

Agenda



Newport City Council

Ddydiad: Dydd Mawrth, 10 Medi 2019

Amser: 5.00 pm

Lleoliad: Siambr y Cyngor - Canolfan Dinesig

At sylw: **Pob Aelod o'r Cyngor Dinas**

HYSBYSIAD GWE-DDARLLEDU

Gall y cyfarfod hwn gael ei ffilmio ar gyfer darllediad byw neu ddarllediad wedi hynny trwy wefan y Cyngor.

Ar ddechrau'r cyfarfod, bydd y Maer neu'r Person sy'n Llywyddu yn cadarnhau os yw cyfan neu ran o'r cyfarfod yn cael ei ffilmio. Efallai y bydd y delweddau a recordiad sain yn cael eu defnyddio hefyd at ddibenion hyfforddiant o fewn y Cyngor.

Yn gyffredinol, nid yw'r ardaloedd eistedd cyhoeddus yn cael eu ffilmio. Fodd bynnag, wrth fynd i mewn i'r ystafell gyfarfod a defnyddio'r ardal seddau cyhoeddus, rydych yn rhoi caniatâd i chi gael eich ffilmio a defnydd posibl o rhai delweddau a recordiadau sain ar gyfer gwe-ddarlledu a/neu ddibenion hyfforddiant.

Os oes gennych unrhyw ymholiadau ynghylch hyn, cysylltwch â Rheolwr Democratiaeth a Cyfathrebu

Eitem

Wardiau dan Sylw

1. Rhagofynion
 - i. Derbyn unrhyw ymddiheuriadau am absenoldeb
 - ii. Derbyn unrhyw ddatganiadau o fuddiant.
 - ii. Derbyn unrhyw gyhoeddiadau gan y maer.
2. Cofnodion (*Tudalennau 5 - 20*)
Cadarnhau a llofnodi cofnodion y cyfarfod diwethaf.
3. Penodiadau
Ystyried unrhyw benodiadau arfaethedig.
4. Materion yr Heddlu
Neilltuir 30 munud ar gyfer cwestiynau i gynrychiolydd Heddlu Gwent..
5. Hysbysiad o gynnig: #Wyf Adduned 2 Siarad - Ymgyrch Atal Hunanladdiad Ymhlith Dynion
6. Penodi Prif Weithredwr Dros Dro/Pennaeth y Gwasanaeth Cyflogedig All Wards

Contact: Elizabeth Blayney

Tel: 01633 656656

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

Date of Issue: Dydd Mawrth, 3 Medi 2019

(Tudalennau 21 - 26)

7. Arcêd Marchnad Canol Dinas Casnewydd: Gorchymyn Gwarchod Mannau Cyhoeddus (Tudalennau 27 - 34) Stow Hill

8. Adroddiad Blynyddol Craffu 2018/2019 (Tudalennau 35 - 50) All Wards

9. Cwestiynau i Arweinydd y Cyngor
I roi'r cyfle i gynghorwyr ofyn cwestiynau i Gadeirydd y Cabinet yn unol â Rheolau Sefydlog y Cyngor.

Proses: Ni chaiff mwy na 15 munud eu cadw yng nghyfarfod y Cyngor ar gyfer cwestiynau llafar i'r Arweinydd

Rhaid i'r cwestiwn cael sylw drwy'r Maer neu'r sawl sy'n llywyddu yn y cyfarfod ac nid yn uniongyrchol at y person a holir

10. Cwestiynau i Aelodau 'r Cabinet
I roi'r cyfle i ofyn cwestiynau i Aelodau'r Cabinet yn unol â Rheolau Sefydlog

Proses: Ni chaiff mwy na 10 munud eu cadw yng nghyfarfod y Cyngor ar gyfer cwestiynau i bob Aelod Cabinet unigol.

Bydd angen i'r Aelodau cyflwyno eu cwestiynau arfaethedig yn ysgrifenedig yn unol â'r Rheolau Sefydlog. Os nad yw'r aelodau yn gallu gofyn eu cwestiwn ar lafar o fewn yr amser a glustnodwyd, bydd y cwestiynau sy'n weddill yn cael eu hateb yn ysgrifenedig. Bydd y cwestiwn ac ymateb yn cael eu hatodi i'r cofnodion.

Rhaid i'r cwestiwn cael sylw drwy'r Maer neu'r sawl sy'n llywyddu yn y cyfarfod ac nid yn uniongyrchol at y person a holir

Bydd y cwestiynau yn cael eu gofyn i aelodau'r cabinet yn y drefn ganlynol:

- Dirprwy Arweinydd / Aelod Cabinet dros Ddatblygu Asedau ac Aelodau
- Aelod Cabinet dros Addysg a Sgiliau
- Aelod Cabinet dros y Gwasanaethau Cymdeithasol
- Aelod Cabinet dros Adfywio a Thai
- Aelod Cabinet dros y Gymuned ac Adnoddau
- Aelod Cabinet dros Gwasanaethau Stryd
- Aelod Cabinet dros Trwyddedu a Rheoleiddio
- Aelod Cabinet dros Ddiwylliant a Hamdden

Er Gwybodaeth: Mae crynodeb o amserlenni penderfyniad diweddar a gyhoeddwyd gan y Cabinet, Aelodau Cabinet a Chofnodion cyfarfodydd diweddar y Pwyllgorau wedi cael ei gylchredeg yn electronig at bob Aelod o'r Cyngor.

11. Cwestiynau i Gadeiryddion Pwyllgorau
Bydd y cwestiynau yn cael eu gofyn i Gadeiryddion Pwyllgorau yn y drefn ganlynol:

- I. Pwyllgorau Craffu
 - Pwyllgor Rheoli Trosolwg a Chraffu
 - Pwyllgor Craffu ar Berfformiad – Pobl

- Pwyllgor Craffu ar Berfformiad – Lleoedd a Materion Corfforaethol
- Pwyllgor Craffu ar Berfformiad – Partneriaethau

- II. Pwyllgor Cynllunio
- III. Pwyllgor Trwyddedu
- IV. Pwyllgor Gwasanaethau Democrataidd

12. Pwyllgor Safonau Cofnodion (*Tudalennau 51 - 56*)

Mae'r dudalen hon yn wag yn

Minutes



Council

Date: 23 July 2019

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, R Jeavons, C Jenkins, M Kellaway, M Linton, D Mayer, R Mogford, J Mudd, M Rahman, J Richards, M Spencer, T Suller, H Thomas, K Thomas, C Townsend, R Truman, T Watkins, M Whitcutt, R White, K Whitehead, D Wilcox, D Williams, J Clarke, V Dudley, Y Forsey, R Hayat, P Hourahine, J Hughes, J Jordan, L Lacey, S Marshall, W Routley, H Townsend and J Watkins

Apologies: Councillors J Cleverly, M Cornelious, K Critchley, G Berry and T Holyoake

1. Preliminaries

i) To receive any apologies for absence

The Monitoring Officer reported apologies for absence.

ii) To receive declarations of Interest

There were no declarations of interest.

iii) To receive any announcements by the Mayor

Stephen Bell

The Mayor noted the tragic death of Stephen Bell who worked within the Council's highways team. The Mayor led the Council in offering its deepest condolences to Stephen's family, friends and colleagues in this difficult time.

The Mayor led a minutes silence as a mark of respect to Stephen Bell.

Mayors Charity Events

The Mayor updated the Council on recent events hosted and attended by the Mayor, including attending Newport County's match at Wembley Stadium.

British Transplant Games

The Mayor reminded the Council of the upcoming British Transplant Games being hosted by Newport City this upcoming weekend and encouraged the Council to attend and show support to this event.

2. Minutes

The minutes of the Council meetings held on 30 April 2019 and 14 May 2019 were approved as a true and accurate record.

3. Appointments

Councillor Harvey presented the report and updated the Council on the proposed changes to Committee appointments.

Resolved

Internal Appointments

Committee	No. of Vacancies / Replacements	Nominations Received
Planning Committee	Replacement	Cllr Malcolm Linton to replace Cllr Tracey Holyoake
Appointments Sub-Committee	7 Vacancies	Cllr Debbie Wilcox Cllr Gail Giles Cllr Paul Cockeram Cllr Majid Rahman Cllr Matthew Evans Cllr Jason Jordan Cllr Carmel Townshend
Overview and Scrutiny Management Committee	1 replacement	Cllr Phil Hourahine to replace Cllr Malcom Linton
Performance Scrutiny Committee – Partnerships	1 replacement	Cllr Christine Jenkins to replace Cllr Yvonne Forsey
Performance Scrutiny Committee – People	1 replacement	Cllr Malcom Linton to replace Cllr Ken Critchley

Appointments to External Organisations

Organisation	No. of Vacancies / Replacements	Nominations Received
Police and Crime Panel	Replacement	Cllr Mark Spencer to replace Cllr John Guy

Governing Body Appointments

Governing Body	No. of Vacancies / Re-appointments	Nominations Received
Caerleon High School	Replacement	Ms Penny Keggie (to replace John Parfitt)

Tredegar Park Primary	Replacement	Cllr Ibrahim Hayat(to replace Jeanne Hugo)
Malpas Court Primary	Vacancy	Amy Morris
Glasllwch Primary School	Vacancy	Mrs Gillian Hyland
Malpas Primary School	Reappointment	William Langsford
Malpas Primary School	Reappointment	Cllr David Mayer
Ringland Primary	Replacement	Cllr Laura Lacey (to replace Cllr Rehmaan Hayat)
Milton Primary -	Replacement	Cllr Rehmaan Hayat (to replace Cllr Laura Lacey)
Ysgol Gyfun Gwynllyw	Reappointment	John Harris
Rogerstone Primary	Vacancy	Alexandra Mlewa
St Woolos Primary	1 Vacancy	Cllr Tracy Holyoake to be removed. Replacement to be confirmed.
Pill Primary	1 Vacancy	Cllr Tracy Holyoake

It was also resolved that the Council agree the appropriate dispensation for Councillor Ken Critchley continued absence beyond 6 months due to ill-health, for the purposes of section 85 of the Local Government Act 1972.

4. **Police Issues**

Chief Superintendent Mike Richards gave an update on local policing matters, highlighting key developments particularly relating to priority areas of anti-social behaviour, begging and issues with the night-time economy.

- Councillor Roger Jeavons was pleased to note the progress made in addressing the issues with 'Boy Racers' and the anti-social behaviour associated with this, which would need a continually robust response during the summer months. Cllr Jeavons also thanked the Police for their support during the first few weeks of the transfer to Civil Parking Enforcement which had been successful.
- Councillor Majid Rahman asked for assurances of increased police visibility in the Victoria Ward, noting several instances of anti-social behaviour including off road biking, and the concerns of the local community in that area. The Police noted that the instances referred to were known to the police, and provided assurances that the Police would be as visible as was possible within the area.
- Councillor David Fouweather asked for an update on whether the additional police officers for Newport City Centre were in place, and whether there was an increase in foot patrols to increase visibility and address the concerns of residents coming into the city centre after 4pm.

The Police responded that an additional 8 Police Constables had arrived in the City Centre Team in the last four months, and there had been an increase in foot patrols

within the city centre. A plan to address City Centre issues was being developed, and the Police undertook to keep the Councillor informed on this matter.

