

## Performance, Finance and Customer Focus Overview and Scrutiny Committee

**Wednesday 22 February 2023**

### **PRESENT:**

Councillor Penberthy, in the Chair.

Councillor Finn, Vice Chair.

Councillors Briars-Delve, Harrison, Haydon, Kelly, Laing, Lowry, Lugger, Partridge, Tofan, Tuohy and Wheeler.

Apologies for absence: Councillor Churchill.

Also in attendance: Emma Jackman (Head of Legal Services), Councillor Stoneman (Cabinet Member for Climate Change and Governance), Kevin McKenzie (Policy and Intelligence Advisor), Councillor Shayer (Deputy Leader & Cabinet Member for Finance and Economy), Ross Jago (Head of Governance, Performance and Risk), John Finch (Information Governance Manager), Peter Honeywell (Transformation Architecture Manager), Councillor Smith (Cabinet Member for Homes and Communities), Laura Hill (Policy and Intelligence Advisor) and Kim Brown (Service Director for HR and Organisational Development), Councillor Patel (Cabinet Member for Customer Services, Leisure and Sport), Matt Garrett (Service Director for Community Connections), Matt Longman (Community Safety Partnership Chair), Siobhan Logue (Technical Lead Community Safety) and Tracey Naismith (Operational Manager Community Connections) and Helen Rickman (Democratic Advisor).

The meeting started at 1.30 pm and finished at 5.45 pm.

*Note: At a future meeting, the Panel will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 54. **Declarations of Interest**

The following declarations of interest were made by Members in accordance with the code of conduct:

<b>Member</b>	<b>Subject</b>	<b>Reason</b>	<b>Interest</b>
Councillor Briars-Delve	Minute number 63 'Our Commitment to Equality and Diversity'.	Employed by Four Greens Community Trust.	Personal
Councillor Harrison	Minute number 63 'Our Commitment to Equality and Diversity'.	Employed by Four Greens Community Trust.	Personal

Councillor Partridge	Minute number 63 'Our Commitment to Equality and Diversity'.	Is a Non-Executive Director of the Four Greens Community Trust.	Personal.
----------------------	--	---	-----------

55. **Minutes**

The Committee agreed the minutes of 7 November 2022, 18 November 2022, 30 November 2022 and 14 December 2022 as an accurate record of the meeting.

56. **Chair's Urgent Business**

There were no items of Chair's urgent business.

57. **Appeal Against Petition Response**

Emma Jackman (Head of Legal Services) and Councillor Stoneman (Cabinet Member for Climate Change and Governance) presented the Appeal Against Petition Response to Members and highlighted the following key points:

- (a) the report contained in the agenda was in relation to an appeal submitted following a petition that was debated at Council on 30 January 2023 in relation to the Armada Way Trees. The Committee was asked to consider the appeal and determine whether the response from Full Council was appropriate, or not; the petition submitted had over 5000 signatures and therefore under the guidance, the officers were required to forward it on to Full Council for debate;
- (b) the appeal was appended at the report; the rules required it to go to the next available committee which was this meeting (22 February 2023 scrutiny). The petition guidance was appended at page 63 onwards – paragraph 2 outlined what a petition must include – paragraph 3 detailed the acceptance of the petition and its validity – paragraph 4 listed possible responses to a petition – paragraph 6 required that where a petition had over 5000 signatures there was an automatic referral to Full Council for debate;
- (c) on receipt the petition was checked for signatures and numbers in order to determine where it should be dealt with – this was undertaken by an officer plotting the postcodes and determining if they were in a reasonable area in terms of Plymouth city (such as commuting areas). It was submitted to Full Council with further information which was included as part of the email, however that was not included in the text on the online petition. When the petition was referred to, it was what was included, what people were reading and signing in support of – as such, the word document that accompanied the petition was not included in the papers because it didn't form part of the petition that people were asked to sign in support of. However, at Full Council, the petitioner had 5 minutes to present the case to Members and make any additional representations;

