

Agenda



Newport City Council

Date: Tuesday, 29 June 2021
Time: 5.00 pm
Venue: Live Event
To: **All Members of the City Council**

BROADCASTING NOTICE

This meeting is being conducted remotely in accordance with The Local Government (Coronavirus) (Wales) Regulations 2020 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 (Pages 5 - 30)</u> To confirm and sign the minutes of the meetings from 27 April and 11 May (AGM).	
3. <u>Appointments (Pages 31 - 34)</u> To consider any proposed appointments.	
4. <u>Police Issues</u> 30 minutes is allocated for questions to the Gwent Police representative.	
5. <u>Notice of Motion: Diversity in Democracy</u> Newport City Council recognises that much work has been undertaken in the last decade in Wales to measure and improve the diversity of councils. More work is in the pipeline in preparation for the 2022 elections. There is a national communications campaign to encourage people from	All Wards

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Date of Issue: Tuesday, 22 June 2021

underrepresented groups to vote, engage with local democracy and stand for office. New mentoring programmes are being delivered with the Womens' Equality Network Wales and the Ethnic Minorities and Youth Support Team Wales. Stonewall Cymru and Disability Wales will also soon be offering mentoring programmes. The Welsh Government and Senedd Commission are working with Councils, schools and youth councils and developing resources to encourage 16 and 17 yr olds to get involved and vote. The WLGA has a new Be a Councillor website and, is part of the Pan UK civility in public life campaign and are working with Councils to continue to improve the range of support and development provided to members.

Newport City Council commits to being a Diverse Council.

We agree to:

- Provide a clear public commitment to improving diversity in democracy
- Demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct
- Continue to take forward the recommendations of the WLGA Diversity in Democracy working group

The motion is to be proposed by the Leader of the Council, J Mudd and seconded by Baroness D Wilcox.

6. Notice of Motion: Freedom of Newport - Royal British Legion All Wards
Newport City Council resolves to appoint the Royal British Legion as Honorary Freeman of the City of Newport in recognition of their 100th Year Anniversary on 15th May 2021 and to honour the charitable work of the organisation supporting ex-service men and women and their families.

This motion is to be proposed by the Leader of the Council, J Mudd and R Truman and seconded by Councillor M Spencer

7. Management Structure Report (Pages 35 - 54) All Wards
8. Public Space Protection Order (Pages 55 - 98) Pillgwenlly
9. Questions to the Leader of the Council
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.

10. 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

11. [Democratic Services Committee Minutes: 29 April 2021](#) (Pages 99 - 108)

12. [Governance and Audit Committee Minutes: 27 May 2021](#) (Pages 109 - 120)

13. [Live Event](#)
Please click on the link below:

[Council Meeting, 29 June 2021 - YouTube](#)

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Minutes

Council

Date: 27 April 2021

Time: 5.00 pm

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

Apologies: Councillor G Giles

1. Minutes

The Minutes of the Council meeting held on 3 March 2021.

Item 4 Notice of Motion: M4 Relief Road

Councillor M Evans asked that the statistic be corrected under the above item from 8% to 98% which referred to the area within the black route being untouched.

Item 6 Revenue Budget and MTFP Final Proposals

Councillor M Evans statement was to be corrects where he welcomed the proposals in relation to parking charges and did not support parking charges as alluded to in the Minutes.

Resolved: That the Minutes of 3 March 2021 were agreed subject to the above.

2. Appointments

To consider the proposed appointments set out in the report

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.

Governing Body Appointments

Governing Body	No. of Vacancies/Re-appointments	Nominations Received
Caerleon Lodge Primary School		Rob Isaac

St Patrick's Primary School		Matthew Pimm
Ysgol Gymraeg Bro Tyrnon		Julie Watkins

External Appointments

Organisation	No. of Vacancies / Replacements	Nominations Received
Raven House Trust	1	Councillor J Hughes

3. Members Schedule of Remuneration 2021/22

The Chair of the Democratic Services Committee presented the report.

Councillor Ferris was pleased to move formal approval and adoption of the Members Schedule of Remuneration for 2021/2022 as set out in the Appendix to the Report.

The Independent Remuneration Panel for Wales (IRPW) was the body tasked with setting the remuneration levels for councils in Wales. The IRPW made determinations in relation to basic and senior salaries, and also the rates and conditions for expenses paid by public authorities.

The IRP published its Annual Report for 21/22, which was in line with the draft report considered at Democratic Services Committee in November 2020. The IRPW determined that there should be an inflationary increase of £150 to the basic annual salary of all elected members, which increased the basic salary to £14,368. This would be backdated to 1 April 2021.

Senior salaries would also be increased at the same inflationary rate of 1.06%. The individual senior salaries were set out in the Appendix and the names of the relevant members would be added to the published scheme once the appointments were confirmed at the Council AGM in May.

The amounts of the salaries were fixed by the IRP and there was no discretion for the Council to change the figures.

There were no further changes to last year's scheme of allowances.

Finally, as requested by the IRP, the Chair of Democratic Services Committee reminded members of their entitlement to claim reimbursement of care costs, on an anonymous and confidential basis, where they are eligible.

Resolved:

That Council approved and adopted the Members Schedule of Remuneration for 2021/22 as set out in Appendix 1 of the report.

4. National Non-Domestic Rates: Covid-19 Discretionary Rate Relief Schemes

The Leader Presented the report to Council.

The covid-19 pandemic created difficult trading conditions for many city businesses and in response to this Welsh Government provided measures that were intended to help businesses affected from not being able to trade as they did usually.

This report set out two rate relief schemes that directly assisted city businesses.

The first scheme was an extension of the Retail, Leisure and Hospitality Rate Relief Scheme into 2021-22, removing the requirement to pay business rates for qualifying ratepayers for a second year.

The second scheme was the Enhanced Leisure and Hospitality Rate Relief Scheme. Introduced late in the financial year, this scheme specifically assisted larger leisure and hospitality businesses and removed the need to pay business rates for both 2020-21 and 2021-22.

These schemes required Council approval since rate relief was given under the discretionary rate relief provisions. As both schemes were received late in financial year, with the need to act quickly to ensure that businesses benefited straight away, the schemes were approved by the Leader under emergency provisions.

This ensured ratepayers did not have the worry about paying their rates in 2021-22 and the rate relief was swiftly applied to their rate accounts and notifications issued before the first instalment was due in April.

This report sought formal retrospective approval and ratification of the resolutions agreeing to the adopt the schemes.

Comments from Councillors:

Cllr Al-Nuaimi supported the report and was pleased to see the help delivered to business in a timely manner ahead of Council through the urgent report and decision taken by the Leader of the Council. Councillor Al-Nuaimi also thanked both the UK Central Government and Welsh Government for the help received as a council and within the community. It was hoped that the relief would see businesses in a better place.

Councillor Fouweather echoed the comments above and stressed the importance of this relief for small businesses being advertised properly by the Council to ensure that business were aware of this. It was hoped that this would be done and that a good number of businesses would apply for this help.

Resolved:

That the Council agreed to adopt:

1. Welsh Government's Retail, Leisure and Hospitality Rate Relief Scheme for 2021-2, and
2. Welsh Government's Enhanced Leisure and Hospitality Rate Relief Scheme 2020-21 and 2021-22 by making the appropriate determination and decision, as required by Sections 47(1)(a) and 47(3) respectively of the Local Government Finance Act 1988, and set out in the Appendix to this report.

5. Pay and Reward Policy 2021/22

The Council's Pay and Reward Policy for the workforce is an annual report that requires adoption by Council. This policy sets out the internal mechanisms for remunerating Council officers and provides any changes since the last adoption.

The policy was last approved in November 2020 and as such there were no proposed changes to it this year. It was however highlighted that the annual gender pay gap would also be published on the Council's website. The Leader was pleased to report that the mean pay gap decreased for a second year to 1.92% from last year's reported 3.6%. The Leader reported in November that the 2019 median gap had closed entirely as the analysis of the data showed that the median point of hourly pay was the same for both men and women.

There was a very slight change to this and there was a median pay gap of 0.57% for 2020. The Council's gender pay gap continued to compare favourably with other Councils across Wales and the UK average of 17% but we would maintain efforts to eliminate the pay gap between men and women employed by the Council.

The Council was committed to conducting equal pay audits on a three yearly basis and this was due to be carried out in this calendar year.

Resolved:

That Council approved and updated the Pay and Reward Policy in order to meet the statutory requirement for a pay policy statement to be approved and published by Council on an annual basis.

6. Standards Committee Minutes: 15 April 2021

The Committee met on 15 April 2021 where it was recommended that Council adopt the new Employee Code of Conduct and its inclusion within the Constitution.

7. Questions to the Leader of the Council

The Leader announced the following before proceeding with Questions.

- **Funding awarded for leisure centre**

Last month the leader updated Council on the proposed new leisure and well-being centre located in the heart of our city.

The Leader was pleased to confirm that the council had successfully secured £7 million of Welsh Government Transforming Towns funding towards the project.

The purpose-built centre would provide state-of-the-art facilities for residents and would also pave the way for the redevelopment of the existing Newport Centre site to provide a brand new further education facility for Coleg Gwent.

Final proposals and designs were being worked on ahead of the submission of a full planning application, expected later this year.

- **Transporter Bridge funding**

Another of the Council's flagship projects was boosted by positive news with confirmation of a £1.5m grant from Welsh Government for the Transporter Bridge transformation project.

The funds would complement the £8.75m awarded by the National Lottery Heritage Fund, and the £1m capital funding that the council also committed to the project.

The Leader would very much look forward to opening the new and improved facilities in 2023.

- **20mph speed limits**

Our teams had been working hard to introduce 20mph speed limits across a number of residential streets in six of our city's wards.

The measures were being introduced to help improve safety within residential streets to support people to feel confident choosing sustainable travel options such as walking and cycling – something the council was actively promoting through its active travel schemes.

- **Active travel**

The Leader was pleased to confirm that Newport was set to benefit from almost £10m of Welsh Government funding to improve a number of active travel routes across the city.

The funding sees over £8m allocated to the construction of a new footbridge at Devon Place, linking it across the main railway line to Queensway.

A further £100k was allocated to improve the canal link path between Bettws and Malpas. £61k would help develop active travel paths at Lliswerry Pond, providing an off-road option linking with the surrounding area and Newport International Sports Village.

The council would also receive £751k in core grants, which would go towards developing new schemes identified as part of the 2017/18 active travel network map review. The Leader thanked everyone who had taken part in that public consultation. A further consultation with proposed new routes based on the suggestions received would begin very soon.

- **Electric refuse vehicle**

Last month we were incredibly proud to launch Wales' first electric-powered refuse collection vehicle.

It was being used on collection rounds across the city, and would service areas such as Caerleon, which was designated as a priority in terms of reducing emissions to help improve air quality levels.

The vehicle would reduce carbon emissions by approximately 25-35 tonnes per year compared to a standard, non-electric vehicle.

It formed part of a wider project to replace the council's existing vehicles with eco-friendly alternatives to become a carbon neutral organisation by 2030

- **Homelessness scheme**

In another innovative new scheme, the Leader was working with partners to provide affordable homes for people at risk of homelessness.

Working with Linc Cymru, it was agreed to lease part of Hill Street car park for a supported housing project that would feature twelve self-contained flats.

These flats would provide "move-on" accommodation for people in temporary accommodation, in a location close to essential services.

Linc Cymru would manage the tenancies and support residents, enabling them to have a more stable and secure life. The aim was to help them obtain longer-term accommodation where they could live independently.

Initial work was being progressed using permitted development rights, and consultation with neighbours has begun ahead of the submission of a full planning application.

- **UK Community Renewal Fund**

Applications to the UK Community Renewal Fund were being invited for projects in Newport.

The fund aimed to support people and communities most in need across the UK, creating opportunities to trial new approaches and innovative ideas at a local level.

As a council, we would co-ordinate the submission for projects in Newport, the Leader therefore encouraged residents to support local applications. Full details about the scheme was available on the Council's website and the closing date was Friday 21 May.

Finally, the Leader gave personal thanks to the Head Teacher of St Andrew's School, Jo Giles, her senior leadership team and all colleagues. This was in relation to the support given to the school during time of major works being carried out to the main building and the juniors had to be relocated to a temporary classroom.

The Leader extended her thanks to Newport Live and Newport Norse for transforming the connect centre into an excellent school facility.

The Leader delighted to be invited to visit the school along with the Deputy Leader who was the Chair of Governors at the School.

Leader's Questions

- Councillor M Evans:

The Conservative Group had submitted a number of Questions At Any Time (QAAT) to Cabinet Members and Questions to Council and an increasing number had been ruled as operational which meant they were not published for public to see and that Cabinet Members were not held accountable for the question. An example of this was when Councillor Routley asked the Cabinet Member for Community and Resources what happened to councillor's used electronic devices, such as laptops and iPads and whether they could be refurbished and sent out to the community, this was dealt with as operational. Councillor M Evans also observed that with regard to press releases, only good news stories were issued on behalf of the Leader or Cabinet Member but not when anything embarrassing, a statement would be released by the Council's spokesperson. When therefore would the Leader and Cabinet take responsibility for their own actions.

The Leader responded by advising that in terms of taking responsibility and as a previous Leader of the Council the current Leader was sure that Councillor M Evans was aware that the QAAT responses from Cabinet Members were in relation to policies and strategies, a strategic approach was taken. Other questions that were operational in manner were delegated to Heads of Services and officers within the Council to provide a response. Nothing was therefore hidden and all questions were subject to the Freedom of Information (FOI) Act as Councillor M Evans' colleagues were aware. The Leader was therefore happy to conclude by saying that that she and her colleagues were accountable for all of their actions and were open and transparent.

Supplementary:

Councillor M Evans had listened to Cabinet meetings, which in his terms sounded like a glorified love fest. The councillor could not remember when Cabinet last took responsibility for their actions and any mistakes were considered somebody else's fault. Councillor J Watkins sent a Question for Council in relation to the training budget and how it was spent. The answer again was that this was operational and would be answered by an officer, who would decide who attends what in relation to training courses. Councillor M Evans considered that this should be answered by Cabinet part of their responsibility and therefore asked who was running the council, the Cabinet Members or officers.

The Leader reiterated her initial response that herself and her Cabinet Member colleagues took strategic decisions in line with policies and that officers took operational decisions.

- Councillor Whitehead:

In the recent budget, the Council voted to invest £500,000 in a Covid community recovery fund to support community groups in playing their part to support responsible recovery. Councillor Whitehead therefore asked how much of this money had been distributed and to whom.

The Leader advised that none of the money had been distributed as yet, as the process would be for community groups to apply for the funding and to decide on how and where it would be spent. Cabinet took part in a participatory budget process, which was funded by the health sector for community groups to submit bids, which were assessed and voted on, which was also envisaged for the Covid community fund, where community groups would decide who received funding.

Supplementary:

Councillor Whitehead asked if the Leader would provide the information discussed above on the website, clearly marked for members of the public to find out how to apply for the money, backed up by press and social media coverage. Funding was also for all groups across the spectrum.

The Leader agreed that this was about grass roots recovery and for those groups that could not function during lockdown. The Leader recognised the impact on small income that groups may receive and also impacted on the individual in terms of their wellbeing. The Leader wanted to support their wellbeing by enabling these groups. There might also be new groups applying for this money. Officers were still working on the distribution formula to check it was possible to engage using the model mentioned above, officers had been outstanding in their work on this. The Leader would of course ensure that this funding would be well publicised and was looking to all of her councillor colleagues to help with this.

- Councillor C Townsend:

With appointment of Chief Executive in July last year, would the Leader provide update on the recruitment of the Strategic Director vacancies for Place and People.

The Leader thanked Councillor Townsend for her question and for her participation in last year's recruitment process last July. The Chief Executive was looking at council's organisation structure and would bring a report to the Council on this matter in due course.

- Councillor J Hughes:

After receiving summary of business on line bulletin, could the Leader provide an update on the work of the Public Service Board (PSB).

The Leader mentioned that this was a statutory requirement, which was established by Wellbeing and Future Generations Legislation introduced in 2015. Newport was unique in its membership and had established a wellbeing plan, which aligned to the objectives of the corporate plan.

There were a number of priorities were put in place with delegated leads from the board membership work in order to progress these for Newport citizens. As well as having statutory partners, the PSB had non statutory partners that were invited around the table these were from Public Health Wales, the Probation Service, registered social landlords, Newport Live, Newport Youth Council as well as representatives from GAVO and CAB. They came together with partners on projects that would help to benefit Newport, the participatory budget was also part of this scheme, seeing positive results.

The Leader mentioned that it would be remiss of her to mention the work of PSB and share some of the priorities, such as skills themes, sustainability themes and importantly work of the safer Newport aspect and the Newport Offer, which looked at broader aspects of living in Newport. All this work was ongoing and was pleased to report back the work that was being undertaken. The Leader also mentioned that the new format was tremendously accessible, giving everyone an overview of the PSB.

Supplementary:

Councillor Hughes asked how did the greener spaces and sustainable travel align with the local authority.

The Leader advised that one of the priorities was sustainable development and the council was working hard on this and was keen to take forward. On this subject the Leader was delighted to share with colleagues that both Cabinet and the Corporate Management Team had undertaken carbon literacy training which enabled us to be accredited as an authority. The Leader wanted to ensure that everyone informed about this. One of the key things arising from this was to sign up to sustainable travel charter, with the PSB. The Council was a significant employer across the whole of Gwent and therefore wanted to help employees and incentivise them to focus on different ways of accessing the work place. The council was also working closely with its partners such as Natural Resources Wales on infrastructure projects. Cabinet identified a significant amount of money to support sustainability activities to establish a green recovery part of this was looking into project work such as sustainable drainage and cleaning the City Centre as well as the canal. This was all being achieved with the help of the PSB.

8. Questions to the Cabinet Members

Question 1 – Cabinet Member: Licensing and Regulation

Councillor J Watkins put the following question to the Cabinet Member:

Given the recent rulings with regard to the impact poor air quality was having on health and given the sad death of the little girl in London attributed to air pollution, what plans did the Council have in place to take positive action with regard to the air quality in the one way system in Caerleon, given that years of monitoring have resulted in little or no action thus far?

Response:

I would like to thank Councillor Watkins for asking this question. One of the issues highlighted by the Coroner in his report on the tragic death of this poor girl in London was the need to raise public awareness of the impact that air pollution had on public health.

I hope that this would therefore help to get the message across to the wider community that action needed to be taken, because increased monitoring and regulation would not, of itself, be sufficient to address these environmental issues.

The Council's Senior Scientific Officer attended an Air Quality workshop recently where he was able to talk with Rosamund Kissi-Debra (the mother of the girl who had died in London) about the challenges in getting air quality messages across to communities and facilitating behaviour change to improve air quality. Raising public awareness however and engaging with the public would be a critical part of this Council's strategy for dealing with Air Quality, both in Caerleon and other areas of the City

The Cabinet Member also stressed that the Council could only act within the current regulations governing the management of air quality standards and it was for the legislators and policy makers to establish a clear framework for this work to be carried out.

Turning to the specific issues relating to Caerleon, it was a complete fallacy to say that the extensive monitoring work carried out by Environmental Health officers resulted in little or no action so far. Current positive action in Caerleon included:

A number of measures were taken to address air quality issues arising from vehicle emissions in Caerleon, for example:

- Deployment of electric refuse collection vehicles on routes in Caerleon.
- Deployment of electric buses on routes in Caerleon.
- Continuation of the Eco Stars Scheme, which facilitated less fuel use in fleets travelling around Newport, including Caerleon.
- Using the development control process to require ultra-low energy vehicle infrastructure at new developments e.g. EV charging as part of the Redrow development on the University site.
- Using development opportunities to require mitigation measures such as anti-idling controls for vehicles e.g. anti-idling of construction traffic serving refurbishment work at Charles Williams School.
- Engaging with the community of Caerleon wherever possible in relation to concerns, planning work and pending projects e.g. concerns raised by the local community about routes of construction traffic to and from the University development site routing has resulted in additional monitoring.
- Air quality issues were inextricably linked to wider initiatives regarding Climate Change and Sustainability and this work would also have beneficial impacts on all of the Newport area including Caerleon.

Future/pending action included:

- Air Quality Annual Progress Reports would be prepared with more accurate data. The current data for 2020 is clearly unreliable because traffic journeys have reduced significantly due to COVID restrictions. However, while people continued to work from home, this would continue to have a positive impact on air quality.
- The on-going work on the Sustainable Travel Strategy and the pending Air Quality Action Plan would also help to address air quality. The Air Quality Action Plan would be refreshed in 2021/22 with a view to identifying interventions for all Air Quality Management Areas, such as Caerleon. This would complement the work being done under the Sustainable Transport Plan.
- Purchase and deployment of real time monitors for three AQMA street canyons including Caerleon, where exceedances of the air quality objective were observed in a 75 meter section of High Street. This would provide data on peak pollution times which would feed into interventions that were considered as part of the Air Quality Action Plan process. Additional pollutants in the form of particulates would also be measured by these monitors.
- Setting up of Air Quality Groups for at least six of the AQMAs including Caerleon.
- Piloting of e-Taxis should include e-Taxis activity in Caerleon.
- Scoping of funding opportunity through Cardiff City Region Fund to look at problem street canyons like Caerleon High Street and engineered solutions to mitigate air quality impacts.

And those were just examples of the work that was already carried out or planned, but we did need to engage with and secure the co-operation of the public in order to deliver our air quality objectives.

Supplementary:

Councillor J Watkins welcomed the initiatives such as the electric buses and electrical waste disposal units that would go through the village once a week. Councillor J Watkins felt it was disrespectful of the Cabinet Members to suggest that the public are not aware of their responsibility, whereas the Councillor considered Caerleon residents to be responsible. Councillor J Watkins asked if the Cabinet Member thought that electric cars were affordable; as for majority of residents they would not be and asked if it was time that the Cabinet member did something positive for Caerleon and provided alternative access into the village to improve poor air quality.

The Cabinet Member suggested that the cost of cars was not for this council to decide or comment upon. The point the Cabinet Member was referring to with regard to people taking responsibility was on a global scale and not just within Newport. The Council could only do so much and all the information provided was evidenced based for Newport. Finally, the Cabinet Member stressed that the Council was doing as much as it could for the air quality in Caerleon.

Question 2 – Cabinet Member: Sustainable Development

Councillor J Watkins put the following question to the Cabinet Member:

Did the Cabinet Member agree that Section 106 monies generated in a particular ward should include the Community to have a voice in the decision making process as to how such monies were spent and if so why was this was not the process currently in place?

Furthermore, did the Cabinet Member agree that such monies should be spent entirely on innovations or improvements solely with the ward where said monies were generated?

Response:

Planning obligations were legal obligations that were entered into to mitigate the impacts of a development proposal. This could be via a planning agreement that was entered into under section 106 of the Town and Country Planning Act. Hence the use of the term 'section 106 monies'

This was introduced following an act of Parliament that was laid down and agreed in 1990.

This was a fundamental piece of legislation, which had to be adhered to by the person or developer who had an interest in the land, as well as the planning authority. Planning obligations that run with the land, were legally binding and enforceable.

Should the Council spend the contributions on infrastructure or services not within the scope of the legal agreement, or if it failed to spend the contribution within the agreed timeframe, the Council would be liable to return the contributions to the developer.

It was therefore important to have some understanding of the S106 process and the parameters the Council must work within to negotiate, secure and spend S106 contributions.

And in response to the second part of the question:

The contributions that were required from the developer had to be used to address an identified need (rather than a wish list), it was important to note that proposed contributions were outlined within reports determined by Planning Committee and those reports were published in advance of the meetings. As an example, the Caerleon Campus application contained over five pages of discussion on the Section 106 contributions agreed within the Heads of Terms. These details were in the public domain and the decision of Planning

Committee took into account the officer's recommendation on these matters as well as any representations made to Committee.

Supplementary:

Councillor J Watkins was interested to hear the Cabinet Member mention to identified need and there was a clear identified need for how money was to be spent in Caerleon and nothing to interest, involve or develop children in Caerleon. There was a play area by the comprehensive school, which was out of date and there was nothing for teenagers to get involved in and enjoy. The money therefore needed to be spent on young people to engage them and improve their lives.

The Cabinet Member agreed with Councillor J Watkins' comments and advised that Redrow Housing had agreed for £1M of this money to be spent on Caerleon schools for their upkeep and five difference play recreation areas and sporting areas which included rugby and five different aspects, looking at different generational needs to support the wellbeing of young people. Also agreement was made in relation to sustainable travel, with installation of electric charging points including the widening of the public right of way, pedestrian crossings, two new bus tops as well as repairing the listed buildings. Therefor the improvements put forward by Redrow had been carefully considered and Planning Committee approved those recommendations. This would improve the area for the residents of Caerleon.

Question 3 – Cabinet Member: Leisure and Culture

Councillor A Morris put the following question to the Cabinet Member:

What attempts were made to engage with the gangs of youths who congregated at various locations across the city during lockdown.

Response:

The Cabinet Member advised that officers had gone out to engage with youngsters but unfortunately the community centres were closed due to lockdown. Children with certain needs had been considered and looked after.

Supplementary:

Councillor Morris considered that the Council had not engaged with youngsters who had nothing to do nowhere to go and not wearing masks or social distancing. Would the Council be engaging with youngsters to show them the error of their ways and the dangers that they were putting themselves and other people in presently.

The Cabinet Member advised that these were policing issues. We as a Council had no rights or legislation in place to tell people to wear masks or not to loiter. A Section 48 dispersal order had been used in Alway as a result of engaging with the police and it was advised that Councillor Morris do the same for Lliswerry by contacting Inspector Cawley.

Question 4 – Deputy Leader/Cabinet Member: City Services

Councillor W Routley put the following question to the Cabinet Member:

Flooding event 23 of December is subject to a section 19 investigation, also the local storage of Sandbanks initiative as previously discussed, could you please update Council on these two subjects.

Response:

The section 19 investigation is currently underway together with an enquiry being led by NRW into causation and contributory factors for the flooding event in the eastern catchment of the City. When findings are finalised and received these will be published on the council website

Local Authorities have no duty to provide sandbags to the public, however NCC and SWFR often support residents at times of flooding. At my request, officers are currently reviewing options for some localised storage for sand bags at strategic sites and I will announce further details when ready. Business, Farm and Agricultural landowners need to ensure they have their own flood plans and NRW can provide further advice on this.

Supplementary:

Councillor Routley mentioned that it was good to speak with the Cabinet Member and officers in relation to the 23 December, which caught everyone out however, there was a massive shortage of sand bags in rural area. Telford Street Depot was not open to collect sand bags, the Council could not deliver sandbags. Farmland had been identified and would safely store local sandbags in for residents to prepare in advance or on the day of such an event can access these sandbags to help prevent flooding to their property. This initiative released the council to give a more proactive approach when this is repeated. Small improvements such as these would give hope for residents. Councillor Routley offered help to the Cabinet Member to create distribution centres.

The Deputy Leader advised that sights had already been identified within Newport, such those as mentioned in the Langstone Ward and the council was also looking at other suitable locations and once this was completed the council were looking draft a policy and agreements with all those that had accepted.

9. **Date of Next Meeting: 11 May 2021 at 5pm - Council AGM**

Minutes



Council

Date: 11 May 2021

Time: 5.00 pm

Present: Councillors P Cockeram, D Davies, M Al-Nuaimi, C Evans, M Evans, C Ferris, D Fouweather, G Giles, J Guy, D Harvey, I Hayat, Councillor R Jeavons, M Kellaway, M Linton, D Mayer, R Mogford, Councillor J Mudd, M Rahman, J Richards, M Spencer, T Suller, H Thomas, K Thomas, C Townsend, Councillor R Truman, T Watkins, M Whitcutt, R White, K Whitehead, D Wilcox, D Williams, G Berry, V Dudley, Y Forsey, R Hayat, T Holyoake, P Hourahine, J Hughes, J Jordan, L Lacey, S Marshall, W Routley, H Townsend, J Watkins and A Morris

Apologies: Councillors J Cleverly and J Clarke

1. Preliminaries

There were no declarations of interest at this stage but members declared personal interests at the appropriate times during the meeting when they were nominated for appointments.

