

# Agenda



## Delegated Decisions - Cabinet Member for Licensing and Regulation

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Date: Friday, 29 November 2019

To: Councillor R Truman

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Item		Wards Affected
1	<u>European Union Settlement Status - Document Identity Verification Service</u> (Pages 3 - 18)	All Wards

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Date of Issue: 21 November 2019

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# Report

## Cabinet Member for Licensing and Regulation

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**THIS IS FOR MEMBER CONSULTATION PURPOSES – RESPONSES BY 4PM 28 NOVEMBER 2019**

### Part 1

Date: 21 November 2019

**Subject European Union Settlement Status - Document Identity Verification Service**

**Purpose** To inform Cabinet Member of the introduction an ‘over the counter’ identification verification service for eligible applicants to the Home Office’s European Union Settlement Scheme (EUSS) by the Council’s Registrar Service.

As a discretionary service offered by the Council to seek approval to agree to charge a £14 fee per applicant (excluding accompanying children under the age of 18).

**Author** Head of Law & Regulation  
Head of People and Business Change

**Ward** All

**Summary** The EUSS went live in March 2019 for EU citizens and family members to continue to live, work and study in the UK. Applicants have until 31<sup>st</sup> December 2020 (if UK leaves with a No Deal) or 30<sup>th</sup> June 2021 (if UK leaves with a deal). To complete the application, the Home Office have developed a smartphone application (at the time of writing only available on Android with Apple devices from November 2019) or they can be completed online through a computer, laptop or tablet device. It is free for applicants to use this service and the Council will endeavour to signpost applicants to appropriate organisations that will support them through the process.

However, it is recognised that not all EU citizens have access to these devices and/or may not be able to complete the online form or scan their documents. Local Authorities are being encouraged in both England and Wales to provide a document identity verification service to check and upload their documents to the Home Office.

As a discretionary service offered by the Council’s Registrar Service it is recommended to charge £14 per applicant (excluding children under 18 years accompanying the parent(s)). The service will also offer a signposting service to applicants requiring further information and/or advice and guidance.

**Proposal** **That the proposed Identity Verification Service be introduced to enable applicants to submit a full EUSS application to the Home Office and to charge £14 per applicant (excluding accompanying children under the age of 18).**

**Action by** Head of Law & Regulation

**Timetable** Immediate

This report was prepared after consultation with:

- Leader of the Council
- Cabinet Member Community & Resources
- Senior Leadership Team
- Policy Partnership and Involvement Manager
- Registrar Service Manager
- Connected Communities Manager

**Signed**

## Background

The EU Settled Status (EUSS) Scheme went live on 30<sup>th</sup> March 2019 for EU, EEA and Swiss nationals eligible to apply for pre-settled or settled status and continue to live in the UK after 30<sup>th</sup> June 2021 (if the UK agrees a deal with the EU), or 31<sup>st</sup> December 2020 in the event of a no-deal Brexit. Settled status will be granted to people with 5 years residency. Pre-settled status will be granted to people who arrive by 31st December 2020 to allow them to build up five years residency to qualify for settled status. The latest Home Office statistics indicate that there are approximately 5,000 EU citizens living in Newport. Between August 2018 and June 2019 statistics showed 1,230 EU citizens from Newport had completed their EUSS applications.

The application process is fully digital and can be carried out via a computer, laptop and an ID scanning app via Android smartphones (Apple devices should be compatible by the end of November 2019). Individuals and/or families are able to complete this process free of charge and also have the ability to send documents via post to the Home Office for verification. However, it is recognised that not all EU citizens and their families have access to these devices, access to the internet or have the capability / capacity to complete the relevant documents. In the first instance applicants are signposted to official organisations that are able to support individuals and families through the process at no extra cost. However, it is also recognised that there is a demand for an 'in-person' or 'over the counter' service for the ID verification element of the EUSS application process as a last resort.

The Home Office have made arrangements for local authorities in Wales and England to offer this service with Registrar Offices well placed to carry out this function due to their expertise in processing ID documents. There has also been a recent push from Welsh Government and WLGA for more local authorities to offer the service. At the time of writing this report, 5 local authorities (Cardiff Council, Rhondda Cynon Taf, Caerphilly Council, Bridgend Council and Ceredigion Council) across Wales were offering this service.