- (d) Members were advised that STRAW Plymouth (Save the TREes of Armada Way) had sent an email to the Committee; the Head of Legal Services highlighted the following in response to points raised in the email:
- i. on 14 February 2023, STRAW Plymouth were informed by email by the Head of Legal Services at 18.34pm that the appeal against the petition response was on the agenda for the 22 February 2023 Performance, Finance and Customer Focus Overview and Scrutiny Committee – a hyperlink to the agenda was also provided. They were aware in good time that the report attached as part of the agenda was to be submitted and were aware of the nature of the report;
  - ii. as the petition had 5000 signatures it meant that it was an automatic referral to Full Council – officers could not make any other decision other than to refer the petition to Full Council for full debate. The petition appeal and subsequent correspondence referred to the fact that they request a referendum however it wasn't within officers gift to do anything other than refer the petition to Full Council, as made clear in the petition guidance;
  - iii. reference was made in the email to an appeal submitted to the Head of Legal Services on 30 January 2023 in advance of the Full Council meeting; this was rejected on the basis that, paragraph 6 of the petitions guidance set out that the appeal was against the response and the response was to be formed by Full Council after debate. As such the response to the petitioners was that in advance of any decision by Full Council, there was no response to the petition to appeal and the appeal wouldn't be taken forward at that point;
  - iv. in terms of the briefing paper, it was appropriate that officers prepared a briefing paper for Committee in order to give Members the facts in terms of the history of the matter and the governance arrangements;
- (e) in terms of what was available before Committee, this was the same as was available before Full Council. Members needed to be mindful that if they were to look at the recommendations made by Full Council then all Committee could do was to make further recommendations to Cabinet. The carrying out of the development at Armada Way was a function of Cabinet and therefore all committee could do was to make further recommendations for consideration.

Councillor Penberthy advised Members that the item for consideration was an appeal of the process and therefore wasn't going to open the entire petition up for debate as it was already debated by Full Council. It was highlighted that the 7 items as raised as the key matters of the appeal would be considered one at a time.

Members discussed the following –

Point I of the appeal: "The wording of my petition could not be more precise about the number of trees to be saved because, when it went online, that information had

not been made public by the council. The data about the number of trees to be felled, being Environmental Information under the Environmental Information Regulations should (under the Council's duty to be proactive in publishing environmental information) have been made publically available by the Council sometime prior to the petition being launched. Specific figures could then have been included in the petition wording”:

- (f) that those compiling the petition were not legal experts and that the ethos and spirit of the wording of the petition was clear in that it portrayed what the petitioner was trying to convey regardless of if additional wording was or was not included in the petition itself – it was considered that the appeal was submitted because the Council hadn't honoured or respected the several thousand signatures on the petition; it was responded, after having sought clarification from the Head of Legal Services, that the petition was submitted with an accompanying word document that didn't form part of the petition but that the petition wording was included with no amendment;
- (g) that point one of the appeal highlighted that the wording contained within the petition couldn't be more precise because data which should have been available wasn't available; it was responded that the petitioner had 5 minutes to address Full Council and add to anything which was already included in the original petition submitted;

Point 2 of the appeal: “The petitioner and the 12,000 petition signatories have therefore all been severely prejudiced by the failure of the Council to make this data publically available as it should have been”:

- (h) it was considered that it appeared to be accurate that the petitioner was prejudiced because the full information wasn't available to them;

Point 3 of the appeal: “Most petitions, particularly when involving such a large and complex issue will not at the outset be able to be drafted so as to cover an issue in precise legalistic language. The interests of the 12,000 people who have signed the petition have been prejudiced by an overly narrow interpretation of the terms of Petitions Guidance Clause 8 of the Constitution, the sole purpose of which Clause is to allow the concerns of those living in the city to be aired further in an appropriate way”:

- (i) it was highlighted that those who submitted the appeal were lay people who were not familiar with the appeals process and that the interpretation of the rules could go any number of ways and that this was an issue of confidence and interaction with elected members;

Point 4 of the appeal: “The lodging of a petition of this size could have been welcomed as an opportunity to fully engage with the public through the means requested in the petition submission – for example, a public meeting. The only reason why the Council might want to rely on an overly legalistic response to the wording of the petition is to shut down proper public debate on this controversial issue. Had the Council wished to construe the Petition Submission in a less

restrictive way and in line with the purpose behind Clause 8 of its Constitution, it could have done so”:

- (j) it was considered that this was based on the fact that the Council made one decision regarding the route for the petition to take other than considering the range of routes available;
- (k) it was considered that this point of the appeal linked back to page 64 of the agenda pack, section 4.1 of the petition guidance, where a number of avenues were detailed that could be given to a petition of this size such as a referendum, a public consultation etc. There was agreement that there were more avenues for a response than the Council had opted to select; it was responded by the Head of Legal Services that when a petition was received by the Council it was checked for the number of signatures and this number would determine the route of the consideration of the petition for a response. Paragraph 6 of the petition guidance was relevant as the petition received had over 5000 signatures therefore for a response to be formed the petition must be submitted to Full Council for debate. It was then open to Full Council to determine the response. Paragraph 4 did list a number of responses however this wasn't an exhaustive list and a list by which a decision maker was compelled to follow, but the position that the appropriate decision maker make as a response. The petition should have gone to Full Council for debate as it did, and for Full Council to determine the response;
- (l) it was considered that section 4.1 whilst being a list of options was superseded by section 6 if a petition received more than 5000 signatures, as was the case in this situation; this was confirmed by the Head of Legal Services;
- (m) It was challenged that the scenarios listed at section 4.1 such as a public consultation could have been put forward by the Cabinet Member at the Full Council meeting in order to be open and transparent; it was responded that Members in the Full Council meeting had the opportunity to put forward proposals they saw fit during the debate;
- (n) the Council was relatively new to dealing with petitions as very few were received. It was highlighted that section 6.2 demonstrated that the Council had wide ranging powers to respond as long as it was legal;
- (o) the possible options listed at section 4.1 was not an exhaustive list and were not listed in a priority order;
- (p) it was considered that the Council lowered the level of signatures required in order for the decision to be debated by Council;

Point 5 of the appeal: “There is a clear conflict of interest in the Council dealing with the Petition Submission when the Petition relates to the Council’s decisions and behaviour”:

- (q) clarity was sought on this being a matter of law and who was supreme in any one decision and at which point the council was able to make decisions; it was responded that the Armada Way scheme was a cabinet function and Cabinet or Cabinet Member was responsible for the decision; it was appropriate that Full Council considered the scheme as Full Council wasn't the decision maker;
- (r) clarification was sought that the Armada Way Scheme was primarily a Cabinet decision; it was responded by the Head of Legal Services that the scheme fell under the Transforming Cities Fund and was agreed by Cabinet as part of the funding;

Point 6 of the appeal: "In order to deal properly with this controversial project, the Council meeting on 30 January 2023 should have been given the opportunity to consider the full range of responses allowed in Petition Guidance Clause 4 of its Constitution, (and which are options available even where there are only 25 signatories) and which were requested in the Petition submission. The very narrow way that the Council has construed and dealt with this petition is severely damaging to public confidence in local democracy":

- (s) one viewpoint expressed was that had the process been more transparent with regards to the options open to the Council, Members may have taken a different route so this comment was agreed with;

Point 7 of the appeal: "My concerns over this have been proven to be correct. Because of the way you have narrowly interpreted Clause 8, and the clear conflict of interests that has arisen, it has resulted in an ill-thought-out, rushed, defective and valueless public engagement exercise with a poorly drafted questionnaire and the withholding of information so that community groups cannot properly engage. If my petition had been properly dealt with by the Council, people in the city could now be taking part in a full public meeting, a proper, meaningful and thorough consultation (including an Equalities Impact Assessment) and a referendum on the question of whether the felling of the trees should go ahead":

- (t) it was considered that there were lessons to be learned from this petition appeal as it was a complex issue therefore it might be beneficial to form a sub group to consider issues raised at the meeting today, specifically to consider the policy around petitions but also the appeal process;
- (u) it was considered that it would have been beneficial for all Members of full council to have had a private briefing as to the rules and regulations of the petition options and routes in order to aid a meaningful debate and to restore public confidence and faith;
- (v) It was questioned if petition guidance was attached to the paperwork submitted to Full Council when the petition was submitted; it was responded that petition guidance was contained within the constitution and that going forward, paperwork linked to petitions would have the guidance appended or hyperlinked;

- (w) it was acknowledged that there was a requirement for Members to look at whether details of the constitution were fit for purpose and suggested that the Monitoring Officer worked with the Audit and Governance Committee to look at the section of the consultation and review it to make sure some of the questions and misunderstandings around this didn't happen again in order for local democracy to be effective;
- (x) discussed the benefit for a sub group of the Audit and Governance Committee to look at the policy and legislation linked to petitions;
- (y) Members considered if it would be wise to request an extension of time for the Armada Way project.

