

# Agenda



## Newport City Council

Ddydiad: Dydd Mawrth, 24 Tachwedd 2020

Amser: 5.00 pm

Lleolia: Cyfarfod rhithwir

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 buddiant.
  - iii. Derbyn unrhyw gyhoeddiadau gan y Maer.
2. Cofnodion (Tudalennau 3 - 12)
3. Penodiadau (Tudalennau 13 - 14)
4. Materion yr Heddlu
5. Rhybudd o Gynnig: Cefnogi RSCPA i atal tân gwyllt All Wards
6. Polisi talu a gwobrwyo 2020/21 (Tudalennau 15 - 54) All Wards
7. Adroddiad Blynyddol gan Bwyllgor y Gwasanaethau Democratiaidd (Tudalennau 55 - 72) All Wards
8. Adroddiad blynyddol y Pwyllgor Safonau 2019/20 (Tudalennau 73 -

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Date of Issue: Dydd Mawrth, 17 Tachwedd 2020

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9. Cwestiynau i arweinydd y cyngor
10. Cwestiynau i aelodau'r cabinet
11. Cwestiynau i gadeiryddion pwyllgorau
12. Rhan 2 eitemau eithriedig neu gyfrinachol  
I ystyried a ddylid gwahardd y Wasg a'r Cyhoedd wrth ystyried yr eitem ganlynol, oherwydd y bydd yn debygol o olygu datgelu gwybodaeth eithriedig neu gyfrinachol fel y diffinnir yn Atodlen 12 A, Deddf Llywodraeth Leol 1972 a'r gwaharddiad yn gorbwysu budd y cyhoedd mewn datgeliad
13. Cynrychiolaeth y cyngor ar fwrdd trafndiaeth Casnewydd All Wards  
*(Tudalennau 99 - 104)*
14. Dyddiad y Cyfarfod Nesaf 26/01/2021
15. Digwyddiad byw  
[To watch the live event, please click here.](#)



# Minutes

## Council

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Date: 29 September 2020

Time: 5.00 pm

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

Apologies: Councillors R Mogford

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### 1. Preliminaries

### 2. Minutes

The Minutes of the Council meeting held on 27 February and 28 July 2020.

**Resolved:** That the Minutes of 27 February and 28 July 2020 be recorded as a true record.

### 3. Appointments

To consider the proposed appointments set out in the report

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

**Resolved:** That the following appointments be agreed.

#### Internal Appointments

None received.

#### Appointments to External Organisations

Organisation	No. of Vacancies / Replacements	Nominations Received
Business Improvement District	1	The Leader to replace Councillor D Harvey

#### Governing Body Appointments

Organisation	Nominations Received	Number of
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		<b>Vacancies/Replacements</b>
Malpas C/W Primary School	Andrea Mulcahy	Re-appoint
St Josephs' RC High School	David Fouweather	Re-appoint
Ysgol Gymraeg Bro Terynon	David Fouweather	End term of office
Mount Pleasant School	Dilwyn Gurney	Appoint as LA governor
Temporary Governing Body - Welsh Medium School 4	Sheereen Williams	Information only
Temporary Governing Body - Welsh Medium School 4	Cllr Tracey Holyoake	Information only
Temporary Governing Body - Welsh Medium School 4	Cllr Jason Hughes	Information only
Glasllwch Primary School	Matthew Evans	Re-appoint
Llanwern High School	Ray Truman	Re-appoint
Alway Primary School	Ray Truman	Re-appoint
Bassaleg School School	Margaret Cornelious	Re-appoint
Pentrepoeth Primary School	Margaret Cornelious	Re-appoint
Crindau Primary School	Paul Cockeram	Re-appoint
Kimberley Nursery School	Paul Cockeram	Re-appoint
High Cross Primary School	Sally Mlewa	Re-appoint
Jubilee Park Primary School	Sally Mlewa	Re-appoint
Langstone Primary School	Ray Mogford	Re-appoint
Caerleon Comprehensive School	Ray Mogford	Re-appoint
Llanmartin Primary School	Martyn Kellaway	Re-appoint
Glan Llyn Primary School	Martyn Kellaway	Re-appoint
Llanmartin Primary School	John Davies	Re-appoint
Llanwern High School	Ray Truman	Re-appoint
Eveswell and Somerton Primary School Partnership	John Guy	Re-appoint
Llanwern High School	John Guy	Re-appoint
Lliswerry High School	Kenneth Critchley	Re-appoint
St Andrews Primary School	Kenneth Critchley	Re-appoint
Maindee Primary School	Majid Rahman	Re-appoint
Maes Ebbw School	Majid Rahman	Re-appoint
Malpas C/W Primary School	Andrea Mulcahy	Re-appoint
Malpas Court Primary School	Jane Mudd	Re-appoint
Marshfield Primary School	Thomas Suller	Re-appoint
Monnow Primary School	Valerie Delahaye	Re-appoint
Mount Pleasant Primary School	Stephen Bowen	Re-appoint
Malpas Court Primary School	Stephen Bowen	Re-appoint
Mount Pleasant Primary School	Kelly Jones	Re-appoint
Monnow Primary School	Kelly Jones	Re-appoint
Newport High School	David Mayer	Re-appoint
Newport High School	Valerie Delahaye	Re-appoint
Gaer Primary School	Valerie Delahaye	Re-appoint

St Davids RC Primary School	David Hutchings	Re-appoint
Ysgol Gymraeg Bro Teyrnnon	David Hutchings	Re-appoint
St Joseph's RC High School	Mark Whitcutt	Re-appoint
St Woolos Primary School	Miqdad Al-Nuaimi	Re-appoint
St Woolos Primary School	Kate Thomas	Re-appoint
Ysgol Gyfun Gwent Is Coed	John Harris	Re-appoint
Ysgol Gyfun Gwent Is Coed	Elin Maher	Re-appoint
Llanwern High School	Elin Maher	Re-appoint
Ysgol Gyfun Gwent Is Coed	Christopher Chapman	Re-appoint
St Joseph's RC High School	Christopher Chapman	Re-appoint
Ysgol Gymraeg Bro Teyrnnon	Shereen Williams	Re-appoint
Ysgol Gymraeg Ifor Hael	Olwen Allender	Re-appoint
Ysgol Gymraeg Ifor Hael	Glyn Jarvis	Re-appoint
Jubilee Park Primary School	Replace Rehman Hayat with Chris Lacey	New appointment

In addition to the above appointments, Councillor Harvey informed Council of the need to agree dispensations for Councillor absences, in accordance with section 85 of the Local Government Act 1972.

**Resolved:**

To approve and extend absence of Councillor Critchley for a further six months.

**4. Police Issues**

Superintendent M Richards gave the Council an update on current police matters before inviting questions from councillors.

Crime had decreased during the past five months with 2,000 fewer offences; Covid would have played some part in this. Burglaries had reduced by comparison to other forces in Wales. August saw a low crime month with around 40/50 fewer incidents than the previous year. May and July this year saw the pro-active team deal with seizure of 200 vehicles, anti-social behaviour and supplying of drugs. Huge quantities of Class A drugs to the value of £5M was seized. Operation Washington resulted in seven drug dealers being arrested and most had received significant sentences.

Newport Central – Tackling antisocial behaviour was a priority as well as dealing with begging and drug misuse by the main bus station. The night time economy changed during the pandemic and footfall was very low. The Superintendent thanked M Cridland, Regulatory Services Manager, Commercial Standards and the Licensing Team for support visiting nightclubs. The Police, working in partnership with the local authority at the beginning of lockdown were able to re-house over 100 rough sleepers, this had a positive impact on anti social behaviour and begging.

Newport West – There was a spate shed burglaries in the early summer months in Allt-yr-yn and a number of people were arrested and charged. A new mutli-agency governance meeting as established; Safer Pill which was attended by members and residents. There were 25 arrests in the Pill area in August with numerous vehicles seized. The Travellers encampment at Sandpiper Way, Duffryn that had arrived in May had now gone. There had been several calls regarding off road bikes within the Bettws, Malpas and Shaftesburyarea, a number of these bikes were seized. The Superintendent was part of the Peterstone and Wentllog group; PRAID which met recently. There was an unsightly incident on Saturday 12 September where a number of travellers riding around on pony traps completely disrupted

the City Centre, this took place during 2.30pm to 6pm. The Police had no intelligence it was taking place, the Travellers met in a pub car park in Duffryn before parading through Newport. The Police would be regularly monitoring the licenced premises in the future. Maseglas anti social behaviour teams were also looking into the issues.

