

Agenda



Newport City Council

Date: Tuesday, 23 November 2021

Time: 5.00 pm

Venue: Via Teams Live Event

To: **All Members of the City Council**

WEBCASTING NOTICE

This meeting is being conducted remotely in accordance with the Local Government & Elections (Wales) Act 2021 and is being recorded and also live streamed for viewing by the public via the internet.

At the start of the meeting the Mayor or Person Presiding will confirm that the remote meeting is being recorded and live streamed. The images and sound recording may be also used for training purposes within the Council.

If you have any queries regarding this, please contact the Democratic Services Manager.

Item	Wards Affected
1. <u>Preliminaries</u> <ul style="list-style-type: none">i. To receive any apologies for absence.ii. To receive any declarations of interest.iii. To receive any announcements by the Mayor.	
2. <u>Minutes</u> (Pages 5 - 18) To confirm and sign the minutes of the last meeting.	
3. <u>Appointments</u> (Pages 19 - 22) To consider any proposed appointments.	All Wards
4. <u>Police Issues</u> 30 minutes is allocated for questions to the Gwent Police representative.	
5. <u>Notice of Motion: Motion for Newport City Council to declare a Climate Emergency</u> To receive the following motion for which the necessary notice has been provided.	

Newport City Council resolves to:

Contact: Anne Jenkins, Governance Team Leader

Tel: 01633 656656

E-mail: democratic.services@newport.gov.uk

Date of Issue: Tuesday, 16 November 2021

Declare an Ecological and Climate Emergency.

- **Newport City Council will continue the good work that we have started and reduce our carbon emissions to net zero carbon by 2030.**
- **Review the services we provide to ensure they support the city's journey to both net zero carbon and adapting to the impacts of climate change by 2050.**
- **Develop a clear Climate Change Organisational plan, in consultation with our citizens, for the next five years that will set out the actions we need to take to achieve this.**
- **Develop a city-wide Local Area Energy Plan, in collaboration with experts from the public, private and third sector to develop innovative solutions to decarbonise heat, electricity and local transport and realise local renewable energy production.**
- **Work with One Newport partners and the public to develop a city-wide Climate Strategy to enable city-wide net zero carbon and adaptation to climate change by 2050 and integrate best ecological practice into each area of the council's activity, allowing us to lead the city by example.**
- **Publicise this declaration of an ecological and climate emergency to residents and businesses in Newport and support and influence action by partners through partnerships and support and enable action by citizens to reduce their own carbon emissions.**

The motion is to be proposed by the Leader and seconded by Councillor Jason Hughes.

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| 6. | <u>City Centre Public Spaces Protection Order (PSPO) (Pages 23 - 70)</u> | Stow Hill |
| 7. | <u>Strategic Equality Annual Report 2020/21 (Pages 71 - 108)</u> | All Wards |
| 8. | <u>Annual Report of the Democratic Services Committee 2020/21 (Pages 109 - 130)</u> | All Wards |
| 9. | <u>Standards Committee Annual Report 2020/21 (Pages 131 - 162)</u> | All Wards |
| 10. | <u>Questions to the Leader of the Council</u>
To provide an opportunity for Councillors to ask questions to the Leader of the Council in accordance with the Council's Standing Orders. | |

Process:

No more than 15 minutes will be allocated at the Council meeting for questions to the Leader of the Council.

The question must be addressed through the Mayor or the person presiding at the meeting and not directly to the person being questioned.

11. Questions to the Cabinet Members

To provide an opportunity to pose questions to Cabinet Members in line with Standing Orders.

Process:

No more than 10 minutes will be allocated at the Council meeting for questions to each Cabinet Member.

Members must submit their proposed questions in writing in advance in accordance with Standing Orders. If members are unable to ask their question orally within the allocated time, remaining questions will be answered in writing. The question and response will be appended to the minutes.

The question must be addressed through the Mayor or the person presiding at the meeting and not directly to the person being questioned.

Questions will be posed to Cabinet Members in the following order:

- i. Deputy Leader and Cabinet Member for City Services
- ii. Cabinet Member for Education and Skills
- iii. Cabinet Member for Assets
- iv. Cabinet Member for Sustainable Development
- v. Cabinet Member for Community and Resources
- vi. Cabinet Member for Streetscene
- vii. Cabinet Member for Licensing and Regulation
- viii. Cabinet Member for Culture and Leisure

12. Questions to the Chairs of Committees

To provide an opportunity to pose questions to the Chairs of the Committees in line with Standing Orders.

Process:

No more than 10 minutes will be allocated at the Council meeting for questions to each Chair.

Members must submit their proposed questions in writing in advance in accordance with Standing Orders. If members are unable to ask their question orally within the allocated time, remaining questions will be answered in writing. The question and response will be appended to the minutes.

The question must be addressed through the Mayor or the person presiding at the meeting and not directly to the person being questioned.

Questions will be posed to Committee Chairs in the following order:

- i. Scrutiny Committees
 - a. Overview and Scrutiny Management Committee
 - b. Performance Scrutiny Committee – People
 - c. Performance Scrutiny Committee – Place and Corporate
 - d. Performance Scrutiny Committee – Partnerships
- ii. Planning Committee
- iii. Licensing Committee
- iv. Democratic Services Committee

For information:

A digest of recent decision schedules issued by Cabinet, Cabinet Members and Minutes of recent meetings of Committees has been circulated electronically to all Members of the Council.

13. Live Event (Click on the link below to view the Council Meeting)

[Council meeting, 24 November 2021 - YouTube](#)

Minutes



Council

Date: 28 September 2021

Time: 5.00 pm

Present: Councillors J Cleverly, P Cockeram, K Critchley, M Al-Nuaimi, C Evans, M Evans, C Ferris, D Fouweather, G Giles, J Guy, D Harvey, I Hayat, Councillor R Jeavons, M Linton, D Mayer, R Mogford, Councillor J Mudd, M Rahman, J Richards, M Spencer, H Thomas, K Thomas, C Townsend, Councillor R Truman, T Watkins, K Whitehead, D Wilcox, D Williams, G Berry, J Clarke, R Hayat, P Hourahine, J Hughes, J Jordan, L Lacey, S Marshall, W Routley, Jones, J Watkins and A Morris

Apologies: Councillors D Davies, T Suller, M Whitcutt, R White, V Dudley, Y Forsey, T Holyoake and H Townsend

1. Preliminaries

2. Minutes

The Minutes from 20 July 2021 were submitted for approval.

Councillor Routley referred to Item 7, Question four on page 16 of the Minutes, Councillor Matthew Evans' question to the Cabinet Member for Leisure and Culture. Councillor Routley tried to raise a point of accuracy with Councillor Harvey but was overruled. He requested that this be noted in the Minutes.

Agreed:

That the minutes were approved as a true record, subject to this addition.

3. Appointments

To consider the proposed appointments set out in the report

The Appointment Sub-Committee recently appointed new Strategic Directors as outlined below. Councillor Harvey congratulated Sally-Ann Jenkins and Rhys Cornwall on their successful appointments.

Councillor Harvey moved the appointments set out in the report, as agreed by the Business Managers, subject to the additional appointments set out below.

Resolved: That the following appointments be agreed.

As Chair of Newport Transport Board Councillor Harvey declared an interest for the next appointment and invited the Leader to propose that Robert Greene, Assistant Head of Finance replace Owen James as a member of the Newport Transport Board. Councillor Fouweather seconded the proposal.

Governing Body Appointments

Governing Body	No of Vacancies / Re-appointments	Nominations Received
Bassaleg School	1	David Williams
Bassaleg School	1	Richard White
Lliswerry High School	1	Roger Jeavons
St Julians Primary School	1	Mark Jenkins
Glan Llyn Primary School	1	Alison Harries
Caerleon Comprehensive School	1	William Routley
Caerleon Comprehensive School	1	Paul Warren
Clytha Primary School	1	Peter Bray
St Gabriel's RC Primary School	1	Clare Heath

Council Strategic Director Role

Strategic Director – Social Services – Sally-Ann Jenkins

Strategic Director – Transformation and Corporate Centre – Rhys Cornwall

Internal Appointments

Bridge Achievement Centre – Councillor D Mayer

Outside Bodies

Compound Semi-Conductor (CSC) Foundry Scheme – Councillor D Harvey

Newport Transport Board – Robert Green

4. Police Issues

Superintendent Mike Richards provided an update on current local policing priorities, before inviting questions from Members.

The Mayor took the opportunity to thank the police officers involved in a recent sponsored bicycle ride from Newport to Brecon, starting at Newport Central Police Station to raise money for the Teenage Cancer Trust.

The Mayor also attended Shaftesbury Youth Club to present award to the youth group and also wanted that those officers in attendance for their support in the community and hard work.

The Mayor invited the Leader to say a few words.

The Leader gave feedback on the positive policing activities held across the city. The Leader was delighted to attend the Newport Yemeni Community Association Funday, held in Pill and the Maindee Festival in Jubilee Park, it was nice to see a police presence and the Police Crime Commissioner presence at these events and these representatives were all engaged with the community and getting stuck into the activities. It was a positive reflection of the hard work involved with police participation, well done to everyone involved.

The Leader raised two issues, the first was in relation to the arson attempts in Malpas ward and in particular, there was concern at number of arson attempts in the field by St David's Hospice. What ongoing work was being undertaken by the Police and the South Wales Fire and Safety to prevent this.

The Leader referred to the anti-social use of off-road bikes within the Malpas and Bettws wards, how was this being addressed by both Police and Newport City Homes. The Leader

recognised that it was not just the police but wanted to know what was being done and wanted assurance that there was ongoing work to combat this.

Supt M Richards assured the Leader that he would look into the arson attempt at St David's Hospice. Through the joint working with the Fire Service, Local Authority and social landlords, including the three sectors across Newport through task meetings, an update would be provided to the Leader regarding the arson attempts and progress to date.

The situation regarding the off-road bikes was being looked at with partners as mentioned above. The issues around off-road bikes were being very closely looked at in a partnership approach.

Questions from Councillors:

- Councillor Marshall referred to residents complaining about the speed racers, noise pollution at on the SDR and Tesco, Cardiff Road who might have moved on from Tesco, Spytty. There were also concerns about the Maesglas shops re drug use and antisocial behaviour. And with reference to the Police Twitter post regarding the rogue traders, Councillor Marshall asked whether the Police could also inform ward members so that they could also notify residents of any Police issues. The Superintendent would discuss these issues with the local team and also was aware that the Maesglas shops were an issue. The Superintendent had not seen the Twitter post regarding rogue traders but would make sure that elected members saw similar tweets first.
- Councillor Rahman thanked the police for attending Maindee Festival and was attending monthly meetings with Insp Cawley, which was very fruitful. Councillor Rahman asked what was the Gwent Police's policy on low level drug dealing as residents were concerned in the Victoria ward that nothing was being done when they reported these incidents to the police. The Superintendent assured the councillor that there was no change in policy or direction and that there was a zero tolerance place for such activities.
- Councillor Spencer attended a Stop and Search presentation by the Police Crime Commissioner recently and asked if the presentation could be given to Newport Councillors. The Superintendent agreed that this present could be delivered via an all member seminar.
- Councillor Whitehead also referred to the arson attack near St David's Hospice and agreed with the Leader's comments and also mentioned that this occurrence did go on for quite a while. Councillor Whitehead also mentioned the removal of a gate near the canal which had caused increased antisocial activity near the hospice. The Superintendent would hold regular meetings to ensure that this was addressed.
- Councillor Harvey thanked the Superintendent for his kind words of thanks earlier and also wanted to thank Inspector Cawley who was always at the end of the phone. In addition, Councillor Harvey also gave a mention to two Community Support Officers, Robyn Hayes and Joanne Spiteri who were constantly patrolling the Alway area and looking at ways to move along the anti social behaviour, as well as putting prevention measures in place to close off 'drug alley'. Councillor Harvey did try the 101 number over the weekend but was on hold for an hour and in the end dialled 999 to report an incident. Councillor Harvey also wanted to mention Chief Inspector Sarah Greening who was on leave but was on the other end of the phone doing excellent work. There was a spate of motorbikes and bicycles being stolen and set alight, Councillor Harvey knew the perpetrators and would report these to Inspector Cawley. The Superintendent thanked Councillor Harvey for her thanks and feedback.
- The Deputy Leader thanked Inspector Cawley who provided monthly updates via Teams, which were very informative. Councillor Jeavons referred to Pontfaen Shops, where litter

bins were installed to prevent littering. Councillor also requested extra patrols by the police to address the antisocial behaviour. The Superintendent was aware of the antisocial behaviour at Pontfaen Shops and would provide the resources to address this issue.

5. **Notice of Motion: Edinburgh Declaration of Biodiversity**

The Leader Presented the following Motion to colleagues and reserved her right to speak later in the debate:

We Newport City Council **call upon** Parties to the Convention on Biological Diversity to:

1. Take strong and bold actions to bring about transformative change, as outlined in the IPBES global assessment report, in order to halt biodiversity loss.
2. Recognise the vital role of subnational governments, cities and local authorities, in delivering the 2050 vision of the post-2020 global biodiversity framework, and the 2030 mission as set out in the Zero Draft document; and to explicitly place that recognition throughout the framework text, including the monitoring framework for the goals and targets.
3. Support the adoption at COP15, of a new dedicated Decision for the greater inclusion of subnational governments, cities and local authorities within the post-2020 global biodiversity framework; that builds upon and renews the Plan of Action on Subnational Governments, Cities and Other Local Authorities for Biodiversity (2011-2020) as endorsed under Decision X/22; and that significantly raises ambition for subnational, city and local implementation of the post-2020 global biodiversity framework throughout the next decade.
4. Establish a multi-stakeholder platform that ensures representation of subnational governments, cities and local authorities to support the implementation of the post-2020 global biodiversity framework.

We, Newport City Council **stand ready** to meet the challenge of delivering, alongside Parties, the post-2020 global biodiversity framework, and play a stronger role in the implementation of the framework through a renewed and significantly stepped-up Plan of Action for subnational governments, cities and local authorities for the coming decade, and

That this Council resolves to support the Edinburgh declaration on biodiversity and authorises the Leader to sign the declaration on behalf of the Council.

The motion was seconded by Councillor Hughes, who also reserved his right to speak.

No amendments were proposed.

Comments on the motion from Councillors:

- Councillor Lacey informed colleagues that as the cities biodiversity champion it would be remiss of her not to speak in support of this motion today.

Newport was rich in both marine and terrestrial ecosystems and as elected members of this city it was their duty to do all they could to protect them.

Whilst the work carried out to make Newport a bee friendly city was vast and very successful it was not enough on its own.

The Council needed to work collaboratively with others to protect and enhance biodiversity, sharing best practice across these regions and taking forward bold and innovative action which would result in mutually beneficial outcomes for generations to come.

- Councillor Truman supported the motion to improve and preserve the environment.
- Councillor Whitehead supported the motion and agreed that biodiversity was very important and mentioned the increased reporting of Himalayan balsam that strangled the brook in Bettws and hoped that this would be addressed as part of this motion.
- Councillor M Evans informed colleagues that the Conservative group would support this motion, as well as supporting previous council initiatives such as the Bee Friendly motion that was brought to Council previously. Councillors needed to sing from same hymn sheet to tackle climate change at local level and should therefore support biodiversity like the rest of the world. Councillor M Evans therefore supported the motion.
- Councillor Hughes advised that this motion shared our deep concern about the significant implications that the loss of biodiversity and climate change had on our livelihoods and communities and that it impacted on every aspect of our lives.

Already we could see the impact almost daily on news headlines.

The world response thus far has been insufficient we must not look back at missed opportunities following Glasgow as happened with Paris.

By passing this motion the Council acknowledged that it must build on the good work already being done in the region by the Welsh Government, Councils and community groups.

In Newport we were determined and ambitious to address these difficult challenges and not pass on problems we had created to our children.

Newport's ambitions must be green because we had no other choice. If our children were to avoid having their futures dominated and blighted by the negative impact of climate change.

We depended on nature for our health, happiness and prosperity. Protecting our natural environment meant preserving it for our future generations and must maintain a healthy ecosystem and healthy environment.

The Gwent Levels that acted as a lung for our region. Life there was coming back to favourable standards thanks to amazing work by the Levels Board, RPSB and volunteers. 27km of open field ditches were restored and rarer species of wildlife was returning like the shrill carder bee.

Councillor Hughes asked colleagues to support this motion in their capacity as community leaders to put the environment first. As a united Council we could show that we cared and that we were positive about transforming and saving our natural environments.

- The Leader thanked all colleagues speaking in support of the motion. Some examples of the ongoing work with support from partnerships across the city included PSB, Lysachts Community Garden, Woodland Roots, Green and Safe Spaces Network, Green Caerleon, Maindee Unlimited, Pride in Bettws and many other groups across the city. Communities were working hard to maintain the biodiversity within Newport. It was critical that we continued this hard work and why the motion was essential to do in order to maintain this. The WG was the first parliament in the world to declare a nature emergency. The Leader shared a letter with colleagues from the Bumblebee Conservation Trust, which commended the council on their contribution to maintaining

the bee habitat within Newport. There were so many actions that Newport residents could take as well as a strategic commitment, which would go far into the future.

Resolved:

The Motion was unanimously carried.

6. Scrutiny Annual Report 2020-21

Councillor Lacey was pleased to present the 2019/20 Scrutiny Annual Report to Council.

Scrutiny is a function of Councils in England and Wales and was introduced by the Local Government Act 2000, creating separate Cabinet and Scrutiny functions in Local Authorities. The role of scrutiny was strengthened with the passing of the Local Government (Wales) Measure 2011. This Act requires the Committee to report annually to the Council on the work that it has carried out in the past 12 months and its future work programme. Since the introduction of the Wellbeing of Future Generation Act, Scrutiny also has a statutory role to scrutinise the work of the Public Service Boards.

The underlying principle of Scrutiny arrangements is to ensure that the decision-making process is open, accountable and transparent.

The scrutiny function at Newport City Council is performed by four scrutiny committees. These committees are made up of Elected Members who are not part of the Council's Cabinet, along with co-opted representatives. These are Performance Scrutiny Committee for Place and Corporate, Performance Scrutiny Committee for People, Performance Scrutiny Committee for Partnerships and Overview and Management Scrutiny.

The purpose of this report is to apprise Council and other interested parties of the role of the scrutiny committees, and their work during the 2019/20 municipal year.

The annual report covers the period from May 2019 to April 2020. The Report highlights the important work carried out by Scrutiny during this period, despite the disruptions caused by the Covid-19 lock-down restrictions. The reporting period was challenging, with fewer meetings held in the first six months than usual, due to resource being focussed on the Council's response to Covid-19.

Despite this unprecedented event, the Performance Scrutiny Committees for Place and Corporate, and People have scrutinised performance including how the Council have adapted and responded to the challenges faced by services and communities due to the pandemic.

Both Committees have also received reports on the Cabinet's responses to the Recommendations the Committees previously made to the Draft Budget proposals, as part of Scrutiny's remit of measuring and assessing the Authorities impact and value.

Other reports considered include reports on Active Travel, the Youth Justice Service and Enforcement of COVID Business Restrictions.

The Performance Scrutiny Committee for Partnerships considered the Wellbeing Plan Annual Report presented by the Public Services Board and submitted their comments to be shared with the PSB.

Similarly, the Committee also scrutinised the performance against the Wellbeing Plan 2020-21 and submitted their comments to the Public Services Board for consideration. Health Board and Education Service partners presented a proposal for the transformation of Mental Health Services, and their Business Plan 2021-22 respectively, to the Committee for consideration and comment.

Actions planned for the reporting period were impacted by the pandemic, however Councillor Lacey was pleased to report that training for scrutiny members on the Wellbeing of Future Generations (Wales) Act was carried out to understanding and consideration of the Act when undertaking scrutiny activity.

Councillor Lacey looked forward to Chairing the Overview and Scrutiny committee for the remainder of the Municipal year, working alongside committee members in ensuring that they provide an objective and productive challenge to the decisions of the local authority. She took the opportunity to thank her scrutiny colleagues and Cabinet Members, Officers of the Local Authority and partners for their continued support.

The Leader seconded the report.

Resolved:

Council agreed the content of the annual report as a basis for the work of the Scrutiny Committees in the coming year.

7. Questions to the Leader of the Council

Leader's announcements

- **Fflecsi bus service**

Over the summer we were delighted to see the expansion of the Fflecsi bus scheme across the city.

Following the success of the first fflecsi pilot in Wales which launched in Rogerstone and St Julian's, a partnership between the council, Transport for Wales and Newport Bus meant a fleet of nine brand new buses were now serving the whole of Newport.

The fflecsi buses were improving access to public transport and enable residents to make a much wider range of journeys from early morning until late in the evening. Another step forward in our commitment to be a greener city.

- **Face to face services**

Following a very challenging year for delivering key services, the Leader was very pleased that a number of face-to-face services had now resumed.

Newport City Council's contact centre staff were now working from a temporary home at the Riverfront with appointments for residents with queries relating to housing, housing benefits, council tax and appointees available.

However, in line with Welsh Government guidance, council staff would continue to work from home wherever possible and we urge the use on our online and telephone services for the majority of queries.

Our longer-term plan was for these services to move to Central Library and Museum, right in the heart of our city centre.

- **Freedom Parade**

At the last council meeting, we were proud to award the Freedom of the City to the Royal British Legion in recognition of the role it played for the armed forces community for 100 years.

On Thursday 28th October we would formally mark this with as Freedom Parade through the city. The Leader wanted as many people as possible to get involved to help show our

appreciation of this amazing organization. The Leader asked those present to add the date in in their diary and look out for further details close to the time.

- **HMS Severn**

And continuing the military theme, we were also honoured to have HMS Severn, formerly re-affiliated with the city.

The ship last berthed at Alexandra Docks and exercised its Freedom of the City in late 2017 prior to its planned decommission.

However, due to Brexit, the Royal Navy did not sell HMS Severn, but decided to keep and re-commission her – she’s even had a new coat of paint!

She would be returning to the city in November and representatives would be joining us for the Remembrance Parade and service. We look forward to welcoming the ship, her Captain and crew back to the city.

- **Leisure centre planning**

The Leader also reminded those present that the planning application for the proposed city centre leisure centre was now open for consultation and can be viewed on our online planning portal.

There had been an excellent and positive response to the original consultation – and the comments of our residents and partners are so important in this process.

It was expected to go before a full planning committee later this year when a decision would be made.

If given the go ahead it would be built to the highest possible environmental and sustainable standards and would be a purpose-built centre, with modern facilities, located on a key riverfront site.

Questions to Leader

Councillor M Evans:

Why did the Leader announce the Newport’s Bid for City of Culture with a press release, without taking a formal decision through Cabinet, without consulting with residents or the opposition of political parties?

Response:

The Leader advised that at this stage, it was only an expression of interest in the competition and that 19 other cities had also expressed an interest in the competition and therefore there was no requirement for a formal decision to apply for an expression of interest in a competition. The Leader was however delighted with the feedback from the creative community in Newport as well as elected members across the regions and our partners in neighbouring councils who also shared in our support of an expression of interest.

Supplementary:

Councillor Evans repeated his question as above and mentioned the Conservative group had always consulted with the present Administration on all its decision making. Councillor M Evans said that the present administration acted as a one-party state rather than a democracy. The Conservative group would put their weight behind this expression of interest but felt it was a shame that the conservative group were not considered as part of the democratic process.

Response:

The Leader suggested that if Councillor M Evans and any other interested parties wanted to gauge the level of interest in the competition, they should look at the supporting letters that were made available on council website which representative a range of groups and individuals across Newport.

Councillor Whitehead:

With regard to the unfortunate trend of speeding on the SDR bridge, did the Leader engage with Capita to run a health and safety review and if so, could the Leader update the council.

Response:

Leader advised that Capita was commissioned to undertake a review but did not have information to hand however would provide a written response.

Councillor Carmel Townsend:

Did the Leader believe that the 10% HMO threshold in more densely built inner city areas compared to 15% elsewhere was fair, or should Newport be looking at a far lower threshold for such areas where parking demands and other concerns were much higher.

Response:

Limits on HMO densities are part of our Planning guidance and are an indicator of what may be acceptable. The thresholds are in fact 15% within the inner core built up area, and 10% elsewhere but I would remind you that all applications are determined on their own merits and subject to assessment in their individual contexts. Well managed HMOs can provide accessible and affordable accommodation for a range of different residents and can integrate well into our communities. Our planning guidance is there to ensure that concentrations of such uses do not result in adverse impacts on our communities and as a former member of Planning Committee you are aware that applications were carefully considered and detailed justification provided for the decisions made. Many of the decisions to refuse permission are challenged at appeal for the reasons you mention, but evidence to support these concerns has not been available and we have been unsuccessful in defending such challenges. The Chief Planning Inspector also provided Planning Committee with some training on HMOs and this was useful for Committee Members when considering what would be when it came to the actual impacts of proposals.

Councillor Hourahine:

Could the Leader inform Council on how much the rise in National Insurance would cost the Local Authority and taxpayers in employment contributions.

Response:

The Leader mentioned that the question referred to the UK Government announcement regarding the increase in NI contributions to fund health and social care. A discussion took place the previous week at the WLGA meeting with Leaders. From April 2022 there would a contribution increase of 1.25% on employees and employers. This in effect meant a 2.5% increase on employment earnings. This would affect people in work and over employment age. Institute for Fiscal Studies (IFS) commented on this and advised that the combination of these factors made this unnecessarily complicated and that a simple increase in income tax would have been preferable. From April 2023 this contribution will no longer be NI based but would be part of a newly named tax called the health and social care levy. What it meant for NCC as an employer and for the residents of Newport was that because it was NI based the majority of payment would be met by those of working age. This meant that the increase created an annual £47M annual funding pressure for Local Authorities in Wales. This would place a significant cost on Newport taxpayers which was estimated at around £825 per year or Council tax rise of 1.5% to make up for the shortfall.

Supplementary:

Could the Leader break this down to individual households in Newport.

Response:

The Leader mentioned that the WG had put aside £40M to support social care which was welcomed. However, additional funding from central government was not available and there were no plans to reform social care. This would impact 16,000 households with the additional withdrawal of universal credit, leaving households £1K worse off per year.

8. **Questions to the Cabinet Members**

There were four written question to the Cabinet Members:

Question 1 – Cabinet Member: Social Services

Councillor J Watkins:

Could the Cabinet Member please explain the Policy and the rationale behind it covering applications for a disabled parking bay for those suffering disability and needing the support of this facility.

Does the Cabinet Member consider it fair and meeting the needs of those needing to apply and what would be his/her views in terms of the Policy being discriminatory.

Response:

The provision of a Disabled Parking Bay followed a clear pathway with the policy and process available to all.

The policy and process to support the provision of a disabled parking bay had previously gone through a democratic process, which included a review of how the provision could be managed that would target those most in need within a set budget and allow for the services involved to schedule and manage the work required.

The applications for a parking bay have historically and under the current system consistently been oversubscribed and had not always been provided fairly. We recognised that the current system may not meet specific requirements from all individuals but there was no one system that would be able to meet all eventualities and the current process addresses fairness and ensured all requests were met using the established and agreed criteria.

The current policy and process allowed for a single yearly cohort, which included a three-month window of opportunity for those who presented as meeting an initial threshold to make an application for consideration. The reason for this system was to ensure the process was open fairly to all rather than being a 'first come first serve' service every year.

The streamlined approach that was now applied enabled us to review applications fairly and equitably so those most in need are considered for a heavily oversubscribed service. An ability to apply on an ad hoc basis or outside of the agreed criteria throughout the year would undermine an equitable approach. There were inevitably on occasion cases where urgency posed a challenge but in trying to ensure a fair and reasonable distribution of resources this was the most judicious use of resources and process.

The streamlined process allowed for City Services to manage the legal requirements which were costly and took time to implement. An ad hoc approach would be very difficult to manage against the background of the legal requirements and would increase overall costs plus potentially increase the time frame for a bay to be provided.

A single cohort application framework enabled an optimum use of a set budget and thus allowed for the provision of more bays. Processing a single bay at a time would significantly increase costs and therefore reduce the number of bays that could be provided overall.

Using this process we could coordinate more effectively removal requests against applications.

The provision of a bay was not a simply process of marking lines on the road, there were strict legal requirements involved with a Traffic Regulation Order which did not support a quick turnaround and was a high cost. The service cannot therefore be provided as an urgent and immediate need or on a short-term basis.

The policy and process was formally agreed through the democratic process and whilst it was recognised the current process may not be agreeable to all, we were striving to meet requirements in the most effective, efficient and fair way possible.

The provision of a parking bay was not a statutory service and the process in place therefore did not contravene any legislation. Newport City Council was committed to be providing a service within all the requirements but in order to offer an equitable this needed to be within the agreed process.

It was important therefore that when people make enquiries about the process that they were advised appropriately to reduce any level of expectation.

Supplementary Question:

Could Cabinet Member state on whether he felt that the policy supported the local authority rather than supporting a person with a disability.

Response:

Councillor Cockeram had been passionate about supporting disabled parking bays for people throughout the years. We could only do what we could to manage to provide funding through the safety at home grant and need based assessment. The council was doing all they could with the money available. Disabled parking bays were not a statutory requirement and most authorities did not provide this. It was difficult to put parking bays in places such as streets with terraced housing, where neighbours may object, however those with blue badges could double park outside a house.

Question 2 – Deputy Leader/Cabinet Member: City Services

Councillor Mogford:

On the 16th April 2021 The South Wales Argus reported on the litter situation in Newport <https://www.southwalesargus.co.uk/news/19265515.newport-updated-dramatic-rise-fines-litter-fly-tipping-city/>

Cllr Jeavons was quoted in that article saying litter and fly-tipping is created by “irresponsible individuals and the end result is a significant negative impact on our communities and a burden on council resources”. end of quote.

From a low base of prosecutions in 2019 and 2020 (seven and 61 respectively) it was claimed that in 2021 prosecutions had now risen by over 700%

Could the Cabinet Member update the council on the latest situation in the ongoing battle against littering, including:

- What are the current number of successful prosecutions for 2021?
- Has the burden on council resource increased or decreased?
- Where are the current litter 'hotspots' in the City of Newport and has that changed since April 2021

Response:

Tackling litter and fly tipping remained a priority for the Council, and even with all the issues and restrictions over the last 18 months, we saw an increase in action taken.

The latest figures we have for this year was 25 FPNs for either littering.

Regarding prosecutions, there was a huge backlog caused at courts by the pandemic, but in the past two months we had six cases heard at court, there were also another 26 cases with dates given for hearing at court in the next three months.

We also had 15 investigations ongoing

A major covert operation at the old LG access road, which was a hotspot for the last 20 years, resulted in a number of prosecutions, with some further court cases pending.

A number of other covert operations were ongoing across the city, but for obvious reasons would not be providing the locations.

In terms of litter, this administration was on track to double the number of litter bins across the city by the end of this year.

Supplementary:

The 'road to nowhere' which was the old LG Access road on the west side of Newport was not in use and was used very heavily for fly tipping. How would the fly tipping be removed?

Response:

The Deputy Leader reiterated that there were covert operations in place and that the old LG Access road was part of this and therefore no information could be provided at this time.

Question 3 – Deputy Leader/Cabinet Member: City Services

Councillor Mogford:

The South Wales Argus reported on the 3 September 2020 an article on flooding

"Why Newport flood risk plan won't be published"

<https://www.southwalesargus.co.uk/news/18694120.newport-flood-risk-plan-wont-published/>

In that article it was claimed that 'more than half of Newport has been identified as being at risk of flooding in a new council plan'

However, the actual plan will not be disclosed to the public even though 'Flooding is currently considered to be the greatest risk of an emergency occurring in the NCC area.

Also, four new flood risk areas have been identified

- Maindee
- Crindau
- Duffryn
- Lliswerry

In addition, most council wards will be affected by the plan due to the vast coverage of the flood risk.

Could the Cabinet Member give an update as to what measures have and will be taken in line with plan since it's sign off and how this tied in to the Section 19 report that has also been mentioned several times in full council. Could the Cabinet Member also give an update as to how the plan will have a positive impact on the Langstone Ward which amongst many other wards was severely affected by flooding at the end of 2020.

Response:

The council had a statutory duty to produce a plan making sure it had the appropriate arrangements in place to respond to flooding incidents in the city.

It was a UK government requirement that this plan was classified as "official sensitive", due to commercial and security reasons as the plan contains information such as reservoir mapping

However, all the information that was essential for the public to know was well documented and in the public domain and that included the flooding risks in the city as well as the responsibilities of all the agencies concerned.

The four new flood risk areas identified within the plan were informed by Natural Resources Wales as part of their communities at risk register. The Council was waiting for the data indicating the extent of the flood risk from the NRW and receipt of this work would commence to evaluate the severity of the flood risk and this would inform our planning and flood risk strategies going forward.

As previously mentioned, a section 19 report covered the conclusions of investigations by the various relevant authorities and will be published once complete.

Supplementary Question:

Could the Cabinet Member provide an update on the sandbags that were strategically located within Newport.

Response:

Suitable locations were found Deputy Leader had received approval from the residents on where to place these sandbags. Work was ongoing and as soon as more sandbags were received work could proceed.

Question 4 – Cabinet Member: Licensing and Regulation

Councillor Mogford:

Pollution and the environment is devolved to Wales, and the Welsh Government has been keen to encourage the use of public transport

A Welsh Labour Government member has been quoted admitting "Every year, across Wales, air pollution contributes to almost 1,400 early deaths and costs the Welsh NHS almost £1 billion.

"We know that for some, even a short-term spike in air pollution can affect their health whilst long term exposure also increases your risk of developing conditions such as heart disease, dementia, lung cancer, diabetes and more." Going on to say "Cutting a reliance on cars was central to improving Newport's air quality, and pointed to measures in the Burns Report, which set out a series of ways of improving transport around the city after the M4 relief road was scrapped, as a way of doing this.

Seeing the effect of the queues on the M4 from a vantage point in Langstone and the associated spill over onto the local roads as a result, this is only exasperating the situation. At the same time there appears to be no solution to stop this happening week after week, month after month, year after year.

Could the Cabinet member update the council on where are the worst areas of air pollution in Newport and what actions are being taken to reduce the ongoing traffic issues and the number of deaths in Newport associated with the poor air quality

Response:

I would refer Councillor Mogford to the detailed information that I have previously provided at Council in response to questions about air quality management.

The worst areas of air pollution in Newport were clearly the 11 Air Quality Management Areas that the Council declared, five of which were located along the M4 corridor. The levels of nitrous dioxide recorded in those areas exceeded air quality objectives set by Welsh Government. However, those AQMA's were declared a number of years ago and, as I previously advised Council, the emission levels in all of those areas adjacent to the M4 were gradually reducing and are all moving towards compliance. In fact, the St Julian's AQMA is due to be revoked as it had not breached the air quality objectives for a number of years. Therefore, we were making good progress in reducing emissions and improving air quality.

Environmental Health would continue to monitor air quality and would update the Council's Air Quality Action Plan with actions to improve air quality in these AQMA's. A key part of the action plan would be to establish local action groups to engage with the local communities, because educating the public and encouraging changes in behaviour were essential if we were to reduce the effects of air pollution on public health. We were about to establish the first local action group in Caerleon and that would then be rolled-out across the other AQMA's. As I said previously, this was not something that the Council could address on its own.

The Council also published a sustainable travel strategy and was developing active travel routes. I outlined to Council previously some of the sustainable travel initiatives being developed, including the use of electric vehicles. Air quality, Climate Change and Carbon Reduction were all part of the same public health agenda.

With regard to traffic issues, the introduction of the 50mph speed limit on stretches of the M4 by Welsh Government undoubtedly had a positive impact in terms of air quality emissions. But traffic management and congestion on the M4 were matters for Welsh Government. Also, improvements in public transport as a result of the Burns Report would be developed at a regional level as part of a strategic transport policy. If Councillor Mogford had any question about particular public transport schemes, then he would need to raise that with my Cabinet colleague Councillor Jeavons.

Supplementary Question:

Who were the local action group referred to in the Cabinet Members response?

Response:

The Caerleon group was comprised of officers, councillors and members of the public, all of which had a big role to play in this and by meeting and involving residents would also help to make improvements.



Report

Council

Part 1

Date: 23 November 2021

Subject Appointments

Purpose To agree the appointment of Council nominees to committees and outside bodies.

Author Governance Team Leader

Ward General

Summary In accordance with its terms of reference within the Constitution, Council is responsible for appointing the members of Council Committees, and the Council's representatives on outside bodies. The current vacancies and nominations received are set out in the attached report.

Proposal Council is asked to receive and approve the nominations for representatives, as listed in the report

Action by Governance Team Leader

Timetable Immediate

This report was prepared after consultation with:

- Council Business Managers
- Head of Law and Regulation

Signed

Background

In accordance with its terms of reference within the Constitution, Council is responsible for appointing the members of Council Committees, and the Council's representatives on outside bodies. The current vacancies and nominations received are set out below.

Any vacant appointments / nominations received after the publication of this report, will be announced at the Council meeting by the appropriate Business Manager or Group Leader.

Governing Body Appointments

Governing Body	No of Vacancies / Re-appointments	Nominations Received
Marshfield Primary School	1	Richard White
Rogerstone Primary School	1	Yvonne Forsey
The John Frost School	1	Debbie Jenkins
Maes Ebbw School	1	Stephen Marshall
Maindee Primary School	1	Farzina Hussain
Ysgol Gymraeg Bro Teyrnnon	1	Graham Berry
Bassaleg School	1	Laura Lacey
Ysgol Gymraeg Nant Gwenlli	3	Shereen Williams Jonathan Gibbons Eirian Jones
Newport Nursery School	2	Carmel Townsend Asum Mahmoud
The Gaer and Masglas Primary School Parthership	4	Stephen Marshall Beverley Perkins Anne Drewett John Reynolds

Council Strategic Director Role

Internal Appointments

Foster Panel: Councillor Davies to replace Councillor Berry

Champions

BAME Champion: Councillor Hussain to replace Councillor Rahman

Carers Champion: Councillor Guy to replace Councillor Berry

Outside Bodies

Aneurin Bevan University Health Board: Councillor Lacey to replace Councillor J Watkins

Caldicot Drainage Board: Councillor Lacey to replace Councillor Berry

Newport Live: Councillor Hughes to replace Councillor Rahman

Proposal

Council is asked to receive and approve the nominations for representatives, as listed in the report.

Comments of Chief Financial Officer

There are no financial implications directly arising from this report.

Comments of Monitoring Officer

The appointment of individuals to serve on outside bodies is a Local Choice function under the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007. The Council has determined that responsibility for this function shall rest with Full Council unless delegated by the Council.

Background Papers

Newport City Council Constitution

Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007

Dated: 16 November 2021

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Report

Council

Part 1

Date: 23 November 2021

Subject **City Centre Public Spaces Protection Order**

Purpose To inform Council of the outcome of the Overview and Management Scrutiny Committee process and the results of the public consultation

To ask Council to consider the recommendations and to decide whether to approve the draft Order reflecting the recommendations made

Author Principal Environmental Health Officer

Ward City Centre

Summary A Public Spaces Protection Order (PSPO) is designed to prevent individuals or groups committing Anti-social Behaviour (ASB) in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality; and the behaviour is, or is likely to be, persistent or continuing in nature; and be unreasonable.

They are enforced by the Police and Council Authorised Officers.

A previous PSPO for the City Centre expired in August 2021, this report outlines the processes that have been followed since then to devise the new restrictions and consult on the possible restrictions.

Proposal **That, following recommendation by Scrutiny and Oversight Management Committee review of the PSPO, the Council adopts and implements the City Centre PSPO (2021 – 2024)**

Action by Head of Law and Regulation

Timetable Immediate

This report was prepared after consultation with:

- Head of Law and Regulation
- Head of Finance
- Head of People and Business Change
- Cabinet Member – Licensing and Regulation

Signed

Background

1.0 What is a Public Spaces Protection Order?

A PSPO is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality; and the behaviour is or likely to be persistent or continuing nature; and be unreasonable. The power to make an Order rests with local authorities, in consultation with the Police, Police and Crime Commissioner and other relevant bodies who may be impacted.

The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre. There are particular considerations for registered common land, town or village greens and open access land.

The maximum length of a PSPO is three years.

When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the Human Rights Act 1998. Consideration of a PSPO will take place where there is material evidence of anti-social behaviour. Assessments will commonly include reports to the police, and various Council teams and partner agencies.

2.0 What kind of restrictions can be in a PSPO?

Restrictions and requirements are set by the local authority and can be blanket restrictions or requirements, or can be targeted towards certain behaviour by certain groups at certain times. They can restrict access to public spaces (including certain types of highway) where that route is being used to commit Anti-social behaviour.

Section 59 of the ASB etc. Act sets out the basis on which local authorities may make a PSPO.

It provides as follows –

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that:
 - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- (3) The second condition is that the effect, or likely effect, of the activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) (“the restricted area”) and—
 - (a) prohibits specified things being done in the restricted area,
 - (b) requires specified things to be done by persons carrying on specified activities in that area, or (c) does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
 - (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

Enforcement

Orders will be enforced by a Police Officer, Police Community Support Officer and delegated Council Officers e.g. Community Safety Wardens or Environmental Health staff.

A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100 or a level 3 fine of up to £1,000 on prosecution.

3.0 Approving the City Centre PSPO

This is matter for Full Council to decide.

3.1 Essentially the Council needs to consider:

- Is there a specific problem caused by particular on-going activities?
- If so, what needs to be done to regulate or control the problem?
- What is the least restrictive way of achieving this?

3.2 Appeals against the setting up of a PSPO

Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. Further appeal is available each time the PSPO is varied by the council. An appeal, if made will be against the implementation whole order.

