as well as the re-use of a key building within the City Centre, public/private partnership working, development of Newport's Tourism sector, growth in the night time economy.

Welsh Government had approved £650K TRI grant funding for the scheme and £600k loan funding. Acceptance of the grant funding does not require formal Cabinet approval as no match funding is required, but Cabinet were asked to agree to the Council utilising the loan funding because of the repayment obligations. The Head of Finance and the Head of Law and Regulation confirmed that the proposed grant and loan funding was in accordance with the Council's statutory powers and there were no state aid issues. The funding would be provided on commercial terms having regard to the level of risk and the Council's "profit-share" rental agreement under the head lease. The loan would be secured as a charge against the head-lease, albeit that it would rank behind existing bank loans, and there was further security through the rent payment obligations in the head-lease. Drawdown of the loan funding would be conditional upon the developers entering into a management agreement with the hotel operator.

In order to take the project forward Cabinet was asked to:

- i) Approve the non-repayable Council grant of £350K;
- ii) Approve the offer of repayable loan funding to the developers of £600K, to be secured as a third charge against the head-lease, conditional upon agreement with the hotel operator;
- iii) Approve the grant to be paid out of the current year's under-spend and amount set aside to cover the loan repayment;
- iv) Agree further deferred rental period for four years;

- v) Authorise officers to agree the final terms and conditions of the grant and loan and to finalise the legal documentation.

Decision:

Cabinet unanimously approved the proposal.

11 **Date of Next Meeting - 17 April 2019, 4pm, Committee Room 1, Civic Centre**