- In relation to the enforcement of the City Centre Public Space Protection Order, particularly relating to begging within 10 metres of a cash point, Councillor Matthew Evans highlighted that this continued to be an issue for local residents both at night and during the day. Appreciating that it was a multiagency approach, the Councillor sought assurances that this would be a priority for the City Centre Team. The Police confirmed that this continued to be a priority, and agreed to follow up the concerns with the City Centre Policing Team to ensure the police response was as robust as possible.
- Councillor Ray Truman asked the Superintendent to comment on whether the Police non-emergency number was to be discontinued. The Superintendent was not aware of any such proposal, and would confirm with Councillor Truman directly.
- Councillor Gail Giles thanked the Neighbourhood Watch Groups across Newport for the work they undertook, which the Superintendent reiterated this thanks.

Councillor Giles also highlighted concerns that had been raised in relation to accessibility at Maindee and Alway Police Station, noting that there was no longer a front desk, only a phone. The Police were asked what forms of communication were available at this police station, as not all residents could communicate via email and there were instances where face to face discussions would be useful. The Superintendent agreed to go back to Inspector Cawley who covers this area to comment on this and reply to Councillor Giles.

- Councillor David Williams asked for thanks be passed on to Inspector Tomkova-Griffiths and her team for the support with an ongoing problem in Bassaleg.
- In relation to parking, Councillor Ray Mogford asked for an explanation of the reference on social media that there had been Police Car ticketed. The Superintendent was not aware of this but would look into this matter.
(Note: The Leader later provided information that this incident had been a ticket moved from another car and the Police car had not been ticketed.)
- Councillor Jane Mudd thanked the superintendent for the update, and welcomed the action being undertaken in relation to the city centre. In relation to the distribution of the knife crime and acid attack kits. The Business Improvement District Board had had a discussion on this recently and were encouraging local businesses to attend the training. Positive feedback had been received from local business on the proactive approach to be fed back to the City Centre Team and thank the officers for the action being taken for citizens in the City Centre.
- Regarding the dismantling of tents mentioned in the Superintendent's update, Councillor Chris Evans sought clarification on the context of this. The Superintendent clarified that the tents that had been removed were disused tents linked to drug use presenting a significant health hazard rather than shelter for homeless.
- Councillor Miqdad Al-Nuaimi asked for thanks to be conveyed to the City Centre team for their support. It was also asked whether there were more resources now available to the Police to address issues in the city centre following Civil Parking Enforcement being transferred to the Council. The Superintendent confirmed that Civic Parking Enforcement had already reduced the demand significantly on city centre resources resulting in an increase in capacity to address issues around anti-social behaviour.

- Councillor Debbie Wilcox thanked the police and other partners for the collaborative work being undertaken relating to the issues around homelessness in the City Centre. It was the Council's duty and responsibility to work in partnership with the Police in these matters, and the need for balance in preventative measures to address homelessness whilst ensuring the safety of all citizen in the City Centre was highlighted.

The Mayor thanked the Superintendent for his attendance and contribution to the Council meeting.

5. **Notices of Motion: Friends of the Earth Bee Initiative**

The Council considered a motion for which the necessary notice had been provided. The motion was moved by Councillor Debbie Wilcox, and seconded by Councillor Laura Lacey:

' This authority supports the Friends of the Earth Bee Cause initiative, and will continue to ensure that where suitable, planting undertaken within the parks, gardens and green areas owned by the Council will support bee and other pollinating insects' lifestyles.

It is of vital importance to Newport's economy of pollinators and the fact that the Council is well placed to make a significant contribution to reversing their decline.

In addition this authority will strive to make Newport one of the first major Welsh cities to have bee friendly accreditation.'

In moving the motion, Councillor Debbie Wilcox outlined that the Council was committed to helping the UK's pollination by ensuring that the needs of pollinators were considered within the delivery of the Council's works and duties. The Council would do this through:

- Ensuring the needs of pollinators were represented in local plans, policy and guidance;
- Protecting and enhancing the amount of quality pollinator habitats in Newport to prevent extinction and improve the status of local species;
- Increasing awareness of pollinators and their habitat needs;
- Improving knowledge and understanding of pollinators in our local area.

A number of Members spoke in favour of the motion.

Resolved

It was unanimously resolved to support the motion.

6. **Notice of Motion: Guangxi Province Twinning**

The Council considered the following motion for which the necessary notice had been provided. The motion was moved by Councillor Matthew Evans, seconded by Councillor Chris Evans.

'This Council deeply regrets the lack of response from Guangxi Province to the letter sent on 19th February 2019 urging them to stop the Yulin Dog Meat Festival and the horrendous treatment of animals. It feels it has no option but to cease the twinning arrangement it has had since 1996 as the City cannot sit idly by and let the barbaric inhumane behaviour towards animals go unchallenged. Therefore, the Council formally resolves to discontinue all twinning arrangements with Guangxi Province with immediate effect.'

An amendment was proposed by Councillor Debbie Wilcox, seconded by

'This Council:

- 1. Deeply regrets the lack of response from Guangxi Province to the letter sent on 19th February 2019 urging them to stop the Yulin Dog Meat Festival and the horrendous treatment of animals.*
- 2. Further calls upon her majesty's government to present the City's case via both the Great Britain-China Centre, a non-departmental public body established by the Foreign and Commonwealth Office in 1974, together with the Foreign Office to make direct representations from both bodies to the Governments of the People's Republic of China about the ending of this appalling festival and to relay their response to Newport City Council. This action will focus the wider attention upon this issue as the twinning arrangements has become defunct by default of non-engagement for many years and all references to it have already been removed from Newport City Council's current webpages.'*

In moving the amendment, Councillor Debbie Wilcox stated that the twinning arrangements had not been active for 15 years and all references to it had been removed from the Council's online and offline presence. Councillor Wilcox suggested that the amendment put forward a stronger course of action to engage the actions of the Foreign Secretary and Great Britain-China Centre (GBCC) in partnership, to help the Council send this the message to China and underlined the seriousness of this matter.

During the debate, a number of points of clarification were raised including:

- Confirmation of when the twinning arrangements were defunct, and;
- Confirmation that any signage indicating the twinning arrangements would be removed.

In seconding the amendment, Councillor Mark Whitcutt spoke in support of the need to seek the intervention of the Government and the GBCC to carry this forward to end this animal cruelty associated with this festival.

Councillor Debbie Wilcox addressed the points of clarification and noted that confirmation of that the twinning arrangement was defunct had been given to the Council in the amended motion, any reference to this on signage would be removed as soon as possible.

When put to the meeting the amendment was carried unanimously and became the substantive motion.

Resolved

The substantive motion was unanimously carried.

7. Treasury Management Report - Financial Year 2018/19

The Leader of the Council presented the Treasury Management report to the Council, outlining that the report looked back to the Council's financial borrowing for 2018/19 and assessed how the Council has adhered to the Council's Treasury Management Strategy.

Resolved

It was unanimously resolved to note the report.

8. Questions to the Leader of the Council

- The opening ceremony of the **British Transplant Games** was being held this weekend, and the Leader encouraged all Councillors to attend and support the event.
- **Western Powerhouse**

A new report had been unveiled by the Leader at the House of Lords that set out the Council's recommendations to supercharge our regional economy and the potential for a new economic powerhouse for the UK. The potential powerhouse would stretch along the M4 corridor from Swindon, across the Welsh border to Newport, Cardiff and Swansea, and in the north from Gloucester and Cheltenham to Bath and Bristol. The Leader outlined the opportunities that this proposal would present for Newport.

- The Leader updated Council on the positive feedback from the public on the implementation of Civil Parking Enforcement.
- Following Keep Wales Tidy week last week, it had been confirmed that Belle Vue Park, Beechwood Park and Gwent Crematorium had all retained the international mark of a quality in recognition for their excellent floral displays, facilities and commitment to delivering great quality green space. The Council had made the top ten, and was the highest placed Welsh authority, in a recent survey of local authorities praised for recycling plastic waste following recent Council initiatives to improve recycling. . The Leader thanked all residents for participating in the initiatives and contributing to the Council's increased recycling rate.

Leaders Questions

M4 Relief Road

In relation to the Welsh Government's recent decision not to build the M4 Relief Road, Councillor Matthew Evans asked the Leader whether this meant that Newport residents would continue to face the same issues with heavy congestion and air pollution, and sought assurances that the Leader would stop any attempts by the Welsh Government to close motorway junctions in Newport.

The Leader stated that her support for M4 relief road was unequivocal in this city and that she had signed the CBI letter to Welsh Government in support of the M4 Relief Road.

The Leader outlined that decisions on the M4 junctions was a matter within the jurisdiction of Welsh Government and as such it was not within the remit of Newport City Council's Leader. Representations had been made to the First Minister to make the Council's position clear, and the Leader had written to the First Minister asking that the terms of reference be revised to ensure that there was a Newport voice on the commission.

The Leader assured the Council that the huge importance of appropriate transport within the city was understood by the administration, and that the Leader would continue to fight in every way possible to ensure that Newport got the best deal possible following this Welsh Government decision.

Councillor Evans asked a supplementary question to seek assurances that the funding outlined by the First Minister would be spent in Newport to address transport and congestion issues.

The Leader reiterated that a letter had been written to the First Minister and that she would do everything possible within the role to ensure that the funding was spent to address issues in Newport. The Leader called upon Assembly Members in Newport to fight for this also.

Street Cleanliness

Councillor Carmel Townsend highlighted issues within Newport on street cleanliness, citing the results of the recent Keep Wales Tidy survey. The Leader was asked if

Street Cleanliness could be the subject of an all Member seminar to support Councillors to improve the situation for local residents.

The Leader thanked the Councillor for this suggestion and agreed that an all Member seminar would be useful.

Newport Economy

Councillor Jason Hughes asked what the Leader thought of a recent article discussing a recently commissioned report on the Newport Economy.

The Leader responded that this independent report confirmed that Newport was growing faster than the rest of Wales, and above the UK average. Between 2014 and 2017 Newport grew at an average of 2.2% per year, and growth accelerated to 2.4% in 2017. The overall size of the economy was 10.8 billion in 2017 which was a significant development and the Newport region accounted for a 1/5th of the overall Welsh output. The Leader summarised the key findings of the report, and was pleased that this report independently evidenced the central strength and success of Newport City and its growing economy.

Anti- Harassment Guide

Councillor Yvonne Forsey asked the Leader to inform the Council further on the recent anti-harassment guide that was launched at the WLGA conference.

The Leader outlined that the LGA and the WLGA recognised the growing need amongst Councillors across the UK for support relating to intimidation, and that this resource had been jointly developed following advice from Councils and representative organisations. The guide provided Councillors with advice on how to deal with abuse and intimidation, including information on the criminal offences involved. Intimidation increasingly experienced by Councillors and candidates undermines the principles of freedom of speech and the engagement in democratic debate.

9. Questions to the Cabinet Members

i) Questions to the Cabinet Member – City Services

Councillor Ray Mogford asked the follow question that had been submitted:

'Given the current ongoing problems regarding the horrendous traffic congestion going into the Tip / Recycling Centre on Docks Way, the Council have indicated that a second Centre will be opened on the East side of the City. However, will the Cabinet Member commit to reviewing the opening times of the Tip by adopting seasonal opening hours with the tip open later in the summer months and shorter in the Winter? Does the Cabinet Member believe that the present 4:10pm closing time is too early and should be extended to 6pm which is in line with most other Welsh Councils?'