As this is a discretionary service offered by local authorities, the Council are able to charge a fee to cover the cost of the service. Across Wales and England a charge of £14 per application has been applied. In Wales the following charging arrangements have been adopted by the 5 local authorities:

- **Cardiff Council** - £14 inc VAT per applicant for residents and non-residents (Commencing 4<sup>th</sup> November and will run for 3 days a week 9 – 12).
- **Caerphilly Council** - £14 inc VAT per person for residents, Council staff and non-residents;
- **Rhondda Cynon Taf** - Free of charge for residents, Council staff and non-residents;
- **Ceredigion Council** - £14 inc VAT per person for residents and non-residents. Council staff are free; and
- **Bridgend Council** - Free for residents in the in the local authority and £14 charge per person for non-residents.

### **ID Verification Service offered by Newport City Council**

Newport Council's Registrar Service (Law & Regulation) will be operating the ID Verification scheme from November 2019 at Mansion House through a walk in service Monday to Friday (9am to 3pm). Equipment has already been purchased by the Registrar team and training given to staff. Documents and personal information used as part of the processing of this service are not retained by the Council and are sent directly to the Home Office using the devices. The Registrar Service will not complete the full application with applicants but will offer a signposting service to direct applicants to approved organisations that will support them in the process. Communications will also be sent out to residents and businesses in Newport informing them of the service being offered. The Council's Community Cohesion Officers will also promote the services of official organisations and use of the Registrar Service as part of their role in Newport.

Due to Newport's location, the fact that Cardiff Council offer a limited service; and Monmouthshire Council, Torfaen Council, Blaenau Gwent Council do not currently offer the service it is anticipated that we will see demand for the service from these areas. We also anticipate to see EU citizens from neighbouring English authorities use the service offered by the Council. The Registrar Service will maintain records to monitor the impact of the service.

## **ID Verification Charging Policy**

In consideration of this new service being offered by the Council and examining the charging arrangements offered by other local authorities in Wales. For each of these options, the Council's Community Cohesion officers and supporting third sectors involved in the scheme can help identify and support those individuals, families and groups in the process. The 3 options considered were:

### **Option 1 – Charge £14 per person for residents, non-residents and Council staff.**

This option is similar to Cardiff Council and Ceredigion Council. Each applicant (excluding children under 18 years old providing they are accompanying the applicant who is their parent and/or legal guardian will be free of charge) will be charged £14. Charging a flat fee for all applicants will cover the costs of delivering the service and will manage the level of demand for the service from residents outside of the city. In Newport we have many families, a large Roma community and EU citizens who have a low income that may not have access to the necessary technology and could be discouraged from using the service due to the charge.

### **Option 2 – Free of charge for EU citizens living in Newport and Council staff (Excluding services provided by private sector and not for profit organisations) / £14 charge per applicant for non-residents.**

This option is similar to that offered by Bridgend Council and will encourage EU citizens living in Newport and/or working for Newport Council to use the service offered by the Council free of charge.

Newport residents and Council employees will need to provide proof of residency e.g. Council Tax Bill or Staff ID at the point of service. Contractors and employees working for private sector and not for profit (third sector) service providers on behalf of the Council are excluded from this service.

For Non-residents of Newport we will charge £14 per application (excluding children under 18). This will support the Registrar service to manage any additional demand from outside of the City.

### **Option 3 – Free of charge for EU citizens living in Newport and not living in Newport.**

This option is similar to Rhondda Cynon Taf and offers a free service for applicants living in and outside of Newport. This will encourage residents across the region and in bordering English Counties to use the service offered by Newport Council. However, the demand could have an impact on other Registrar services and will not cover any additional resource required.