2. Appointment of Mayor/Chair of Council

The Leader proposed that Councillor D Williams was elected Mayor of the City of Newport for the coming year and this was seconded by Councillor Matthew Evans.

Resolved:

It was unanimously resolved that Councillor David Williams be elected Mayor of the City of Newport and Chair of Council for the municipal year 2021/22.

The Leader congratulated Councillor Williams on his appointment and welcomed him as the Mayor of Newport for 2021/22.

Councillor Williams took over as Chair and thanked the Leader and Council. The Mayor said that it was a great honour to accept the nomination of Mayor and was looking forward to serving the City as its First Citizen.

The Mayor thanked the Outgoing Mayor, Councillor Suller and the Lady Mayoress for their sterling work during the past year.

The Mayor announced that his nominated charity would be Newport Mind and the Friends of Gwent Music. The Mayoral Chaplain was the Reverend Chris Stone.

The Mayor invited the outgoing Mayor to say a few words and proposed a vote of thanks to Councillor Suller.

Councillor Suller congratulated the new Mayor and thanked everyone for their support during the past year, particularly his Deputy Mayor Councillor Dudley and his wife Pat. He mentioned a number of highlight events and the honour of raising awareness for his chosen charity Alzheimer's Wales.

3. **Appointment of the Deputy Mayor**

The Mayor was pleased to announce that Councillor Kellaway had kindly agreed to serve as his Deputy Mayor.

4. **Appointment of the Leader of the Council**

The Mayor invited someone to move the appointment of Leader of the Council.

Councillor Mudd declared an interest at this point.

It was moved and seconded that Councillor Mudd be appointed as leader of the Council.

Resolved:

That Councillor Mudd be appointed as Leader of the Council.

The Leader, as elected announced her appointment of Cabinet Members:

Post	Appointed
Leader, Chair of Cabinet and Cabinet Member for Regeneration and Housing	Cllr Jane Mudd
Deputy Leader and Cabinet Member for City Services	Cllr Roger Jeavons
Cabinet Member for Education and Skills	Cllr Deb Davies
Cabinet Member for Social Services	Cllr Paul Cockeram
CM for Assets	Cllr Majid Rahman
Cabinet Member for Sustainable Development	Cllr Jason Hughes
Cabinet Member for Licensing and Regulation	Cllr Ray Truman
Cabinet Member for Community and Resources	Cllr David Mayer
Cabinet Member for Culture and Leisure and Business Manager	Cllr Deb Harvey

Councillor Matthew Evans then announced the Shadow appointments.

Opposition Spokespersons:

Post	Appointed
Leader of the Opposition	Cllr Matthew Evans

Deputy Leader / Education and Skills	Cllr William J Routley
Business Manager / City Services	Cllr David Fouweather
Social Services	Cllr Joan Watkins
Licensing and Regulation	Cllr Tom Suller
Assets	Cllr M Kellaway
Sustainable Development	Cllr Richard White
Community and Resources / Member Development	Cllr Ray Mogford
Culture and Leisure	Cllr Charles Ferris

5. Appointments to Chairs of Committees

Following nominations by the Leaders of their respective parties, and the nominations having been duly seconded, it was **Resolved** that the following Committee Chair appointments be agreed by Council:

Planning Committee	Cllr John Richards
Licensing Committee	Cllr K Thomas
Democratic Services Committee	Cllr C Ferris
Overview and Scrutiny Management Committee	Cllr L Lacey
Performance Scrutiny Committee - Partnerships	Cllr J Clarke
Performance Scrutiny Committee – People	Cllr W Routley
Performance Scrutiny Committee – Place and Corporate	Cllr C Evans

(The nominated persons listed above declared an interest in this item and did not vote on their specific appointments).

6. Appointments to Committees

The Council gave effect to appointments to Committees by the political groups.

Each Group Leader agreed to pass the appointments of members to the Committee to the Proper Officer for recording in the Minutes.

The following allocation of Committee seats was confirmed:-

Planning Committee	
Labour (Chair)	Cllr John Richards
Labour (Deputy Chair)	Cllr John Guy
Labour	Cllr James Clarke
Labour	Cllr Tracey Holyoake
Labour	Cllr Mark Spencer
Labour	Cllr Trevor Watkins
Conservative	Cllr Richard White
Conservative	Cllr William Routley
Conservative	Cllr Charles Ferris

Newport Independents	Cllr Jason Jordan
Liberal Democrat	Vacancy

Licensing Committee	
Labour (Chair)	Cllr Kate Thomas
Labour (Deputy Chair)	Cllr Herbie Thomas
Labour	Cllr Ibrahim Hayat
Labour	Cllr Graham Berry
Labour	Cllr Miqdad Al-Nuaimi
Labour	Cllr Yvonne Forsey
Conservative	Cllr David Fouweather
Conservative	Cllr Tom Suller
Conservative	Cllr Joan Watkins
Newport Independents	Cllr Janet Cleverly
Liberal Democrat	Vacancy

Audit Committee	
Labour	Cllr Herbie Thomas
Labour	Cllr Mark Whitcutt
Labour	Cllr Gail Giles
Labour	Cllr Rehmaan Hayat
Labour	Cllr Phil Hourahine
Conservative	Cllr Richard White
Conservative	Cllr Ray Mogford
Newport Independents	Cllr Jason Jordan
Liberal Democrat	Cllr Holly Townsend
Lay Member *(Chair)	Mr John Baker

* Chair appointed by the Committee

Democratic Services Committee	
Conservative (Chair)	Cllr Charles Ferris
Labour	Cllr Mark Whitcutt
Labour	Cllr Phil Hourahine
Labour	Cllr Gail Giles
Labour	Cllr James Clarke
Labour	Cllr Trevor Watkins
Labour	Cllr Kate Thomas
Conservative	Cllr Matthew Evans
Newport Independents	Cllr Chris Evans
Liberal Democrat	Cllr Carmel Townsend

Scrutiny Committees:

Overview and Scrutiny Management Committee	
Labour (Chair)	Cllr Laura Lacey
Labour	Cllr Graham Berry
Labour	Cllr Farzina Hussain
Labour	Cllr Phil Hourahine
Labour	Cllr Miqdad Al-Nuaimi
Labour	Cllr Yvonne Forsey
Conservative	Cllr Matthew Evans
Conservative	Cllr Charles Ferris
Newport Independents	Cllr Chris Evans
Liberal Democrat	Vacancy

Performance Scrutiny Committee - Partnerships	
Labour (Chair)	Cllr James Clarke
Labour	Cllr Mark Spencer
Labour	Cllr Steve Marshall
Labour	Cllr Graham Berry
Labour	Cllr Malcolm Linton
Labour	Cllr Farzina Hussain
Conservative	Cllr Tom Suller
Conservative	Cllr Ray Mogford
Newport Independents	Cllr Kevin Whitehead
Liberal Democrat	Vacancy

Performance Scrutiny Committee - People	
Conservative (Chair)	Cllr William Routley
Labour	Cllr Herbie Thomas
Labour	Cllr John Richards
Labour	Cllr Laura Lacey
Labour	Cllr Yvonne Forsey
Labour	Cllr Steve Marshall
Labour	Cllr Trevor Watkins
Conservative	Cllr Tom Suller
Newport Independents	Cllr Janet Cleverly
Liberal Democrat	Cllr Carmel Townsend

Performance Scrutiny Committee – Place and Corporate	
Newport Independents (Chair)	Cllr Chris Evans
Labour	Cllr Graham Berry
Labour	Cllr Mark Whitcutt
Labour	Cllr Ibrahim Hayat
Labour	Cllr Malcolm Linton
Labour	Cllr John Richards
Labour	Cllr Miqdad Al-Nuaimi
Conservative	Cllr Martyn Kellaway
Conservative	Cllr Charles Ferris
Liberal Democrat	Vacancy

Standards Committee	
Baroness Wilcox of Newport	Labour appointment
Cllr Phil Hourahine	Labour appointment
Cllr David Fouweather	Conservative appointment

Co-opted Members: Andrew Mitchell (Chair), John Davies, Tracey Britton, Kerry Watkins.

SACRE: The Standing Advisory Council on Religious Education	
Cllr Laura Lacey	Chair
Baroness Wilcox of Newport	Labour appointment
Cllr Ibrahim Hayat	Labour appointment
Cllr Rehman Hayat	Labour appointment
Cllr Joan Watkins	Conservative appointment

Appointments Committee – Strategic Director	
Labour	Cllr Jane Mudd - Leader
Labour	Cllr Roger Jeavons – Deputy Leader

Labour	Cllr Debbie Harvey – Business Manager
Labour	Cllr James Clarke – Chief Whip
Conservative	Cllr Matthew Evans
Newport Independents	Cllr Janet Cleverly
Liberal Democrat	Cllr Carmel Townsend

Corporate Parenting Forum	
Chair (Labour)	Cllr Paul Cockeram
Labour	Cllr Laura Lacey
Labour	Cllr Herbie Thomas
Labour	Cllr Ibrahim Hayat
Labour	Cllr Farzina Hussain
Labour	Cllr Steve Marshall
Labour	Cllr Yvonne Forsey
Labour	Cllr Graham Berry
Labour	Cllr John Guy
Conservative	Cllr Tom Suller
Conservative	Cllr Joan Watkins

HR Appeals:

Members to be appointed to be used in rotation:

Cllrs Kate Thomas, Laura Lacey, Farzina Hussain, Mark Spencer, Ibrahim Hayat, Tracey Holyoake, David Fouweather, Val Dudley, Charles Ferris, William Routley and Tom Suller.

Employee Partnership Forum:

CM for Community and Resources Chairman – Cllr David Mayer
All other Members by invitation of Chair on an ad hoc basis

Champions:

1. **Older Persons Champion:** Cllr Trevor Watkins
2. **Disabled, Vulnerable Persons Champion:** Cllr Kate Thomas
3. **Mental Health Champion:** Cllr Kate Thomas
4. **Carers Champion:** Cllr Graham Berry
5. **Anti-Poverty Champion:** Cllr Phil Hourahine
6. **Armed Forces Champion:** Cllr Mark Spencer
7. **Homelessness:** Cllr Yvonne Forsey
8. **Biodiversity Champion:** Cllr Laura Lacey
9. **B.A.M.E Champion:** Cllr Majid Rahman
10. **L.G.B.T. Champion:** Cllr Laura Lacey
11. **Welsh Champion:** Cllr Jason Hughes
12. **Active Travel Champion:** Cllr Yvonne Forsey

7. Appointments to External Bodies

The Council gave effect to appointments of members to external bodies.

Each Group Leaders agreed to pass the appointments to Outside Bodies and members with Special Responsibilities to the Proper Officer for recording in the Minutes. See Appendix 1 below.

8. Appointments to Standards Committee

The Mayor moved the recommendation from the Standards Committee Appointments Panel that Richard Morgan be appointed with immediate effect as a new independent member of

Standards Committee and Gill Nurton be appointed as from October 2021, when a further vacancy arises.

The motion having been duly seconded.

Resolved:

That Richard Morgan be appointed as a new independent member of standards committee with immediate effect and that Gill Nurton be appointed as a new independent member when a further vacancy arises in October 2021

9. Formal commencement of the Newport Replacement Local Development Plan

The Mayor invited the Leader to introduce the report to Council.

The Leader advised councillors that Cabinet gave the green light to commence the Local Development Plan review process back in October last year. The first tasks in this process required the creation of a Review Report and a Delivery Agreement.

The Replacement LDP Review Report document set out the key legislation and policy changes, which have occurred since the adoption of the LDP back in 2015. The document also included an assessment of what LDP policies were working well and which need to be reviewed.

The Replacement LDP Delivery Agreement was a timetable setting out how the Council intended to manage and deliver the LDP. It also set out who, when and how the Council would consult and engage during the production of the Replacement LDP.

Both of these draft documents were subject to public consultation for 8 weeks' between January and March 2021.

In respect of Consultation Feedback on the Review Report:

Appendix A of the Council Report set out all responses received. In general, comments were supportive of the Review Report and agreed that a review of the LDP should progress.

Some responses to note included:

- The Future Generations Commissioner for Wales noted that planning was a priority area in delivering the well-being goals.
- Requests to halt any development in the Gwent Levels. The impact of large renewable energy schemes was a particular concern.
- With the Welsh Government declaring a biodiversity and climate change emergency, the effectiveness of current policy to protect and enhance ecology was raised.
- The continuation of a brownfield strategy was supported along with the need to ensure the plan's strategy does not lead to social detriment.
- The role and importance of mineral planning for Newport and the region.
- The need for us to consider access to the river for recreation and lifeboat services.
- The need to review tourism policy and recognise important this is to Newport's economy.
- The impact from Covid 19 and using planning as a tool to aid recovery.
- The importance and opportunities that result from Heritage and its role in the Newport Offer.
- The need to focus on the regeneration of the City Centre, and
- The opportunities arising from national and regional public transport improvements.

In relation to the Delivery Agreement:

Appendix B of the Report sets out all responses received. Again, there was general support for the Delivery Agreement and some of the comments received included:

- Support for the proposed timetable.
- Helpful links to stakeholders who had not been identified in the draft.
- Questions on the impact on engagement with Covid-19, and
- The need for transparency of decision making throughout the Replacement LDP process.

As a result of the public consultation, a small number of minor changes were made to both documents. These changes were set out in the appendices and links to the new draft documents were also contained within the report.

Council were therefore asked to consider and approve these documents and agree for them to be submitted to Welsh Government. Approval by Welsh Government would then signal the formal commencement of the LDP review.

The Development and Regeneration Manager gave a presentation of the Replacement LDP to Councillors.

Councillor Al-Nuaimi enquired as to why the Replacement LDP was added to the Council AGM Agenda and if it would go out to consultation. The Development and Regeneration Manager confirmed that this document would go out to consultation. The Chief Executive also added that given the timescales it was imperative that the report was brought to council. This however was the very start of the process, councillor, community councillors and stakeholders would be able to influence the LDP. Once this had been concluded the LDP would be submitted to Welsh Government.

The Mayor referred to the empty homes strategy and whether it would form part of the contribution to houses required within Newport. The Development and Regeneration Manager advised that the empty homes strategy would be factored in to the mix as part of the equation.

The Leader moved the recommendation, which was duly seconded

Resolved:

That the Delivery Agreement and Review Report for the Replacement Local Development Plan (RLDP) be approved for submission to Welsh Government.

10. **Appendix 1 - Outside Bodies**

Aneurin Bevan University Health Board

Councillor Joan Watkins
Councillor Kate Thomas

Arts Council for Wales: SE Wales Region

Councillor Debbie Harvey

Caldicot and Wentlooge Internal Drainage Board

Councillor Graham Berry
Councillor John Richards
Councillor Phil Hourahine
Councillor Trevor Watkins
Councillor Richard White
Councillor Ray Mogford

	Matthew Jones Steve Davies
Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee	Councillor James Clarke
Cardiff Capitol Region Transport Board	Councillor Roger Jeavons
Charitable Trusts Panel	Councillor Herbie Thomas Councillor Kate Thomas Councillor Mark Spencer Councillor Paul Cockeram Councillor William Routley
Citizens Advice Bureau	Cliff Suller
Coleg Gwent	
Community Chest Local Panel	Councillor Charles Ferris Councillor Deb Davies Councillor Jason Hughes Councillor Mark Spencer
Community Health Council, Newport Committee	Councillor David Fouweather Councilor Kate Thomas Elaine Bryant
Consortium of Local Authorities in Wales	Councillor Jane Mudd
Credit Union	Councillor Stephen Marshall
EAS - Company Board	Councillor Roger Jeavons Councillor Tracey Holyoake
EAS Audit and Risk Assurance Committee	Councillor Laura Lacey Councillor Phil Hourahine
EAS Commissioning Group	Councillor Deb Davies

EAS Scrutiny Panel	Councillor Laura Lacey Councillor Phil Hourahine
East Newport Social Care Centre	Councillor John Guy
Fairness Commission	Councillor Kate Thomas Councillor Val Dudley
Food Waste Treatment Partnership	Councillor Ray Truman Councillor Roger Jeavons
Foster Panel	Councillor Graham Berry
Frailty Project Joint Committee	Councillor Paul Cockeram
Friends of Newport Transporter Bridge	Councillor Charles Ferris
Greater Gwent Archives Joint Committee	Councillor David Mayer Councillor John Guy
Greater Gwent Cremation Joint Committee	Councillor Jason Hughes Councillor Roger Jeavons
Growing Space	Councillor Tom Suller
Gwent Association of Voluntary Organisations Local Committee	Councillor Phil Hourahine
Gwent Level Wetlands Reserve	Councillor Jason Hughes
Gwent Police and Crime Panel	Councillor Jason Jordan Councillor Mark Spencer Councillor David Fouweather
Indoor Bowling Association	Councillor Tom Suller
Jerome Gatehouse Collection Trust	Councillor Mark Spencer
Joint Council for Wales	Councillor Jane Mudd

	Councillor Roger Jeavons
Living Levels Board	Councillor Jason Hughes Councillor Roger Jeavons
Merchant Navy Welfare	Councillor John Guy
Monmouthshire and Brecon Canal Joint Steering Group	Councillor David Mayer Councillor Jason Hughes Councillor Phil Hourahine
Newport Harbour Commission	Alan Speight Councillor John Guy
Newport Live Board	Councillor David Mayer Councillor Majid Rahman
Newport Now BID	Councillor Jane Mudd
Newport Transport Board	Councillor Debbie Harvey Councillor James Clarke Councillor Tracey Holyoake Councillor Mark Spencer Councillor Janet Cleverly
Newport Women's Aid	Councillor Tracey Holyoake
Norse Joint Partnership Board	Councillor Miqdad Al Nauimi
PATROL (Parking and Traffic Regulations Outside London)	Councillor Roger Jeavons
Pill Millennium Centre Trust	Councillor Ibrahim Hayat
Prosiect Gwyrdd Joint Committee	Councillor Ray Truman Councillor Roger Jeavons
Public Services Board	Councillor Jane Mudd Beverly Owen

Raven House Trust	Councillor Jason Hughes
Reserve Forces and Cadet Association	Councillor Matthew Evans
Roger Williams and Queen Victoria Alms Houses	Councillor Miqdad Al-Nuaimi
Shared Resource Service Strategic Board	Councillor David Mayer
South East Wales Racial Equality Council	Councillor Abdul-Majid Rahman
South Wales Fire and Rescue Authority	Councillor Herbie Thomas Councillor Mark Spencer
Special Responsibility - Council Appointed Champions:	Councillor Kate Thomas
Mental Health Champion	Councillor Jason Hughes
Welsh Language Champion	Councillor Kate Thomas
Disabled and Vulnerable Persons Champion	Councillor Laura Lacey
Bio Diversity Champion	Councillor Mark Spencer
Armed Forces and Veterans Champion	Councillor Phil Hourahine
Poverty Champion	Councillor Trevor Watkins
Older Persons Champion	Councillor Yvonne Forsey
Homelessness and Supporting People Champion	Councillor Yvonne Forsey
Active Travel Champion	Councillor Abdul-Majid Rahman
BAME Champion	Councillor Graham Berry
Carers Champion	
Vale of usk Local Action Group	Councillor Jason Hughes
	Councillor Jason Hughes
	Councillor Mark Spencer
	Councillor Ray Truman
	Councillor Roger Jeavons
Welsh Books Council	Councillor Jason Hughes
Welsh Local Government Association	Councillor Jane Mudd Councillor Mark Spencer Councillor Roger Jeavons
Welsh Purchasing Consortium Joint Arrangements	Councillor Jane Mudd

Williams Trust

Caroline McLachlan
Cliff Suller
Councillor Jason Hughes
Roy McCabe

WLGA Co-ordinating Committee

Councillor Jane Mudd

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Report

Council

Part 1

Date: 29 June 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

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
Bassaleg School	1	Yvonne Forsey
Caerleon Comprehensive	1	Jason Hughes
Glan Usk Primary	1	Phillip Hourahine
Glan Usk Primary	1	Merille Hourahine
Malpas C/W Primary	1	Laura Lacey
Mount Pleasant Primary	1	Yvonne Forsey
St Julians Primary	1	Mark Spencer
St Julians School	1	Graham Berry
Maindee Primary	1	Richard Morgan
Caerleon Comprehensive	1	Joan Watkins
Crindau Primary	1	Herbie Thomas
Gaer Primary	1	Stephen Marshall
Langstone Primary	1	William Routley
Llanwern High	1	Deborah Harvey
Millbrook Primary	1	Jason Jordan
Newport High	1	Herbie Thomas
Ringland Primary	1	Malcolm Linton
Marshfield Primary	1	John Tobutt
Ysgol Gymraeg Bro Teyrnnon	1	Hywel Jones
Pillgwenlly Primary	1	Debbie Jenkins

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: 22 June 2021

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Report

Council

Part 1

Date: 29 June 2021

Subject Revisions to the Senior Leadership Structure

Purpose To request Council's approval for revisions to the Council's senior leadership structure.

Author Chief Executive

Ward All

Summary The operating environment for local government is rapidly changing and as a growing City, Newport City Council requires an effective and appropriately resourced senior leadership team to meet the increasing challenges facing local authorities; to strengthen the Council's strategic role within regional and national agendas and to lead the ongoing economic and sustainable transformation of the City. It is considered that a review of the senior management structure is now necessary to enable us to deliver transformative change for the benefit of our city and our communities.

Consequently, the Chief Executive, with support from the Welsh Local Government Association, has undertaken a review of the current senior leadership structure. The review process has focused on the Council's priorities for both the organisation and the city, and the senior leadership capacity required to support these agendas. The review has identified that the Council's existing structural arrangements are no longer fit for purpose if we are to effectively deliver against our statutory governance duties, our corporate objectives of transformation and priorities for sustainable city growth – we need to make changes to achieve continued results.

Proposal That Council approves the proposed revisions to the senior leadership structure and authorises the Chief Executive to proceed to implement the new structure within the Council's recruitment framework for Chief Officers.

Action by Chief Executive

Timetable A phased approach with recruitment to vacant roles commencing as soon as possible after Council approval

This report was prepared after consultation with:

- Deputy S151 Officer
- Deputy Monitoring Officer
- Human Resources Manager
- Senior Business Partner – Human Resources

Signed

Background

In recent years, the local government landscape has evolved significantly and will continue to do so for the foreseeable future in light of a range of legislative, economic and environmental factors. As we recover from Covid-19 and meet the broader transformation challenges necessary for local authorities to thrive rather than survive, it is critical that the Council has the appropriate level of capacity and skills, set at the right level within the senior leadership team; to drive and embed a new culture of organisational and city ambition, which delivers different ways of working and supports the city's economic growth at pace.

As Wales' 3rd city, Newport has the 7th largest and fastest growing resident population across the 22 local authority areas in Wales, having increased by 6% since 2011. However, whilst our communities have grown during this period, the Council's workforce has decreased as a result of reduced local government funding and the need to find efficiency savings to maintain a balanced budget. Overall staff numbers have reduced by 19%, and the most senior leadership capacity by 39% - a reduction from 18 posts to 11.

As a Council and city we are now facing challenges no one could have anticipated when the current senior leadership structure was designed. Towns and cities across the world are facing a climate emergency and the Covid-19 pandemic has revealed many characteristics of place and structural inequalities not seen before. Coupled with the changing role of public services and the current scale of demographic change and technological advances, it is clear that the Council needs to change if we are to deliver against a wide range of local, regional and national priorities and deliver Members' aspirations to support our city and its communities to flourish and thrive. The need for strengthened leadership capacity isn't just important but essential to our resilience and our advancement as an organisation and city.

As a result of our growing economic strength and positioning as a key UK city, the Council is also involved in a number of strategic partnerships across a range of local, regional and national policy agendas. Groups such as the Western Gateway, Cardiff Capital Region, Regional Partnership Board and Public Service Board require representation at an officer level, commensurate with the level of decision making. Appropriately aligned leadership capacity and a strong, senior level influence on our external relationships is vital if such partnerships are to deliver outcomes for Newport.

The current structure (Appendix 1) allows for Heads of Service to be operational leaders managing a workforce of circa 3000 across 8 service areas. Whilst their roles enable them to effectively manage services, there is insufficient strategic capacity within the senior leadership group to drive the fresh thinking and changes we require to meet our emerging challenges head on and maximise our opportunities. Our services need senior leaders who have a range of capabilities and capacity to transform the way in which services are delivered for our communities, balancing our statutory responsibilities and our corporate aspirations for the organisation and the city. Our leaders need to be strategic thinkers with a culture of shared ownership and solution-focused behaviours, supported by a strong and enabling corporate centre.

In light of the above context, the Chief Executive has recently undertaken a review of the senior leadership structure, with external advice and support from the Welsh Local Government Association (WLGA). The aim of the review process was to identify how current service structures and leadership arrangements could be changed to discharge our statutory governance duties, meet our corporate objectives and deliver sustainable city growth.

The Chief Executive and WLGA's advisor agreed the initial scope for the review, taking into consideration the issues outlined above, and how best the Council's key priorities for the organisation and the city could be best achieved through structural change. The process included a series of interviews, facilitated by the WLGA. This included individual sessions with all existing Heads of Service and a number of senior managers to understand the key issues facing the Council from their perspective, and to gain insight into what potential service models could work best for Team Newport.

Review findings

The interviews explored a range of topics, which sought to identify key themes and issues needing to be addressed. Whilst, as would be expected, there were some divergent views on structural alignment, the need for structural and cultural change at the senior leadership level was fully endorsed. A number of issues and key priorities were identified, which the revised structural proposal seeks to address. These are set out below in no specific order of priority.

Key issues to be addressed

- Senior leadership capacity and strategic capability is restricted.
- Challenges in recruiting to Director roles; addressing inspection feedback on statutory roles.
- The senior leadership structure, (Directors and Heads of Service) is 'thin', restricting capacity to maximise opportunities and participate effectively at some strategic levels – threatening the Council's aspirations and potentially leading to governance risks long-term.
- The current structure does not provide clarity on the strategic or operational focus of senior roles.
- The current structure has evolved over time, which whilst once fit for purpose, now appears to perpetuate illogical service groupings that have the potential to negatively impact on delivery of the Council's long-term priorities if not addressed.
- The current structure does not provide the capacity and capability to lead and deliver thematic programmes of work (internal to the Council and in partnership with external organisations), whilst maintaining high performing core services.
- The challenges of the pandemic have helped to foster a collaborative and supportive culture focussed on delivery, which must be captured and embedded in new arrangements.
- Whilst not a direct outcome of the review discussions, the Council also needs to be in a sound position to respond to the Senedd's new programme for government, published on June 14th. The proposed new structure will provide a better configuration of service delivery to address many of the priority areas that local government will need to deliver against.

Key priorities for delivery

- Readiness for Recovery – the pandemic has tested and continues to test the organisation's capacity and resilience. The Council needs to be better equipped to address the socio-economic impacts on communities, the city centre and vulnerable people as we move towards recovery – we need to move from being reactive to proactive, from crisis intervention to prevention.
- Regeneration and sustainable economic growth – For a medium-sized city, it is acknowledged that significant regeneration is already ongoing; at the time of writing this report, the Council is directly engaged in a significant number of major construction projects. However, increasing the pace and scale of sustainable city growth for the benefit of all, is a clear ambition of the Council. There are real opportunities to be leveraged to help us achieve this, none more so than the city's identified growth prospects within the national planning framework, but we need to work differently, become more commercially minded, and adopt an interventionist approach where required.
- Sustainability and addressing climate change – service delivery to address decarbonisation, climate change and sustainability currently sits across a number of areas within the Council. Managing these agendas as separate principles needs to change, with one service and one directorate leading the integration of these priorities into the core of everything we do.