The Committee agreed that:

1. to mandate the Monitoring Officer to work in conjunction with the Audit and Governance Committee to establish a sub group to review the petitions process as contained within the Council's Constitution in order to learn lessons moving forward;
2. to recommend to the Audit and Governance Committee, as part of their overall review of the Constitution, consider specifically the consultation and engagement approach and processes linked to petitions so that they were clearly defined and understood;
3. that the Cabinet Member for Transport write to the Parliamentary Minister for Transport requesting an extension to the programme of works/ funding for the Armada Way Development Scheme

58. **Policy Brief**

Kevin McKenzie (Policy and Intelligence Advisor) was in attendance for the Policy Brief.

In response to questions raised it was reported that –

- (a) further detail upon the developing 3-year Plymouth Prevent Action Plan would be discussed later in the meeting;
- (b) photo identification would be a requirement to enable people to vote in upcoming elections; this was something that the Audit and Governance Committee had created a working group to consider.

The Committee agreed:

1. that the Audit and Governance Committee Sub Group dealing with the Election Cycle/ voter identification would be referred to in the Councillor Bulletin to enable Councillor input;
2. to note the policy brief.

59. **Finance Monitoring Report - Month 9**

Councillor Shayer (Deputy Leader & Cabinet Member for Finance and Economy) briefly introduced the Finance Monitoring Report Month 9 and advised Members that pressure was continuing to be applied to the Council's budget and that progress was being made; it was believed that the Council would achieve a balanced budget by the end of the financial year.

Members did not have any questions.

The Committee agreed to note the Finance Monitoring Report Month 9.

60. **Corporate Plan Performance Report (to follow)**

Ross Jago (Head of Governance, Performance and Risk) and Councillor Shayer (Deputy Leader and Cabinet Member for Finance and Economy) were in attendance for the Corporate Plan Performance Report.

The Chair briefly informed Members that the report was submitted to the Committee late via a supplement pack as it had only recently received senior management sign off. It was also highlighted that Members were having first sight of the report, as it hadn't yet been discussed by Cabinet.

In response to questions raised it was reported that –

- (a) in terms of the drop in percentage of recycling and composting rates between Q2 at 37% and Q3 at 31%, it was acknowledged that the change to the recycling and garden waste collection scheme could have had a minor impact on the drop in figures. It was also highlighted that the numbers of residents now working at home was potentially having an impact upon the figures as some residents didn't properly separate their recycling therefore contributing to mixed waste;
- (b) it was recognised by the Cabinet Member that the Council needed to do further work in order to achieve the 65% recycling target by 2034;
- (c) in terms of the continued increase of full time equivalent (FTE) days lost due to staff sicknesses in a rolling 12 months period, it was acknowledged that the Council needed to be more granular in its understanding of the reasons why the levels of staff sickness were continuing to rise;
- (d) in relation to the downward trend from a green to red rating in the percentage of city residents who thought the local area was a place where people from different backgrounds get on well together, this had dropped from 55% to 42%; it was suggested this was due to covid however it was hoped that the community builders programme would be instrumental in bringing out some greater community cohesion, especially amongst the ethnic minorities in the city.



Under this item the Chair referred to the drop in percentages from 34% to 27% in terms of how the local community got involved in local decisions, as well as the increase from 38% to 42% for those that didn't know how to get involved in local decision making. It was expressed that it was important that the Council was seen to be democratically accountable and welcoming of public engagement – this was also a requirement of the Council's Constitution. A suggestion was made to the Chair and Vice Chair of the Audit and Governance Committee (who were both present at the scrutiny meeting as sitting Members or substitute Members) that when their review of the Council's Constitution was undertaken, that necessary steps were taken to specifically reduce the decline in public engagement with the Council, and to ensure that local democracy was prioritised.

The Committee agreed to note the Corporate Plan Performance Report.

#### 61. **Strategic Risk Update**

Ross Jago (Head of Governance, Risk and Performance) and Councillor Shayer (Deputy Leader and Cabinet Member for Finance and Economy) were in attendance for the Strategic Risk Update.

In response to questions raised it was reported that –

- (a) in terms of risk 11 'The Council having insufficient workforce capacity and resilience to deliver the required range of services to meet statutory obligations and administration priorities', pay levels were not specifically excluded from the list of reasons as to why the Council was experiencing issues with recruitment and retention of staff;
- (b) the Council considered all methods of encouraging apprenticeships and employed apprentices across the whole range of the workforce; this was a recent scrutiny recommendation and was also key to the Council's People Strategy;
- (c) in terms of risk 18 'Risk of financial impact of delivering proposed changes to Waste Services as set out in the Government's Draft Environment Bill' and the possible necessity to have separate food waste collections, it was confirmed that the Council was aware of the legislation however it hadn't yet been informed sufficiently to provide enough detail as to next steps to be taken.