## **Financial Summary**

- To support the initial setup of the service and purchase of equipment, £5k has been allocated from the £45k Brexit funding provided from Welsh Government/ WLGA. Training has also been delivered to the team at no additional cost to the Council.
- It is proposed that a flat fee charge of £14 (inc VAT) per application (in line with other Councils) is applied for all applications and included on the Council's fees and charges register. The income will be retained by the Registrar service and will mitigate any additional cost impacts on the service.
- The overall level of demand for the service from Newport residents and non-residents is unknown at this initial stage. Registrar Service will maintain monitoring records and we will review at the end of 3 months to determine the level of demand and whether the service provision is reduced to reflect the level of demand or if any additional funding / support is required.
- The service is expected to be covered by systems and staff currently in place.
- However, if the service experience any significant increase in demand or impacts on the delivery of their other services, an allocation of the £45k funding from Welsh Government / WLGA could be used to support the continued delivery of the service.

## Risks

The delivery of the service provides an opportunity for Newport City Council to support its EU citizens who may not have access to the required technology or need assistance in contacting our partner organisations in completing their applications. This service will also alleviate the pressure faced by our neighbouring Council's that have seen an increase in demand for the service.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Registrar Services do not have the capacity and/or capability to meet demand.	M	M	<ul style="list-style-type: none"> <li>Monitoring records maintained to monitor demand and reported to their Head of Service, Brexit Task &amp; Finish Group and CMT.</li> <li>Funding allocation from Brexit allocation to help support any increase in demand.</li> <li>£14 charge to alleviate the cost of delivering the service.</li> <li>Arrangements will be considered to limit availability of service to specified times/ days</li> </ul>	Registrar Service Manager  Head of Law & Regulation  Brexit Lead Officer
Residents are deterred from applying for EU Settled Status impacting on their residential status.	L	L	<ul style="list-style-type: none"> <li>Community Cohesion Officers / partner organisations to identify and signpost EU citizens to appropriate organisations.</li> <li>Registrar Service to signpost applicants to appropriate organisations / charities</li> <li>Communications using Newport Council channels to signpost EU citizens to appropriate organisations.</li> <li>Review the charging policy if evidence is indicating applicants are being deterred from using the service</li> </ul>	Policy, Partnership and Involvement team  Registrar Service Manager  Communication and PR team  Head of Law & Regulation / Registrar Service Manager

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

- Public Service Board 'One Newport' Wellbeing Plan objective 'Strong and Resilient Communities.
- Council's Corporate Plan 2017-22 – To build cohesive and sustainable communities.

## Options Available and considered

Cabinet Member is asked to consider the following options:

- To note the implementation of the Service from November 2019 to support EU Citizens in completing their Identity document scans.
- To agree with the proposed fee of £14 per application for Newport residents, Non-residents of Newport and Council staff. The Fee is waived for Children under 18 that are accompanying the parent and/or legal guardian who is making their own application using the service.
- Not agree the proposed fee.

### **Preferred Option and Why**

The preferred options are Option 1 and 2 as this will offer a service that will support EU citizens in Newport and our neighbouring authorities. These options will also mitigate any impact of demand and cost incurred on the existing Registrar Service offered by the Council.

### **Comments of Chief Financial Officer**

The additional cost of delivering this service will be covered by the fee charged and the Brexit grant that has been received. The service will need to be delivered within these funding arrangements and may need to be limited to ensure that costs can be covered within existing budgets.

### **Comments of Monitoring Officer**

The Council has discretionary powers to operate the ID Verification scheme in relation to the EU Settlement Status Scheme and can impose reasonable charges for the service. It is appropriate for the service to be provided by the Registration Service staff at the Mansion House, as they have been trained to check official identification documents as an integral part of their registration work. The relevant scanning equipment has been purchased from the Home Office and the staff have been trained in readiness for the commencement of the service in November 2019. The service will initially be provided on a walk-in basis, without the need for any prior appointments, but this may need to be reviewed in the light of experience. Documents and personal information will be scanned and sent directly to the Home Office and no personal data will be retained by the Council. The Registration Service staff will not complete the EUSS application but will offer a signposting service to direct applicants to authorised support organisations. It is recommended that the Council adopts the standard fee of £14 for all applicants (excluding children under 18) as this is consistent with the approach in neighbouring areas. Otherwise, there is likely to be a large influx of applicants from out of county. This fee income, and the Brexit grant funding, will help to off-set the additional costs to the Council of employing extra casual registration staff to provide this service.