4.0 Previous PSPO

A City centre PSPO has been in existence for over 5 years. The most recent version was implemented in 2018. It contained a number of restrictions that were drafted to reflect specific anti-social behaviour and low level crime at that time.

The Order contained a number of restrictions that were focussed on alcohol use, begging in proximity to cash points, dogs being kept on leads, unauthorised peddling and street trading people, people gathering/harassing and the use of and ingestion or consumption of drug paraphernalia.

5.0 New PSPO 2021 - 2024

The proposed PSPO is contained within Annex A of this report and if agreed by Council will contain 7 restrictions.

6.0 Financial Summary

There are no financial considerations to implementing the proposed PSPO. Enforcement of it will be met by existing staff within existing budgets in Gwent Police and Newport City Council.

7.0 Risks

The risks associated with introducing new restrictions and the City Centre PSPO are minimal. The risks include implementing unenforceable restrictions, imposing conditions that have unexpected consequences, unfairly impact on otherwise permitted freedoms, and the PSPO becoming irrelevant.

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?
Council puts in measures that are not supported	H	L	Listen to all groups that are affected. Public Consultation.	Head of Law and Regulation
Council puts in measures that are disproportionate to the problems experienced / open to legal challenge	H	L	Ensure the measures that are introduced are balanced against the anti-social behaviour experienced and the right level of restrictions to address it.	Head of Law and Regulation

8.0 Links to Council Policies and Priorities

Newport's Corporate Plan 2017-2022, "Building a better Newport" has a key focus – to improve people's lives in all the Council does.

Antisocial behaviour is directly cited as an issue. A PSPO in an adjacent ward is referenced in the Corporate Plan as a key tool to improving people's lives and delivering a more resilient community in Pill. Comments from respondent so the public consultation outline that the existing City Centre PSPO has had a positive impact.

It will also assist the Council to meet its 'wellbeing goals' under the Well-being of Future Generations (Wales) Act 2015; in particular the 'prosperity' and "To build cohesive and sustainable communities.

The City centre PSPO area sits adjacent and in direct contact with the recently renewed Pillgwenlly PSPO area. There is commonality in some of the restrictions across these areas, but the individual restrictions are based on the bespoke evidence of anti-social behaviour and the information and partners views specific to those areas.

Safer Newport with representation across the Public Sector organisations in Newport have been appraised of the developments of the City Centre PSPO renewal.

9.0 Options Available and considered

9.1 Option 1

Approve the draft City Centre Public Spaces Protection Order at **Appendix A**, for a period of 3 years, as per the Overview and Scrutiny Management Committee's recommendation.

9.2 Option 2

Not to approve the Order.

10.0 Preferred Option and Reasons

Option 1 - Approve the revised City Centre Public Spaces Protection Order at Appendix A, for period of 3 years, as per the Overview and Scrutiny Committee's recommendation.

This is supported by Gwent Police and is felt by Council Officers to be a proportionate response to the on-going anti-social behaviour being experienced in the area. The use of a PSPO was fully supported through the public consultation and Overview and Scrutiny Management committee.

11.0 Comments of Chief Financial Officer

Approval to implement the City Centre PSPO will not result in any adverse financial impact, enforcement will be carried out using existing staff and budgets.

12.0 Comments of Monitoring Officer

The Council has a statutory power under the Anti-Social Behaviour, Crime and Policing Act 2014 to make Public Space Protection Orders in order to prevent types of anti-social behaviour which have, or are likely to have, a detrimental effect on the quality of life of those in the locality and the behaviour is or is likely to be persistent or continuing in nature. The nature and extent of the PSPO must be reasonable having regard to the type of behaviour and its impact on the public. A PSPO has to be reviewed and, if necessary renewed every three years.

The original City Centre PSPO was made over 5 years ago and was last renewed in 2018. Therefore, it is necessary for the Council to undertake a further review of the need for the PSPO and decide whether to extend the Order for a further 3 years, with or without additional control measures.

In accordance with the legislation and the statutory guidance, the Council is required to consult with the Police, the Police and Crime Commissioner and specific community groups, and to have regard to any observations made before deciding whether or not to renew any PSPO. However, because of the potential impact of the PSPO, it was agreed that a wider consultation and public engagement exercise should be undertaken by Scrutiny Management Committee, as with the previous review. Some additional control measures were identified by Scrutiny and these were included in the consultation. A general public consultation exercise was then carried out to assess the need and justification for specific control measures and to inform the final decision. The results of the engagement with key stakeholders and the public responses to the wider consultation are contained within this Report. Scrutiny Management Committee have considered the consultation responses and have formulated their recommendations, the conclusions of which are set out in this report. In essence, Scrutiny Committee was satisfied that there is a continuing need for a City Centre PSPO and they are recommending that it be renewed on the same terms as previously, but with the inclusion of one additional control measure relating to the dangerous use of e-bikes and e-scooters. However, the final decision regarding the adoption of any PSPO is a matter for full Council.

When considering the need for any PSPO, the Council must act reasonably and, in particular, it must have regard to the Human Rights Act 1998. However, the rights and freedoms set out in the Articles to the Human Rights Act are qualified rights and can lawfully be restricted or limited where this is a necessary and proportionate means of achieving a legitimate aim, including public safety and the prevention of crime and disorder. It is a question of balancing rights and freedoms of individuals against the needs of the wider community. Therefore, the Council has to take a balanced decision regarding the need for any prohibition or restriction and its impact on the freedoms and rights of individuals.

Any prohibition order must be a reasonable and proportionate means of preventing or reducing the detrimental impact of any specific type of anti-social behaviour within the City Centre. When considering the need for and the impact of any PSPO, the Council also has to have regard to its public sector equality duty under Section 149 of the Equality Act 2010 and its socio-economic duty and, therefore, a Fairness and Equality Impact Assessment has also been carried out, which is also attached to this report.

Public support for a particular measure is not, of itself, sufficient grounds to renew the PSPO. The Council needs to be satisfied that the proposed controls are justified because of a specific problem and a need to control the anti-social behaviour in order to protect the public. The Council also has to be satisfied that the extent of the controls or prohibitions is reasonable and that there are no alternative, and less restrictive ways, of regulating the problems.

There is a statutory right of appeal to the High Court within 6 weeks if a PSPO is considered to be unreasonable.

13.0 Comments of Head of People and Business Change

The report asks Council to approve a Public Spaces Protection Order for the city centre. The implementation will be met from existing resources and as such there are no specific staffing implications.

Safer Newport, the city's Community Safety Partnership (CSP) oversees the Safer City Centre sub-group which takes a place-based approach to identify and reduce ASB issues in this area of Newport. The partnership work has noted that some ASB issues have been exacerbated during Covid-19 and that there has been a further escalation of ASB issues as lockdown restrictions have lifted, particularly in the city centre. Respective sub-group Chairs and partners support the PSPO as an enforcement strategy alongside existing partnership work.

In addition, the CSP has recently secured £400,000 approx. to deliver a range of infrastructure and situational crime interventions increase the safety of the city centre for all, with a particular focus on women and girls, through Home Office Safer Streets 3 funding. Consultation in preparing the bid identified ASB as a significant contributory factor for residents feeling unsafe. A PSPO will positively contribute to this ongoing work.

Significant public engagement has been undertaken in the development of the proposal. Engagement demonstrates considerable support for the proposed control measures with significant numbers of people saying they had frequently experienced ASB issues within the area.

Any PSPO should be seen in the context of other, preventative work, currently being undertaken with individuals, families and communities within Newport. Whilst considering the options presented, Council should be mindful of the full range of evidence available, including the impacts and mitigations drawn out within the Fairness and Equality Impact Assessment (FEIA), to ensure any decision does not disproportionately impact upon any groups within the protected characteristics of the Equalities Act 2010. If there is any disproportionate impact then there will need to be robust mitigating measures in place and Council will have to ensure that they are adequate and appropriate to the risk identified.

14.0 Comments of Stow Hill Ward Councillors

The Stow Hill ward Councillors attended the second (23rd September 2021) Scrutiny Committee meeting and endorsed the need for, and indicated support for, this PSPO during the meeting.

15.0 Scrutiny Committees

15.1 Overview and Scrutiny Management Committee 30th July 2021.

In this meeting, the proposed PSPO was introduced and significant discussion on the restrictions contained in the current Order occurred.

Committee heard the evidence on the nature and level of ASB related complaints and the information was reviewed, as was the use of the previous PSPO and the number of FPN's issued under it. The use of the PSPO in wider responses to ASB, including Community Protection Warnings and Notices was outlined by both Council and Police colleagues showing the integrated nature of the partnership working between the two public bodies.

Committee noted that the current PSPO was due to expire on 23rd August 2021.

The Law and Regulation department were asked to notify the consultation to local business owners to seek their views.

Committee requested inclusion of an E-scooter/E-bike/dangerous cycling restriction similar to the one included in the new Pill PSPO.

These actions were completed.

Minutes of the July Overview and Scrutiny meeting are available [here](#).

15.2 The conclusions of the July committee were:

- The Committee are concerned that the PSPO will lapse between 23rd of August and when it comes back to the next Council meeting.
- The Committee would like local business owners taken into account for the public consultation, as they will also be affected by the PSPO's continuation or any changes made.
- The Committee would like concerns with e-scooters and bikes included in the consultation, and would also like questions on a blanket begging ban included.
- A committee member enquired as to whether a hotline could be set up alongside the PSPO to facilitate the reporting of anti-social behaviour.

Committee agreed to progress to public consultation.

15.3 Overview and Scrutiny Management Committee: 23rd September 2021

The Committee heard and reviewed the results of the public consultation. Outlined in summary at section 21.0 and **Appendix C and D** below.

Committee agreed that the proposed PSPO should be presented to Full Council in November for consideration and if agreed, implementation at the next available opportunity.

Minutes of the September Meeting Scrutiny meeting are available [here](#).

The September 2021 Committee heard from the Ward Member for Stow Hill who made observations on the importance of the PSPO, its continued need and contributed to the wider discussion around the individual restrictions.

Law and Regulation officers were asked to ensure consistency of wording on the restrictions between the City Centre PSPO and the adjacent Pill PSPO. Where applicable, this has been undertaken.

15.4 Conclusions of the September Committee were:

- The Committee wished to express disappointment in the number of responses received.
 - The Committee made several suggestions as to how to resolve this, even with COVID restrictions in place – for example, to run telephone consultations or use our relationship with the academic institutions in Newport to garner more responses.
 - Further, Committee felt budget allocation may be needed for future consultations.
- There was some concern as to ambiguity in question 5C and that as presented to the public it may not have garnered a consistent response – some members of the public may have thought it was asking that the ban on begging be removed altogether, and some may have thought that it was with regards to extending the blanket ban on begging.

16.0 Equalities Impact Assessment and the Equalities Act 2010

When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly and association set out in the Human Rights Act 1998 and must not act in a way that is incompatible with a Convention right. Human rights are enforced through existing rights of review and may therefore be taken as points in any challenge to the validity of any Order made by the Authority.

If Convention rights are engaged (as they are with the making of a PSPO) any interference with them must be –

- (a) In accordance with the law (in other words Council must be satisfied that the statutory conditions in Section 59 of the ASB etc. set out above in 1.6 are satisfied)
- (b) In pursuit of a legitimate aim (in this instance the control of activities which, if not controlled, would have a detrimental effect on the quality of life of those in the locality) and
- (c) A proportionate means of achieving the legitimate aim

The two issues which must therefore be addressed for every proposed restriction in the PSPO are whether the statutory criteria are met and whether the restrictions proposed are proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives or works in or who visits the city. Given the restrictions proposed, the evidence provided on the need for these controls, the consultation processes and its feedback, the proposed PSPO is proportionate and has a legitimate aim.

Council must also have regard to the public sector equality duty at s149 of the Equality Act 2010, which is as follows –

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

A Freedom and Equalities Impact Assessment is at **Appendix B** and was presented to Scrutiny in the Report on 23rd September 2021.

17.0 Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on all PSPO's is open to all of our citizens regardless of their age.

18.0 Wellbeing of Future Generations (Wales) Act 2015

The following principles are of relevance while considering the FGA2015:

- 18.1 **Long term:** This order replaces a previous order that expired in August 2021. It is for a defined time period and must be reviewed in 3 years. This period allows certainty from the public and the enforcement bodies and also time for the restrictions to take effect.
- 18.2 **Prevention:** The PSPO adds additional enforcement powers (Fixed Penalty Notices) to NCC and Police colleagues. Both organisations will encourage and advise alongside FPN issue and enforcement.
- 18.3 **Integration:** The PSPO fits directly into the corporate plan, and also the wider community objectives.

- 18.4 **Collaboration:** This PSPO has been drafted with the full support of Key partners including Police colleagues, and was openly consulted on for 1 month. Any amendment to the PSPO including changes to the nature of the restrictions and the remit or area of the PSPO must be consulted on.
- 18.5 **Involvement:** Newport residents have been consulted and directly involved in understanding the need and gauging their support for this PSPO with overwhelming support for the PSPO.

19.0 Crime and Disorder Act 1998

The implementation of the PSPO will directly support the themes under the Crime and Disorder Act 1998 and will be a key tool in dealing with antisocial behaviour in and around the City Centre.

The PSPO is used and fully supported by Gwent Police.

20.0 Consultation

The Consultation process was reviewed and agreed by Overview and Scrutiny Management Committee in July 2021 and the public consultation occurred in August 2021. The consultation responses and feedback were considered at its September meeting.

20.1 Summary of Consultation feedback:

108 electronic responses were received although for some questions relating to the restrictions only 107 responses were made. 103 respondents chose to outline their experiences of ASB.

There was strong support across all responses for the restrictions contained in the PSPO with each current restriction receiving over 95% support during the consultation.

Over 30% of respondents were residents of the City Centre or worked in the City Centre (15.8% and 14.9% respectively).

Over 82% of respondents indicated they had experienced Anti-Social Behaviour occasionally or frequently.

Littering, drinking on the streets and aggressive begging were the top three forms of ASB experienced by the respondents, although Groups gathering, drug paraphernalia and aggressive use of a push bike/e-bike/e-scooter were frequently reported.

Every restriction had over 93% agreement for inclusion and almost 70% (69.9%) of respondents said they felt no additional controls were needed in the order.

54% of people were satisfied with the current boundary, while a significant number (41%) wished to increase the boundary.

The full consultation responses are embedded in the September Scrutiny Report and also listed in the Background Papers (Section 22.0) of this report. This report also contains, in an excel spreadsheet, the full raw data, comments and number of responses from the public consultation as an embedded attachment under Section 22.0.

Begging

Council are invited to note that the issue of Begging received a significant volume of comments, and they were polarised. Agreement to retain the existing restrictions was clear (n=102; 95.3%).

The existing restriction was included in the previous PSPO as result of specific evidence, begging activities and trends in clearly defined areas, including but not limited to the ATM's on Bridge Steet.

At the July Scrutiny and Oversight Management Meeting, Committee requested inclusion of a question asking whether the public felt begging should be banned across the City Centre, by removing the tie to prohibiting begging within 10 meters of a cash point/payment machine.

78.5% (n=82) of respondents agreed with this, with 21.5% (n-23) disagreeing with the proposal. The consultation response comments around this were polarised.

The need for a restriction to be included in a PSPO must be evidence based and a PSPO must be the most appropriate method to address the issue.

Public feedback through the consultation exercise shows a clear mandate for the Police and Newport City Council to work closely on gathering and reviewing such evidence in order to assess the need and appropriateness, or otherwise, of a PSPO to deal with a wider restriction on begging. The partners must ensure that they work together to consider how begging may be linked to other issues, and that given the impact that such a restriction would have, undertake a specific freedoms and impact assessment of any associated restriction on wider begging within a future PSPO, before the next PSPO review period.

20.2 The graphical responses to the consultation process are at **Appendix C**.

Each respondent was given the opportunity (voluntary and not mandatory) to offer a comment alongside each control or their response

20.3 These comments are provided in full at **Appendix D**

20.4 Supportive feedback through the consultation process includes:

"Need to tackle the issue of street drinkers"

"It's very intimidating when drunk people accost you in the street"

"I would say the PSPO has made a lot of difference in minimising such a behaviour." (Harassment)

"IF REFUSING TO OBEY AN ENFORCING OFFICER, AUTOMATIC FINE SHOULD BE IMPOSED."

"The PSPO has been successful in reducing these." (Street trading and pedallers)

"People politely sitting and asking for spare change (away from cash points) is in no way intimidating and should not necessarily be "tidied away" to make local conservative councillors happy."

"As long as there's no aggressive behaviour used, I don't blame people generally in need asking for money. However, I do understand why begging near an ATM would be inappropriate."

"Being homeless is not a crime. Pushing homeless out of the city centre does not solve the housing crisis and is morally wrong."

"I think that may prevent peaceful protest" (individuals/groups that may cause harassment)

“Measures and schemes to improve social cohesion will reduce antisocial behaviour. Particularly those which have a broad range of demographics.”

20.5 However there were objections to some of the restrictions, helpful feedback on improved signage, or objection to the principle of a PSPO to deal with these issues.

“Over zealous traffic wardens with power trip attitudes”

“Public servants, not gestapo”

“There should be clear signage with regards alcohol and ASB.”

“Need more and frequent high visibility police patrols in these areas” (Begging)

“Ban begging and rough sleeping in the city centre all together. The consequences are serious for overall residents wellbeing, with begging and rough sleeping and associated drug use acting as a major deterrent to using the city centre. This leads to boarded up shops, reduced city centre trade and damaging the local economy. Ultimately this leads to less revenue for the council to deal with the root causes of these issues.”

“this is the daily battle with beggin by cash point. when you get off the bus people as for spare change.”

“I am a strong advocate of civil liberties but I will also defend my right to walk in a public place without fear or hesitation.”

“I don't agree with the exemptions listed here. More specifically, I think smoking tobacco is just as anti-social as using illegal substances. Second hand cigarette smoke is harmful to everyone. This is a fact. Also, the smell can be sickening. I live in Newport town, and I find avoiding second-hand smoke is almost impossible most of the time. Especially because I'm pregnant currently, I'm very reluctant to walk through the city centre, which is rather inconvenient considering I live here.”

“Again not enforced” (injest, inhale, smoke restriction)

“Begging near a cash point can be very dangerous. Keep this restriction.”

21.0 Background Papers

- LGA PSPO Guidance to LA's (2020)
- Corporate Plan (2017-2022)
- Overview and Scrutiny Management Committee Report – July 2021
- Overview and Scrutiny Management Committee Report – September 2021
- (Excel) Results of Consultation – August 2021



10.21 PSPO
guidance_06_1.pdf



Corporate-Plan-201
7-2022.pdf



Cover report -
Scrutiny - 14.09.2021



Cover report -
Scrutiny - 22.07.2021



Results - City
Centre PSPO Survey

Dated: **11 November 2021**

Appendix A

PSPO 2021-2024

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59 PUBLIC SPACES PROTECTION ORDER 2021 CITY CENTRE, NEWPORT

NEWPORT CITY COUNCIL in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes this Order, being satisfied on reasonable grounds that activities in a public space, namely in the CITY CENTRE area of Newport, have had or are likely to have a detrimental effect on the quality of life of those in the locality and that these activities involved various anti-social behaviours. Further, Newport City Council believes that the effect, or likely effect, of the said activities is, or is likely to be, persistent or continuing in nature, such as to make the activities unreasonable and justifies the restrictions imposed by this Order:-

This Order shall come into operation on _____ xxxx _____ 2021 and shall have effect for a period of 3 years thereafter, unless extended by further Orders under the Council’s statutory powers.

This Order relates to the public place in the City of Newport as shown edged red on the Plan, annexed 1 to this Order (“the Restricted Area”) commonly referred to as “THE CITY CENTRE”.

The effect of the Order is to impose the following prohibitions in the Restricted Area at all times and will be enforced by Police Constables, Police Community Support Officers with delegated authority or an authorised Council Officer.

PROHIBITIONS:-

1. No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) in their possession, which are believed to contain alcohol, when required to do so by an authorised Officer within the Restricted Area.
2. No person shall within the restricted area undertake “street trading” which includes peddling, charity collecting or touting for services, subscriptions or donations UNLESS authorised to do so by an existing Police or Council issued or Council recognised Street Trading / Charity Collection / Promotions consent, license or written permission or holds a valid Pedlars Certificate.
3. No person shall within the restricted area beg within 10 metres of a cash or payment machine or beg in a manner which is aggressive or intimidating, or which has caused or is likely to cause someone to feel harassed, alarmed, or distressed.
4. No person shall behave (either individually or in a group) in a manner that causes or is likely to cause harassment, alarm or distress to a member of the public within the Restricted Area. Persons who breach this prohibition shall, when ordered to do so by an authorised Officer, disperse immediately and not return within 24hours, unless for a lawful reason.
5. No person shall within the Restricted Area:
 - Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances*.
 - Sell or supply intoxicating substances*.

Persons who breach this restriction shall surrender any such intoxicating substance in his/her possession when asked to do so by a Police Constable.**

**“Intoxicating substances” (commonly referred to as “legal highs”) is given the following definition: substances with the capacity to stimulate or depress the central nervous system (does not include alcohol).*

***Exemptions shall apply in cases where the substances are used for valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs (to include drinks) regulated by food health and safety legislation.*

6. Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she fails to keep the dog on a lead (of no more than 1.5 metres in length).
7. Cyclists, or users of scooters, E-scooters, E-bikes, skateboards and hover boards, are to dismount if requested to do so by an authorised officer, if they are of the opinion that the operator is riding in an unsafe manner which is causing or is likely to cause a danger to the public in the Restricted Area.

FIXED PENALTY NOTICES AND OFFENCES:-

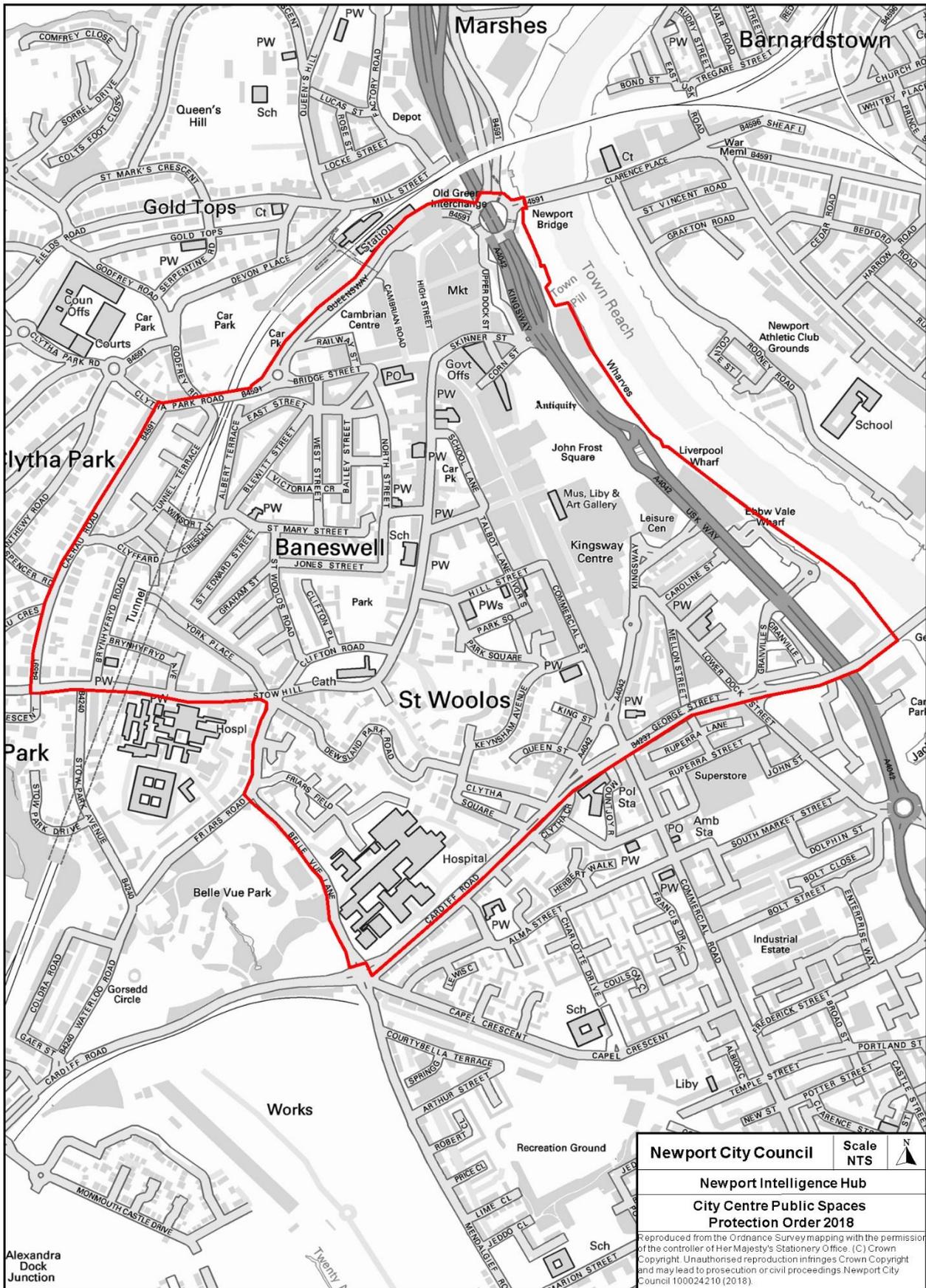
1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a Level 2 fine (currently £500) or to a Fixed Penalty Notice up to £100.
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a Level 3 fine (currently £1000) or to a Fixed Penalty Notice up to £100.

APPEALS:-

4. If any interested person wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

Dated:

THE COMMON SEAL of)
NEWPORT CITY COUNCIL was)
here unto affixed in the presence of:-)
)



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: Rhys Thomas **Role:** Principal EHO

Head of Service: Gareth Price **Date:** 15/09/2021

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.assessment@newport.gov.uk

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

Review of the current City Centre Public Spaces Protection Order (PSPO) (Anti-Social Behaviour, Crime and Policing Act 2014) to ensure that the restrictions in the Order address the anti-social behaviour currently being experienced in Newport City Centre.

This review is supported by Gwent Police who feel that revised restrictions will improve their ability to deal with the anti-social behaviour being experienced by members of the public.

The Order provides enforcement officers with additional powers than those provided by existing legislation, as Fixed Penalty Notices can be issued for non-compliance with a PSPO restriction.

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

This review has been led by the Overview & Management Scrutiny Committee. At its meeting in July 2021, the Scrutiny Committee considered the issues and agreed for public consultation to commence to seek views on experiences of the city centre, views on review the current restrictions, possible amendments to them and views on possible new measures to be included in a revised PSPO. Over 100 responses to that consultation were received. The 2019 Well Being Assessment of Stow Hill Ward provides the most recent data on the population make-up of Stow Hill Ward, the ward that accounts for the majority of the restricted area within the PSPO.

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

The results of the public consultation have been summarised and included in the report to Scrutiny Committee for the meeting on 23 September 2021.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Positive: The proposed restrictions are designed to reduce ASB in the immediate area, which would promote community cohesion and increase footfall in the city centre.</p> <p>Reducing ASB in the area should also help to ensure that the area is a safer place for young people to interact, as well as ensure the environment is safer for all age groups.</p> <p>Negative: The proposals are designed to provide the Police with additional powers to disperse individuals and groups who are causing ASB, from the area. This is likely to impact on people in the 10 – 24 years and the 25 – 34 years census categories more than other age categories.</p> <p>2019 Community Wellbeing assessment/ward analysis shows Stow Hill has a low percentage of 0-15 year olds.</p>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space.</p> <p>Unsafe use of bikes, scooters and e-bikes (et al) may affect those with visual impairment, or a disability more than others.</p> <p>10% of consultation responses identified as being disabled in some way.</p>
Gender reassignment/transgender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space.</p>
Marriage or civil partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to</p>

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				<p>ensure that groups of all protected characteristics feel more confident in using the space.</p> <p>50% of consultation respondents were married, 41% indicated not. 7% preferred not to say.</p>																																																
Pregnancy or maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space.</p>																																																
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space.</p> <p>89% of consultation respondents identified as being White, Welsh, English, Scottish, Irish, British.</p> <p>7.41% of consultation respondents preferred not to say. <1% of consultation respondents identified as White Other, Other mixed and other ethnic group.</p> <p>2019 Community Well Being Profile of Stow Hill Ward: Ethnicity</p> <table border="1"> <thead> <tr> <th></th> <th>Stow Hill</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>White; English / Welsh / Scottish / Northern Irish / British</td> <td>3,264</td> <td>68.4</td> </tr> <tr> <td>White; Irish</td> <td>45</td> <td>0.9</td> </tr> <tr> <td>White; Gypsy or Irish Traveller</td> <td>1</td> <td>0.0</td> </tr> <tr> <td>White; Other White</td> <td>298</td> <td>6.2</td> </tr> <tr> <td>Mixed</td> <td>93</td> <td>1.9</td> </tr> <tr> <td>Indian</td> <td>177</td> <td>3.7</td> </tr> <tr> <td>Pakistani</td> <td>220</td> <td>4.6</td> </tr> <tr> <td>Bangladeshi</td> <td>62</td> <td>1.3</td> </tr> <tr> <td>Chinese</td> <td>37</td> <td>0.8</td> </tr> <tr> <td>Other Asian</td> <td>198</td> <td>4.1</td> </tr> <tr> <td>Black African</td> <td>149</td> <td>3.1</td> </tr> <tr> <td>Black Caribbean</td> <td>68</td> <td>1.4</td> </tr> <tr> <td>Other Black</td> <td>11</td> <td>0.2</td> </tr> <tr> <td>Arab</td> <td>102</td> <td>2.1</td> </tr> <tr> <td>Other Ethnic Group</td> <td>48</td> <td>1.0</td> </tr> </tbody> </table>		Stow Hill	%	White; English / Welsh / Scottish / Northern Irish / British	3,264	68.4	White; Irish	45	0.9	White; Gypsy or Irish Traveller	1	0.0	White; Other White	298	6.2	Mixed	93	1.9	Indian	177	3.7	Pakistani	220	4.6	Bangladeshi	62	1.3	Chinese	37	0.8	Other Asian	198	4.1	Black African	149	3.1	Black Caribbean	68	1.4	Other Black	11	0.2	Arab	102	2.1	Other Ethnic Group	48	1.0
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Religion or Belief or non-belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space.</p> <p>43% of consultation respondents identified as being Christian</p> <p>22% of consultation respondents as having no religion</p> <p>13% of consultation respondents as being atheist</p> <p>12% preferred not to say.</p> <p><1% of consultation respondents indicated they were Muslim or Buddhist.</p> <p>2019 Community Wellbeing Ward analysis of Religious beliefs:</p> <p>Religion</p> <table border="1"> <thead> <tr> <th></th> <th>Stow Hill</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Christian</td> <td>2,398</td> <td>50.2</td> </tr> <tr> <td>Buddhist</td> <td>20</td> <td>0.4</td> </tr> <tr> <td>Hindu</td> <td>81</td> <td>1.7</td> </tr> <tr> <td>Jewish</td> <td>5</td> <td>0.1</td> </tr> <tr> <td>Muslim</td> <td>453</td> <td>9.5</td> </tr> <tr> <td>Sikh</td> <td>22</td> <td>0.5</td> </tr> <tr> <td>Other religions</td> <td>36</td> <td>0.8</td> </tr> <tr> <td>No religion</td> <td>1,363</td> <td>28.6</td> </tr> <tr> <td>Religion not stated</td> <td>395</td> <td>8.3</td> </tr> </tbody> </table>		Stow Hill	%	Christian	2,398	50.2	Buddhist	20	0.4	Hindu	81	1.7	Jewish	5	0.1	Muslim	453	9.5	Sikh	22	0.5	Other religions	36	0.8	No religion	1,363	28.6	Religion not stated	395	8.3
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Sex/ Gender Identity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Within the evidence provided by Gwent Police and the Council's Community Safety team, where the sex of the youths causing problems is mentioned, the sex is 'male' in the majority of incidents. Therefore the proposals may have an impact on male individuals.</p> <p>91.43% of respondents indicated their gender identity at the time of responding was the same as at birth.</p> <p>0.95% indicated their current gender identity is not the same as at birth.</p>																														

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	
				7.62% of respondents preferred not to say.
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space.</p> <p>79% of consultation respondents indicated they were heterosexual.</p> <p>6% of consultation respondents indicated they were homosexual.</p> <p>11% preferred not to indicate.</p>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposals will not have an impact on this issue.</p> <p>9% of consultation respondents indicated they were a Welsh Speaker.</p> <p>81% of consultation respondents indicated they were not a Welsh speaker.</p> <p>9% preferred not to say.</p>

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>The maximum duration of a Public Spaces Protection Order is 3 years but it could be renewed if appropriate. The aim of the proposals is to reduce ASB in the area and it is hoped that this would have a long term benefit to the community.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>Only the Council can make a Public Spaces Protection Order, however it would provide the Police with additional/alternative powers with which to address ASB in the area. The Community Safety team will continue to work together with the Police and other agencies/partners to address ASB. The Police support the proposals.</p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>The review of the City Centre Public Spaces Protection Order has been led by Scrutiny and the public consultation undertaken was designed to be wide-ranging.</p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>A Public Spaces Protection Order cannot address the roots causes of why some individuals cause ASB in this area, but Partners within the Public Services Board work closely together to ensure that resources are used to address such causes where possible.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>The proposal is to put in place a revised Public Spaces Protection Order (PSPO) which has been designed to have a positive impact on the following Well-being goals:</p> <p>Well-being Goals</p> <ul style="list-style-type: none"> • A prosperous Wales – the PSPO would reduce ASB in the area. ASB can impact on the education of children and on the success of businesses. • A healthier Wales – the PSPO would reduce ASB which would help improve the mental well-being of those currently affected. • A Wales of cohesive communities – the PSPO would help to protect the local community and make it more viable and safe. <p>The information included above shows that there would be a positive impact on Newport City Council’s Well-being Goals, as set out below:</p> <ul style="list-style-type: none"> • To improve skills, educational outcomes and employment opportunities • To promote economic growth and regeneration whilst protecting the environment • To enable people to be healthy, independent and resilient • To build cohesive and sustainable communities

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

The proposal is designed to impact on the city centre – Stow Hill Electoral Ward – which is appropriate due to the specific nature of the area and the specific ASB being experienced.

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

Parameter 1 deals with equal treatment whilst recognising difference. The proposal will primarily impact on specific groups and individuals who are acting in an anti-social and intimidating manner and they will intentionally be subject to the PSPO restrictions.

Parameter 2 deals with “mutual obligations between citizens and local government”. Local Government’s responsibility is to help ensure the safety, security and wellbeing of citizens in their communities, the PSPO introduces conditions which will apply to citizens who act in a way that is detrimental to the safety and wellbeing of the wider community which restricts those citizen’s rights in the specified area.

Parameter 3 deals with “interdependency and reciprocity within community relations”. Anti-social and intimidating behaviour is known to affect the wellbeing of individuals but also affects the functioning and cohesiveness of communities e.g. in the use of local services, and participation in community life. The intention of the PSPO is to only restrict activities that are detrimental to participation in community life.

Parameter 4 deals with “transparency and accountability in decision making”. It is recognised that PSPO’s are by nature restrictive and must be balanced with proportionality, effective targeting and limitation. The consultation undertaken was conducted to ensure that the local community could express their views on the proposals and inform democratic decision making.

8 Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?

Should the revised PSPO restrictions be supported by Council, high quality publicity, provision of advice and proportionate and evidence based enforcement will be key to mitigating any negative impacts.

9 Monitoring, evaluating and reviewing

Monitoring of the implementation and operation of the previous PSPO within the city centre was undertaken and this will continue should the new PSPO be implemented. The Scrutiny Committee may wish to agree to include review and monitoring of the implementation of the new City Centre PSPO on their forward work programme.

The impact of the new PSPO (if implemented) will also be reviewed as part of the process to implement a future PSPO (maximum 3 years’ time).

10 Involvement

This FEIA will form part of the report to Scrutiny and Full Council and will be published by the Council.

11 Summary of Impact (for inclusion in any report)

Equality Act 2010 AND Welsh Language

The proposed PSPO will have an impact on some protected characteristics but not to the extent that the proposals could be judged to be unreasonable.

There is no Welsh Language impact.

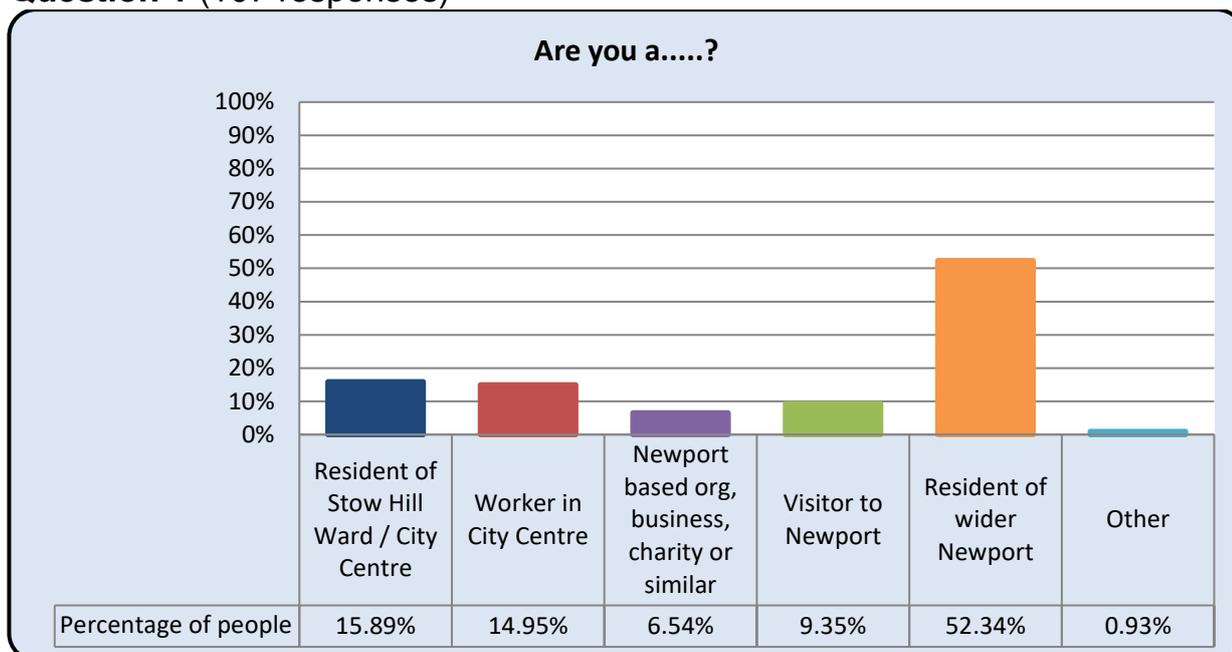
Wellbeing of Future Generations (Wales) Act 2015

The proposed PSPO will support a number of the Well-being goals set out in the Act.