- Regional and strategic capacity – any new structure must ensure the Council has the right officers, with the appropriate gravitas and skills to represent the Council within strategic, external partnership arrangements and lead major transformation themes across the Council.
- Prioritisation, problem solving and consistency – whilst there is good control in terms of performance management and assurance frameworks, our approach to problem solving and consistency of approach can be improved to assist in the delivery of the Council's key priorities and resolution of 'wicked issues'. Fundamental to this is a strong and enabling corporate centre, focussed on facilitating wider Council activity and a corporate culture of mutual support, collaboration and creativity.
- A focus on supporting vulnerable people and communities – prevention and inclusion, strengthened and improved service alignment. As set out earlier in the report, the pandemic has revealed inequalities and vulnerabilities across communities like never before. Any new structure requires a role which includes an overarching responsibility for inclusion and prevention, over and above our statutory duties.

As a result of interviews undertaken and the emerging priorities identified above, the Chief Executive and WLGA advisor have concluded that any proposed structural change must, therefore, deliver the following outcomes:

- Strategic and thematic leadership capacity – Strategic / Corporate Director posts will be designated to focus not only on service oversight and accountability, but to also drive specific corporate themes and provide the right level of leadership for national and regional work programmes.
- Clear and appropriate alignment of roles and responsibilities – Heads of Service will lead the operational delivery and transformation of services to meet changing demands. The proposed changes at this level will deliver improved alignment of functions to reflect the Council's priorities – adding capacity in key areas, evening out spans of leadership and giving more emphasis to service improvement rather than a 'business as usual' approach.
- Strengthen leadership and accountability for services providing support for vulnerable people – prioritising the fulfilment of our statutory obligations by clearly defining a distinct Strategic Director of Social Services role, who will be responsible for reforming and coordinating Council services based on prevention not intervention.
- A balanced medium term financial plan developed through an effective programme of transformation – by creating a strong corporate centre, overseen by a Director who will be responsible for joining up the Council's enabling corporate functions and leading the development of delivery of innovation and commercialisation across the organisation.
- Maintain momentum and increase the pace and scale of sustainable and inclusive economic growth – enabling a Head of Service with responsibility for regeneration and economic development to focus on the core business of the role; maximising the city's opportunities at a regional and national level, forward planning and horizon scanning to secure investment and development.

Restructure Proposal

It is proposed that the restructure will be undertaken in two phases. Phase 1 will agree the Strategic Director and Head of Service leadership structure and the associated, broad service scope identified by the job titles for the roles; it will also enable the recruitment and appointment to vacant posts in the new structure. Phase 2 will focus on detailed service re-alignment and further rationalisation within the senior leadership groupings. Phase 2 will be led by the Chief Executive, in partnership with the Corporate Management Team and in consultation with the wider team of senior managers across the Council. Detailed operational service alignment within the structure is a matter for the Head of Paid Service under delegated powers. To ensure ownership, parity of service leadership spans and to embed the cultural

change required, the proposed operational structure must be influenced through a collaborative approach.

The proposed new senior leadership structure is shown at Appendix 2, with the key amendments and rationale for change summarised as follows:

Strategic Directors

At Strategic Director-level, there are three proposed changes.

Re-designate the Strategic Director – People to Strategic Director – Social Services

Two previous attempts to recruit to the current role of Strategic Director for People have been unsuccessful, suggesting that the span of control previously overseen by the role, i.e. both social services and education is no longer fit for purpose or attractive to potential applicants. As we emerge from the pandemic, demand for both children's and adult's services is in increasingly greater demand. The role of prevention and inclusion services must be given sufficient priority and coordination within the organisation, if we are to address the structural inequalities holding some of our communities back – we need to act proactively rather than reactively. Whilst the Head of Education (also the statutory role of Chief Education Officer) will no longer directly report to this Director, the post will still link with this directorate's senior management team to ensure synergy across the children and young people's agenda and alignment with prevention and inclusion services.

Re-designate the current Strategic Director – Place, to a newly titled Strategic Director – Environment and Sustainability

This change incorporates an amendment to the services overseen by this directorate, with Regeneration and Planning no longer reporting to this Director, but with additional, different services being transferred in from other service areas i.e. environmental health, public protection and sustainability; housing will remain a function within this new directorate, but it is proposed that other housing related services located elsewhere across the authority, will also be transferred in. High level changes to the Regeneration service are further explained below, but the revised Head of Regeneration will now report directly to the Chief Executive, signalling the strategic importance Council places on this agenda. The detail of these changes will be subject to further discussion as the phase 2 implementation phase progresses throughout the summer.

Creation of a new Strategic Director role: Strategic Director – Transformation & Corporate Centre

Finally, the new Strategic Director structure also proposes the creation of a new Strategic Director role: Strategic Director – Transformation & Corporate Centre. As set out at the introduction of this report, the current operating for local government is like never before, and will continue to change at pace over the next five to seven years. Customers expect more and our organisational and city pressures are greater; deeper, whole-scale change needs to be embedded through new models of service provision to meet our corporate challenges and service demands. Whilst the Council has successfully navigated a path to sustainable financial management and continued to meet the needs of residents, greater strategic capacity is required if we are going to increase the level and pace of transformation to a point where the business as usual approach to finding savings and demand management is no longer necessary. Currently, proposals for business change and the delivery of complex transformation projects are additional to the already pressured roles of Heads of Service. New social partnership legislation and the advent of a 'new normal' operating environment, coupled with the need for more commercially minded thinking in service and asset management, necessitates fresh approaches to the way we do business and measure performance. A role with direct responsibility for driving change and supporting the Chief Executive in holding services to account for transformation outcomes is required at Director level.

In addition to the reasons set out above, the Director-level structure also requires strengthening to ensure we are i) effectively represented in the range of strategic partnerships within which we operate and ii) to create thematic, corporate leadership capacity for the priority areas set out earlier in this report.

The addition of an additional Director role is vital if we are to effectively engage and play our part as a growing city *and* deliver fundamental organisational change.

Heads of Service

The proposed restructure to the senior leadership team, also requests a number of amendments to the Head of Service tier.

Re-designate the Head of Regeneration, Investment & Housing to Head of Regeneration and Economic Development

The first proposed change is to re-designate the current Head of Regeneration, Investment & Housing to Head of Regeneration and Economic Development. The new post will report directly to the Chief Executive, signalling the importance the Council places on this strategic priority and reflecting the ambition of all Elected Members for a continued momentum of projects and programmes to deliver sustainable economic growth. The main functions to be retained by the role will be regeneration, inward investment, economic development, planning policy, development control, tourism, heritage and culture. It is proposed that other functions such as housing, community regeneration and assets will transfer elsewhere in the new structure.

Head of People and Business Change

The Head of People and Business Change role will be altered slightly and re-titled as Head of People, Policy and Transformation. The core of this role will remain largely unchanged, but the positioning of some functions will be reviewed to enable this role to have a clearer focus on the transformation agenda of the organisation; some functions may be better aligned to a new Housing & Communities or Prevention & Inclusion service for example.

Re-designate the Head of Law & Regulation to Head of Law & Standards

It is proposed to re-designate the post of Head of Law & Regulation to a Head of Law & Standards role, relocating environmental health and public protection to a new service area. Following feedback from Members, together with discussions at joint regulatory inspection workshops in 2020 and 2021, it is necessary to create more focussed, strategic capacity in our ability to lead good democratic governance and our work to meet the requirements of the Local Government Act.

The Head of Law and Regulation also plays an integral part in the delivery of a range of complex projects – particularly the Council's major regeneration and investment schemes. As it currently stands, this is also the only corporate head of service with front-line, operational service responsibility. Refining the role's leadership span will strengthen the management of our statutory democratic and constitutional arrangements and create much needed legal capacity to effectively and efficiently support the delivery of the Council's complex projects.

In addition to the re-designation of the above roles, it is proposed that three new head of service roles are created. The overriding principles for such additional capacity are set out in the background to this report and review findings, but the reasoning for specifically establishing the new roles suggested at Appendix 2 is as follows:

Head of Environment and Public Protection – new post

A new Head of Environment and Public Protection will be created, bringing together a number of related functions, which currently sit across a number of service areas and directorates within the Council. During the pandemic, the importance of such functions has become more visible, with environmental health teams leading the operational incident management response, and public protection services at the forefront of community protection and enforcement activity. If we want our city to grow in an inclusive, safe and sustainable way, the core functions within these particular service areas need to be

prioritised, with the locus of leadership strengthened and the breadth of delivery enhanced through the realignment of other related activities.

Head of Housing and Communities – new post

It is also proposed that a new Housing and Communities service is established to give greater priority and improved coordination to areas where demands on services are increasing: housing need, housing support and community cohesion. Access to good quality housing, with effective housing-related support systems, is fundamental to the sustainability of our communities. In Newport, there are currently over 8,000 households on the housing waiting list, with 800-900 of these re-housed by registered social landlords each year. Each year on average, over 1700-1900 households present to the Council as homeless, of which, in 2020-21, a statutory duty was owed to over 1600 households. Coupled with the Council's broader statutory responsibilities of delivering effective local housing strategies encompassing all housing sectors, a need for strengthened strategic capacity has been identified.

In addition to the city's growing housing pressures, there is also a need for more visible senior leadership of the Council's work to support community cohesion and diversity. As a city rich with cultural differences, but remaining pockets of deprivation, the Council requires the appropriate structural capacity to address inequalities and promote diversity through tackling discrimination and increasing community participation in everything we do. We need to build trust and confidence, creating pathways for voices to be heard and for communities to get involved and shape service delivery.

Head of Prevention and Inclusion – new post

The final proposed amendment is to establish a new Head of Prevention and Inclusion. To enable us to understand and tackle the root causes of the issues that drive people to our services, there needs to be a doubling of our efforts in preventative and inclusion services. The development of preventative approaches and those which promote independence, wellbeing and resilience and encourage people to be more proactive about their lives will be central to the sustainability of our communities and targeting of our services going forward. At the moment, there are some inconsistencies in our approach to prevention; although unsurprising given the wide range of related interventions the Council delivers, service planning and provision needs to be more joined up and add value to statutory services. Targeted service provision, such as Flying Start and Families First need to align more closely to the statutory services we provide to minimise unnecessary escalation in support requirements and to give every individual and family living in our communities the very best chance in life.

There may be some movement within City Services' functions, as the current span of leadership is significant and is currently challenged with both managing front-line service delivery and driving forward the development of the city's strategic infrastructure – the post may evolve to focus on the latter alongside sustainability and climate change. A title change is proposed from the Head of City Services to Head of Infrastructure. The core of the remaining Heads of Service roles (Finance, Adults, Childrens and Education) will broadly remain unchanged, but some of the preventative work overseen by Childrens', Adults and Education will potentially realign to the new Prevention & Inclusion service.

As the process moves to implementation at phase 2, further detailed service realignment will be undertaken to create capacity, balance spans of leadership and to ensure 'best fit' in terms of coordination and service delivery. Form will need to follow function, which cannot be determined by the Chief Executive in isolation. This next phase of work, led by the Chief Executive, will be undertaken in consultation with the Corporate Management Team and wider team of senior managers, with facilitation support from the WLGA.

Consultation with all existing Heads of Service has taken place from 19 May to 9 June 2021, as did informal consultation with the Council's recognised trade unions representing the wider workforce. The final draft proposal set out above has been shaped in light of feedback from those consulted.

Implementation

As outlined above, it is proposed that a phased approach to implementation is undertaken; the first being Council's approval of the proposed senior leadership structure to enable the recruitment of vacant roles at Director and Head of Service level. Recruitment to any vacant or new Chief Officer roles will take place in accordance with the Council's constitution, which requires that an appointments panel made up of cross-party elected members determines such appointments.

The second phase, which will commence alongside the chief officer recruitment process, but not conclude until the Council appoints to the vacant roles, will focus on detailed service realignment and further rationalisation to achieve the overall structural change proposed by the Chief Executive. This will ensure decisions taken now i) do not pre-empt any future appointment processes, ii) avoid unnecessarily placing any individuals at risk and iii) allow appointees to help shape the services based on complementary skills.

No Current Chief Officer is at risk of redundancy, and all will be directly matched into their existing / amended roles. Recruitment to the remaining vacant posts will commence immediately, and any subsequent service redesign will follow as a key performance objective of the appointed post holders.

The Council supports the use of independent job evaluation in determining the value and rank order of its job roles across all levels of the organisation. The Hay job evaluation scheme is used to evaluate Chief Officer roles. It is proposed that a job evaluation exercise will be undertaken upon approval of the structure. This will ensure that a transparent process determines the points value of each specific job role and that Chief Officer roles are in line with the wider Council workforce, of which each post has been job evaluated. However, it is important for Council to note that the last Chief Officer job evaluation / benchmarking exercise was undertaken not that long ago and significant changes in salary levels are not anticipated.

Financial Summary

To achieve the proposals set out within this report, an investment is requested to support increased strategic leadership capacity. The initial request for this first phase of implementation is £160k, with a request for a further potential investment, capped to a maximum of £100k, at phase two of the implementation process, should this be required. Any further costs associated with the proposed senior leadership restructure, over and above the £260k requested, will be found through the deletion of currently vacant senior management posts (duties to be absorbed by the creation of the new Head of Service roles) and further leadership rationalisation, again achievable as a result of a shift in the organisational locus of leadership.

Risks

The proposed restructuring is necessary to create the capability to deliver corporate objectives and meet statutory obligations.

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?
Failure to deliver corporate objectives.	H	M	Mitigated by following recommendations of this report.	Chief Executive
Failure to deliver statutory duties in Social Services.	H	M	Mitigated by following recommendations of this report.	Chief Executive

Significant wellbeing impact due to lack of capacity	H	H	Mitigated by following recommendations of this report.	Chief Executive
Failure to lead and represent the Council on key strategic initiatives	M	H	Mitigated by following recommendations of this report.	Chief Executive

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

As the proposed restructuring of chief officer posts is council-wide the full range of Council policies, priorities, statutory duties and strategic partnership commitments will be relevant to some degree, as the posts concerned will be responsible for leading on their delivery.

The principle focus for the Council's strategic work programme is set out in the Corporate Plan 'Improving People's Lives – 2017-22', which sets out a strategic focus on:

- Resilient Communities
- A Thriving City
- Aspirational People
- A Modernised Council

The Corporate Plan is underpinned by a series of policies, priorities and work areas. These deal with corporate, people and place work areas including: Medium Term Financial Planning, driving economic growth and regeneration (the Local Development Plan and Economic Growth Strategy), workforce planning, regulatory services, safeguarding of children and young people, protection of vulnerable adults, and so on. In addition there are significant partnership work programmes which include: Safer Newport, the Area Plan (Gwent Regional Partnership Board), school improvement (with the Education Achievement Service), the skills development agenda, destination management, sustainable travel etc.

The proposed new structure is intended to increase the Council's strategic capacity and skills-base to deliver corporate plan themes and wellbeing objectives for the remaining duration of the plan, whilst the devising of a new Corporate Plan, taking account of the rapidly changing context the Council operates in, is now commencing and its development will be a key priority for the senior leadership team. This is expected to include an increased focus on climate change and sustainability, Covid-19 recovery, regional and cross-border work on economic growth, ongoing regeneration, the transition to the forthcoming Gwent Public Service Board/Wellbeing Plan, a new Local Development Plan, responding to and capitalising on demographic growth, and developing the resilience of individuals and communities through preventative approaches.

Options Available and considered

1. Continue with the current structure
2. Adopt the revised senior leadership structure recommended in this report

Preferred Option and Why

Option 2 will create the necessary strategic capacity and capability to deliver our corporate objectives, create a Council 'fit for the future' and mitigate our emerging risks. The detailed rationale for the proposed changes are set out earlier in this report.

Comments of Deputy Chief Financial Officer

Recurring funding has been identified to ensure that the revisions to the senior leadership structure are adequately resourced. The source of the funding is as follows:

- A review of non-service budgets has been undertaken and specific budgets earmarked to fund the change, including utilisation of part of the general contingency budget. Members will note that the general contingency fund has not been utilised since at least the 2015/16 financial year and remains at £1,473k. After the proposed change this budget remains sufficient for current risk faced by the council, however, it is imperative that service managers effectively manage their devolved budgets to ensure that the non-service budgets are not called upon to mitigate in year service area overspending.
- The balance will be identified once the first phase of the organisational review has been undertaken through the deletion of current vacancies and further realignment of structures at 3rd and 4th tiers across the Council.

Comments of Deputy Monitoring Officer

The Head of Paid Service is responsible for the corporate direction and management of the council and for allocating responsibility for service groupings to strategic directors.

Under sub-section 4(3) of the Local Government & Housing Act 1989 the Head of Paid Service may make proposals in relation to the manner in which the discharge by the authority of their different functions is co-ordinated; the number and grades of staff required by the authority for the discharge of their functions; the organisation of the authority's staff; and the appointment and proper management of the authority's staff.

Any such proposals made by the Head of Paid Service must be reported to full council for ratification at a meeting to be held not more than three months after the preparation of the report.

The matters contained within this report are therefore within the lawful authority of the Head of Paid Service.

Comments of HR & OD Manager

The report proposes a restructure of the senior leadership team, which if approved will lead to further service review in order to ensure services are appropriately aligned to reflect the new groupings. There are staffing implications associated with both of these outcomes. In terms of the existing senior post-holders, there are no proposals to make any employee redundant and each permanent Head of Service will be directly matched into their existing role. There will be vacancies to recruit to in line with the Council's constitution and Pay and Reward Policy and it is expected that these job roles will be advertised externally to ensure that the market is suitably tested. Regarding the wider service groupings, and given the proposed new Chief Officer posts – consultation and engagement will need to take place with the wider workforce on any available options and the trade unions will be involved in this activity.

The report identifies how the five ways of working within the Well-being of Future Generations Act underpin the restructure proposals. A Fairness Equality Impact Assessment has also been carried out

Local issues

There are no negative direct impacts on the City as a whole as services will continue to be delivered, but with strengthened leadership capacity and improved alignment of services for the City's residents.

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

A Fairness & Equality Impact Assessment has been carried out (attached at end of report).

Children and Families (Wales) Measure

There is no direct adverse impact to the Children and Families measure as a result of this senior leadership restructure. Operational services will continue to be delivered, but will be further supported through the introduction a new Head of Service for Prevention and Inclusion.

Wellbeing of Future Generations (Wales) Act 2015

The Wellbeing of Future Generations Act 2015, which came into force in April 2016 provides a framework for embedding sustainable development principles within the activities of Council. In developing this proposal the Future Generation Act requirements and the “five ways of working” have been considered and believe the structure is the best way forward within the parameters available to deliver against these.

- Long-term: The structure is intended to enable to both deliver longer term and short term and will provide a longer-term certainty once implemented.
- Prevention: The Council has ambitious plans and for these to be achieved there must be a cohesive, resilient and robust senior leadership structure to prevent the Council from failing to deliver on our priorities.
- Integration: Our wellbeing objectives, goals and other objectives as outlined in our plans are not impacted by this proposal and will continue to be worked towards.
- Collaboration: A key part of our Corporate Plan relates to working alongside partners to deliver our services. Whilst the restructure does not directly impact partnership working it will provide structure and clarity to our partners to aid and develop further collaboration with our service board partners
- Involvement: As the report outlines, an external advisor was sought to provide support with the review of the structure. Consultation has taken place with the senior management team and the Council’s recognised trade unions. It also states that further consultation will be undertaken as the new leadership structure is implemented.

Crime and Disorder Act 1998

Not applicable

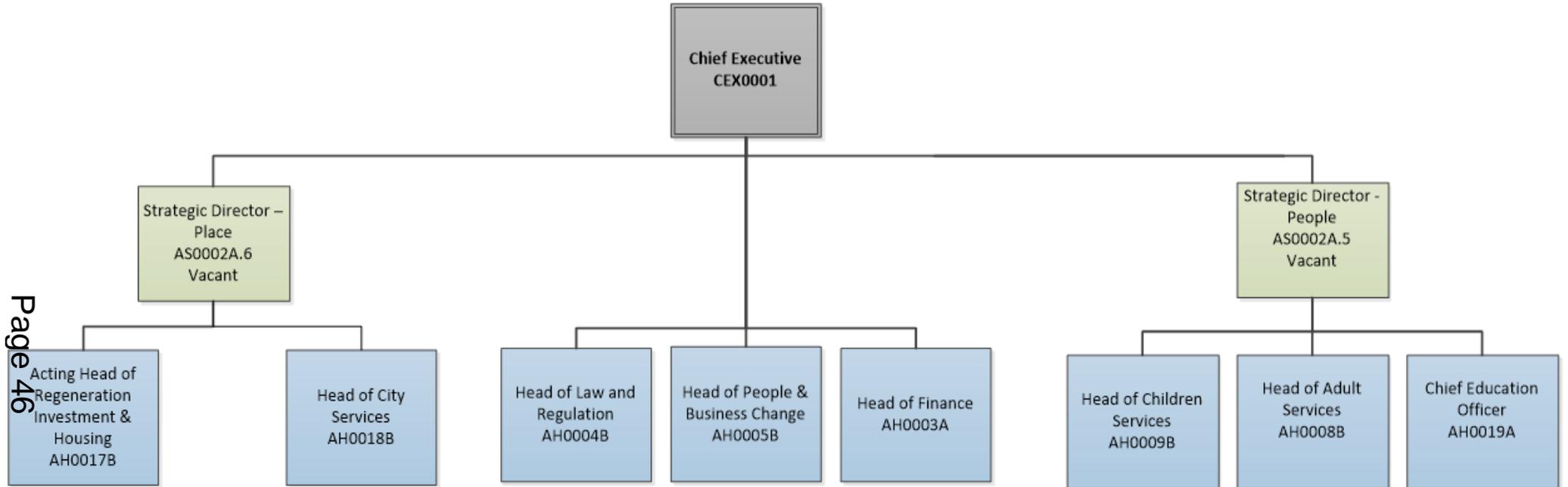
Consultation

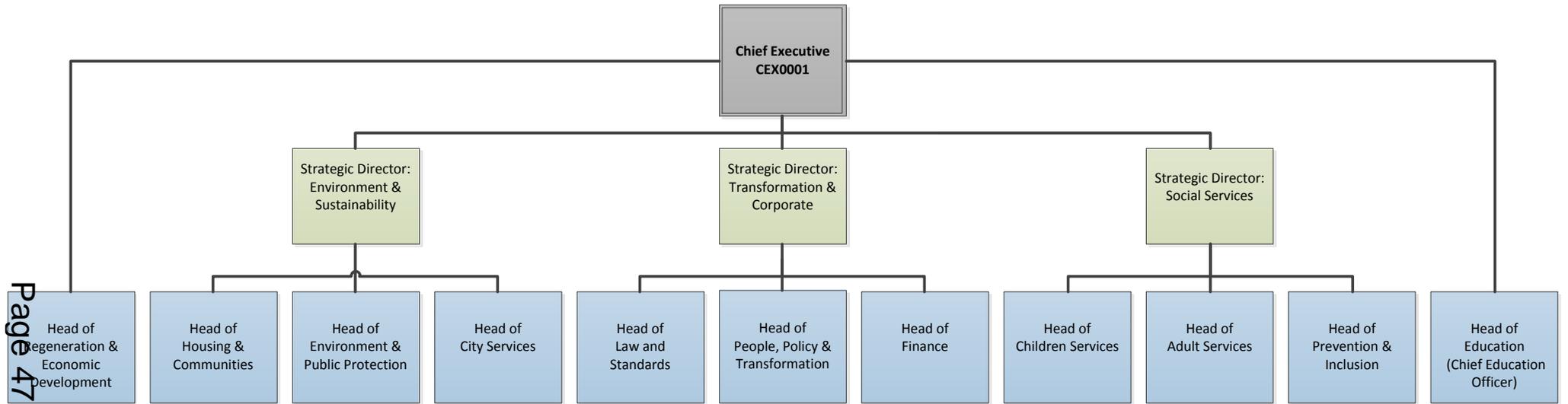
Consultation with all existing Heads of Service has taken place from 19 May to 9 June 2021, as did informal consultation with the Council’s recognised trade unions representing the wider workforce. The final draft proposal set out above has been shaped in light of feedback from those consulted.

Background Papers

Fairness & Equality Impact Assessment

Dated: 22 June 2021





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Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

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

Completed by: Kevin Howells **Role:** Senior HR& OD Business Partner

Head of Service: Beverley Owen **Date:** 14/06/2021

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.assessments@newport.gov.uk

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

The proposal sets out the intention to revise the senior management structure of the Council at Director and Head of Service level. The revisions are needed to support the current service priorities of the Council and provide much needed resilience at a senior level. There is no detrimental impact planned to the 7 current Heads of Service in post, although some services will be re-aligned to different reportees.

2. Outline how you have/will consult with stakeholders who will be affected by the policy/proposal. Please refer specifically to FEIA guidance in relation to relevant Welsh language duties.

The Chief Executive engaged an external advisor from the WLGA to support the restructure. Prior to formal consultation with the current 7 Heads of Service, engagement activity was undertaken by Jack Straw, appointed by the WLGA to support. Jack met with the 7 Heads of Service and senior managers to discuss the structure at present and presented his findings to the Chief Executive for consideration. These discussions have contributed to the proposal to restructure the senior tiers. Since drafting the proposals consultation has taken place with the staff members affected, trade unions and Elected Member. Feedback has been given, adjustments to the proposals made and responded accordingly where appropriate

Informal discussions also took place with the Leader and the Cabinet and they are supportive of the changes. Service delivery, and wider stakeholder impact will not be impacted by the structural re-alignments

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

7 Heads of Service are impacted by this proposal and views and concerns have been responded accordingly. Each Head of Service engaged in a formal period of consultation and attended individual one to one meetings to discuss the proposal with the Chief Executive.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no known impactful issues but any restructure will fully consider any impact on a specific group.
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no known issues but any restructure would be fully supportive and promote positive recruitment if identified and develop individual support plans when appointed or known
Gender reassignment/transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no known issues but any restructure would be fully supportive and positive if identified and develop individual support plans when appointed or known
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Staffing restructures are inclusive and this characteristic is full supported in a positive way
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No member of staff affected is known to fall into this category at the time of restructure and any recruitment process would support this area.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The current employees all identify as White British/Welsh. There is no deferential treatment within this group. As part of our workforce planning process we seek to attract and retain staff from diverse backgrounds and will seek to advertise as wide as possible for any vacant roles

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	
Religion or Belief or non-belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All staff are offered support with their beliefs and the current 7 staff are long serving members of the Council and fully aware of Council policy to support.
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is currently a reasonable gender balance of 3 females and 4 males in the Head of Service structure. Our regular Gender Pay reporting addresses any identify areas of concern
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Staffing restructures are inclusive and this characteristic is fully supported in a positive way and any individual support plans can be developed to consider this characteristic
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The restructure doesn't impact this characteristic, however the current team and any potential applicants will be expected to have any understanding, awareness and promote the Councils Welsh Language requirements.

Generally there is no evidence to suggest that this proposal will have either a positive or negative impact on people that share the Protected Characteristic.

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>	The proposal does not directly impact the community as services will continue to be delivered. In the short term and long term the restructure will provide greater capacity for the senior team to deliver against the Council aims and objectives and deliver longer term aims.
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	A key part of our Corporate Plan relates to working alongside partners to deliver our services. Whilst the restructure does not directly impact partnership working it will provide structure and clarity to our partners to aid and develop further collaboration with our service board partners

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p data-bbox="244 443 347 465">Involvement</p> <p data-bbox="145 488 427 591">Involving those with an interest and seeking their views</p>	<p data-bbox="459 304 1396 488">External professional support has been sought to provide support with the review of the structure. Involvement has taken place with the Leader, Cabinet, Senior Officers (those impacted) and other Elected Members to consider the future of the senior management structure.</p>
 <p data-bbox="233 748 333 770">Prevention</p> <p data-bbox="145 786 421 925">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="459 636 1396 779">The Council has ambitious plans and for these to be achieved their must be a cohesive, resilient and robust senior management structure to prevent the Council from failing to deliver on our priorities</p>
 <p data-bbox="244 1077 338 1099">Integration</p> <p data-bbox="145 1115 424 1258">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="459 931 1401 1115">Our wellbeing objectives, goals and other objectives as outlined in our plans are not impacted by this proposal and will continue to be worked towards. The development of this senior management restructure will support the delivery of these plans and enhance our ability to deliver</p>

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

The restructure does not directly impact any geographical areas of the City.