### **Comments of Head of People and Business Change**

The provision of this service is essential as part of an overall package to offer EU nationals living in Newport and surrounding areas all necessary avenues to apply for settled status in the UK. Within People and Business Change, Community Cohesion officers are already working closely with the third sector and community groups to encourage enrolment on the scheme before the deadline. As stated in the FEIA attached, this service has considered the 5 ways of working principles set in the Wellbeing of Future Generations Act. The Brexit funding given to the service will support the initial setup of the service.

### **Comments of Cabinet Member**

The work of the settled status scheme relates to a number of member portfolios. Relevant Cabinet Members have been consulted on the development of this proposal and report.

### **Local issues**

None.

### **Scrutiny Committees**

Not Applicable

### **Equalities Impact Assessment and the Equalities Act 2010**

See FEIA attached.



EUSS FEIA



## **Children and Families (Wales) Measure**

Provision of the service should be seen as a last resort for those who are unable to use one of the official organisations or do not have access to appropriate technology to complete their application.

Considering that the fee of £14 will be waived for children and/or young people under the age of 18 accompanying the parent and/or legal guardian the impact will be minimised. The accompanying FEIA above has also considered the impact on children and young people that will access the service. Data provided the applicants will only be used to verify their age and eligibility to receive the waiver. All other data processed is not held by the local authority.

## **Wellbeing of Future Generations (Wales) Act 2015**

- **Long term:** This proposal looks to balance the needs of the authority's population and enabling them to access the service to support them in the application process. Due to the impact on the financial requirements of running the service it is necessary to implement a charge to ensure the service is met in the long term.
- **Prevention:** The implementation of the service will enable as many individuals to complete their EUSS application before the statutory deadline stated in the report. The work undertaken by the Council's Community Cohesion officers and Registrar Service will also ensure applicants are signposted to the appropriate organisations who can offer support, advice and guidance.
- **Integration:** The delivery of the service will enable EEA Nationals working and living in Newport to maintain their employment rights and their access to health services.
- **Collaboration:** As part of its general preparations for Brexit, the local authority is working closely with statutory and voluntary sector partners to ensure residents of Newport has multiple avenues available to them in accessing the EUSS scheme. The EUSS scheme is provided using the Home Office's equipment.
- **Involvement:** The final decision relating to this proposal will be communicated to practitioners through the Brexit Community Tensions group that is coordinated by the local authority. The outcome of the proposal will be communicated to the public via the Council's Website, Council publications such as Newport Matters and internal staff news. We also aim to utilise the Council's networks across the business community, Newport events, partnership work and Community Cohesion Officers.

## **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

## **Consultation**

No specific consultation was carried out in relation to the proposal for Newport, however arrangements are in line with those in other authorities.

## **Background Papers**

Set out a list of any relevant background papers and whether they are available to the public.

Dated: 21 November 2019

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# Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

**Completed by:** Joseph Lewis                      **Role:** Equalities Officer

**Head of Service:** Gareth Price              **Date:** 28/10/2019

**I confirm that the above Head of Service has agreed the content of this assessment**

**Yes**

**When you complete this FEIA, it is your responsibility to submit it to**  
impact.assessments@newport.gov.uk

**1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.**

**EUSS Document Identity Verification Service (Charging Policy)**

This proposal considers the introduction of an over the counter identification verification service for eligible applicants to the Home Office's European Union Settlement Scheme (EUSS). The proposal also considers the impact of charging members of the public £14 (including VAT) to use the service. This charge will not be applicable to individuals under the age of 18.

The decision to charge £14 is based upon the additional demand that the Registrar service may have as a result of offering the service and impact on existing registrar services currently offered to the public in Newport.

**2. Outline how you have/will consult with stakeholders who will be affected by the policy/proposal.**

In the development of the proposal the Council has consulted with other local authorities that have already established the service in Wales to determine how the service is delivered and the charging policy applied. The £14 charge is a standard charge that has been adopted by different local authorities in England and Wales to cover the cost of delivering the service. We have also engaged with the Community Cohesion team that work with the city's EU community groups and third sector organisations to assess the impact of the service being offered.