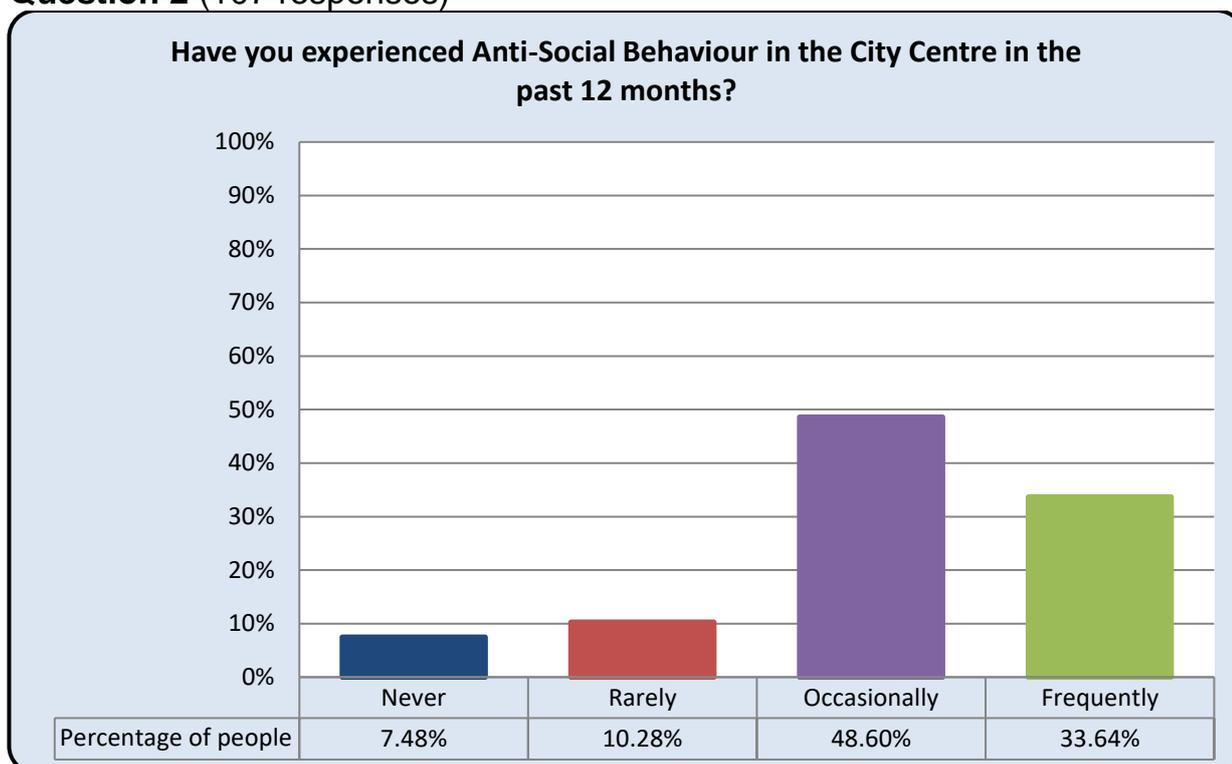
Appendix C

Graphical Consultation Responses

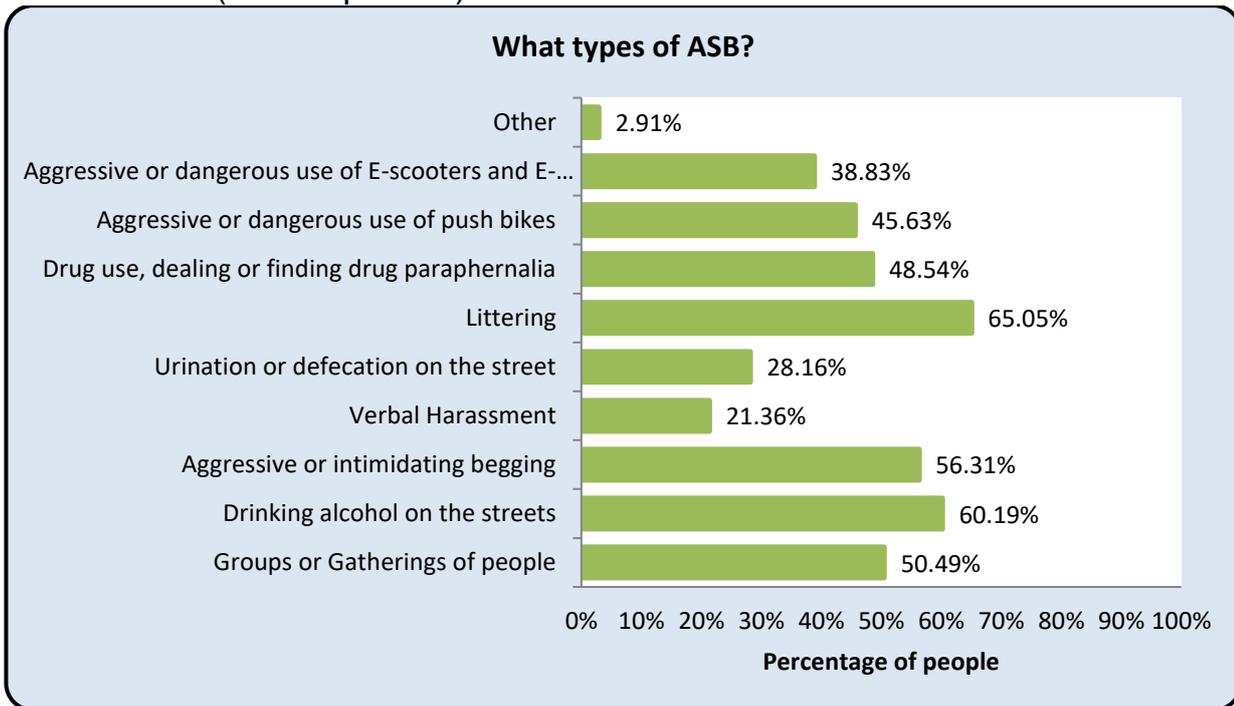
Question 1 (107 responses)



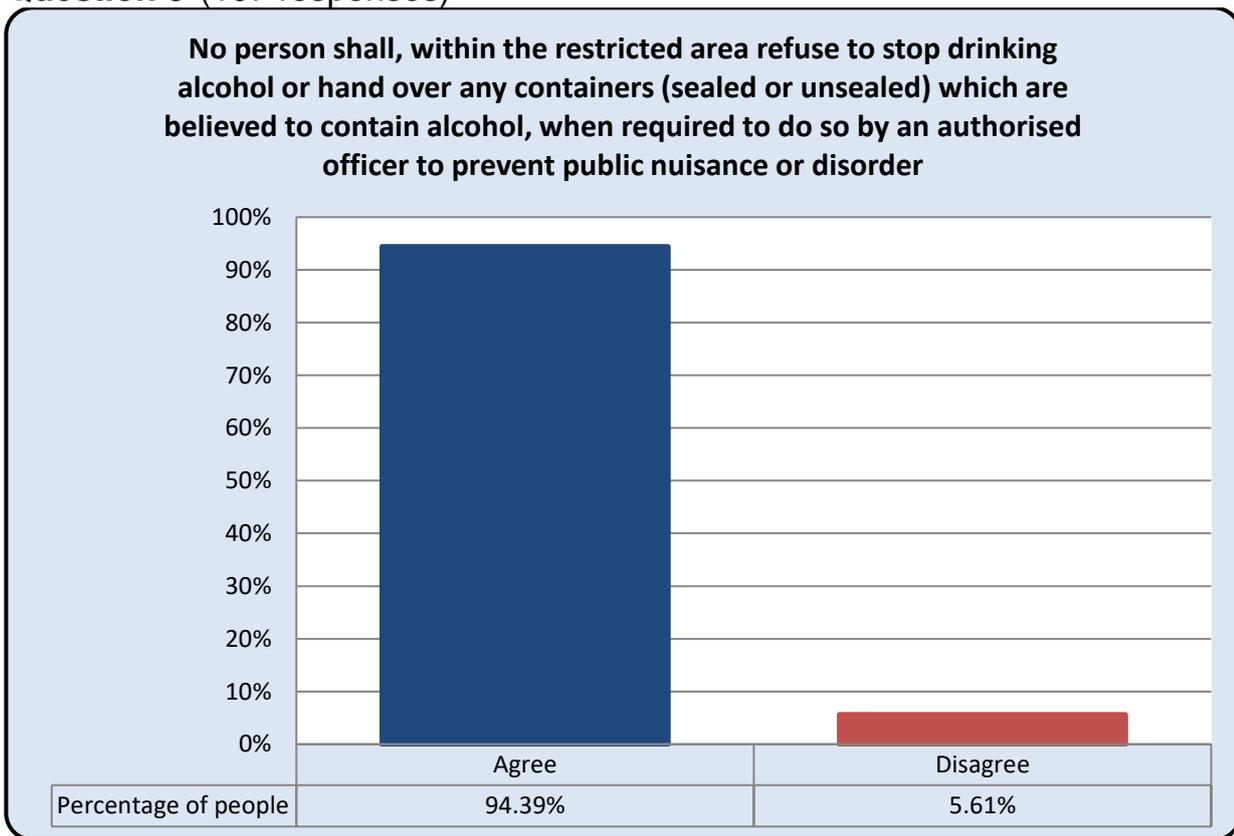
Question 2 (107 responses)



Question 2a (103 responses)

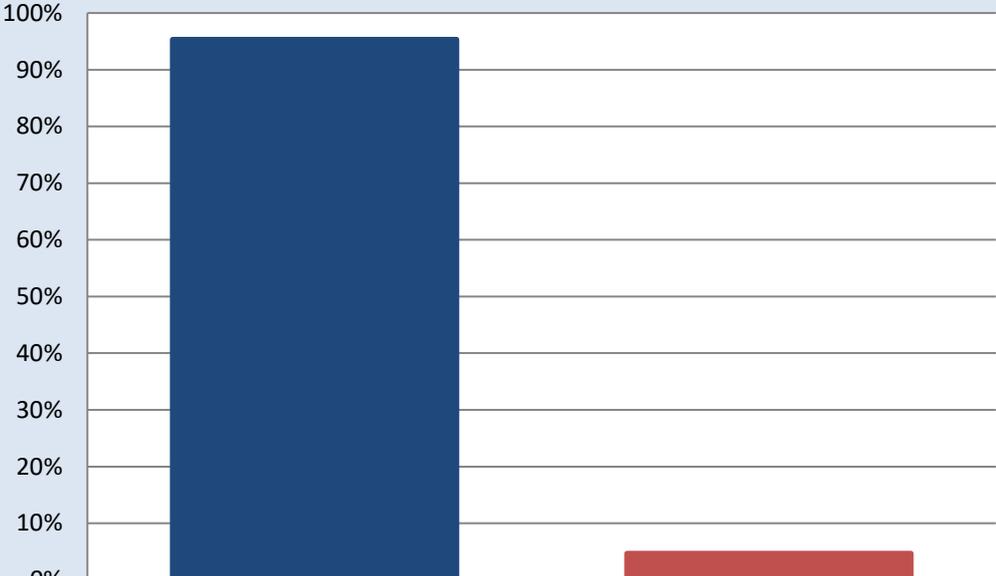


Question 3 (107 responses)



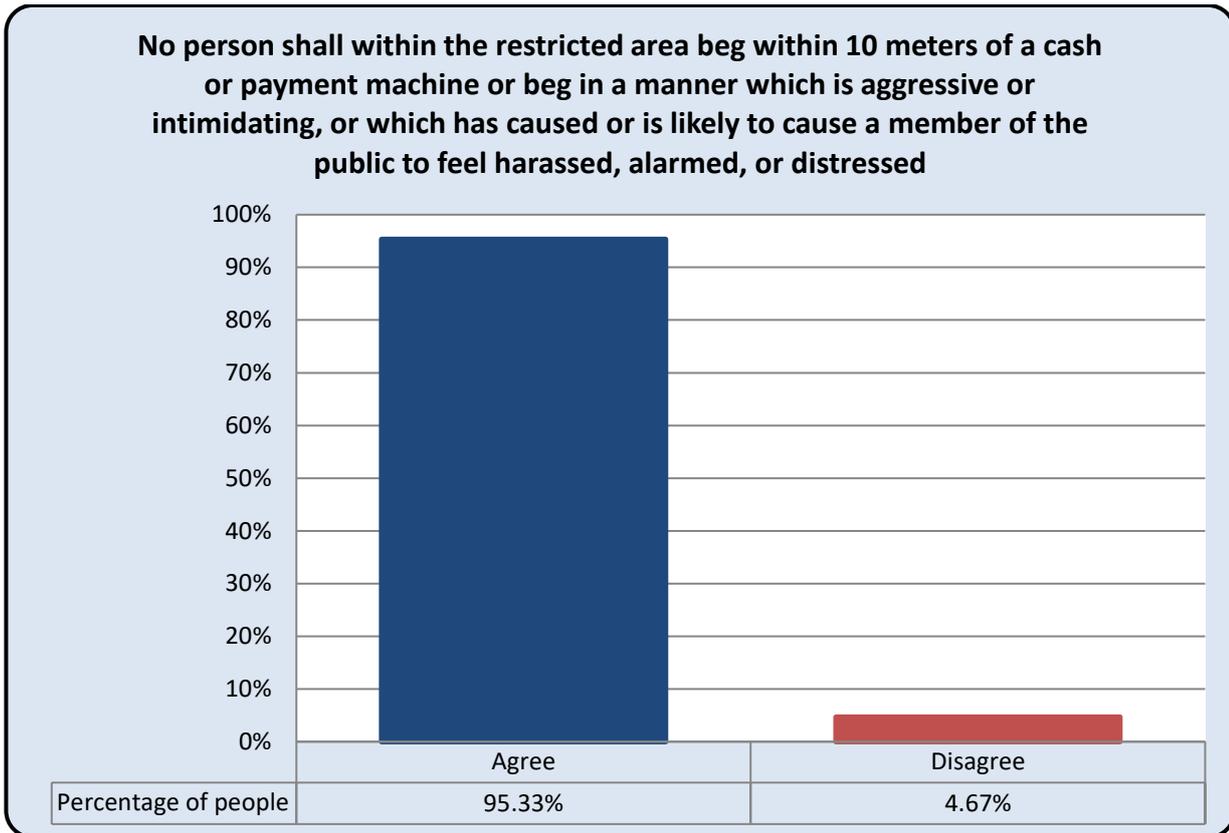
Question 4 (107 responses)

No person shall within the restricted area undertake “street trading” which includes peddling, charity collecting or touting for services, subscriptions or donations UNLESS authorised to do so by an existing Police or Council issued or Council recognised

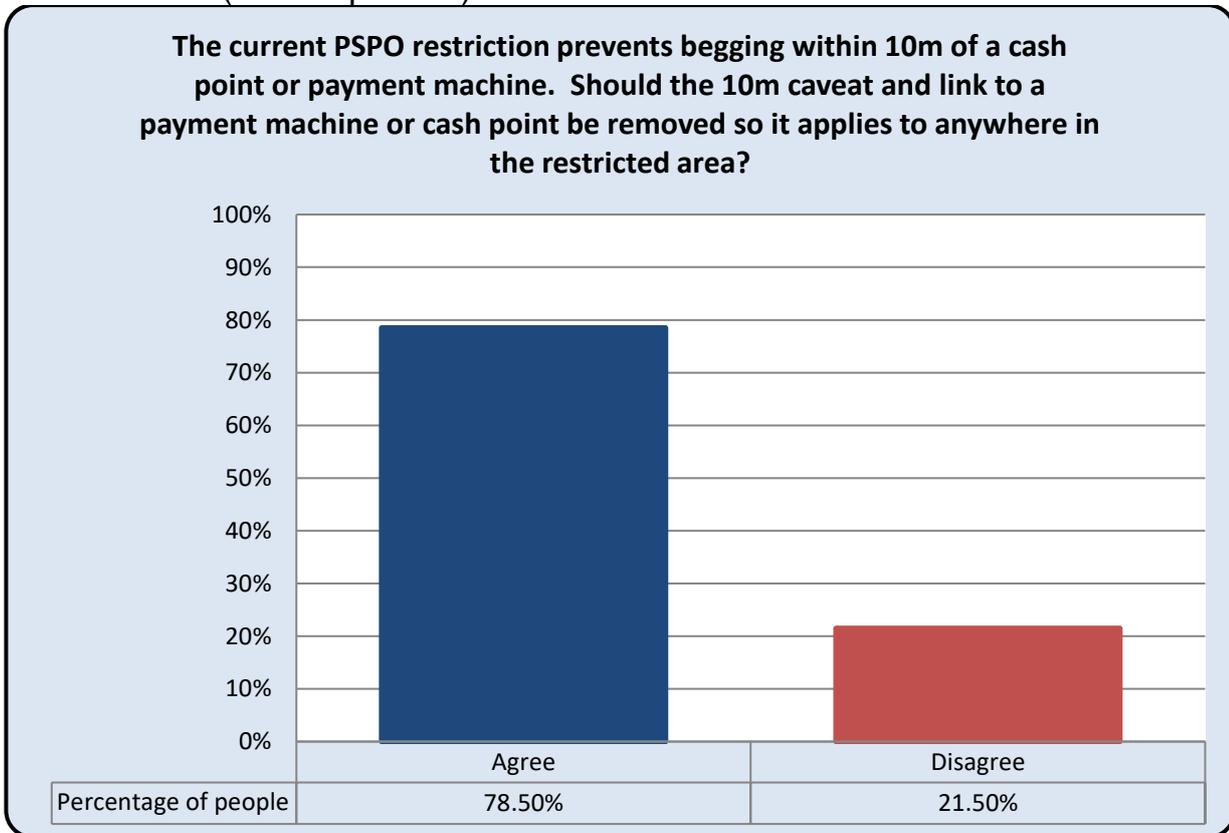


Percentage of people	Agree	Disagree
	95.33%	4.67%

Question 5 (107 responses)

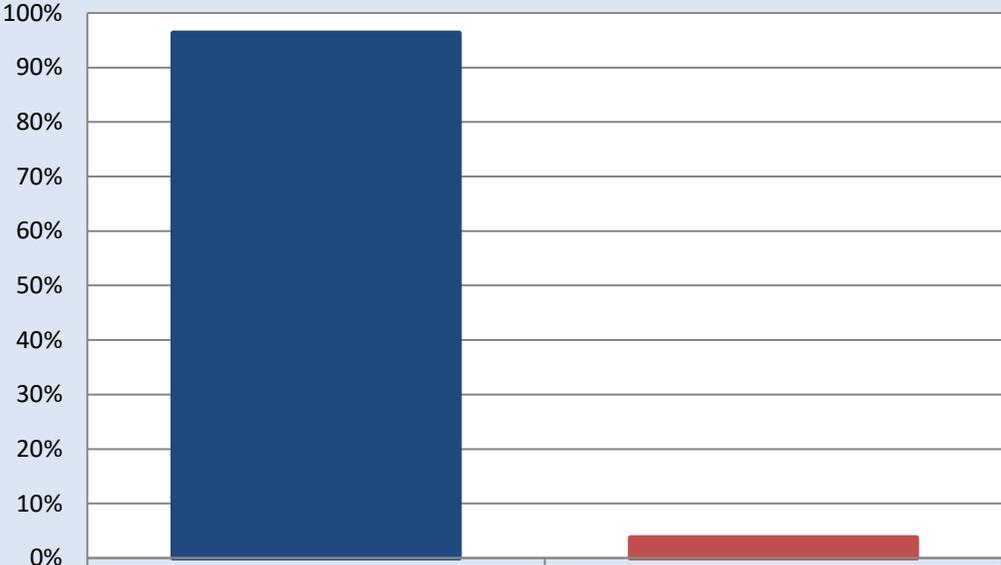


Question 5C (107 responses)



Question 6 (108 responses)

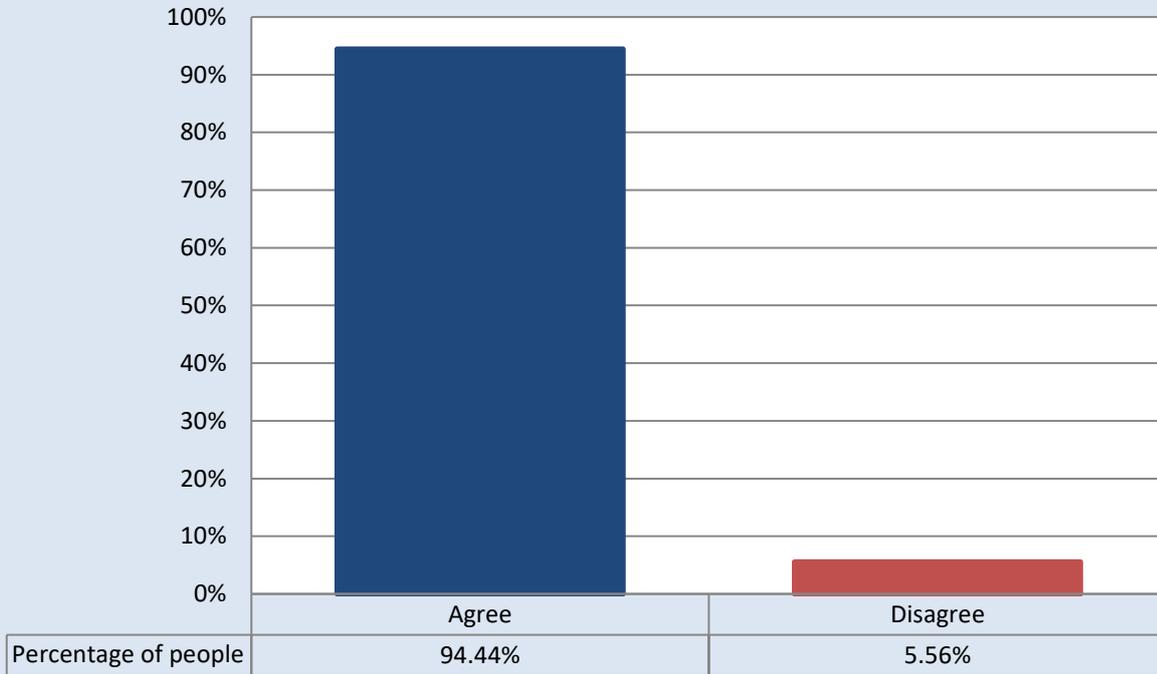
No person shall behave (either individually or in a group) in a manner that causes or is likely to cause harassment, alarm or distress to a member of the public; persons who breach this prohibition shall, when ordered to do so by an authorised person, dis



Percentage of people	Agree	Disagree
	96.30%	3.70%

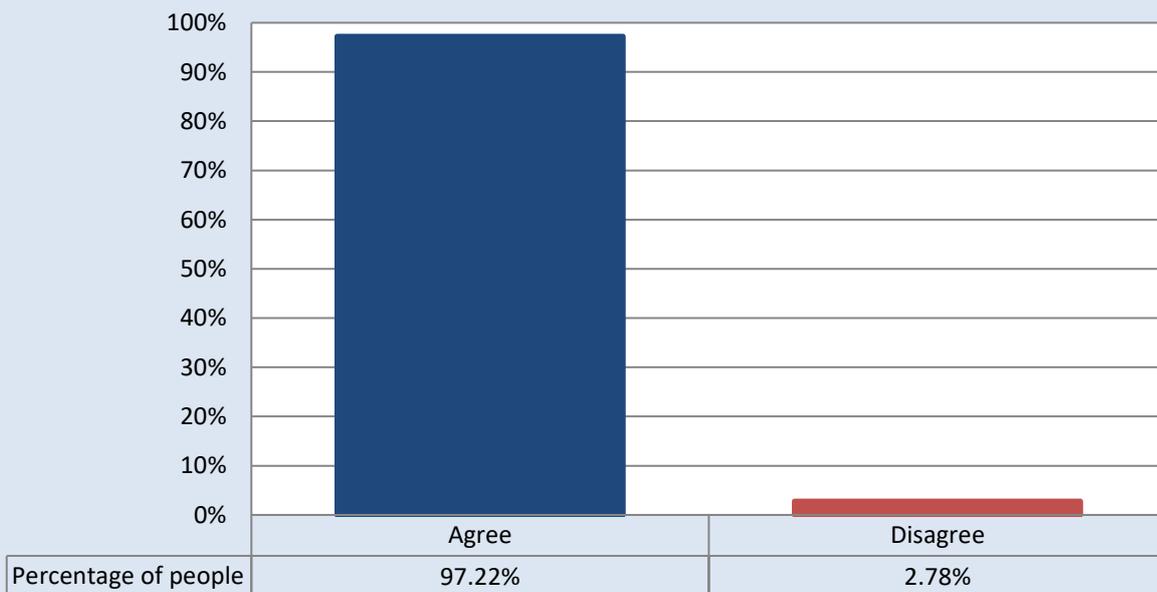
Question 7 (108 responses)

No person shall within the Restricted Area: Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances; Sell or supply intoxicating substances; Intoxicating substances (commonly referred to as “legal highs”) is given the following de

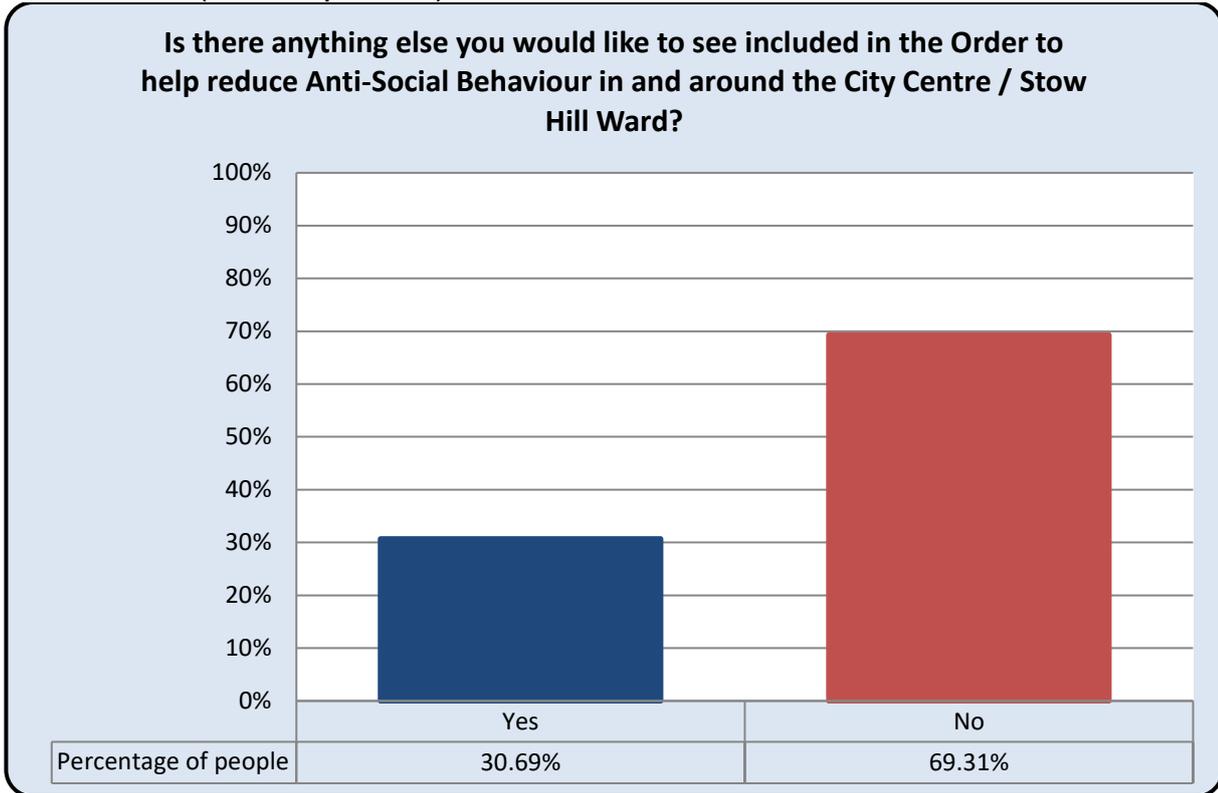


Question 8 (108 responses)

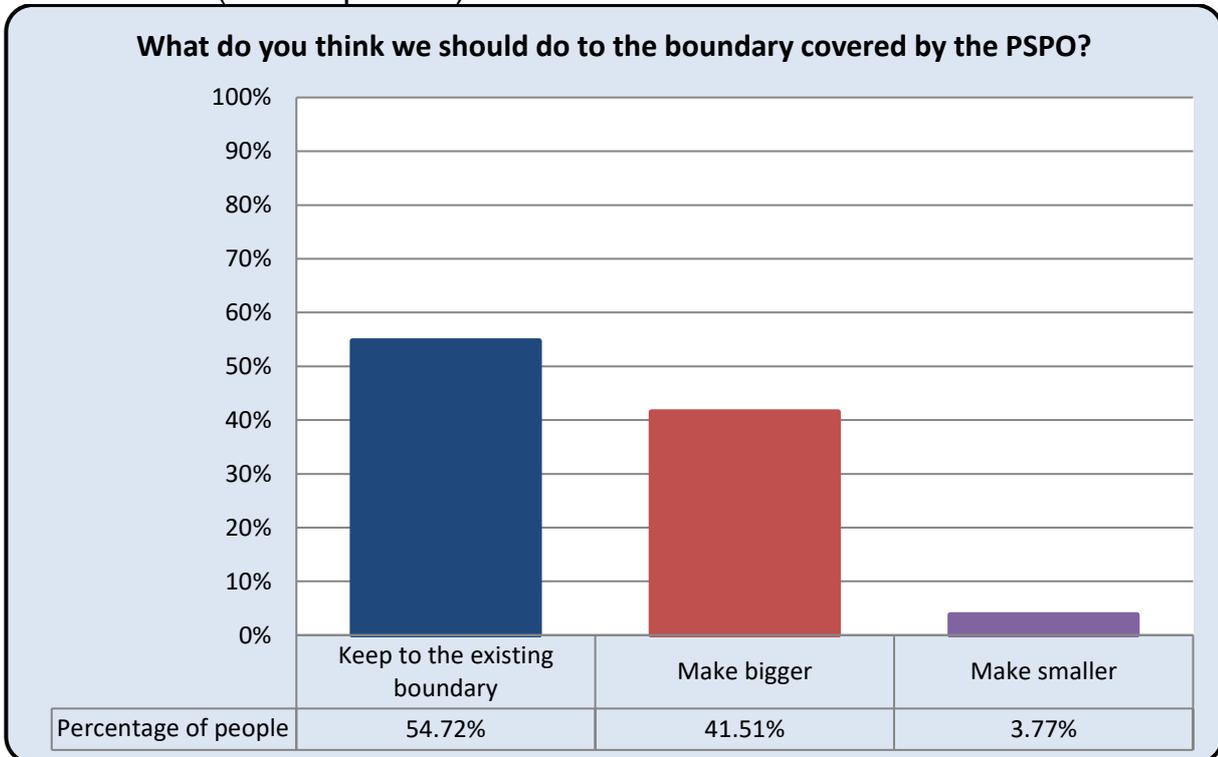
Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she fails to keep the dog on a lead (of no more than 1.5meters in length)



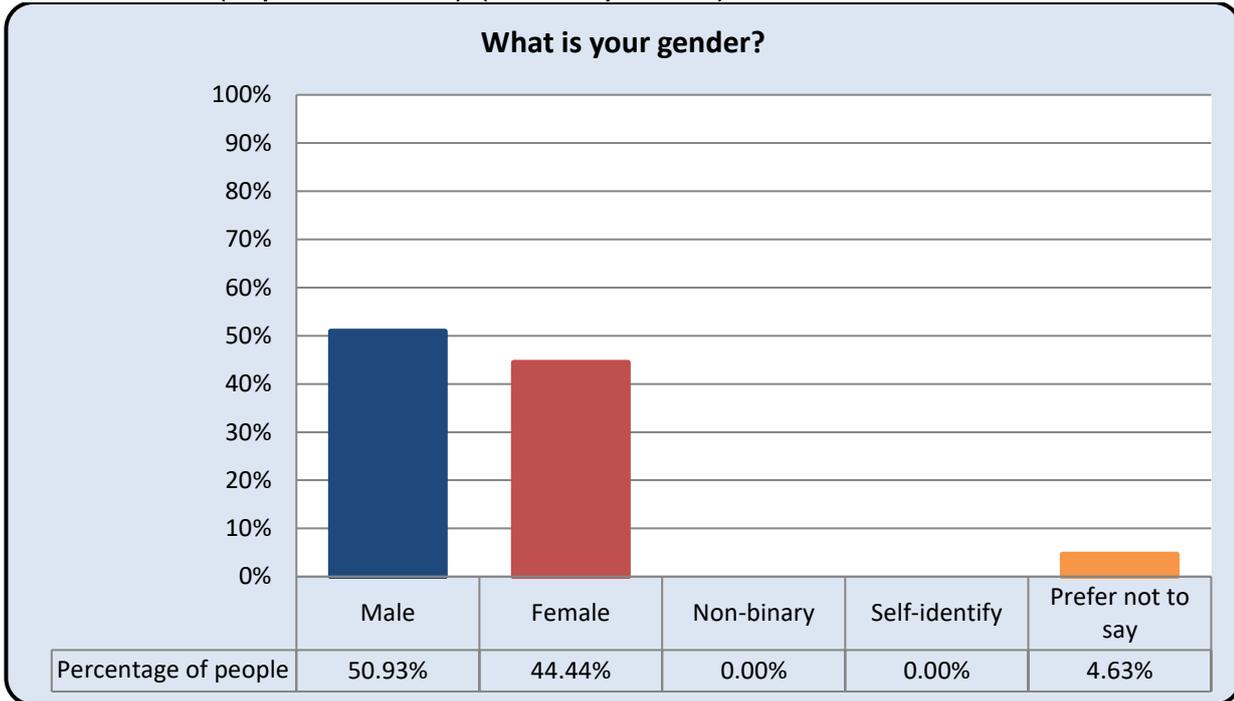
Question 9 (101 responses)



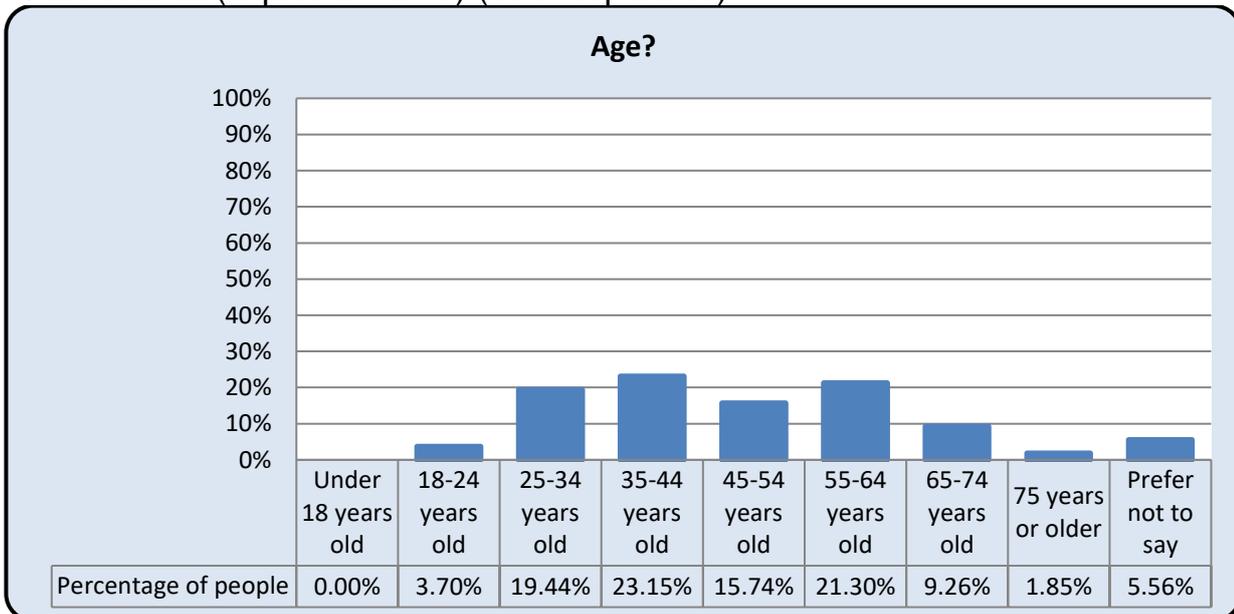
Question 10 (106 responses)



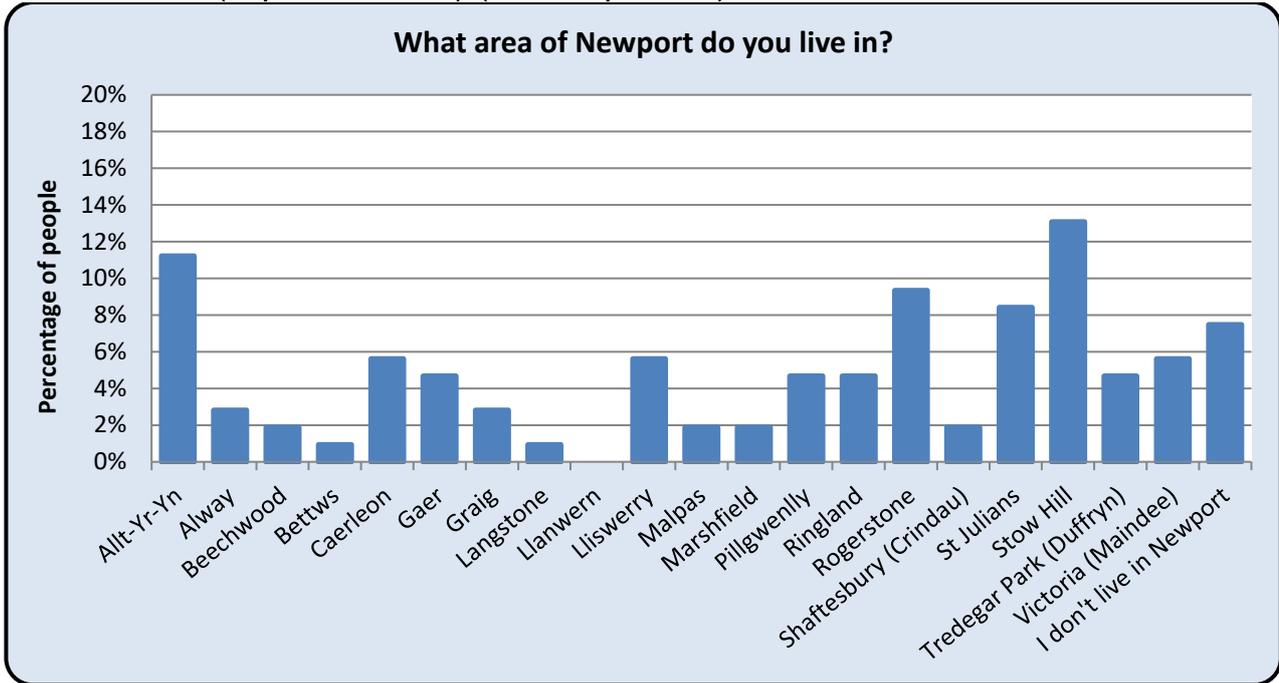
Question 11 (Equalities data) (108 responses)



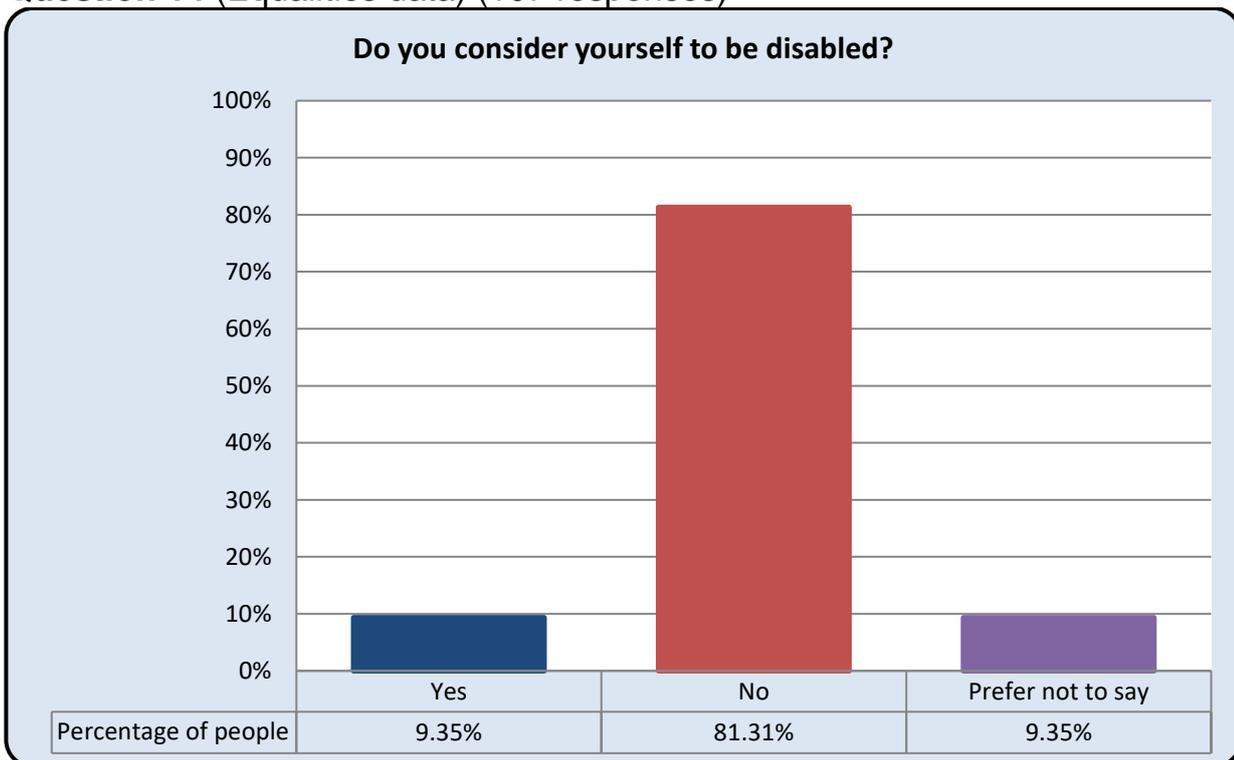
Question 12 (Equalities data) (108 responses)



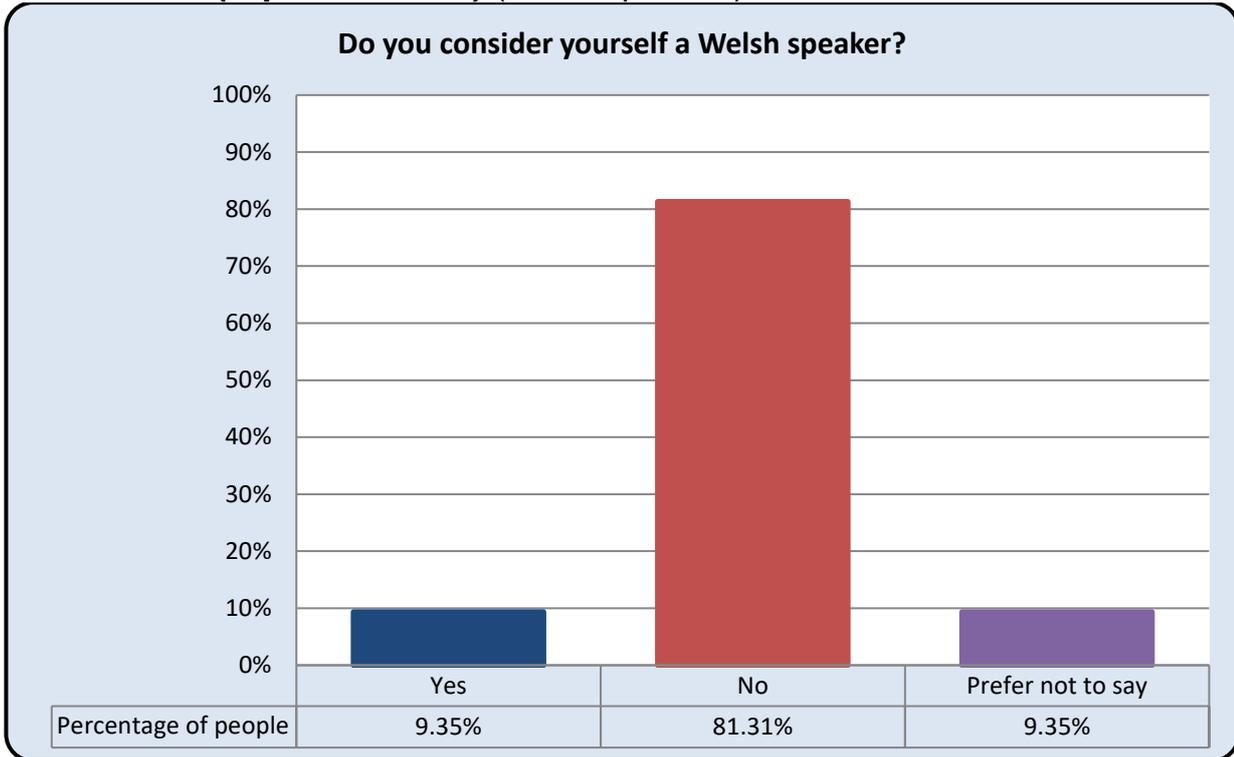
Question 13 (Equalities data) (107 responses)