Newport East - Car cruises in Spytty area were not taking place after a recent meeting with the Police. Inspector Cawley updated the Superintendent advising that anti social behaviour under George St Bridge, Corporation Road, Old Barn Estate and Black Ash were priorities. The Caerleon anti social behaviour team were also spending more time in this area.

The Leader thanked Superintendent Richards and the Police for their hard work during the pandemic. Both the Council and Police had seen challenging times and at every level, the engagement with Gwent Police had been really effective. The Leader recently met with the new Chief Superintendent and also wished to pass on her thanks. The approach taken by the Police and the support they had shown towards the Council's enforcement team reflected the maturity of the Council/Police relationship.

The Leader had a question from the residents of Malpas, Bettws and Shaftesbury where off road bikes were being used, these impacted on active travel routes. The Leader asked what assurances could Police give that this was being addressed. The Superintendent assured the Leader that feedback would be taken back to the Inspector and his team, this would also be a priority in the coming weeks.

- Councillor R Jeavons referred to the car cruises along the SDR and the ongoing dialogue with the aforementioned groups. The Superintendent had a productive meeting with event organisers recently regarding a recent gathering. There would be no further meetings for 6-8 months. The Police were also working closely with Tesco to make it a difficult place to visit.
- Councillor D Harvey informed the Superintendent of near miss incidents relating to the travellers' dangerous event with traps, that almost caused a collision with pedestrians, including a young mum and child. There was aggressive behaviour towards members at NISV and unprovoked fights and damage to the cost of £500 to the play park. Councillor had a briefing with Newport Live and understood that Police could have used Section 61 to manage the situation, or made arrests. The Superintendent had received regular briefings from Newport Live and would arrange a meeting with Cllr Harvey to go through what was discussed.
- Councillor M Evans thanked police staff for their hard work during lockdown and local lockdown. Councillor asked if the Council should have taken civic action in relation to the Sandpiper Way encampment, or was it the responsibility of the police. There was a multi-agency joint protocol in Gwent regarding unauthorised encampments. The lead role was to rest with the local authority, however there were restrictions imposed by WG on local authority's due to Covid-19. Police did have certain powers under Section 61 although there was certain criteria relating to these powers and when they could be used. The local authority had similar powers under Section 77 of the same Act. The calls from residents however were low level therefore Section 61 was not triggered.
- Councillor M Rahman referred to the lack of police response in Victoria Ward. There was a brawl recently that took place outside a Fried Chicken Takeaway shop on Corporation Road. Councillor was only made aware of fight on Face Book when owners posted footage. Police had not contacted or visited them and perpetrators were not apprehended. The lack of police response might be due to people not reporting incidents and Councillor requested that this be raised with the team. The Superintendent was not aware of the incident but would take messages back to the Newport East Team.

- Councillor Hughes thanked the police for their support with licensing related matters. On 26 September, Caerleon had a significant house party and police attended the scene at 2.30am but left allowing the party to continue until 3.30am, when the partygoers had dispersed, vehicles were doing wheel spins and playing loud music. More attention was needed in Caerleon as there was a rise in anti social behaviour and councillor welcomed the police presence. The Superintendent would receive a briefing on the incident and report back to the councillor.
- Councillor Holyoake congratulated both the Superintendent and Inspector Williams on their work in the Pill Ward. There had been a Travellers encampment on Alexander and Commercial Road. Drinking in public had also risen considerably. The Pill advisory group suggested that a PSPO order should be put back in place. The local chemist in the area had also seen an increase of drug users on the street outside and regular ambulance call outs to take the users to hospital. The Superintendent was attending the Safer Pill meeting the day after Council and there was a Safer Newport governance meeting with Council's Chief Executive also taking place to discuss issues.
- Councillor C Evans referred to the homelessness shelter sign posted to the most vulnerable. The group which was led by the Chief Inspector and was attended by T McKim, Policy Partnership and Involvement Manager, was successful in housing the homeless as referred to in the Superintendent's update. The Councillor hoped that the group of strategic leaders would maintain this approach and build on success of the last few months.
- Councillor White referred to the co-operation with Gwent and South Wales Police represented at stake holder level regarding the events and subsequent incidents relating to pony traps and whether this also happened in Cardiff and Newport. The Superintendent had received intelligence on Sunday 13 September that it was a group of Travellers from Swansea that pitched up at the Duffryn Arms, although he was not sure if they were related to Peterstone and Wentloog incidents.

#### 5. **National Non-Domestic Rates: Discretionary Relief: Retail, Leisure and Hospitality Rate Relief Scheme**

The Leader presented the above report, highlighting that the covid-19 pandemic resulted in a shutdown of all non-essential businesses earlier this year. In response to this, Welsh Government provided a raft of measures intended to help businesses adversely affected from not being able to trade.

One of these measures was the introduction of a new rate relief scheme for businesses in the Retail, Leisure and Hospitality sectors which removed the need to pay any rates in 2020-21.

This important scheme required approval as it was based on the discretionary rate relief provisions. As Council was not sitting at the time, and due to the need to act quickly the scheme was approved by the Leader under emergency provisions.

This removed the worry of ratepayers paying their rates in 2020-21 and the rate relief was swiftly applied to their rate accounts and notifications issued before the first instalment was due in April.

This report sought formal retrospective approval and ratification of the resolution agreeing to adopt the scheme.

#### **Resolved:**

That Council agreed to adopt the Welsh Government's Retail, Leisure and Hospitality Rate Relief Scheme for 2020-21 by making the appropriate determination and decision, as

required by Sections 47(1)(a) and 47(3) respectively of the Local Government Finance Act 1988, as set out in the Appendix to this report.

## 6. **Treasury Management Report Covering the Financial Year 2019/20**

The Leader presented this report, detailing the treasury management activities of the Council for 2019/20. It was a backwards looking report confirming that all borrowing and investments undertaken during the financial year were expected and in line with the agreed limits set by full Council. It also confirmed that 2019/20 Prudential Indicators for treasury management were also met in line with those set by Council.

The Council's current strategy was to fund capital expenditure through reducing investments (our internal borrowing) rather than undertake new borrowing where it can ie, we deferred taking out new long term borrowing and fund capital expenditure from the Council's own cash resources -mainly reserves. By using this strategy the Council could also minimise cash holding at a time when counter-party risk remained relatively high, especially with the current economic implications during Covid-19.

The level of internal borrowing was around £87m, and by using this strategy it was estimated that Council saved about £2.6m in revenue costs based on current interest rates. This strategy could not be maintained as the council would be reducing its reserves over the medium term, for example, PFI reserves, therefore the council would need to 'swap' the internal borrowing for real borrowing in future.

The level of external borrowing the Council held at 31 March 2020 was still significant at £166m, this would increase in future years as our ability to internally borrow reduced as reserves were utilised as noted above.

Of this £166m, it was important to note that an additional £15m of borrowing was undertaken to enable the Council to be a front-runner in supporting the response to Covid-19 and administering business grants to businesses in Newport, prior to the funding being received by Welsh Government.

The investment balance at 31 March 2020 was £12.5m, taking net borrowing to £153.8m, this was an increase of £17.2m on the previous year. It was noted that the Council would keep a minimum investment balance to satisfy the requirements of being deemed a professional body for compliance purposes.

The report also detailed non-treasury investments as required by Welsh Government, including investments in directly owned property such as commercial and industrial units, loans to local businesses and landlords and shareholdings in subsidiaries; in our case, Newport Transport. The total value of these investments at 31 March 2020 was £14.5m.

Cabinet approved the report in July therefore the Leader now submitted the report to full Council for approval.

Councillor M Rahman thanked the Leader for taking the quick action and releasing the money for businesses, which saved families and businesses going under.

### **Resolved:**

That Council noted and approved the report on treasury management activities for 2019/20, which were in line with the agreed Treasury Management Strategy for 2019/20.

## 7. **Strategic Equality Plan 2020-2024**

The Leader of Newport City Council was pleased to be able to present to Council the authority's third Strategic Equality Plan. The plan represented an evolution from the 2016-



2020 plan, with more outcome based objectives that had been developed by working closely in partnership with various teams across the authority and in collaboration with key stakeholders and communities.