The Cabinet Member – City Services responded:

'I am at this time looking to extending the opening hours at the CA site, we have undertaken major works at this site to alleviate some of the issues around congestion and its effects. I have to take into account ever decreasing budgets, operational commitments and staffing implications for this multifunctional site, so cannot at this present moment comment as to actual times. I hope to have a positive update shortly. Work around the site on the eastern side of the city is still ongoing.'

The Cabinet Member was asked a supplementary question relating to the residents accessing Monmouthshire's recycling centre, and asked the Cabinet Member if he had any comments on this now that it is being discussed at Welsh Assembly level.

The Cabinet Member responded that the Council had spent millions of pounds reducing the size of the bins in the city looking to increase the recycling rates to 70% and commented that it was hoped that Newport City Residents would take recycling to Newport facility to contribute to Newport's figures on recycling and assist the City in reaching targets and not be subject to fines from Welsh Government. It was also noted that the new site on the East of the City would assist all residents concerned.

ii) Question to Cabinet Member – Regeneration and Housing

Councillor Ray Mogford asked the following question that had been submitted:

'Recently over 3000 people signed a petition launched by Newport Resident Christine Davies, demanding action to clean-up and regenerate our City Centre. Since this petition was submitted, the Council have refused to accept its requests in terms of a cross party solution. Does the Cabinet Member feel this is a 'slap in the face' for all those who signed the petition? Will the Cabinet Member(s) take a close look then at this petition and acknowledge the concerns raised within it and agree to meet with Christine Davies, local businesses, employer's and politicians to discuss improvements being made in the City Centre?'

The Cabinet Member for Regeneration and Housing responded:

'I am aware of the petition. One Newport, our Public Services Board issued a public response to the petition on behalf the partner organisations that we work with. In addition, the Chief Executive of the Local Authority has offered to meet the petitioner to discuss the concerns raised, and this offer remains open.

What is One Newport? One Newport is the city's public services board where local public private and third sector organisations work together to improve the economic, social, environmental and Cultural wellbeing of the city. Public Service Boards were established by the Wellbeing of Future Generations Legislation in 2015, and work with the sustainable development principle and achievement of the 7 wellbeing goals by assessing the state economic, social, environmental and Cultural wellbeing, setting local objectives that are designed to maximise their contribution within the city to achieving these goals and taking all reasonable steps to meet these objectives. These objectives and the performance against them are set out in the One Newport Wellbeing Plan. Safer Newport is a sub group of One Newport. Safer Newport is the City's community safety Partnership and delivers on emerging local community safety issues and problem solving for safer city centre, antisocial behaviour, serious and organised crime initiatives, local neighbourhood issues that may arise and local funding applications. Membership includes the Police, NCC, Fire and result. AB Health board and the national probation service. How do we hold the Public Services Board to account? The PSB is scrutinised by the Performance Scrutiny Committee – Partnerships. Membership of that Committee is cross party. The meetings of the scrutiny Committee are public meetings, the Public Services Board also reports on progress to the Future Generations Commissioner and Welsh Government

So what is our plan? Newport City Council Corporate Plan – As an authority we publish a Corporate Plan, Colleagues in the Chamber should be very familiar with this plan. The Corporate Plan has 4 key theses: resilient Community, thriving city, aspirational people and a Modernised Council. The Plan also has 4 wellbeing objectives – they are to improve skills, educational outcomes and employment opportunities, promote economic growth and regeneration whilst protecting the environment, to enable people

to be healthy, independent and resilient and to build cohesive and sustainable communities.

How do we work internally? We work collaboratively, across service areas and Cabinet Portfolios to achieve our corporate plan objectives and contribute to our wellbeing goals. In relation to this meeting of the city council, the question being asked relates to a number of portfolios: City Services, Regulatory and Statutory services, Communities and Resources my own regeneration and housing portfolio. How are we held to account? Our decisions are scrutinised by you our peers. As Cabinet Members we attend Scrutiny meetings. Membership is cross party. These are public meetings and it's very pleasing to see in the gallery today regular attendees. All of our decisions are recorded and published in the public domain. Furthermore this Labour Administration also established the Fairness Commission to consider the fairness of our policies and decision making.

Some of the interventions we have implemented include the Community Safety Engagement Hub. This is based at Malpas Fire station and is a multi-agency community safety base. It's where our partners work together particularly on anti-social behaviour. Enabling them to share data and information and support their collaborative work. We have also implemented CPI PSPOs, we work with the BID and businesses in night time economy to develop application for the Purple Flag Award. We have also secured inward investment in regeneration schemes. We support small businesses with grants and business development advice and we have developed our city centre master plan to guide us. We have also developed residential accommodation in the city centre in partnership with not for profit sector and private sector developers converting disused buildings into homes.

This evening as the police have reported, they are also taken actions in relation to the City Centre and they have given a commitment to a robust approach to addressing disorder in the city centre. All of these interventions help support improvements in our city centre. '

Councillor Ray Mogford asked a supplementary question asking if the Cabinet Member was appalled that 3000 people sign a petition because they do not think things are happening fast enough. The Cabinet Member responded that she welcomed any engagement with the democratic process.

iii) Questions to the Cabinet Member – Licencing and Regulation

Councillor Joan Watkins asked the follow question that had been submitted:

'The developer Redrow now having purchased the USW Campus in Caerleon for £6.2 million with the intention of building some 220 houses on the site although a planning application will have to be made, there is considerable concern as to the impact such a development will have on traffic and Air quality in the village. Given Air Pollution levels are already considerably higher through the one way system than permitted by EU regulations can the Member clarify just what action is being taken to reduce the pollution levels as opposed to just the monitoring process which has been in place for a very long time with little or no action taken on the findings.'

The Cabinet Member provided the following response:

'It would clearly be inappropriate to comment on the proposed housing development on the Caerleon Campus site as that will be a matter for Planning Committee to determine. One of the relevant planning considerations that will have to be taken into account will be the potential impact on traffic congestion and air pollution, as compared

with previous activity on the site. But that will depend on the developers' traffic management plans and impact assessments.

However, with regard to the action that the Council has taken. A number of studies have been undertaken in relation to air pollution in Caerleon. Unfortunately, due to the constricted road network there is little that can be done in the way of simple physical improvements. Fundamentally, the problem is due to the sheer volume of traffic on the roads in Newport, not just Caerleon.

Newport City Council has developed supplementary planning guidance to address issues of air quality. This was adopted in February 2018, and we the first local authority in Wales to do this. The SPG raises the profile of air quality issues in the planning process. Sustainable Travel Supplementary planning guidance is currently being developed that will complement the air quality SPG. This will embed the principles of sustainable travel in the planning process, including measures to encourage the use of public transport, active travel (cycling & walking) and car sharing, which are key to reduce pollution for both air quality and greenhouse gases.

Back in March of this year, I approved a draft Sustainable Travel Strategy for consultation, designed to pull together a number of actions aimed at reducing pollution generated by Newport's transport network. The strategy identifies ways to improve public transport and encourage cycling and walking, suggests increasing electric vehicle charging points and gives guidance on planning applications to ensure they all play a part in how the city's transport network can improve public health, reduce pollution levels and limit the extent of global warming. The strategy does not set out detailed proposals but provides a framework to develop local action plans.

The Council has already declared 11 Air Quality Management Areas across the city, including Caerleon. These AQMA's are areas where pollution exceeds air quality objectives – caused by excessive road traffic. AQMAs will be a focal point when developing the local action plans. Road traffic results in carbon dioxide emissions which is a greenhouse gas contributing to climate change. To minimise the impact of climate change, scientists have predicted we have 12 years to curb carbon dioxide emissions. With this in mind, rather than just develop an Air Quality Action Plan to meet government legislation, the Council is looking to develop and implement a wider Sustainable Travel Strategy.

The draft Sustainable Travel Strategy was the subject of public consultation for a period of 6 weeks from 13th May to the 30th June 2019. We are now in the process of analysing the results and refining the strategy and a report will be taken to Cabinet in September to agree and adopt the final Strategy.

Once this framework is agreed, the next step will be to develop local plans for each of the 11 AQMA's including Caerleon. That will involve more focussed consultation and engagement within each area, as the development and implementation sustainable transport measures within each locality will require working in partnership with other agencies and public co-operation. We all need to take responsibility and ask the question how can I make my journey less polluting.'

Councillor Joan Watkins asked a supplementary question asking for detail on how many responded to the recent consultation on to Air Quality Management Areas, and what specific plans the Cabinet Member had to improve access to the village of Caerleon given the potential development.

The Cabinet Member reiterated that he was not able to comment on the development as that was a matter for the Planning Committee. Regarding specific numbers of respondents to the consultation, the Cabinet Member advised Councillor Watkins that he would provide a written response to this.

iv) Questions to the Cabinet Member – Education and Skills

Councillor Joan Watkins asked the following question that had been submitted:

'Given that two secondary schools in Newport remain in special measures Newport high and St Julian's (St Julian's now for 2 years) and another Llanwern is in the red zone Can the Cabinet Member give an update as to the progress all these schools are making and how long before they can be removed from special measures or the red zone. Additionally can the Member guarantee that other schools eg John Frost are not in danger of falling into these poor categories?'

The Cabinet Member provided the following response:

' Newport High, St Julians and Llanwern schools have continued on an upward trajectory since the time of their Estyn Inspections. I have full admiration for the resilience, hard work and commitment of all staff within those schools whilst on this important improvement journey. Only Estyn, Her Majesties inspectorate can determine when a school can be removed from a category of requiring significant improvement or special measures. It is the Local Authority that ensures that the most appropriate support is provided to each of these schools so that they can achieve sustained success in the future. Sustainability requires the correct amount of support over the correct amount of time and the meeting of Estyn Standards.

All schools in Wales are subject to the National Categorisation Process and I strongly dispute Councillor Watkins use of inappropriate terminology in her question when she refers to poor categories. There is no such thing as a poor category that is a term that has been completely fabricated and to randomly suggest that any school could fall into an imaginary category is completely unacceptable. Categorisation is used to determine the level of support a school receives. All of our schools have a variety of good practise which is shared and celebrated throughout the region, not just Newport. Is there anyone else in this Chamber who does not understand that the colour or categorisation of a school does not reflect the whole school but in fact identifies if there are any areas that require additional support. As I have explained many times to Councillor Watkins many times, the level of support required by each school will vary depending on the particular issue. It could be relating to staffing issues, management, attendance, educational results or governance of the school, and all of us in this room are Governors. It may be one individual issue, or several. So the circumstances will dictate the support and time involved.

The process ensures that the support is provided in a timely and appropriate way to ensure each school can secure the best outcomes for our children and young people. It involves not only the Local Authority and Estyn, but also EAS which is itself reviewed by the join executive group consisting of the 5 cross party Cabinet Members from the Gwent Area. I would like to take this opportunity to inform you all of the excellent work, which has arisen from each of these schools with outstanding examples, such as:

John Front is leading cutting edge practice through the raising achievement of disadvantages youngster project. The focus of the project is to raise aspirations of free school meal pupils using a positive assessment and tracking programme supported and directed by strong teaching and learning. The school has also reported a provisional attendance rate of 92.6% this academic year. This is a 1.3% higher than the attendance rate last academic year and 0.5% above the individual school target. Each school has a different target because it has a different cohort of pupils and circumstances.

During the last academic year, Newport High School demonstrated a 14.5% rise in the number of young people gaining A-C GCSEs including English and Maths. This was the largest improvement of this indicator in Newport.