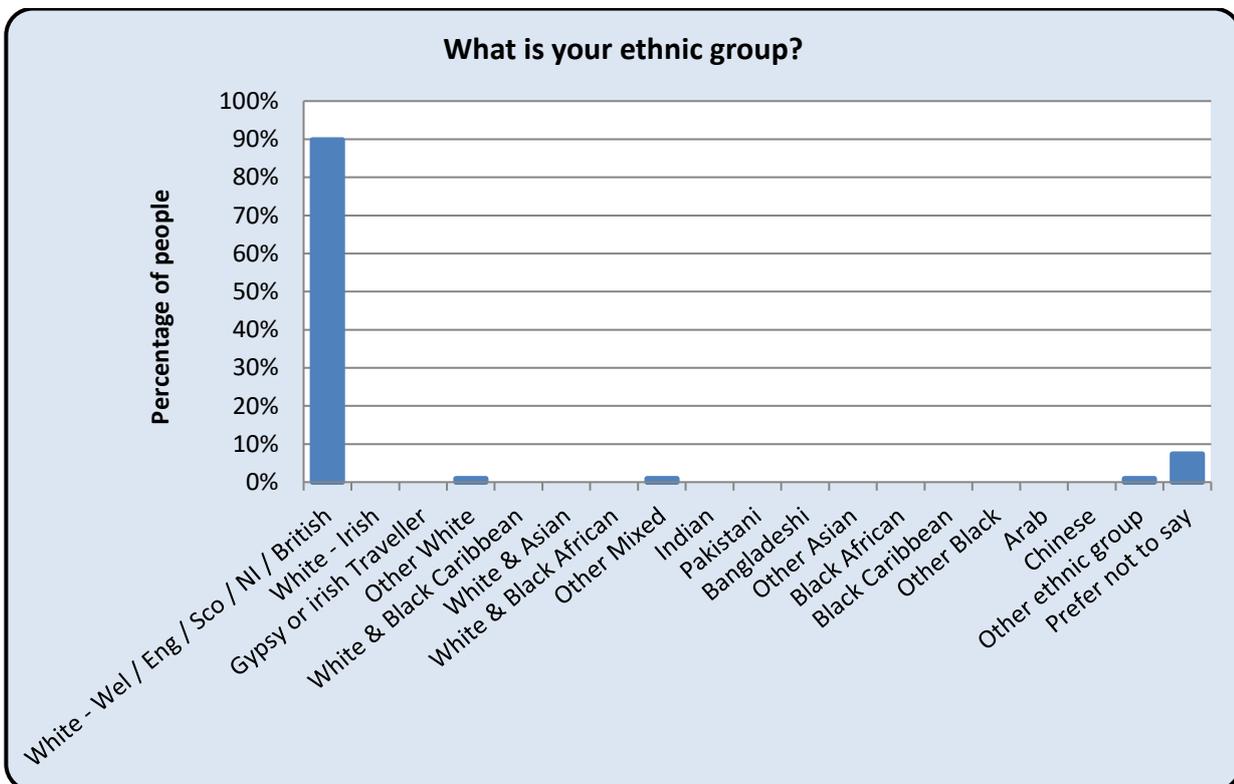
Question 14 (Equalities data) (107 responses)



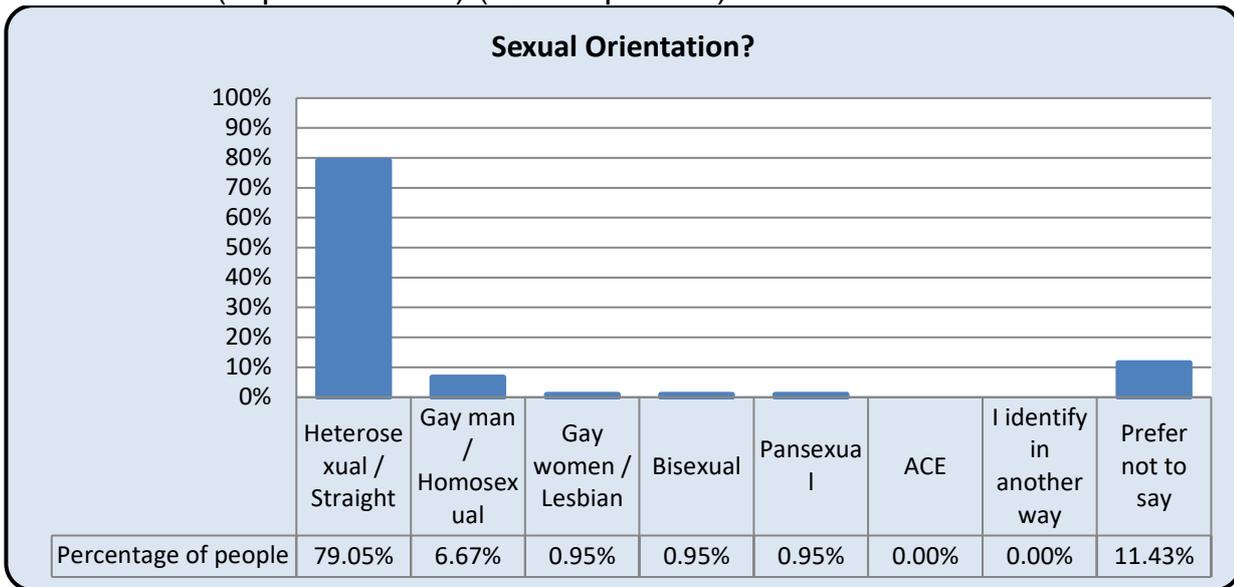
Question 15 (Equalities data) (106 responses)



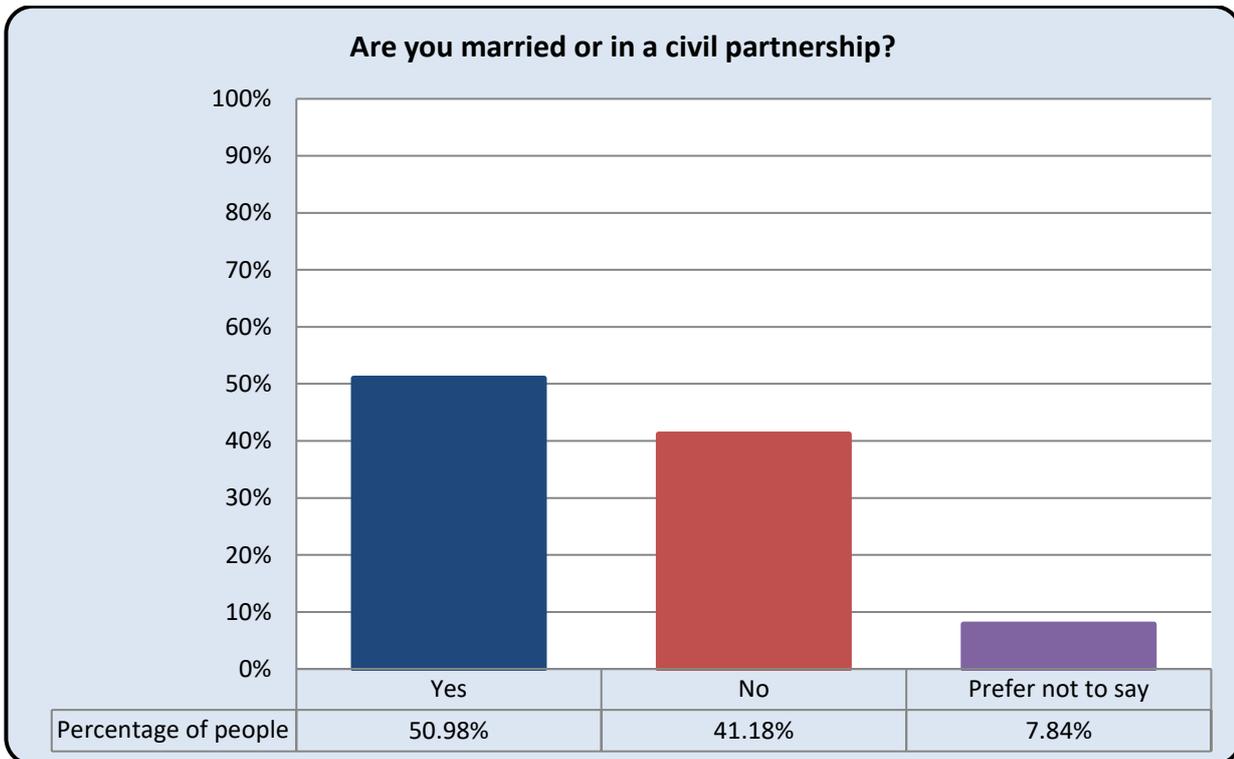
Question 16 (Equalities data) (108 responses)



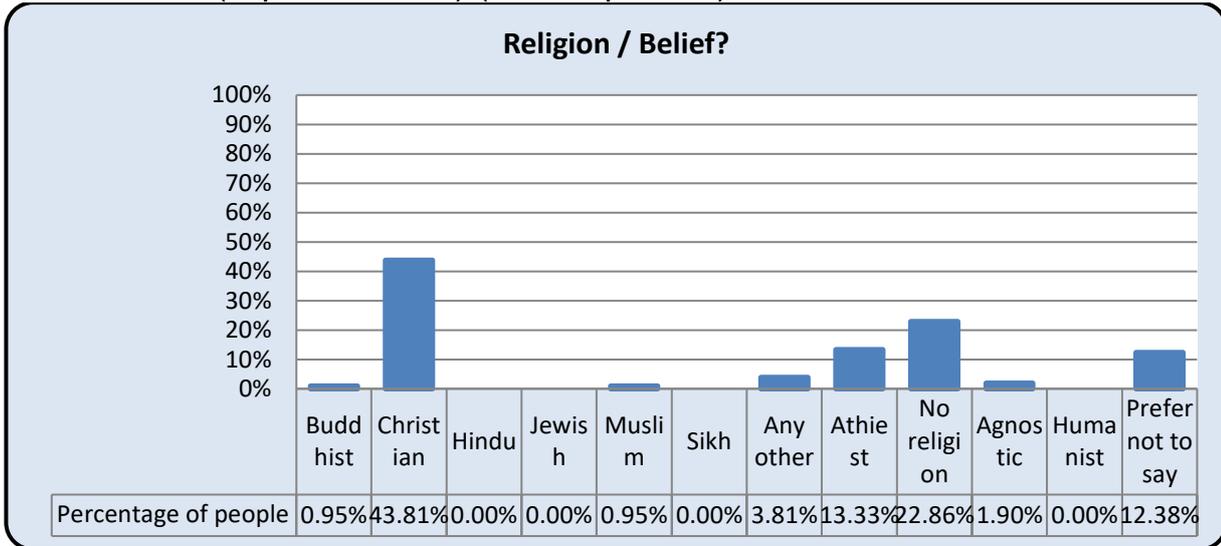
Question 17 (Equalities data) (105 responses)



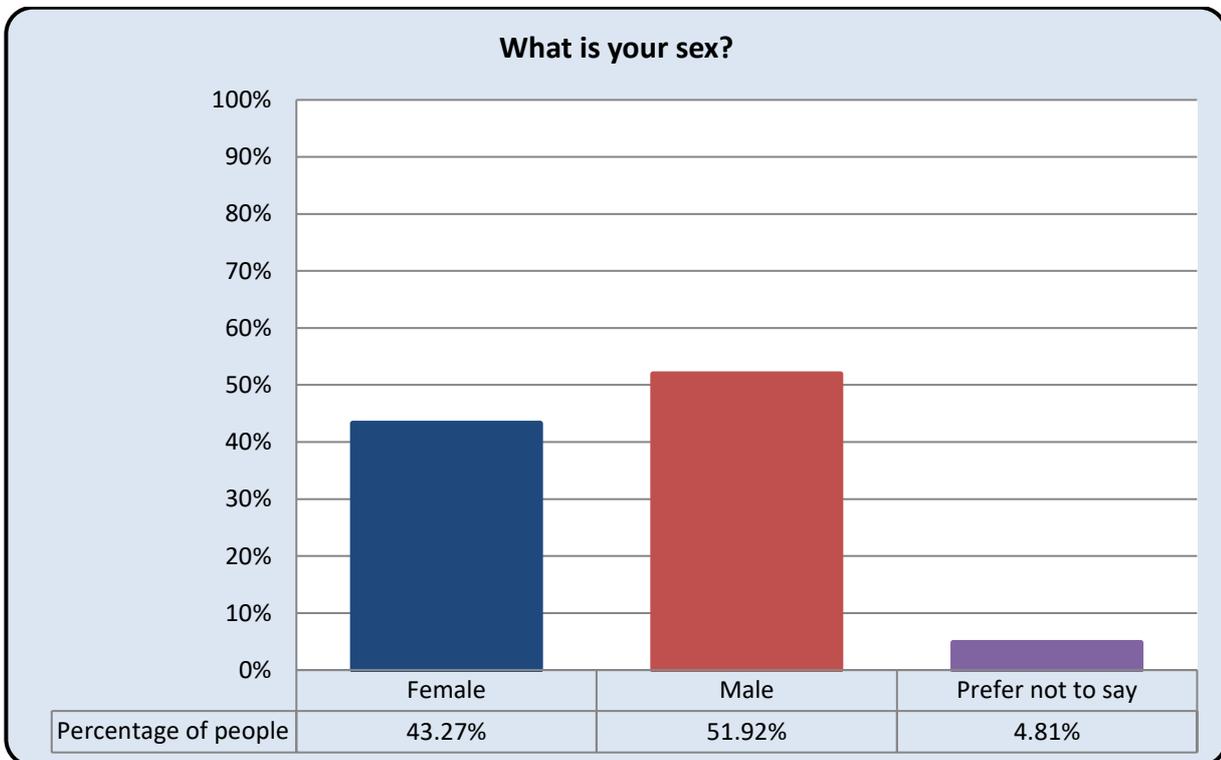
Question 18 (Equalities data) (102 responses)



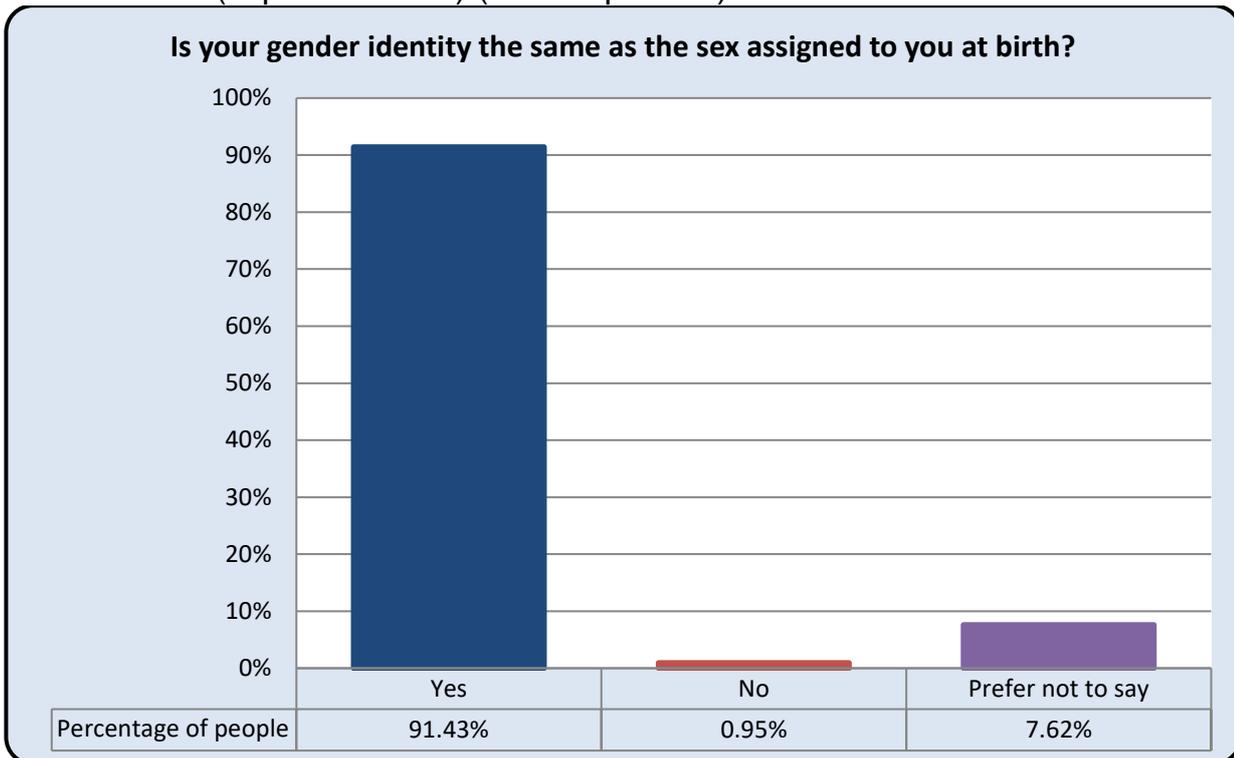
Question 19 (Equalities data) (105 responses)



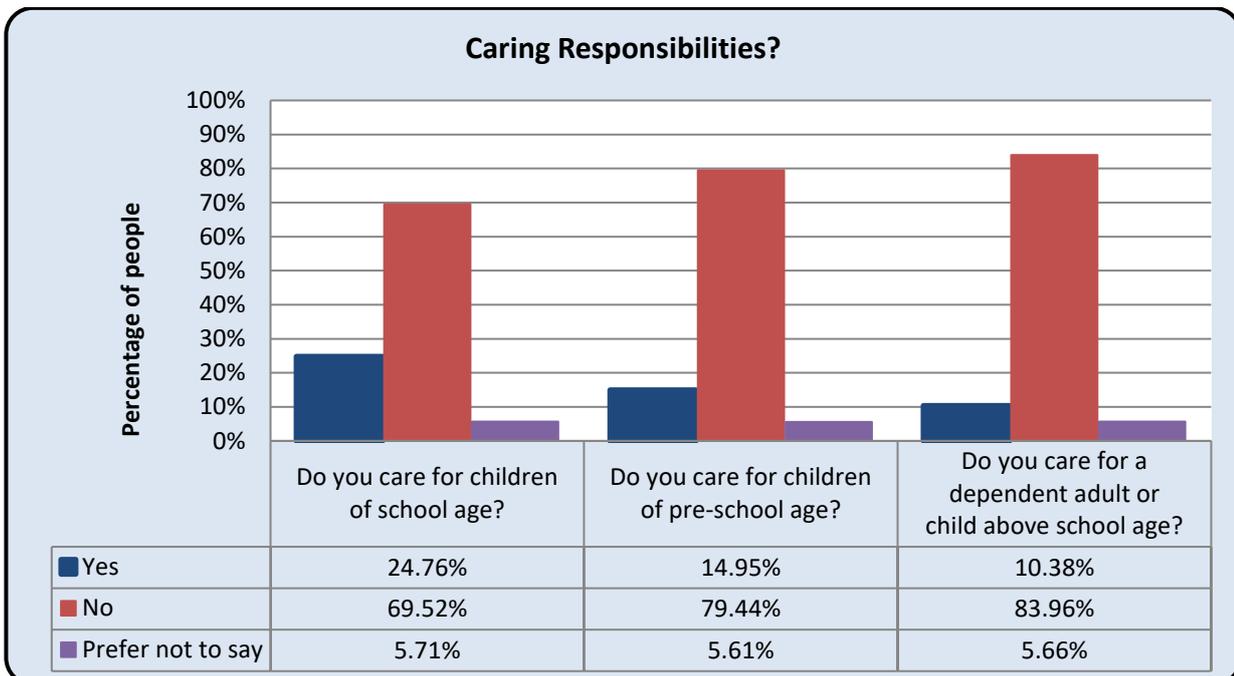
Question 20 (Equalities data) (104 responses)



Question 21 (Equalities data) (105 responses)



Question 22 (Equalities data) (105, 107, 102 responses)



Appendix D

Comment/Text Responses

Restriction no1 Disagree comments:

No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) in their possession, which are believed to contain alcohol, when required to do so by an authorised Officer within the Restricted Area.

This will just push people underground where they can not be helped

We live in a free land, stealing property of citizens is immoral and surely overstepping your boundaries as public servants

It is not possible to determine whether a 'public nuisance or disorder' will actually take place, and therefore this would require the discretion of the official (police officer, etc.) containers of alcohol from pensioner on their way from a supermarket. As such, it would require some targeted action against particular individuals. To treat persons different discriminatory in nature. If an offence is committed, the police should respond. If no offence is committed, leave the private individual to live their life.

The benefits of this are unclear and not supported by evidence

Most people are able to enjoy drinking alcohol without being a nuisance or disorderly?

Disagree with the unsealed part. They should be able to take unsealed home

Restriction no1 Agree/other comments:

No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) in their possession, which are believed to contain alcohol, when required to do so by an authorised Officer within the Restricted Area.

I think stronger Police presence would be better	1
Restricted area needs to be bigger .wharf road has them all day and smash their bottles	2
Need to tackle the issue of street drinkers	3
This power can be abused by power drunk council workers	4
Unsealed containers ought to be treated differently to sealed containers.	5
Individuals should be offered guidance, awareness and support to help them make any alterations in their use of alcohol in this context	6
I would say the PSPO has made a lot of difference in minimising such a behaviour.	7
It's very intimidating when drunk people accost you in the street	8
IF REFUSING TO OBEY AN ENFORCING OFFICER, AUTOMATIC FINE SHOULD BE IMPOSED.	9
However, having worked in a late night venue I can state that Gwent Police make zero attempt to confiscate alcohol from minors who are hanging around the steps by Wetherspoons. It is a joke.	10
There should be clear signage with regards alcohol and ASB.	11
There is no need for anyone to drink in the streets, outside of licenced premises. Newport has plenty of licenced venues for people who want to drink and socialize responsibly. Anyone drinking anywhere else can create a threatening or intimidating environment for other citizens.	12
This gives workers the authority to address this issue	13
If coming from a shop and travelling through a restricted area without the intent of drinking it i.e. travelling from the shop to home address with the alcohol in a carrier bag, then this shouldn't be considered a breach in my opinion. This is because they clearly don't intend to be a public nuisance or cause disorder, but are simply using the restricted area as means to travel home/their destination.	14
Police need to be tougher	15
Intoxication makes behaviour more volatile	16

Restriction no2 Disagree comments:

No person shall within the restricted area undertake “street trading” which includes peddling, charity collecting or touting for services, subscriptions or donations UNLESS authorised to do so by an existing Police or Council issued or Council recognised Street Trading / Charity Collection / Promotions consent, license or written permission or holds a valid Pedlars Certificate.

Public servants, not gestapo	1
It is the basic right of a human to seek to sustain themselves. A person selling goods that are legal should be free to do so, without interference from the state. If the goods being sold are not legal then Trading Standards have powers to tackle the offenders.	2
The benefits of this are unclear and not supported by evidence	3
I'm have no quarrel with legitimate charities collecting anywhere, so I don't completely agree with this.	4

Restriction no2 Agree/other comments:

No person shall within the restricted area undertake “street trading” which includes peddling, charity collecting or touting for services, subscriptions or donations UNLESS authorised to do so by an existing Police or Council issued or Council recognised Street Trading / Charity Collection / Promotions consent, license or written permission or holds a valid Pedlars Certificate.

Please ban all charity collections and energy provider stalls as well.	1
Evidence should be provided showing the negative cost to society in both quantitative and qualitative terms of activities such as charity collecting.	2
The PSPO has been successful in reducing these.	3
I'm fed up of being made to feel bad if I say no or being stopped every few steps when I'm in a hurry.	4
However, no attempt to check licences of street vendors at night time. They have to be moved along by door staff.	5
At times it seems like dodge the pedler, survey taker and charity donation sellers in Newport City Centre.	6
There is no need for anyone to trade on the street, without the appropriate licences. Anyone doing so is either incompetent (to have not sought out the appropriate permission), or is engaging in illegal behaviour.	7
This means that only legitimate can trade	8
Help stop fraud if all registered.	9
Lots of prostitution in town and pill. Wqs offered drugs when in town with my children	10
Uncontrolled harassment is threatening	11

Restriction no3 Disagree comments:

No person shall within the restricted area beg within 10 meters of a cash or payment machine or beg in a manner which is aggressive or intimidating, or which has caused or is likely to cause a member of the public to feel harassed, alarmed, or distressed.

As long as it is legal to sell drugs (alcohol, and nicotine) to addicted persons, how can we criminalise those whom have the misfortune to have no fixed abode? Begging in the open field of the countryside would be a nuisance to virtually nobody, but would also not help the person in need of assistance.	1
The benefits of this are unclear and not supported by evidence	2
NO BEGGING SHOULD BE ALLOWED WITHIN THE CITY BOUNDRY OF NEWPORT. THERE ARE MANY CHARITIES THAT WOULD BENEFIT FROM EXTRA DONATIONS, MORE INFORMATION ON DISPLAY ABOUT DONATING TO HOMELESS CHARITIES, COULD BE DISPLAYED IN THE CITY CENTRE AND SURROUNDING AREAS.	3
Being homeless is not a crime. Pushing homeless out of the city centre does not solve the housing crisis and is morally wrong.	4

Restriction no3 Agree/other comments

No person shall within the restricted area beg within 10 meters of a cash or payment machine or beg in a manner which is aggressive or intimidating, or which has caused or is likely to cause a member of the public to feel harassed, alarmed, or distressed.

Absolutely people should not worry about anyone looking over their shoulders while at the cashpoint, invasion of privacy!	1
Ban begging entirely. No one is destitute. We have charities to help those in need and a benefits system. There is no need for anyone to beg in our city. It is undesirable.	2
People politely sitting and asking for spare change (away from cash points) is in no way intimidating and should not necessarily be "tidied away" to make local conservative councillors happy.	3
Should be banned altogether.	4
Persons who are a danger to the public should be dealt with accordingly. Those with mental health issues should be supported and cared for, those who are intentionally seeking to cause, or actually causing, harm should be imprisoned and rehabilitated. Those who are poor should not be criminalised because of it.	5
Allocated areas for begging could be provided as an alternative, these should be within areas of high footfall which would normally be used by the person begging rather than low traffic areas which would therefore be unlikely to be utilised. Having clearly marked areas would allow for an appropriate use assessment to be carried out beforehand.	6
Ban begging and rough sleeping in the city centre all together. The consequences are serious for overall residents wellbeing, with begging and rough sleeping and associated drug use acting as a major deterrent to using the city centre. This leads to boarded up shops, reduced city centre trade and damaging the local economy. Ultimately this leads to less revenue for the council to deal with the root causes of these issues.	7
this is the daily battle with beggin by cash point. when you get off the bus people as for spare change.	8
Order helped in stopping what could be experienced as intimidating behaviour	9
I'd like to see this extending to the below	10
Why just limited to 10 meters of a cash point. Surely it should apply within the confines of the city centre itself	11
This is a huge problem, day and night with zero enforcement. I choose to not use atms in the city centre because of it	12
Difficult one, but begging in the street is intimidating and as such is a ASB.	13
Begging needs to be tackled. For Newport to prosper, the city needs to feel safe for residents and visitors. Begging near to cash points is again a threatening behaviour which can tarnish the reputation of the city for visitors. However, the root cause needs to be tackled... why are people begging in the first place? Is it their only means of feeding themselves, or is it just an easy way to get some money from kind strangers?	14
This has happened to me and I found it to be distressing and frightening	15
Q	16
Aggressive begging is very close to mugging	17
Need more and frequent high visibility police patrols in these areas	18
Need more and frequent high visibility police patrols in these areas	19

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When asked about removing the link between begging and cash-points or payment machines the following comments were made.

Begging should be completely banned in the whole area
100% yes
I agree with Q5a and Q5c!
People politely sitting and asking for spare change (away from cash points) is in no way intimidating and should not necessarily be "tidied away" to make local conservative councillors happy.

Is the intention to create clean zones, free from poverty, so that those of us with some wealth don't have to see it? If we want a better society it might be worth trying to include people, as opposed to exclude them.
The benefits of this are unclear and not supported by evidence
The Order should include a total ban on begging anywhere in the restricted area.
Yes - for the whole city centre. We urgently need this, for rough sleeping too.
this is the daily battle with beggin by cash point. when you get off the bus people as for spare change.
It should still apply
This is a difficult choice, because it would be good to remove begging in the entire area covered by the order, as is the case with with some other UK cities. However there are strong arguments against removing the caveat based on the need to respect civil liberties. Furthermore such a caveat can result in shifting begging to other areas of the city. So on balance I have chosen to disagree. But, it would be very good if the PSPO can be made to include a ban on the paraphernalia that have been seen to accompany begging, e.g. tents, rugs and makeshift covers, sleeping bags, used food containers and other litter. All these represent public health hazards. Such has attracted a lot of complaints from visitors to the city centre as well as businesses in the vicinity of where begging takes place
It's very initimidating to be approached by beggars and it creates a negative impression of the city
STOP ALL BEGGING WITHIN NEWPORT CITY LIMITS.
Absolutely I have been asked for money away from cash points, there is no need to beg, it puts people off visiting the city centre. Give them help and support instead.
I avoid most of the centre as I don't enjoy being swore at if I don't engage with a beggar or give them money
Whilst some begging is polite, there is also 'demanding' and recrimination if refused. The scale of begging is out out hand with multiple requests on a single journey up Commercial Street / Bridge Street / High Street. The aggression increases as the day goes on.
I feel there should be greater emphasis on work to support those who find themselves in the position where begging is their means of support . Fining those who are already in financial difficulty, homeless, or struggling with mental health , addiction etc doesn't address the root cause or solve the situation.
Restricted area is vague, plus by doing this it's only shifting the problem to other urban areas which cannot be policed as well as inner city areas.
Being homeless is not a crime. Pushing homeless out of the city centre does not solve the housing crisis and is morally wrong.
Intimidating Begging is a problem in the city centre. Real action needs to be taken for rehabilitation of the offenders who are mainly drug users
I am not against begging as some don't have access to money otherwise and trying to ban it completely would take resources away from other priorities.
Begging shouldn't be allowed anywhere in the city center. Again, it's a behaviour that will tarnish the reputation of the city for visitors. However, as with Q5b, the reason for begging should be investigated. Otherwise, it's just moving the problem to other parts of the city. Or, it could force those who are genuinely in need to turn to other forms of crime to replace the income begging provided.

This has happened to me and I found it to be distressing and frightening
Persons begging in Newport city centre cause alarm for many visitors and customers and gives an impression that the city, its residents and public agencies do not provide support for persons in need. The city centre should be an attraction to local people, visitors and new businesses , begging detracts from the many advantages that Newport offers and adds to a downward spiral of retail and economic investment that leads to further incidents of drunkenness and drug use. Preventing begging in the city centre further reduces incidents of antisocial behaviour and crime. Objections to it should be met by clear information and signs advertising the services made to all persons in need and signposting to appropriate services.
Begging near a cash point can be very dangerous. Keep this restriction.
Homeless people need help. I agree they should beg near cashpoints, but to ban them from the city centre will not help them
If the rationale is to try and prevent public nuisance then yes. However, I would like to think that the begging/homeless issues could be addressed reasonably and compassionately. Just giving a fine or moving homeless along isn't dealing with the route cause. If people have to beg for money to survive, the council need to do more, or at least take reasonable steps to help homeless people get on their feet and supporting themselves through work.
If it's dangerous it should be banned in the entire area
All areas
As long as there's no aggressive behaviour used, I don't blame people generally in need asking for money. However, I do understand why begging near an ATM would be inappropriate.

Restriction no4: Disagree comments

No person shall behave (either individually or in a group) in a manner that causes or is likely to cause harassment, alarm or distress to a member of the public; persons who breach this prohibition shall, when ordered to do so by an authorised person, disperse immediately or by such a time as may be specific and, in a manner, as may be specified by the said authorised person and failure to do so is a further breach of this Order.

This is a matter for police only, not dutiful public servants who work for the council	1
There was a time, in recent memory, where a person's sexuality was deemed to cause 'alarm and/or distress' to others. The same can be said of one's ethnicity, etc. Is this where we are today? I believe not. A person has the right to feel offended, or distressed. That is not necessarily a bad thing. This is the purpose of peaceful protest. It may cause alarm, and distress, but that does not mean it should not take place.	2
The benefits of this are unclear and not supported by evidence. Phrases such as alarm and or distress are open to wild interpretation by individual members of the public and officers. The route cause of the actions should be explored and mitigated to reduce any negative impacts.	3
I think that may prevent peaceful protest	4

Restriction no4: Agree/other comments

Improve cctv in the area	1
A member of a fascist group may be offended by the presence of an ethnic minority. Should the person of ethnic minority be removed?	2
Measures and schemes to improve social cohesion will reduce antisocial behaviour. Particularly those which have a broad range of demographics.	3
fully supportive	4
IF REFUSING AN ORDER AN ON THE SPOT FINE AND REMOVAL FROM THE AREA.	5
I am a strong advocate of civil liberties but I will also defend my right to walk in a public place without fear or hesitation.	6
Again not enforced	7
There is no need for groups/gangs to gather in any part of the city. Newport has plenty of locations where people can gather in groups for legitimate socialising purposes. Large gatherings of people, engaging in antisocial behaviour needs to be challenged to ensure the city has a prosperous future. Individuals who are engaged in antisocial behaviour are more of a challenge, the reason behind the behaviour should be dealt with rather than moving them on to somewhere else. Do community mental health teams need extra resources to assist with individuals...is the antisocial behaviour a result of poor mental health which needs to be addressed rather than shifted to another area.	8
Harassment can be very frightening especially for the old and the vulnerable	9
Providing it is reasonable to consider the behaviour as alarming, harassing or distressing. Any one individual could be alarmed by something widely considered reasonable i.e. a mobile phone alarm or other abrupt noise.	10
It won't be policed	11

Restriction no5: Disagree comments

No person shall within the Restricted Area:

- Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances*.
- Sell or supply intoxicating substances*.

Persons who breach this restriction shall surrender any such intoxicating substance in his/her possession when asked to do so by a Police Constable.**

<u>If you disagree, why?</u>	
Can the same order apply to middle class people having a joint after dinner in Beechwood ? Or their children dropping a E, or customers of Le Pub having a line of coke? Hypocritical.	1
I am sick of smelling it when people go past me.	2
Those kids need safe.	3
Again this does not treat the issue at source. Substance abuse is already an issue in Pill that has failed to be treated and no amount of rezoning or acronyms will change that.	4

Restriction no5: Agree/other comments

No person shall within the Restricted Area:

- Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances*.
- Sell or supply intoxicating substances*.

Persons who breach this restriction shall surrender any such intoxicating substance in his/her possession when asked to do so by a Police Constable.**

You can't lump all of these into one question. A blanket covering	1
Why would tobacco be excluded? Tobacco kills directly (through smoking) and indirectly (through passive smoking) a large number of people in the UK, and worldwide every year. This would be far greater than the number of persons killed by 'legal highs'. Tackling legal highs is a challenge, and one that must be addressed as soon as possible, but we must not be hypocritical in the process. Tax revenues from tobacco should not be any cause for its exemption. If that toxic (nicotine), which has no positive effects, is legal, on what basis is another outlawed? Ergo, alcohol.	2
It is unclear how, given the number of exemptions, this would be enforced in practice.	3
The prohibition on cannabis whilst alcohol is accepted is nonsensical. The consumption of cannabis should be ignored. Other drugs however should still be subject to prohibition.	4
Difference between selling/dealing illegal substances is different to consuming for self. These should be different restrictions.	5
I don't agree with the exemptions listed here. More specifically, I think smoking tobacco is just as anti-social as using illegal substances. Second hand cigarette smoke is harmful to everyone. This is a fact. Also, the smell can be sickening. I live in Newport town, and I find avoiding second-hand smoke is almost impossible most of the time. Especially because I'm pregnant currently, I'm very reluctant to walk through the city centre, which is rather inconvenient considering I live here.	6

Restriction no6: Disagree comments

Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she fails to keep the dog on a lead (of no more than 1.5meters in length).

It is unclear what evidence there is to support the restriction to 1.5m in length of a dog lead. This should be provided to support the restriction. Also explained how in practice lead lengths are going to be measured.	1
Depends if the dog is under control or not..	2

Restriction no6: Agree/other comments

Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she fails to keep the dog on a lead (of no more than 1.5meters in length).

Dogs should be kept on leads at all times, this, hopefully will reduce dog theft!	1
dogs should be under control where there are likely to be large numbers of people - however there is no signage up regarding this anywhere that I have seen	2
ALSO IF THE OWNERS HAVE NOT GOT ANY POO BAGS TO REMOVE DOGS MESS,ON THE SPOT FINE.	3
This would make my life much easier as I have a child PETRIFIED of dogs. Unfortunately I can't see it being enforced.	4
I believe dogs need to be kept on a lead and this will not affect responsible dog owners whose dog will already be on leads.	5
Agree with the principle of having a dog on a lead, although I'm not sure why the maximum length is determined at 1.5 meters. If there is research to back up the 1.5 meters limit then that's reasonable, otherwise it's difficult to justify such a limit as a breach. I would suggest having this rule, but ensuring public notices are in place to educate public on this rule. Had I not read this statement, I wouldn't of known a limit of 1.5 meters applied.	6
Dangerous dogs can be used like weapons	7
As a responsible dog owner I would like the Council to ensure that there is sufficient signage, both in numbers of signs and location. (as indeed warnings regarding all restrictions that apply in that particular area.	8
Is this an issue	9

Any additional controls needed?

More active litter picking and graffiti removal in the city centre.	1
Control of ebikes/scooter use on pavements	2
Ban rough sleeping in tents doorways or anywhere else.	3
An actual presence of authority figures, it's all well and good making laws, useless if not enforced	4
Smashing their bottles	5
All this should be all over Newport also. Fed up of drug dealing/use in area I live in which is Shaftesbury	6
Investment in the community. Youth clubs were significant in giving young people something to do, teaching basic life skills, and engaging them in society. Young people are the solution, our intention to criminalise them (and therefore segregate them from society) is part of the problem. A better society can be created by engaging with people, not excluding them. PSPO's disproportionately affect young people that make small mistakes. The hardened criminals do not care for the PSPO's. A person dealing Class A drugs, carrying a knife, is risking a lengthy prison term - they are not deterred by a PSPO. A new approach is required - inspire the young to prevent them slipping into petty crimes, and tackle the hardened criminals head on.	7
Active and visible enforcement of the Order during and beyond traditional 'office hours'.	8
Ban rough sleeping in the city centre. Tougher measures on littering.	9
Please see my comments under begging relating to the removal of paraphernalia that has been seen to accompany begging and as such have given rise to complaints. Such complaints included concerns about the shabby appearance of the city centre and the health risks caused by the paraphernalia and litter.	10
MORE POLICE OFFICERS ON ROVING PATROLS OR COUNCIL ENFORCEMENT OFFICERS TO PATROL THE AREA WITH MORE BACK UP FROM THE COURTS.	11
The order is only part of the solution. Enforcement is key to success and currently I don't see that happening	12
Much more regulation of e scooters- they are so dangerous particularly on the riverfront paths and footbridge. Bikes and other vehicles should not be allowed on the footbridge - they are such a danger to pedestrians as they fly over the bridge which is often very busy.	13

More active patrols by Gwent Police and the Council to prevent the anti social behaviour rather than being reactive to it.	14
Use of ebikes and escooters banned and riding of bicycles controlled	15
A speed limit on mobility scooters, some are driven reckless and some people using them appear to think that they have right of way on pavements and shopping areas. safer driving should be encouraged.	16
The possession of nitrous oxide canisters to be challenged more firmly. For there to be a legal duty/responsibility for property owners to maintain the security of vacant property to remove the possibility for antisocial behaviour to take place in vacant property. For there to be a legal duty/responsibility for property owners to maintain and repair damage caused by antisocial behaviour as soon as possible after the event. Ensuring that property is maintained and to a high standard (in the city center especially) reduces the chances of a place being repeatedly targeted, with more and more damage being caused each time. Maintaining property to a high standard, and removing other causes of antisocial behaviour combined may help reduce it long term as people will take pride in there being a clean and well maintained area.	17
The wardens should be more proactive, as they seem to do very little to stop anti social behaviour.	18
Removal of push bikes riding in pedestrian zones.Remove E-Bikes	19
I live at the lower end of Caerleon Road near Tesco Express. I would like this area included please. I had an aggressive beggar threaten to trash my house because I wouldn't give him 60p!	20
I appreciate the Council may not determine the fine/outcome of the breach, but some type of community service/pay back sounds like a reasonable as a way of making up for the breach. Plus this would give back to the community.	21
Should be sent for drug counselling and there should be a needle exchange where they have a safe place to go to do their business. These places provide nurses and drug and alcohol professionals who are there. These places are proven to work. There has been a trial up in Scotland somewhere and it has helped the drug problem which then helps the community.	22
No homeless tents	23
Pill. Area by the passport office and pill is not safe. Fill.of drugs and see workers. Beggars also moved towards tesco caerleon road. Massive increase in shoplifting in the area	24
Riding of bikes/scooters and their electric versions dangerously.	25
get our city clean and decent again	26
A ban on smoking in public spaces.	27



Report

Council

Part 1

Date: 23 November 2021

Subject Strategic Equality Plan Annual Report 2020/21

Purpose This report reflects Newport City Council's progress on delivering its 2020-24 Strategic Equality Plan whilst also reporting on the essential equalities employment information that the Authority is required to publish under the Equality Act 2010.