**3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.**





Cabinet Member report.  
Community Well-being Profiles  
ONS EEA population estimates


**4. Equalities and Welsh language impact**

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This proposal contains an exemption for under 18s.
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is anticipated that this proposal will have no differential impacts against the protected characteristic of Disability
Gender reassignment/transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is anticipated that this proposal will have no differential impacts against the protected characteristic of Gender Reassignment.
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is not anticipated that this proposal will have a differential impact against those who are married or in civil partnerships.
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The payment exemption for individuals under the age of 18, means that this proposal will not negatively impact the protected characteristic of pregnancy or maternity (maternity defined as a period of 26 weeks after birth).
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	While it is difficult to accurately measure the number of EAA nationals currently residing in Newport (ONS estimates suggest the figure is around 5000.  This scheme is only accessible to EEA nationals who wish to continue living in the UK after the 30 <sup>th</sup> of June 2021. As such cost to access a service facilitating accessing the service is likely to have a negative impact against the protected characteristic of "Race".

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
<b>Religion or Belief or non-belief</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is anticipated that this proposal will have no differential impacts against the protected characteristic of Religion or Belief.
<b>Sex</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is anticipated that this proposal will have no differential impacts against the protected characteristic of Sex.
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is anticipated that this proposal will have no differential impacts against the protected characteristic of Sexual Orientation.
<b>Welsh Language</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is anticipated that this proposal will have no differential impacts against the Welsh Language.

## 5 How has your proposal embedded and prioritised the sustainable development principle in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Long Term</p> <p>Balancing short term need with long term needs</p>	<p>This proposal looks to balance the short term needs of the authority's population, with the longer term financial requirements of running a financially sustainable registrar service within Mansion House.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>As part of its general preparations for Brexit, the local authority is working closely with statutory and voluntary sector partners to ensure residents of Newport has multiple avenues available to them in accessing the EUSS scheme.</p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>The final decision relating to this proposal will be communicated to practitioners through the Brexit Community Tensions group that is coordinated by the local authority. The outcome of the proposal will be communicated to the public via the Council's Website, Council publications such as Newport Matters and internal staff news. We also aim to utilise the Council's networks across the business community, Newport events, partnership work and Community Cohesion Officers.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>The proposal's broad aims (to agree the establishment of a document identification validation service at Mansion House) will help ensure that as many individuals as possible have access to the EUSS scheme before the statutory deadlines associated with the evolving situation of Brexit.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Integration</p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p><b><i>A prosperous Wales</i></b> The proposal will help EEA Nationals working in Newport to maintain their employment rights.</p> <p><b><i>A healthier Wales</i></b> The proposal will help EEA Nationals working in Newport to maintain their rights and access to health services.</p>

**6 Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?**

The proposal will impact areas of the city with the highest concentrations of EEA nationals greatest.

**7 How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission**

## 8. Equality Impacts and Actions

Please complete the below action plan which sets out steps that will/will not be taken in order to mitigate any negative impacts that your assessment has identified.

Impact identified	Who does it affect?	What will you do to mitigate the impact? If you plan to take no action, please justify your rationale	Who is responsible?
1. Disproportionate impact against the protected characteristic of race	EEA nationals accessing the service	This will be mitigated through close partnership with other organisations offering similar services that do not have a cost.	Heather Powell



## 9. Monitoring, evaluating and reviewing

This policy will be monitored through the Registrar's Service.

## 10. Involvement

The final decision relating to this proposal will be communicated to practitioners through the EU citizens group that is coordinated by the local authority. The outcome of the proposal will be communicated to the public initially via the Cabinet Member report. In collaboration between the Council's Registrar Service, Communication team and Community Cohesion Officers we will deliver a campaign promoting EUSS and the Identity document verification service offered by the Council. This will include the Council's website, Council publications such as Newport Matters and other promotional activities undertaken by the Council.

Community Cohesion Officers and our partners are engaging with the EU citizens living in Newport and are signposting staff to appropriate organisations and services.

## 11. Summary of Impact (for inclusion in any report)

**Equality Act 2010 Welsh**

**Welsh Language**

**Wellbeing of Future Generations (Wales) Act 2015**

**Parameters of Fairness**