Llanwern High has improved its attendance by 1.6% this year. Provisional data indicates that this is the strongest secondary attendance this year.

St Julians has demonstrated a significant improvement in GCSE Maths with 63% of all pupils obtaining A to c grade. This has exceeded Welsh Government Modelled expectations so it is more than the Welsh Government would expect for this school and it is an achievement that that the whole school community should be proud of.*

These are all examples of excellent work that is being undertaken in these schools, and I say to Councillor Watkins again you should be lauding all the amazing work being undertaken by young people, Head teachers, all school staff, parents, carers, congratulating them on their achievements and stopping the constant criticism and negativity.

To reiterate, all our schools have a wide range of issues to consider and celebrate. Newport City Council and the Educational Attainment Service continue to work together to develop the best educational achievement service to pupils across this city.

To sum up, all the schools in Newport are categorised by Estyn, and are fully supported in all areas of their work. The level of support is set by the category. Every action is consistently taken to improve schools and prevent negative events and I repeat my thanks to all young people, Teachers, school staff, parents and carers, and congratulate them on their achievement. ‘

Councillor Joan Watkins asked a supplementary question relating to the use of funds for reserve project. Councillor Watkins was advised that this did not relate to the original question and was a new subject matter. The Cabinet Member advised that a written response to this question would be provided following the submission of a full written question from the Councillor.

Councillor Joan Watkins asked the following question that had been submitted:

‘A recent FOI to Gwent Police has shown there were 121 referrals from Newport comprehensive schools since June 2017. Worryingly 58 of these referrals related to bullying, intimidation assault and battery. However further examination of the data indicate a big variance in the number of referrals across Newport schools .St Joseph’s Catholic school had 17 referrals over the 2 year period whilst Liswerry appeared to have just 5. Is the Cabinet Member confident that all schools have robust anti bullying protocols in place and are they regularly checked by the Authority and not just left to individual schools and Governing bodies.’

The Cabinet Member responded:

‘I am confident that all Newport Schools have anti-bullying policies that outline appropriate procedures for dealing with reported incidents of bullying. All schools in Newport have anti-bullying policies that are published on individual school websites. To check the robustness of this practice, the Authority’s Educational, Safeguarding Care and Support Officer reviews these policies and judges the quality of the individual schools policies against set criteria. All incidents of bullying are recorded on individual schools management information system and are reported to the Local Authority each month. The Local Authority’s wellbeing forum routinely completes an analysis of incidents and interventions and follows up on any issues that may arise from this. This forum also identifies any training needs that arise from the analysis of the data. I am

pleased to inform Members that recent Estyn Inspections have highlighted a number of good practice in Newport Schools that I will now describe.

St Julian's Primary – Estyn specifically commented on the significant impact of pupils work to design anti-bullying posters to highlight the issue and make presentations during assemblies. As a result of this good work, pupil's behaviour has improved over time and is now extremely good.

At St Joseph's Roman Catholic High School, Estyn reported there were effectively robust systems, with very few instances of bullying or harassment.

At Malpas Park Primary, a pupil voice group reviewed pupil's responses to questionnaires and used this information to update the schools anti-bullying policy. Young people influencing policy.

There are many schools in the city engaging fully with anti-bullying week activities and a number have trained pupils as anti-bullying ambassadors, so we also have anti bullying ambassadors to support this work. There is no doubt an increasing pressure on our school leaders, teachers and inclusions staff to support the growing numbers of young people who are experiencing physical and mental health challenges. And successful collaboration is strengthening the support provided.

An excellent example is the collaboration with Aneurin Bevan University Health Board to develop the arrow project, which enables health and educational professionals to work jointly to build pupil and staff capacity around the themes of mental health, wellbeing, resilience and self-esteem. A key part of this work focuses on educating pupils on the acceptable uses of social media and distinguishing between reality and fiction. All pupils also have access to the school based counselling service which is commissioned by Newport from the University of South Wales. Pupils can request access to the service or they can make an online referral via the website.

In conclusion, I am fully confident that all schools have robust anti-bullying protocols in place which are appropriately checked by the authority to support individual schools and governing bodies.'

v) Questions to the Cabinet Member – Culture and Leisure

Following a point of order from the Cabinet Member and a challenge about whether she was accusing a Council officer of deliberately providing false and misleading information, Councillor Joan Watkins formally retracted that part of her question that referred to the information being "patently untrue".

Councillor Watkins then asked the following amended question:

'We were advised in September 2018 that detailed plans were being developed to reinstate the Splash Park at Tredegar Park to be opened in 2019 and that a planning application was to be lodged imminently. Can the Cabinet Member explain incorrect information was given out and why the promise to install this facility has now been scrapped to the disappointment of many children and families?'

The Cabinet Member provided the following response:

'In September 2018, The Council's Director for Place responded to an enquiry from a Member of the public. The response correctly advised that Officers had been developing plans to reinstate a splash pad at Tredegar Park. The status of detail within those plans is frankly irrelevant. This was the correct operation position at that point in time with the views being that the plans were significantly now developed to enable a

planning application to be submitted shortly. The advice sought to reach this stage may have been basic advice but clearly officers felt it was satisfactory in developing the proposal for consideration and a planning application to shortly be developed. Therefore, I reiterate that incorrect advice was not given to anybody.

I have previously advised Councillor Watkins on 28 May, during ongoing dialogue between officers and myself as the Cabinet Member which as you should know is a regular aspect of project development prior to final approval. I asked for the proposals to be reviewed as I held some concerns about the accessibility and year round availability of a splash pad. As a consequence of these discussions I have chosen Pedal Power scheme which will open all year round and promoting health and wellbeing to adults, children of all abilities, ages and more importantly, disabilities.'

Councillor Joan Watkins asked a supplementary question, querying whether £2 wrist bands would be an option to enable a splash pad to be cost neutral, highlighting that many neighbouring authorities had similar facilities.

The Cabinet Member responded that charging for access to a splash pad was not acceptable, and would make it inaccessible for many families. The Cabinet Member reiterated that this was a Cabinet Member decision that had been taken.

10. Questions to the Chairs of Committees

There were no questions to the Chairs of Committees.

The meeting terminated at 7.40 pm

Mae'r dudalen hon yn wag yn



Report

Council

Part 1

Date: 10 September 2019

Subject **Appointment of Interim Chief Executive/Head of Paid Service**

Purpose To delegate authority to a Member selection panel to deal with the appointment of an Interim Chief Executive/Head of Paid Service on behalf of Newport City Council

Author Rhys Cornwall, Head of People and Business Change
Gareth Price, Head of Law and regulatory Services

Ward ALL

Summary The current Chief Executive has given notice and will leave in early October. The Local Government and Housing Act 1989 requires a relevant local authority to designate an officer as Head of Paid Service, with personal responsibility for the discharge of the statutory duties attached to the role. Within the Council, the Chief Executive is designated as the Head of Paid Service and discharges these statutory responsibilities. Appointing an Interim Chief Executive will enable the continued discharge of these statutory responsibilities and ensure appropriate strategic leadership whilst a suitably high calibre candidate is sought to fulfil this role on a permanent basis. Should there be an election during this time then the Interim Chief Executive will also fulfil the role of Returning Officer.

Proposal **The proposal is for Council to agree to delegate authority to an Appointments Committee to appoint an Interim Chief Executive/Head of Paid Service for six months, with an option to extend to 12 months delegated to the Leader, in consultation with the Heads of Law and Regulation and People and Business Change.**

Action by Head of People and Business Change
Head of Law and Regulation

Timetable Immediate

This report was prepared after consultation with:

- Leader of the Council
- Head of Law and Regulation
- Head of People and Business Change

Please list here those officers and members you have consulted on this report.

Signed

Background

Will Godfrey, Chief Executive of Newport City Council, has tendered his resignation and will be leaving the organisation in early October 2019. Due to the short timescales it is not practical to go through a full recruitment process at this time, although clearly the desired position is to search the market for the best possible candidate to ensure the ongoing strategic leadership of the organisation and this will be the priority going forward.

In the meantime, the appointment of an Interim Chief Executive is the recommended way forward to mitigate risks associated with legal responsibilities and delivery of key strategic goals. The Chief Executive in Newport is the Head of Paid Service which is a requirement of the Local Government and Housing Act 1989. The Interim Chief Executive would fulfil this role.

There is also the possibility of an election in the period between the current Chief Executive leaving and a permanent officer being appointed. Therefore the Interim Chief Executive would also fulfil the role of Returning Officer should an election take place.

Whilst the Local Government (Standing Orders) (Wales) Regulations 2006 state that it is not necessary to advertise the post if a temporary appointment of no more than 12 months is being made Newport City Council has asked Welsh Local Government Association (WLGGA) to assist by providing a shortlist of potential candidates who would be suitable for the interim role.

Council are asked to delegate the authority to appoint to the interim position to an Appointment Committee, in line with Council Standing Orders.

The appointment will be made at the first point of the approved salary scale for the Chief Executive and there will be no incremental progression beyond this point for the duration of the arrangements.

Initially these arrangements will be for a period of six months, with the option of extending this to 12 months should this be required. In the event of an extension being required, Council are asked to delegate this decision to the Leader of the Council, in consultation with the Heads of Law and Regulation and People and Business Change. The Interim post cannot be extended beyond 12 months.

Arrangements for the appointment of a permanent Chief Executive will be made at the earliest opportunity and recruitment options will be presented to the Leader for decision. This appointment will need to be made within the 12 month timescale.

Financial Summary

There is a marginal one-off cost saving in appointing an Interim Chief Executive on the first pay point within the Chief Executive pay-scale when compared to the current position of c£26k, based on a full 12 month period.

Risks

The proposal outlined above is presented to mitigate the risks associated with the current Chief Executive leaving the Authority. By appointing an to an interim position we

- Manage the legal responsibilities by ensuring we have a Head of Paid Service and Returning Officer in place at the earliest point
- Ensure on-going strategic leadership at the top of the organisation
- Have adequate time to search the market for the very best permanent Chief Executive for the Authority

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 have a Head of Paid Service	H	L	Mitigated by following the recommendations in the report	Heads of L+R and PBC
Failure to appoint a Returning Officer in the event of an election	H	L	Mitigated by following the recommendations in the report	Heads of L+R and PBC

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Appointment of an Interim Chief Executive enables the Council to continue to deliver against the Corporate Plan and Well-being Objectives that it has set.

Options Available and considered

1. Delegate authority to an Appointments Committee to appoint to the position of Interim Chief Executive for a six month period, as detailed in the report. Delegate authority to the Leader, in consultation with the Heads of Law and Regulatory Services and People and Business change to extend these arrangements to a maximum of 12 months.
2. Seek to share a Chief Executive with another Local Authority. Whilst this has been considered it is felt that this would not meet the requirements of Newport due to the time needed to lead services in Newport City Council.
3. Internally appoint to the interim position. Due the imminent retirement of the Strategic Director - People it is not felt that this is a viable option as it would essentially mean the loss of the entire Directors team from their current roles and could seriously impact on continuity.
4. Seek to externally appoint on a permanent basis. Whilst this is clearly the most desirable outcome in the medium term, time is required to ensure we appoint the best possible candidate. This is not possible within the current timescales.

Preferred Option and Why

Option 1 is the preferred option, for the reasons detailed above.