Under this item Councillor Lowry advised Members as to his perception of the role and responsibility of both the Performance, Finance and Customer Focus Overview and Scrutiny Committee and the Audit and Governance Committee in terms of the risk register. It was highlighted that the Audit and Governance Committee had overall responsibility for the strategic risk register but were sharing that risk register with scrutiny in order to see items on the risk register that were relevant to the scrutiny committee and which therefore might wish to be added to the work programme. The Audit and Governance Committee would simply point out that this risk was increasing, maintaining its level or decreasing and would ask others to do a

piece of work on that subject matter. The Chair responded that it was important that both committees worked together on important issues.

The Committee agreed

1. to recommend to the Audit and Governance Committee that they pay particular attention to risk 11 'The Council having insufficient workforce capacity and resilience to deliver the required range of services to meet statutory obligations and administration priorities', specifically the pay conditions of staff and staff retention when next discussing the strategic risk register;
2. to include Plan for Homes to their work programme, with specific consideration of risk 19 'Risk of failing to deliver the range of housing to meet Plymouth's need';
3. to recommend to the Growth and Infrastructure Overview and Scrutiny Committee that they add to their work programme risk 18 'Risk of financial impact of delivering proposed changes to Waste Services as set out in the Government's Draft Environment Bill' from the Strategic Risk Register, specifically the potential impact this legislation would have on food waste disposal;
4. to recommend to the Growth and Infrastructure Overview and Scrutiny Committee that they add to their work programme risk 21 'Viability of commercial bus operators with patronage not yet back to pre-Covid levels' from the Strategic Risk Register, specifically the impact this would have upon Plymouth's residents.

62. **Cyber Security - to follow**

John Finch (Information Governance Manager), Peter Honeywell (Transformation Architecture Manager) and Councillor Shayer (Deputy Leader and Cabinet Member for Finance and Economy) presented the Cyber Security report to Members and highlighted the following key points:

- (a) the threat from cyber-attacks was rising within the public sector with several councils having suffered major attacks in the last three years which has resulted in some cases in the total loss of IT services. There was a major focus within central government and the Local Government Association to ensure that local authorities reduced their exposure to cyber-attacks and have the appropriate business continuity processes in place to reduce the impact;
- (b) the report set out the different scenarios that the Council may face with each scenario assessed for the impact on the Council; the report then covered the action the Council had taken to reduce the impact of the attack; it was considered that there were significant parallels to what was carried out in the commercial world.

In response to questions raised it was reported that –

- (c) enterprise grade applications were used by the Council in its cyber security covering monitoring, detection and protection activity; there were many layers of those defences including active detecting software looking at activity in and out of the Council's estate, trying to identify threats and attacks before they penetrated the device or the services targeted;
- (d) the Council was increasingly moving its software to the Cloud; it was considered that this gave additional cyber security and also offered an opportunity to buy in a different way without the capital investment associated with on premise type solutions;
- (e) an un-editable backup software was adopted by the Council; this meant that physical devices that were used were complex to override therefore creating a way of avoiding some of the threat that ransomware presented to the Council;
- (f) the Council was still using CareFirst for Adults Services and some of Children's Services data. Some of the functionality in Children's data hadn't yet migrated across to the Eclipse programme so that programme would continue for the rest of this year. With regards some of the ransomware attacks that they have received, it was difficult to say what data they had extracted, if any, but there were processes in place to assess the impact, assess what data has been extracted, and then officers would work with children services to minimise the impact on the client. One of the most crucial things about the Council's data breach management process was the impact that information could have on a client - this impact would be minimised where possible. Moving data records to Eclipse reduced the risk considerably, as it was a cloud hosted service;
- (g) the Information Governance Manager was a member of a regional forum on cybersecurity which had most local authorities in the southwest from Gloucestershire, Dorset, to Cornwall. This forum linked in with a national meeting which was convened on a monthly basis with the National Cybersecurity Centre and various government departments. A lot of cybersecurity and best practice was shared within these forums and several national systems for cyber security were free;
- (h) the Council had learnt valuable information in security mitigation as a result of information shared from other local authority cybersecurity attacks; the Council collaborated as much as possible. The Council had bought into programmes such as the Cyber 360 Programme that was considered to help improve data security. In terms of this programme there was a free consultation on business continuity; the Business Continuity College or Emergency Planning College would be offering assistance to facilitate that; this would normally come at a high cost however was made available because of the Council's volunteering approach in helping national programmes;
- (i) intelligence pooling from other local authorities was a strong aspect of the Council's approach in dealing with cybersecurity. The Council had benefited

from support from the Department of Culture, Media and Sport with regards to access to agencies to do assessments of our cyber defences;