The Equality Objectives within the Strategic Equality Plan, had a good mix of internally focused objectives, such as our commitments to improving our workforce diversity through greater positive action, and more externally focused objectives such as the on-going commitment to improving community cohesion across the city. This balance of internal self-reflection and an outwardly focused commitment to improve equality in key areas of society was the strength of this strategy and represented a positive step forward for Newport City Council.

The past few months, and no doubt the next few months to come, were challenging, and had exposed many of the structural and social inequalities that continued to persist in society, from the global Black Lives Matter protests, to our exit from the European Union, and the ramifications of the global COVID-19 pandemic. The Council found itself at a societal cross road as it looked to recover and learn from events that affected Newport, but had impacted specific groups in the communities so acutely.

The Council continued to strive to deliver equitable public services for all residents in the face of an increasingly challenging economic backdrop, without allowing the forces of division to create an environment of intolerance and hostility, this Strategy would help achieve this aim.

The Leader thanked both the Cabinet Member for Community and Resources, Cllr David Mayer and Cllr Mark Whitcutt for their contributions to the plan and the Strategic Equality Group over the past four years.

Cabinet approved the strategy at its meeting in July and the Leader moved for the adoption of this strategy by full Council.

The following issues were discussed:

Councillor Rahman, speaking as BAME Champion, welcomed the report and thanked Cllr Mayer and councillors for their time putting together the report's sharing opinions from all the communities. The Leader and staff met with other groups to discuss bringing about community cohesion. Members of the public had been consulted online and through focus groups putting Newport at the forefront of other councils.

Councillor Wilcox supported the Leader's comments adding that it was a milestone moving forward. The plan continued to be explicit on how to deliver services for Newport. The visuals and graphics were a step forward in how they talked to people. The Strategic Equality Group would support the delivery and scrutiny committee would have responsibility for monitoring progress. Councillor Wilcox added that she would like to see an opportunity for young people and youth groups to feed into the monitoring at some stage when we return to some form of normality, as they had a vital role to play for the future.

Councillor Whitcutt thanked the Leader for her gracious comments regarding his previous role adding that it was a pleasure to work with the team in preparing the document, who deserved to be commended on work they continued to do. Over 5,000 people responded which was a tremendous achievement at this time of challenge. It was an extremely important document which the councillor supported as part of his profession as a solicitor. The Council was in a strong position because of this work, thanking the Cabinet for its involvement and Tracy Mckim, Policy Partnership and Involvement Manager.

Councillor Davies added that the consultation with residents was a fundamental key to this report. It was apparent that views had not changed. The report was welcomed and

characteristics should be rightfully celebrated when and ignorance promoted a negative part in society.

Councillor K Thomas, Champion for vulnerable people as well as mental health champion highlighted the commitment that council had to supporting people and as councillors there was a need to approve and support the aims of this plan.

Councillor Lacey, LBGTQ champion also supported the report, stressing the importance of the document and that it was good to see Newport at the forefront of this.

Councillor Al-Nuami supported the document which was comprehensive and felt that he could not do it enough justice in such a short time. The pandemic had made a difference and it was welcomed that the impact of Covid was recorded within the document, which was very important. Councillor hoped that when Mayoral duties were able to return to normal, the events within the Muslim calendar would be celebrated with the community in Newport.

Councillor M Evans highlighted the importance of meeting with Black Lives Matter Group to ensure they were well represented within the community and to be aware of their aims and objectives.

Councillor Routley considered the report united rather than divided Newport, which was a welcoming place to diversity.

Councillor C Evans finally mentioned that the Newport Independent Party welcomed the report and gave its wholehearted support highlighting that it was important that we looked to ourselves and recognised the prejudice potentially in us all and to celebrate the diversity within the city.

**Resolved:**

That Council approved the attached Strategic Equality Plan.

**8. Questions to the Leader of the Council**

The Leader gave the following announcements, before proceeding with questions:

**Joint inspection of child protection services**

At the end of last year, children's services and education were part of the first multi-agency inspection of its kind.

Care Inspectorate Wales, Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, Healthcare Inspectorate Wales, Her Majesty's Inspectorate of Probation and Estyn carried out an in-depth inspection into child protection services in the city.

It evaluated how the Council, Aneurin Bevan University Health Board, Gwent Police, and the Probation Service responded to child exploitation.

The joint inspection found many strengths in all the services and made recommendations where it was felt improvements could be made.

It was a very welcome award, which had many positive things to say about council services in this very important area.

The council had extremely dedicated staff doing crucial work in collaboration with other agencies to try and keep children safe from physical, sexual or emotional harm.

The recommendations were taken on board to make sure every child in the Newport was protected and properly cared for.

### **Summer childcare schemes**

More than 300 children were cared for and entertained in safe and secure venues in schemes run by the Council and partners.

During school closure, care was provided for the children of key workers and vulnerable children using Covid-19 funding, this came to an end before the school holidays and the Council decided to step in and continue childcare provision using some Welsh Government funding and a donation from First Campus.

As well as schemes for children aged two to 12, there was also a specialist care scheme, working with Duffryn Community Link, Clybiau Plant Cymru and Newport Live in order to offer as many places as possible.

Over five weeks, more than 268 children of key workers were able to use the schemes while more than 60 vulnerable children took up places.

The Leader thanked all staff, and our partners, who provided childcare and First Campus for its kind and generous contribution.

### **Commendation for scheme aimed at stopping young people getting involved in serious and organised crime**

Serious and organised crime was a national problem and preventing young people from being preyed on and becoming involved in such criminality is a great concern. Newport had a successful partnership with Gwent Police and the Office of the Police and Crime Commissioner, delivering interventions to vulnerable young people at risk of being drawn into serious and organised crime.

The team worked with St Giles Trust, Crimestoppers and Barnardo's to deliver a ground-breaking programme that educated young people about the risk of serious and organised crime, encouraging them to report their concerns to all nine secondary schools in Newport. The partnership was working to deliver more targeted intervention high risk young people. Earlier this month, the partnership was commended in the Gwent Police Awards 2020.

### **NEET figures**

Even more young people are in education, training or work in Newport following a determined and coordinated effort by the council and its partners by comparison to eight years ago when just under 5% of 16-year-olds were not in education, employment or training.

By 2016 the numbers had fallen to a record low of 1.7% however the figures had steadily improved. Last year's data took the council to sixth in Wales for its performance in this area and figures for 2019 showed it had done even better.

Less than 1% (0.9%) of the year 11 age group was not in education, employment or training, raising the council to second in the all-Wales table and well above the Welsh average.

It was important to identify young people at risk of slipping through the net ensuring they took advantage of the opportunities available to change their future prospects.

### **New mobile enforcement vehicle**

On 24 August, a new mobile enforcement vehicle was launched as part of the council's ongoing effort to tackle illegal parking. Since civil parking enforcement was introduced in July last year, almost 22,000 penalty charge notices were issued to motorists parking illegally across the city.

The recognisable hybrid car was fitted with cameras on the roof with clearly displayed logos 'parking enforcement vehicle' in both English and Welsh.

### **Grant to refurbish Newport Stadium**

Refurbishment work at Newport Stadium was boosted by more than £150,000 of grant funding. Working in partnership with Newport Live and in partnership with Newport Harriers, Sport Wales and Welsh Athletics to deliver the refurbishment. This would see the installation of a new World Athletics' specification throwing cage and new polymeric surfacing for the track and field areas in addition to works of cleaning, repairs and line marking, establishment of new external throwing cage and area to be used as a training facility.

It was hoped that this strong collaborative partnership would continue to support and maintain athletics as a priority sport in the city.

### **Leader's Questions**

- Councillor M Evans thanked staff that excelled during lockdown and would like to formally recognise those staff that had gone the extra mile by resurrecting the award. Councillor asked what additional measures was the council taking to support the wellbeing of residents in light of the effects caused by the Pandemic.

The Leader responded that measures had been taken and that public protection had worked with businesses to implement safety requirements with positive feedback. This week a walk in centre at Rodney parade had been opened which meant residents could book a walk in test which greatly improve the system currently in place.

Ken Skates schemes would be opening up along with the business support team advising hospitality businesses on how to apply for funding. The test and trace team also worked hard, as well as schools and Head Teachers who had responded quickly and appropriately under the circumstances. The Leader also looked forward to resuming her weekly update with Cllr M Evans.