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

8. Equality Impacts and Actions

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

Impact identified	Who does it affect?	What will you do to mitigate the impact? If you plan to take no action, please justify your rationale	Who is responsible?
1 Race balance	All	Ensure our recruitment adverts are accessible and available	Human Resources
2 Welsh Language	All	Promote the Welsh Language	Chief Officers
3 Identified Individual Support Plans	All	Support any individual identifying with any characteristic	All
4			
5			
6			
7			

9. Monitoring, evaluating and reviewing

The restructure is cross cutting and seeks to add resilience to the senior structure. Service delivery and performance will continue to be monitored in line with our commitments to reporting and delivering services.

10. Involvement

All stakeholders will be consulted as outlined above. The final report will be presented to Council for approval in June 2021.

Report

Council

Part 1

Date: 29 June 2021

Subject **Public Space 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 decide and if then agreed, implement the Order for a period of 3 years.

Author Acting Regulatory Services Manager – Community & Environment

Ward Pillgwenlly

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 Pill expired during the Covid Pandemic (July 2020), this report outlines the processes that have been followed since then to devise the new restrictions and consult on the controls.

Proposal **That the Council adopts and implements the Pill 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
- Ward Councillor - Pillgwenlly

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 other 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 £1000, on prosecution.

3.0 Approving the Pillgwenlly 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.

4.0 Creating the first Pill PSPO

The first Pill PSPO was made in July 2017, following consultation and oversight by Scrutiny and extensive public consultation. It expired in 2020.

The Order contained a small number of restrictions (three), primarily focussed on alcohol use, people gathering and drug paraphernalia.

5.0 New PSPO 2021 - 2024

The proposed PSPO is contained within Annex A of this report.

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 Pill 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.

Pill Antisocial behaviour is directly cited as an issue. The previous PSPO is referenced in the Corporate Plan as a key tool to improving people's lives and delivering a more resilient community in Pill.

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. In particular "Work with key partners to tackle antisocial behaviour and crime, and improve community cohesion and wellbeing in Pillgwenlly, and use this area focussed model to inform potential future programmes in other areas of Newport".

9.0 Options Available and considered

9.1 Option 1

Approve the new Pill Public Spaces Protection Order at **Appendix A**, for a period of 3 years, as per the Overview and Scrutiny Management Committee's recommendations.

9.2 Option 2

Not to approve the Order.

10.0 Preferred Option and Reasons

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

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 and was fully supported through the public consultation undertaken.

11.0 Comments of Chief Financial Officer

Approval to implement the Pill 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 Pill PSPO was made in July 2017 and, therefore, expired in July 2020. Therefore, it is appropriate for the Council to review 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 as part of a review by Scrutiny Management Committee. A range of possible measures that could be included within an extended PSPO have been identified by Scrutiny, based on historical complaints, and the Council has carried out a

general public consultation exercise to assess the need and justification for these specific controls, 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. 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 Space Protection Order for Pillgwenlly. The implementation will be met from existing resources and as such there are no specific staffing implications.

There has been multi-agency work in Pillgwenlly, overseen by the Public Services Board, to improve local well-being. A PSPO is one way of strengthening enforcement powers to tackle community safety and cohesion issues.

Significant public engagement has been undertaken in the development of the proposal. The report notes that residents of Pillgwenlly make up the majority of those surveyed. Engagement demonstrates considerable support for the proposed control measures with significant numbers of people saying they had frequently experienced anti-social behaviour 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 Cabinet Member

The Cabinet Member for Licensing and Regulation has been updated on the progress of the PSPO throughout its development.

15.0 Comments of Pill Ward Councillor

The Pill ward councillor attended the second (April Scrutiny) meeting and endorsed the need and indicated support for this PSPO during attendance at the April Scrutiny Committee.

16.0 Scrutiny Committees

16.1 Overview and Scrutiny Management Committee 05th February 2021.

In this meeting, the proposed PSPO was introduced and significant discussion on the restrictions it contained occurred. Committee heard about informal prior engagement between NCC and Gwent police to devise and agree the need for and the wording of the new restrictions. Evidence on the nature and level of ASB related complaints was reviewed, as was the use of the previous PSPO and the number of FPN's issued under it. The number of restrictions proposed had increased at the request primarily of Gwent Police; expanding the list of restrictions from 3 to 8. The proposed consultation processes and the questions it contained were reviewed at this meeting. Law and Regulation were asked to make minor changes to some questions within the consultation.

The Law and Regulation department were also asked to notify the consultation period and format to some local charities and third sector organisations who may have had relevant views on the restrictions within the PSPO.

Committee requested a re-wording of a restriction concerning "soliciting for sexual exploitation". The condition was to be re-worded similar to a PSPO used in Redbridge prior to proceeding to consultation. (This restriction was subsequently removed at the request of Gwent Police for operational reasons.)

These actions were completed.

Minutes of the February Overview and Scrutiny meeting are available here:

[Newport City Council - Agenda item - Pill PSPO - 2021-2024 \(Public Spaces Protection Order\)](#)

16.2 The conclusions of the February committee were:

- *The Committee agreed that question 1 of the consultation form (Page 30) needed to specify more detail about who was filling in the form, with regards to whether they lived inside or outside of Newport, and whether they are responding as an individual or on behalf of an organisation. If they are responding on behalf of an organisation, there should be details provided about the group so it is clear what the source of that information is.*
- *As well as the avenues that were suggested in the report, Members hoped that the consultation would reach specialist groups, such as New Pathways, Helping Caring Team (HCT) and Pride in Pill.*
- *Concern was raised about the wording of Prohibition 9 – "No person(s) shall enter the area, engage, loiter or solicit on the streets for sexual exploitation within the Restricted Area", in particular the word "exploitation". It was queried if the definition of "exploitation" in relation to such matters in terms of consent, could be checked, and possibly look at the Crown Prosecution Service's definition of the word. A Member also suggested that the words "loiter" and "solicit" be taken out of the wording.*
- *The Committee requested that once the public consultation has been completed, the results and the final report are brought back to the Committee on 30th April 2021 to discuss further.*

16.3 Overview and Scrutiny Management Committee 30th April 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. The Committee heard from Gwent Police colleagues who would have been responsible for the enforcement of the soliciting/buying sexual services restriction. Gwent Police requested that the restriction be removed.

Committee resolved to bring the PSPO to Full Council in June for consideration and if agreed, implementation at the next available opportunity.

Minutes of the March Meeting Scrutiny meeting are available here:

[Newport City Council - Agenda item - Pill PSPO - 2021-2024 \(Public Spaces Protection Order\) Post Consultation](#)

The April 2021 Committee heard from the Ward Member for Pill:

“It is only by being given a PSPO that these police officers can make a difference. The residents really need this to benefit from some peace in their area. This is having a detrimental impact on the lives of people in the community. The Ward Councilors fully back this PSPO”

16.4 Conclusions of the April Committee were:

- *The Committee voted unanimously to recommend that the Council considers and adopt this PSPO at its next meeting in June 2021. The Committee also wished to make the following comments to the Cabinet Member:*
- *The Committee wanted to acknowledge the partnership work that has gone in with this piece of work, including the work that the Police have done in responding and listening to the comments of the Committee. The Committee were also pleased to see that the provisions in the order about solicitation and kerb-crawling had been removed.*
- *Members made comment that the lack of public toilets in the area would make it difficult to enforce the prohibition on urinating and defecating in public. Members remarked that there are best practice examples in other areas where portable toilets had been provided, for example in Stokes Croft in Bristol. It would be useful to consider these examples and decide whether we could implement the same thing in Pill.*
- *Members made comment that work should continue to address the underlying issues. This PSPO is a reactive strategy, and we need to look carefully at what the root of this behaviour is. Members also expressed a desire to focus on reducing the drug problem. Members also expressed that by the time someone is out on the streets the problem has gone too far, so we need to intervene sooner.*
- *Members asked if the report could be updated to reflect the actual numbers of participants in favour or opposed to the items, rather than just percentages.*

17.0 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 which 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 Freedoms and Equalities impact assessment is at **Appendix B**.

18.0 Children and Families (Wales) Measure

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

19.0 Wellbeing of Future Generations (Wales) Act 2015

The following principles are of relevance while considering the FGA2015:

19.1 **Long term:** This order replaces a previous order that expired in 2020. 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.

19.2 **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.

19.3 **Integration:** The PSPO fits directly into the corporate plan, and also the wider community objectives. Community organisations and steering groups (e.g. Safer Pill) have been cited on the PSPO and its restrictions.

19.4 **Collaboration:** This PSPO has been drafted with the full support of Key partners including Police colleagues, and was openly consulted on for 1 month,

19.5 **Involvement:** Newport resident have been consulted and direct involved in understanding the need and gauging their support for this PSPO with overwhelming support for the PSPO.

20.0 Crime and Disorder Act 1998

The implementation of the PSPO will directly support the themes under the Crime and Disorder Act1998 and will be a key tool in dealing with antisocial behaviour in and around Pill. The PSPO is fully supported by Gwent Police.

21.0 Consultation

The Consultation process was reviewed and agreed by Overview and Scrutiny Management Committee and lasted for 1 month. The consultation responses and feedback were considered at its April meeting.

21.1 Summary of Consultation feedback:

162 electronic responses were received and one written submission provided. There was notable support across these electronic responses for the restrictions contained in the proposed PSPO. Over 70% of respondents were residents of Pill and 16% worked in the area. Over 80% of respondents indicated they had experienced Anti-Social Behaviour.

Every restriction had over 93% agreement for inclusion and almost 60% of respondents said they felt no additional controls were needed in the order. 77% of people were satisfied with the proposed boundary, while only 20% wished to increase the boundary for the restricted area; 2% wished to decrease the restricted area.

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

21.2 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.

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

21.4 Supportive feedback through the consultation process includes:

"I agree, alcohol should be either consumed at a bar/pub, restaurant or at home, not on the streets where youngsters and other influential young people should have to see."

"You cannot go to a cash point or shop without being threatened by beggars it's getting aggressive."

"I feel like I can't even walk around in Pill. There are drug dealers, gangs and people drinking everywhere. I feel intimidated and scared and nervous! I don't want to walk past them it's so horrible! They hang around where I live too, I don't feel safe in my own street."

"Any person that urinates in a public place shows how far humans has descended, instead of a fine make them sweep one end of Pill to the other."

"Drug dealing is so blatant and rampant in Pill."

21.5 However there were objections to some of the restrictions or to the principle of a PSPO to deal with these issues.

"It's a free country and drinking is not illegal. Stop being so pathetic."

"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."

"Those kids need safe place to ride the bikes and skateboards. The local authorities need provide felicity for the BAME community and young people in the area."

“This [spitting] is distasteful behaviour not to be confused with criminal behaviour.”

“There are already laws. This is just singling out Pill.”

22.0 Background Papers

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



10.21 PSPO
guidance_06_1.pdf



Corporate-Plan-201
7-2022.pdf



Cover report -
Scrutiny - 05.02.2021



Cover report -
Scrutiny - 12.04.2021



Results - Pill PSPO
Survey 2021 v1.0.xlsx

Dated: 29 June 2021

Appendix A

PSPO 2021-2024

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59 PUBLIC SPACES PROTECTION ORDER 2021 PILLGWENLLY, 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 PILLGWENLLY 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 “Pill”.

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 Local Authority Council Officer.

PROHIBITIONS:-

1. Refusing 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 behave (either individually or in a group) in a manner that has caused 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.
3. No begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed.
4. No person shall urinate or defecate in a public space or in public view except in a premises designated for that purpose within the Restricted Area.
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. 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.
7. No person shall spit saliva or any other product from their mouth onto the ground within the Restricted Area.

FIXED PENALTY NOTICES AND OFFENCES:-

8. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
9. 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.
10. 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:-

11. 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:-)
)

ANNEX 1 – Pillgwenlly, Newport Public Space Protection Order Restricted Area



Appendix B

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:** Regulatory Services Manager

Head of Service: Gareth Price **Date:** 14/06/2021

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.

Implementation of a new Public Spaces Protection Order (PSPO) (Anti-Social Behaviour, Crime and Policing Act 2014) imposing 7 defined restrictions in a geographical area in Pill.

This review is supported by Gwent Police and NCC ASB Teams who feel that PSPO 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 implementation and consultation process has been led by the Overview & Management Scrutiny Committee. This committee has met twice to consider the PSPO, the restrictions and the results of the public consultation. 162 responses to an online questionnaire were received.

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

During the February 2021 Scrutiny Committee meeting, the report contained details of compliance with the previous PSPO restrictions and included evidence on ASB complaints from the Police and the Council's Community Safety Warden Service.

The results of the public consultation have been summarised in the Scrutiny Meeting of May 2021 and included in full within the report to Council, of which **this FEIA forms Appendix B.**

Detailed information on the population of Pillgwenlly can be found in the council's [wellbeing profile](#) which highlights key demographic information, including:

- 44.8% of people living in Pillgwenlly are of Black, Asian or other minority ethnic background
- Pillgwenlly has the highest percentage of 16 to 24 year olds of all the wards in Newport
- Pillgwenlly has the second highest percentage of under 16 year olds of all the wards in Newport
- The percentage of people that were born outside the UK is 24.1%, the highest of all the wards in Newport
- A high percentage of people in Pillgwenlly state their religion as Muslim at 24.9% (Newport average of 4.7%)
- Pillgwenlly is one of the most deprived areas in Newport, with more severe localised pockets of deprivation within the 10% most deprived areas in Wales (based on the Wales Index of Multiple Deprivation 2019 which measures levels of deprivation based on overlapping patterns of income, employment, health, education, housing and physical environment deprivation)

At its meeting in April 2021 the Scrutiny Committee also heard from Council officers (Regulatory Services), Gwent Police (Pillgwenlly Sergeant and Inspector), and a written submission from The Wallich Homeless Charity.

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>

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	
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed restrictions are designed to reduce ASB in the restricted area, 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.
Gender reassignment/transgender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed restrictions are designed to reduce ASB in the restricted area, 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.
Marriage or civil partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed restrictions are designed to reduce ASB in the restricted area, 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.
Pregnancy or maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed restrictions are designed to reduce ASB in the restricted area, 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.
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pillgwenlly has a significant Black, Asian and Minority Ethnic population (44.8%) who are affected by issues affecting the area, including poverty, drug activity and high levels of crime and anti-social behaviour. The proposed restrictions are designed to reduce ASB in the restricted area, and should impact positively on people living in the area, as well as reduce the likelihood of discrimination and harassment.
Religion or Belief or non-belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pillgwenlly has a significant Muslim population, which is higher than both the Newport and Welsh average at 24.9%. The proposed restrictions are designed to reduce ASB in the restricted area, and should impact positively on people living in the area, as well as reduce the likelihood of discrimination and harassment.

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	
Sex / Gender Identity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 would have an impact on male individuals.
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed restrictions are designed to reduce ASB in the restricted area 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.
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposals will not have an impact on this issue.

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 Noise and Neighbourhood and Community Safety Wardens 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 implementation of the Pill 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. The Wellbeing Plan has now been published and a series of Intervention Boards and other groups will shortly be set up to focus on the priorities in the plan and wider partnership work, including community safety.</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 PSPO is designed to impact ASB within the Pillgwenlly Area only.

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 evidence based enforcement will be key to mitigating any negative impacts and building trust.

9 Monitoring, evaluating and reviewing

The use of the PSPO by both Police and NCC departments, if adopted will be reviewed in 3 years as part of the renewal process.

10 Involvement

This FEIA will form part of the report to 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.

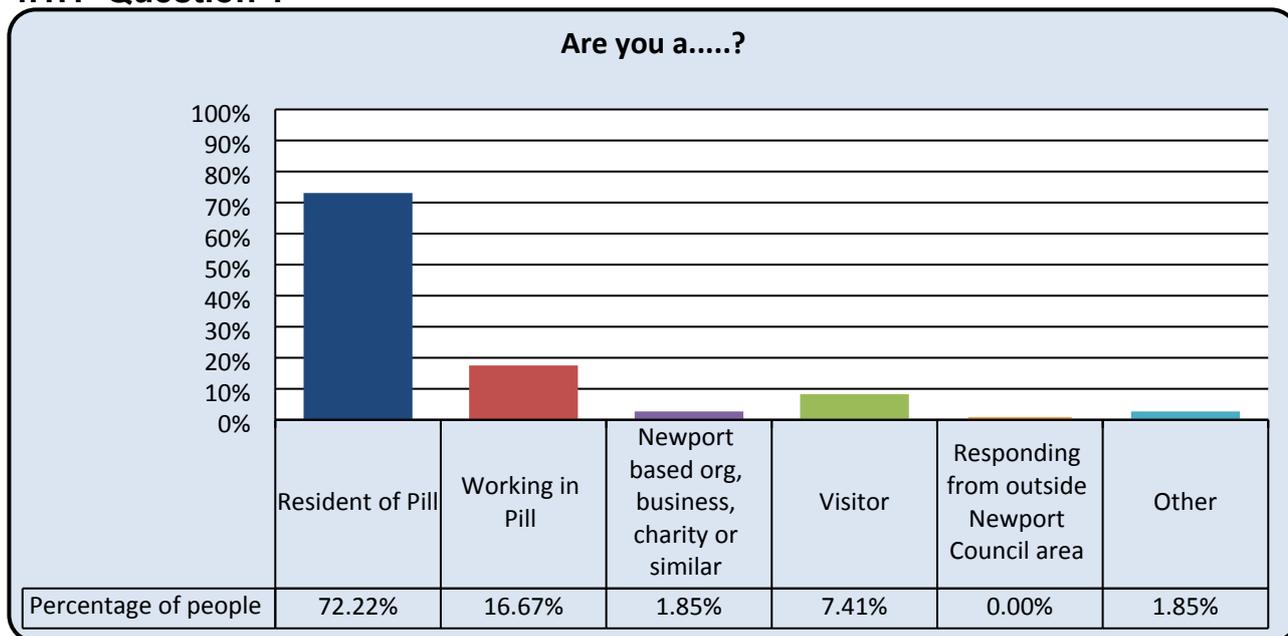
Wellbeing of Future Generations (Wales) Act 2015

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

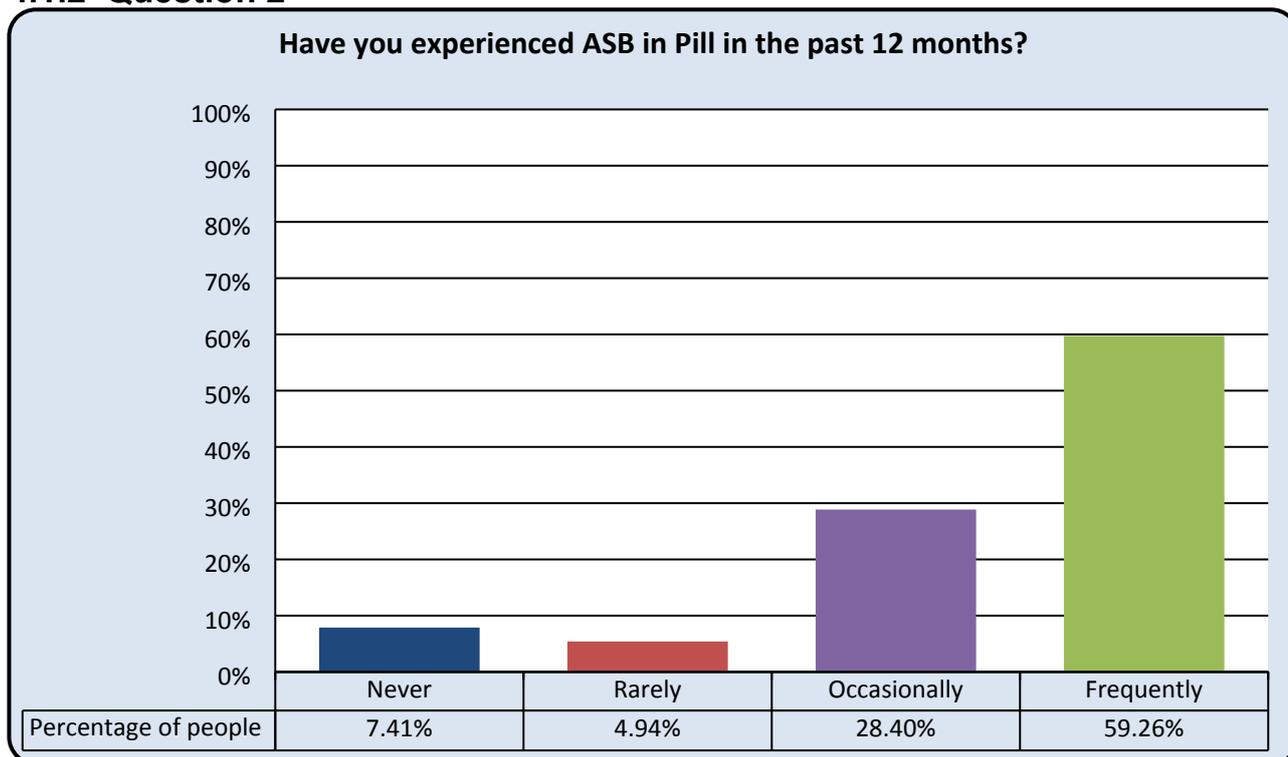
Appendix C

Graphical Consultation Responses

4.1.1 Question 1

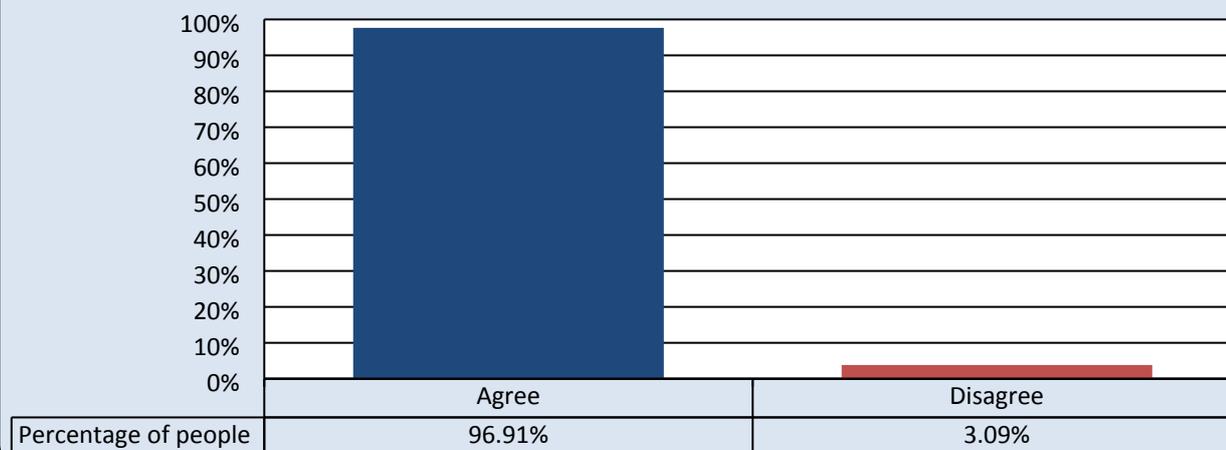


4.1.2 Question 2



4.1.3 Question 3

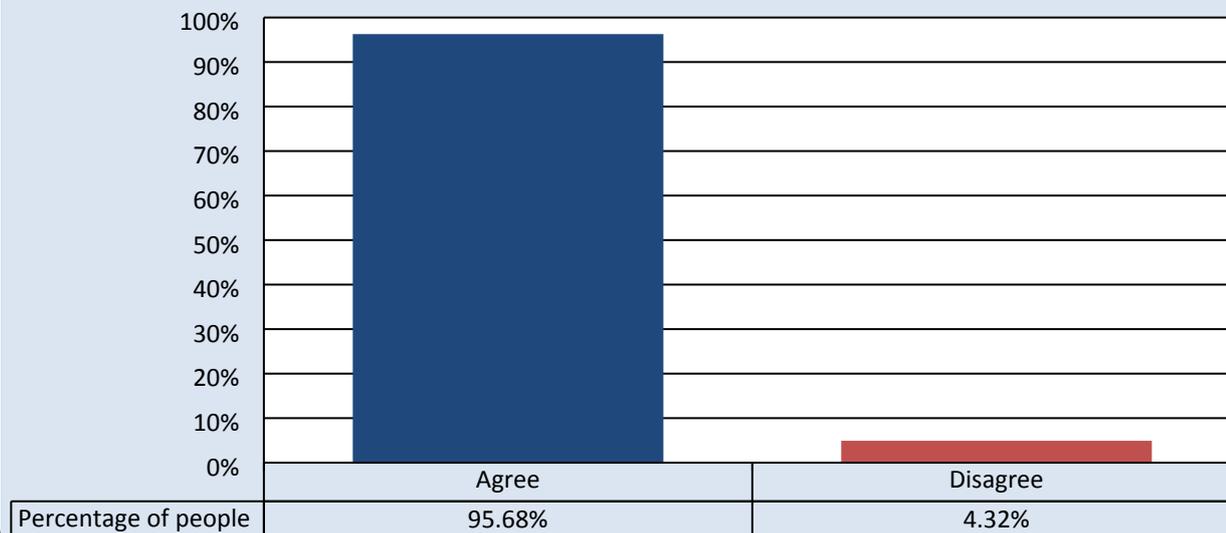
Refusing to stop drinking alcohol or hand over any containers (sealed or unsealed) in their possession, which are believed to contain alcohol, when required to do so by an authorised Officer within the Restricted Area



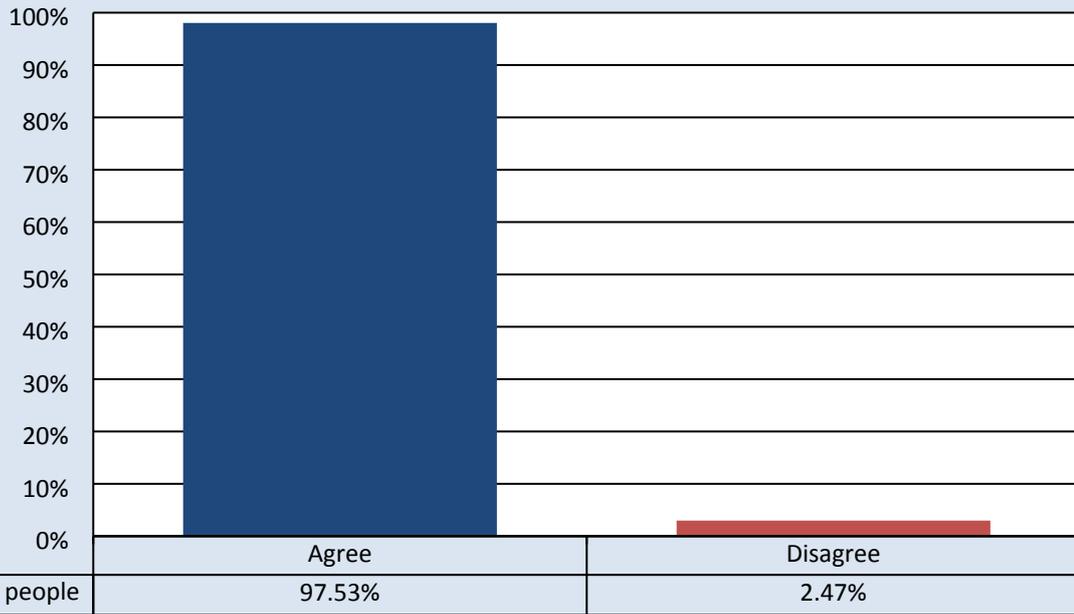
4.1.4 Question 4

4.1.5 Question 5

No person shall behave (either individually or in a group) in a manner that has caused or is likely to cause harassment, alarm or distress to a member of the public within the Restricted Area