- (j) the Council had a robust separation of data streams therefore in the event of a cyberattack not all systems would go down at the same point;
- (k) Councillors were encouraged to read and follow good practices associated with the Cyber-security hints, tricks and tips offered to staff in order to protect themselves and the Council's data and systems assets. It was highlighted that the most likely form of attack, was likely to be an email purporting to come from a reputable source, but actually containing something damaging.

The Committee agreed:

1. that the hints and tips advice associated with cyber security is circulated to all Members;
2. that as part of the Councillor Induction Programme, a specific short session on cybersecurity is included so that new Members are aware of how to be secure both on Council equipment and on using their own personal device;
3. that a part 2 (private) briefing session is scheduled in the new municipal year (2023/2024) upon cyber security in order to provide Members with a broader understanding of the technical knowledge associated with cyber security;
4. to note the Cyber Security report.

### **Change to the Order of the Agenda**

The Committee agreed to change the order of items to be discussed on the agenda in order to facilitate better meeting management.

#### **63. Tracking Decisions**

The Chair introduced the tracking decisions item and advised Members that the majority of actions from previous meetings had been completed. It was acknowledged that the completion of actions had improved throughout the year which was positive; officers were thanked for their work in providing responses.

It was highlighted by the Chair that he had not yet written to all staff thanking those that had completed the staff survey; this was an action from a previous meeting however the response provided by the Service Director indicated that this was not required as the Chief Executive had already thanked staff herself.

The Chair advised Members that, with the support of the Committee, he would still like to thank staff from a Member perspective in order to demonstrate that their opinions were important, that they had been listened to, and to encourage them to undertake the survey again in the future.

Members noted the update and the tracking decisions document.

64. **Our Commitment to Equality and Diversity**

Councillor Smith (Cabinet Member for Homes and Communities), Laura Hill (Policy and Intelligence Advisor) and Kim Brown (Service Director for HR and Organisational Development) presented the 'Our Commitment to Equality and Diversity' report to Members and highlighted the following key points:

- (a) the Council was committed to meeting its public sector equality duty, and was working hard to promote equality, celebrate diversity and support community cohesion. There was also a commitment to treating customers and employees with respect and dignity and understand the barriers that different communities in the city face. The ambition was to create a city where an outstanding quality of life was enjoyed by everyone;
- (b) the commitment to equality and diversity paper demonstrated the progress that the Council had made in meeting its public sector equality duty, and set out how the Council had been promoting equality during the past year. Some of the work delivered included involving members through a cross party equalities Working Group. The Group was scheduled to meet four times a year to deliver the city survey and using the insights to inform the development of the community builders programme, which provided additional engagement capacity in some of our most deprived wards, working in partnership with local organisations to improve the accessibility of events, supporting employee networks, supporting employees to effectively consider equality and diversity during procurement activities, and decision making;
- (c) a new equality and diversity action plan for 2023/24 was developed in consultation with the Corporate Equality Group and the Equalities Working Group; the action plan aimed to build upon the good work from previous action plans and the completion of actions allowed the Council continue its journey toward excellence on the equality framework for local government.

In response to questions raised it was reported that –

- (e) the majority of Members had completed the Equality and Diversity training; this was provided by the LGA therefore Members were required to notify their completion of the course to the Council so that it could be accurately recorded; Figures of those having completed the course would be provided to Members;
- (f) a session on equality and diversity was already worked into the new Councillor Induction Programme and this would continue to be scheduled in the future to promote the importance of equality and diversity;
- (g) the training on equality and diversity run by the LGA was considered basic and more of an introductory level, there was an ambition to create an enhanced training programme for Members that moved beyond the introduction of topics and demonstrated how Councillors behave and engage in the community;