#### Supplementary:

Councillor M Evans asked if the Leader could do more to ease concerns over mental health as the council could not continue with social aspects for elderly. Abuse and suicide had risen, could the council adopt a more compassionate and human approach during the lockdown.

The Leader advised that there was a range of schemes in place working closely with various voluntary groups such as MIND and Red Cross as well as helping those with financial difficulties.

WG was considering how to help adults living on their own and how they could engage with other people. WG was a fantastic support during the pandemic. The WG website had FAQs in relation to Newport regarding this, or alternatively, Newport City Council customer support staff would be happy to help by contacting 656656/

- Councillor Whitehead congratulated Leader and was grateful for keeping him updated on all issues. Councillor also thanked the silent heroes working in hubs. Would the Leader consider working with officers in creating a portal to enable public access for services around domestic violence, debt, loneliness, isolation and mental health.

The Leader would discuss this with partners and would get back to Councillor Whitehead.

### **9. Date of Next Meeting**

Tuesday 5pm on 24 November 2020.



# Report

## Council

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### Part 1

Date: 24 November 2020

**Subject** **Appointments**

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

**Author** Governance Team Leader

**Ward** General

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

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

**Action by** Governance Team Leader

**Timetable** Immediate

This report was prepared after consultation with:

- Council Business Managers
- Head of Law and Regulation

## Background

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

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

### Internal Appointments

None

### Appointments to External Organisations

None

### Governing Body Appointments

School	Nominations Received	Number of Vacancies/Replacements
Caerleon High School	Brett Childs	LEA Governor
Llanmartin Primary School	Richard Dale	LEA Governor
Bassaleg High School	John Jones	LEA Governor
Pentrepoeth Primary School	John Jones	LEA Governor
Tredegar Park Primary School	Derek Ross	LEA Governor
Ringland Primary School	Shahinoor Alom	LEA Governor

## Proposal

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

### Comments of Chief Financial Officer

There are no financial implications directly arising from this report.

### Comments of Monitoring Officer

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

## Background Papers

Newport City Council Constitution

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

Dated: 24 November 2020



# Report

## Newport City Council

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### Part 1

Date: 24 November 2020

**Subject** Pay and Reward Policy 2020/21

**Purpose** For Council to consider the updated Pay and Reward Policy for 2020/21

**Author** Rhys Cornwall, Head of People and Business Change

**Ward** All

**Summary** The Localism Act 2011 required English and Welsh local authorities to produce a “pay policy statement”, initially for the financial year 2012-13, and then on an annual basis. The legislation outlined a number of statutory requirements, which must be included in any pay policy statement.

The Pay and Reward Policy 2019/20 has been reviewed and two changes are proposed for the 2020/21 version; to remove the car block allowance for Chief Officers and to insert a clause regarding the restriction of re-employment for employees taking voluntary redundancy from the Council.

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

**Action by** Chief Executive/Head of People and Business Change

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Executive
- Head of Law and Regulation
- Head of Finance
- Trade unions
- HR&OD Manager

## Background

The Localism Act 2011 required English and Welsh local authorities to produce a 'pay policy statement,' initially for the 2012-13 financial year, and then on an annual basis. Items which must be included in the statutory pay policy statement are as follows:

- A local authority's policy on the level and elements of remuneration for each chief officer
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of 'lowest-paid employees' and its reasons for adopting that definition)
- A local authority's policy on the relationship between the remuneration of its chief officers and other officers
- A local authority's policy on other specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additional to remuneration, use of performance-related pay and bonuses, termination payments, and transparency.

The Act also specifies that the pay policy statement:

- must be approved on an annual basis formally by the full Council meeting (the responsibility cannot be delegated to Cabinet or a sub-committee)
- can be amended in-year
- must be published on the authority's website (and in any other way the authority chooses)
- must be complied with when the authority sets the terms and conditions for a chief officer

The Act requires an authority to have regard to any statutory guidance on the subject issued or approved by the Secretary of State or Welsh Ministers. The Welsh Government issued statutory guidance on "*Pay Accountability in Local Government in Wales*" in March 2012 and the Public Services Staff Commission published further supplementary guidance in December 2016.

## Pay and Reward Policy

The Council recognises that, in the context of managing scarce public resources, remuneration at all levels needs to be adequate to secure and retain high quality employees dedicated to the service of the public; but at the same time needs to avoid being unnecessarily generous or otherwise excessive.

The Council's Pay and Reward Policy, initially approved in March 2012, was developed to meet the statutory requirements contained in the Localism Act 2011. However, in the spirit of transparency, the Council took the opportunity to take a wider view and include information relating to school based employees. Local authority schools are specifically excluded from the Localism Act's statutory requirements. However, as employees in community maintained and voluntary controlled schools are employees of the Council, reference has been made to school based employees within the Pay and Reward Policy. It is recognised that the pay decisions for these employees are delegated to school Governing Bodies by legislation and that each school is responsible for publishing its own Pay Policy. For the avoidance of doubt, the relevant school Pay Policies are the definitive version of policy for school based staff engaged by the governing body of the respective school.

Subject to approval by full Council, to meet the requirements of the Localism Act, this Pay and Reward Policy will be published on the Council's Website. In addition, in accordance with the provisions of Accounts and Audit (Wales) Regulations 2005, the Council's Annual Statement of Accounts will include a note setting out salary and remuneration information for Council posts where the full time equivalent salary is at least £60,000.

## Updates since April 2019

The April 2020 national pay award for all categories of Council staff, including schools based staff, have been implemented. The pay award for teaching staff has also been agreed and the rates have been uplifted in the policy accordingly. The living wage rate of £9.20 has been applied to eligible employees



and the 2020/21 rate has been confirmed as £9.50. This uplift will be applied when national agreement for all staff is reached for April 2021 pay awards.

The recognised trade unions have been consulted on the proposed updates and their feedback is included as an appendix to this report.

### **Car block allowance for Chief Officers**

Chief Officers have provision in the policy to receive a block allowance for incurring business mileage in the course of undertaking their duties. They have the alternative option to claim through the HR and Payroll system, iTrent, and one Chief Officer has elected to do this. By removing the block allowance mileage incurred in order to undertake duties is accurately reimbursed and provides meaningful data to complement the wider workforce mileage undertaken and understand the journeys being taken by employees.

### **Restriction of re-employment**

In the last five years, 618 employees have chosen to return to the Council after terminating their employment for a wide range of reasons. 67 of these employees chose to take voluntary redundancy with and without release of pension benefits at a significant cost to the Council. There is currently no restriction on re-employment within the Pay Policy. Other Councils across Wales have a range of different measures in place to restrict the employment of those staff who have volunteered for redundancy and/or early retirement. Of those who have responded to a request for information, 4 (including Newport) have limited restrictions, but the other 6 have variations of restrictions.

The proposed insertion recommends retaining the opportunity for compulsory redundant employees to return at any time due to the redundancy not being of their choosing, and that with the Council being the largest employer in the locality, refusing to re-employ could be detrimental to future employment opportunity. However, this report suggests that by introducing a 24-month restriction for those employees who have volunteered for redundancy, this gives sufficient time for newer delivery of services to have been embedded and gives greater opportunity for a more diverse workforce to be recruited.

Equally, those employees who have signed a settlement agreement to terminate their employment from the Council are recommended to be restricted on any return, whether on a contractual basis, as an agency worker or as a self-employed consultant providing services.

### **The Gender Pay Gap**

In accordance with the Equality Act (Gender Pay Gap Information) Regulations 2017, the Council is required to publish its gender pay gap information on its website and upload them onto a national Government website by 31<sup>st</sup> March 2020. The results from the analysis are as follows:

We have 2,558 relevant employees (excluding schools) for the purpose of establishing the gender pay gap, of which 72.5% are women and 27.5% are men. Improvements since last year have shown the median pay gap close from 3% to 0%, and from 2019 women and men are paid the same median hourly rate. Similarly, the gender pay gap when comparing the mean hourly rate has altered from 4.8% last year to 3.6% in 2019. Newport City Council has one of the smallest gender pay gaps from amongst local authorities in Wales and compares favourably to the national average of 17%. Our gender pay gap report is published on the Council's transparency page each year [here](#).