The Annual Report is required to be published on the Council's website in accordance with statutory deadlines.

Author Connected Communities Manager

Ward All

Summary Under the Equality Act (2010) the Council is required to report annually on the progress it has made against the 6 Strategic Equality Objectives contained within its Strategic Equality Plan. The Equality Act also requires Local Authorities to publish staff equalities data, which this report also contains.

This report, previously received by Cabinet, is the first final Annual Report on progress towards meeting Equality Objectives set out in the Authority's third four year Strategic Equality Plan (SEP), as approved by Council in July 2020.

Proposal To approve the attached final monitoring report for publication on the Council's in accordance with statutory deadlines.

Action by Head of People and Business Change

Timetable Immediate

This report was prepared after consultation with:

- Cabinet Member for Community and Resources
- The Council's Strategic Equalities Group
- Overview and Scrutiny Management Committee
- Cabinet

Signed Head of People and Business Change

Background

Under the Equality Act 2010, public authorities are required to set a number of Equality Objectives every 4 years which assist them in their duty to pay due regard to the need to promote equality of opportunity, foster positive relationships between people that share protected characteristics and people who do not, and eliminate discrimination. The council's current Equality Objectives are set out in our Strategic Equality Plan 2020-24 (SEP).

Local authorities are also required as part of the Welsh specific duties of the Equality Act 2010 to produce and publish an Annual Report, within 12 months of the end of each financial year. The report highlights the challenges, changes and progress made throughout the year and measures these against Equality Objectives set out in the Strategic Equality Plan. The Annual Report also includes workforce data which is a publishing requirement under the Welsh specific duties.

The 2020-24 SEP was approved by Cabinet in July 2020 and sets out six equality objectives, each with a number of related outcomes and key actions that will contribute to those outcomes. The objectives relate to Leadership and Governance, Access and Engagement, Representative Workforce, Community Cohesion, Learning Well and Independent Living, and were set as a result of comprehensive community engagement, and review of local and national data.

This Annual Report demonstrates the progress made during the first year of delivery against the council's new SEP.

Legal context

The Equality Act 2010 (Wales) states that a listed body in Wales, including Local Authorities, must produce an Annual Report by 31st March each year.

The Act requires that the report must specifically outline progress towards fulfilling each of the Authority's Equality Objectives, provide a statement on the effectiveness of the steps that the Authority has taken to fulfil each of these, and include specified employment information, including information on training and pay (unless it has already published this information elsewhere).

The report should also set out the steps the Authority has taken to identify and collect relevant information and how we have used this information in meeting the three aims of the Public Sector General Equality Duty, which are to:

1. Foster positive relationships between those who share Protected Characteristics and those who don't
2. Eliminate unlawful discrimination
3. Advance equality of opportunity between those who share a Protected Characteristic and those who don't

If relevant information has not been collected a statement on the effectiveness of the Authority's arrangements for identifying and collecting relevant information must also be included.

During this reporting period, Welsh Government also enacted Section 1 of the Equality Act, the Socio-economic Duty (SED), introduced in Wales on the 31st March 2021. The SED requires specified public bodies, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome resulting from socio-economic disadvantage. Although the SED does not include a reporting duty, this Annual Report sets out the steps that have been taken this year to ensure that the council meets its statutory responsibilities under this new legislation.

Governance and management

The Strategic Equalities Group (SEG) considers progress made against the Strategic Equality Objectives throughout the year and is chaired by the Cabinet Member for Community and Resources who also has responsibility for Equalities.

Respective Equality Objective leads provide a quarterly highlight report for consideration and support from SEG members. A number of delivery groups have also been established during this period to ensure operational delivery of each Equality Objective.

The annual report has also been considered at Scrutiny Committee, and Cabinet. The version attached to this report includes a sample of the graphics that will be used in the final published report.

Financial Summary

The cost of implementing the Strategic Equality Plan and the Equality Objectives is met out of existing budgets by each relevant service area. The majority of the actions relate to work already identified in Service Plans, for example workforce monitoring, or which occurs in projects that have already been approved and prioritised, such as educational and housing priorities.

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)					Not applicable
Net Costs (Savings)					
Net Impact on Budget					

Risks

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?
That the Annual Report is not published	M	L	A draft report has been compiled and taken through relevant governance processes for approval	Heads of Service
That equality commitments are not understood by employees and members	M	M	Equality training for staff and members continues to be rolled out across the organisation, and development of our Fairness and Equality Impact Assessment process has further embedded equalities considerations as part of the Authority's decision making process.	Head of People and Business Change and Elected Members
That Equality Objectives are not implemented and reviewed	M	M	Progress against equalities objectives are reported on regularly to the Strategic Equality Group	Connected Communities Manager

Links to Council Policies and Priorities

The Strategic Equality Plan and its Equality Objectives are deliberately aligned with:

The Corporate Plan – our Cohesion and Representative Workforce Objectives

Wellbeing Objectives – our Cohesion, Learn Well and Independent Living Objectives
Modernised Council – our Representative Workforce Objective

The Plan also takes account of priorities for addressing inequalities set out in the Equality and Human Rights Commission's 'Is Wales Fairer?' 2018 review, and Welsh Government's ongoing Cohesion, Equality and Inclusion, and Nation of Sanctuary work programmes.

Options Available

- a) To approve the attached report and publish on the council's website
- b) To not approve the attached report and redraft.

Preferred Option and Why

Option a) is the preferred option, in order to ensure that the Council remains compliant with its statutory obligations.

Comments of Chief Financial Officer

There are no financial implications associated with the proposal to approve and then publish the Strategic Equality Plan Annual Report on the Council's website. The cost of implementing the SEP is met from existing budgets in service areas. Fairness & Equality Impact Assessments are included in business cases during the Medium Term Financial Plan process when applicable.

Comments of Monitoring Officer

There are no specific legal issues arising from the Report. In accordance with the Equality Act 2010 the Council is required to publish an annual report setting out progress made and the effectiveness of the actions taken to meet its public sector equality duty and specific objectives. The annual report is also required to set out equalities data in relation to staffing information. The general public sector equality duty requires the Council to have due regard in the exercise of its functions, to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct and to advance equality of opportunity and to foster good relations. As from April 2021, the Council has a further duty under the Equality Act to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage. The Regulations made by the Welsh Ministers impose specific duties on local authorities in Wales for the purpose of enabling better performance of these general duties. These include the duty to publish objectives designed to enable the authority to perform the statutory duty, to publish a statement setting out steps taken or intended steps in order to fulfil each objective and how long the authority will take in order to fulfil each objective.

This report provides an update on the first year of delivery against the new four-year Strategic Equalities Plan 2020-2024 and confirms that good progress has been made in meeting the 6 equalities objectives set out in the Plan, but also identifying those areas where further work is required. Although there is no requirement to report on performance in relation to the new socio-economic duty, the report also sets out the steps taken to meet the requirements of this new duty.

Comments of Head of People and Business Change

There are no direct staffing implications arising from this report.

This Annual Report reflects the positive progress made towards implementing our Strategic Equality Plan in its first year. The pandemic has presented significant challenges in delivering against some areas of work, however a range of activity has progressed as outlined in the report.

The publication of the report also meets the requirements to annually publish staff equalities data for the Local Authority. The work delivered over the last 12 months contributes to the delivery of the Council's well-being objectives and the national well-being goals, particularly a more equal Wales.

Scrutiny Committees

The report was received by the Overview and Management Committee at its meeting on the 10th September 2021. The full details will be published in the minutes of the Committee meeting on the Council's democracy pages. The following issues were discussed:

- The Committee would like further information on the terms of invitation to the roundtable discussions for members of marginalised community members, and would like to know further whether we should be formalising these community groups.

The discussions, which arose following the Black Lives Matter movement, are to support engagement between the Council's leadership and a range of communities in order to develop an understanding of relevant issues. This has been informal to date but will continue to be reviewed as discussions develop.

- Further, the Committee would like to know if the groups are associated with the One Newport PSB, and whether they interact at all.

One Newport PSB delivers the Well-Being Plan for the city and consists of a range of partners, whereas the leadership discussions are NCC discussions. However the work of the PSB does include a range of engagement with a wide range of communities and the participatory budgeting programme which formed part of the council's COVID recovery work is an example of this (also covered in the annual report).

- Committee agreed that they would like to extend a community cohesion group or roundtable to all communities within Newport and not just marginalised communities.

Detail was given to the Scrutiny Committee about the fortnightly community dial in with police and partners focussing on community cohesion issues which is open to any community member to join. From an engagement point of view, all communities are covered by the participatory budgeting work above.

- One Member noted the similarities between 'roundtable discussions' and an organisation in Newport by the name of Round Table, and asked that the Council be wary of this.

We have reviewed the clarity of this in the report.

- Committee asked that further information on the demographics of Newport be included in the report in order to further contextualise employment figures of protected classes and characteristics, and to show that our workforce is representative of Newport as a whole.

We have reviewed and updated the report.

- The Chair of the Committee noted the progress made, and the positive work of the Strategic Equalities Group.

Fairness and Equality Impact Assessment:

A full Fairness and Equality Impact Assessment (FEIA) has been undertaken on the Strategic Equality Plan 2020-24 to which this Annual Report relates.

Summary of impact – Wellbeing of Future Generation (Wales) Act

The Plan's Equality Objectives and the actions that underpin them balance short term needs with the delivery of medium to long-term solutions over the course of the 4 year Plan, and were developed in consultation with internal and external stakeholders, including grassroots community groups. This Annual Report sets out a number of ways in which involvement and engagement has continued during this reporting period, including the establishment of a number of staff networks, and external reference groups.

The Plan and its Objectives identify existing issues (such as workforce under-representation) and seek to invest resource into preventing these problems from getting worse, and improving overall outcomes for groups that experience disadvantage. All of the council's Equality Objectives contribute to creating a more equal Wales, improving community cohesion and developing strong, resilient communities.

Summary of impact – Equality Act 2010

The FEIA undertaken on the Strategic Equality Plan 2020-24 identifies positive impacts for people that share Protected Characteristics of race, age, disability, pregnancy and maternity, marriage and civil partnership, gender reassignment, sexual orientation and sex. The Plan includes explicit reference to those characteristics which each Equality Objective directly benefits. There were no negative impacts identified.

Summary of impact – Socio-economic Duty

The Strategic Equality Plan's FEIA was carried out prior to the introduction of the Socio-economic Duty, however, specific actions were identified within the Plan to ensure the Duty is embedded across council processes during this period. The Annual Report updates on these. The FEIA also identified the likely positive impact that those areas of Newport with higher minority ethnic populations would experience as a result of the Plan – these areas are also some of the most socio-economically deprived. The Plan's focus on educational and involvement/engagement outcomes is also likely to benefit those experiencing inequalities as a result of socio-economic disadvantage.

Summary of impact – Welsh language

There were no significant impacts identified for the Welsh language within the Plan's FEIA.

Consultation

The Council's Equality Objectives were developed in partnership with key internal and external stakeholders and were subject to extensive community engagement. The involvement of grassroots communities ensures that whilst our Plan delivers a strategic vision for equality in Newport, it also ensures tangible outcomes for communities on the ground. The SEP includes further details of our consultation, comments received, and how this has shaped our priorities.

Background Papers

[The Essentials - Wellbeing of Future Generation Act \(Wales\)](#)

[Corporate Plan](#)

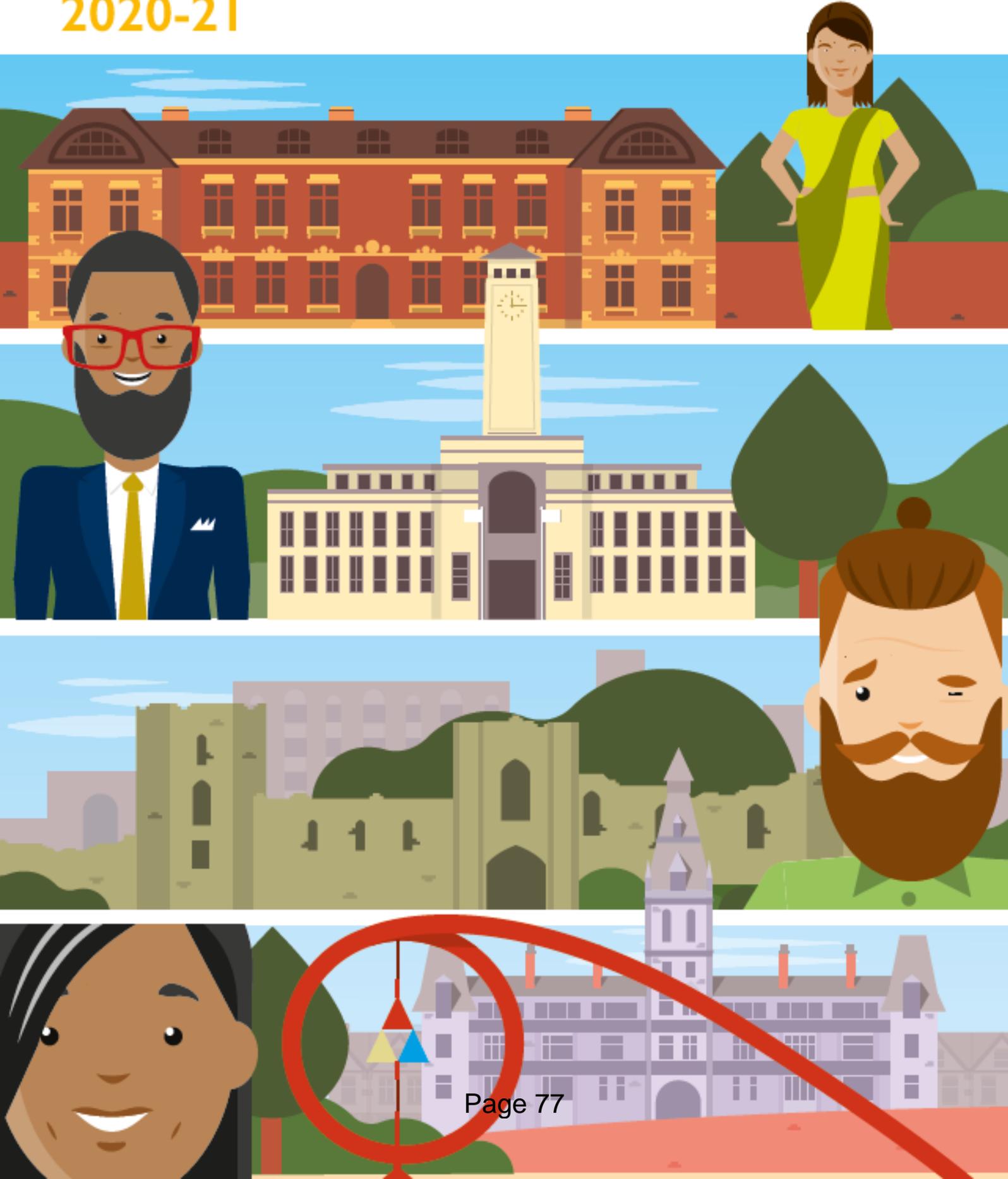
[Socio-economic Duty Guidance](#)

[Public Sector Equality Duty](#)

[NCC Strategic Equality Plan 2020-24](#)

Dated: 16 November 2021

ANNUAL REPORT 2020-21



As part of our duties under the Equality Act (2010), Newport City Council is required to produce and publish an Annual Report, outlining the progress that we have made against our Strategic Equality Objectives which are set out in our Strategic Equality Plan (SEP) 2020-24. This Annual Report sets out a summary of key achievements against our identified Objectives and outcomes, a detailed update on work to meet each Objective and finally, our workforce equality data which is also a publishing requirement under the Equality Act (2010).

This Report relates to the first year of delivery of our 2020-2024 SEP. During the year, progress against our Strategic Equality Objectives is monitored and supported by the council's Strategic Equalities Group (SEG). This group is chaired by our Cabinet Member for Equalities, and membership includes representation from Newport's Fairness Commission, Trade Unions, Elected Member Equality Champions and service area lead officers. This year the SEG has also welcomed Chairs of our Staff Support Networks.

FOREWORD

Tackling inequality and promoting fairness and inclusion has always been at the heart of our administration. This year the Covid-19 pandemic exposed the stark inequalities that persist for our communities. We are proud of the way that the council responded to the crisis. We ensured that the people of Newport were kept safe and kept equality at the forefront of our decision-making and recovery work.

When we consulted on our strategic equality plan objectives in 2019, we wanted a plan that had a strong outcome focus and delivered tangible changes that made a difference to people's lives. We also wanted a plan that the people of Newport could contribute to and be proud of.

This annual report reflects the progress we have made within our first year of delivery, and we believe that we have made an excellent start.

We have already implemented several changes as a result of our new strategic equality objectives. Progress has been made on both our internal corporate culture and in the way that we deliver services to our communities.

This year has also seen the introduction of the socio-economic duty in Wales. We have taken some important steps to embed its principles which seek to reduce inequalities of outcome across key areas

including health, education and participation, for some of our most disadvantaged communities.

This work has not only improved our own decision-making processes but has put us in a good position to rise to the challenge of 'sector-led' improvement introduced in the Local Government and Elections Act.

Building a more inclusive and equal Wales requires constant self-reflection and honest and open dialogue with the communities that we serve. As we look to bounce back from the challenges of the pandemic, we are hopeful that the foundations we have laid through delivery of the first year of this plan will help us work towards that vision.



Jane Mudd

COUNCILLOR JANE MUDD
Leader of
Newport City Council



David Mayer

COUNCILLOR DAVID MAYER,
Cabinet Member lead
for Equalities



Summary of Achievements

The table below sets out a summary of key achievements during this reporting period against each of our Equality Objectives and outcomes. Further details on activities can be found in the relevant sections of the report.

Strategic Equality Objective	Outcome	Achievements
Leadership, Governance and Involvement	Newport City Council shows clear and consistent leadership in promoting equality and diversity across the city	<ul style="list-style-type: none"> The council has signed up to Race Council Cymru's Zero Tolerance to Racism Policy for Wales The council has committed to deliver against promises in the Victim Support's Hate Crime Charter The council Leader has established a Black, Asian and Ethnic Minority community forum which meets on a quarterly basis Significant dates, including Pride Month, Black History 365, Refugee Week, Holocaust Memorial Day and Hate Crime Awareness Week have been recognised and promoted across the city
	Newport City Council has a clear governance structure in place to monitor equality performance across the organisation	<ul style="list-style-type: none"> Themed delivery groups have been established to deliver against each Equality Objective The Terms of Reference of the council's Strategic Equalities Group (SEG) has been reviewed and updated and the Group now receive quarterly progress reports SEG is now attended by Staff Network Chairs and Elected Member equality Champions
	Newport City Council will improve how it understands the impact of changing services by engaging residents and relevant groups in the decision making process	<ul style="list-style-type: none"> Responsibilities under the Socio-economic Duty have been embedded in council processes, including strategic decision-making £100,000 of funding has been distributed to grassroots community projects, overseen by Newport's Fairness Commission and a representative community steering group
Customer Service and Access	We have a better understanding of the demographics of our service users, and reflect these in service design, removing barriers to access	<ul style="list-style-type: none"> Accessibility Stakeholder Group is established and advising on council projects

		<ul style="list-style-type: none"> Equality support has been provided to all Test, Trace, Protect staff to ensure COVID-19 response is culturally and linguistically sensitive
	Complaints relating to discrimination are managed in a way that ensures organisational learning	<ul style="list-style-type: none"> Review of the council's complaints policy is complete, providing clearer guidance on how the council will respond to complaints relating to discrimination
	Through close partnership working with Newport Live barriers to accessing sports and leisure provision in the city will be reduced	<ul style="list-style-type: none"> Inclusive cycle programme launched by Newport Live to encourage participation of disabled people Partnership programme delivered with Ffilm Cymru to encourage under-represented groups to learn more about careers in the film sector
Representative Workforce	Staff with protected characteristics are better represented at all levels throughout the organisation	<ul style="list-style-type: none"> The council's Exit Interview form now specifically considers experiences of discrimination Workforce Planning tool launched to allow service areas to assess and understand areas of under-representation Recruitment Working Group established to consider inclusive recruitment strategies
	Diverse staff have a voice within the organisation, and are listened to	<ul style="list-style-type: none"> Staff networks for disabled, LGBTQ+ and ethnic minority staff have been established
	The potential for unconscious bias in recruitment processes is recognised, and minimised	<ul style="list-style-type: none"> All personal details have been removed from the council's application forms
Community Cohesion	Everyone living in Newport feels welcomed, and integration is supported by local communities	<ul style="list-style-type: none"> Significant support provided to EU citizens ensured high levels of EUSS applications received from Newport residents COVID-19 response has been focussed on ensuring minority and marginalised communities are informed, supported and listened to
	Community tensions are monitored and mitigated effectively	<ul style="list-style-type: none"> Fortnightly community tensions meeting and weekly community dial in established in partnership with Gwent Police
Learn Well	There is greater parity in attendance and exclusion rates for all pupils in Newport	<ul style="list-style-type: none"> Named Education Welfare Officer allocated to each school Attendance and exclusion data monitored weekly and monthly, including by Protected Characteristic
	We have a better understanding of the challenges faced by potentially marginalised pupils	<ul style="list-style-type: none"> Welsh Government's new Anti-Bullying Guidance embedded in local processes

		<ul style="list-style-type: none"> • Youth Council has developed LGBTQ+ schools guidance • Black History and Gypsy Traveller History Month resources developed for schools
Independent Living	People are empowered to live in their own accommodation for longer	<ul style="list-style-type: none"> • New scheme launched for people with learning disabilities to increase opportunities for independent living
	People are empowered to play an active role in their local communities	<ul style="list-style-type: none"> • Community Connectors continue to support people to connect with, and be involved with, their local communities
	The city is responsive to the accommodation needs of victims of domestic abuse	<ul style="list-style-type: none"> • Housing Support Grant continues to fund projects for people escaping domestic abuse, including specific provision for people from an ethnic minority background • 240 women currently supported by DAFS floating support

Equality Objective 1: Leadership, Governance and Involvement

“Newport City Council has strong leadership and clear governance around equality, ensuring robust monitoring processes and regular meaningful stakeholder engagement”

Governance

To deliver on the objectives we set out in our Strategic Equality Plan we need to lead from the front, not just talking about equality, but by being a great example of good practice. Since

☒ Embedding the Socio-Economic Duty into council governance processes

☒ Delivering events and communications throughout the year relating to key dates in the equalities calendar

☒ Developing a Delivery Plan for our strategic equality work

publishing our Strategic Equality Plan, we have worked hard to ensure that the objectives we have set are going to be delivered effectively over the lifetime of the Plan. We have established a number of themed delivery groups, including Representative Workforce and Customer Service and Access Groups, which bring key officers together to progress these areas of work.

We have also reviewed the Terms of Reference and membership of our Strategic Equalities Group, which is now attended by our Elected Member Champions for equality, service area representatives from across

the council, and the Chairs of our newly established Staff Support Networks. This provides a platform for staff from under-represented groups to have access to senior decision-makers, influence our workplace and service delivery policy, and ensure that lesser heard voices are truly heard.

Over the past 12 months, we have also worked to understand and embed the principles of the Socio-Economic Duty (SED) and have delivered training to our Elected Members and senior officers on the Duty and its implications for our strategic decision making process. We have worked closely with Welsh Government to develop non-statutory guidance for public bodies, and have appointed a Cabinet Member lead for the Duty. We have also reviewed and updated our Fairness and Equality Impact Assessment process to fully reflect the Duty and provide a more streamlined, integrated assessment tool for decision makers.

Leadership

This year, we have stood with our minority ethnic communities who experienced the devastating disproportionate impact of the COVID-19 pandemic, and felt the injustice caused by the murder of George Floyd. In July, we lit up the Civic centre in purple as a mark of solidarity with the BLM movement, and were proud to sign up to Race Council Cymru’s [Zero Tolerance to Racism](#) policy for Wales.

The Leader of the Council, Councillor Jane Mudd, established a Community Forum, which brings people from an ethnic minority background together to discuss the race equality challenges across the city, and influence our response at the highest level. The Leader has also mandated equality and diversity training for all council staff and introduced for Elected Members. This will be rolled out by April 2022, starting with an Inclusive Leadership course for all of senior leaders and managers.

Involvement

We recognised the impact that COVID-19 had on many of our minority, marginalised or isolated communities and developed a comprehensive [Community Impact Assessment](#) (CIA) to inform our response and recovery work. The CIA focusses on the effects experienced by people that share Protected Characteristics, but also on socio-economic factors, like employment and risk of poverty, community cohesion and migration. The CIA was informed by available evidence and research, as well as a series of themed engagement sessions with communities.

The CIA informed both our strategic recovery aims and the development of a Participatory Budgeting programme, delivered in partnership with Public Health Wales and external consultants, Mutual Gain. The programme was overseen by a community steering group which co-ordinated the distribution of over £100,000 to 24 grassroots community projects across the city. A 2-day online event was attended by around 400 Newport residents, who voted for those initiatives most likely to benefit diverse communities. All projects were required to evidence how they would aid recovery from COVID-19 impacts and reduce inequalities relating to key areas including digital exclusion, health and wellbeing and access to information.

To ensure our commitment to equality is visible, we have worked hard this year to raise the profile of our work in this area, and promote key dates and celebrations to staff and communities, including Pride Month, Windrush Day, Black History 365, Refugee Week, Holocaust Memorial Day and Hate Crime Awareness Week. To ensure our communications are meaningful, messaging on our internal and external platforms have been supported by staff awareness sessions, the development of information and resource packs, and partnership events.

Focus on the future

Priorities for the next year include:

- Work in partnership with Welsh Government and the WLGA to deliver on recommendations made in the Welsh Government's Race Equality Action Plan
- Further develop our Fairness and Equality Impact Assessment processes and deliver training to staff on its use
- Deliver bespoke equalities training to all staff across the organisation
- Work to develop our Elected Member champion roles
- Deliver a second round of Participatory Budgeting

Equality Objective 2: Customer Service and Access

“Newport City Council’s services are accessible to everyone in Newport, providing services that are both inclusive and considerate of individual need”

☒ Establish a disability access group to support the development of customer service provisions

☒ Working with Newport Live to provide accessible opportunities for people to engage in Sports, Leisure, Art and Culture

☒ Review and update customer complaints processes

Access

A focus on accessibility and inclusion is key to ensuring that the council ensures equitable access to services in the future, and despite the challenges that have been presented by COVID-19, we have been able to make progress on a number of the outcomes we identified within this objective.

In response to the physical changes that were required to the city centre because of the pandemic, we established an Accessibility Stakeholder Group (ASG) to review and consider how projects relating to the use of the city centre and council services impact on accessibility.

The group brings together several local stakeholders including disabled members of the public and third sector organisations and has already shaped our approach to the reopening of the city centre following periods of national lockdown. The group contributes regularly to planning and project work and acts as a critical friend to a range of service areas within the council.

Receiving feedback, practical solutions and ideas for improvement from people that have lived experience of barriers to access has been invaluable. The group has been able to influence changes to active travel routes, pedestrianisation of the city centre and plans for new developments like our city centre leisure provision and Devon Place footbridge.

Complaints and Customer Service

This year has seen significant changes in the way that we deliver services to the public. Restrictions on face to face contact, and an unprecedented increase in contact centre demand has meant that progress against some of our equality priorities has been limited. However, we have still made positive progress in a number of areas.

We have established a Customer Service and Access Delivery Group to support delivery of this objective, and reviewed and amended our Customer Complaints Policy. This has included improvements to our approach to complaints relating to discrimination.

Many of our customer services staff are seconded to our Test, Trace, Protect (TTP) Team, supporting our COVID-19 response. The TTP team has been supported to ensure that they understand the needs and concerns of minority communities who may be fearful of engagement with the TTP process, and have worked closely with our Community Cohesion Team to respond effectively to the emergence of COVID-19 clusters within specific communities. This has included the development of multi-lingual assets, working alongside

other council staff that speak community languages, and working closely with trusted third sector partners to ensure messages reach the people who need to hear them.

Engagement in Sports, Leisure, Art and Culture

Despite the disruption to and closure of leisure facilities this year, over the course of the lockdown we were also able to maintain our close working relationship with Newport Live. We were able to launch an inclusive cycle programme that is free for Newport residents, and that encourages disabled children and adults to participate in cycling activities. The programme was also able to secure a small fleet of specially adapted bikes, further reducing barriers to participation, and included the installation of adapted toilet and changing facilities on site.

We were also pleased to support a group of young people through a skills development workshop to enhance their work options within the film sector. The programme, delivered in conjunction with Ffilm Cymru and Foot in the Door Productions focussed on offering opportunities to under-represented groups, and has provided the opportunity to consider future, larger-scale projects of a similar nature.

Our *Fusion: Creating Opportunities through Culture* programme continued to work with local partners to increase access to arts and heritage for Newport residents, encouraging communities to explore the history that lies on their doorstep and engage in creative activities. Key projects included the Gypsy Stars Choir in partnership with Operasonic, Maindee Primary and Lliswerry High School working with Roma families, the delivery of online art workshops supported by door-to-door delivery of activity packs to individuals and care homes, heritage walking tours and Twitter Take Over events with young people.

Focus on the future

Priorities for the next year include:

- Delivering equalities training to our TTP and customer service staff
- Improving data collection and demographic monitoring across our customer service and complaints departments
- Consulting with our Accessibility Stakeholders Group on key projects, including the move of our Information Station and development of our new leisure provision
- Embedding Accessibility Standards across our digital platforms

Equality Objective 3: Representative Workforce

“Newport City Council has a workforce that represents the city, and is a workplace with an inclusive culture, which recruits, develops, and retains staff”

☒ Removing all identifiable information from our job applications

☒ Establishing a staff support network for minority ethnic staff

☒ Establish a staff support network for disabled staff

During our public consultation on our Strategic Equality Plan, we received strong feedback that made it clear that developing an empowered and more representative workforce would be key to achieving our vision of a more equal Newport.

The first 12 months of the Plan’s delivery were characterised by huge workforce disruption, unlike anything we have previously experienced. Like so many workplaces across the country, Newport City Council transitioned from a workforce that was mainly office and location based, to one that was largely working from home. However, unlike

other organisations, we were also responsible for many of the essential services that are required to keep society moving during the various lockdowns.

As part of our response to the COVID-19 pandemic, we introduced a staff risk assessment, based on the Welsh Government’s COVID-19 Workforce Risk Assessment, to specifically protect our staff from a Black, Asian or Minority Ethnic background who we knew were more likely to be affected by the virus and associated risk factors.

Despite these unexpected challenges, we were able to make significant progress towards meeting our Strategic Equality Objective, and have established a Representative Workforce Delivery Group to continue progression of work in this area.

Recruitment

This year we have reviewed our job application processes and have successfully removed information relating to a person’s protected characteristics, and any other details, which may make them identifiable. This means that decisions of selection and shortlisting panels are less likely to be impacted by unconscious bias.

We have introduced additional monitoring categories that allow potential and existing staff to better self-identify, for example expanding our gender options, and delivered training on equality impact assessments for our senior HR staff. This will allow for better consideration of the impact of any restructuring decisions on people that share protected characteristics.

We have also reviewed and updated our exit interview questionnaire for staff leaving the organisation, which now captures any experiences of discrimination or adverse workplace culture that may have impacted on a person’s decision to leave the council.

Our Workforce Planning tool, piloted this year, provides each service area with their workforce demographics and prompts Heads of Service to specifically consider how they can improve any under-representation of people that share protected characteristics.

We have also recently established a Recruitment Working Group to consider how we can develop a more inclusive recruitment strategy, and we will be looking to prioritise this work during the next financial year.

Staff Support Networks

This year we have been delighted to establish two Staff Support Networks. Our Diversity Network is for colleagues from an ethnic minority background, and IN-NCC is a network for disabled staff. Networks are a powerful agent for organisational change, and for ensuring the voices of under-represented groups are heard, listened to, and influence policy and process.

As well as being a safe space for colleagues to share experiences and seek support, our networks are playing a vital role in supporting the delivery of our equality priorities. Our Diversity Network has identified three key priorities – staff training, workplace policy, and increasing representation through recruitment and development. This year, the Chair of our Diversity Network also sat on the interview panel for recruitment of our Chief Executive, a practice that will now be adopted for similar senior officer processes.

In March this year, we also held our first LGBTQ+ Network meeting, which was well attended and highlighted the need for a secure, confidential group where people could express themselves fully and work to raise awareness across the organisation of sexual and gender diversity.

The council have committed to ensuring Networks are supported through time to attend meetings, allocation of funds where needed, and administrative support. Network Chairs now attend our Strategic Equalities Group meetings, as well as our Strategic Equality Plan delivery groups.

Workplace Culture

This year we have worked to increase the amount of content relating to equality and diversity visible to staff on our internal communications platforms. This has included marking significant dates throughout the year, as well as topical updates on issues which including anti-racism and hate crime. During October, we themed our staff newsletter around Black History 365 and we have also offered a range of informal learning events for staff. These have included question and answer sessions with our local Black Lives Matter lead, international rugby star Ashton Hewitt, and an introduction to gender and sexual diversity, delivered by Umbrella Cymru.

Focus on the future

Priorities for the next year include:

- Improving our collection of staff data, increasing completion rates and aligning with census categories to allow effective comparison

- Delivering a workplace culture survey
- Developing a range of entry routes to the organisation and promoting these to under-represented groups
- Rolling out Inclusive Leadership training to all of our managers
- Embedding anti-racism principles within our workplace culture
- Developing Gender Identity and Dignity in the Workplace Policies

Equality Objective 4: Community Cohesion

“Newport City Council promotes positive relationships between different communities, supporting integration and effectively identifying emerging community tensions”

☒ Working in partnership with locally funded services to support EU nationals to apply for the EUSS

☒ Working in partnership with our Youth Council and local LGBTQ+ people to develop a ‘safe space’ for LGBTQ+ people in Newport.

☒ Developing a multi-agency mechanism to effectively monitor community tensions at the earliest stage

☒ Delivering training to community groups that empowers them to challenge and act on hate speech where they encounter it.

As a local authority, community cohesion is a central theme within our equality related work plans, and our priorities in this area are informed by the delivery of the Welsh Government’s community cohesion work plan for local authorities. The ongoing implications of Brexit and the wider global migration crisis meant that this year was always going to be challenging.

However, the events of 2020 presented additional issues, with the pandemic giving rise to a significant increase in community tensions and an urgent need to build resilience within, and provide support to, the diverse communities of Newport. Much of our cohesion work this year has been reactive, supporting communities to access information in their home languages, developing e-bulletins and online communications channels to share important updates, and responding to COVID-19 clusters, which have emerged within some of our most vulnerable communities.

Hate Crime and Community Tensions

This year we continued our commitment to addressing all forms of hate as it affects our communities. At the start of the year we saw a significant rise in online hate speech directed at specific communities perceived to be contributing to the spread of the COVID-19 virus, and throughout the year, right wing activists have exploited this misinformed belief, as well as the many conspiracy theories that have emerged as a result of the pandemic.

To tackle this, we have provided training on hate crime to around 80 frontline staff, and hosted a virtual event for professionals in partnership with Hope not Hate and the Center for Countering Digital Hate, equipping people with the skills to counter online hate where they see it. During Hate Crime Awareness Week this year, we also signed up to Victim Support’s Hate Crime Charter which sets out the way that victims of hate crime should be treated, and are currently developing a Hate Crime Policy to further embed these principles. We have also delivered hate crime training to a range of community groups, as well as our internal staff networks.

We have now established a fortnightly tensions meeting with our partners in Gwent Police which enables us to effectively monitor and mitigate emerging community tensions.

EU Settlement Scheme

As a result of Britain's exit from the European Union, EU nationals that had previously been relying on treaty rights that had guaranteed their right to work and live in the UK now needed to secure these rights by applying to the UK government's EU Settlement Scheme (EUSS). As of March 2021 nearly 8000 applications had been made to the EUSS by Newport residents.

Our teams have been able to work flexibly, setting up community WhatsApp groups and identifying key community contacts to both promote awareness of the EUSS and to monitor other Brexit-related tensions. Our EU Citizens Forum continued to meet virtually, bringing together community members and third sector services to effectively address issues affecting EU citizens in Newport. We also continued to co-ordinate a weekly partnership drop in for EU citizens to access support and advice in a safe space when restrictions allowed. In March this year we hosted a partnership event for nearly 100 professionals across Newport raising awareness of post-Brexit rights and entitlements of EU citizens, a model which is now being adopted by other areas of Wales.

We have also been working closely with colleagues in the Home Office and Welsh Government on other migration related issues; both to support the new British National (Overseas) Visa scheme for Hong Kong residents and to reduce the pandemic related pressures that have built up within the asylum system.

LGBTQ+ Safe Space

Following consultation with LGBTQ+ young people across Newport in 2019, which highlighted the need for a safe space for people to come together, the council provided funding for a specific LGBTQ+ Youth Group. This group has now met every month since October, offering peer support and opportunities to engage in wider community projects. Face to face meetings will commence again in May at the Tin Shed Theatre, with activities co-designed by young people, including a queer book club, board game night, archery, dungeons and dragons, movie night and cosplay.

Youth groups, community centres and high schools have been encouraged to make referrals into the project and the group are currently working with Caerleon Comprehensive and Llanwern High School. The group has also been signposted to young people supported by Llamau in Newport as well as the Whole School Approach Officer for Changing Minds (Newport Mind). The group has been offered a permanent meeting space by The Riverfront when it reopens fully in September 2021.

Focus on the future

Priorities for the next year include:

- Improving our response to hardship cases which arise as a result of insecure migration status
- Developing a council Hate Crime Policy
- Developing a 'Welcome to Newport' app for newcomers to the city

Equality Objective 5: Learn Well

“Newport City Council supports the wellbeing and attainment of the city’s pupils and actively looks to address any disparity in achievement, of vulnerable learners”

☒ Improving our response to Identity Based Bullying by embedding Welsh Government’s ‘Rights, Respect and Equality’ anti-bullying guidance in our practice

COVID-19 has been hugely disruptive for schools across Newport, creating new challenges including remote learning and threatening to widen inequalities that already exist for vulnerable or disadvantaged learners. Although this has impacted on work towards specific actions within our Strategic Equality Plan, we have worked incredibly hard this year to keep equality and fairness at the heart of our education delivery whilst responding to the needs of learners and families during the pandemic. We were also pleased to extend our Free School Meal offer to families who are experiencing hardship as a result of having no recourse to public funds.

Attendance

This year, a named Education Welfare Officer was allocated to each school, focussed on providing wellbeing support for pupils and families who were not engaging with schools or blended learning, including regular contact and home visits. Weekly and monthly attendance monitoring has been embedded in our practice, including analysis by school, phase, gender, ethnicity and postcode. Monitoring also includes the use of new, temporary codes to help identify the impact of COVID-19 and remote learning on individual learner attendance.

Our Gwent Education Minority Support Service (GEMS) worked specifically with pupils who have English as an additional language (EAL), assisting parents to support their children with online learning, and ensuring families had access to digital equipment. The team carried out weekly wellbeing calls to families and young people and supported schools with translation of key information for families regarding access to free school meal vouchers and completion of the digital device agreements. The GEMS team also surveyed EAL pupils and families to inform improvements to provision.

Anti-Bullying and Inclusion

In response to the introduction of Welsh Government’s new Anti-Bullying Guidance, ‘Rights, Respect and Equality’ we have reviewed our approach to capturing information on identity-based bullying across our schools, improving the way that protected characteristics are captured on reporting systems, and adding additional fields for completion, including action and outcomes. Our Youth Council also led on a consultation exercise to inform the development of our new Anti-Bullying Policy.

During Black History Month 365, anti-racism resources were developed specifically for schools, pupils and parents, and during Hate Crime Awareness Week, a series of virtual puppet workshops were delivered by Puppet Soup across our primary schools, exploring and celebrating unique and shared identities. To further support this work, GEMS has provided

£15,000 funding to Show Racism the Red Card to promote anti-racism approaches across schools and provide sessions for staff, pupils, governors and parents.

Estyn's October 2020 thematic review, 'Celebrating diversity and promoting inclusion - Good practice in supporting lesbian, gay, bisexual and transgender (LGBT) learners in schools and colleges' featured the work of Ysgol Gymraeg Casnewydd, Eveswell Primary and Bassaleg School.