- (h) a written response would be provided as to if there was an industrial diseases register maintained by the Council for local residents where those with disabilities were registered;
- (i) when a customer accessed Council services, data was collected in order to provide appropriate support in an inclusive manner;
- (j) a written response would be provided to Members as to if the public sector equality duty extended to the Council's commissioning of services, partnership working and commercial arrangements; it was considered that this was a social value element of the procurement process however this would be confirmed;
- (k) in terms of the decline in percentage of residents from different backgrounds that considered they got on well together in Plymouth from 55% in 2021, to 42% in 2022 (as detailed in the Corporate Plan Performance Report), a breakdown of Plymouth's demographic and at Ward level would be provided to Members; this would also help inform future work;
- (l) it was acknowledged that the wording in the action plan, specifically with regards to Holocaust Memorial Day and the Council continuing to mark this event, other than determining not to was worded in such a way as to respond to an action; this would be looked into.

The Committee agreed:

1. that a written response would be provided to Members on the numbers of Councillors that had completed the LGA Equality and Diversity training course;
2. a written response would be provided to Members as to if there was an industrial diseases register maintained by the Council for local residents where those with disabilities were registered;
3. a written response would be provided to Members as to if the public sector equality duty extended to the Council's commissioning of services, partnership working and commercial arrangements;
4. in terms of the decline in percentage of residents from different backgrounds that considered they got on well together in Plymouth from 55% in 2021, to 42% in 2022 (as detailed in the Corporate Plan Performance Report), a breakdown of Plymouth's demographic and at Ward level would be provided to Members;
5. to note the progress set out in the Our Commitment to Equality and Diversity document;
6. to note the accompanying updated Equality and Diversity Action Plan for 2023/24.

(Under this item Laura Hill and Caroline Marr were thanked for their work in creating the Equality and Diversity Action Plan.)

65. **Safer Plymouth Update**

Councillor Patel (Cabinet Member for Customer Services, Leisure and Sport), Matt Garrett (Service Director for Community Connections), Matt Longman (Community Safety Partnership Chair), Siobhan Logue (Technical Lead Community Safety) and Tracey Naismith (Operational Manager Community Connections) presented the Safer Plymouth Update and highlighted the following:

- (a) the report produced evidenced the great work around the area of hate crime being delivered in partnership across the city and overseen by the community safety partnership;
- (b) following the management of risk in law enforcement workshops in September, Safer Plymouth highlighted within the Strategic Crime Assessment, the need to continue to understand the impact of hate crime within the city. There had been a drive to report a crime when they happen, increase community cohesion, and empower individuals to know that hate crime was completely unacceptable. This was pushed by the Safer Community steam group within Safer Plymouth where multiple agencies met bi-monthly to discuss various operational community safety issues, including hate crime;
- (c) Safer Plymouth was a trauma informed Community Safety Partnership and had at its core, the welfare of residents in mind working towards preventing adverse childhood experiences. Devon and Cornwall Police had a diverse communities team who worked at building trust, community cohesion and working on breaking down barriers to reporting. This team worked closely with the Council and Safer Plymouth in order to provide a joined up response to hate crime reinforcing its unacceptability within the city;
- (d) understanding the impact of a crime on people was paramount to identifying ways to prevent it. Positive work was going on in the city and initiatives such as safer delivery schemes, various activities in Hate Crime Awareness Week, and greater third party reporting network, contributed to tackling the area of hate crime making all communities feel safer;
- (e) education was a key area of focus when tackling hate crime; the unacceptability of hate crime was key to preventing it for future generations. The police have been working with a number of schools to provide this input. However, this was an area looking to have further work.

In response to questions raised it was reported that –

- (f) the reporting of transgender hate crimes in any area of the UK was very low; reporting was very slowly increasing in Plymouth over a number of years which was considered positive. It was suggested that this demonstrated that people were gradually more likely to engage, and that there was a growing confidence to report or just a wider response to the city to have an open conversation around transgender issues. Councillors were encouraged to signpost people affected by hate crimes to the Police;