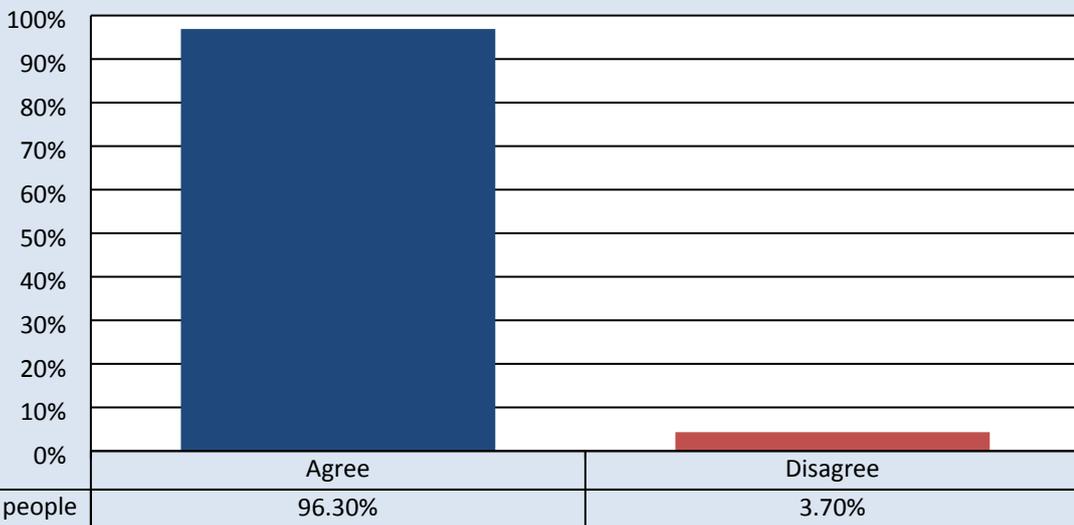


No begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed



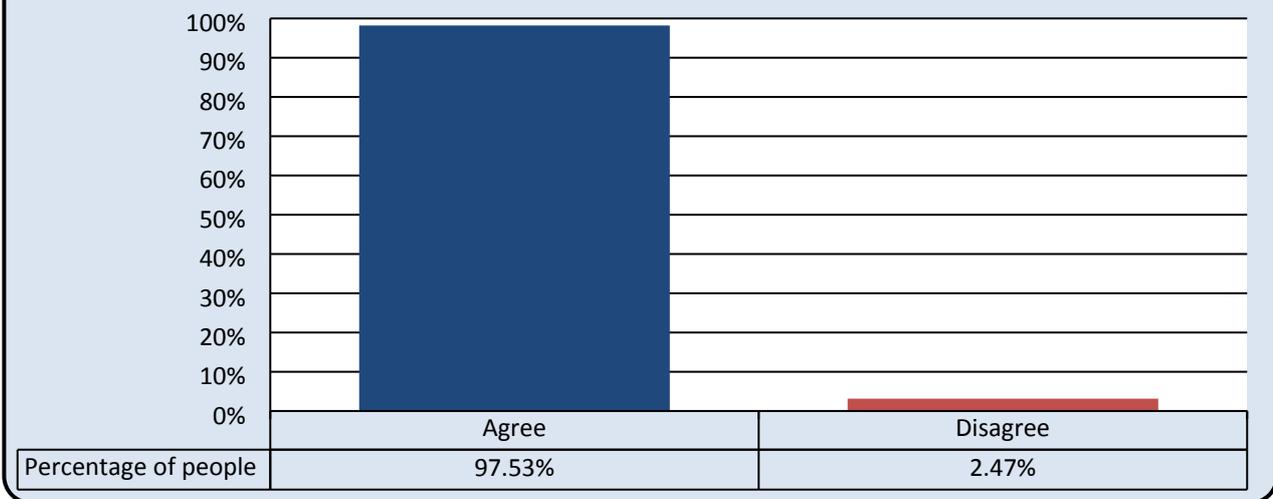
4.1.6 Question 6

No person shall urinate or defecate in a public space or in public view except in a premises designated for that purpose within the Restricted Area



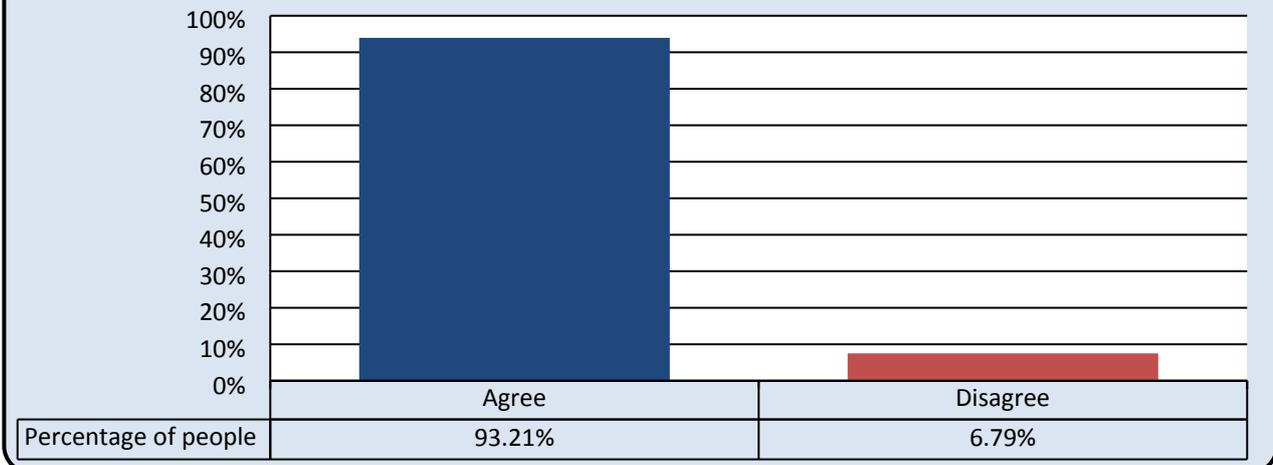
4.1.7 Question 7

No person shall within the Restricted Area: Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances; or Sell or supply intoxicating substances

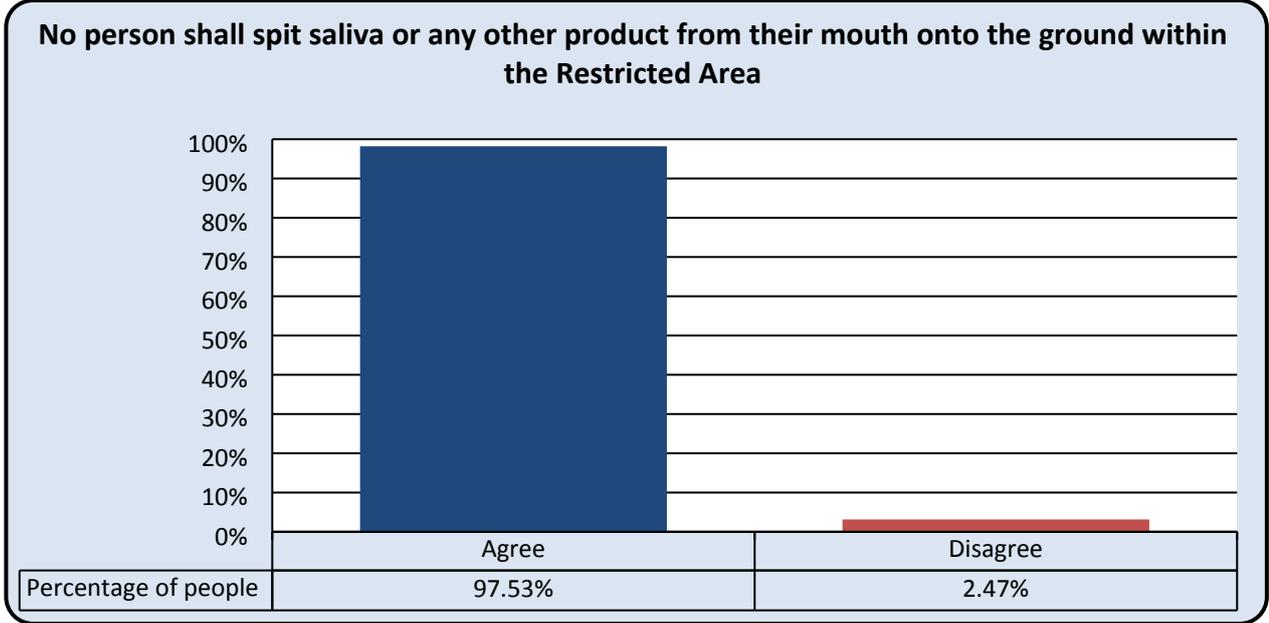


Question 8

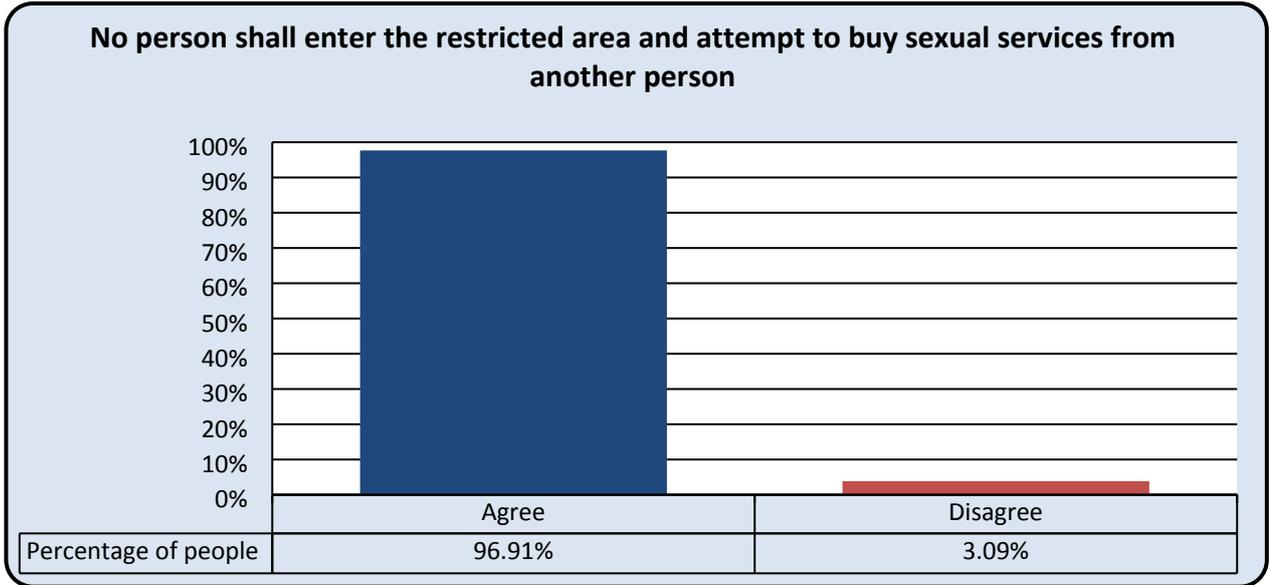
Cyclists, or users of scooters, E-scooters, E-bikes, skateboards and hover boards, are to dismount if requested to do so by an authorised officer, if they are of the opinion that the operator is riding in an unsafe manner which is causing or is likely to