#### Our Mean pay gap

- Our average hourly rate for women is £13.43
- Our average hourly rate for men is £13.92
- Our mean pay gap between men and women is 3.6%. This means that, on average, a woman's hourly rate of pay is 3.6% lower than a man's.

### Our median pay gap

- Our median hourly rate for women is £11.98
- Our median hourly rate for men is £11.98
- Our median pay gap between men and women is 0%. This means that the median (or midpoint) hourly rate for a woman is the same as that for a man.

### Our bonus pay gap

- Following the implementation of Single Status Pay and Grading Arrangements in 2015, the Council no longer makes any bonus payments to either men or women.

### Our pay quartiles

We must report the percentage of men and women in each pay quartile. Quartiles are created by listing the rates of pay for all employees from lowest to highest, before splitting that list into four equal sized groups and calculating the percentage of men and women in each quartile.

	FEMALE	MALE	TOTAL
LOWER	76%	24%	100%
LOWER MIDDLE	70%	30%	100%
UPPER MIDDLE	70%	30%	100%
UPPER	70%	30%	100%

### **Pay Relativities within the Council**

The relationship between the rate of pay for the lowest paid Council employee and that of the Council's Chief Officers is determined by the processes used for determining pay and grading structures set out in the Pay and Reward Policy. The Council's lowest paid employee is paid on spinal column point 1 of the NJC for Local Government Workers. It is not yet known what the pay award for 1 April 2020 will be but the Pay Policy will be updated accordingly once this is confirmed.

As part of its commitment to pay transparency, and following the recommendations of the Hutton Review, the Council will publish information on pay relativities on an annual basis in the Pay and Reward Policy. This information for **2020-21** is as follows:

Multiple of Salary	Ratio
• the multiple between the annual salary of the lowest paid Council employee and the Chief Executive (full-time equivalent basis) as a ratio	1 : 8.0
• the multiple between the annual salary of the lowest paid Council employee and the average Chief Officer (full-time equivalent basis) as a ratio	1 : 4.5
• the multiple between median earning of Council employees and the Chief Executive (full-time equivalent basis) as a ratio	1 : 4.4
• the multiple between median earning of Council employees and the average Chief Officer (full-time equivalent basis) as a ratio	1 : 2.4

Note:

- Column A provides the pay ratio as per the requirement of the Localism Act 2011
- These figures exclude remuneration for appointments within organisations for which the Council provides a payroll service but is not the employer.
- These figures exclude remuneration for joint appointments where the Council is not the employer

### **Financial Summary**

There are no financial implications contained in the updated *Pay and Reward Policy*, as the policy confirms the current pay and reward arrangements in place in the Council.

## 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?
Failure to comply with statutory requirement to approve and publish a “pay policy statement” on an annual basis	H	L	Produced an updated <i>Pay and Reward Policy</i> which meets the statutory requirements and which is recommended for approval by Cabinet and full Council	Chief Executive / Head of People and Business Change

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

The Pay and Reward Policy forms a key part of the Council’s People and Culture Strategy. The strategy underpins the Council’s Corporate Plan and strategic objectives - how employees are rewarded for their contribution is directly linked to the delivery of the council’s key aims. The updated Pay and Reward Policy will ensure, when approved, that the Council complies with the statutory requirement to publish a “pay policy statement” on an annual basis.

## Options Available

The options available are as follows:

1. For Council to approve the updated Pay and Reward Policy.
2. For Council not to approve the updated Pay and Reward Policy.

## Preferred Option and Why

For the Council to approve the updated Pay and Reward Policy in order to meet the statutory requirements for a ‘pay policy statement’ to be published on an annual basis.

## Comments of Chief Financial Officer

The Council’s Budget is based on the overall pay structures in place, as outlined in the updated *Pay and Reward Policy*. There are therefore no direct financial implications contained in the report.

## Comments of Monitoring Officer

The Council has a statutory duty under Section 38 of the Localism Act 2011 to approve and publish its Pay Policy on an annual basis. The proposed Pay and Reward Policy has been prepared in accordance with the legislation and Welsh Government Guidance. The policy has to be approved by full Council on an annual basis, in order to comply with the statutory requirements, albeit that this process has been delayed this year due to the Covid-19 lock-down restrictions. Therefore, Cabinet will need to make a recommended to full Council to approve and adopt the final Pay and Reward Policy. This revised Policy has been updated to take account of national pay awards and includes two substantive changes since last year, to remove the block travel allowances for Chief Officers and to restrict the re-employment of staff who have taken voluntary redundancy or signed a settlement agreement for a period of 24 months following the termination of their employment (unless there are exceptional circumstances). Once adopted, the Pay and Reward Policy will need to be published and the Annual Statement of Accounts will also need to include details of the remuneration of individual Chief Officers, to comply with the requirements of the Audit (Wales) Regulations.

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

Author of report, comments contained within main body of the report.

## **Comments of Cabinet Member**

Council previously approved the Pay and Reward Policy in April 2019. The updated policy reflects the current position in relation to pay arrangements for employees of the Council, including changes approved during the past 12 months. I have agreed that the updated policy be presented to the Cabinet for consideration, and subject to Cabinet's approval, be recommended to full Council.

## **Local issues**

N/A

## **Scrutiny Committees**

N/A

## **Equalities Impact Assessment**

An FEIA has been undertaken, which identifies areas of potential disadvantage amongst older female workers due to the increased likelihood of them taking voluntary redundancy due to there being far fewer male counterparts from within the workforce.

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

N/A

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

The Pay and Reward Policy contributes to the well-being goals for a more equal Wales and a prosperous Wales. The policy demonstrates how employees are rewarded for their contribution to the organisations local and national priorities, and will ensure the Council complies with the statutory requirement to publish a "pay policy statement" on an annual basis.

The five ways of working have been applied when considering this proposal. The Council is required to publish a Pay Policy Statement each financial year and this updated policy meets this requirement. This policy provides a framework for decision making on pay and allows the Council to demonstrate its key approaches to pay and reward for employees, ensuring resources are managed effectively both in the short and longer term.

This updated policy outlines the Council's approach to pay and reward of its employees in the interests of openness and transparency, and is in place to prevent problems and issues occurring with any decisions made in relation to public sector pay. The policy also forms a key part of the Council's People and Culture Strategy. The strategy underpins the Council's Corporate Plan and strategic objectives - how employees are rewarded for their contribution is directly linked to the delivery of the council's key aims and objectives.

As part of this policy, the Council's intention is to continue to develop collaborative working on a planned and strategic basis with local authority partners and other public and third sector organisations. In addition, the policy provides the public with the Council's policy on all aspects of pay and reward, including senior posts and the lowest paid posts, explaining the relationship between remuneration for senior post holders and other groups.

## **Crime and Disorder Act 1998**

N/A

## **Consultation**

As outlined within the report.

## **Background Papers**

Pay and Reward Policy 2020/21

Fairness and Equality Impact Assessment

Trade union consultation feedback grid

**Dated:** 24 November 2020

Mae'r dudalen hon yn wag yn

## Introduction

Newport City Council recognises the importance of remuneration decisions that are appropriate, transparent, provide value for money and reward employees fairly for the work that they perform. This policy statement sets out the Council's key approaches to pay and reward for our employees.

## Aims of Policy

To outline Newport City Council's approach to the pay and reward of its employees in the interests of openness and transparency.

## Scope

To provide the public with the Council's policy on all aspects of pay and reward, including senior posts and the lowest paid posts, explaining the relationship between remuneration for senior post holders and other groups.

## School Based Employees

Employees who are appointed and directly managed by Head teachers and/or Governing Bodies are not required to be included within the scope of Pay Policy Statements as the provisions in the Localism Act (2011) only apply to employees appointed and directly managed by the Council. This reflects the requirements contained within the Staffing of Maintained Schools (Wales) Regulations (2006) where school-based staff are considered to be employees of the Council, yet the appointment and management of this staff group is discharged to the Governing Body.

In the interests of consistency and transparency the pay related data set out within this Pay Policy Statement includes information relating to those who are appointed and managed by Head teachers/Governing Bodies. Schools are required to develop their own Pay Policies.

## To be read in conjunction with

Annual Statement of Accounts 2019/20  
Job Evaluation Scheme  
School Teachers' Pay and Conditions Document/School Pay Policies  
Market Supplement Guidance  
Early Retirement and Redundancy Payments Guidance  
Out of Hours/Additional Duties/Detriment Schemes  
Travel and Subsistence Policy

## Principles

This is Newport City Council's 2020/21 annual Pay and Reward Policy for the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021. This Pay and Reward Policy provides the framework for decision making on pay and in particular decision making on senior pay.