- (g) the Diverse Community Team spent time working in schools in the city delivering a programme of work; it was considered that the more work that could be done in schools, the better. Police Cadets and the Mini Police was also a way of engaging with young people on wider issues and delivering the message;
- (h) it was considered that there was a different approach in different schools to how incidents were reported. If an incident was reported to the Police or Safer Plymouth, the Diverse Communities Team would be sent to the school to provide structured sessions. Neighbourhood policing was also used to support schools and the wider community. It was acknowledged that there was a general issue of under-reporting of hate crimes therefore those schools that did report incidents were to be celebrated;
- (i) In terms of the recording of hate crime, it was not known what percentage was due to social media and what was categorised as a physical attack;
- (j) in any instance where there was a victim of a crime, a victim needs assessment would be undertaken to understand the victims' needs and what support was required – support was available at subsequent court cases if required and on a longer term basis if considered necessary. As part of this process the victim would be notified as to the outcome of their reporting and what to expect throughout the process of reporting;
- (k) there was no duplication in figures for reported hate crimes; if a hate crime was considered to be categorised as racial and religious it would be logged once under a primary offence;
- (l) crimes were recorded as to where the crime occurred other than where the victim lived; it was expected that the city centre would record a higher number of crimes however compared to the UK, Plymouth was considered a safe place to live;
- (m) the night time economy played a part in the higher record of crimes recorded in the city centre; it was considered that there were a lot of work being undertaken to help including the Best Bar None scheme, trained door staff and receptive bar staff that were on board with reporting crimes and supporting victims;
- (n) the Police's Operation Scorpion linked into the night time economy and wasn't specifically aimed at young people however they were very much featured in it. The operation incorporated people that were in a recreational situation and focused upon drug supply, drug possession and use. Safer Plymouth regularly considered the work of this operation with prevention and education on drugs being the main strands;
- (o) the Cabinet Member for Customer Services, Leisure and Sport highlighted the importance of education around the use of drugs and linking in with schools to spread the message;



- (p) in response to the letter partially read out by Councillor Lowry from a local resident regarding the four years of racial abuse they had received and the avenues of reporting they had gone down, it was responded that reporting of the crime needed to be seen through the eyes of the victim. Wraparound support could be provided from a variety of support services in order to encourage people to make a formal crime complaint when they felt ready – it was agreed that this specific issue would be discussed outside of the meeting;
- (q) the attendance of police officers at local Have Your Say Meetings was not a ‘thing of the past’; the branding of these meetings appeared to become more relaxed as a few prescribed officers would attend the meetings with other strategic partners and Councillors. It was recognised that it was generally the same members of the public attending these meetings therefore resource was often directed resulting in little impact. It was highlighted that it was important to build relationships with the local community, only benefitting the reporting of crimes, including hate crimes. Great value was also attributed to police officers walking the streets of Plymouth and being accessible to the public. The Police had recently invested in GPS trackers so that officers’ walking routes could be put on a map to demonstrate that police officers were out and about throughout the city;
- (r) the Independent Review of Prevent Report (by Williams Shawcross) focused upon the prevention of terrorism in the city; a draft action plan and risk assessment had been developed and was due to be considered at a local Prevent Partnership Meeting (under the Safer Plymouth Umbrella) in March 2023. There were four main elements of the report that needed to be focused on as a city which were brought to the Prevent Partnership. It was acknowledged that a different narrative was shared into our communities, to the one that sometimes was portrayed in the media. Where there was any misconceptions around what prevent was and what it was trying to achieve. The partnership worked with elected members and other community members to make sure that everyone understood how ‘prevent’ looked different in the South West however a national response was still required. In relation to the development of the action plan, this was done with the home office specialists; a risk assessment tool was used (which was used in every prevent partnership in the southwest), and benchmark data was created to help to understand how well the city could respond to intelligence received.

The Committee agreed:

- I. to recommend to the Education and Children’s Social Care Overview and Scrutiny Committee that the consideration of hate crime is added to their work programme, specifically with regards to the link between schools and the community safety partnership, and how to best build links into schools, and other children youth settings to ensure that hate crime is tackled from an education and prevention perspective;

2. that hints and tips on dealing with hate crime would be developed by officers and provided to all Members for their information;
3. that a workshop upon the Prevent draft action plan and risk assessment (in response to the Independent Review of Prevent by William Shawcross) is scheduled for all Members to accommodate wider engagement in its development;
- (4) that the Chair writes to the Cabinet Member for Customer Services, Leisure and Sport requesting that he lobbies Government for more funding to specifically help with the prevention of drug abuse for under eighteen year olds in Plymouth.

66. **Work Programme**

The Committee discussed the work programme and agreed:

1. that controlled parking zones would be removed from the work programme;
2. the Equality and Diversity Select Committee Review to be removed;
3. the Homelessness/ Community Empowerment Select Committee Review is to be removed from the work programme.

Under this item the Committee thanked the Chair and Vice Chair for their stewardship of the Committee for 2022/23 and also thanked officers for their support.