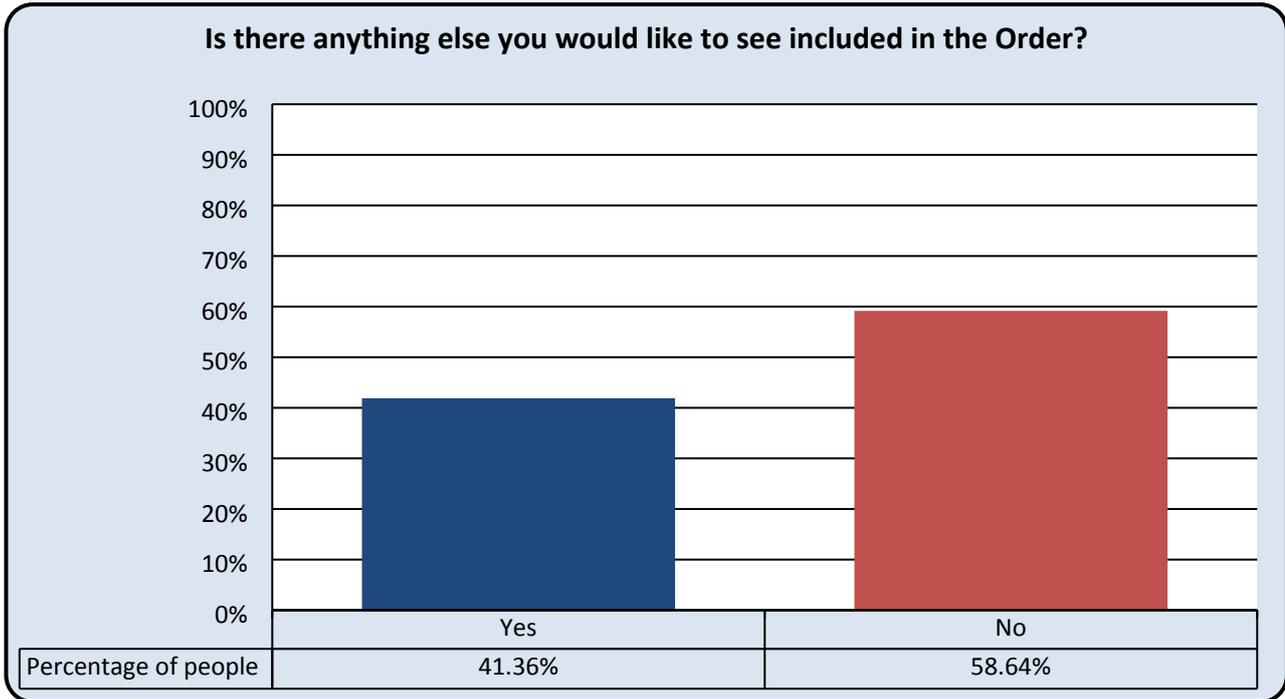
Question 9



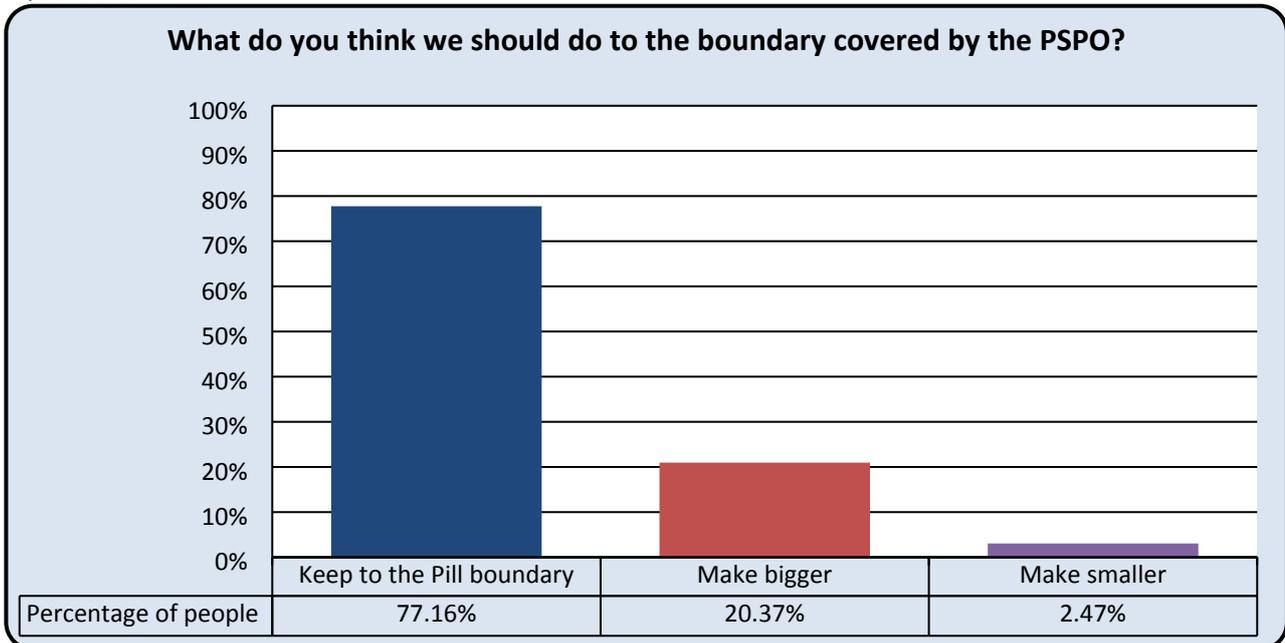
Question 10



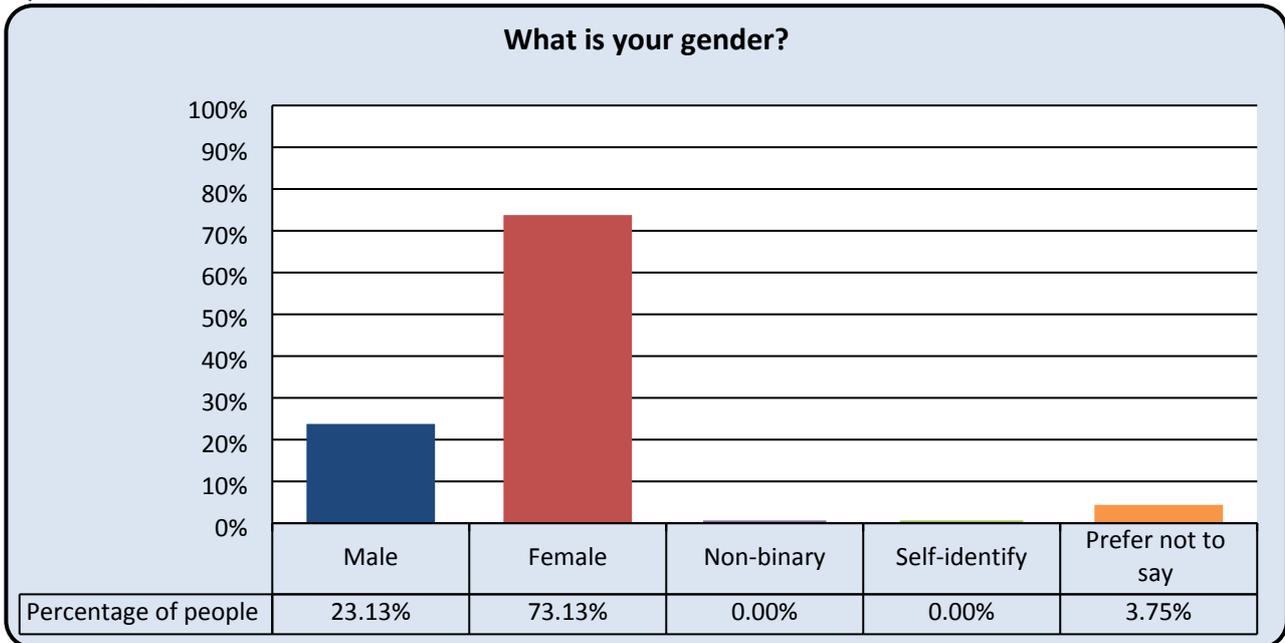
Question 11



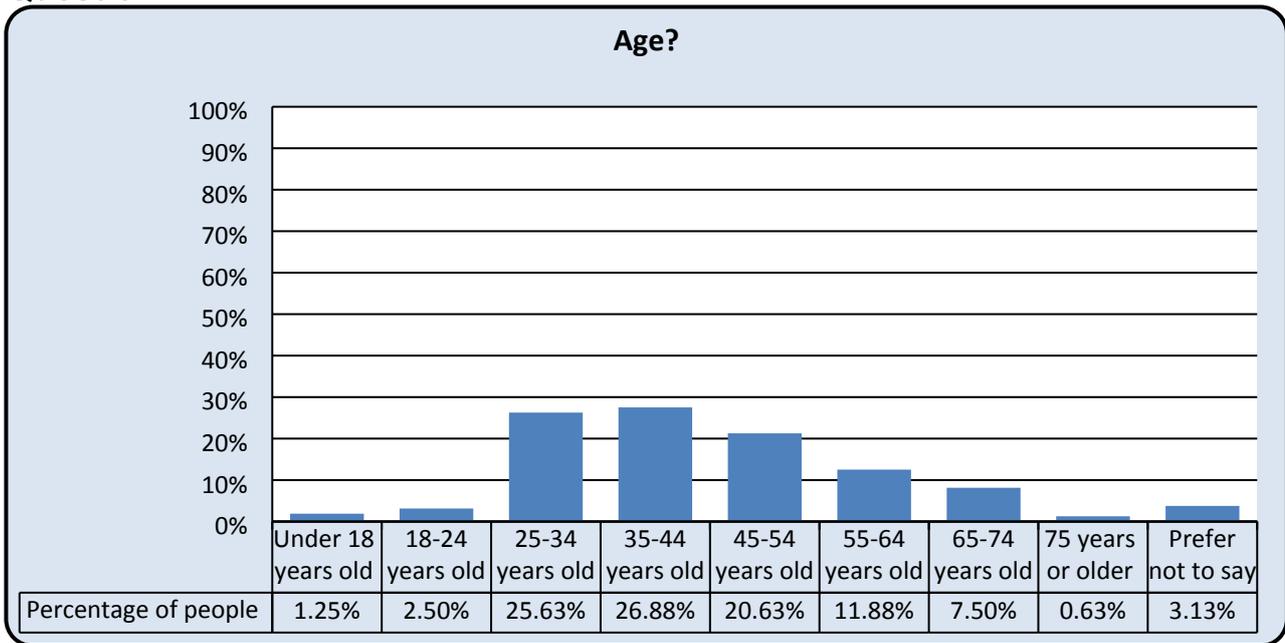
Question 12



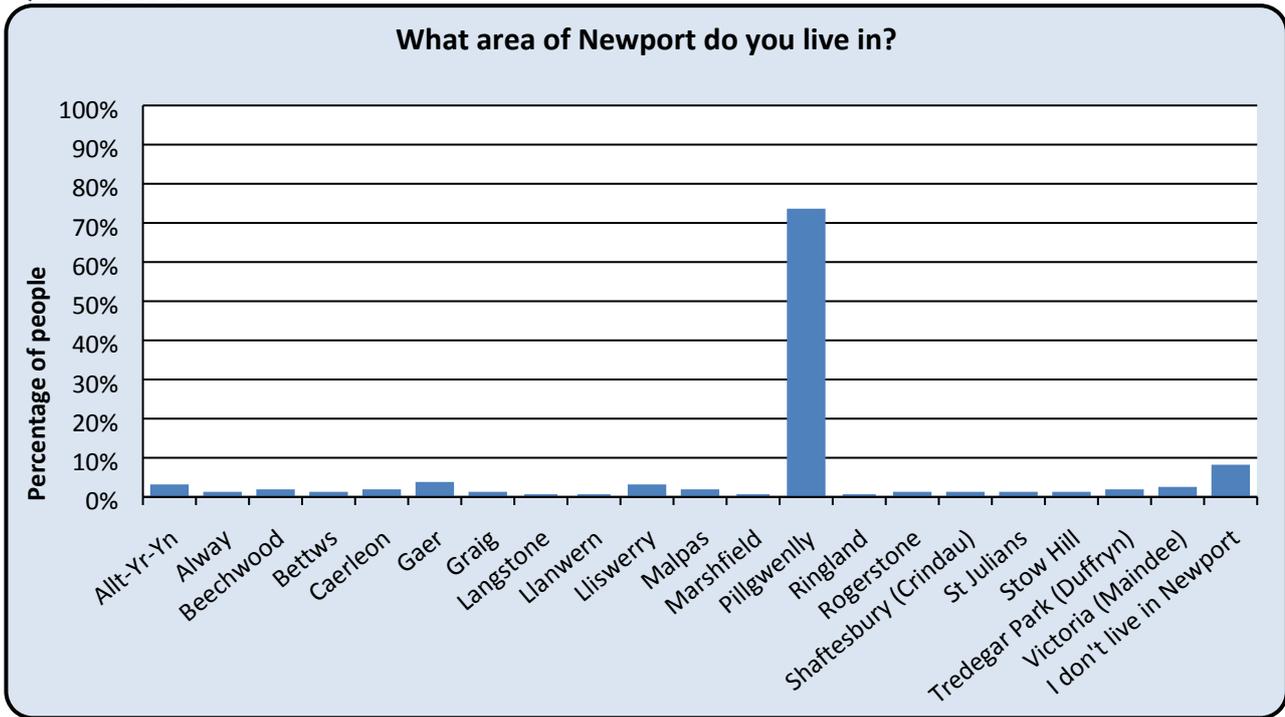
Question 13



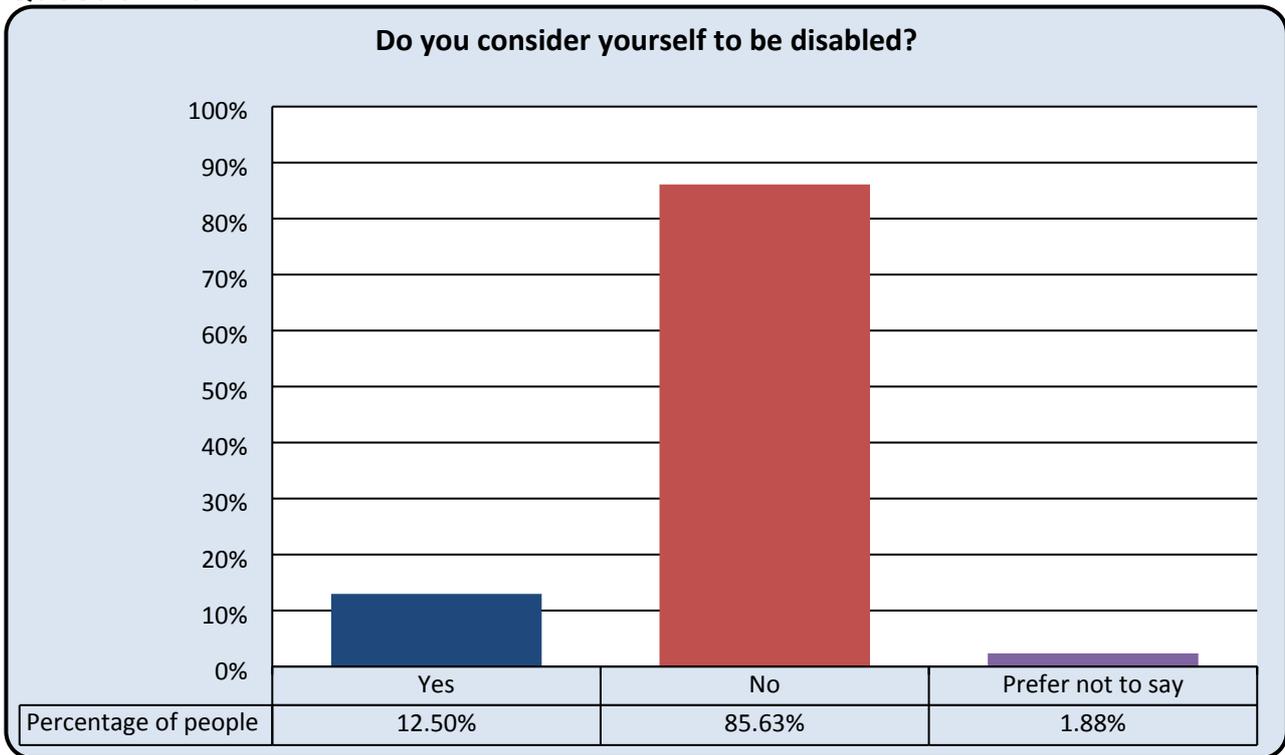
Question 14



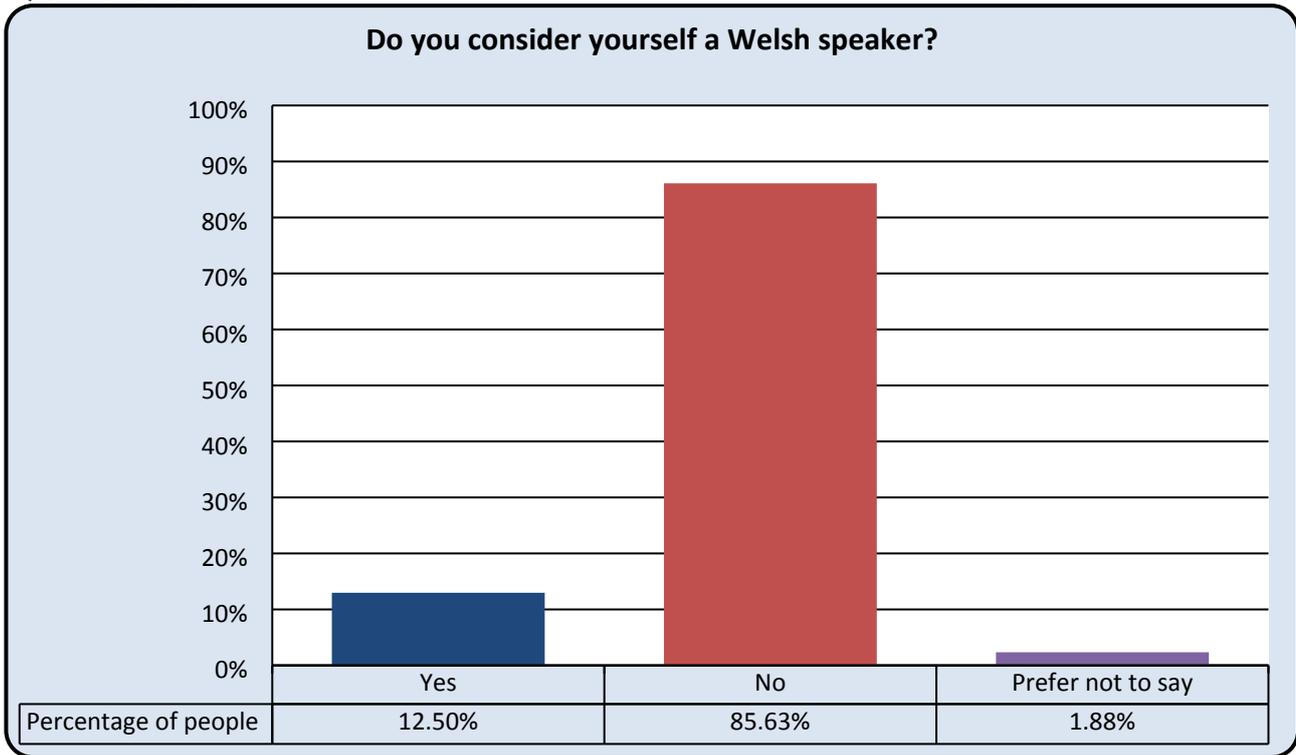
Question 15



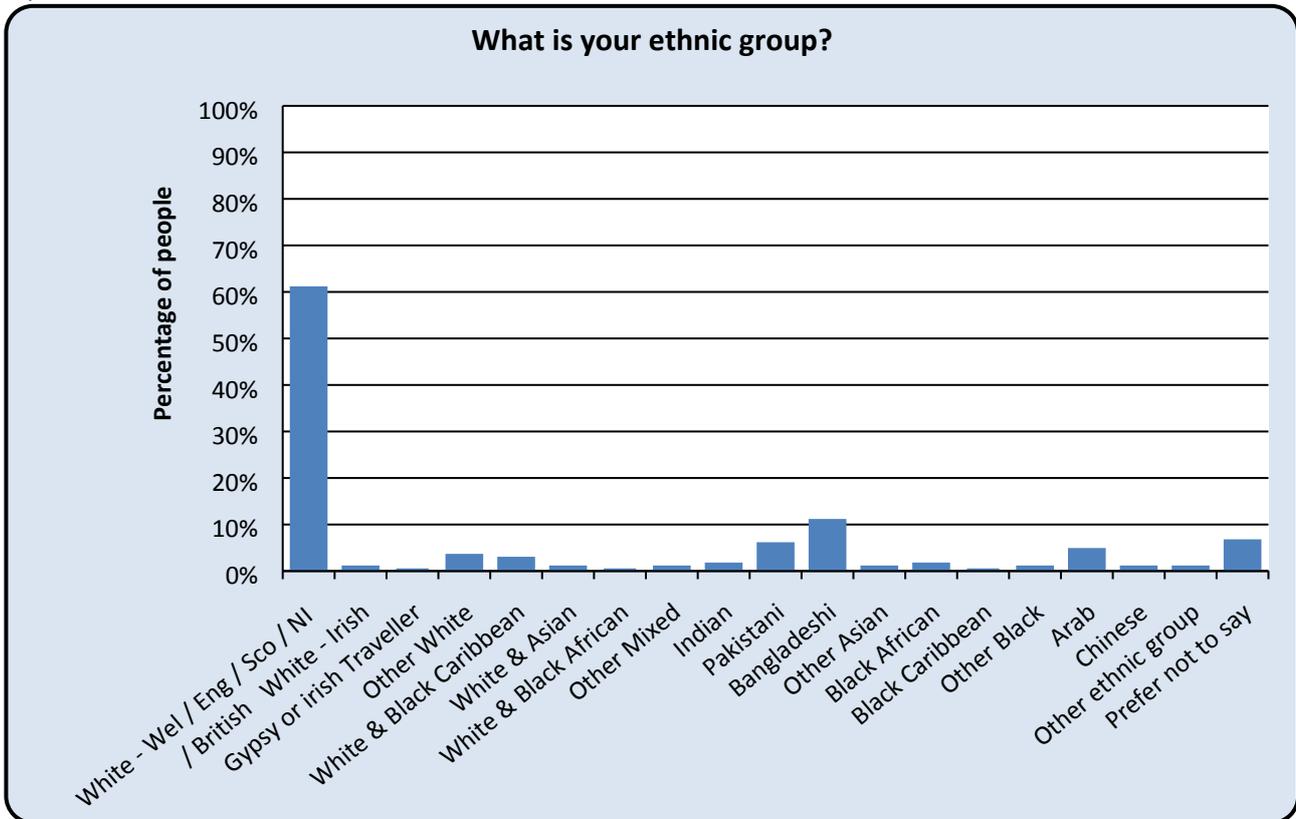
Question 16



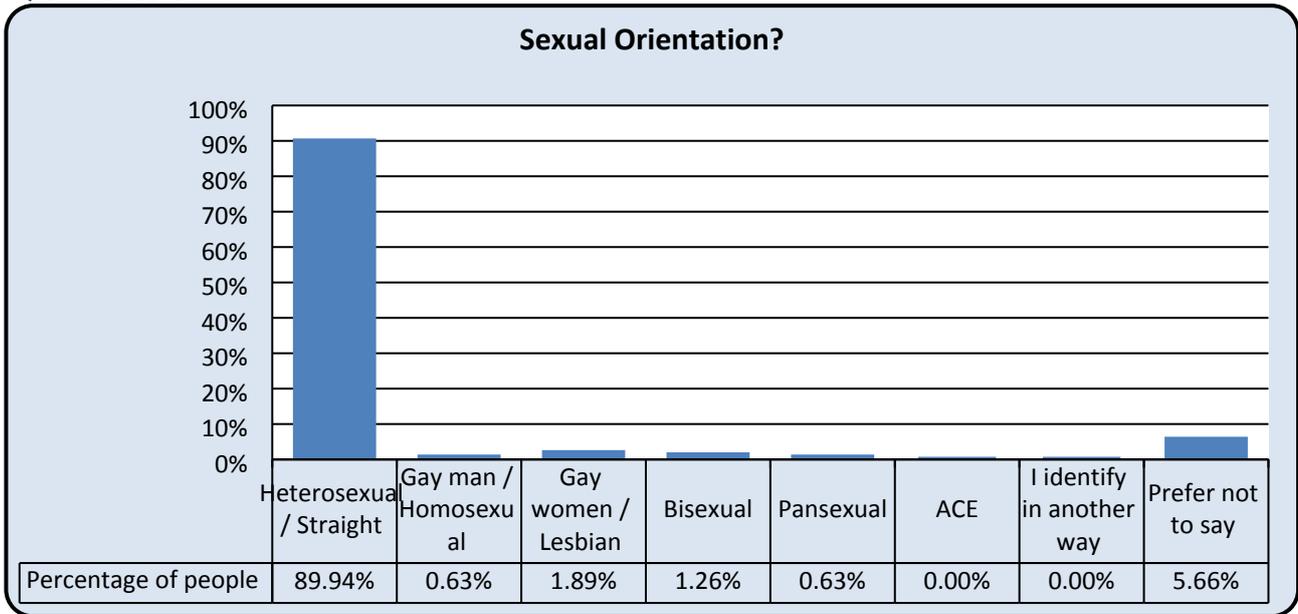
Question 17



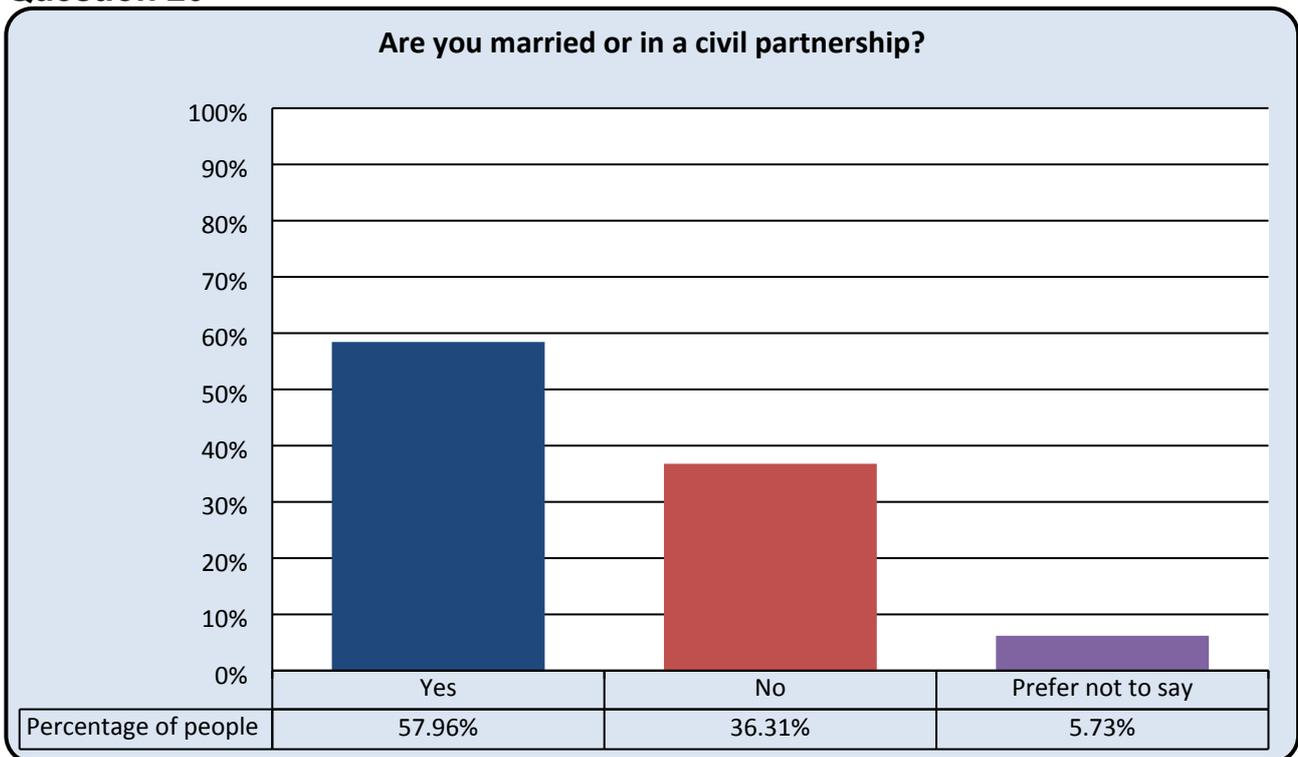
Question 18



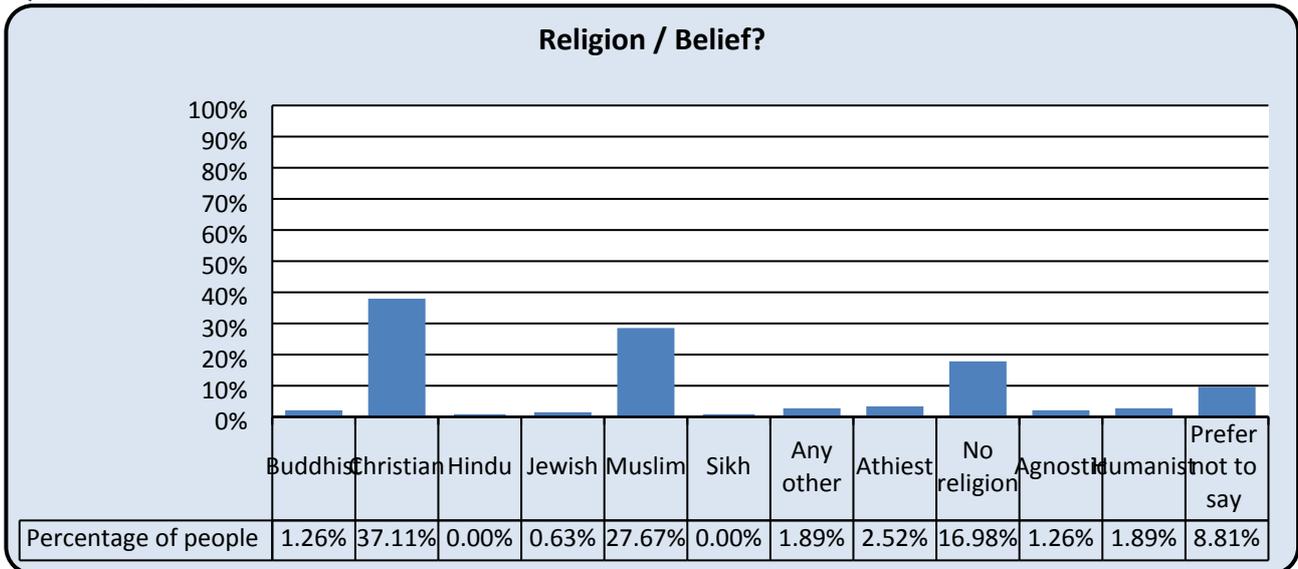
Question 19



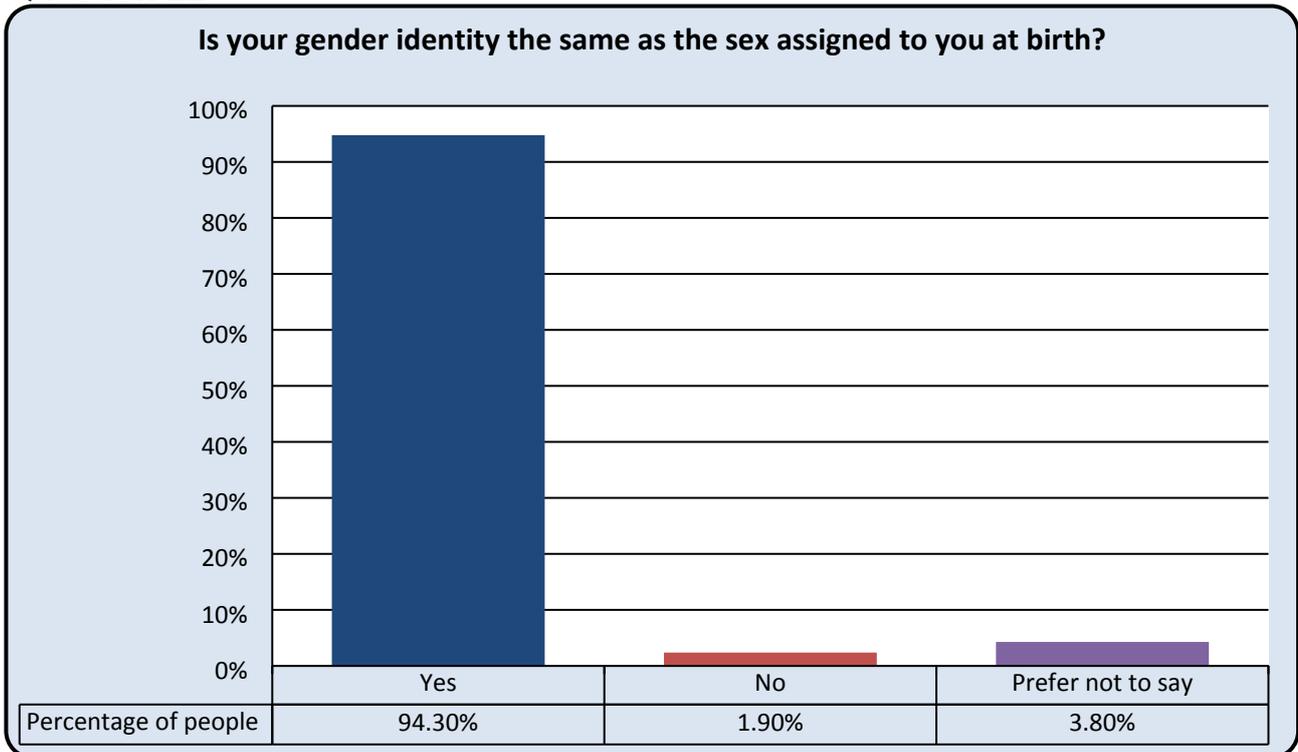
Question 20



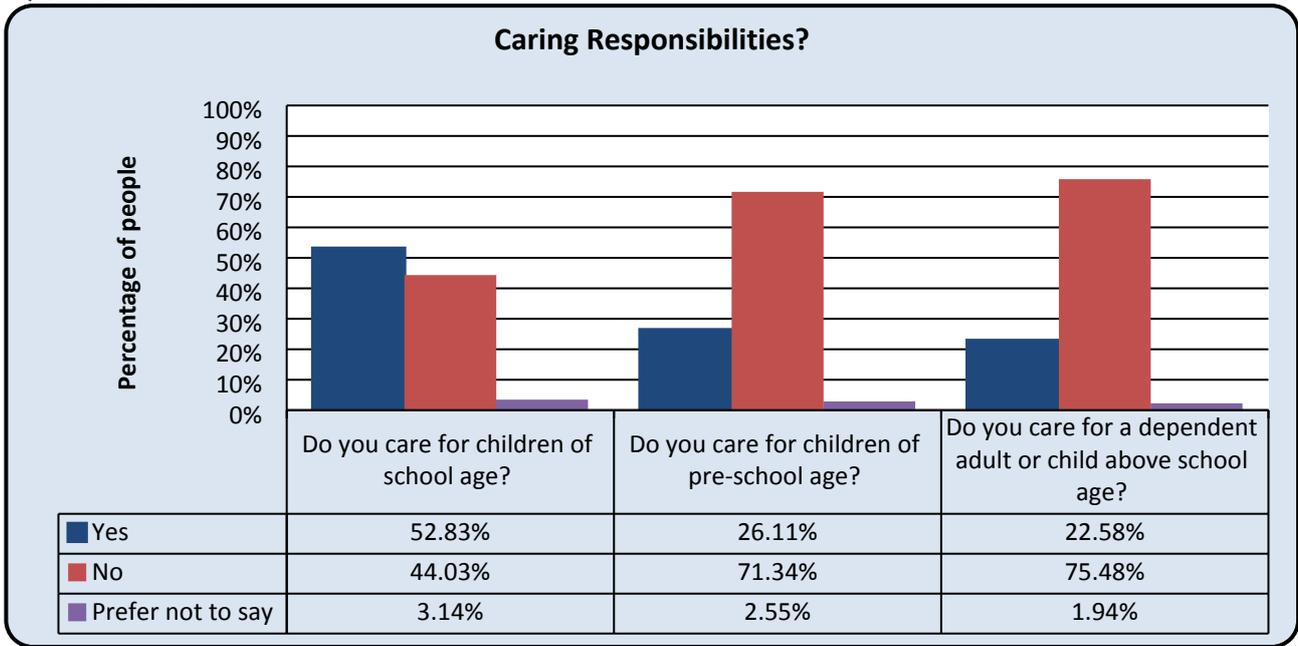
Question 21



Question 22



Question 23



Appendix D

Comment/Text Responses

Restriction no1 Disagree comments:

Refusing 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

<u>If you disagree, why?</u>	
To stop consuming alcohol outside in residential area. As the impact of those drinking out lead them to behave in such a way that have impact of local residents and anyone visiting Pill which I used to do prior to lockdown as in my work capacity as an individual living not far from Pill.	1
Potential racist as it targets particular ethnic groups.	2
To many kids watch this on a daily basis no wonder they grow up to think its normal.	3
Only confiscated if the product is opened.	4
Egg.	5
Just wrong.	6
It's a free country and drinking is not illegal. Stop being so pathetic.	7

Restriction no1 Agree comments:

Refusing 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 have seen an increase of persons drinking within the area.	1
I feel it does have impact on local vulnerable people of all ages not feeling comfortable to walk to local shops for essentials, people being stopped and asked for money, cigarettes etc. Concerns of getting young people joining them, young generation to be kept away from such conditions/situations and to be directed to constructive roles in local communities.	2
The street drinkers seem to have no comprehension of social distancing and congregate in gangs.	3
They also need to stop hiding them in brown paper bags, handbags and shopping bags too.	4
As long as the officer does not abuse their position.	5
I agree, alcohol should be either consumed at a bar/pub, restaurant or at home, not on the streets where youngsters and other influential young people should have to see.	6
Use of drugs in the area to be included we stoped them drinking meths years ago.	7
On a daily basis. Sick of myself and my children having to witness gangs of people drinking and being under the influence of drugs.	8
However, this will result in officers abusing these powers and discriminating against and targeting selected minority groups.	9
Make sure officers are not racist.	10
There are blatant drug deals that go on in Pill but doesn't seem like police do anything and during lock down all the dealers and drug takers were roaming the streets in Pill like if Covid rules does not include them.	11
There are blatant drug deals that go on in Pill but doesn't seem like police do anything and during lock down all the dealers and drug takers were roaming the streets in Pill like if Covid rules does not include them.	12
People are constantly drinking on the streets our children are witnessing drunk anti social behaviour constantly.	13
Don't be scared to remove them from the ones on the frontline because they seem to walk pass them or have a chat with them.	14
This comes in many forms. Residents need to feel confident that matters reported are followed up. And greater community involvement too.	15
Always seeing people standing round openly on the streets on the main front and other areas with cans and bottles of drink which no doubt is adding to anti social behaviour.	16
Far to many drinking on the streets.	17
Druggist often sit here and there doing anti social movements and cylindrical bottles are all over the road and they are too many that shows this area needs attention of authorities.	18
The condition is bad specially drugs and alcohol.	19
It's so awful and intimidating to even go to the pharmacy to pick up my prescriptions! Gangs drinking alcohol hanging around the shops!	20
I don't want gangs of police going around my area attacking people for drinking beer. It's ludicrous.	21
Off-licences should have their hours of operation reduced.	22
Every time I have visited Pill there were groups of people drinking and being loud. Very intimidating and I never feel safe on this area. Would not visit after dark.	23
I witnessed people drinking alcohol beverages in day light - this is an area where I walk with small children.	24

Restriction no2 Disagree comments:

No person shall behave (either individually or in a group) in a manner that has caused 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

If you disagree, why?	
Way to broad, what does it mean? Basically very authoritarian.	1
This is subjective. Often it is the professionals that are provoking the harrassment and recent events have seen unscrupulous behaviour. There is a danger of abuse of power and as has recently been evidenced even death. Is Pill being targetted due to ASB or race?	2
I think first we need to dress issues why some one is doing that. First we need provide support for the young youth in Pill because they are have been failed by the local and community. The police are not helping by stop and searching them.	3
Pill is lawless and drug dealers and groups outside shops should be dispersed it's intimerdating.	4
Because I have reported an issue with a group of Pill boys getting underneath the car park of where I live breaking entry to get in and police etc. have not be interested to sort it out, when it's a restricted area.	5
There are already laws. This is just singling out Pill.	6
No real deterrent, people will just laugh at the police and make their life harder in the long run.	7

Restriction no2 Agree comments:

No person shall behave (either individually or in a group) in a manner that has caused 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

Public health and safety within their surroundings, for businesses to offer safe entry for those visiting areas especially those who are there as residents and businesses.	1
Street walkers/Prostitutes should be under the same restrictions as anyone else.	2
The begging and ASB in Pill from individuals and groups is atrocious as well as the fly tipping. The streets are filthy.	3
I agree, I live in Pill, and there is not many places in Pill where i feel i can walk to where i need to go safely. I had a encounter at a close Supermarket where a toxicated man was abusive, and not keeping his distance according to government guidelines, i felt very vulnerable at the time and glad my kids were not with me to witness it.	4
Should be doing this as every day as a matter of course.	5
How can you guarantee officers will be present to make sure they don't return.	6
However, how can the council ensure that minority groups will not be targeted because a white person complains they are stressed by BAME groups gathering?	7
Make sure officers are not racist.	8
People do not have control of their dogs and often not on a leash. This can feel intimidating.	9
There are always gangs and groups of people in the commercial road area of Pill very intimidating.	10
There are always gangs and groups of people in the commercial road area of Pill very intimidating.	11
You cannot go to a cash point or shop without being threatened by beggers it's getting aggressive.	12
I feel there should be more patrolling by PCSOs and neighbourhood officers in Pill.	13
Hot spots such as the playing fields, and side streets, where a lot of crime is committed, and at times of day or night too, where the spikes occur. This would both help keep members of the public safe, and be a better use of limited resources.	14
A lot longer than 24 hours i would say, should be gone once and for all as they will most likely just return and carry on as before.	15
I feel like I can't even walk around in Pill. There are drug dealers, gangs and people drinking everywhere. I feel intimidated and scared and nervous! I don't want to walk past them it's so horrible! They hang around where I live too, I don't feel safe in my own street.	16
It should be longer than 24 hours.	17
The definition of "disperse" needs to be clarified. Are they required to leave the PSPO area completely, or just move elsewhere within it?	18
Again, such behaviours occur in day light and small children may be exposed to it.	19

Restriction no3 Disagree comments:

No begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed

If you disagree, why?