The Council recognises that there is public interest in public sector pay and therefore the importance of being transparent in its decisions relating to pay. It is recognised that senior posts in the Council are accountable for delivering the current strategic objectives of the organisation, including demonstrating value for money and the role that senior leadership plays in the quality of service delivery. The context of managing resources effectively and appropriately is of importance to the Council and transparency on pay is therefore appropriate to publish for public scrutiny.

In accordance with the requirements of Section 38 of the Localism Act 2011 and of the Revised Guidance issued by the Welsh Government in December 2015, Newport City Council is required to publish a Pay Policy Statement for each financial year detailing:

- a) The Council's definition of senior posts
- b) The Council's definition of lowest paid employees
- c) Reasons for adopting these definitions
- d) The relationship between the remuneration of senior posts and that of the lowest paid employees

In addition to this Pay and Reward Policy, remuneration reporting is included in the Council's Annual Statement of Accounts. The 2020/21 information can be found [here](#)

The Council's senior posts are defined as:

Chief Executive  
Strategic Director – People  
Strategic Director – Place  
Chief Education Officer  
Head of Finance (Section 151 Officer)  
Head of Law and Regulation (Monitoring Officer)  
Head of People and Business Change  
Head of Children and Young People's Services  
Head of Adult and Community Services  
Head of Regeneration, Investment and Housing  
Head of City Services



## **1.0 Legislative Framework**

### **1.1 General**

In determining the pay and remuneration of all its employees, the Council will comply with all relevant employment legislation. This includes the Equality Act (2010), Part Time Employment (Prevention of Less Favourable Treatment) Regulations (2000), the Agency Workers Regulations (2010), Transfer of Undertakings (Protection of Employment) Regulations (2006) where relevant, and the National Minimum Wage Act (1998).

With regards to Equal Pay requirements contained within the Equality Act, the Council aims to ensure that there is no pay discrimination within its pay structures and that pay differentials can be objectively justified using equality proofed job evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.

### **1.2 Pay in schools**

Employees who are appointed and directly managed by Head teachers and/or Governing Bodies are not required to be included within the scope of Pay Policy Statements as the provisions in the Localism Act (2011) only apply to employees appointed and directly managed by the Council. This reflects the requirements contained within the Staffing of Maintained Schools (Wales) Regulations (2006) where school-based staff are considered to be employees of the Council, yet the appointment and management of this staff group is discharged to the Governing Body.

In the interests of consistency and transparency the pay related data set out within this Pay Policy Statement includes information relating to those who are appointed and managed by Head teachers/Governing Bodies. Schools are required to develop their own Pay Policies.

## **2.0 Responsibility for Pay Decisions**

### **2.1 Responsibility for the Approval of the Pay and Reward Policy**

The Council's Pay and Reward Policy incorporates the statutory provisions of the Localism Act (2011) in relation to pay policy statements. Approval of this statement and of any amendments to it is therefore a matter for full Council and cannot be delegated to any sub-committee.

### **2.2 Responsibility for Council Pay Structure and Employment Terms and Conditions**

As per the Council's constitution, overall responsibility for Council policy in relation to pay and grading structures, and employment terms and conditions rests with the Cabinet, with specific policy decisions delegated to the Cabinet Member for Community and Resources.

The exception to this is the matter of senior pay structures, where any proposed changes are a matter for full Council.

### **2.3 Delegated Authority**

Managers should be aware of their delegated levels of authority. Delegations for decisions on pay cannot be further delegated below these levels:

Decision	Delegated level of Authority
Salary packages above £100,000 per year	Full Council
Starting pay above grade minimum for the Chief Executive, Strategic Directors and Heads of Service	Appointments Committee
Market Supplement for the Chief Executive, Strategic Directors and Heads of Service	Appointments Committee
Performance related pay increases for the Chief Executive	Leader and Deputy Leader of the Council in consultation with the Head of People and Business Change
Performance related pay increases for the Strategic Directors	Leader, Deputy Leader and Chief Executive in consultation with the Head of People and Business Change
Pay progression through Head of Service grade	Strategic Directors in consultation with the Head of People and Business Change
Starting pay above grade minimum for all grades below Head of Service	Head of Service in consultation with Human Resources
Market Supplement for posts below Head of Service	Head of Service in consultation with the Head of Law and Regulation, Head of Finance and Head of People and Business Change
Pay progression through all grades below Head of Service	Head of Service in consultation with Human Resources
Additional duties payments below Head of Service	Head of Service in consultation with Human Resources
Salary detriment	Head of Service*
Early release of pension	Head of Service*
Planned overtime payments	Head of Service

**Decisions marked with \* are subject to a formal business case and consultation with the Head of Law and Regulation, Head of Finance and Head of People and Business Change. Any dispute will be determined by a Strategic Director.**

The Head of People and Business Change is responsible for ensuring that the Council's Job Evaluation Scheme (where applicable) and pay processes have been applied. Human Resources is responsible for overseeing any decision on pay to ensure that they are made in accordance with the delegated authority levels and are compliant with the terms of the Pay and Reward Policy.

### 3.0 Terms and Conditions of Service

The Council's employees are employed on a number of different terms and conditions dependent on the role that they fulfil:

Employee Group	Terms and Conditions
Chief Executive	Joint National Council for Chief Executives terms and conditions except for pay which is determined by a local performance related pay arrangement
Strategic Directors and Heads of Service	Joint National Council for Chief Officers' terms and conditions. Strategic Director pay is determined by a local performance related pay arrangement, Head of Service pay is subject to annual incremental movement through the grade
School Teachers	Head, Deputy, Assistant Head teachers and all other classroom teachers employed directly by the Council (as opposed to those employed by the Governing Body of a voluntary aided school) are paid in accordance with the School Teachers' Pay and Conditions Document (STPCD).
School Improvement Professionals and Education Psychologists	The Soulbury Committee determine pay arrangements and National Joint Council for Local Government Service Employees terms and conditions apply for all other contractual entitlements
All other employees (including school-based staff other than teachers)	National Joint Council for Local Government Service Employees apply, supplemented by the Newport City Council Single Status Pay and Grading arrangements

### 4.0 National pay bargaining arrangements

The Council uses nationally negotiated pay spines for the relevant groups of employees as the basis for its local pay structures. The Council remains committed to adherence with national pay bargaining in respect of the national pay spines and any increases negotiated in the pay spine.

Employees on all terms and conditions will receive a pay award where this is negotiated nationally by the relevant negotiating committee.

## 5.0 Process for grading posts

The Council utilises the Newport City Council Job Evaluation scheme as the basis for its local grading structure. This determines the salaries of the majority of employees including non-teaching staff in schools. The pay and grading structure was agreed through a collective agreement with the recognised trade unions and implemented with effect from 1<sup>st</sup> April 2015.

The pay grade of posts on Soulbury and Teachers' pay will be determined in accordance with the national and local agreed terms.

The pay grade of JNC posts is through the Hay job evaluation scheme.

## 6.0 Senior Management Remuneration

For the purpose of the Council's Pay and Reward Policy, senior management means 'Chief Officers' as defined within Section 43 of the Localism Act (2011). The posts within the Council's structure identified by the statutory definition are set out below:

- Chief Executive
- Strategic Director – People
- Strategic Director – Place
- Chief Education Officer
- Head of Children and Young People's Services
- Head of Adult and Community Services
- Head of Law and Regulation
- Head of Finance
- Head of People and Business Change
- Head of Regeneration, Investment and Housing
- Head of City Services

The current salary ranges for these posts can be found in Appendix B.

### 6.1 Recruitment and appointment of Chief Officers

The Council's policy and procedures with regard to the recruitment of chief officers is set out within the Officer Employment Procedure Rules as set out in Part 4 of the Council's Constitution. When recruiting to all posts the Council will take full and proper account of its own Recruitment Policy and Procedures, Job Security and Diversity Policies. The determination of the remuneration to be offered to any newly appointed chief officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

Where the Council remains unable to recruit chief officers under a contract of employment, or there is a need for interim support to provide cover for a vacant substantive chief officer post, the Council will, where necessary, consider and utilise engaging individuals under 'contracts for service'. These will be sourced through a relevant procurement process ensuring the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service. The Council does not currently have any chief officers engaged under such arrangements. Any substantive chief officer appointment made under a contract for service is subject to the approval of full Council in accordance with the provisions of the Council's Constitution.