Focus on the future

Priorities for the next year include:

- Work focussed on violence reduction in schools
- Streamlining and aligning support mechanisms for schools responding to identity-based bullying
- Work to address community concerns about RSE under the new curriculum
- Rollout of Welsh Government's Hate Crime in Schools Project

Equality Objective 6: Independent Living

“Newport City Council contributes to the city being a great place to live, to grow older and live independently, and has in place a range of housing related services, which accommodates people in different situations”

☒ Delivering Black, Asian and Minority Ethnic specific women’s refuge and associated supported aimed at women fleeing domestic violence

Our housing services have experienced an unprecedented increase in demand during this period as the UK and Welsh Governments sought to restrict the spread of COVID-19 by extending the statutory housing duties of local authorities.

Housing Support Grant and Homelessness Prevention Grant projects including floating support, mediation and housing options staff, continue to support people to maintain their own accommodation and prevent homelessness. The Housing Support Grant also funds 20 units in four refuges, including one specifically for Black, Asian and Minority Ethnic women and 2 as part of a regional scheme for women with complex needs.

In addition, the DAFS floating support, crisis and advice scheme supports a minimum of 240 women in their current temporary or permanent accommodation and includes a dedicated post working with minority ethnic women. 2 additional dispersed units for 5 people have recently been acquired using VAWDASV and Phase 2 homelessness capital funding.

Projects for Gypsy and Traveller communities and EU migrants have been consolidated and remodelled to ensure a continued presence of support for these marginalised groups. Our work with the Gwent Gypsy and Traveller Support Service continues, with a dedicated support worker providing support and advice to communities.

During the year, as part of the implementation of the Independent Living Strategy, five young people with learning disabilities were supported to move into their own self-contained flats in a new complex, increasing their independence and access to the local community. Due to the success of these schemes and the care and support model used, additional schemes are planned over the coming years.

As well as providing accommodation, we also encourage people to play an active role in their local community, through projects that include:

- Adult Services’ Community Connectors
- Floating support workers
- Integrated Wellbeing Networks with ABUHB
- Older Persons Pathway
- Independent Living Strategy
- Tenancy ready programmes

Our Community Connectors for minority ethnic communities offer support to people who may be socially isolated to improve their wellbeing based on what matters to them. During

2020/21 they supported 302 people resulting in 1,030 positive outcomes and connected 82 people to local activities. Information in different languages was shared via digital platforms, with Mosques, churches and online groups.

Connectors continue to work with groups at grassroots level on COVID-19 recovery plans and signposting to funding sources to ensure sustainability. Although the pandemic prevented many groups from meeting face to face, this year the Community Connectors engaged with 317 partners over 19 sessions (online meetings). The Team continue to map community activity provision and engage with groups as we continue working on the city's recovery.

Focus on the future

Priorities for the next year include:

- Using Welsh Government grant funding to provide support to our most vulnerable citizens through the Housing Support Programme
- Developing a new floating support team for people with complex needs
- Providing additional support for refugees and asylum seekers
- Establishing a dedicated service for male-led families with male support workers
- Remodelling one of the city's refuges to cater for women with complex needs fleeing domestic abuse
- Production of the Council's first four-year Housing Support Programme Strategy (2022-2026)

Equality Monitoring and Capturing Data

Equality data is used by the council to inform our decision-making, help us understand where we have gaps, and support effective impact assessments. This section of the report will consider:

- Collecting data; how we collate information related to protected characteristics
- Evaluating data; how we use this data to inform our practice

1. Collecting Data

Collecting accurate information about our employees and the public is key to delivering services which are inclusive, and responsive to individual need. We collect and monitor equality data in a number of ways.

A. Systems

The council has a range of systems which collect data, for example, through our Customer Relationship Management (CRM) system, other databases linked to individual services, and through our internal HR system. These allow service areas to build a picture and profile of their customers or staff. Customer data is utilised in developing service area plans and work programmes, and allows service areas to amend existing services and delivery where needed. We use our internal data to assist with workforce planning and inform our representative workforce work.

B. Consultations

The council regularly consults and engages with a variety of community groups, citizen panels and the public in general. We develop surveys and consultations based on needs for service changes, improvements or strategies that will affect the community. This year we have consulted on topics such as the the setting of our budget, the new Leisure Centre provision and facilities and residents parking. Consultation methods have included online surveys, sharing of consultation opportunities on our website and socila media platforms and bus wi-fi surveys. Using demographic monitoring for all surveys and consultation exercises means we can now better understand the needs of people in Newport that share protected characteristics, and the differential impact of our proposals.

C. Community Well-being profiles

In line with the Well-being of Future Generations Act (2015), the council published our Community Well-being Profiles in 2019. The profiles are available on our website for the public, as well as internally on our intranet system for staff. These profiles provide a source of data across a number of different areas, including data on ethnicity and are often used by the council to inform equality impact assessments.

D. National Census

We continually reeviw and update our standard equalities monitoring forms, and are working to ensure that the data we capture aligns with the categories within the recent Census. This will allow us to better understand our resident population, any under or over-representation of communities accessing our services, and inform our workforce representation strategies and planning.

2. Evaluating data

The council uses a range of processes which ensure that we use the data that we collect in a way that informs our planning, decision and policy making.

A. Fairness and Equality Impact Assessments

The completion of Fairness and Equality Impact Assessments at the outset of decision or policy making process, assists the council in evidencing that we are meeting our Equality duties, and, more importantly, using relevant equality data to ensure that any disproportionate impact is mitigated at an early stage, and the best decisions for the public are made. The council has an integrated model of equality impact assessment, combining considerations around Equalities, Welsh Language, Well-being of Future Generations and the parameters of fairness set out by our Fairness Commission within a single process. This will shortly include obligations relating to the Socio-economic Duty. FEIAs should be evidence based, drawing on internal and external data in order to support any findings.

B. Service Area Plans

Annual plans are produced by each of the council's service areas, and act as a key reporting mechanism for the delivery of our Corporate Plan, as well as our Wellbeing Objectives. Each Service area has a number of performance indicators relating to priority actions, as well as areas of risk which are updated on a quarterly basis. Risks are currently identified in relation to non-compliance with the Equality Act 2010.

Workforce Data

The following workforce data shows information about the protected characteristics of our employees captured between April 2020 and March 2021. The data shows that at the time of reporting there were 5779 staff employed by Newport City Council which is a minor decrease from 5781 in the last reporting period.

It remains challenging to compare workforce data against national statistics due to differences in the way that data is collected by employee systems, compared to standard census data. We also know that census data is now outdated, and unlikely to be a true reflection of the current demographics of Newport.

Some changes have been made to the recording options that we offer potential and existing staff to better align with the census 2021, and as part of our ongoing commitment to continuously improve the way we capture data. Work continues to align all of our systems to ensure comparative data can be analysed effectively, as well as instill confidence that our monitoring is inclusive, and information is being managed securely and respectfully.

This year we have seen an increase in people providing their personal information across several categories, with fewer people opting not to provide information or leaving categories blank. There may be several factors that have influenced this change, including an increased awareness of the importance of monitoring data as a result of the national census campaign, and our efforts to move towards a culture that normalises the capture of demographic information, and is clear about its role and purpose. This year we have reinforced the importance of updating personal information, updated staff on new recording categories available and prompted colleagues to update their information when they log on to our employee self service system.

This year we have also started to capture data relating to gender identity, armed forces connections, care leavers and transgender status both for applicants and existing staff. This data can currently only be reported on in low numbers, however we hope to include further detail in our next Annual Report.

As an indication of applicant data, we can report that out of 6956 applicants:

- 22 applicants disclosed that they have had gender reassignment
- 63 applicants had identified they were eligible for a guaranteed interview under the 'Disability Confident Scheme'
- 55 were eligible for a guaranteed interview under our 'Armed Forces Covenant'
- 20 were eligible for a guaranteed interview under our 'Care Leavers' agreement
- From the 'Gender Identity' question 22.44% identified as female, 11.83% as male, 0.13% selected 'other' and 65.6% of respondents left the question blank

Data Analysis

At the time of data capture we had 5779 staff employed, 519 leavers and 6956 applicants. Anomalies in data (numerical statistics in 'pay band by sex', 'contract type by sex', 'working pattern by sex', 'ethnicity pay gap' and 'disability pay gap') are due to the time that reports were run/requested, but were analysed from a date correct at 31/03/2021 and the percentages displayed are reflective of the correct data. Intersectional data was analysed from a master spreadsheet that allowed all categories to be filtered and defined simultaneously.

Key findings

Ethnicity

- 93.5% of staff identify their ethnicity as white; this includes White – British, Welsh, English Scottish, Irish, Other European and Other, a decrease of 0.5% from last year. This compares to approximately 85% of Newport's population.
- 1.8% of staff identify their ethnicity as Asian or Asian British - Other, Pakistani, Bangladeshi, Indian compared to 4.1% of Newport
- 0.12% of staff identify their ethnicity as Chinese or Other – Chinese, Chinese or Other Ethnic Group
- 0.85% of staff identify their ethnicity as Black or Black British African, Other, Caribbean, or Mixed Black African
- 1.42% of staff identify their ethnicity as Mixed – Other, Mixed White & Black African, Mixed White & Black Caribbean, Mixed White & Asian
- The removal of the category 'Chinese or other – Gypsy / Traveller' was removed. The ONS National Census had a sub-category of 'White – Gypsy or Irish Traveller'
- 0.54% of staff were 'not stated', 'unknown', or 'Prefer Not To Say (PNTS)'
- 1.85% of staff left their ethnicity blank compared to the previous reporting period of 1.9%
- Black (all categories), Asian (all categories), Chinese (all categories) and Mixed ethnicity (all categories) staff made up 4.15% of leavers, a decrease from 4.8% in the previous period
- 92.68% of staff leaving the organisation were of White (all categories) ethnicity
- 'Arab' is listed in ONS National Census category for ethnicity, but we did not offer this option during the reporting period
- 9.46% of applications were from people who identified as Black (all categories), Asian (all categories), Chinese (all categories) and Mixed ethnicity (all categories), compared to population of 13.2%
- 5.03% applicants were Asian, 1.8% applicants were Black, 0.21% were Chinese and 2.41% were of mixed ethnicity
- 4.19% of our current staff are from a Black, Asian or other minority ethnic background, a slight increase on last year's figure. This compares to approximately 13-

14% of the population of Newport (data from Stats Wales of a population of circa 150,000 people) and to 5.2% in Wales

- We lose a higher percentage of people who identify as Black (all categories), Asian (all categories), Chinese (all categories) and Mixed ethnicity (all categories) than we do of those identifying as White

Age

- Approximately 62% of the Newport population are between 16-64 years old
- In Wales of those aged 16-64 years old, 80.5% of men and 73.4% of women are economically active
- 12% of men and 6.6% of women over 65 are economically active in Wales
- In Wales, 16-19 year olds make up the highest proportion of people unemployed at around 19-21%
- 26% of women in Wales are economically inactive due to 'looking after a family/home', compared to 6.5% of men
- Of 24 staff aged over 75, 5 left the organisation during this period - an increase on last year as zero staff over 75 left
- 25-34 year olds made up 26.78% of leavers, which was the highest percentage same category as last year
- 66.5% of the workforce is aged 16-49 and over 50s make up 33.5% - the same figures as the previous year
- At 74.58% the majority of our job applicants are under 45 years old
- 4.3% aged 75+ applied to work at NCC whereas the previous report highlighted that 1.7% of applicants were over 60 (with incomparable categories)
- In our last annual report 25.1% of applicants were aged 16-24; this report shows that 22.97% in this age bracket applied for jobs with us, a decrease in younger applicants of 2.13%. In Newport, 16-24 year olds make up around 10% of the population
- We have an increase in our 16-24 age category of current staff from last year. Now 4.3% of our staff are aged between 16-24
- 2.53% of applicants preferred not to disclose their age

Sex

- 76.88% of the workforce are female and 23.12% are male, the same as last year
- Across Wales in our previous reporting period, a gender pay gap of 13.5% existed, compared to this period a decrease in Wales to 11.6%
- Newport as a local authority area had a gender pay gap of 20.1% at this reporting period (this is a similar statistic to neighbouring local authorities)
- Newport City Council's gender pay gap was 3.6% (mean) and 0% median
- There are about 1.7% more women than men in Newport
- In Wales, 23% of Council Leaders and 26% of Chief Execs are women

Marital Status

- Married people (48.07%) and single people (29.49%) make up the majority of the workforce. The number of married staff has increased since last year
- The largest percentage of applicants are single people at 39.69%
- 0.81% of the current workforce are widowed, compared to 1.54% leaving the organisation
- 0.19% of the current workforce are in a civil partnership
- The highest proportion of leavers are married people at 42.58%
- The lowest proportion of leavers are those in civil partnerships, or who would prefer not to say

Disability

- 2.11% of the workforce are disabled, an increase of 0.28% from last year
- The approximate global percentage of disabled people is 15%. Newport's population of disabled people (as defined in the Equality Act 2010) is circa 23% (of those of a working age)
- 2.5% of the leavers were disabled, a decrease from 2.7% last year
- 'Not known' or left 'blank' accounts for 3.53% of staff, 2.7% of leavers, and 9.96% of applicants
- The number of disabled applicants has increased from 4.3% to 4.64%
- 11.2% of the disabled workforce, last year left the organisation, based on 116 staff declaring a disability from 2019-2020
- Applicants selecting 'not disabled' has decreased from 90.5% last year to 85.39%

Sexual Orientation

- 1.33% of the workforce identified as lesbian (or gay woman), bisexual or homosexual (or gay man), an increase from last year of 0.23%
- 4.83% declined to specify their current sexual orientation
- The number of people choosing to leave this question blank has decreased from 55.84% last year to 49.07%
- We have had an increase in applicants who identify as lesbian, bisexual and gay rising from 4.25% to 5.17%
- One third of leavers left this question blank, compared to half of all staff and only 7.06% of applicants
- 2.12% of leavers are lesbian, bisexual or gay
- We are losing more lesbian, bisexual and gay people than we are employing in each recorded category, though at a lesser rate than the previous year
- Applicants who identified as Heterosexual decreased from 88% during the last reporting period to 83.05%

- Population figures for South East Wales suggest around 4% of people identify as LGBTQ+

Religion or Belief

- Those identifying as Buddhist, Jewish or Taoist has increased from 0.13%, to 0.53%
- 3 staff identify their religion/belief as Confucianism
- Just over half of our staff chose to leave this blank
- 'Not specified' and Christian were the largest groups, with 11.09% and 11.07% respectively, following 'blank'
- 1.06% are Muslim compared to data from our (2011) Wellbeing Profiles which suggests that 4.7% people living in Newport (minimum) are Muslim
- 1.4% of leavers in 2019-2020 were Muslim and has increased to 1.54% in this reporting period
- The largest group identity specified for applicants was Atheist with 20.7%
- 589 applicants stated their religion or belief as 'other'

Intersectional and additional data of interest

- All the gay/homosexual men are white and under 54
- Less than 1% of staff have identified as having had gender reassignment, although this category was introduced part way through the year so is not a complete picture
- 2 people who are Muslim are white
- Of those identifying as lesbian, gay or bi; 6 are disabled and all of this group are white
- All 13 staff who are members of the Armed Forces community are between 35-64 years old
- The younger our staff, the more likely they are to have identified as following a religion or belief, with 50% being aged 16-24 years old
- 0.01% of people over 55 are bisexual, 31% over 55 are heterosexual/straight and almost 70% left this question blank or preferred not to say
- Of our ethnic minority staff, 3.2% are female and 1.07% are male

Focus on the future

Considering our data findings, we will be focussing on the following areas of work next year:

- Delivering targeted recruitment campaigns that increase our engagement and reach with under-represented groups
- Developing our understanding of ethnicity and disability pay gaps across the organisation
- Focussing on increasing reporting for those categories that still have a low completion rate, for example, religion
- Promoting our staff networks to all potential and current staff to encourage confidence in our workplace culture and help people to bring their whole selves to work
- Reviewing our recruitment strategy and process, along with our recruitment landing pages to ensure these are welcoming and inclusive to all

Captured at 31st March 2021

Pay band by sex

Pay Band (£)	2019/20				2020/21			
	Female	%	Male	%	Female	%	Male	%
10,000-14,999	23	0.5	10	0.7	20	0.4	10	0.7
15,000-19,999	1927	39.2	450	31.7	1919	39.3	450	31.7
20,000-24,999	956	19.5	288	20.3	944	19.3	288	20.3
25,000-29,999	389	7.9	128	9.0	384	7.9	129	9.1
30,000-34,999	279	5.7	121	8.5	280	5.7	121	8.5
35,000-39,999	390	7.9	109	7.7	389	8.0	110	7.7
40,000-44,999	695	14.1	191	13.5	696	14.2	191	13.4
45,000-49,999	43	0.9	16	1.1	38	0.8	14	1.0
50,000-54,999	46	0.9	17	1.2	51	1.0	18	1.3
55,000-59,999	27	0.5	8	0.6	27	0.6	9	0.6
60,000-64,999	16	0.3	9	0.6	16	0.3	9	0.6
65,000-69,999	14	0.3	6	0.4	14	0.3	6	0.4
70,000+	33	0.7	17	1.2	33	0.7	17	1.2
Not known	74	1.5	49	3.5	75	1.5	49	3.4
Total	4912	100	1419	100	4886	100	1421	100

Contract type by sex

Contract Type	2019/20				2020/21			
	Female	%	Male	%	Female	%	Male	%
Permanent	3499	71.2	1028	72.4	3485	71.3	1027	72.3
Acting Up	31	0.6	6	0.4	30	0.6	6	0.4
Casual	368	7.5	145	10.2	356	7.3	146	10.3
Fixed Term	921	18.8	193	13.6	921	18.8	195	13.7
LTS cover	2	0	1	0.1	2	0	1	0.1
Mat Cover	4	0.1	0	0	4	0.1	0	0
Seasonal	29	0.6	5	0.4	29	0.6	5	0.4
Secondment	5	0.1	1	0.1	5	0.1	1	0.1
Sessional	53	1.1	40	2.8	53	1.1	40	2.8
Supply	0	0	0	0	0	0	0	0
Temporary	0	0	0	0	1	0	0	0
Total	4912	100	1419	100	4886	100	1421	100

Working pattern by sex

Working Pattern	2019/20				2020/21			
	Female	%	Male	%	Female	%	Male	%
Full time	1619	33.0	946	66.7	1619	33.1	949	66.8
Job share	3232	65.8	468	33.0	62	1.3	5	0.4
Part time	61	1.2	5	0.4	3205	65.6	467	32.9
Grand Total	4912	100	1419	100	4886	100	1421	100

Age profile

Age Group	All Staff					
	Employees (as of 31 st March)	%	Left the Authority	%	Job Applicants	%
16-24	235	4.07	31	5.97	1598	22.97
25-34	1244	21.53	139	26.78	2173	31.24
35-44	1566	27.10	125	24.08	1417	20.37
45-49	795	13.76	49	9.44	506	7.27
50-54	782	13.53	41	7.90	411	5.91
55-59	616	10.66	59	11.37	251	3.61
60-64	371	6.42	41	7.90	111	1.60
65-69	105	1.82	25	4.82	10	0.14
70-74	41	0.71	4	0.77	4	0.06
75+	24	0.42	5	0.96	299	4.30
Prefer not to say	0	0.00	0	0.00	176	2.53
Total	5779	100.00	519	100.00	6956	100.00

Sex profile

Sex	All Staff					
	Employees (as of 31 st March)	%	Leavers	%	Job Applicants	%
Female	4443	76.88	391	75.34	4947	71.12
Male	1336	23.12	128	24.66	1882	27.06
Unknown	0	0.00	0	0.00	127	1.83
Total	5779	100.00	519	100.00	6956	100.00

Marital status

Marital Status	All Staff				Job Applicants	
	Employees (as of 31st March)	%	Leavers	%	Job Applicants	%
Civil Partnership	11	0.19	2	0.39	54	0.78
Divorced	270	4.67	28	5.39	277	3.98
Living with Partner	547	9.47	74	14.26	1207	17.35
Married	2778	48.07	221	42.58	2046	29.41
Separated	93	1.61	8	1.54	104	1.50
Single	1704	29.49	166	31.98	2761	39.69
Widowed	47	0.81	8	1.54	20	0.29
Would prefer not to specify	43	0.74	2	0.39	81	1.16
(blank)	286	4.95	10	1.93	406	5.84
Total	5779	100.00	519	100.00	6956	100.00

Disability

Disability	All Staff				Job Applicants	
	Employees (as of 31st March)	%	Leavers	%	Job Applicants	%
Disabled	122	2.11	13	2.50	323	4.64
Not disabled	5453	94.36	492	94.80	5940	85.39
Not known	50	0.87	7	1.35	144	2.07
(blank)	154	2.66	7	1.35	549	7.89
Total	5779	100.00	519	100.00	6956	100.00

Sexual orientation

Sexual Orientation	All Staff					
	Employees (as of 31st March)	%	Leavers	%	Job Applicants	%
Heterosexual	2587	44.77	300	57.80	5777	83.05
Homosexual	36	0.62	4	0.77	126	1.81
Bisexual	15	0.26	2	0.39	160	2.30
Lesbian	26	0.45	5	0.96	74	1.06
Declined to specify	279	4.83	39	7.51	328	4.72
(blank)	2836	49.07	169	32.56	491	7.06
Total	5779	100.00	519	100.00	6956	100.00

Religion or belief

Religion	All Staff					
	Employees (as of 31st March)	%	Leavers	%	Job Applicants	%
Agnostic	243	4.20	29	5.59	668	9.60
Atheist	430	7.44	67	12.91	1440	20.70
Buddhist - Hinayana	2	0.03	0	0.00	22	0.32
Buddhist - Mahayana	4	0.07	0	0.00	13	0.19
Christian - Orthodox	262	4.53	20	3.85	436	6.27
Christian - Protestant	640	11.07	73	14.07	1055	15.17
Christian - Roman Catholic	332	5.74	37	7.13	705	10.14
Confucianism	3	0.05	0	0.00	0	0.00
Hinduism	4	0.07	1	0.19	42	0.60
Islam - Shiite	61	1.06	1	0.19	28	0.40
Islam - Sunni	0	0.00	7	1.35	221	3.18
Judaism - Orthodox	0	0.00	0	0.00	1	0.01
Judaism - Reformed	0	0.00	0	0.00	0	0.00
Not Specified	641	11.09	78	15.03	1069	15.37

Other	226	3.91	28	5.39	589	8.47
Sikhism	1	0.02	0	0.00	18	0.26
Taoism	1	0.02	0	0.00	1	0.01
(blank)	2929	50.68	178	34.30	648	9.32
Total	5779	100.00	519	100.00	6956	100.00

Ethnicity

Ethnic Origin	All Staff				Job Applicants	
	Employees (as of 31st March)	%	Leavers	%	Job Applicants	%
Asian or Asian British - Bangladeshi	25	0.43	3	0.58	55	0.79
Asian or Asian British - Indian	15	0.26	1	0.19	72	1.04
Asian or Asian British - Other	27	0.47	2	0.39	81	1.16
Asian or Asian British - Pakistani	35	0.61	4	0.77	142	2.04
Black or Black British - African	23	0.40	3	0.58	80	1.15
Black or Black British - Caribbean	19	0.33	2	0.39	27	0.39
Black or Black British - Other	7	0.12	1	0.19	18	0.26
Chinese or Other - Chinese	4	0.07	0	0.00	10	0.14
Chinese or Other - Other Ethnic Group	3	0.05	1	0.19	5	0.07
Mixed - Black African	2	0.03	2	0.39	6	0.09
Mixed – Other	27	0.47	1	0.19	59	0.85
Mixed - White & Asian	16	0.28	1	0.19	33	0.47
Mixed - White & Black African	11	0.19	3	0.58	21	0.30
Mixed - White & Black Caribbean	26	0.45	4	0.77	49	0.70
White – British	3817	66.07	314	60.50	3446	49.54
White – English	108	1.87	10	1.93	226	3.25
White – Irish	39	0.68	7	1.35	37	0.53
White – Other	96	1.66	8	1.54	104	1.50
White - Other European	34	0.59	6	1.16	160	2.30

White – Scottish	10	0.17	1	0.19	16	0.23
White – Welsh	1297	22.45	135	26.01	1872	26.91
Not Stated	15	0.26	1	0.19	31	0.45
Prefer not to say	14	0.24	3	0.58	21	0.30
(blank)	107	1.85	6	1.16	385	5.53
Total	5777	100.00	519	100.00	6956	100.00

Ethnicity in Newport and Wales (from Wellbeing Profiles)

	Newport	%	Wales	%
White; English/Welsh/Scottish/Northern Irish/British	126,756	87.0	2,855,450	93.2
White; Irish	769	0.5	14,086	0.5
White; Gypsy or Irish Traveller	84	0.1	2,785	0.1
White; Other White	3,416	2.3	55,932	1.8
Mixed	2,752	1.9	31,521	1.0
Indian	1,218	0.8	17,256	0.6
Pakistani	3,127	2.1	12,229	0.4
Bangladeshi	1,749	1.2	10,687	0.3
Chinese	600	0.4	13,638	0.4
Other Asian	1,292	0.9	16,318	0.5
Black African	1,499	1.0	11,887	0.4
Black Caribbean	782	0.5	3,809	0.1
Other Black	254	0.2	2,580	0.1
Arab	926	0.6	9,615	0.3

Supporting Documents

Newport City Council: Strategic Equality Plan and Equality Objectives 2020-2024 (2020). Available at: <https://www.newport.gov.uk/documents/Council-and-Democracy/Equalities-and-Welsh-language-/Strategic-Equality-Plan-2020-2024.pdf>

Newport City Council Strategic Equality Plan: Annual Report 2019-2020 (2021). Available at: <https://www.newport.gov.uk/documents/Council-and-Democracy/Equalities-and-Welsh-language-/Strategic-Equality-Plan-2019-20.pdf>

Newport City Council Strategic Equality Plan: Annual Report 2017-18 (2018). Available at: <http://newport.gov.uk/documents/Council-and-Democracy/Equalities-and-Welsh-language-/Equality-Plan-Annual-Report-2017-2018.pdf>

Fairness Commission <http://www.newport.gov.uk/fairnessCommission/en/Full-Report/Full-Report.aspx>

Stats Wales <https://statswales.gov.wales/Catalogue/Business-Economy-and-Labour-Market/People-and-Work/Earnings/genderpaydifferenceinwales-by-year>

Stats Wales – Newport general <https://statswales.gov.wales/Search?Query=newport>

Newport's Well-being Plan 2018-2023 [Local Well-being Plan 2018-23 \(English Final\)](http://www.newport.gov.uk/Local-Well-being-Plan-2018-23-English-Final) ([newport.gov.uk](http://www.newport.gov.uk))

Wellbeing Profile 2019 <https://www.newport.gov.uk/documents/One-Newport/Profiles/Community-Wellbeing-Profile-2019-Newport-Population.pdf>

Chwarae Teg; State of the Nation Report <https://chwaraeteg.com/wp-content/uploads/2021/02/State-of-the-Nation-2021.pdf>

We the 15 – inclusion movement <https://www.wethe15.org/>

Annual Survey of Hours and Earnings (ASHE)
https://www.ons.gov.uk/searchdata?q=Annual%20Survey%20of%20Hours%20and%20Earnings&size=50&sortBy=release_date

Senedd Equal Pay Audit <https://senedd.wales/media/hg4fwhe1/equal-pay-audit-2020-english.pdf>

ONS Data <https://www.ons.gov.uk/peoplepopulationandcommunity>

ONS – APS [Annual population survey \(APS\) QMI](https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationanddemography/annualpopulationurvey) - Office for National Statistics

Citywide Data sourced through <https://population.un.org/wup/> from <https://worldpopulationreview.com/world-cities/newport-population>

Disability information and Waleswide statistics (housing)
<https://www.equalityhumanrights.com/en/housing-and-disabled-people-wales-statistics#:~:text=More%20than%20a%20quarter%20of,11.7%25%20since%202013%20to%202014.>



Report

Council

Part 1

Date: 23 November 2021

Subject Annual Report of the Democratic Services Committee 2020/21

Purpose To submit the Annual Report of the Democratic Services Committee to Council.

Author Head of Law and Regulation & Democratic Services Manager

Ward All wards

Summary The Local Government (Wales) Measure 2011 requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.

The annual report attached at Appendix A was agreed by the Democratic Services Committee on 11th October 2021.

Also attached at Appendix B is the annual report of the Head of Democratic Services, presented to the Democratic Services Committee on 11th October 2021 in order to review the adequacy of staff to support members.

Proposal To receive the Committee's annual report to the Council in order to meet the requirements of the Local Government Measure.

To note the content of the Head of Democratic Services Annual Report, as supporting evidence that the Committee has carried out its responsibility to review the adequacy of staff to support members

Action by Head of Law and Regulation & Democratic Services Manager

Timetable Immediate

This report was prepared after consultation with:

- Chief Executive
- Head of Finance
- Head of People and Business Change

Background

- 1.1 The Local Government (Wales) Measure 2011 (“the Measure”) requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.
- 1.2 The Measure prescribes the functions of the Democratic Service Committee as:
 - Designating the Head of Democratic Services
 - Keeping under review the provision of staff, accommodation and other resources made available to the head of democratic services in order that it is adequate for the responsibilities of the post;
 - Making reports, at least annually, to the Council in relation to these matters.
- 1.3 The Democratic Services cannot discharge any other functions or perform any dual role (for example doubling-up as a Scrutiny committee).
- 1.4 The Council agreed to widen the role of the Democratic Services Committee to include the consideration of any proposed amendments to the Council’s constitution for recommendation to the executive where appropriate and to the Council.
- 1.5 The Measure was subsequently amended by the Local Government Democracy (Wales) Act 2013, to specifically provide for a wider range of functions for Democratic Services Committees, along the lines adopted in Newport. The full terms of reference of the Committee, as set out in the Constitution, are contained in the draft Annual Report.
- 1.6 The annual report attached at Appendix A was agreed by the Democratic Services Committee on 11th October 2021.
- 1.7 Under the Measure, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post. To that end, also attached at Appendix B is the report by the Head of Democratic Services for 2021-21, also presented to the Democratic Services Committee on 11th October 2021. This report provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure to review the adequacy of staff to support members.
- 1.8 The Report confirms that the provision of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to decision making, democratic administration and Scrutiny as they currently exist. However, the impact of any changes in statutory requirements, or the needs of members will need to be kept under review by the Committee. The annual report notes that the new Democratic Services Manager was appointed in May 2021, the first Scrutiny Adviser post was filled in January 2021 and the second Scrutiny Adviser was recruited in June 2021. Therefore, there is now a full complement of staff within the Democratic Services team

Financial Summary

The Chair of the Democratic Services Committee is entitled to a special responsibility allowance in accordance with the prescribed members’ allowances scheme. There are no specific costs associated with the running of this committee other than those involved in the cost of administration of this and other council functions within the democratic process.

Risks

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?
Non-compliance with the requirements of the Local Government Measure	M	L	This report suggests the content of an annual report in line with the requirements of the Measure.	Democracy and Communication Manager / Head of Law and Regulation.
Inadequate resources to discharge the statutory requirements of the Measure	M	L	The Annual Report confirms the adequacy of existing resources and the proposals for a more effective management structure. The arrangements are the subject of review by the Committee in the event of any changes in functions or requirements	Democracy and Communication Manager / Head of Law and Regulation

* Taking account of proposed mitigation measures

Options Available

1. To consider the annual report and to present an agreed version of the report to the Council
2. To take no action

Preferred Option and Why

1. To consider the annual report and to present an agreed version to the Council in order to meet the requirements of the Local Government Measure

Comments of Chief Financial Officer

The chair of the Democratic Services Committee is entitled to a special responsibility allowance in accordance with the prescribed members' allowances scheme. There are no specific costs associated with the establishment of this committee other than those involved in the cost of administration of this and other council functions within the democratic process. These are met from existing budgets.

Comments of Monitoring Officer

There are no legal issues arising from the Report. The Annual Report sets out the work of the Committee over the past year and confirms that it has discharged its responsibilities in terms of the democratic services function in accordance with the Local Government (Wales) Measure 2011.

Comments of Head of People and Business Change

Effective governance is important for the Council to effectively discharge its duties and ensure we meet the requirements of the Local Government (Wales) Measure. Despite the challenges that 2020/21 has posed, using technology has ensured that the Committee has continued convene. There are therefore no staffing implications arising at this time.

Wellbeing of Future Generations (Wales) Act 2015

The Democratic Services Annual Report outlines how the Committee has discharged its responsibilities in terms of the democratic services function in accordance with the Local Government (Wales) Measure 2011. Part of its role is to review and monitor the effectiveness of the Council's corporate governance and decision-making processes and the terms of the Council's Constitution.

Through ensuring the effectiveness of the Council's corporate governance and decision-making processes, the Council will ensure that requirements of the Wellbeing of Future Generations (Wales) Act 2015 act are met and the following principles of the act are able to be properly embedded within the Council's governance and decision making structures:

- Long term: The Committee has ensured that Constitution and Standing Orders are able to meet balancing short- term needs with the need to safeguard the ability to also meet long – term needs
- Prevention: The Committee is able to prevent problems occurring or getting worse may help us meet our objectives
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies
- Collaboration: Assurance that the Council is collaborating with any other person or any other part of our organisation could help meet our wellbeing objective
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City.

Background Papers

The Local Government (Wales) Measure 2011
Newport City Council Constitution

Dated: 16 November 2021



Democratic Services Committee Annual Report 2020-21

1. Introduction

The Local Government (Wales) Measure 2011 requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the committee and requires the committee to make a report at least annually to the Council.

2. Terms of reference

The terms of reference for the committee are set out in the constitution, and meet the requirements of the prescribed functions within the Measure.

The Committee's terms of reference are:

- a) To designate the Head of Democratic Services
- b) To consider reports by the Head of Democratic Services in accordance with Section 9(1)(h) of the Local Government (Wales) Measure 2011 (adequacy of resources to discharge democratic services functions) within 3 months and make recommendations to Council, as appropriate
- c) To ensure that all reports of Democratic Services Committee under Section 11 of the Local Government (Wales) Measure 2011 (recommendations regarding the adequacy of resources to discharge democratic services functions) are circulated to all Members and considered within 3 months
- d) To require the attendance of any Members or officers of the Council to answer questions and invite other persons to attend meetings, as required
- e) To require any Member or officer attending meetings to answer any questions (unless they are to refuse on legal grounds)
- f) To appoint one or more sub-committees and to arrange for the discharge of any of its functions by such a sub-committee
- g) To review and monitor the effectiveness of the Council's democratic services functions, including:
 - the provision of support and advice to meetings of the Council, committees, sub-committees and joint-committees
 - promoting the role of Overview and Scrutiny
 - the provision of support and advice to Overview and Scrutiny
 - the provision of support and advice to individual Councillors in carrying out their roles as Members
 - such other democratic services functions as may be prescribed from time to time by Regulations made by the Welsh Ministers
 - make recommendation to Cabinet and Council, as appropriate.
- h) To review the adequacy of the Council's democratic services resources and to make recommendations, where necessary

- i) To review and monitor the effectiveness of the Council's corporate governance and decision-making processes and the terms of the Council's Constitution and make recommendations, as necessary, to Cabinet and/or the Council.

3. Structure and Membership

The Committee comprises

- Councillor Charles Ferris (Chair)
- Councillor Mark Whitcutt
- Councillor Phil Hourahine
- Councillor James Clarke
- Councillor Trevor Watkins
- Councillor Kate Thomas
- Councillor Gail Giles – as from May 2021(replacing Councillor Jason Hughes)
- Councillor Matthew Evans
- Councillor Chris Evans
- Councillor Carmel Townsend

Councillor Jason Hughes also served as members of the Committee from until May 202.

This is a politically balanced group comprising members with various roles in the Council and varying levels of experience. This group works well together and shares a joint aim of seeking to improve the way the Council works.

Councillors from the various groups work together in a non-partisan way to consider various aspects of the Constitution and other matters that impact on the governance of the Council. The apolitical stance taken by members of the committee has encouraged interesting discussions on the topics presented to the Committee.

4. Activities in 2020-21

This Annual report covers the period from November 2020 to November 2021.

The Committee has met on four occasions during this period

- 18th February 2020
- 29th April 2021
- 22nd July 2021
- 11th October 2021

All of these committee meetings were conducted remotely via MS Teams Live Event accordance with the Coronavirus (Meetings) (Wales) Regulations 2020 and the Protocol for the conduct of remote meetings adopted by the Council.

In the preceding 12 months, the Democratic Services Committee has considered the following:

(i) Review of Standing Orders.

Council meeting on 26th January 2021 resolved that Democratic Services Committee Should review both the impacts of the Local Government and Elections (Wales) Act 2021, and any proposed changes to the standing orders together in line with the work plan of the Committee within their normal reporting to full Council.

A notice of motion was tabled and moved at Council to amend Council Standing Order 4.2(b) to change the time limit for Questions at Council to the Leader from 15 minutes to 30 minutes. This was proposed on the basis that the current time limit did not afford a sufficient opportunity for Opposition members to ask questions of the Leader in Council. However, the matter was referred to the Committee to undertake a review of these standing orders in the context of our wider review of the Council's governance arrangements to meet the requirements of the new legislation.

The Local Government and Elections (Wales) Act 2021 contains a number of measures that will require changes to the Council's governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will be addressed as part of the forward work programme for Democratic Services Committee, together with any consequential amendments to the Constitution. The Committee noted that the following provisions were of particular relevance to the current Standing Orders and the way in which business is conducted and managed in Council meetings:-

- (a) Duty to encourage local people to participate in local government decision making to include;
- (b) the making of decisions in partnership or in conjunction with any other person (Section 39);
- (c) Prepare and Publish a Strategy on encouraging people to participate in local government decision and review the strategy following every local government election (Sections 40–41);
- (d) Duty to make and publish a petition scheme and review the scheme from time to time(Section 42);
- (e) Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45);
- (f) Electronic broadcasts of meetings open to the public (Section 46);
- (g) Remote Attendance at local authority meetings (Section 47).

The duty to encourage public participation and engagement could include examining options for public speaking and public questions at Council, as well as member questions. The petition scheme would also have to enable public petitions to be submitted electronically and provide a mechanism for responding. In addition, a bid had already been submitted to the local Government Digital Democracy Fund for £52k grant funding to develop and upgrade the technology in the Council Chamber and Committee rooms to provide for "hybrid" meetings, to enable some members to dial-in remotely to face-to-face meetings.

The Committee noted that Council Standing Orders will need to be reviewed and updated to accommodate these changes in governance processes. There may also be other provisions within existing Standing Orders that the Committee would wish to review and reconsider.

Therefore, the Committee agreed that the time limit for questions to the Leader in full Council should not be reviewed in isolation and should form part of this more comprehensive governance review.

(ii) Competency Framework and Induction Training

The Committee considered the draft Competency Framework and Induction Curriculum for Members following the May 2022 local elections.

The WLGA issued revised drafts of the updated competency framework for Councillors and the new induction curriculum for members following the May 2022 local elections. Both have been updated since they were last revised in 2017 to reflect the changes in members' roles and new legislative requirements. The draft documents were presented at a meeting of the Lead Members and Officers for Member Support and Development Network on 2nd February 2021, which was attended by the Chair of the Democratic Services Committee and Governance Support officers.

The revised draft competency framework for elected members outlines the knowledge and behaviours required by Councillors and has been developed by elected members and officers working with the WLGA. It will be used by councils when providing member support and training and to assist individual members in identifying their priorities for continuing personal development. It is not intended to be exhaustive or prescriptive, and can be adapted to reflect the priorities of different councils.

The Framework links to the *Wales Charter for Member Support and Development*, which provides councils with a structure for local self-assessment and provision of member development. The framework also fits with the WLGA model role descriptions and the induction curriculum for new members. It takes account of legislative requirements for members including those set out in the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021. The Framework includes a range of generic competencies required by all Councillors and separate sections for specific roles on the Council. For each theme, the framework sets out the information that Councillors need to know, understand, and be able to do (knowledge and skills), together with examples of how they should act (behaviours).

The draft induction programme for new elected members, leading up to and following the local elections in 2022, sets out the potential local and national activities to support potential and new members. It is not designed to be prescriptive as the needs of each Council and Councillor are different. It should however provide a guide for what should be considered when developing local programmes. The Induction Framework has been developed by Local Authorities working with the WLGA. It has been designed to fit with the *Development Framework for Members*, a competency framework for members which provides more information about the subjects which should be covered in both induction and ongoing member development. It also fits with the *Wales Charter for Member Support and Development* and takes account of the legislative requirements for members including those set out in the Local Government (Wales) measure 2011 and the Local Government and Elections (Wales) Act 2021.

Following the delivery of an induction programme, further development for councillors should be informed by personal development review. Councils will seek to procure and share

learning opportunities with each other and with community and town councils wherever possible.

Most of the induction training modules will be delivered by way of remote on-line learning. With this in mind, the WLGA raised specific questions about the NHS learning @Wales Platform which hosts the e-learning modules for members:-

The Committee felt that the proposed induction programme of training and competency framework was very comprehensive and would help to support members in carrying out a very demanding role. There was concern about the level and intensity of the training, with 37 separate training modules being developed, although we were advised that not all of the modules were mandatory and members should identify the training that was specific to their development needs.

With regard to the e-learning platform, we took the view that training should not be carried out exclusively on-line as there were many councillors who were not IT literate and may need support or who would prefer face-to-face tuition and interaction. Any e-learning platform should be easy to access and navigate.

In addition, more tailored local training will need to be developed for specialist mandatory areas such as the members Code of Conduct, Planning and Licensing, as these will need to reflect the specific arrangements in Newport.