Comments of Chief Financial Officer

There is an established budget for the Chief Executive role and this appointment will be made at a fixed pay point within that, resulting in a small one-off cost saving over the first 12 month period.

Comments of Monitoring Officer

The proposed action is in accordance with the Council's statutory duties under the Local Government and Housing Act 1989 and the Local Government (Standing Orders) (Wales) Regulations 2006 (as amended). The Council is required to designate one of its officers as statutory Head of Paid Service and this role will need to be discharged on an interim basis until a permanent replacement Chief Executive can be appointed. The Chief Executive is also appointed by the Council as Returning Officer under the Representation of the People Act for the purposes of conducting elections and it would, therefore, be appropriate for the Interim Chief Executive to also fulfil this role. Provided that any interim appointment is for a fixed term of no longer than 12 months, then there is no legal requirement to advertise the vacancy and undertake an open recruitment process under the Staffing Regulations. However, any interim appointment will still need to be agreed by Council as this is a reserved function. Because of the need to

recruit quickly, it is recommended that delegated power to appoint an Interim Chief Executive should be granted to a cross-party Appointments Panel. In accordance with the Staffing Regulations, the Appointments Panel will be constituted as a politically balanced sub-committee of the Council and at least one but not more than half the Panel must be members of the executive. Therefore, it is recommended that the Panel should comprise 7 elected members, made up of 4 Labour councillors (at least 1 and no more than 3 of whom must be cabinet members), 1 Conservative councillor, 1 Liberal Democrat councillor and 1 Newport Independent councillor. It is recommended that any appointment would, initially, be for a fixed term of 6 months with a discretion to extend for up to 12 months, that decision being delegated to the Leader in consultation with the relevant Heads of Service.

Comments of Head of People and Business Change

As the report author the commentary is included within the body of the report.

Comments of Cabinet Member

The content of this report have been discussed and agreed with the Leader of the Council.

Local issues

There are no local issues for consideration.

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The five sustainable development principles have been considered when writing this report and recommending the preferred option.

- Long term: by appointing to an interim position we have assessed the balancing of short- term needs with the need to safeguard the ability to also meet long – term needs. We feel that the interim arrangement allows us the opportunity to make the biggest impact in this area.

- Prevention: by choosing the preferred option we have considered the potential impacts and believe this will mitigate negative impacts the most effectively
- Integration: it is imperative to have leadership consistent with the values and goals of the Authority and the recommended proposal has considered this
- Collaboration: it is not appropriate in this instance to collaborate with another organisation.
- Involvement: this can be considered as part of the selection process

Crime and Disorder Act 1998

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

Consultation

N/A.

Background Papers

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

Dated: 10 September 2019

Mae'r dudalen hon yn wag yn



Report

Council

Part 1

Date: 10 September 2019

Subject Newport City Centre Market Arcade: Public Spaces Protection Order

Purpose To inform Council of the result of the public consultations on the proposed Public Spaces Protection Order for Market Arcade in Newport City Centre.

To ask Council to consider the proposal that a Public Spaces Protection Order be made following a recommendation from the Cabinet Member for Licensing & Regulation to Council to make the Order.

Author Regulatory Services Manager (Environment & Community)

Ward Stow Hill

Summary A Public Spaces Protection Order (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 in nature and be unreasonable.

The city centre Market Arcade was built in 1869 and runs between the north end of High Street and Market Street. Its use has declined substantially in recent decades although it is hoped that HLF Townscape Heritage Funding will enable the Arcade to be restored and brought back into use as a 21st century asset to the City.

Due the anti-social behaviour being experienced in the Arcade, it is timely for the Council to implement a PSPO to close the Arcade at night to the public. There is a public right of way, a highway, running through the Arcade and therefore the Arcade owners cannot simply close the Arcade whenever they wish.

Public consultation has taken place and there is general support for a PSPO to allow the closure of the Arcade at night. Approval of a PSPO is reserved to Full Council. Therefore, this report asks Council to make a PSPO to close the Market Arcade to the public from 20:00 hours to 07:00 hours, 7 days a week, following a recommendation to do so by the Cabinet Member for Licensing & Regulation. This closure would be achieved by the use of gates, which would be opened and closed by an appointed management company, paid for by means of a service charge paid by participating owners/tenants of the Market Arcade. The PSPO would remain in place for three years, but could be reviewed at any time in the interim.

Proposal That Council makes a Public Spaces Protection Order for Market Arcade.

Action by: Head of Law & Regulation

Timetable: Immediate

This report was prepared after consultation with:

- Cabinet Member for Licensing & Regulation
- Head of Law & Regulation
- Head of Finance
- Head of People and Business Change
- Gwent Police
- Ward Members
- Owners and tenants of Market Arcade
- The general public

Signed

Background

1. What is a Public Spaces Protection Order?

The Antisocial Behaviour, Crime and Policing Act 2014, commenced in October 2014, and introduced Public Spaces Protection Orders (PSPOs).

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 in 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 upon by the Order.

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. The maximum length of a PSPO is three years, but it can be reviewed at any time.

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.

2. Restrictions

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.

A PSPO is intended to provide the Council and Police with additional powers to require individuals or groups from refraining from certain actions or to do certain things within specified times and within a clearly specified geographical location, to quote the Act "it can either be a blanket restriction or requirement or can be targeted against certain behaviours by certain groups at certain times".

Orders can be enforced by a Police Officer, Police Community Support Officer and delegated Council officers. 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 (to be fixed locally), or a Level 2 or 3 fine (£500 or £1,000 depending on the specific offence), on prosecution.

3. Approving the Market Arcade PSPO

This is matter for Full Council to decide.

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?

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. What to include in a Market Arcade PSPO?

The Market Arcade, originally known as Fennell's Arcade, was built in 1869, linking the newly built railway station (1850), Post Office (1844) and Provisions Market (1862).

The arcade was well-used for over a century until shopping habits changed and Newport's retail centre shifted, particularly with the development of the Kingsway Centre in 1968. It runs between the north end of High Street and Market Street. Its use has declined substantially in recent decades although it is hoped that HLF Townscape Heritage Funding will enable the Arcade to be restored and brought back into use as a 21st century asset to the City.

Due the anti-social behaviour being experienced in the Arcade, officers believe it is timely for the Council to implement a PSPO to close the Arcade at night to the public. There is a public right of way, a highway, running through the Arcade and therefore the owners cannot simply close the Arcade whenever they wish.

The Police, Council officers and owners/tenants report that at night the Arcade suffers from anti-social behaviour. This takes the form of damage to property, graffiti, being used as a toilet, drug taking/ dealing, noise nuisance. Meetings have taken place to determine the most suitable way of alleviating this anti-social behaviour and the most appropriate way would appear to be by the Council introducing a PSPO to close the arcade to the public at night by the installation and use of gates. Owners/ tenants would have keyed or push pad entry to their properties when the gates were closed, as would the emergency services, but the public would no longer be able to use it at night as a cut-through; but they would have an easy alternative route via High Street and Market Street. The design incorporates a push pad mechanism for egress to meet fire safety requirements. The proposal has Planning and Listed Building consent.

Most arcades of this type, for example the nearby Newport Arcade, are closed to the public at night.

5. Relevant Considerations

a. Funding for, and the construction, of the proposed gates

Funding for the gates has been identified as part of improvements planned under the Market Arcade Townscape Heritage Scheme. The Scheme is funded by the National Lottery Heritage Fund, Cadw, the Council and Owner contributions. Manufacture and installation of the gates forms part of an ongoing Tender exercise for all project works. The successful contractor will be in place by 10th October 2019 and works are anticipated to commence shortly after that appointment. Construction commencement remains subject to National Lottery Heritage Fund approval.

b. Management of the gates

The Gates will be managed and maintained by an appointed agency in return for a Service Charge payable by owners/tenants participating in the grant Scheme, for a period of 10 years. The appointment of the management company will be subject to a future tender exercise, and the term of this appointment will commence upon completion of the refurbishment contract. The grant terms allow for the owners and tenants to take over responsibility for the opening and maintenance of the gates subject to receipt and approval of credible proposals by the Funding partners – including NCC.

6. Public Consultation

Public consultation ran from 16 January until 11 March 2018 and included:

COUNCIL: Street Scene, Legal, Planning Regen, Community Safety- CCTV/ Wardens/ ASB. Strategic Director –Place. Env Health, Press Team, Street Scene
Elected Members of the Council for Stow Hill Ward
OTHER AGENCIES- Gwent Police- City Centre Inspector South Wales Fire and Rescue. Members of the <i>Safer City Centre Group</i>
Police and Crime Commissioner
Businesses in the Arcade and adjacent
General public

The public/ owners/ users were invited to make comment on the proposed closure at night; whether they had experienced anti-social behaviour in the Arcade and whether they supported the proposed Order.

Notices, inviting comments, were also affixed at either end of the Arcade.

A further short public consultation was also undertaken between 12th February and 27th February 2019 in order to gather any further comments by members of the public were gathered.

7. Results of the consultations

There were two responses received as part of the first consultation, other than the support for the proposal from the Ward elected members. Both responses were in support of the measure to close the Arcade at night to the public.

There were two responses to the 2019 consultation; one was from a business fully supporting the proposal but asking if the gates could be closed earlier and the other was from an individual expressing their support for the proposal in the hope that it would reduce anti-social incidents in the city centre at night.

The Project Manager for this proposal and associated grant application for the renovation of Market Arcade, has been liaising closely with the owners and businesses in the arcade in order to ensure there is full support for the scheme before a PSPO is made. It is not possible to close the gates earlier because of the operational requirements of certain businesses in the arcade.

The Cabinet Member for Licensing & Regulation has been consulted on the proposal to make a PSPO for Market Arcade. The Cabinet Member supports the proposal and has made a recommendation to Council that the Order be made.

Financial Summary

Funding for the proposed gates requires the Council to secure sufficient external capital. If the relevant funding bids are successful, there is no financial impact.

8. Risks

Risk	Impact of Risk if it occurs (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Council puts in measures that are not supported	H	L	Consultation. Listen to all groups that are affected.	Head of Law and Regulation
Council puts in measures that are disproportionate to the problems experienced and are open to legal challenge	H	M	Ensure the evidence is robust and that the measures that are introduced are balanced against the antisocial behaviour experienced and the right level of restrictions to address it. Take legal advice.	Head of Law and Regulation

9. Links to Council Policies and Priorities

Ensuring that this work is completed as required will support the following Council Policies and Strategies:

The proposed PSPO has clear links to the aims and objectives of Newport City Council's Corporate Plan (relevant themes are "Resilient communities" and "A thriving city").

Newport's Community Strategy 2010-2020 "Feeling Good About Newport" (Relevant themes: "To be a prosperous and thriving city"; "To have a better quality of life"; "To have vibrant and safe communities").

The proposals also demonstrate that the service area is acting in accordance with the "Be Courageous" value outlined in the Corporate Plan: the proposal is ambitious in order to try and improve the situation for the local community.

10. Options Available and considered

- i) To note the proposed Public Spaces Protection Order for Market Arcade and the result of the public consultations and Cabinet Member recommendation, and to agree to make the Order;
- ii) Not to agree to make a Public Spaces Protection Order to close the Arcade at night to the public.