## 6.2 The role of the Chief Executive

The Chief Executive is the senior officer who leads and takes responsibility of the organisation. The organisation has a turnover of £275m and is responsible for a wide range of services employing some 5500 staff.

The role of the Chief Executive is a full time and permanent appointment. Post holders are selected on merit, against objective criteria, following public advertisement. They are appointed by the Council's Appointments Committee. As head of the paid service, the Chief Executive works closely with elected members to deliver Newport's corporate plan.

The Chief Executive routinely works evenings as well as the standard Monday to Friday business week. The Chief Executive also heads the 'on call' arrangements particularly to cover emergency planning requirements.

## 6.3 Chief Executive Pay

The salary for the Chief Executive is set out in Appendix B, and the Chief Executive may receive additional payments for any of the elections where they are the Returning Officer.

Details of the Chief Executive's pay, including any additional payments are published on page 109 of the annual accounts of the Council and can be accessed [here](#)

The Chief Executive is a member of the LGPS pension scheme and details are disclosed in the remuneration report. There have been no increases or enhancements to the pension outside of standard arrangements.

The notice period for the role is 3 months.

## 6.4 Proposals to change the Chief Executive's salary

Where the Council proposes to change the Chief Executive's salary level and the proposed change is not commensurate with a change to the salaries of the authority's other employees, it will consult the Independent Remuneration Panel for Wales (IRPW) about the proposed change. The Council will provide the IRPW with all relevant information regarding its proposed change and will have due regard to any IRPW recommendations on the proposals.

The Council is required to declare whether or not any referrals have been made to the IRPW. To date there have been no referrals made to the IRPW regarding any aspects of the Chief Executive's salary in the Council's Pay and Reward Policy.

The Council will have regard to any recommendation received from the IRPW when performing its functions under section 38 or 39 of the Localism Act 2011. This may include any recommendations from the IRPW in relation to a policy within the Council's Pay and Reward Policy regarding severance packages.

## 6.5 Joint Appointments

The Council's intention is to continue to develop collaborative working on a planned and strategic basis with local authority partners and also with other public sector organisations. Therefore, when senior vacancies arise, including at Chief Officer level, the views of elected Members will be sought as to whether consideration of a joint appointment would be appropriate. If Members are supportive, discussions will take place with partners and neighbouring authorities to determine whether the posts can be reconfigured as a joint appointment, instead of automatically being filled on a like for like basis.

If a decision is made to progress with a joint appointment, both parties will need to reach agreement on the salary and overall remuneration package for the post, and the proportion to this which each party will pay. Where the Council will be the employer of the joint appointee, the determination of salary and other pay arrangements will be in accordance with this Pay and Reward Policy.

Any joint appointments at Chief Officer level will be made in accordance with the provisions of the Officer Employment Procedure Rules contained in the Council's Constitution.

## 7.0 Pay Relativities within the Council

The relationship between the rate of pay for the lowest paid Council employee and that of the Council's Chief Officers is determined by the processes used for determining pay and grading structures as set out in this Pay and Reward Policy. A copy of the Council's grades for NJC posts is published on the external webpage [here](#).

The lowest paid persons employed under a contract of employment with the Council are employed at spinal column point 1 of the National Joint Council pay spine for Local Government Services which is £9.25 per hour with a pay supplement of 0.05p per hour to match the foundation living wage hourly rate of £9.30 per hour.

The Council employs Apprentices (and other trainees) who are not included within the definite of lowest paid employees as they are not employed under Contracts of Employment.

The relationship between the rate of pay for the lowest paid employees and the Council's Chief Officers is regulated by the processes used for determining pay and grading structures as set out in this Pay and Reward Policy.

The salary utilised for the Chief Officer calculations of all the pay multiple data is £127,411.

As part of its commitment to pay transparency and following the recommendations of the Hutton "Review of Fair Pay in the Public Sector" (2011), the Council will publish information on pay relativities on an annual basis. The information for 2019/20 is as follows:

Multiple of Salary	Ratio
<ul style="list-style-type: none"> <li>the multiple between the annual salary of the lowest paid Council employee and the Chief Executive (full-time equivalent basis) as a ratio</li> </ul>	1 : 8:0
<ul style="list-style-type: none"> <li>the multiple between the annual salary of the lowest paid Council employee and the average Chief Officer (full-time equivalent basis) as a ratio</li> </ul>	1 : 4:5
<ul style="list-style-type: none"> <li>the multiple between median earning of Council employees and the Chief Executive (full-time equivalent basis) as a ratio</li> </ul>	1 : 4:4
<ul style="list-style-type: none"> <li>the multiple between median earning of Council employees and the average Chief Officer (full-time equivalent basis) as a ratio</li> </ul>	1 : 2:4

Note:

- Column A provides the pay ratio as per the requirement of the Localism Act 2011
- These figures exclude remuneration for appointments within organisations for which the Council provides a payroll service but is not the employer.
- These figures exclude remuneration for joint appointments where the Council is not the employer

In relation to the gender pay gap, the Council's Gender Pay Gap 2019 report outlines the gender pay gap between men and women in the Council. As at April 2019 the Council had a mean gender pay gap of 3.6% and a median gender pay gap of 0%. There is no bonus paid to any employee, therefore no bonus gender pay gap exists, and our quartiles are as follows:

	FEMALE	MALE	TOTAL
<b>LOWER</b>	<b>76%</b>	<b>24%</b>	<b>100%</b>
<b>LOWER MIDDLE</b>	<b>70%</b>	<b>30%</b>	<b>100%</b>
<b>UPPER MIDDLE</b>	<b>70%</b>	<b>30%</b>	<b>100%</b>
<b>UPPER</b>	<b>70%</b>	<b>30%</b>	<b>100%</b>

## 8.0 Starting Pay

New appointments will normally be made at the minimum of the relevant grade for the post. Under exceptional circumstances, and where there are compelling and evidenced reasons to support the decision, a new employee may be appointed to a higher increment. Exceptional reasons may include the need to secure the best candidate and/or having regard to the knowledge, skills and competencies of the individual as well as their current and previous salary levels.

All requests to appoint above the minimum of the grade must be agreed by the relevant Head of Service in consultation with their HR&OD Business Partner before any salary offer is made to the candidate. In the case of Chief Officers all requests to appoint above the minimum of the grade must be agreed by the relevant Appointments Committee of the Council.

In addition, all salary packages for Chief Officers with a value of £100,000 or more must be approved by the full Council. The salary package will include salary, performance related pay, fees or allowances and any benefits in kind.

## 9.0 Annual Pay Progression arrangements

Pay structures for the all employee groups are attached at the appendices as follows:

Appendix A: NCC NJC Salary Structure with Effect from 1 April 2019 (Applicable to National Joint Council for Local Government Employees)

Appendix B: Chief Officer Pay Scales

Appendix C: Soulbury Pay Scale

Appendix D: School Teachers' (Qualified and Unqualified) Pay Ranges and Leadership Group Pay Spines

The pay progression arrangements for the relevant employee groups are outlined below.

### 9.1 NJC for Local Government Employees

Increments will be paid on 1st April each year until the maximum of the level is reached subject to the following:

(i) In exceptional circumstances, increments may be accelerated within the grade at the discretion of the authority on the grounds of special merit or ability, subject to the maximum of the level not being exceeded in accordance with Head of Service delegation. This will only occur after careful consideration of equal pay requirements and consultation with Human Resources.

(ii) Employees with less than six months' service in the grade by 1st April shall be granted their first increment six months from the actual date of their appointment, promotion or re-grading. All future increments will then be paid on 1 April.

NB: Any action under (i) or (ii) shall not interrupt the payment of subsequent increments on 1 April.

### 9.2 Chief Officers – Chief Executive and Strategic Directors

The Chief Executive and Strategic Directors will not be paid any annual increment. Any progression within these salary ranges will be based solely on performance in accordance with the agreed performance related pay arrangements.