(iii) Democracy Handbook

The Welsh Government has identified the new legislation as an opportunity to revisit all the existing guidance on local democracy produced over the years. The ultimate aim is to revisit and review this guidance and to bring it together in the form of a "Democracy Handbook" – a suite of material which will provide a one-stop resource for councillors and officers, but also local people seeking to better understand their rights and how councils work. The Centre for Governance and Scrutiny has been commissioned by Welsh Government to assist in the first phase of this project. They will be reviewing the primary legislation, statutory instruments and guidance which apply to councils on matters relating to democracy, and setting out a roadmap for how the Handbook can be developed. They will also be leading on the drafting of a piece of substantive guidance on local authority meetings, which will ultimately form a part of the Handbook. The Chair of Democratic services committee has attended one of the engagement sessions with councils to help develop this Democracy Handbook.

(iv) Audit Committee – changes to terms of reference.

The Committee considered a report regarding the changes to the title and terms of reference of Audit Committee made by the Local Government & Elections (Wales) Act 2021 and recommended to Council that the relevant parts of the Constitution should be amended accordingly.

Sections 115-118 of the Act amend the Local Government (Wales) Measure 2011 and extend the role of Audit Committees and re-name them Governance and Audit Committees. In addition to their existing functions, Audit Committees will be required to scrutinise the Council's governance and performance arrangements, considering and making recommendations about the Council's self-assessment report, and its response to panel performance assessment and special inspection reports. Lay membership requirements will also be strengthened, so that one third of members would be required to be lay members. These changes came into effects as from 1st April 2021 and, therefore, amendments were required to the current terms of reference within the Council's constitution to reflect the

legislative requirements. The provisions relating to the appointment of additional lay members and the performance self-assessment arrangements will need to be implemented from May 2022.

The recommended to Council that the title of the Committee should be changed to the Governance and Audit Committee and that its terms of reference should be amended as from 1st April 2021 to include

- reviewing performance assessment
- reviewing and assess the authority's ability to handle complaints effectively;
- making reports and recommendations in relation to the authority's ability to handle complaints effectively

We also recommended that the role description for the Chair of Governance and Audit Committee should be amended accordingly.

These recommendations were subsequently approved and adopted by full council and the relevant changes have been made to the Constitution.

The membership of the new Governance and Audit Committee will also need to be reviewed in due course, and prior to May 2022. The Committee currently comprises 9 members, including 1 lay representative and 8 elected members (politically balanced). There is only one lay member of the Committee, who acts as the independent Chair. The Chair must be appointed by the Committee itself. The statutory guidance recommends that councils follow a public recruitment exercise, similar to that used to appoint members of standards committees, to recruit their lay members. It is recommended that a lay member should not be appointed for more than two full terms of a local authority. Any lay member with voting rights is subject to the provisions of the authority's Code of Conduct for Members.

The current Chair will have served two terms of office by May 2022 and, therefore, a recruitment process will need to be undertaken to appoint a replacement. In addition, at least one-third of the Committee will need to be lay members. If the membership remains at 9 members, then that will require three lay members, including the Chair, and therefore additional independent members will also have to be recruited. The remaining 6 seats will then have to be allocated to the political groups in proportion to their representation on the new Council.

The Act will also require the appointment of a Deputy Chair of Governance and Audit Committee. The Deputy Chair does not need to be a lay member but cannot be a member of the Council's executive. Again, it will be for the Governance and Audit Committee to make the appointment. If it is an elected member, then no senior salary will be payable.

We recommended that the recruitment process for the new lay members should be commenced as soon as possible, to secure the best possible candidates. In terms of succession planning and ease of transition, it was possible for the additional lay members to start before next May, without affecting the balance on the Committee, as there is already a discretion to have up to one-third lay membership. However, the make-up and composition of the committee will need to be reviewed after next May.

(v) Draft Guidance – Multi-location meetings

The Local Government and Elections (Wales) Act 2021 ("the Act") makes provision for remote attendance at local authority meetings and electronic broadcasts of meetings open to the public, in order to achieve greater accessibility and improved public participation in local

government. Section 47 of the Act requires the Council to make arrangements for remote access to meetings. This section of the Act will come into effect as from 1st May 2021.

The Committee has considered a report on the preparations for the delivery of hybrid, multi-location meetings. The current arrangement uses Microsoft Teams solutions to delivery fully remote meetings but grant funding of £52k has been secured from the Welsh Government Digital Democracy Fund to develop and upgrade the technology in the Council Chamber and Committee rooms to deliver “hybrid” multi-location meetings. The Public-i webcasting system will also be upgraded to enable these hybrid meetings to be broadcast live. A project team has been established to take this work forward and progress reports will be presented to Democratic Services Committee as the work develops. The intention is to use the current Microsoft Teams platform, with linkage to the Public-i webcasting system, in relation to meetings based in the council Chamber and the main Committee rooms. Screens will need to be upgraded in the meeting rooms to enable members who are dialling-in remotely to be seen and heard at all times by those members who are sitting in the meeting rooms.

The Act provides for the Welsh Government to issue statutory guidance regarding the conduct and management of these multi-location meetings. They have commissioned the Centre for Governance and Scrutiny, Public Governance Wales and Cardiff University to undertake a joint project to draft this guidance. We considered and commented on the draft guidance that they have produced.

The Committee felt that the draft guidance was very comprehensive and it was helpful to access all of the relevant guidance in one document. However, there were concerns about the length of the document and unnecessary commentary and repetition. Also, we felt that it would be helpful if the guidance could be re-arranged with basic information for each theme and links to more detail for each subject. This would be especially helpful for elected members. An executive summary would also be helpful. The Committee also considered that greater clarity was required regarding which parts of the guidance are mandatory and which elements are purely advisory and considered to be good practice.

With regard to the use of Teams software, Committee members did identify concerns regarding technical issues with connectivity and we considered whether Zoom was a viable alternative. We were advised that there had been security issues regarding Zoom and this would also require the purchase of additional licences, whereas the Teams function was already included within Microsoft Office 365. The Committee as welcomed the Welsh language commitment within the Guidance and felt that this was an opportunity for the potential to extend the use of Welsh language.

(vi) Local Government & Elections (Wales) Act 2021 – Implementation Timetable

The Committee received a comprehensive report regarding the timetable for the implementation of the new legislation.

The Local Government & Elections (Wales) Act 2021 received Royal Assent on 20th January 2021 and the various sections of the new legislation will be brought into force on a phased basis through a series of commencement orders, with secondary legislation and guidance provided by Welsh Government. We considered an implementation schedule setting out all of the separate legislative provisions contained within the Act, and when those provisions will come into force. It will be used for the purposes of allocating tasks and work-streams and for establishing key milestones and target dates for the development and implementation of the necessary governance changes to meet the requirements of the Act.

An officer working group has been established, under the management and direction of the Head of Law and Regulation and the Head of People and Business Change, to deliver the implementation programme. The individual tasks will be allocated to specific sub-groups and progress will be monitored against the delivery dates. Progress reports will be submitted on a regular basis to the Senior Responsible Officers and, where the work impacts on the Council's internal governance arrangements, updates will be provided to Democratic Services Committee.

The Act contains a number of measures that will require changes to the Council's governance arrangements and Standing Orders, prior to May 2022. The implementation of these legislative requirements will, therefore, need to be addressed as part of the forward work programme for Democratic Services Committee, together with any consequential amendments to the Constitution. The following provisions are of particular relevance to the Committee:-

- (a) Duty to encourage local people to participate in local government decision making to include the making of decisions in partnership or in conjunction with any other person (Section 39);
- (b) Prepare and Publish a Strategy on encouraging people to participate in local government decision and review the strategy following every local government election (Sections 40–41);
- (c) Duty to make and publish a petition scheme and review the scheme from time to time (Section 42);
- (d) Publish Constitution and a guide to accompany the Constitution and make copies of the guide available on request (Section 45);
- (e) Electronic broadcasts of meetings open to the public (Section 46);
- (f) Remote Attendance at local authority meetings (Section 47);
- (g) The new self-assessment performance management framework, which will require an annual self-assessment report, with a peer review by an external independent panel (section 89-94).

The duty to encourage public participation and engagement could include examining options for public speaking and public questions at Council, as well as member questions. The petition scheme will enable public petitions to be submitted electronically and provide a mechanism for responding. The new self-assessment performance management framework will have an impact of the Council's approach to performance management and the role of Scrutiny and Governance and Audit Committees.

We also noted other provisions within the legislation, such as job sharing for executive members and the move to alternative voting systems for council elections.

(vii) Public Participation & Engagement Strategy.

One of the key requirements of the 2021 Act is for the Council to prepare and publish a Strategy on engagement with the public and encouraging people to participate in decision-making. There is a statutory requirement to review the strategy at least once following every local government election. The Committee will oversee the preparation of this strategy and will agree the draft version for public consultation prior to being recommended to council for adoption prior to May 2021.

We received a presentation from the Head of Democratic Services, outlining the work being undertaken by an officer working group to develop this strategy based on current practices and procedures in relation to public engagement and participation, such as the website, Citizen's panel, Youth Council, budget consultation etc.

Some of the key requirements for the Strategy are

- setting out how the council intends to promote awareness of the council's functions to the public
- promoting how to become a member of the council or a related authority
- facilitating greater access to information for members of the public
- providing ways for members of the public to make representations to principal councils
- promoting awareness of the benefits of using social media by members of the council

The next stage will be to develop a detailed plan which will include a range of options for public consultation, documenting data that supports the key requirements and engagement of under-represented groups.

We were particularly keen to promote greater understanding about the role of elected members and what becoming a Councillor involved, to encourage greater participation in elections.

(viii) New Working Model

In conjunction with the review of the democratic processes, we received a presentation regarding the New Working Model approved by Cabinet and the implications for elected members. Cabinet had approved a new working model for council services which involved a hybrid model of face-to-face service delivery together with more agile, flexible home-working for staff. This would be underpinned by greater use of technology and also assist with the rationalisation of the use of Council buildings.

It is the role of this Committee to ensure that elected Members and the democratic process are catered for within this New Working Model and that it meets the requirements of the Local Government and Elections Act. The Council has a duty to promote access to local government, which requires us not only to ensure an electronic broadcast of Council meetings but also to make provision for remote access to those meetings by elected members. The 2021 Act requires the Council to introduce the technology to hold "hybrid" meetings as from May 2022, as part of its democratic decision-making processes, and this requirement will apply regardless of any new operating model. This flexibility for members to join meetings remotely is part of the diversity agenda, to encourage a more representative make-up of the Council.

Also, the Committee considered the adequacy of the current well-being arrangements for elected members, should the new model of working be adopted. Although the Council has no employment relationship with elected members we still need to consider how the dispersed working model impacts on Members, in a similar way to staff. The Council provides a broad well-being service for staff. Elected members are also able to avail themselves of this support (this excludes attendance at specific staff networks but does include attendance at relevant training and/or well-being sessions). In the event that the Council enhances this well-being programme in line with a new operating model, then elected members would be supported through this.

The Committee also considered whether the current support packages for elected members are sufficient, particularly in relation to IT devices. In particular, we discussed whether the move to hybrid meetings and home working would require a review of the current policy in relation to member broadband, particularly if upgrades were required for the purposes of Council business. It was noted that the IRP report is clear that members should not be required to pay for IT support out of their basic salaries or allowances. The selection of member devices, including laptops, tablets and smart phones is also being reviewed in readiness for May 2022.

(ix) Annual Report of the Head of Democratic Services

The Committee considered the Annual Report of the Head of Democratic Services. Under the Local Government (Wales) Measure 2011, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

The Democratic Services Manager is the designated Head of Democratic Services and fulfils this statutory role in accordance with the requirements of the 2011 Measure. Following the resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, a new Democratic Services Manager post was created to redefine and strengthen the management role and focus specifically on the statutory governance responsibilities, prior to recruiting to the vacant post.

Pending recruitment to the new post, The Head of Law and Regulation assumed a more direct management role and oversight of the service and was supported by the Governance Team in managing the remote Scrutiny meetings and agendas. A new Assistant Head of Legal Services and Deputy Monitoring Officer was appointed prior to the Covid-19 lockdown and the new post-holder started in June 2020.

Leanne Rowlands was appointed to the post of Democratic Services Manager and Head of Democratic Services in May 2021 and the remaining Scrutiny Adviser post was filled in June 2021. There is now a full complement of staff within the Democratic services team. Therefore, the Committee endorsed the view of the Head of Democratic Services that the provision of staff, accommodation and other resources by the Council continues to be adequate to discharge the statutory requirements in relation to decision making, democratic administration and scrutiny. The Committee also asked Democratic Services Manager to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met, and to present a report to the Committee should any review be required.

(x) Independent Remuneration Panel Wales: Draft Annual Report

The Committee received the draft Independent Remuneration Panel for Wales (IRPW) Annual Report and were invited to discuss the response from Newport City Council as part of the consultation process. The IRP proposed a significant reset for all members' allowances as from May 2022 in the light of significant socio-economic change and the previous levels of salaries not keeping pace with inflation.

The Committee had no comments on the draft report, as it was felt inappropriate to comment on the levels of salaries and allowances being recommended by the IRP

The final IRPW report will be published later in February 2022 and will need to be adopted as the Council Scheme of allowances at the Annual General Meeting in May 2022.

5. Work Planned for 2021-22

The work programme was agreed at the Democratic Services Committee held on the 18th February 2021. The Committee endorsed the draft work programme included in last year's Annual report, as presented to Council in November 2020, which included the following priorities

(a) Constitution Review

The Committee has continued with the work of systematically reviewing the various parts of the Council's Constitution, with a view to changing to the new modular style of document previously agreed by the Committee. The Constitution will also need to be amended to reflect the requirements of the new legislation and the revised Member Code of Conduct. The new legislation will also require the Council to publish an abridged guide to the Constitution, to provide an explanation of the governance structure and decision-making processes.

(b) Local Government & Elections (Wales) Act 2021

The Committee has continued to review the current governance arrangements regarding the conduct of remote meetings and future governance arrangements, to meet the requirements of legislative changes in the Local Government and Elections (Wales) Act, for example in relation to hybrid meetings, remote access and live broadcasting and public participation and engagement.

(c) Covid-19 Recovery Aims and Objectives

The Committee will also consider any corporate governance issues arising from the Council's Covid-19 response and the recovery aims and objectives.

(d) Annual Reports

In addition, we will continue to provide consultation responses to the IRP draft report and keep under review the adequacy of the Council's democratic services resources and make recommendations, where necessary.

6. Democratic Services Annual Report

Both the Committee and the Head of Democratic Services are required to produce an annual report to Council each year, and this is built into the forward work programme.

Councillor Charles Ferris
Chair of the Democratic Services Committee

Gareth Price
Head of Law and Regulation

Leanne Rowlands
Democratic Services Manager



Head of Democratic Services Annual Report 2021

1. Introduction

Following the introduction of the Local Government (Wales) Measure 2011, the Council is required to designate one of its officers to the statutory post of Head of Democratic Services, and provide that officer with sufficient staff and support to discharge the role. The Head of Democratic Services is a politically restricted post and the Democratic Services Committee is responsible for designating this role.

The Democratic Services and Communications Manager was the designated Head of Democratic Services and fulfilled this statutory role in accordance with the requirements of the 2011 Measure. Following the resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, a review was carried out of the senior management structure and a new Democratic Services Manager post was created, to redefine and strengthen the management role and focus specifically on the statutory governance responsibilities, prior to recruiting to the vacant post.

The Democratic Services Manager is responsible for discharging the statutory roles and responsibilities of the Head of Democratic Services under the Measure and is responsible for the management and supervision of all staff within the Governance and Scrutiny Teams

Under the Measure, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post.

2. Functions and requirements of the statutory role

The functions of the Head of Democratic Services are set out in the Measure and relate to the provision of advice and support to non-executive members as part of the democratic process, and all councillors when carrying out their representational role. In effect this covers Committee services, scrutiny and general member support services.

The Measure specifically provides that the Head of Democratic Services should not be providing advice and support directly to executive members, although there is no issue with him or her providing administrative support.

It is clear from the Measure and the statutory guidance that a complete split between executive and non-executive is unnecessary and that the Council can designate an existing officer to discharge this role rather than create an entirely new post. This recognises that creating a new Chief Officer post would be an unacceptable burden on the Council's budget at a time when funding must be prioritised for front line services.

The Guidance specifically provides that the Head of Democratic Services can perform other roles apart from the statutory non-executive support functions prescribed by the Measure (as with the Monitoring Officer). Therefore, there is nothing to prevent the Head of Democratic Services having line management responsibility for the staff that support or advise the Cabinet, provided that this part of the service is separate and distinct from the statutory functions.

The Measure also provided that role of the Head of Democratic Services had to be separate from the designated Monitoring Officer role, although there was nothing to prevent the Monitoring Officer from having line management responsibility for democratic services. However, the Local Government and Elections (Wales) Act 2021 removes this requirement as it is now recognised that the Monitoring Officer and Head of Democratic Services roles are not mutually exclusive and can be jointly provided. However, given that the current

arrangements are working satisfactorily, then it is not considered necessary for the Committee to review the allocation of functions and responsibilities at the present time.

3. Provision of staff

The resignation of the previous Democratic Services and Communications Manager and the Scrutiny and Governance Manager in September 2019, provided an opportunity to review the senior management structure within the Governance Team. Although the staffing resources within the Democratic Services team remains adequate to discharge the democratic functions under the Measure, it was considered that the management structure should be revised to provide more effective leadership and supervision, with greater focus on the statutory role of the Head of Democratic Services. The previous integrated management structure had diluted this role because of the additional responsibilities of overseeing the Strategic Communication and Destination Development functions. It had become apparent that there was a need for more intensive management within the Governance Team and, therefore, it was decided to revert back to the previous management structure with a dedicated Democratic Services Manager.

Therefore, the previous posts of Democracy and Communications Manager and Scrutiny and Governance Manager were deleted and replaced by a new combined post of Democratic Services Manager.

4. Scrutiny and Governance

The Scrutiny and Governance team provides all committee administration, scrutiny, and general member support services. The Democratic Services Manager provides overall management for the scrutiny and governance functions.

The Scrutiny Advisers continue to provide advice, guidance and research to the scrutiny committees and members.

The Governance Officers, under the direction and supervision of the Governance Team Leader, will provide all administrative support to committees and general support to members. The more simplified structure under a single team manager has been designed to allow more resilient, flexible support for the democratic process, and additional capacity for general member support and development activities.

5. Adequacy of staffing

The staffing structure was designed following a full review of the resources needed for the effective discharge of these functions. This is a relatively small team and, therefore, it is important that the available resources are directed in the most efficient way. The pooling of committee and member support within a five-strong team of generic administrators has allowed for more flexible support to be provided, and greater resilience within the team. As well as giving clearer lines of delineation, separating general member support from the executive function has helped to ensure that both executive and non-executive members are provided the dedicated support they require.

Although the management structure has been reviewed and altered, there is no change to the current numbers of staff providing support for members and no net reduction in the available resources.

Leanne Rowlands was appointed to the post of Democratic Services Manager and Head of Democratic Services in May 2021 and the remaining Scrutiny Adviser post was filled in June

2021. There is now a full complement of staff within the Democratic services team. Therefore, the provision staff, accommodation and other resources under this structure is considered to be adequate to discharge democratic services functions, as they currently exist.

In accordance with the requirements of the Measure the staffing and resources available to discharge these democratic functions will need to be kept under regular review, to ensure that they remain adequate and effective.

The single biggest challenge for Democratic Services during the past 12 months has been the need to develop the technology and protocols necessary to deliver remote meetings during the Covid-19 restrictions. This is likely to continue in the foreseeable future and there will be a further requirement to plan for legislative changes under the Local Government and Elections (Wales) Act 2021 particularly in relation to hybrid remote meetings and member training and development.

In addition to developing the technology to support remote meetings, Democratic services staff have been heavily involved in member training and development. Participation in remote meetings has required a fundamental change in culture and, therefore, elected members needed to be fully trained and confident in using the technology in order to contribute effectively to the debate and decision-making. A significant amount of training was delivered to Councillors prior to the first remote Council AGM in July 2020, but there is a continuing need to deliver a more comprehensive programme of training and, tailored to the particular needs and roles of individual members and Committees. This will need to be overseen by the Democratic Services Committee as part of their member training and development role.

The phased introduction of remote meetings is not a return to “business as usual”. Going forward, the “new normal” working model will require significant changes to internal democratic and governance arrangements. This is not simply a change in the way that Council meetings are conducted but reflects a change in the priorities and work of Committees and elected members. The Council’s strategic recovery aims have re-focused and re-prioritised corporate objectives and these will need to be reflected in the revised forward work programmes.

The Local Government & Elections (Wales) Act 2021 requires the Council to introduce the technology to hold “hybrid” meetings as from May 2022, as part of its democratic decision-making processes, and this requirement will apply regardless of any new operating model. This flexibility for members to join meetings remotely is part of the diversity agenda, to encourage a more representative make-up of the Council.

The current arrangement uses Microsoft Teams solutions to delivery fully remote meetings but grant funding of £52k has been secured from the Welsh Government Digital Democracy Fund to develop and upgrade the technology in the Council Chamber and Committee rooms to deliver “hybrid” multi-location meetings. The Public-i webcasting system will also be upgraded to enable these hybrid meetings to be broadcast live. A project team has been established to take this work forward and progress reports will be presented to Democratic Services Committee as the work develops. The intention is to use the current Microsoft Teams platform, with linkage to the Public-i webcasting system, in relation to meetings based in the Council Chamber and the main Committee rooms. Screens will need to be upgraded in the meeting rooms to enable members who are dialling-in remotely to be seen and heard at all times by those members who are sitting in the meeting rooms.

In addition, significant work is underway to develop the statutory Public Participation and engagement strategy that the Council is required to publish and review in accordance with the 2021 Act.

Any changes in statutory requirements and/or the needs of members will also need to be kept under review and will be reported to the Democratic Services Committee. Potential pressures could include:

- The impact of the Local Government & Elections (Wales) Act 2021
- The local government elections in May 2022 and the delivery of a successful induction training programme for the new elected members
- Any changes to the demands and needs of elected members
- Any changes in statutory requirements, e.g. Welsh Language Standards; Wellbeing of Future Generations Act / PSB Scrutiny.
- Increased day to day demands
- Any further demands from regulatory bodies

Finally, we would like to take this opportunity to recognise the tireless and excellent work of the staff within Democratic Services during this unprecedented and challenging period and record our personal gratitude for their unstinting support.

Head of Law & Regulation and Democratic Services Manager



Report

Council

Part 1

Date: 23 November 2021

Subject Standards Committee Annual Report 2020/2021

Purpose To present the Standards Committee Annual Report for 2019/2020

Author Head of Law and Regulation
Chair of Standards Committee

Ward General

Summary This Report presents to Council the eighth Annual Report of the Standards Committee for 2019/20. The Annual Report provides information to the Council about the work carried out by the Committee during the previous 12 months, identifies any specific issues that have arisen and sets out the forward work programme for the forthcoming year.

This eighth Annual Report covers the period from November 2020 to November 2021 and follows on from the last report presented to Council in November 2020.

Proposal To receive the Standards Committee Annual Report for 2020/21 and to note the forward work programme.

Action by Head of Law and Regulation

Timetable Immediate

This report was prepared after consultation with:

- Standards Committee
- Head of Finance
- Head of People and Business Change

Signed

Background

1. The Local Government Act 2000 Part III requires the Council to establish a Standards Committee to promote and maintain high standards of ethical conduct by Councillors, co-opted members and Community Councillors. This role involves advising and training Members on the Code of Conduct, determining any complaints of misconduct, the imposition of sanctions, where appropriate, and considering any applications for dispensation under the Code.
2. The composition and membership of the Standards Committee is prescribed by the Standards Committees (Wales) Regulations 2001 (as amended) and comprises:-
 - 5 independent members (including an independent chair and vice-Chair)
 - 3 Councillors
 - 1 community council representative.
3. The Standards Committee is required to meet at least once annually in accordance with the Local Government Act 2000. In practice, the Committee meets on a scheduled quarterly basis and additional special meetings are arranged, as necessary, to deal with specific matters such as misconduct hearings and requests for dispensation.
4. The Annual Report provides information to the Council about the work carried out by the Committee during the last 12 months, identifies any specific issues that have arisen and sets out the forward work programme for the forthcoming year.
5. This eighth Annual Report covers the period from November 2020 to November 2021 and follows on from the last report presented to Council in November 2020.
6. This Annual Report has previously been presented to Council on a voluntary basis. However, as from May 2022, there will be a statutory requirement under the Local Government & Elections (Wales) Act 2021 for Standards Committee to make an annual report after the end of each financial year and for full Council to consider that report within 3 months. The statutory report must describe how the Committee's functions have been discharged during the previous year and, in particular, must include a summary of any reports, actions or recommendations made or referred to the Committee. In addition next year's Annual Report must include an assessment of the extent to which leaders of political groups on the Council have complied with their new duties to promote and maintain high standards of conduct within their groups.
7. For the first time this year, Standards Committee was called upon to conduct a misconduct hearing and to impose a sanction on an elected member. This case should act as a salutary lesson for all members regarding their position of trust and responsibility and the need to avoid using this position improperly. A full copy of the decision is attached to the draft Annual Report and all members are encouraged to read and take note of the reasons for this decision.
8. No complaints were formally determined under Stages 1 and 2 of the Local Resolution Protocol and no complaints were referred to Standards Committee under Stage 3 during 2020/21.
9. The report confirms that 3 complaints were referred to the Ombudsman about City Councillors during the last year and 8 complaints were made regarding community councillors. In addition to the one complaint that resulted in a finding of misconduct and a 3 months suspension, the other two complaints about City councillors were not accepted for formal investigation on the basis that they did not disclose any evidence of a breach of the Members Code of Conduct. With regard to the complaints about community councillors, two were not accepted for formal investigation as they did not constitute a breach of the Code. Two other complaints were not accepted for formal investigation on the basis that, although the behaviour of the community councillors concerned had shown a lack of respect and consideration for others and was, therefore, a breach of the ethical standards of behaviour set out in the Code, the breaches were not serious enough to warrant further action and it was not in the public interest to impose any sanctions. However, the

Ombudsman wrote to the two community councillors to remind them of their obligations under the Code and to warn them about not being abusive and disrespectful towards members of the public in future and not to bring their office into disrepute. The remaining 4 complaints about community councillors are still under investigation and awaiting a decision from the Ombudsman.

10. The training requirements for City Councillors, community councils and their clerks will continued to be monitored and reviewed as part of the Committee's forward work programme, particularly as we move towards the next round of local government elections in May 2022. The mandatory training modules for the Code of Conduct will be refined and redeveloped in readiness for the members induction programme, immediately following the elections.
11. The Annual Report also sets out a summary of the general work of the Committee during 2020/21 and contains a draft forward work programme for the forthcoming 12 months.

Financial Summary (Capital and Revenue)

There are no financial implications as the costs of operating and supporting the Standards Committee are covered within existing budgets. Independent members of Standards Committee receive a fixed fee for attendance at and preparation for meetings in accordance with the half daily rates prescribed by the IRP for Wales.

Risks

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?
An ineffective Standards Committee would undermine public confidence in local government and would lead to poor quality decision making, with the risk of legal challenge, reputational harm to the Council and sanctions imposed on individual Members	H	L	By proactively promoting high standards of ethical conduct among elected Members and officers and delivering effective training, there have been no findings of misconduct and no serious complaints of breaches of the Code.	Standards Committee Monitoring Officer Deputy Monitoring Officer
Failure to agree key priorities and a structured forward work programme could lead to a reduction in standards and behaviour and undermine the effectiveness of the Committee	M	L	The forward work programme sets out a structured basis for reviewing all ethical standards policies and procedures and reviewing training needs and development	Standards Committee Monitoring Officer Deputy Monitoring Officer

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The promotion of high standards of ethical conduct among elected Members and officers maintains public confidence in local government and are enshrined in the Council's well-being plan and objectives under the Well-being of Future Generations (Wales) Act.

Options Available

- (a) To receive the Standards Committee Annual Report and note the forward work Programme.
- (b) To reject the report and/or ask for further work to be undertaken

Proposed Action

- (a) To receive the Standards Committee Annual Report and note the forward work Programme

Comments of Chief Financial Officer

There are no financial implications.

Comments of Monitoring Officer

Included in the report.

Comments of Head of People and Business Change

It is important the Council is able to maintain high standards in the conduct of Elected Members in all Council business and decision making undertaken. This report reflects the transparency and effectiveness of the Standards Committee in 2020/21. It will also be important that the Council considers the outcomes of this report and act upon the areas of learning and improvement identified in the report.

There are no specific staffing implications or policy implications.

Fairness and Equality Impact Assessment:

The principles of fairness and equality are embodied within the Members Code of Conduct and the Ethical Framework. No FEIA is required, as the Annual Report to Council is for information purposes only.

Background Papers

None

Dated: 16 November 2021



Standards Committee Annual Report 2020-21

Foreword by the Chair

I am pleased to present the eighth Annual Report of the Standards Committee for 2020/21. The Annual Report provides information to the Council about the work carried out by the Committee during the past 12 months and identifies particular issues that have arisen.

This eighth Annual Report covers the period from November 2020 to November 2021 and follows on from the last report presented to Council in November 2020. This Annual Report has previously been presented to Council on a voluntary basis. However, as from May 2022, there will be a statutory requirement under the Local Government & Elections (Wales) Act 2021 for Standards Committee to make an annual report after the end of each financial year and for full Council to consider that report within 3 months. The statutory report must describe how the Committee's functions have been discharged during the previous year and, in particular, must include a summary of any reports, actions or recommendations made or referred to the Committee. In addition next year's Annual Report must include an assessment of the extent to which leaders of political groups on the Council have complied with their new duties to promote and maintain high standards of conduct within their groups.

The Standards Committee is committed to promoting high standards of ethical conduct among elected Members and officers in order to maintain public confidence in local government. The Committee will continue to proactively review all ethical standards policies and procedures as part of the forward work programme.

For the first time this year, Standards Committee was called upon to conduct a misconduct hearing and to impose a sanction on an elected member. This does not reflect well on the Council's reputation and, therefore, we consider that this case should act as a salutary lesson for all members regarding their position of trust and responsibility and the need to avoid using this position improperly, regardless of whether there is any element of personal gain involved. We have attached a full copy of the decision to this Annual Report and would encourage all members to read and take note of the reasons for this decision.

The training requirements for City Councillors, community councils and their clerks will continue to be monitored and reviewed as part of the Committee's forward work programme, particularly as we move towards the next round of local government elections in May 2022. The mandatory training modules for the Code of Conduct will be refined and redeveloped in readiness for the members induction programme, immediately following the elections.

During the past 12 months, two of our longest-serving independent members, Phil Westwood (the previous Chair of the Committee) and Tracey Britton, completed their second terms of office and I would like to take this opportunity to thank them for their hard work and dedication over the years. The Committee was pleased to welcome Richard Morgan, and Gill Norton as new independent members.

Finally, I would like to thank all Members of the Committee and Council officers for their advice and support throughout the last 12 months.

Andrew Mitchell

Chair of Standards Committee

1. **Introduction**

1.1 **Terms of Reference**

The Local Government Act 2000 Part III requires the Council to establish a Standards Committee to carry out the following statutory functions:-

- (a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Dealing with any reports from the Monitoring Officer and hearing any complaints of misconduct or breaches of the Members' Code of Conduct referred by the Public Services Ombudsman for Wales and determining appropriate action, including the imposition of any sanctions;
- (h) The exercise of (a) to (g) above in relation to the community councils and the members of those community councils.

As from May 2022, the Standards Committee will also have the following additional statutory functions, in accordance with the Local Government & Elections (Wales) Act 2021

- (i) Monitoring compliance by leaders of political groups on the Council with their duties under section 52A (1) of the 2000 Act (as amended) to take reasonable steps to promote and maintain high standards of conduct by the members of their groups, and to co-operate with Standards Committee in the exercise of these functions.
- (j) Advising, training or arranging to train leaders of political groups on the Council about matters relating to those duties

Standards Committee also carries out the following additional functions, making recommendations to the Council, as appropriate:-

- (k) The hearing and determination of "low level" complaints of misconduct at Stage 3 of the Local Resolution Protocol;

- (ii) Providing advice to the Council on the Council's Codes of Practice, including the Officers' Code of Conduct and the Whistle Blowing policy;
- (iii) Monitoring and updating the Codes of Practice as required; and
- (iv) Overseeing the Council's confidential complaints procedure;

1.2 Structure and Membership

The composition and membership of the Standards Committee is prescribed by the Standards Committees (Wales) Regulations 2001 (as amended).

The Standards Committee comprises:-

5 Independent Members (persons who have no connection with the local authority)

- Andrew Mitchell (Chair)
- Kerry Watkins (Vice Chair)
- Dr Paul Worthington
- Richard Morgan
- Gill Nurton

3 councillor representatives:-

- Councillor Baroness Wilcox of Newport
- Councillor Phil Hourahine
- Councillor David Fouweather

1 community council representative:-

- John Davies (Bishton Community Council)

The independent members serve a term of office of 4 years, although they are eligible to serve two consecutive terms of office. The Councillors are appointed annually by the Council at the AGM and replacement members can be appointed, as necessary, at any time. The community council representative continues as a member of the Committee until his term of office ends or he ceases to be a community councillor, or until he is replaced by another nominee.

1.3 Enforcement of the Members Code of Conduct

The Council's Monitoring Officer is Gareth Price, the Head of Law & Regulation, and the Deputy Monitoring Officer is Liz Bryant, the Assistant Head of Legal Services

The Monitoring Officer and Deputy Monitoring Officer are responsible for:-

- advising Standards Committee on law and procedure,
- ensuring compliance with statutory requirements (Registers of Members interest etc.)
- resolution of "low-level" complaints under Stage 2 of the Local Resolution Protocol

- investigation of complaints referred by the Ombudsman

The Public Services Ombudsman for Wales (“Ombudsman”) is responsible for:-

- considering all formal complaints of breaches of the Members Code of Conduct and applying a two stage test of (1) prima facie evidence of misconduct and (2) whether the breach is so serious as to warrant any sanction
- investigating and reporting (where appropriate) any serious breaches of the Code to the Standards Committee or a Case Tribunal of the Adjudication Panel for Wales

The Adjudication Panel for Wales:-

- Case Tribunals hear serious misconduct cases referred by the Ombudsman
- Interim Case Tribunals can suspend Councillors for up to 6 months pending investigation of serious complaints
- Determine appeals against Standards Committee decisions or sanctions
- Can suspend Councillors for up to 1 year or disqualify for up to 5 years

The Standards Committee

- Conduct hearings and determine complaints referred to them by the Ombudsman and the Monitoring Officer
- Can censure or suspend Councillors for up to 6 months

2. The Committee’s work in 2020/21

The Standards Committee is required to meet at least once annually in accordance with the Local Government Act 2000. In practice, the Committee meets on a scheduled quarterly basis and additional special meetings are arranged, as necessary, to deal with specific matters such as misconduct hearings and requests for dispensation.

Three members are required to attend for a quorum at meetings (including the independent Chair or Vice Chair) and at least half of those present must be independent. The community council representative is not “independent” for this purpose.

The Standards Committee met on 6 occasions during the past 12 months:-

- 7th January 2021
- 15th April 2021
- 15th July 2021
- 29th July 2021
- 22nd September 2021
- 11th November 2021

The meetings have all been conducted remotely via MS Teams, in accordance with the remote meetings Protocol adopted by the Council and the Coronavirus Meetings (Wales) Regulations 2020. Recordings of the meeting have been uploaded onto the Council web site

for public viewing. Standards Committee will continue to operate effectively under these new arrangements and will continue to fulfil its statutory functions.

2.1 Dispensation Applications

There have been no applications for dispensations during the past year in accordance with the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 and Section 81(4) of the Local Government Act 2000.

Standards Committee are able to grant special dispensation for individual members to speak and/or vote on a particular matter where they would otherwise be disqualified because of a “personal interest” under the Code.

Previously, most of the work of the Committee had been taken up with determining applications for dispensation for individual Councillors to enable them to allocate their Neighbourhood Allowances to community groups and individuals within their wards. These Neighbourhood Allowances were discontinued in April 2016 as part of Council budget savings. There have been no other requests for individual Councillor dispensations over the past four years.

2.2 Training

The Standards Committee has always stressed the importance of regular Member training, to ensure that Councillors keep up to date with the requirements of the Code of Conduct and any changes in the law or procedures.

It is the responsibility of each individual Councillor to ensure that they fully understand the requirements of the Code and that they comply fully with their obligations. As always, “ignorance of the law is no excuse” and a lack of understanding or training would be no mitigation if there is any breach of the Code.

The Committee has previously recommended to the Council that it should be compulsory for all City Councillors to attend training on the Code of Conduct. Since the last Council elections in May 2017, a series of training sessions have been delivered and 47 out of the original 50 members have attended one of these sessions. The 3 remaining Councillors have been provided with electronic copies of the training presentation slides and documents and a link to the Ombudsman training video. In addition, there have been two by-elections during the previous 12 months to fill casual vacancies and the newly-elected members have also been provided with copies of the training presentations.

The training requirements of the community councils and their compliance arrangements has continued to be monitored and reviewed as part of the Committee’s forward work programme.

As part of this on-going review, the Committee has identified a need for refresher training, particularly for new community councillors and Clerks. This has also been identified at Liaison meetings with the community councils. Only some of the community councils

subscribe to training from One Voice Wales and others are entirely dependent on Standards Committee and the Monitoring Officer to provide advice and assistance in relation to Code of Conduct compliance. Community council clerks have raised a number of procedural issues regarding maintenance of statutory registers and declarations of interest at meetings and have requested specific training on these matters. Therefore, as part of the forward work-programme, we will be arranging further remote training sessions for community councillors and their Clerks. This will be specific to community councillors as the rules relating to the register of members interests and exemptions are different to the City Council.

As part of the forward work-programme for 2021/22, Standards Committee will be reviewing the ethical standards training modules in readiness for the next round of member induction training, following the local government elections in May 2022. The Members Code of Conduct has not been substantially revised since 2008 and there is an on-going independent review of the current Code, with a view to making any necessary changes prior to May 2022. Standards Committee have been advised that there are unlikely to be any major changes in the short term, as the existing Code is considered to be fit for purpose, but there are suggestions that the current duties could be strengthened by specific reference to the requirements of the Equality Act and that the financial threshold for declarations of gifts and hospitality should be prescribed in the Code, to provide a consistent approach. The review also recommends that the Code should expressly exclude the need to disclose Councillors' home addresses in the public register of members' interests, on the grounds of security. Standards Committee noted that the Council has redacted that information at a local level for a number of years, on the grounds of the sensitive nature of the personal information. In the longer term, there are recommendations to review the wider Ethical Framework by granting increased powers for the Ombudsman to refer complains for local investigation and resolution.

Standards Committee members received refresher training from the Monitoring Officer on the existing Code of Conduct and Ethical Standards Framework in July 2021, as part of the induction for the new independent members.

2.3 Local Resolution Protocol

In accordance with the recommendations of the Minister for Local Government and the Ombudsman, the Council has adopted an internal procedure for dealing with "low-level" member/member and officer/member complaints that are not sufficiently serious as to warrant formal investigation and sanction.

It was agreed that the Monitoring Officer would periodically update the Committee on the numbers and types of complaints determined at officer level under Stages 1 and 2 of the Protocol, but maintaining the anonymity of both the complainant and the Councillor concerned.

No complaints were formally determined under Stages 1 and 2 of the Protocol and no complaints were referred to Standards Committee under Stage 3 during 2020/21.

One Voice Wales has developed a similar Local Resolution Protocol for community councils, in conjunction with the Ombudsman, and further guidance has been provided. Those local community councils who are members of One Voice Wales have adopted this protocol within their councils. The responsibility for resolving these minor complaints rests with the community council clerk, the Chair and Vice-Chair. Other community councils have expressed an interest in their local complaints being resolved under the Council's Local Resolution Protocol and this is something that we are considering. The Monitoring Officer and Deputy Monitoring Officer will continue to provide advice and assistance to community council clerks in relation to the local resolution of minor complaints.

2.4 Succession Planning

In accordance with the Standards Committee (Wales) (Amendment) Regulations 2006, independent members are appointed for a period of four years, but they can be re-elected for a second term of office. However, after a consecutive period of 8 years' service, their term of office automatically comes to an end. The previous Chair of Standards Committee, Phil Westwood, was originally appointed in March 2013 and, after serving two terms of office, his tenure ended in March 2021. Mrs Tracey Britton was originally appointed in October 2013 and, therefore, her two successive terms of office came to an end in October 2021.

Therefore, it was necessary for Standards Committee to agree the arrangements and process for succession planning, to appoint new replacement independent members, to succeed the current members when their respective terms of office expired. In addition, a new independent Chair of Standards Committee had to be appointed as from April 2021.

The Committee followed an open and transparent appointments process and, as required by the Regulations, the vacancies were advertised in the South Wales Argus and the Western Mail, in addition to being published on the Council website. An appointments panel was established to interview shortlisted candidates, comprising two independent members, one elected member and one Community Council representative. We received 14 applications and 5 were shortlisted for interview by the panel. Following a rigorous recruitment and interview process, Richard Morgan was recommended to replace Phil Westwood as from April 2021 and Gill Nurton was recommended to replace Tracey Britton as from October 2021. The recommendations from the appointments panel were subsequently adopted and ratified by full Council and both new independent members have now accepted and taken-up the appointments.

In April 2021, Andrew Mitchell was appointed as the new independent Chair of Standards Committee and Kerry Watkins was appointed as the new Deputy Chair.

2.5 General work

The Committee has continued to carry out review of Council policies and procedures relating to ethical standards.