11. Preferred Option and Why

10(i) –above

To note the proposed Public Spaces Protection Order for Market Arcade and the result of the public consultations and Cabinet Member recommendation, and to agree to make the Order to close the Arcade at night (20:00 hours to 07:00 hours) to the public. This is considered an

appropriate measure to prevent and deter anti-social behaviour from occurring at night in the arcade.

12. Comments of Chief Financial Officer

There will be no budgetary impact in implementing this proposal, the gates will be purchased with external capital funding and the ongoing revenue costs of operating/maintaining the gates will be met by owners/tenants. The maintenance agreement runs for 10 years so a new agreement will need to be made at that point to prevent any budgetary impact at that point.

13. Legal Comments - Comments of Monitoring Officer

The Council has a statutory power under the Anti-Social Behaviour, Crime and Policing Act 2014 to make Public Spaces 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. In this case, the PSPO would take the form of a Gating Order, restricting public access to the Newport Arcade between the hours of 8.00 pm and 7.00 am. There is no requirement to include any other measures to deal with anti-social behaviour at any other times as this is already covered by the City Centre PSPO.

In accordance with the legislation and the statutory guidance, the Council has consulted with the business owners in the Arcade, the Police, the Police and Crime Commissioner and the general public. The responses to the consultation have all been supportive and there have been no objections to the proposed Gating Order.

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 a gating order restricting public access to the Arcade at night 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 associated with the Arcade.

Public support for a particular measure is not, of itself, sufficient grounds to make a PSPO. The Council needs to be satisfied that the proposed gating order PSPO is justified because of specific problems 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 alternatives, and less restrictive ways, of regulating the problems. In this case, a gating order would appear to be reasonable and proportionate, having regard to the anti-social behaviour within the Arcade at night. The time restrictions have been agreed with the owners and do not interfere with business or trade within the Arcade. Out of hours access will also be available for the emergency services.

Because the Market Arcade is a listed building, within a conservation area, and the gates will have to be affixed to the structure, then planning and listed building consent is required for the installation of the security gates. The gates will be installed as part of the grant-funded refurbishment works, once the contractors have been appointed and the owners have committed to the scheme. It will be a condition of the grant funding that the owners agree to pay a service charge to the Council to engage an agent to open and close the gates and maintain the common parts within the arcade for the 10-year grant period.

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

14. Comments of Head of People and Business Change

The report indicates that there have been high rates of anti-social behaviour recorded in Market Arcade. A PSPO is already in place in Newport City Centre and provides the Police with additional enforcement powers to address key issues which concern local communities. With regard to Market Arcade, the most suitable way of alleviating this anti-social behaviour would appear to be a PSPO to close the arcade to the public at night by the use of gates. As a PSPO is, by nature, restrictive it is appropriate to consult with the local community on the proposal and this report outlines the consultation undertaken. The consultation included local businesses, the general public, members of the Public Services Board's Safer City Centre Group, Gwent Police, the Police and Crime Commissioner and South Wales Fire and Rescue Service. Respondents to the consultation supported the introduction of a PSPO to close the arcade to the public at night.

The proposal is in line with the Newport Offer intervention in the Public Services Board's Well-being Plan, which includes the Step "Work in partnership and develop preventative approaches to ensure effective city centre management".

There are no HR related matters arising directly from this report.

15. Local issues - Comments of Ward Councillors

The Stow Hill Ward councillors are supportive of the Order.

16. Equalities Impact Assessment and the Equalities Act 2010

No Equalities Impact Assessment is considered necessary in this case.

The proposals set out in this report have no more impact on those with protected characteristics than any other group or individual.

17. Children and Families (Wales) Measure

The proposals set out in this report have no more impact on children or families than any other group or individual.

18. Wellbeing of Future Generations (Wales) Act 2015

The proposals set out in the report to be consulted on would contribute to a number of the Well-being Goals set out in the Wellbeing of Future Generations (Wales) Act 2015. Relevant goals are "A more equal Wales", "A Wales of cohesive communities", "A Wales of vibrant culture and thriving Welsh language".

The proposal takes account of the sustainable development principle. The proposals would contribute by helping to prevent problems of antisocial behaviour blighting the area, which would help to build a cohesive and sustainable community.

19. Crime and Disorder Act 1998

The proposals set out in this report are designed to reduce Crime and Disorder and have been requested in part by the Police.

Consultation

This is covered earlier in the body of this report.

Background Papers

Home Office Statutory Guidance on PSPOs

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679712/2017-12-13_ASB_Revised_Statutory_Guidance_V2.1_Final.pdf

Dated: 10 September 2019

Report

Council

Part 1

Date: 10 September 2019

Subject **Scrutiny Annual Report 2018-19**

Purpose To present the Scrutiny Annual Report 2018-19

Author Scrutiny and Governance Manager

Ward All

Summary The Scrutiny Committees are required by the constitution to submit an Annual Report each year to Council, to review how Scrutiny has operated in the last 12 months.

It is difficult to measure the impact of Scrutiny using traditional performance measures, which count the outputs from the Scrutiny Committees but do not measure the outcomes of our work, or show whether improvements have been made as a result. The Annual Report is a more useful tool in reviewing the effectiveness of Scrutiny, providing an opportunity to reflect properly on how Scrutiny has operated in the last year, and to identify upcoming challenges against which future performance can be judged.

Proposal **To agree the content of the annual report as a basis for the work of the Scrutiny Committees in the coming year.**

Action by Gareth Price, Head of Law and Regulation

Timetable Immediate

This report was prepared after consultation with:

- Overview and Scrutiny Management Committee
- Head of Law and Regulation
- Head of People and Business Change
- Head of Finance

Background

- 1 The Scrutiny Committees are required by the constitution to submit an Annual Report each year to Council, to review how Overview and Scrutiny has operated in the last 12 months.

Reviewing Scrutiny's Performance

- 2 The Annual Report is a key part of the performance management cycle for Scrutiny. It is difficult to measure the impact of Scrutiny using traditional performance measures, which count the outputs from the Scrutiny Committees but do not measure the outcomes of our work, or show whether improvements have been made as a result. The Annual Report is a more useful tool in reviewing the effectiveness of Scrutiny, providing an opportunity to reflect properly on how Scrutiny has operated in the last year, and to identify upcoming challenges against which future performance can be judged.
- 3 As well as providing a commentary on scrutiny activity in the past year, the report is structured to review performance on the targets set last September, and agree priorities for the next 12 months (which will be used as the basis of our performance review next year).

Financial Summary

- 4 There are no specific costs to the adoption of this report. Support for Overview and Scrutiny is undertaken within the budget allocation.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
An ineffective scrutiny function could undermine the Council's corporate governance arrangements and lead to poor quality decision making	M	L	The Annual Report informs the Council of the efforts made to strengthen the role of scrutiny in Newport and how the Committees will work to help develop policies and hold the executive to account in an open and transparent manner.	Democracy and Communications Manger
Lack of progress in enhancing the role of scrutiny will impact on its effectiveness and esteem within the Council	H	L	The Chairs of Scrutiny are working together to oversee the development and progress of scrutiny in Newport; sharing best practice and driving forward the programme for improvement. Regular meetings are also held with senior members of the Executive to help develop that relationship and strengthen the position of scrutiny within the authority.	Democracy and Communications Manger

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

- 6 The Scrutiny function has an important role in helping the Council to achieve its expressed aims:
- To make our city a better place to live for all our citizens
 - To be good at what we do
 - To work hard to provide what our citizens tell us they need

Options Available

- 7 The Council's constitution requires the production of an Overview and Scrutiny Annual Report. Submission of this report is required in order to meet this requirement. The Council may accept the report, reject it, or ask for further work to be undertaken.

Preferred Option and Why

- 8 The report provides a summary of progress last year and a plan of action for improvements this year. It is recommended that the report is adopted.

Comments of Chief Financial Officer

There are no financial impacts coming from this report.

Comments of Monitoring Officer

The Council is required to establish arrangements for effective overview and scrutiny in accordance with Section 21 of the Local Government Act 2000 and the Local Government Measure 2011. In accordance with the reporting arrangements set out in the Constitution, an Annual Report is presented to full Council regarding the way in which the Overview and Scrutiny arrangements have operated during the preceding 12 months. The Annual report itself raises no legal issues. Each report to and from the Committees during the year has included my comments on any legal implications. The Annual Report shows that good progress has been made in delivering the targets and objectives set out in last year's Report. This work will continue throughout the current year, with a view to further strengthening scrutiny arrangements.

Comments of Head of People and Business Change

The report notes the emphasis of scrutiny on ensuring that the Council acts in accordance with the Well-being of Future Generations Act. Scrutiny members have previously had the opportunity to attend briefings on the Act and, importantly, the 2019-20 action plan includes the provision of further training for scrutiny members to improve their understanding and consideration of the Act when undertaking scrutiny activity.

The report also notes that the Council's scrutiny function is also responsible for scrutinising the performance of the One Newport Public Services Board (PSB). This function is performed by the Scrutiny Performance Committee – Partnerships with formal feedback twice a year from the Chair of the Scrutiny Committee to the PSB on how well it is delivering against its Well-being Plan.

There are no direct HR implications arising from the report, however arrangements will need to be made to cover the vacant posts in the service area with actions referenced in this report.

Local issues

N/A

Scrutiny Committees

The Scrutiny Annual Report 2017/18 was presented to the Overview and Scrutiny Management Committee at its meeting on 26 July 2018. ([Agenda](#), [Minutes](#))

Equalities Impact Assessment and the Equalities Act 2010

N/A

Children and Families (Wales) Measure

N/A

Wellbeing of Future Generations (Wales) Act 2015

The Performance Scrutiny Committee – Partnerships has scrutiny of the Public Services Board (PSB) Partnership within its remit, which considers the effectiveness of the Partnership and its associated plans. This is reflected within the Annual Report in the summary of the Committee's work this year.

The Scrutiny Committees considered the draft budget proposals in January and in the recommendations that were made to the Cabinet there were several that demonstrate that the Committees are considering how the Council is complying with the WFGA. The report also shows the new emphasis of scrutiny on ensuring that the Council acts in accordance with the Well-being of Future Generations Act. The extent of the work of the Committees and the progress already made against the action plan is noted along with the clearly identified work programme going forward in 2019/20.

Crime and Disorder Act 1998

N/A

Consultation

N/A

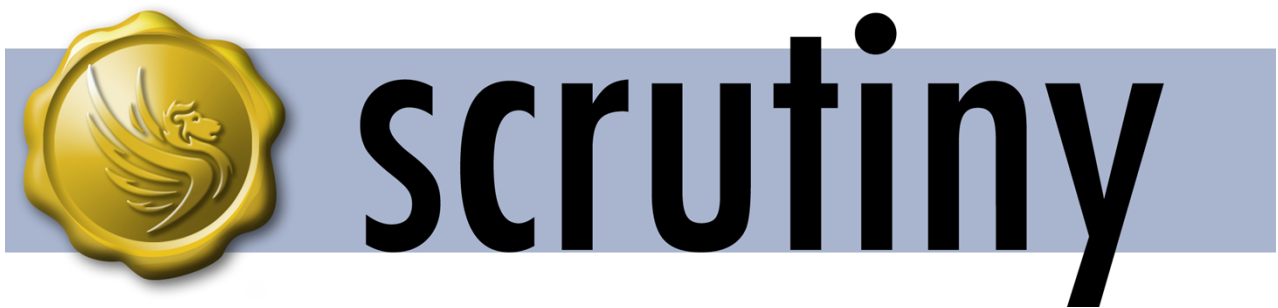
Background Papers

Agenda and minutes of the Scrutiny Committees 2018/19

- [Performance Scrutiny Committee – Partnerships](#)
- [Performance Scrutiny Committee – Place and Corporate](#)
- [Performance Scrutiny Committee – People](#)
- [Overview and Scrutiny Management Committee](#)

Dated: 21 August 2019

Scrutiny Annual Report 2018-19



www.newport.gov.uk/scrutiny

This document is available in welsh / Mae's ffurflen hon ar gael yn Gymraeg

For further information on any of the information contained within this report, or on the Scrutiny process in Newport please contact:

Scrutiny and Governance Team
Newport City Council
Civic Centre
Newport
NP20 4UR

Tel: 01633 656656

scrutiny@newport.gov.uk

www.newport.gov.uk/scrutiny

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Introduction

What is Overview and Scrutiny?