Already used to target the worst off in our community, because of orders in the city centre, there are people in prison at this very moment for begging. Get a fixed penalty, can't afford to pay it end up in prison. Great work Newport.	1
No begging full stop.	2
Sick and tired of people stopping me asking for money I worked for my pension.	3
Make sure officers are not racist.	4
But why is there beggars in there in first place. Those people need support and help. I know some choose to live like that. But provide them with a better option.	5
There are drug users who constantly pester, alarm, harass us on the street daily. Unacceptable!	6
This is not dealing with the matter at source. NCC 'banned' homeless people from the city centre which resulted in those same people moving out into lower income residential areas like P111. This has put vulnerable and mentally unwell people in close proximity with families and children. It is harder to deal with issues as there are less police in the area, less CCTV and more areas that are harder to monitor. All this PSPO will do is create further issues and cause homeless and disruptive people to move elsewhere and continue with what they're doing. It does not follow any logic that I can see.	7

Restriction no3 Agree comments

No begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed

Persons begging all the time outside shops.	1
New people moving to P111 area to feel safe and not stopped by beggars or asked for cigarettes or food especially now during epidemic for those experiencing mental health issues such as anxiety and fear of going out for essentials be a struggle any way. So having seen exchange of drugs and hearing unacceptable behaviour and language makes many most vulnerable leading to total isolation and orate health issues etc.	2
Everytime I go to the local asda there is always someone begging for money.	3
Gangs are in place and people are strategically placed in areas to collect money. Women and children are often used as a perceived vulnerable cohort.	4
I don't have a problem giving when I see a homeless person but some really do just follow and won't leave you be. Once at town centre a begger just kept following me and my daughter through town,a security guard told me off but ignored him, he kept on following us until i had the nerve to tell him to stop.	5
No begging full stop.	6
Better surveillance especially around post offices and cash machines, community involvement here too. More pso patrols, encourage community to approach and exchange Intel.	7
Hanging around Cash Point locations like ASDA P111 is very intimidating - I would never let mother or sister go alone - even in broad daylight.	8
Finding begger around town and outside shops very intimidating.	9
People always ask me for money and I'm scared when I say no because I don't know how they will react.	10
Begging should be banned entirely, not just if it's aggressive or intimidating. As a woman, having anyone approach me is intimidating.	11
How will the police/council define "aggressive" or "intimidating".	12
This needs to be implemented in the city centre.	13

Restriction no4: Disagree comments

No person shall urinate or defecate in a public space or in public view except in a premises designated for that purpose within the Restricted Area

<u>If you disagree, why?</u>	
Police already have powers to deal with this.	1
Kids in the park sometimes cant reach home on time.	2
You see this all the time in front of children they just don't care.	3
It's dirty and put children should not have to walk in it.	4
Kids in the park sometimes cant reach home on time.	5
Kids in the park sometimes cant reach home on time.	6
There are no public conveniences within the area. One has been sold off, the other (opposite the Police Station on Cardiff Road) seems to be permanently closed. Until the Council provide adequate toilet facilities, it is unreasonable to expect people to "hold it in".	7

Restriction no4: Agree comments

No person shall urinate or defecate in a public space or in public view except in a premises designated for that purpose within the Restricted Area

Any person that urinates in a public place shows how far humans has descended, instead of a fine make them sweep one end of Pill to the other.	1
But you need to sort your toilet policy out. Closing toilets in public places hasnt helped. Perhaps the police station which is open 24 / 7 could offer theirs.	2
What the hell should be dealt with as norm.	3
Make sure officers are not racist.	4
Need to provide public toilets and wash for them.	5
Prostitution is really affecting us sex acts in the streets infront of children people being victimised general public being harrassed you cannot walk to a shop without being asked for business. We are suffering from horrendous abuse. Intimidation.	6
Any offenders should be made to clear up any mess, also discarded needles ect, under supervision.	7
People are always urinating around Pill. Also they use the lane that leads to my front door to urinate and defecate.	8
How is this even needed!	9
Perhaps NCC should consider reopening public conveniences and adding sharp disposal points like other proactive cities. People need to use the bathroom and Newport is one of the hardest places to find a public toilet	10
With the closure of the toilets in Newport Market, there are now NO public toilets in the city centre. This is a shocking state of affairs!	11

Restriction no5: Disagree comments

No person shall within the Restricted Area: Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances; or Sell or supply intoxicating substances

<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 comments

No person shall within the Restricted Area: Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances; or Sell or supply intoxicating substances

To work with local residents, individuals and other organisations to support and work with Council to make pill a safe and welcoming place to set up businesses as well as organisations to support local communities with their well-being of young to elders from all walks of life.	1
About time this was stopped once and for all.	2
I agree please keep the drug abuse of our streets and neighbourhoods. Our children and youth should never have to see or grow up in a place that tolerates this behaviour.	3
Make sure officers are not racist.	4
Those people who do this need medical support and mental health services also need support them.	5
Drug dealing is so blatant and rampant in Pill.	6
There is a constant smell of cannabis when walking through commercial road.	7
There is a constant smell of cannabis when walking through commercial road.	8
Very hard to police, but maybe take down all call boxes, which have now become a dangerous health hazard. These are also used to buy and supply drugs, and create intimidation to Pill residents.	9
I only partially agree because I am of the opinion that prohibition causes way more problems for society than ever its solved.	10
I've seen so many dealing drugs in the Pillgwenly area and nothing is being done by the police to stop this happening.	11
There are so many drug dealers and users in this area! They come into the lane by my property to sell drugs and take drugs. They come in groups and sit and take drugs by my garden.	12
These "legal highs" need to be changed into "illegal highs" by Parliament.	13

Restriction no6: Disagree comments

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

<u>If you disagree, why?</u>	
Should promote safe travel and legalise e-scooters as they are better form of transport than cars, they do not cause any air pollution. However, people should wear a safety helmet and bait by the Highway Code.	1
In this because they're working class and shouldn't have the same as say people in Rogerstone?	2
These people are a menace to pedestrians.	3
Children should be able to play.	4
Agreed, but this open to abuse by racist officers. How will you ensure they do not target BAME groups, esp BAME children simply playing.	5
Officers will abuse their powers.	6
Those kids need safe place to ride the bikes and skateboards. The local authorities need provide felicity for the BAME community and young people in the area.	7
If not causing an issue , may be easier to let use.	8
Our older community members are constantly complaining they were nearly knocked over by escooters they should be consficated they are a nusiance.	9
There just kids having fun.	10
Again. These are not issues limited to Pill and if a cyclist was behaving dangerously anywhere i would expect an officer to deal with it. How does this even fall into anti social behaviour? If E scooters are such an issue why are they legal to purchase and why hasn't central government offered any official legislation? Perhaps NCC should be tackling the traffic situation and increase in pedestrians being hit by vehicles over people owning E scooters.	11
Cyclists aren't a problem here, don't pigeon whole use with fools that use e-scooters as we do nothing wrong. E-bikes and normal bicycles are not a problem, do not alienate those people for the sake of somebody else being an idiot.	12

Restriction no6: Agree comments

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

If they are caught repeatedly offend, confiscate the vehicle.	1
If riding as a drugs courier I agree however if riding a bike to get to and from work I do not think the main roads in pill are safe enough due to the way others park and drive.	2
who will authorised officers be?	3
I agree, I have seen so many cyclists driving at a dangerous speed. Once my daughter nearly got hit by a motorcyclist, she was lucky that time & he had just missed her, but the fear stayed with her.	4
Some people done care and I have been hit or hurt by bikes a few times on the pavement.	5
These modern contraptions are now a drug dealers new yool to carry out their trade. Reinforce that at least, all wheeled models of transport should be used in roads, not pavements, where they are a nuisance and a danger to the public.	6
I hate seeing a "scholl" of kids on bikes riding into commercial st like they are hunting their pray. How come not one kid at night uses lights on his bike? When I was a kid you had no chance - and would be quickly pulled over.	7
People ride scooters and petrol bikes up and down the streets! Disturbing the peace.	8
The government is working towards more active travel options, in line with that I think dedicated cycle paths would be more successful than asking people to dismount.	9
Enforcement of this will be difficult, as the offenders are likely to make off from the authorised officer. I recommend that such officers are issued with E-bikes, to allow pursuit.	10

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Restriction no7: Disagree comments

No person shall spit saliva or any other product from their mouth onto the ground within the Restricted Area

<u>If you disagree, why?</u>	
This is distasteful behaviour not to be confused with criminal behaviour.	1
I have walked past shops and had people spit and just missed me it's foul.	2
Where is your evidence that people are spitting constantly & is this practice only happening in this ward?	3

Restriction no7: Agree comments

No person shall spit saliva or any other product from their mouth onto the ground within the Restricted Area

Educating public and those using open space like old Kaviv Save car park a safe space to park cars to respect public and spaces too.	1
Signs in areas where this can be enforced would be welcome. It seems as though many people believe this is acceptable and commonplace behaviour.	2
Its disgusting and carries germs.	3
unless they have a medical condition that cannot contain their saliva.	4
Nothing to add, its a foul habit.	5
Health exception.	6
Make sure officers are not racist.	7
Harrasment in this area is rife women are bing approached and asked for business and men being accosted for just pulling up to a shop or mosque. This should have been targeted ages ago and not been let to continue.	8
Too many people are doing it.	9
It's so disgusting, spit on the floor everywhere!	10
Certainly hope this is vigorously enforced a dirty practice should carry a prison term.	11
The Football League needs to introduce this rule, as professional footballers (who some children see as role models) do this in televised matches.	12
During exercise should be an exception i.e. running.	13

Restriction no8: Agree comments (DISCONTINUED – REMOVED FROM FINAL PSPO AS OUTLINED ABOVE)

No person shall enter the restricted area and attempt to buy sexual services from another person

<u>If you disagree, why?</u>	
Other things can be done to tackle this more serious problem.	1
Where will the sex worker do without customers. Underground? Or like many be used like slaves in houses in Pill. If we can't see it it's fine? So Newport is going to solve prostitution by criminalising the customer? That'll work. Very oppressive, what about a adult conversation about the issue. The only system that protects all is legalisation in controlled areas.	2
All offenders to be fined on the spot, and given compulsory training and awareness about bbv's hepatitis and the possible health problems it can cause. Raise awareness, in schools too about health and safety to promote awareness.	3
See my point about not solving issues at source. If prostitution was legal and regulated it would be much easier to ensure those employed in the sector were safe and that money wasn't being used for criminal activities by pimps.	4

Restriction no8: Disagree comments (Discontinued – Removed From Final PSPO at request of Gwent Police)

No person shall enter the restricted area and attempt to buy sexual services from another person

High increase of working girls.	1
Safeguarding sexual harassment, child exploitation, prostitution and drug related activities in public places.	2
The women shouldn't be allowed to prostitute themselves on the street. They are committing benefit laws ,tax evasion, working through CO-VID. If they are not on the street selling there will be no need for the deviants coming to the area to look for prostitutes.	3
This should have been stopped years ago.	4
I dont know why you havnt stoped this yet. You know where it happens. It's so obvious but you've let it happen.	5
I was getting money out of the cash point at the post office at 5:30am and was asked if I wanted sex! Also gangs hanging around outside shops on Commercial Road are very intimidating I am male and have lived in pill for 30yrs and I will not go down to the shop after dark.	6
Prostitution in the Pill Area is an issue, they do not just come out at Night, they are there from midday, as i walk my kids to school we see them. Prostitutes are people, and they need help, supporting ways to get them off the streets from selling their services & promoting a better way of living, whether its accessing Education / Courses, some financial support / housing, jobs, to get them on the right track & on their way to a better future & outcome for them. The solution just does not end at arresting them, they may just not have a choice but to go back to it again & again. There must be a better way & solution.	7
Again should be banned anyway.	8
Make sure officers are not racist.	9
Prostitution is so blatant in pill but nothing ever gets done about it.	10
Prostitution is so blatant in pill but nothing ever gets done about it.	11
Harrasment in this area is rife women are bing approached and asked for business and men being accosted for just pulling up to a shop or mosque. This should have been targeted ages ago and not been let to continue.	12
It's happen too freely and even me as a lady have had ladies knocking my car window.	13
Yes have seen this happening regularly and in sight of the main police station. For a woman driving through it is very scary and intimidating to see this taking place. I dread to think what it is like for children and residents.	14
Pill as a community has taken hammering g after hammering over decades now. Maybe a campaign or initiative from public services and residents alike, to engage with each other more, arrange meetings, coffee mornings and such, to reignite and regenerate in conversation, and learn about our neighbours. We already have a strong spirit here, but we are not using it. Use the existing social media platforms to communicate and organize social events and occasions, not just ince a year, when we have a carnival. These things can be done, without costing any money at all. Maybe invite police along, and other services too?let's get to know each other again, and say hello to each other again. This will build confidence, mean less fear, and included all parts of the community to build a better relationship and rapport.	15
This needs addressing. Its openly happening and even in broad day light. Something needs to be done.	16
Prostitution is a problem in Pill. They stand on the corner over by Asdas. Also there is used condoms on the floor in the lane by my front garden.	17
Work needs to be done to help people offering these services to move away from it, they should be treated as victims. If you can support them and the services are no longer being offered you'll cure the problem rather than just trying to get the people 'buying' to stop.	18
Nor shall any person be able to be able to offer sexual service's in the restricted arena	19
Absolutely to prevent innocent public being propositioned male and female.	20
This needs to be modified to "buy/sell" and "from/to".	21

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Minutes

Democratic Services Committee

Date: 29 April 2021

Time: 10am

Venue: Microsoft Teams Live Event

Present: Councillors C. Ferris (Chair), C Evans, M Evans, K Thomas, P Hourahine, T Watkins, H Hughes, M Whitcutt, J Clarke

In Attendance: G. Price (Head of Law and Regulation), A Jenkins (Governance Team Leader), E. Howard (Graduate Trainee), P Tasker (Governance Support Officer)

Apologies: None

1. Apologies

None

2. Declarations of Interest

None

3. Minutes of the Last Meeting

On page 3 of the minutes Councillor K. Thomas stated that the second paragraph down under item 4, could this be corrected to 'Councillor K Thomas made reference to the role Councillors take on'.

On page 4 Councillor Hourihane stated that on the seventh paragraph down where it states 'group of newly elected Councillors'. Councillor Hourihane stated that other Councillors also attended not just Councillor Hourihane and that it was the Councillors that had said that the training was good not the Democratic Services officers but that the Councillors had not received the feedback.

In the last paragraph Councillor K. Thomas stated that where it is written 'there was a visible shortfall with only 30% females'. Councillor Thomas clarified that they meant that on the Council there was only 30% of elected members that are female.

Councillor M. Evans stated that where it says 'Councillor Hughes had suggested that some of the older Councillors should not be mentors', the word 'not' to be removed.

Councillor Hourihane stated that on page 5 should be added to a future agenda.

On page 8 Councillor Thomas said that on the first paragraph that the role of Councillors was demanding- 'therefore' to be taken out.

Agreed:

The Chair moved the Minutes as an accurate record.

4. Audit Committee - Changes to Terms of Reference

The Head of Law and Regulation updated the Committee that Leanne Rowlands had been appointed as the new Democratic Services Manager and that Connor Hall had been appointed as a new Scrutiny Advisor.

The Head of Law and Regulation stated that this report was about the process rather than the functionality of the Audit Committee. It was explained that the new legislation came into force in January 2021 and there would be new changes introduced between now and May 2022.

Main Points:

- The title of Audit Committee had now changed to Governance and Audit Committee.
- There would be a change to some statutory functions so there were some additional terms including reviewing performance assessment and the complaints handling processes.
- The Committee was asked to note these changes and recommend to Council to amend the constitution to change the name of Audit Committee from 1 April and to include those additional functions in the terms of reference.
- Appendix 1 contained the current terms of reference for Audit Committee and Appendix 2 had been amended to what it should be.
- In terms of **performance assessment**, the act entirely changed the Council's framework in terms of the annual improvement report and the corporate plan report. It changed to a self-assessment process where councils assessed their own performance, and it was subject to an independent peer review on an annual basis. This would have an impact on Scrutiny committees going forward.
- According to the WLGA this would be a fundamental change of culture as to how the Council assesses its performance.
- The current duties under the 2009 measure in terms of continual improvement and annual audit report would be discontinued and replaced with a self-assessment process which would have an impact across the Council in terms of Scrutiny and service planning and how scrutiny reviewed performance.
- The new Governance and Audit Committee would have an enhanced role as part of the annual self-assessment process and to assess that the Council's processes were robust. Complaints that go to Cabinet would in future be referred to the Governance and Audit Committee in terms of how we handled complaints as opposed to the outcome.
- The final point discussed was the membership of the Governance and Audit Committee, which was not immediate, but the composition of the committee would change. At present there was one lay member which was a legal requirement who is an independent Chair, and the other 8 members are elected Members, and this was proportionally balanced. As of next May 2022, there would be a legal requirement that one third of the committee were independent members. Therefore, the Council would have to recruit new additional members.

The Chairs term comes to an end next May 2022 so 3 new independent members would be needed to serve on the committee.

The Head of Law and Regulation stated that this recruitment process was currently being discussed with the Chief Internal Auditor and the Head of Finance as to how to commence this process as all Councils across Wales would be recruiting for these members.

Questions:

- Councillor Hourihane stated that they were concerned that continuous improvement might be swept away in exchange for lighter auditing, and that shouldn't the Council still aim for this.

The Head of Law and Regulation explained that it was a different process and that this was a different way of monitoring and assessing. So instead of an annual improvement report and Audit Wales coming in annually to give a Certificate of Compliance this was more of a self-assessment process and it gave Councils more flexibility.

The Council would need to set up an external independent peer review panel however the continual improvement was still there.

- Councillor Hourihane questioned the peer review.

The Head of Law and Regulation confirmed this was an external panel independent of the Council that would provide the peer review and the Council would have an obligation to consider the feedback of this panel when it planned services for next year.

- Councillor Hourihane referred to the small cost for the Council for implementing these regulations for the Governance and Audit Committee.

The Head of Law and Regulation confirmed that the report was referring to the additional lay members of the Audit committee and the committee would be focused on being process driven. The bigger changes for the self-assessment process would be for the scrutiny committees and the service planning process.

It was confirmed that the cost would be minimal, and that cost referred to appointing 2 additional lay members to the Audit Committee who would be paid an allowance and there would be a one-off cost for the Council for recruitment.

- Councillor Hourihane enquired the peer review panel and whether it would be expensive.

The Head of Law and Regulation confirmed that this panel would not be paid and that the members of the panel would be volunteers. The Council was still waiting on Welsh Government on the process for establishing these panels. The Council did not have to produce their first self-assessment report until a year after the election.

- Councillor T. Watkins enquired as to who was going to scrutinise the Governance and Audit committee.

The Head of Law and Regulation confirmed that there would still be an annual audit report as usual, but there would not be an annual improvement plan. At present Audit Wales come in and audit the Council annually which would be removed, and the Council would not have an obligation to complete an annual improvement report.

However, all other Audit reports would remain the same.

- Councillor K. Thomas asked whether previous lay members who have chaired before could reapply for the position again.

The Head of Law and Regulation stated that at present there was one independent chair who could serve two terms of office. The present chair could not stand again when their term came to an end.

- Councillor K. Thomas questioned as to whether the recruitment was robust to get members who were impartial to sit on the peer review panel.

The Head of Law and Regulation confirmed that we were still awaiting guidance from Welsh government on the peer review panel.

There was a role description attached to the report which formed the basis for the recruitment of the independent members. A similar process was carried out recently to recruit new independent members for the Standards Committee and it was thought that the recruitment for the Governance and Audit Committee would be the same process. This was robust where there was an open public advertisement with the setting up of an appointments panel to interview shortlisted candidates.

It was discussed that a mix of experience was needed to assess how well the Council was delivering services.

The Head of Law and Regulation asked for confirmation from Members that they were happy to start recruitment for lay members as soon as possible.

The Chair asked whether the independent members could serve on more than one committee and serve on committees in other authorities.

The Head of Law and Regulation confirmed that the independent members to be recruited were not elected members and although in theory they could serve on more than one committee in one Council, lay members should only serve on one committee to have a more direct view of Newport Councils processes but legally they could sit on other Audit committees in other Local Authorities. Independent Members access to confidential information also should be considered.

Agreed:

The Committee Members confirmed their agreement for the immediate recruitment of Independent Members for the Governance and Audit Committee.

5. Draft Guidance -Multi-Location Meetings

The Head of Law and Regulation stated that the report was for information. Between now and next May 2022 hybrid meetings were being developed. This was a mixture of face-to-face meetings and allowing Councillors to dial in remotely. This was to be discussed later in the Committee.

Welsh Government were keen to provide guidance to Councillors and Local Authorities on how these hybrid meetings should be conducted also referred to as Multi-Location Meetings.

The report was a draft so if Members had any comments, they could be fed back to the WLGA and Welsh Government.

The Committee were informed that Newport City Council had secured £52,000 grant funding from the Digital Democracy Fund to improve the infrastructure in the Council Chambers and Committee rooms and to enhance the software.

The project group would present a presentation to the Committee in time, as to how this new system would work building on the Microsoft Teams technology being used already which fed into the kit already there in the Council Chambers and other meeting rooms.

It would provide an opportunity for Councillors to dial in remotely so it would make it more flexible for people to participate in committee meetings which considered Welsh Governments diversity agenda to encourage more people to become Councillors.

The Monitoring officer noted that they felt that there was a lot of description there as well as being quite wordy and it could benefit from an executive summary which was to be fed back.

Questions:

- Councillor Hourihane asked as to how long the Council would be tied into the Teams software.

The Head of Law and Regulation stated that the Council have taken a policy decision to stick with Microsoft Teams as other software did not provide the same data security that Microsoft provided.

Members and other officers could attend other meetings/events on Zoom but the sharing of confidential information on Zoom was not advised.

The Microsoft Licences were part of the 365 package that the Council pay for, and Zoom would be quite expensive if paid for as an extra.

- Councillor Hughes welcomed the Welsh language paragraph and that it was an opportunity for the potential to improve the use of Welsh language and they expressed a wish to move to statutory rather than guidance which could fall lower down in priority and to use Welsh language across the board more publicly.
- Councillor Hughes also stated that there was a real need to think about how Chairs operated as they would need to be more tech savvy as they would need to have new skills dealing with Councillors attending remotely and in person.
- Councillor Hughes provided feedback on the problems encountered in Chairing which sometimes came from the technology used by the public which wasn't always up to scratch.

The Head of Law and Regulation stated that in relation to Welsh language one of the advantages of Zoom was a simultaneous translation. Microsoft have given their word they would develop that Welsh translation function as simultaneous translation was key going forward. There was a function on Teams for translation, but it was not easy to use and was not simultaneous, but it was being looked at as part of the project.

The Head of Law and Regulation stated that they agreed with the point regarding training. Councils would need to put in sufficient training for members as it was a different skill set. Hopefully with the Public-i software and how it broadcasts from the Chamber would make things easier for the Chairs. If there were any concerns or recommendations this could be fed back to the software providers, so any comments Members wanted to make would be taken on board.

- Councillor Watkins asked how we would get public participation increased and was there a process whereby they could be notified about meetings.

The Head of Law and Regulation confirmed that the Committee would discuss this as part of the work programme later and that the legislation would need to be looked at.

It was explained that the Council needed to decide what level of public participation was needed and we needed to allow this to happen, and the systems were flexible enough to allow this.

It was discussed that there had been problems with people joining Teams live events e.g., Police joining Council Meeting as a Live Event which could be a technical issue on the Police end.

- Councillor K. Thomas referred to the note about Welsh language which implied that there would be a consultation with the public on Welsh language.

The Head of Law and Regulation confirmed that there would be no consultation with the public on Welsh Language and the Council were doing the minimum to comply. The aim was for a simultaneous Welsh translation as seen in the Senedd.

- Councillor K. Thomas questioned public access and as to whether there was any data on whether the public have accessed this.

The Head of Law and Regulation stated that public speaking in meetings is what Welsh Government were focused on and that the legislation wanted something proactive in the decision-making process.

- Councillor K Thomas suggested that people were better served giving them an insight on policies and we could inform the public on how we do things.

The Head of Law and Regulation stated that broadcasting committees live was not a legislative requirement, but it was something the Council practised and that under Covid legislations it was different as no one was allowed come into Council buildings. Once social distancing ended there was no legal requirement to do that. Under new legislation it stated that for the main Council meetings they should be accessible to the public but not necessarily broadcasted live. However, broadcasting live was good practice.

- Councillor M. Evans stated that it was important to learn from public engagement and to publicise the Council meetings but that it was necessary to have a facility available to people to inform them of what we do and do we publicise this.

The Head of Law and Regulation agreed and stated that this could be included in the work on developing Public Engagement and Participation Policy.

Councillor C. Evans stated that engagement increased when people cared, and they were involved. Councillor C. Evans also stated that public questions at Council at appropriate times was something to look forward to, could dispel rumours and opening things to the public should be embraced.

Councillor J. Hughes stated that the Council had a good Facebook page, and this could be used to send monthly meetings to the public without too much cost. The public would access it on this forum.

The Head of Law and Regulation agreed that there was a well-established Facebook and Twitter page to get public messages across and was happy to pick this up as part of the piece of work on public engagement.

6. Local Government & Elections (Wales) Act 2021 - Implementation

The Head of Law and Regulation stated that this agenda item was presented to the Committee to make Members aware of the work involved in implementing the legislation. Members have had seminars and information sessions on certain aspects of the Local Government and Elections Act in terms of corporate joint committees. However, there was a lot of detail and it was important to cover everything in terms of all the aspects of the legislation.

Points to Note:

- The legislation was being brought into force in stages through various commencement orders.
- The Implementation Schedule keeps track of what's in force and when we must make the necessary amendments to comply.
- There were areas where a political steer was needed, and the Democratic Services Committee also needed to be more actively involved and take this forward in terms of how much they wanted the public to be involved.
- Would the Committee want members of the public to raise questions in Council or get the public involved in Scrutiny etc.
- A petition scheme would also have to be published about how we receive and deal with petitions. There was a function for petitions to be posted online to the Council and the Modern.gov software could be adapted to allow this.
- The new self-assessment process would have a significant impact on the Scrutiny committees which would link into public participation.
- Policies could be developed by officers, but Members needed to inform officers as to what they wanted in the developed policies.

Questions:

- Councillor M. Evans stated that they were keen to ensure a system was created where the public could ask questions to Cabinet etc, and that the public had the opportunity to do this. However, it was important to be mindful of the single-issue person that doesn't speak for everyone and if the public were able to ask questions, then it needed to ensure that it was not a single issue. Councillor M. Evans also referred to petitions and stated that there maybe needed to be a Petitions Committee like what Welsh Government has. Councillor M. Evans also asked about job sharing for the Leader and Cabinet Members and how would those roles be accountable as a job share and how this would work. Councillor M. Evans mentioned the elections moving from a 4 to a 5-year term but it was thought that this was already agreed and also in relation to the 2 voting systems- Majority or a Single Vote, do the Council decide on this prior to the elections.

The Head of Law and Regulation stated that job sharing was in the legislation and was part of the Diversity/Equality principles and the legislation enabled it for executive officers and members. In relation to the point on the voting system, when Welsh Government

was consulted, we were not in favour of this regarding first past the post or proportional representation as it was felt that it was too divisive and too confusing. However, it was in the legislation and it was for the Council to take a view and the public would need to be consulted on this before it was carried out. There were also restrictions on how often this was changed. The Council could then decide if they preferred to move from a first past the post to a single vote system.

- Councillor M. Evans commented that if 20/30 responses were received on the voting system and they all wanted a single transferrable vote would the Council take a decision on this prior to the election.

The Head of Law and Regulation stated that it was a decision for the Council to take but we were still waiting on guidance as to how this would work in practice. It would need a special majority of Council to vote that through and the political will to take it forward. The process of change was very difficult to go through and it had to be a democratic decision to take.

The Head of Law and Regulation also explained that in relation to job sharing that this was the right of the Members and Council could not take a view for the Leader to not be able to do it as it was the choice of the individual.

- Councillor M. Evans asked that if the Chief Executive decided to job share, would members of the Council have any say in this.

The Head of Law and Regulation stated that members of staff could apply to job share but if people were refused job share then it could be a form of indirect discrimination if people were having work life balance difficulties but if job sharing affected the role it could be refused.

- Councillor T. Watkins asked as to when the act had to all be in place and the Head of Law and Regulation confirmed that May 2022 was the end date.
- Councillor C. Evans stated that the Committee was tasked with meaningful issues and that a more cooperative approach was needed for the full term and that the Committee needed to come up with a plan on specific areas and what we would like to do. One of those being how to involve the public in full Council and Scrutiny Committees and could the Committee task officers to look at best practices by other Councils, UK wide and perhaps have a subcommittee and ultimately make recommendations to full Council.