We reviewed the updated Employee Code of Conduct and recommended its adoption to Council. The Employee Code of Conduct forms part of the Council's written Constitution and

is incorporated into the contracts and terms and conditions of employment of all Council staff. All staff are required to act in accordance with the Code and any breaches or failure to comply may result in disciplinary action. The Employee Code of Conduct is the staffing equivalent of the Members Code of Conduct and, taken together, form an ethical standard framework for both Council employees and elected members in order to maintain confidence in the delivery of public services. Standards Committee have previously recommended to Council the adoption of a Member/Officer protocol which provides practical guidance on the interrelationships between officers and members and the two Codes of Conduct.

The Employee Code of Conduct is subject to regular review, but was last updated back in 2017 and reported to Standards Committee in April 2018. A subsequent Corporate Governance Audit identified the need for the Employee Code of Conduct to be reviewed and updated, once again, to reflect changes in legislation, in particular data protection and GDPR changes. The revised Code of Conduct had been agreed by the Employee Partnership Forum and has been the subject of internal consultation. The Audit Report recommended that the revised Code should be agreed by Standards Committee and recommended to full Council for adoption as part of the written Constitution.

The revised Code was subsequently adopted by Council in June 2021. It has been communicated to all staff, made available on the intranet and the Employee Handbook. It has also been widely promoted and included as part of the revised staff induction training programme. In order to ensure that the revised Employee Code of Conduct is effective in maintaining standards of behaviour and integrity, there needs to be a regular process for monitoring its effectiveness. Therefore, Standards Committee will undertake a periodic review of how the Code is being applied and operated, as part of its forward work programme.

Standards Committee also considered the draft revised Guidance prepared by the Ombudsman in relation to the Members Code of Conduct, both in relation to City Councillors and Community Councils. For the most part, the changes simply updated the previous Guidance to provide further practical examples of breaches of the Code, based on previous cases investigated by the Ombudsman and determined by Standards Committees and Case Tribunals. However, the Committee noted that the current Members Code of Conduct dates back to 2008 and was last revised in 2016. Therefore, Welsh Government and the WLGA are reviewing the current code prior to the next local government elections in May 2022. In addition, the WLGA are producing on-line training modules for new Councillors in relation to Ethical Standards, which will be rolled-out as part of the induction programme in May 2022. Training on the Code will, again, be mandatory for all elected members.

The Committee subsequently received a report on the outcome of the independent review of the Ethical Standards Framework by Richard Penn. The Ethical Standards Framework for Wales was established by Part 3 of the Local Government Act 2000 to promote and maintain high standards of ethical conduct by members and officers of relevant authorities in Wales. The Framework consists of ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'). These are included in the Model Code of Conduct for elected members, which provides a set of enforceable minimum standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also includes provisions relating to the declaration and registration of interests. The Framework has remained largely unchanged,

though there have been a number of small amendments to improve the operation of the Framework over the last twenty years.

The review was carried out between April and July 2021 to assess whether the Framework remains fit for purpose. The review took into account the new legislative requirements set out in the Local Government and Elections (Wales) Act 2021 and the current equality and diversity policy context. The final Report concluded that the current arrangements remain fit for purpose but recommends some changes to the Framework, including the Model Code of Conduct. In particular, the report recommends that the current duties could be strengthened by specific reference to the requirements of the Equality Act and that the financial threshold for declarations of gifts and hospitality should be prescribed in the Code, to provide a consistent approach. The review also recommends that the Code should expressly exclude the need to disclose Councillors' home addresses in the public register of members' interests, on the grounds of security. Standards Committee noted that the Council has redacted that information at a local level for a number of years, on the grounds of the sensitive nature of the personal information. It is also recommended that the Code should require Councillors to self-report to the Ombudsman if they are guilty of any criminal behaviour.

The Minister for Finance and Local Government will now consider those recommendations, with a view to changing the Model Code of Conduct prior to the elections in May 2022. The new Code will then need to be formally adopted by the Council and all community councils. The recommendation is that all new declarations of acceptance of office by newly elected councillors should include an obligation to undertake mandatory Code of conduct training as well as to abide by the provisions of the Code.

In the longer term, there are recommendations to review the wider Ethical Framework by granting increased powers for the Ombudsman to refer complaints for local investigation and resolution. These wider changes will be the subject of further consultation in due course, as they would have significant implications for Standards Committee and Monitoring Officers. The suggestion is that all complaints should be referred for local resolution first before being considered by the Ombudsman and that the Ombudsman will have greater powers to refer some of the less serious complaints back to the Monitoring Officer for local investigation and reporting to Standards Committees. The powers of Standards Committees would also be extended to include the power to require members to apologise and undertake further training. This would represent a significant change to the previous regulatory framework, where all complaints had to be investigated and referred by the Ombudsman, before Standards Committee could impose any sanctions.

With regard to the Ombudsman's Annual Report for 20/21, the Committee noted that nationally the number of Code of Conduct complaints had increased by 47% compared with the previous year. The Ombudsman received 535 new Code of Conduct complaints, and took forward 308 complaints for investigation. Complaints about Town and Community Council increased by 23.7% and County and County Borough Councils complaints by 43.8%, although the Ombudsman noted that 35 separate complaints were received about 1 County Council member. The Annual report noted that, within a small number of Town and Community Councils the Ombudsman is still seeing complaints which appear to border on frivolity or are motivated by political rivalry or clashes of personalities, rather than being true

Code of Conduct issues. Where he receives, 'tit for tat' complaints he will engage with the Council and the Monitoring Officer of the principal authority to remind its members of their obligations under the Code and their democratic responsibilities to the communities they serve.

The majority of Code of Conduct complaints received during 2020/21 related to matters of 'promotion of equality and respect' (55%), 'disclosure and registration of interests' (14%) and 'integrity' (12%).

The Ombudsman referred a higher proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This reflected the sharp increase in the number of Code of Conduct complaints received.

2.6 Ombudsman complaints

The Ombudsman advises the Monitoring Officer of complaints made against elected members of Newport City Council and community councillors and the outcome. The Monitoring Officer updates the Committee at each meeting about the numbers of on-going complaints being referred to and considered by the Ombudsman's office. This information is provided on a general basis, without disclosing precise details of individual complaints, to avoid any issues about pre-determination in case the complaints are reported to the Standards Committee for determination.

The Committee was advised that 3 complaints were referred to the Ombudsman about City Councillors during the last year and 8 complaints were made regarding community councillors. One of these complaints against a City Councillor resulted in an Ombudsman report, a Standards Committee hearing and a finding of misconduct, which is set out in more detail below. The other two complaints were not accepted for formal investigation on the basis that they did not disclose any evidence of a breach of the Members Code of Conduct. The one complaint related to a neighbour dispute and the Ombudsman determined that the member concerned was acting in a private capacity, while the other complaint concerned a failure to reply to e-mails and this was not considered to be a breach of the Code

With regard to the complaints about community councillors, one was not accepted for formal investigation as it related to the way in which the Chair of the community council had chaired a particular meeting. The Ombudsman did not consider that the behaviour of the Chair constituted a breach of the members Code of Conduct. Two other complaints were not accepted for formal investigation on the basis that, although the behaviour of the community councillors concerned had shown a lack of respect and consideration for others and was, therefore, a breach of the ethical standards of behaviour set out in the Code, the breaches were not serious enough to warrant further action and it was not in the public interest to impose any sanctions. However, the Ombudsman wrote to the two community councillors to remind them of their obligations under the Code and to warn them about not being abusive and disrespectful towards members of the public in future and not to bring their office into disrepute.

A number of complaints were made about the Chair of another community council, involving her participation in a decision to co-opt a new member, a failure to adhere to social

distancing rules at meetings during Covid-19 restrictions, failure to give proper notice of council meetings, the Council's processes for written questions at meetings, and the way in which the resignation of the previous clerk was handled. The Ombudsman declined to accept any of these complaints for investigation on the basis that they were governance and employment matters, which fell outside the Members Code of Conduct.

The remaining 4 complaints about community councillors are still under investigation and awaiting a decision from the Ombudsman. However, Standards Committee shared the concern expressed by the Ombudsman about the increases in numbers of frivolous complaints which appear to be motivated by clashes of personalities, rather than being true Code of Conduct or ethical standards issues.

2.7 Standards Committee hearing

In July 2021, Standards Committee received a report from the Ombudsman in accordance with Section 71(2) of the Local Government Act 2000, following his investigation into a complaint from the Isca Medical Centre in Caerleon that Councillor Joan Watkins had improperly used her position as a member of the City Council and a representative on the Health Board when she advocated on behalf of a patient.

Standards Committee meeting on 29th July 2021 considered the Ombudsman's investigation report and made an initial determination that there was a case to answer in terms of the alleged breach of the Members Code of Conduct. Therefore, the Committee decided that the matter should proceed to a full hearing and that Councillor Watkins should be given the opportunity to make representations in respect of the allegations. The full hearing was held remotely on 22nd September 2021, when Councillor Watkins appeared in person to answer the allegations, supported by Councillor William Routley. A full copy of the Standards Committee determination is attached at [Appendix 1](#).

Standards Committee decided unanimously that Councillor Watkins had failed to comply with paragraph 7(a) of the Code of Conduct in that she had improperly tried to use her position as an elected Councillor and member of the Health Board to secure medical priority for a constituent, in breach of standard Practice procedure and patient confidentiality under GDPR, and also in pursuing a personal complaint about the Practice to the Health Board. The Committee considered that this was a serious breach of the Code, in view of a number of aggravating factors, in particular the failure of the Councillor to show any insight or understanding about what she had done wrong, and her deliberate and punitive act in pursuing an unfair complaint about the Practice. In order to reflect the seriousness of the misconduct, to act as a deterrent to others and to restore public trust and confidence, the Committee decided that

- (a) Councillor Watkins should be suspended from her role as a Councillor for a period of 3 months; and
- (b) a recommendation should be made to the Council that Councillor Watkins be removed and replaced as a representative on the Health Board.

No appeal was made against our determination, which therefore came into effect on 18th October 2021. The determination has been published on the Council website and public notice has been given that the decision is available for public inspection and copying, as required by the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001) (as amended).

This was the first time that the Council’s Standards Committee has ever been called upon to conduct such a hearing and to impose any sanction on an elected member. This does not reflect well on the Council’s reputation and, therefore, we consider that this case should act as a salutary lesson for all members regarding their position of trust and responsibility and the need to avoid using this position improperly, regardless of whether there is any element of personal gain involved.

3. Forward Work Programme for 2019/20

Date	Topic	Information
November 2021	Annual Report to Council	Review of work undertaken in the past 12 months, identifying any specific ethical standards issues facing the Council and priorities for the forthcoming year. Summary of numbers of complaints received and outcomes.
As and when applications received Review annually	Dispensations	Granting individual and blanket dispensations to Councillors. Reviewing decisions annually to identify common issues and consistency of approach. Produce guidance to Members on any issues arising.
As and when required	Local Resolution Protocol complaints	Conducting hearings into any Stage 3 complaints by Members or Officers
Quarterly	Complaints of Misconduct	Update of numbers of complaints received and outcomes. Update on complaints resolved through Local Resolution Protocol.
By March 2022		

	Review member training and development in readiness for May 2022 elections.	Carry out review of new modular training developed by WLGA in relation to any revised Code of Conduct and updated guidance from the Ombudsman.
By September 2022	Review mandatory Code of Conduct training for new Councillors and undertake compliance audit	Carry out a review to ensure that all mandatory training has been completed and that all declarations of acceptance of office and registers of members' interests have been completed properly.
By September 2022	Ethical standards audit and community councils review	<p>Check that statutory registers are being properly maintained and procedures for declarations have been completed by community councils, following the elections</p> <p>Engage with community councils to ensure compliance and to identify any training and development needs.</p>
By September 2022	Review of arrangements by Leaders of political groups to secure compliance with new duties	<p>Review compliance by leaders of political groups on the Council with their duties under section 52A of the 2000 Act to take reasonable steps to promote and maintain high standards of conduct by the members of their groups, and to co-operate with Standards Committee in the exercise of these functions.</p> <p>Advising, training or arranging to train leaders of political groups about matters relating to those duties, as necessary</p>

4. Helpful Information

4.1 Can I attend Meetings of the Standards Committee?

Yes, all of our meetings are open to the public, except for specific items where personal or confidential information is likely to be disclosed and the public interest requires that these meetings are conducted in private, for example hearings into misconduct complaints

Dates of forthcoming meetings, agendas, reports and minutes are available on our own webpage on the Council website which can be accessed by clicking here: [Standards Committee Webpage](#)

4.2 Who do I contact if I want to know more?

If you wish to find out more about the Standards Committee or make a comment or suggestion, please visit our website: [Standards Committee Webpage](#) where you will find an online contact form or email us at info@newport.gov.uk

Andrew Mitchell
Chair of the Standards Committee;

Gareth Price
Head of Law & Regulation and Monitoring Officer

Liz Bryant
Assistant Head of Legal Services and Deputy Monitoring Officer

Pamela Tasker/Samantha Schanzer
Governance Officers

Appendix 1

Standards Committee Hearing Notice of Determination



Date: Wednesday, 22 September 2021

Time: 3.00 pm

Venue: Microsoft Teams Meeting

Attendance: A. Mitchell (Chair), J. Davies, T. Britton, R. Morgan, P. Worthington, Councillor D. Wilcox, Councillor P Hourahine.

Apologies: K. Watkins (Vice Chair), Councillor Fouweather

1. The Standards Committee of Newport City Council (“the Council”) considered a report by the Public Services Ombudsman for Wales (“the Ombudsman”) regarding an alleged breach of the Council’s statutory Code of Conduct for Members by Councillor Joan Watkins. The report was referred to the Standards Committee by the Ombudsman for determination in accordance with Section 71(2) of the Local Government Act 2000 (“the 2000 Act”).
2. On 18 August 2020, the Ombudsman received a complaint from the Practice Manager of Isca Medical Centre (“the Practice”), Mrs Caroline Perkins, that Councillor Joan Watkins had failed to observe the Code of Conduct for members of the Council. It was alleged that Councillor Watkins had improperly used her position as a member of the Council when she advocated on behalf of a patient of the Practice.
3. The Ombudsman conducted an investigation into the complaint in accordance with section 69 of the 200 Act. The Ombudsman concluded that Councillor Watkins may have breached paragraph 7(a) of the Council’s Code of Conduct for Members and his investigation report dated 13th July 2021 (Case: 202001914) was referred to the Standards Committee for consideration.
4. Standards Committee meeting on 29th July 2021 considered the Ombudsman’s investigation report and made an initial determination that that there was a case to answer in terms of the alleged breach of the Members Code of Conduct. Therefore, the Committee decided that the matter should proceed to a full hearing and that Councillor Watkins should be given the opportunity to make representations in respect of the allegations.
5. At the hearing on 22nd September 2021, the Ombudsman was represented by Leigh McAndrew, the Investigating Officer, and by Sinead Cook, Assistant Investigation Manager. Councillor Watkins appeared in person and was accompanied and supported by her colleague Councillor William Routley. The Standards Committee was advised on matters of law and procedure by the Council’s Head of Law and Regulation and Monitoring Officer.

Stage 1 – Preliminary procedural issues

6. Apologies for absence were received from Kerry Watkins (Vice Chair) and Councillor David Fouweather.
7. There were no declarations of interest.
8. The Chair asked Councillor Watkins whether she wished to ask the Committee to exclude the press and public from all or part of the hearing and whether she considered that any of the agenda papers should be kept confidential at this stage. The Ombudsman's representatives had already indicated in advance of the hearing that they saw no reason for the hearing to be conducted in private or for the papers to be kept confidential. Councillor Watkins confirmed that she did not wish to exclude the press and public as she had nothing to hide and she had no objection to the investigation report and background papers being made public. Therefore, the hearing was conducted in public in accordance with the Council's remote meetings Protocol, save for those parts of the hearing where the Standards Committee retired in private to deliberate. The public parts of the meeting were recorded and uploaded onto the Council's website for public viewing. The Ombudsman's investigation report and the other background papers previously circulated with the meeting agenda as Part 2 documents were also made available on the Council website for public inspection.
9. The Chair confirmed that everyone had received a copy of the hearings procedure and understood the process that the Committee would follow in determining the matter.

Stage 2 – Findings of Fact

10. The Chair asked Councillor Watkins to confirm whether there were any disputed facts, as identified in the Investigating Officer's report. The investigation report identified two potential areas of disputed fact:-

“Was Councillor Watkins acting “in the moment” when contacting the Practice via telephone and making her complaint to the Health Board?

Did Councillor Watkins exaggerate the behaviour of the Practice's staff when making her complaint to the Health Board?”
11. The Chair advised Councillor Watkins that the Committee had taken the preliminary view that these were not disputed facts, as such, as there did not appear to be any issue regarding what events took place and what was said. These were matters of record, as a full transcript of the telephone conversations was included at Appendix 12 to the investigation report and her written complaints to the Health Board were also well documented. The identified matters of dispute appeared to relate to her state of mind and intention which, in turn were more relevant to whether she had breached the Code of Conduct and, if so, the seriousness if such a breach.
12. The Chair explained to Councillor Watkins that she would still have the opportunity to make representations regarding these matters at subsequent stages of the hearing. On that basis, Councillor Watkins confirmed that the facts, as set out in the Investigating Officer's report were all agreed.

13. Therefore, the Committee proceeded to Stage 3 of the hearing, on the basis of the following undisputed facts:-
- (a) Councillor Watkins made 2 telephone calls to the Practice on 7th August 2020 to discuss the care and treatment of a patient;
 - (b) Councillor Watkins was acting in her capacity as a member of the Council and as a Council-appointed representative to the Health Board when advocating on behalf of the patient;
 - (c) Councillor Watkins was attempting to assist an elderly patient;
 - (d) The Care Navigator, Mrs Simmons, found Councillor Watkins to be very demanding during the first call. Mrs Simmons dealt with the patient directly.
 - (e) The Care Navigator, Ms Dowsell, found Councillor Watkins to be threatening during the second call and felt that Councillor Watkins was attempting to use her position as a member of the Health Board improperly and threateningly.
 - (f) The Practice Staff were acting in accordance with the Practice's data protection policies.
 - (g) Councillor Watkins made two complaints to the Health Board's Primary Care Unit, on 20th August and 15th September 2020. The Health Board did not uphold either of Councillor Watkins' complaints.
 - (h) Councillor Watkins had historical issues with the Practice relating to her own healthcare.

Stage 3 – Did the Member fail to follow the Code?

14. The Committee invited representations from Mr McAndrew as to whether, on the basis of the undisputed and agreed facts, Councillor Watkins had failed to comply with the Code of Conduct.
15. Mr McAndrew submitted that the relevant issue was whether Councillor Watkins had failed to comply with the following provision of the Code of Conduct:
- 7(a) – not to, in an official capacity or otherwise, use or attempt to use her position improperly to confer on or secure for herself, or any other person, an advantage or create or avoid for herself, or any other person, a disadvantage.*
16. Although paragraph 7(a) of the Code applies to all members at all times, and not just when they were acting in an official capacity, Mr McAndrew submitted that Councillor Watkins was acting at all times in her capacity as a Councillor. She had introduced herself as a Councillor during the telephone calls to the Practice and, in the second call, had stated that she was acting in her capacity as a member of the Health Board. The subsequent complaints to the Health Board about the Practice were also made in her capacity as a Councillor and were sent from her official Councillor E-mail account.
17. Mr McAndrew accepted that Councillor Watkins was initially trying to be helpful when she contacted the Practice on behalf of an elderly patient but she was

forceful in the way that she spoke to the Care Navigators. She also threatened to approach the Chief Executive of the Health Board regarding their refusal to put her through to the on-call Doctor. He submitted that it was difficult to see how Councillor Watkins' comments were helpful to either the Practice or the patient. Although the patient had contacted the Councillor in distress, her conjunctivitis could not have been considered as a medical emergency. Therefore, he submitted that Councillor Watkins had improperly used her position as a Councillor and member of the Health Board to try to seek an advantage for her constituent over other patients of the Practice, whose medical needs may have been more urgent, and that her actions constituted a breach of paragraph 7(a) of the Code of Conduct.

18. Councillor Watkins had stated during the investigation that she had experienced her own personal issues with the Practice previously about her own healthcare and Mr McAndrew submitted that this may have influenced her behaviour towards them.
19. As a member of the Council and its representative on the Health Board, Councillor Watkins should have been mindful of the need to act fairly and appropriately in her role. Mr McAndrew submitted that Councillor Watkins' attempts to use her position as a Council representative on the Health Board to pressurise the Practice staff into acting outside of their standard procedures was, again, a clear breach of paragraph 7(a) of the Code of Conduct.
20. Councillor Watkins had admitted at interview that she should not have said she was "acting in the capacity of sitting on the Health Board", as advocating for individual patients in this way was not part of her representational role. Mr McAndrew submitted that this was effectively an admission that she had attempted to improperly use her position in breach of the Code of Conduct.
21. Although he accepted that Councillor Watkins was acting "in the moment" during her initial telephone call to the Practice, Mr McAndrew submitted that her subsequent threat to raise the matter with the Chief Executive of the Health Board could not be regarded as a spontaneous response or in the best interests of the patient, as the Practice had already contacted her directly.
22. Furthermore, he submitted that Councillor Watkins was certainly not acting "in the moment" when she subsequently made her first complaint to the Health Board 13 days after the telephone calls. In view of the time which had elapsed, she had a significant opportunity to reflect and consider her actions. The complaints made by Councillor Watkins about the Practice were inaccurate and did not reflect the true nature and content of the telephone conversations. The call recordings confirmed that the Practice had properly adhered to its standard procedures and the staff were firm but remained polite and courteous. However, Councillor Watkins' complaints suggested that the staff had been unhelpful and had a poor attitude. Councillor Watkins also complained that that the Practice had not contacted the patient, when they had clearly done so. Mr McAndrew submitted that Councillor Watkins' complaints were unfair and untrue. In fact, Councillor Watkins had admitted in interview that she "may have come on too strong" in her complaint about the staff.
23. Mr McAndrew submitted that Councillor Watkins' complaint to the Health Board was a punitive act because the Practice did not defer to her wishes. In his view, the complaint was an attempt by Councillor Watkins to use her position in the Health Board to undermine the actions of the Practice and create a disadvantage

for it and that these actions constituted a breach of paragraph 7(a) of the Code of Conduct.

24. The Committee then invited Councillor Watkins to respond to the representations from the Investigating Officer and give reasons why she did not consider that she had breached the Code of Conduct
25. Councillor Watkins submitted that this was a vexatious and retaliatory complaint by the Practice. She was not a close personal friend of the lady concerned, but they had met through a befriending service where Councillor Watkins worked as volunteer. The lady was very vulnerable and elderly and she suffered from an eye condition. The lady was very distressed when she spoke to Councillor Watkins about not being able to get an appointment with the Practice for her eye condition and Councillor Watkins had offered to help. The Practice had only offered her an appointment with the Nurse in 9 days' time and no medical treatment. Councillor Watkins had met the lady in Caerleon a few weeks earlier and she seemed to be distressed as the Practice Nurse had just referred her to an optician.
26. The first telephone call to the Practice was between 5.00-5.30 pm on a Friday evening and Councillor Watkins wanted to speak to the doctor to ask for a prescription for the lady. She only wanted to support an elderly lady, who lives on her own. Councillor Watkins said that she was incredibly disappointed by the response, although she accepted that, with hindsight, she may have over-reacted. Councillor Watkins had worked in the Health Service herself for 42 years and the Practice knew her well.
27. Councillor Watkins stated that she had taken the decision to complain to the Health Board about the Practice in her capacity as a local Councillor because she felt that the staff had been unhelpful and the Doctor could have helped by giving a prescription for the lady, which Councillor Watkins could have picked-up for her. If she came-on too forcefully, then she would apologise but she would not apologise for trying to help an elderly lady who was in distress.
28. In support of Councillor Watkins, Councillor Routley stated that, in his view, she was not guilty of breaching the Code of Conduct as she was simply trying to help this elderly lady and not secure any personal gain or advantage for herself. She was just trying to speak to the Doctor to get a prescription for the lady.
29. Councillor Routley reiterated that, in his view, this was a retaliatory complaint by the Practice against Councillor Watkins. She had previously been hospitalised and had an appointment with the Practice for the Doctor to prescribe her morphine for pain relief. However, when she turned up for the appointment, the receptionist sent her to see the Practice Nurse, even though she was aware that the Nurse was unable to issue a prescription for morphine. Councillor Watkins had insisted on seeing the Practice Manager but, instead she was sent to the Practice Nurse, which made her feel very upset, particularly as she was still in pain. Following this incident, there had been accusations on social media that Councillor Watkins had been "bad mouthing" the Practice, which was untrue.
30. Councillor Routley stated that Councillor Watkins had made the telephone calls to the Practice on behalf of a constituent, who she had met through her befriending service. She was an elderly lady, who had poor eyesight and balance problems, not just conjunctivitis, and Councillor Watkins was concerned about her welfare. Councillor Watkins had worked for over 40 years as a Nurse and,

therefore, had medical expertise. Councillor Watkins was not using her position for any personal gain or advantage.

31. However, Councillor Routley stated that Councillor Watkins had apologised and had learned that her enthusiasm had been misinterpreted. She had acted “in the moment” and had been given training to ensure that she did not get involved in these types of complaints in the future.
32. Mr McAndrew clarified that, although Councillor Watkins may have acted “in the moment” during the first telephone call to the Practice, her subsequent complaint to the Health Board was made 13 days after the event.
33. The Committee then retired to consider in private whether Councillor Watkins had breached the Code of Conduct. In reaching their decision, the Committee had regard to the Investigating Officer’s report and background documents, the agreed and undisputed facts and also the submissions made by Mr McAndrew and by Councillor Watkins and Councillor Routley.
34. The Committee found that paragraph 7(a) of the Code of Conduct was engaged in this matter and that Councillor Watkins was, at all material times, holding herself out as acting as a Councillor and also a representative member of the Health Board. Councillor Watkins admitted that she was pursuing this matter on behalf of a constituent in her ward, she referred to herself as “Councillor Watkins” throughout her telephone conversations with the Practice staff and also complained in her official capacity to the Health Board. Furthermore, she also sought to rely upon her position as a member of the Health Board to unduly influence the Practice and subsequently admitted that she should not have said she was acting in this capacity. The Committee did not consider that it was part of Councillor Watkins’ representational role to act as an advocate for individual patients in this way and, therefore, she was attempting to use her position, both as an elected member and as a member of the Health Board, for an improper purpose and in breach of the Code of Conduct.
35. The Committee accepted that Councillor Watkins’ motives when she first contacted the Practice were well-intended and that she was trying to help an elderly constituent about whom she was genuinely concerned. The Committee also accepted that Councillor Watkins was not seeking to secure any personal gain or advantaged in her actions, at that time. However, the Committee found that Councillor Watkins had improperly tried to use her position as a Councillor and member of the Health Board to unfairly obtain medical priority for her constituent over other patients of the Practice who had more urgent medical needs. Despite being elderly and vulnerable, the lady was suffering from conjunctivitis and she had been properly assessed by the Practice in terms of priority for an appointment and a prescription. In trying to use her position to circumvent this process, Councillor Watkins had breached paragraph 7(a) of the Code of Conduct.
36. The Committee also found that, in seeking to obtain an advantage for her constituent in terms of medical treatment, Councillor Watkins also attempted to use her position to improperly pressurise the Practice staff into departing from their standard operating procedures, both in terms of patient confidentiality and medical assessment. Insisting on speaking to the Doctor about a confidential medical issue, without the appropriate authority, was a clear breach of GDPR and trying to secure preferential medical treatment for a patient with a non-urgent eye-condition was wholly inappropriate. Given her significant experience in the

Health service and as an elected member, Councillor Watkins should have been well aware that this was an abuse of her position.

37. The Committee accepted that Councillor Watkins had acted “in the moment” when she first telephoned the Practice late on a Friday evening on 7th August 2020. However, the Committee found that this could not explain or excuse her subsequent behaviour. Having been told that the Practice would contact the patient directly to sort out an appointment and medication, then that should have been the end of the matter. The Committee found it significant that Councillor Watkins appeared to take no steps to contact the lady afterwards to see whether the matter had been resolved to her satisfaction. Instead, she pursued what could only be described as a personal grievance against the Practice.
38. Both Councillor Watkins and Councillor Routley referred to this complaint as being “vexatious” and “retaliatory” and they also referred to previous personal issues between Councillor Watkins and the Practice regarding her own healthcare. The Committee did not accept that this complaint against Councillor Watkins was, in any way, a retaliatory act on the part of the staff at the Practice. Conversely, the Committee found that, in pursuing her subsequent complaints against the Practice, Councillor Watkins was influenced by her previous disagreement with the staff. The Committee considered that Councillor Watkins was not making these complaints on behalf of the patient, but on her own account and she was pursuing her own personal grievance because of the earlier incident and also because the staff had failed to defer to her when she originally contacted them about this patient.
39. Councillor Watkins had not sought the authority or consent of her constituent to make these complaints on her behalf and, indeed, there was no evidence that she had even contacted the lady to check whether her issues had been resolved. It was some 13 days later, on 20th August 2020, when Councillor Watkins submitted her first written complain to the Health Board. That was clearly a considered and deliberate act, not a spontaneous reaction “in the moment”. Furthermore, her follow-up response on 15th September 2020 was 38 days after the original incident. By that stage, such a complaint would have secured no benefit or advantage for the patient as she would, by now, have received an appointment at the Practice. Therefore, based on the balance of evidence, the Committee concluded that Councillor Watkins’ motivation in pursuing this complaint was more about her own grievances against the Practice. By using her position as a Councillor and a member of the Health Board to make such a complaint, Councillor Watkins had not only attempted to create a disadvantage for the Practice but had also sought to secure an advantage for herself in terms of a successful outcome to her complaint. The Committee decided that that this abuse of her position constituted a clear breach of paragraph 7(a) of the Code of Conduct.
40. The Committee also concluded that the nature and content of the complaints made by Councillor Watkins to the Health Board were a blatant misrepresentation of the truth and grossly exaggerate the issues. The Committee had regard to the written transcript of the telephone conversations included within the documentary evidence and considered that they did not substantiate the personal accusations made by Councillor Watkins in her written complaint. The Practice staff had properly adhered to their standard procedures and, although they were firm with Councillor Watkins, they remained polite and courteous throughout. There was no evidence to suggest that they were in any way “rude” or “unhelpful”, as alleged or at all. In addition, Councillor Watkins had complained that the Practice had not contacted the patient, when they had clearly

done so. Therefore, the Committee concluded that Councillor Watkins' complaints about the Practice staff were unfair and untrue. She had subsequently admitted that she may have "come on too strong" in her complaint about the staff. In making a complaint that she knew was exaggerated and, therefore, unfair and untrue, Councillor Watkins was again improperly using her position in a retaliatory manner as retribution against the Practice staff. The Committee again decided that these actions constituted a breach of paragraph 7(a) of the Code of Conduct.

41. The meeting then reconvened and the Chair announced the unanimous decision of the Committee that Councillor Watkins had failed to comply with paragraph 7(a) of the Code of Conduct.

Stage 4 – Determination of sanction

42. The Committee invited representations from Mr McAndrew as to the appropriate sanction that the Ombudsman would consider should apply in this case, and whether there were any other cases of a similar nature that may provide guidance to the Committee in terms of sanction.
43. Mr McAndrew referred the Committee to the Adjudication Panel for Wales Sanctions Guidance. He also referred the Committee to two similar determinations by the Standards Committees of Wrexham County Borough Council and Denbighshire County Council. Copies of all these documents had been circulated in advance of the meeting.
44. Mr McAndrew submitted that, with regard to any mitigating factors, Councillor Watkins had initially attempted to assist an elderly constituent and she had also subsequently undertaken further training and learned her lessons. However, she had improperly relied upon her position as a Councillor and member of the Health Board, even if she was trying to help her constituent.
45. Mr McAndrew further submitted that there were aggravating factors in this case. This was not a "one-off" incident; she had made two telephone calls to the Practice and a written complaint to the Health Board 13 days afterwards, which was inaccurate and unfairly criticised the staff. Also, this was in the middle of the Covid-19 outbreak, when the Health service was under severe pressure. The two complaints were exaggerated and, although she relied upon the fact that she was acting "in the moment", she had the opportunity for reflection prior to the second call and certainly before the subsequent complaint 13 days later.
46. He submitted that the breach was also more serious because of the consequences of what she was trying to pressurise the staff into doing, which would have required them to act outside of data protection and also prioritise a non-urgent medical case during a pandemic.
47. Because this breach also involved abuse of her position as a representative member of the Health Board, Mr McAndrew submitted that the Committee may wish to consider a partial suspension from her role on the Health Board.
48. Mr McAndrew referred the Committee to the similar cases of improper use of a Councillor's position contrary to paragraph 7(a) of the Code and the sanctions imposed by the Wrexham and Denbighshire Standards Committees. In the Denbighshire case, the member concerned had been suspended for a period of 2 months, although he acknowledged that there were other breaches of the Code

of Conduct that were taken into consideration in that case. In the Wrexham case, the Councillor had been suspended for 3 months, although there were other breaches of paragraph 4(b) and (c) of the Code, involving a failure to show respect and alleged bullying, that were the subject of an appeal. Nevertheless, the Ombudsman was satisfied that the sanctions were fair and reasonable for cases of this nature.

49. The Committee then invited Councillor Watkins to respond on the question of sanctions and any mitigating factors that she wanted the Committee to take into consideration. She stated that she had made two telephone calls to the Practice and remembered asking if the Doctor could call her back. She never intended to take the Doctors away from any emergency care. She was well aware of the difficulties faced by the Practice during the Covid-19 pandemic. She had been told, anecdotally, that this lady had been referred to the Nurse and she needed to see an optician. The lady was 80 years old and very frail and fragile. Councillor Watkins stated that she had worked for 30 years as a District Nurse and 10 years as a Community Nurse and all she wanted to do was help. She was willing to apologise if she had been too forceful but she had acted "in the moment" as it was late on a Friday evening.
50. Councillor Watkins stated that she thought she had made the complaint to the Health Board earlier than 13 days after the incident. She did take time to reflect but she felt that she had been let down by the Practice. Councillor Watkins confirmed that there was "history" between her and the Practice Manager. She had arrived at the Practice for an appointment with her GP, following her release from hospital, and had been referred to the Nurse even though she could not prescribe morphine for pain relief.
51. Councillor Watkins stated that, as a Councillor, you have to stand up for your constituents. She was clearly calling the Practice as a Councillor on behalf of this constituent, and she was not a personal friend for whom she was seeking any special favours. She only referred to herself as a "Councillor" when she was not making any progress with the staff. If she had come across too forcefully, then she will apologise. She had learned her lesson from this experience and there had subsequently been two further instances where constituents had raised concerns about the Practice with her but she had refused to get involved.
52. Mr McAndrew replied that this was an unfortunate response and demonstrated a lack of insight by Councillor Watkins. The incident had taken place 30 months ago but she had made no apology to the Practice. The decision regarding the medical priorities and the appropriate treatment for this lady had been a clinical matter for the Practice to determine. The lady was suffering from conjunctivitis and was offered an appointment in 9 days, which was within the good practice standard of 10 days, as stated on NHS Direct.
53. Councillor Watkins responded that the lady was suffering with conjunctivitis but she could not see and that was affecting her mobility.
54. Councillor Routley submitted that Councillor Watkins did not believe that she could approach the Practice to apologise while the Ombudsman was investigating this complaint, which she now understood was a misconception. However, she had been given additional training and had been spoken to about her perception, which was clearly different, but she understood that now.

55. Mr McAndrew clarified that the draft report was issued to Councillor Watkins in June 2021 and it was clear from that draft that she could approach the Practice directly to apologise, but she had still failed to do so. There was also documentary evidence that the complaint was made on 20th August 2020, 13 days after the incident, and not any earlier as Councillor Watkins had thought.
56. The Committee then retired to consider its decision, having regard to the submissions made at the hearing, the other similar cases cited by the Investigating Officer and the Sanctions Guidance document produced by the Adjudication Panel for Wales.
57. In reaching a decision on the appropriate level of sanction, the Committee followed the five step process set out in the Sanctions Guidance. The first step was to assess the seriousness of the breach and its consequences. The Committee had regard to the fact that Councillor Watkins' actions were quite deliberate and not inadvertent. It was also not one isolated incident but a continuing course of conduct over a number of weeks. Even though there was no element of personal gain involved, it was clear that Councillor Watkins was using her position to pursue a personal grievance against the Practice. The Committee also attached significant weight to the fact that Councillor Watkins had demonstrated a lack of insight and awareness about what she had done and had expressed no remorse. She had stated that she would apologise if she had been too forceful, but failed to understand that it was not just her manner that was inappropriate but her reliance on her position as a Councillor and member of the Health Board. The Committee also considered that the actual and potential consequences of the breach were significant. There would have been serious implications for the Practice staff if they had breached patient confidentiality and deferred to Councillor Watkins requests and also if her unfair complaint against them had been upheld. Her abuse of her position as a Councillor and member of the Health Board also had significant reputational harm for the Council and undermined public confidence. Having regard to these considerations, the Committee found that this was a serious breach of the Code of Conduct.
58. In considering the broad nature of the sanction to be imposed, the Committee considered all of the sanctions available to it, beginning with the sanctions of least impact. The Committee did not consider that No Action was appropriate given the serious nature of the breach.
59. The Committee considered that a Censure was not appropriate given the serious nature of the breach and their concern that there was an apparent lack of understanding and awareness about Councillor Watkins' conduct.
60. The Committee decided that a suspension was the most appropriate sanction in view of the seriousness of the breach. It was considered that a temporary suspension from her role was required to reinforce the seriousness of what Councillor Watkins had done, to act as an effective deterrent and to restore public confidence.
61. The Committee then considered any relevant mitigating or aggravating circumstances and how these might affect the period of suspension. The Committee accepted that there were mitigating factors in relation to the original telephone call from Councillor Watkins, in that she was not seeking any personal gain or benefit, she was trying to help an elderly patient who was in distress and she had acted "in the moment". However, in the light of the Committee's findings that she was no longer acting "in the moment" during the second call to the

Practice and when she pursued the later complaints to the Health Board and also the finding that this was more of a personal grievance, then there were no mitigating factors in relation to these actions.

62. The Committee considered that there were a number of aggravating factors in this case. Firstly, Councillor Watkins had demonstrated a complete lack of understanding about the misconduct and its consequences. She was still unfairly trying to blame others, suggesting that this was a “vexatious and retaliatory” complaint by the Practice staff and that her actions had been “misinterpreted”. Both she and Councillor Routley repeatedly referred to a previous issue that she had with this Practice about her own healthcare and suggested that this had motivated the staff to make this complaint about her. However, the Committee had found that it was Councillor Watkins complaints about the Practice that were deliberate and retaliatory and that she had been motivated to make this complaint because of her personal grievance against the Practice and also because the staff had failed to defer to her when she contacted them about the elderly patient. This was a deliberate and punitive act and using her position as a Councillor and Health Board member to further this complaint was a serious abuse of trust and power. This was compounded by the fact that Councillor Watkins had deliberately exaggerated the conversation with the Practice staff in her complaint and had unfairly misrepresented the facts.
63. The Committee also considered that it was an aggravating factor that Councillor Watkins was an experienced Councillor and someone with considerable experience of working in the Health Service. Therefore, she should have been aware of the potential seriousness of the actions that she was pressurising the Practice staff into taking, in relation to patient confidentiality and breaches of GDPR and also in terms of clinical care priorities. It was a further aggravating factor that this incident took place during the ongoing Covid-19 pandemic and lock-down, when the Health Service was facing unprecedented pressures.
64. Finally, the Committee considered that Councillor Watkins failure to apologise for her actions was another aggravating factor in this case. Although Councillor Routley maintained that Councillor Watkins was unaware that she could have apologised to the Practice while the Ombudsman’s investigation was ongoing, the draft report had been issued months ago and there was a clear indication that an apology would have been appropriate. Although Councillor Watkins stated at the hearing that she would be prepared to apologise if she had been too “forceful”, this was not a fulsome and complete acknowledgement of her inappropriate conduct
65. For these reasons, the Committee decided that the aggravating factors in this case far outweighed any mitigation. The Committee then proceeded to consider the appropriate length of the suspension in light of these aggravating and mitigating factors. The Committee noted that the Sanctions Guidance document advised that a period of suspension of less than one month was unlikely to achieve the objectives of the sanctions regime. The Committee also had regard to the periods of suspension of 3 months and 2 months respectively imposed in the Wrexham and Denbighshire cases for similar breaches of paragraph 7(a). Although the Committee acknowledged that there were other breaches of the Code of Conduct taken into consideration in these cases, it was considered that the aggravating factors in Councillor Watkins’ case meant that the suspension should be at the upper level of that scale.

66. Therefore, the Committee determined that a fair and proportionate level of suspension in this case was 3 months, having regard to the seriousness of the conduct, the deterrent effect of the sanction and the need to restore public trust and confidence. In addition, the Committee considered that Councillor Watkins' flagrant abuse of her position on the Health Board meant that she should not continue in this role. Therefore, the Committee decided to recommend to the Council that Councillor Watkins be removed and replaced as a representative on the Health Board.
67. After a length deliberation, the meeting was reconvened and the Chair announced the unanimous decision of the Committee that:
- (a) Councillor Watkins be suspended from her role as a Councillor for a period of 3 months; and
 - (b) that a recommendation be made to the Council that Councillor Watkins be removed and replaced as a representative on the Health Board.
68. The Chair confirmed that a written record of the Committee's decision would be prepared and sent to the parties, setting out the relevant findings of fact and the reasons for the decision.