Scrutiny is the term given to the non-political process within the Council, whereby the decision makers (the Cabinet) are held to account for the decisions taken, whether they have been implemented effectively and whether they have resulted in improved services for people of Newport.

The Cabinet (also known as the executive) has the power to make the decisions needed to action the policies agreed by the Council. The remaining Councillors (non-executive) then form the scrutiny element, whose role is to challenge the performance of the Cabinet and hold them to account for the decisions taken. Scrutiny Committees can make recommendations and scrutinise the policies, decisions and performance of the Cabinet. The Cabinet, in turn, consults with, and responds to, Scrutiny Committee recommendations.

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

Scrutiny has the following roles:

- Hold the Cabinet to account for the decisions it makes;
- Ensure that the Cabinet and Officers perform effectively and that the Council is delivering what it said it would.
- Listens to the views of the public and make sure the public voice is heard;
- Develops and reviews policy to ensure that it is fit for purpose and provides the best outcomes for the people of Newport.

Scrutiny Committees do not have decision - making powers. In all cases the role of the Scrutiny Committee is to examine available options or consider how effectively an area is performing and then to make recommendations to the decision making body whether that is the Council; the Cabinet, an Individual Cabinet Member or external partners.

Scrutiny Committees are usually conducted in public, and the public are welcome to attend and observe any formal meeting of the Committee.

The Scrutiny Committee can operate in a number of ways, depending what the issue is that they are looking into. The most common approaches are either to consider issues via a report at Committee meetings, or to set up a working group to look at an in-depth issue.

Since the introduction of the Wellbeing of Future Generation Act, Scrutiny now has a statutory role to scrutinise the work of the Public Service Boards. PSB's are accountable to Scrutiny Committees in respect of how they work jointly to improve the economic, social, environmental and cultural well-being of their area by contributing the achievement of the wellbeing goals in accordance with the sustainable development principle.

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Under the Act, Scrutiny has the power to:

- Review or scrutinise the decisions made or actions taken by the PSB;
- Reviewing or scrutinise the governance arrangements of the PSB;
- Acting as a consultee on key documents;
- Monitoring progress on the PSBs implementation for the wellbeing plan and assessing the delivery of objectives.

In carrying out these roles, the Scrutiny Committee can require any statutory member of the Board to give evidence, the capacity in which they do so must relate to the exercise of joint functions conferred on them as a statutory member of the board.

How can the public get involved in the Scrutiny Process?

Scrutiny Committee meetings are normally open to the public and the agendas are published 1 week in advance of the meeting on the Councils webpage. Members of the public are welcome to attend any Committee meeting to observe. Agendas, reports and minutes of meetings can be found on the [Council's website](#).

Members of the public can suggest items for the Scrutiny Committee to look into by writing, emailing or phoning the Scrutiny Team:

Scrutiny and Governance Team
Newport City Council
Civic Centre
Newport
NP20 4UR

Tel: 01633 656656

Email: scrutiny@newport.gov.uk

What is the purpose of this Annual Report?

Each year the Council produced a Scrutiny Annual Report, which is intended to give an overview of the work undertaken by each of the Overview and Scrutiny Committees over the previous 12 months. This report also sets out the planned actions for the next 12 months, summarised in Section 9, within the Action Plan for 2019/20.

This report looks at the work of the Scrutiny Committees from May 2018 to April 2019. The Annual Report is an essential tool for measuring the performance of Scrutiny, evaluating the progress made against previous targets and setting priorities for the coming year.

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Key Developments

Following the new Committee structure adopted by the Council in May 2017, the Committees work has been focused on embedding the benefits of the new structure and enhance the Council's scrutiny function relating to the roles below:

Performance Monitoring	Holding the executive to account
Policy Review and Development	Including consultation on decisions before they are made (pre-decision Scrutiny)
Performance of partnerships	in particular the PSB (but also NORSE, EAS, SRS, Newport LIVE).
Scrutiny of Corporate Strategies /Plans –	Such as the Corporate Plan, Improvement Objectives.
Coordination / management	of work programmes - including referrals, policy review groups, recommendations monitoring and setting processes for looking at Corporate issues such as the budget, public engagement, the Corporate Assessment)

Scrutiny's function has made a greater impact by devoting three of the four Committees to performance based work, becoming more outcomes based and linking to the Cabinet work programme, creating a cohesive approach to improve performance within the Council.

The four Committees;

- Overview and Scrutiny Management Committee
- Performance Scrutiny Committee – People
- Performance Scrutiny Committee - Place and Corporate
- Performance Scrutiny Committee – Partnerships

To support the Members in executing their Committee duties, a number training course and seminars have been held. These include

- PREVENT Training
- Equalities Training
- Review of Schools in Red/Special Measures
- EAS Event – Accountability and Curriculum Reform
- Out of County Placements
- Presentation from Motor Neurone Disease Association
- Information Security Training
- Well-being Plan and Well-being Assessment Briefing
- Housing
- Homelessness

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- Understanding Educational Attainment Data
- Review of Schools in Red/Special Measures
- Service Plans
- The Quality of the Road Network

Below is a summary of the major developments and achievements this year.

1.1 Performance Scrutiny Committee – Place and Corporate Performance Scrutiny Committee – People

The two Performance orientated Committee's range of knowledge about the service area has increased and grown as they progress through their work programme.

The understanding and knowledge base throughout the Committee Members has increased with Members developing their questioning skills and strategies to allow for more in depth scrutiny and targeting of the poor performing targets and measures.

The Officers and Cabinet Members are being held to account better for their actions and decision making processes.

The Committee have built on the established performance focus by not only scrutinising performance data but taking a holistic look at the service area through service plans. At the beginning of the Year the Committees were receiving performance updates for the Service areas focusing on performance indicators as the main source of information. Since then, the Committees have begun to scrutise the service areas through the Service Plans which provides a more rich evidence base for the Committee to consider performance in a wider context. The Service plans have included financial information, links with corporate goals, Wellbeing goals and work towards goals set external of the Council.

Both of these Committees have also received reports on the Cabinet's responses to the Recommendations the Committees had made to the Draft Budget proposals as part of the Committee's remit of measuring and assessing its own impact and value.

Performance Scrutiny Committee – Place and Corporate have also considered the Draft Highways Asset Management Plan 2019-2024 following an all Member briefing in September 2018.

Performance Scrutiny Committee – People considered 2018 End of Key Stage Teacher Assessment Outcome's and National Test Results report, ESYTN Inspection Reports

The Committee have also had many briefings to assist Members to understand the background to the item before the Committee meetings. These briefings included with an update on the work being undertaken on Additional Learning Needs in Gwent and an update on the Transition from Children's to Adult Social Services.

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2.2 Overview and Management Scrutiny

The Members are increasing in confidence asking questions which addressed national policy, especially the Wellbeing of Future Generations Act. These questions created a thread between meetings that allowed themes to develop, and questions to hold more weight and a greater need for Officer responses to be of a higher quality and show how the Officers linked each strategy to the overall Corporate plan.

- Corporate Safeguarding
- Recommendations Monitoring – Budget and Public Engagement
- Recommendations Monitoring – Economic Regeneration
- Recommendations Monitoring – Corporate Plan
- Wales Audit Office Report – Scrutiny – Fit for Future?
- Implementation Monitoring – Pillgwenly Public Spaces Protection
- Director of Social Services Annual Report
- Public Engagement Review
- Annual Information Risk Report
- 2019/20 Budget and Medium Term Financial Plan (MTPF)
- Recommendations Monitoring - Waste Services Review
- Wales Audit Office Report – Waste Services Follow Up Review

2.3 Performance Scrutiny Committee- Partnerships

The Performance Scrutiny Committee - Partnerships

- PSB – Well Being Plan 2018-23
- PSB – Well Being Plan 2018-23 – Mid Year Update
- PSB – Single Integrated Plan Report 2017-18
- Cardiff Capital Regional City Deal Joint Scrutiny
- Education Achievement Service – Governor Support
- Education Achievement Services (EAS) Business Plan 2019-20
- Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Strategy
- Shared Resources Service (SRS) Update
- Regional Area Plan 2018-19 Summary Update

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9. Actions 2018-19 Update

Intended Outcome	Actions		Status	
Public Engagement of Scrutiny Tudalen 46	1	Redevelop Scrutiny's Public Engagement Strategy to ensure arrangements are put in place to support public involvement and participation within scrutiny is encouraged. To include: <ul style="list-style-type: none"> - Utilising social media to promote Committee work. - Encourage public participation and involvement. - Improving the public's engagement with the scrutiny function by using a wider range of engagement methods. 	Not Completed	This has not been progressed. Due to a shift in priorities the focus of the web developments have centred on implementing the Welsh Version of the Agenda publication software to ensure that the Council webpages are compliant with the Welsh Language Standards. This change in priority has meant that improving the website for the public will be revisited next year.
Member Development	2	Ensure an effective member development programme is implemented to support Scrutiny Members to undertake their roles. This will need to include feeding into to an overall member development programme and providing comprehensive support to Members.	Ongoing	Each Committee has requested a number of briefings to support them in undertaking their role. This forms part of wider development through the Democratic Services Committee to implement the Member development Charter.