The Head of Law and Regulation agreed that research could be carried out by the Democratic Services Teams Graduate Trainee. Research could be carried out on public engagement and how it would work, and it was up to the Democratic Services Committee to decide how to engage. Background information could be researched and fed back to the Committee. A Task group could be set up, but it was suggested that this Committee would need to meet up more regularly to collaborate on terms of participation strategies etc.

- Councillor C Evans wanted to propose this as a starting point to look at similar sized Councils to Newport. Councillor C Evans made the point that party leaders needed to be informed at each stage of proposals with a properly working document for the senior political leaders to look at e.g., a flow chart.

- Councillor C. Evans proposed that officers looked at best practice as a single issue as we would have to look at it in some detail.

The Chair asked as to who would form the task force group or whether Members favoured a committee.

- Councillor C. Evans explained that they had mentioned a task and finish group as it was a cohesive process for a task group but that the Committee would be committed to follow through on this issue.
- Councillor J. Clarke stated that job sharing was common in large corporations and it was something that they would embrace. In relation to engagement of the public what was key was gaining trust and transparency so there were some very big decisions to be made by this Committee. Councillor Clarke agreed that public engagement needed to be done correctly and it could not be just the one individual person bringing up issues again that were already dealt with.
- Councillor Hourihane stated that caution should be advised as they stated that when they used to visit district councils in sitting and one of these was the first one to have a public Q&A session, these became political opposition slots and didn't make meetings democratic but made Councillors more vocal and this needed to be considered if Council meetings were going to be open to the general public, would it be taken over by people that may not have been elected as they may see this as getting their point put forward.
- Councillor K. Thomas stated that the public may appear at Council meetings if the item was contentious which was fine, but it would maybe be better if public members let their local Councillor know of their feelings prior to Council. Councillor K. Thomas stated that all the Councillors were democratically elected even though from different parties, and Councillors were there to listen to constituents.
- Councillor T. Watkins said that they were all for the Committee looking at this and that as the Local Government act would be phased in, the Committee could look at these phases as they occur to decide on that module and also asked would Newport City Council ratify the individual models or would it have to wait until the end to have it ratified by Council.

The Head of Law and Regulation confirmed that this could work either way, at the end of this process there was an obligation to redraft the constitution and to produce a summary guide to the constitution. This was a requirement in the legislation and WLGA was coordinating this nationally but there was no reason why this couldn't be fed back incrementally.

If the Committee was happy with the recommendations agreed on, then this could be taken to Council now and maybe the constitution could be brought to Council later at the end of the process. However, any decisions ratified in the meantime could be taken to Council.

- Councillor C. Evans stated that this was a journey and that when an issue was raised there was a forensic approach by the Committee which was the right approach.

- Councillor M. Evans suggested that Cabinet Questions could also be looked at as well as Questions for Council.
- Councillor C. Evans reiterated the step-by-step approach mentioned and that 2 areas would be looked at which was agreed were public questions and petitions to report back on and was it best to maybe widen scope to other areas later.
- Councillor K. Thomas stated that they were not sure this was agreed as the Graduate Trainee would look at proposals and then look at best practice and there were not specific areas mentioned.

The Head of Law and Regulation advised that the Committee should not get too focused on Questions at Council as this was just an example, as a holistic approach would be more favoured, to look at other areas of the UK and how they do public consultations generally.

Councillor T. Watkins asked how long this process would take.

The Head of Law and Regulation stated that it was not to be rushed, it would be comprehensive and would be ready for the next meeting. After that the Committee could meet more regularly.

Agreed:

The Members of the Democratic Services committee agreed for research on best practice in other Councils.

7. Date of Next Meeting

22 July 2021 at 10am

Minutes



Governance and Audit Committee

Date: 27 May 2021

Time: 5pm

Present: Cllr Richard White, Cllr Mark Whitcutt, Cllr Phil Hourahine, Cllr Herbie Thomas, Cllr Ray Mogford

In Attendance: Mark Bleazard (Digital Services Manager), Gareth Price (Head of Law and Regulation), Rhys Cornwall (Head of People and Business Change), Paul Flint (Performance and Research Business Partner), Dona Palmer (Audit Manager), Mark Howcroft (Interim Assistant Head of Finance), Andrew Wathan (Chief Internal Auditor), Laura Mahoney (Senior Finance Business Partner), Robert Squance (Audit Manager), Anne Jenkins (Governance Team Leader), Ellie Howard (Graduate Trainee), Kathryn Beavan-Seymour (SRS), Matt Lewis (SRS), Gareth Lucey (Audit Wales)

Apologies: Councillor Gail Giles

2 Declarations of Interest

None.

3 Minutes of the Last Meeting

Cllr Hourahine wanted to clarify that he had asked how long instruments lasted before they were written off; the answer given at the time was 7 years. Andrew agreed to seek clarification from the manager of Gwent Music whether this answer was correct. This point was noted as needing to be corrected.

Subject to the last comment being amended, the minutes were agreed.

4 Appointment of Chairman

The Chair was re-elected for another year of the position.

5 Treasury Management Year End Report 2020/21

Laura Mahoney, Senior Finance Business Partner, explained that this paper is to inform the Committee of the treasury management activities undertaken in financial year 2020/21. This is a backwards looking report and confirms that the Council keeps its strategy of maintaining its' investments to a minimum, rather than taking out additional long term borrowing.

A summary of the treasury management activities shows that total borrowing in the year 2020/21 reduced by £13.1 million to £153.2 million, and total investments increased by £12.3 million to £24.8 million. This reduced the net borrowing by £25.4 million to £128.4 million.

The main reasons for the decrease in the net borrowing at the end of 2019/20 was that the Council had undertaken some short term borrowing to support small businesses in March 2020, in response to the pandemic. Welsh Government then reimbursed this, and the borrowing was repaid in June 2020. The increase in investments is due to having higher levels of cash, due to possible unexpected pressures during the pandemic.

The overall borrowing strategy remains the same, the Council has significant long term borrowing requirements. The Council's current strategy of funding capital expenditure utilises internal borrowing rather than undertaking new borrowing when it can. The level of internal borrowing currently stands at £107 million as of the end of 31st March 2021. Currently only investing very short term with UK government and local government, meaning there are low interest rates, but this was felt as prudent during the pandemic. The 2020/21 treasury management strategy agreed that the Council would be undertaking longer and larger investment strategies in riskier investments, to generate income. CCLCD stopped new investments following the pandemic. Due to the market volatility at the time, it was decided that it was not prudent to begin investing in more risky instruments.

In terms of the impact of Covid-19 on cash flow, the Council has had to take no further long-term borrowing since January 2021, apart from £94,000 for Salex, for a one off energy project, and this had no interest. This was due to a significant amount of Welsh Government funding during Covid-19. It is expected that additional long term funding may be required over the course of the following year.

The PWLB have released new lending terms after last years' consultation. Interest rates will be reduced, provided that Local Authorities submit detailed capital expenditure plans.

Discussion included the following:

- Members queried what the PWLB stands for
- The Senior Finance Business Partner explained it stands for Public Works Loans Board.
- Members queried if there is a paper on when we can expect payback from Salex, and what is this money being invested in?
 - The Senior Finance Business Partner explained that the project is for the replacement of all lighting in the velodrome so it is energy efficient. The current payback is expected in 8-10 years.
 - Members commented that 10 years is a long payback period
 - The Senior Finance Business Partner replied that the payback period is expected to be 8 years
- The Chair asked how much the capital spend slippage is
 - The Senior Finance Business Partner answered that it is approximately £7 million
 - The Chair asked why this is slipping 25% year on year, and do the treasury take account of this in the strategy?
 - Treasury Management do take account of slippage as part of the forecast, and tend to assume 25-30% for each year. This year lots of the slippage was in relation to grants from Welsh Government, who have given an extension up until the end of April in order to spend some of the allocations. Often, by the time allocations were received, it was difficult to get plans and contractors in place.
 - The Chair queried that, if we have a plan for capital and every year there is slippage, would this not indicate poor project management? We wouldn't want to risk losing grants from Welsh Government if it appears we are not spending this money that we have received.

- Members commented that shortfall in education projects was cited as the reason for slippage for year before. Has all the slippage attributable to Education projects been closed out?
 - The Senior Finance Business Partner explained that there has been some slippage in Education projects, but the main areas of slippage last year have been managed more effectively this year
- The Chair asked that, as our borrowing is now £128 million, are we now down to relatively low levels of net debt
 - The Senior Finance Business Partner said she would need to go back and confirm that.

Action:

The Senior Finance Business Partner (Laura Mahoney) to clarify the last query regarding debt levels.

Agreed:

The paper was duly noted and approved by the Committee.

6 Audit Committee - Changes to Terms of Reference

The Head of Law and Regulation presented this item. The purpose of this item is to note the contents of the report and endorse the recommendations to make the constitutional changes, which reflect the new legislation affecting the Governance and Audit Committee.

The Local Government and Elections Wales Act will bring changes to the Councils' internal governance.

The changes in terms of audit have come into effect on 1 April 2021. The first change is the change of name to 'Governance and Audit Committee' to reflect enhanced terms of reference and expanded responsibility. The second change is to add to the statutory terms of reference to include additional responsibilities in terms of complaints handling, as well as a role relating to performance assessment going forwards, under the legislation.

In appendix 2, the new terms of reference have been set out to incorporate the statutory changes. Council will be asked to make those constitutional changes at the next meeting at the end of June.

The opportunity has also been taken to update the role descriptions for the chair and members due to these constitutional changes. The change to the complaints handling procedure will start immediately, and that will be in the forward work programme from now. Regarding the performance assessment aspect, we are awaiting further guidance from WG.

It aims to provide a self-assessment process for service delivery, which will replace the previous annual report system in place. This is a more flexible self-assessment process and will include a peer review by an independent panel. Democratic Services are currently unclear about how this will work in detail. The Committee will need to produce the first assessment report by 2022/23, so it is likely to be deferred to September 2022, after the next elections. Flintshire have volunteered to be a pilot council, and the Committee can learn from their experience. Once this new process is in force, Governance and Audit Committee will play a role in overseeing the self-assessment process in terms of improving service delivery.

Another change to come is the composition and membership of the Committee. As from next May (2022), there will be a legal requirement to ensure that at least a third of the committee members are independent. That is intended to strengthen the external scrutiny of the Council's audit process. Between now and next May, we will need to go through a recruitment process to recruit new lay members. In addition, as the chair has served two successive terms of office, a new independent chair will also need to be recruited.

Democratic Services are recommending to start this process now, as there is a long and rigorous procedure of recruitment and interviews.

Discussion including the following:

- The Chair remarked that, currently, the Audit Committee oversees the risk process. Can we confirm that this new Act does not bring any new powers regarding risk for the Audit Committee?
 - The Head of Law and Regulation replied that there is no change to risk. Under the 2011 Act, there are statutory roles and responsibilities for audit, but the Council has discretion to provide additional roles. It is already in the terms of reference that Audit Committee has oversight of the Council's risk processes, and the Committee need to be satisfied that the Council has robust measures in place to deal with risk. However, the identification of corporate risks and dealing with these remains an issue for Cabinet Members.
- Members asked how the recruitment process will happen in a politically balanced way, and who will oversee this?
 - The Head of Law and Regulation explained that the first element is the role description, which sets out what we are looking for; this is the basis on which applications are being assessed. This will be put out for external advertisement. Officers will then create a shortlist of applicants. We would then look to set up a politically balanced panel to interview the applicants, supported by officers who regularly advise this Committee. These recommendations would then go to Full Council for appointment.

The Head of People and Business Change commented that, regarding performance, the intention is to work with the Committee to determine what this will look like for the Council, rather than presenting Committee with the finished article. Over the next few months, the plan is to bring forward some ideas with help of WLGA.

Agreed:

The Committee endorse the recommendations of the Democratic Services Committee.

7 Corporate Risk Register Quarter 4

The Head of People and Business Change presented this item.

In Q4, the Council is dealing with 46 risks including those in the corporate risk register across all service areas. All detail of these risks is contained within the report. There were 6 service areas where risks were closed within this quarter.

There is also some change in direction of corporate risks also within report. The Brexit risk has reduced. In year financial management reduced risk due to year end closing. Covid-19 pandemic risk receding by end of March due to vaccination programme; this continues to be monitored carefully. NCC property estate risk has increased due to St Andrew's Junior School, and there are mitigations in place for this. Out of County Placements for Special Educational Needs risk has also increased at the end of Q4.

The Performance and Research Business Partner explained that at the end of Q4, we have identified a number of risks that have remained at the same score over the last year. In light of this, corporate management team (CMT) will be taking a more proactive approach looking at performance and risk over the coming year. They will be undertaking deep dive reviews to understand why certain risks remain high, and what can be done to mitigate and reduce these risks in order to achieve the target risk scores. As part of good practice, the CMT and Cabinet will be looking at the current risk appetite statement, and consider whether the risk appetite statement needs to change to reflect what risks are being faced internally and

externally. In due course, the committee will receive this risk appetite statement for comments and consideration, and this will be taken to Cabinet.

Discussion included the following:

- Members commented that they were pleased a number of risks had fallen. It was queried why has the risk gone up for out of county placements, despite more places being opened up for children in care.
 - The Performance and Research Business Partner explained that Out of County placements are due to the change in legislation regarding additional learning needs, which has placed additional demands on the service. We need to utilise Out of County placements due to the increase in demand.
 - Members commented that the report could be clearer in explaining that the risk had gone up due to increased demands placed on the service.
- Members asked regarding the property estate risk and wanting to achieve carbon neutral by 2030, how would this affect that risk due to significant investment needed?
 - The Head of People and Business Change replied that becoming carbon neutral by 2030 is a huge challenge. Carbon is spread across a range of activities, partly property related, but also a lot of this footprint comes from procurement of services, as well as transport activities. That risk is associated across our entire estate, and when issues arise such as the St Andrews property, they do have an impact on risk. The carbon reduction plan will have an impact on that.
- The Chair commented that CMT are taking more ownership of risk than perhaps they previously were. On page 49, we have 10 red risks that aren't moving, which implies that not much is being done to mitigate these risks. Will CMT look to mitigate these risks?
 - The Head of People and Business Change replied that there is a lot going on to mitigate these risks, but some of them are very challenging. It is necessary to bring in different views, ideas and resources to approach these risks. Risks are taken very seriously, and there is lots of work going on. Moving forward, need to consider how we consider performance management and risk together, and would be useful to do a deep dive approach. Some of these risks are beyond the control of CMT. We need to address how we determine what our target risk score is. We may need to accept that sometimes our target risk scores are perhaps too high.
 - The Performance and Research Business Partner explained that having a more mature approach is what we're aiming to do, in relation to risk management. CMT are taking more ownership and responsibility. We would be happy to undertake deep dives and call in any owners of risks to explain the standing of various issues.

Agreed:

This paper was duly noted and approved.

8 Annual Governance Statement (draft statement)

The Chief Internal Auditor presented this item. The purpose of this Statement is to give assurance to the Committee that the appropriate controls are in place across the Council, and ensure that all business is appropriate. There is a requirement to put an annual governance statement together, and this is an early sight for members of the Governance and Audit Committee to comment and shape this annual statement. It is based on the code of corporate governance, which has come through the Governance and Audit Committee previously. That is the framework as set out by CIPFA / Solace for good governance in the public sector. This framework details all governance frameworks we have in the Council. The 7 governance principles are outlined in the report given to Members. The report hopefully gives Members assurance that we have appropriate internal controls in place for 2021.

The intention of the statement is to capture what has gone through Scrutiny, Cabinet, Audit Committee and Council through the year demonstrating good governance. We would say we have effective governance processes in place. As stated this is in draft form, and will be sent to all Heads of Service once thoroughly checked and completed.

Discussion included the following:

- The Chair mentioned that perhaps this statement is too long. There are also some formatting issues, which the Chair will send through to the Chief Internal Auditor. There is a diagram on page 107, which doesn't add much value and is too complicated; this could be taken out. On page 116, 'role' is spelt wrong as 'roll'. On page 131, the conclusion is not clear enough to say how effective the controls are. We need a statement that makes clear whether our controls are effective or not, not just in relation to Covid-19.
 - The Chief Internal Auditor explained that the purpose of the diagram is to link the Council values with the Wellbeing of Future Generations Act. However if this is unclear it can be removed.

Agreed:

The report was duly noted and The Chief Internal Auditor noted the comments made.

9 Audit Wales Annual Report on Grants Works 2020-21- Draft

A representative from Audit Wales, Gareth Lucey, presented this item. This is the standard annual report for grants which Audit Wales are responsible for certifying. The full details are contained within the report. Audit Wales certified far fewer audits this year, due to WG removing the requirement for Audit Wales to externally certify some types of grants; the number of grants certified was reduced from 10 to 4.

There have been no new issues or matters of focus arising from the findings this year. However, a number of issues raised related to the Housing Benefit subsidy return. Audit Wales have raised a number of recommendations, particularly concerning the relationship between the housing benefit team and the housing needs team. If these recommendations are successfully implemented, this will reduce the cost of certifying this item, and reduce the risk relating to this issue.

Discussion included the following:

- The Chair queried regarding housing benefit and the teachers' pension. Have asked for clarification from finance as to what actions are being taken, but it seems that each year the answer is the same but nothing seems to be done. This new report emphasises that this is a continuous problem. What are the accountancy team and audit team going to do about this?
 - Gareth Lucey replied from the Audit Wales perspective. The aim is to escalate this set of recommendations to hold the housing benefit team to account. In future years, we need to ensure that these are actioned in the coming years. Actions can still be taken at this stage to correct any issues in the 2020/21 return.
 - The Interim Assistant Head of Finance (Mark Howcroft) explained that this is a common feature in the housing benefit claim across local authorities, as it is a large claim and has significant movements in it. But this is not to say that the Council can't get better at improving the communication between the housing benefit team and housing needs team.
- The Chair commented that the fact it happens elsewhere doesn't make it right
 - The Interim Assistant Head of Finance (Mark Howcroft) explained that this is just context to recognising that this is a complex claim that involves large amounts of money.

- The Chair replied that the same things come up year on year. E.g., the form not being signed off by relevant finance officer, this seems like a basic check that needs to be done. If there are certain areas that are complicated that people need training on, this can happen. However there is also information just not being obtained. Some of this is basic stuff, like people not getting the right information that is expected. We need to minimise human error regarding this.
- The Chair also enquired regarding the teachers' pensions element
 - The Head of People and Business Change explained that this can become complex due to teachers changing their hours etc. The Council have invested in an HR system which is now totally online, which will help to better calculate pensions.
 - The Chair requested that the audit team look at both of these items.
- Members enquired that the report seems to suggest an error in systems has saved £400,000. What is being done to check this?
 - Gareth Lucey (Audit Wales) explained that this is an isolated issue, however it reduced the amount the Council needed to pay. It was merely due to an error within the spreadsheet (a row was deleted).

Action:

Request that the audit team look into the housing benefit teams' actions

Agreed:

The Committee duly noted the report, and note that finance will work with housing benefits to resolve some of these issues.

10 Internal Audit Annual Report 2020/21

The Chief Internal Auditor presented this report. The annual report is based on two elements- assurance that we have effective internal controls, governance arrangements and risk management process in place and also the performance of the team. This report is looking back over 2020/21.

The overall opinion is set out in the report as **Reasonable**. This means we have adequate controls, although there are risks present requiring improvement. The 2020/21 opinion was based on 6 months of audit work due to Covid-19 impacting on the ability to carry out audit work. Although Audit Committee previously agreed a plan for 1200 days of audit work, the revised plan was 600 days' worth of audit work. The team did a fantastic job of getting as many opinion ratings out as possible. For 2020/21, it has also been necessary to rely on previous years' audit work, as there have been very few changes regarding systems or staff, meaning we have assurance that we can rely on this opinion.

The other aspect of the report is the performance of the team, which has completed 78% of the agreed plan, and this was revised based on a half year of work. It was hoped that the team would get back out to schools and other site visits, but due to Covid-19 this was not possible.

The overall opinion is based on 6 months work, and the team identified 29 opinions to give an overall **Reasonable** level of assurance, also relying on previous knowledge and audit work, to identify that there are no significant issues.

Comparing year on year, paragraph 6 outlines the number of opinions given in the past 4 years.

2020/21: similar number of opinions issued in 19/20 which was for a full year. This shows the team really focused on the opinion work.

It was pleasing to note there were 5 good opinions. There were 23 reasonable opinions, and 1 unsatisfactory opinion (Newport City Dogs Home).

The team have also taken on an additional resource, taken on an external internal audit expert provided by South West Audit Partnership. This report would normally report on the implementation of the 2019/20 agreed management actions, but due to the covid pandemic, this information has not been fully received. This will be reported back to the Committee later on in the year.

The team are in another 2-year cycle of the National Fraud Initiative, and they are currently working through the data matches from the Cabinet Office.

The team are getting draft reports out within 8 days, and final reports out within 3 days, which is commendable.

The Chief Internal Auditor then outlined the appendices of the report, which summarised the items being reported on; this was regarding internal controls and the performance of the team.

Discussion included the following:

- Members commented that the dogs' home has come up a number of times in audit. Do we need to address this as a committee?
 - The Chief Internal Auditor explained that there has only been one unsatisfactory report, so it doesn't seem necessary to call them in yet. If there is a second unsatisfactory opinion, his advice would then be to call them in.

Agreed:

The report is duly noted and endorsed.

11 Internal Audit Annual Plan 2021/22

The Chief Internal Auditor presented this item. This report looks forwards to 2021/22, and is being brought to the Governance and Audit Committee for comment and approval. This report relates to work, Internal Audit are planning to undertake across all service areas. The objective is to provide assurance on the adequacy of the internal control environment, governance arrangements and risk management processes. The plan aims to cover as many service areas as possible and is based on a full 12 month financial year. This is based on 1084 productive audit days.

There is some background information in the report about the structure of the team and the independence of their work. They are planning to cover some of the higher risk rated areas.

The team will have to prioritise any work which couldn't be done in 2020/21. The plan also incorporates schools, which seems possible having spoken to the Chief Education Officer.

The Chief Internal Auditor has spoken to all heads of service regarding risk in their service areas, in addition to known audit issues as a team, which has helped shape this year's plan.

The Audit Team has prioritised the long list of the audit universe into a more reasonable audit programme and then balanced it to the resources available, to result in an audit plan which has been presented to the Committee.

The Chief Internal Auditor then outlined the appendices of the report, which explained the details of the audit processes and individual jobs.

There are 82 jobs in the plan, of which 59 are opinion related. 23 non-opinion related works where the team can add value to the organisation.

There are currently 6.5 full time staff. The total number of working days in the year is 2072, deducting leave, sickness, training, management, admin etc. leads to a net figure of 1084 productive audit days- (934 operational audit days & 150 allocated to special investigations)

Discussion included the following:

- The Chair mentioned that there is capital programme slippage every year. Is there a possibility to review project management around capital plans and capital budgeting, as this appears to be a weakness?
 - The Chief Internal Auditor explained that the plan is flexible, and needs to be flexible to respond to need. This is something that can be included, but will need to be adjusted within the plan. Will need to discuss this with lead officers to ensure we can accommodate this.
- Members queried the 7 items which have never been audited. Can these items be prioritised for audit as a matter of urgency?
 - The Chief Internal Auditor replied that the team will endeavour to do these first, but will need to work with service areas to agree an appropriate time for these audits to take place.

Agreed:

Report is duly noted and approved.

12 SO24/Waiving of CSO's: Quarterly report reviewing, Cabinet/CM urgent decisions or waiving CSO's (Quarter 4, Jan to March)

The Chief Internal Auditor presented this item. This is a quarterly report related to waiving of contract standing orders (CSOs) and urgent decisions which have been taken that don't have the opportunity for call in by other members. In the last Quarter, there were 2 reports relating to the NNDR for discretionary relief, as a result of the pandemic. One report relates to hospitality, one to enhanced hospitality. The Leader of the Council in both cases has taken an urgent decision.

The first report didn't specifically say why an urgent decision was made, but within the appendix of that report, the information came through from WG that the government minister made the decision on the 3rd March 2021 for council tax papers which go out before the 1st April. Therefore this urgent decision was due to WG making a late decision, as an email was sent to NCC on 16th March with paperwork needed by 1st April. It was therefore deemed as an appropriate justification.

Although it was not specifically stated in the report for the second item, the Chief Internal Auditor subsequently identified that the justification for the urgent decision was the same as the first item, a late decision by WG being communicated to NCC in mid March. Therefore, there was appropriate justification for the second item, as an urgent decision needed to be made regarding the NNDR discretionary relief. It would appear there is no cause for concern there.

Agreed:

The Committee duly note the comments and recognise there is no cause for concern.

13 Draft Work Programme

The Chair observed that there were some lines within the report for the forward work programme which had been repeated.

Action:

The Democratic Services Team will work in the background to iron out any issues with the work programme.

14 Date of Next Meeting

29 July 2021 at 5pm

Part 2 Exempt or Confidential Items16 Audit Wales Cyber Security Report

Gareth Lucey from Audit Wales presented this report. This report has been issued to all audited bodies in Wales confidentially. Putting this report into the public domain could lead to an increase in cyber-attacks against public sector bodies, which is undesirable. This is being seen as the beginning of discussion, to inform and educate any further actions. Cyber-attacks are becoming a growing and common threat; there were around 1 million unsuccessful cyber-attacks in the last year alone.

This report is largely survey based. What it shows is a variable picture across the public sector. What we are doing is to consider, from this national report, what can be done locally to take this forward.

The Head of People and Business Change emphasised the confidentiality on this agenda item. He assured the committee that there is no complacency on the part of NCC. As a Council we are in a good position, particularly with SRS as our strategic partners. This is something of daily concern to himself and SRS. This is with regards both to digital services as well as counter-terrorism. The risk is very high to public bodies, both from criminals, organised crime, and terrorism. This is from a digital point of view, as well as a physical location.

The Digital Services Manager explained that this is a significant report. The threat level has increased over the past few years. This is very much a business as usual activity for NCC. There are measures currently in place to mitigate these risks. The team work on significant solutions to prevent the spread of ransom-wear, and further solutions for worst case scenario. There had been a significant incident previously with a travel company, which had a huge impact on their services. In the public sector, Redcar in Cleveland was hit with ransom-wear. The threat is out there and having an impact. The Irish health service has also recently been attacked. NCC is taking specific steps to boost its own protection. There are technical and non-technical measures in place to reduce risk. We are now in the process of compiling the 9th report regarding information risk. We are aware that this is a real risk, but there are a number of measures to ensure that these risks are mitigated.

Kathryn Beavan-Seymour from SRS explained that 30% of SRS activity is related to preventing risks. Penetration tests are provided by external companies, which provide reports on partner organisations to ensure everything is working properly. There are full anti-virus capabilities, email detection etc. Web-proxy is in place which monitors all internet access to protect against threats. Schools have WG specific process in place to ensure only age specific content is available. SRS have put a tender process together to monitor against defence throughout the organisation- this went out to tender in Feb/March, currently compiling the business case for this to go out to all partners. Recently carried out an internal audit as well.

The Head of People and Business Change reported that a group had recently attended an All-Wales cyber-resilience event, considering business continuity and cyber-attack issues.

This is being kept in everyone's consciousness across Wales. If the attack is of the nature that it can't be defended against, then recovery is the critical aspect.

Discussion included the following:

- The Chair commented that it is very reassuring that all of these measures are in place. Is there a plan for a local audit in Newport?
 - Gareth Lucey from Audit Wales explained that it is currently up for discussion, deciding how best to take this forward.
- Members emphasised that what Kathryn outlined could act as a type of audit. What is the reporting line back to NCC?
 - Kathryn Beavan-Seymour explained that SRS report back on a monthly basis to the Newport group.
- Members commented that it is essential to take this seriously. There is no complacency in the officers in this Council.
- Important to note that the Council response is very comprehensive and this issue is taken very seriously by all involved. The Committee appreciate the work being done to achieve this.

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