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Intended Outcome	Actions		Status	
<p style="text-align: center;">Executive Arrangements</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Tudalen 47</p>	3	<p>Review the arrangements for Cabinet Member attendance at Scrutiny in light of changes to the performance reporting. To enable the Committees to effectively hold Cabinet Members to account for Service Performance, when invited to scrutiny Committees and utilise Cabinet Member time effectively at the meetings.</p>	Completed	<p>Regular attendance of the lead Cabinet Member to be held to account for the performance of the Service Area alongside the Director and Head of Service.</p> <p>The Performance Scrutiny Committee- Place and Corporate and the Performance Scrutiny Committee- People have received the mid year and year end update on the service plan, for which the relevant Cabinet Member has been invited and contributed to the Committees consideration of the performance of each service area.</p> <p>The Leader has also been in attendance for the Overview and Scrutiny Management Committee for the discussion of the progression of the Council's Corporate Plan in December 2018.</p>
	4	<p>Improve the planning and links between the Scrutiny Forward Work Programme and the Cabinet.</p>	Ongoing	<p>This is ongoing. The Cabinet Work programme is reported to Scrutiny Annually to ensure that the Committees have an opportunity to identify areas of interest.</p> <p>The next stage is to develop the use of the software Mod.gov to publish work programmes which will make it easier to track the history of items that have gone to Cabinet and Scrutiny. This has not been progressed this year due to the priority of developing the Welsh Mod.gov facility to ensure the Council is compliant with the Welsh Language Standards.</p>

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Intended Outcome	Actions		Status	
Tudalen 48	5	To continue regular meetings of the Chairs of Scrutiny, the Scrutiny Officer Team to ensure a positive relationship continues, and workloads are coordinated effectively. This will include meetings with the Executive.	Complete	<p>This is ongoing. The Chairs have continued to meet throughout the year to coordinate the work programmes collectively and ensure a consistent approach is being delivered.</p> <p>Following discussion with the Leader, the Cabinet had elected a Scrutiny contact within the Cabinet to attend meetings and discuss working practises between Cabinet and Scrutiny. Councillor Deb Harvey has attended meetings of the Scrutiny Chairs meetings to discuss Cabinet Members attendance at Scrutiny ensuring a consistent approach is being taken between the 4 Committees on this matter. It also will ensure an ongoing dialog to address any issues that may arise during the course of the year.</p>
	6	Review the impact of the new scrutiny structure and arrangements in driving improvement to include a repeat of the Scrutiny Self Evaluation and Peer review exercises	April 2019	<p>The Self Evaluation was completed this year with Committee Members, Cabinet Members and Officers in January 2019. Only 4 responses were received. The issue was discussed with the Chairs and it was decided to repeat the exercise in April to attempt to increase turn out. There were still not sufficient numbers of forms returned to analyse the outcomes and use the data to determine areas of development for next year. This will be discussed at the next meeting of the Scrutiny Chairs and alternative options will be looked to engage with Scrutiny Members, including setting up a Peer Review with neighbouring authorities to obtain external views on Newport Scrutiny Arrangements.</p>
Assessing Effectiveness and Impact				

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9. Actions 2019-20

Tudalen 49

Ref	Proposal for Improvement	Intended Outcome	Completion Date	Responsible Officer
1	Provide a structured and timely member development programme to improve Members scrutiny Skills and improve their understanding of their Scrutiny Role	Members understanding of their Overview and Scrutiny Role increases	TBC	Scrutiny and Governance Manager
2	Providing further training for scrutiny members on the Well-being of Future Generations (Wales) Act to improve their understanding and consideration of the Act when undertaking scrutiny activity.	The principles of the Act are more familiar to members and those are applied during scrutiny processes	Establish training needs September 2019 through reissuing the training and development questionnaire to Members, continue development of programme ongoing throughout the year.	Scrutiny and Governance Manager
3	Effectively holding Cabinet members to account for service performance when invited to scrutiny meetings.	Ensure that the Council has arrangements to enable scrutiny to hold Cabinet members to account more effectively and ensure Cabinet Members are equipped and prepared to be held accountable for the roles they hold.		Scrutiny and Governance Manager / Cabinet Office Manager
4	Reviewing the impact of the new scrutiny structure and arrangements in driving improvement.	Ensure that the new structure and arrangements are achieving the intended outcomes.	Scope Peer Review with other authorities September 2019	Scrutiny and Governance Manager

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5	Improving the public's engagement with the scrutiny function by using a wider range of engagement methods	Ensure that there are greater opportunities for the public to help to influence scrutiny forward work programmes	Jan 2020	Scrutiny and Governance Manager
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Minutes



Standards Committee

Date: 11 July 2019

Time: 5:30pm

Venue: Committee Room 4 Civic Centre

Present: P Westwood (Chair), Councillors H Thomas, P Hourahine.
Dr P Worthington, J Davies, T Britton, K Watkins, A Mitchell, Pamela Tasker (Governance Officer), Juliet Owen (Chief Legal Officer), Gareth Price (Head of Law & Regulation)

Apologies: Councillor V Dudley

1. Apologies for Absence

None

2. Declarations of Interest

None

3. Minutes of the Previous Meeting 11 April 2019

A member of the Committee advised that on page 5 Item 6; Social Media for Councillors Guidelines there should be a full stop after the sentence "It was announced that Ms Britton intended to attend Council on the 30th April 2019" and it was requested that the rest of the sentence be removed.

Agreed: That the minutes from the 11 April 2019 was a true record.

4. Matters Arising

The Chair also commented on the Response to Ethical Standards Questionnaire and that the completed revised questionnaire would be circulated to the eight heads of service and the eleven members of the senior management team. It was also commented that the Questionnaire be sent to planning and licensing Committee's.

5. Chairs Announcements

There were no announcements from the Chair.

6. Complaints

The Head of Law and Regulation confirmed that there were no further complaints and there had been no further action regarding the pending complaints. These complaints were regarding Councillors and was not a code of conduct issue.

A Member of the Committee remarked on questions that Councillors have received over the years and that some ward members had lost their temper if they haven't had the right response and as a result they wanted to complain.

It was confirmed that if a complaint was made to the Ombudsman regarding a Councillor then that Councillor was informed about the complaint and were informed as to whether the Ombudsman accepted the complaint to be investigated or not.

Head of Law and Regulation confirmed that Newport City Council would advise the complainant to refer to the Ombudsman as the Council could not log an issue as a complaint as the Council could not deal with complaints about Councillors. If a member of the public complained they were referred to the Ombudsman and were given their contact details and it was up to that individual if they wanted to pursue it.

A Member of the Committee questioned whether the Council would ever be aware of a complaint that was made but that a Councillor would not be aware of. It was reiterated that the member of the public would be told the complaint could not be accepted and so they would be referred to the Ombudsman.

It was commented that it was felt that over the last couple of years more people have said that they wanted to complain. It was also mentioned that there had been complaints within political groups but that this would be a party discipline issue and nothing to do with the Council.

It was discussed how if a member of the public complained to the Ombudsman then the Ombudsman notifies the Council and it would then be looked at as to whether a code of conduct was breached. It was clarified that the Ombudsman would not investigate how Councillors discharged their duty to a constituent.

It was commented by a Member that there was a complaint made when they were a Chair of Governors and if it raised a code of conduct issue then it was raised in a different way- i.e. in a school the Council wouldn't be aware of the complaint. If a complaint came in about a Governor then it would be dealt with by a panel of Governors.

It was discussed how complaints have come in, in the past in relation to LEA appointed Governors and the governing body has responded regarding behaviour of a Governor and removed them because of their behaviour. This would only apply to LEA appointed Governors.

It was commented that there had been reports of complaints within the Labour Party recently of anti-Semitism that had allegedly not been dealt with properly. It was noted that all public authorities were being probed at present.

7. Draft Ethical Standards Questionnaire

Members of the Committee were requested to view The Ethical Standards Questionnaire. It was reported that it was a redraft of the same questionnaire that was previously circulated. It made a reference to the Code of conduct etc.

The Chair commented that it was a nice piece of work. Dr Worthington stated that they had been studying other Councils and that training was an issue.

A member of the Committee recommended that between the option of 'agree' and 'disagree' should there be another option if a person did not agree or disagree. It was discussed that maybe another option should not be offered as people would then take the middle ground.

It was agreed that the option of entering in free text at the end where people could make comments was really useful for providing feedback.

The Chair stated that this was the starter of trying to highlight issues and it was hoped that there would be a lot of responses returned.

If the questionnaire met with the Standards Committee approval then it could be sent out.

It was noted that if Members attended all the seminars then it should be straightforward but not all Members did attend.

The Chair commented that maybe there should be further training on the Code of Conduct but as this covered a lot of issues maybe the question should be expanded? However it was stated that the more the questions were expanded then the more difficult it would be and it was agreed that the questionnaire should not be expanded so as not to make it too lengthy.

Agreed: It was agreed that the Governance Officer would circulate the Ethical Standards Questionnaire to all Members, Heads of Service, Directors and all senior managers as well as planning and licensing Junior Officers to be returned by the 26 September 2019.

8. Local Government Ethical Standards Report (England)

The Chair requested for the Members of the Committee to view the Local Government Ethical Standards Report (England) which may be of interest to members. The report discussed the Code of Conduct in England and gave some background on this.

It was stated that the process had come full circle as it was not working so a standardised approach was needed with sanctions etc.

It was noted in the recommendations that clerks should hold some kind of qualification. However it was noted that in relation to Town Councils some had a large budget and 20 staff. Some Community Councils have a part time clerk and part time staff.

It was noted that some Community Councils had trouble recruiting people for a clerk post as it was a part time post.

The Chair referred to page 20 and 21 of the report in relation to the Localism Act 2011 and whether the Community Councils in Wales must adapt the Code of Conduct?

The Head of Law and Standards confirmed that the Community Councils in Wales adhered to the same Code of Conduct as Newport City Council.

This particular point was mentioned as during a previous Community Councils Liaison Meeting it had been discussed as to whether a Member should leave the room when declaring an interest and clerks were not aware that a form should be filled in at the meeting.

As a result of the Liaison meeting, information regarding Declarations of Interest was circulated to all Community Council Clerks for consistency.

One Voice Wales advised that a register should be taken of a member's interest and the Member also had to sign a form which was interlinked.

Register- some councils have an intetest up front- in the model code only for city councillors. Some have refused to sign it- unlawful from one voice wales.

Community councillors its not unlawful- however at a meeting- they have to declare it verbally and then leave the room and also need to declare in writing and then this goes on the public register.

Further training for clerks needed?

It was the issue of leaving the room that clerks were not aware of and the form that had to be filled in.

People filling in the register thought this was enough but it is not but an issue at a meeting happens just monuting this is not enough.

As long as they leave the room at that point then that's the main issue this makes It transparent and it's a technical breach of the code.

Fire authority- paper comes around and form filled in.

Soemthing might come up in a meeting etc and they leave the room- would be minuted etc but form now needs to be filled in as well. Its then added to the website.

Standards committee- those that follow guidelines any additional training.

Questionnaire sent out to comm councils but none returned.

Follow up? On code of conduct- it does not say any extra form needs to be filled in.

Head- it does say this- small print says that the form needs to be submitted.

Any confusion at all then it can be recirculated.

Chair asked does it come up in annual meeting?

No annual training as its not an issue. Only applies to city councillors- annual training.

Happy to supply forms and advice.

Further emaiol to be sent- and forms to be sent out re form in meeting.

In report- English report- Chair- best practice- views of community organisations- consult internally (head)

Lost of misunderstanding amongst the public at times. Promoting more the role of standards. More info on the website might be good.

Abolishing health councils- minister of health- in front of committee. P Worthington involved in the legislation. Scheduled stage 1 and 2 in Oct. abolished in the next couple of years-

Talking to the wider committee.

Licensing: objection to venue- people wise to object but when they realised what it involved then it was accepted. Problem is then you need to go that far- object to it before people accept it.

Councillors have their own code in England. Consulting the people in Wales would just be seeing how effective it is in practice. Councils want to change local codes by consulting locals (England)- quite vague- increasing

Doing as much as we can in terms of letting the public what we do.

Worthington- 25- role of political groups- implies that the groups arrange the training. Gives the group a strong voice to make sure they attend. Have non attendance of training then business heads get informed and it's then circulated. But we can't impose it.

Planning or licensing councillors have to

Group discipline enforces member engagement and sanctioning this.

Political group should enforce this and not assign councillors who have not had the proper training.

Down to 3 in the end which is good and those that didn't attend the guidance was circulated.

Huge disadvantages not to be trained eg licensing and planning etc (member) and very important.

9. Date of Next Meeting: 7 Nov 2019

Mae'r dudalen hon yn wag yn