### 9.3 Chief Officers – Heads of Service

Increments will be paid to Heads of Service on 1 April each year until the maximum of the level is reached subject to the following:

(i) In exceptional circumstances, increments may be accelerated within the grade at the discretion of the authority on the grounds of special merit or ability, subject to the maximum of the level not being exceeded in accordance with Head of Service delegation. This will only occur after careful consideration of equal pay requirements and consultation with Human Resources.

(ii) Employees with less than six months' service in the grade by 1 April shall be granted their first increment six months from the actual date of their appointment, promotion or re-grading. All future increments will then be paid on 1 April.

NB: Any action under (i) or (ii) shall not interrupt the payment of subsequent increments on 1 April.

### 9.4 Employees on Soulbury salary scales

Increments will be paid on 1 September each year until the maximum of the level is reached subject to the following:

(i) In exceptional circumstances, increments may be accelerated within the grade at the discretion of the authority on the grounds of special merit or ability, subject to the maximum of the level not being exceeded in accordance with Head of Service delegation. This will only occur after careful consideration of equal pay requirements and consultation with Human Resources

(ii) Employees with less than six months' service in the grade by 1 September shall be granted their first increment six months from the actual date of their appointment, promotion or re-grading. All future increments will then be paid on 1 September.

(iii) Structured Professional Assessment points will be paid in accordance with the provisions of the Soulbury Committee and the Council's Soulbury Guidance note.

The small group of employees who remain subject to the local agreement reached in June 2005 for employees within school improvement posts are employed on 'spot points' and are therefore not entitled to receive annual increments.



## 9.5 Withholding an increment

For all employees in posts subject to incremental progression, an increment may be withheld due to poor performance. This will only apply where formal capability procedures are being followed in accordance with the Council's Capability Policy. Any increment withheld may be paid subsequently if the employee's performance improves.

## 9.6 Teachers and School Leaders

Progression for teachers paid on the main or upper pay ranges will be in accordance with the provisions of the STPCD (Wales) 2019; any pay movement, where awarded, applies from 1 September each year. Teachers employed on the Leadership spine (Head Teachers, Deputies and Assistant Head Teachers) are eligible to progress within the pay range for their post on 1 September each year until the maximum point is reached. Progression is subject to meeting the requirements for movement set out in the STPCD (Wales) 2019.

## 10.0 Pay on Promotion or Transfer

### 10.1 Move to a new post at the same level

Where an employee moves to a new permanent post at the same level, they will normally be appointed on the same salary point and retain the incremental date (where this is relevant) from their original post.

### 10.2 Pay on promotion

Where an employee receives a promotion, they will normally be appointed on the minimum point for the new post subject to them receiving a minimum of one increment above their current spinal point in their pre-promotion post.

All requests to appoint above the minimum of the level must be agreed by the relevant Head of Service, in consultation with their HR&OD Business Partner before any salary offer is made.

In the case of Chief Officers all requests to appoint above the minimum of the grade must be agreed by the relevant Appointments Committee of the Council.

## 11.0 Allowances: Overtime, Bank Holiday Working, Night Work, Standby

Employees on all terms and conditions, other than Chief Officers and teachers, may be paid allowances, where appropriate, in accordance with the relevant provisions of their terms and conditions of employment as supplemented by local agreement.

Chief Officers and teachers are not eligible for such allowances but are expected to undertake duties outside their contractual hours and working patterns as is commensurate with their salary level without additional payment.

## 12.0 Additional Payments – All Employees

Employees on all terms and conditions may be eligible for the following additional payments unless otherwise stated:

### 12.1 Additional Duties Scheme

There may be occasions when an employee is asked to carry out additional duties at a higher level to those of their substantive post for a period of time. In such circumstances an additional payment may be made in line with the Council's Additional Duties Scheme, which can be found [here](#).

N.B. Under the School Teachers' Pay and Conditions Document (Wales) 2019, there are no provisions which allow for the payment of honoraria to teachers.

### 12.2 Professional Fees

The Council does not pay or reimburse professional/registration fees.

### 12.3 Market Supplements

Within a diverse workforce encompassing highly skilled professional and technical roles the Council recognises there may be occasions where market forces produce a situation where, in exceptional circumstances, the Council may offer an additional temporary supplement to the pay of a post.

The Council has a Market Supplement Scheme for Local Government Service employees to ensure that requirement for any market pay supplements is objectively justified. With the exception of teachers, the Scheme may apply to other posts within the council.

Supplements are subject to regular review and can be withdrawn where no longer considered justifiable.

### 12.4 Additional Payments under the STPCD (Wales) 2019

The STPCD (Wales) 2019 makes provision for the following additional allowances/payments for teachers, subject to the necessary criteria being met:

- Teaching and Learning Responsibility Allowances
- Special Educational Need Allowances
- Recruitment or Retention Incentives and Benefits
- Payments for participation in continuing professional development undertaken outside the school day, out-of-school hours learning activities, activities relating to the provision of initial teaching training and / or additional responsibilities and activities
- learning activities

Where the Council has centrally employed teaching staff, it may make use of the above allowances, subject to meeting the relevant provisions of the STPCD (Wales) 2019.

### 12.5 Travel and Subsistence Expenses

The Council's Travel and Subsistence Policy seeks to ensure that no employees will be financially disadvantaged whilst undertaking duties which take them from their normal place of work. Employees will be reimbursed additional travelling or subsistence expenses incurred in the course of their work in accordance with this policy, subject to evidence of expenditure being produced. Details of the current rates for travelling and subsistence expenses can be found [here](#).

### 13.0 Returning Officer

The Council has agreed that the Chief Executive undertakes the role of Returning Officer in respect of local and national elections.

The Returning Officer is an officer of the City Council who is appointed under the Representation of the People Act 1983. Whilst appointed by the Council, the role of the Returning Officer is one which involves and incurs personal responsibility and accountability and is statutorily separate from their duties as an employee of the Council. As Returning Officer, they are paid a separate allowance for each election for which they are responsible.

Other Council staff may undertake duties on behalf of the Returning Officer, e.g. polling clerks, count supervisors, etc. They will receive separate payments for these duties based on their role in any election process.

### 14.0 Employee Benefits

In addition to an employee's salary, the Council is able to offer a comprehensive range of benefits designed to enhance the work / life balance of our employees. The current benefits include:

- the Local Government/Teachers' Pension Schemes as applicable
- generous annual leave entitlements in addition to bank holiday entitlement
- The option to purchase up to one week of additional annual leave
- learning and development opportunities
- flexible working arrangements
- employee wellbeing schemes, such as counselling
- childcare vouchers
- cycle-to-work scheme
- car lease scheme
- technology purchase scheme
- discounted gym and leisure membership
- use of the Vectis card scheme to provide retail discounts
- access to financial support and advice
- pay advance facility
- advance loans for sustainable rail and bus travel

### 15.0 Detriment Arrangements

### 15.1 All employees except Teaching staff

The Council has a non-contractual Detriment Scheme for those employees whose posts are downgraded as a consequence of implementing structural change. This can be found on the Council's Intranet. Detriment arrangements will not apply where the move to a lower graded post is voluntary.

### 15.2 Teaching Staff

There are specific statutory arrangements in place for teachers whose posts are downgraded as a result of implementing structural change or because of the implementation of school reorganisations. These provisions are outlined in the STPCD (Wales) 2019.

### 16.0 Termination of Employment

#### 16.1 Payments on Termination

Where an employee's employment is brought to an end on grounds of redundancy or early retirement, they will receive payment on termination of their employment in accordance with the Council's Redundancy Payments and Early Retirement Guidance and discretions relating to the Local Government Pension Scheme policy. This guidance sets out the Council's approach to statutory and discretionary payments on termination of employment of all employees, prior to reaching normal retirement age. It includes the Council's discretions in accordance with the following statutory regulations:

- The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, The Local Government Pension Scheme Regulations 2013 and the Local Government Pension Scheme (Transitional Provisions & Savings) Regulations 2014
- The Teachers' Pension Scheme Regulations 2010 and Teachers (Compensation for Redundancy and Premature Retirement) Regulations.

Chief Officer severance packages above £100,000 must be agreed by full Council. The severance/redundancy package includes any redundancy payment, contractual notice period and full cost of early release of pension (as required under Regulation 68 (2) of the Local Government Pension Scheme).

Payments to the Chief Executive falling outside these provisions or the relevant periods of contractual notice shall be subject to a formal decision made by the Leader and Deputy Leader.

Other payments to other Chief Officers falling outside these provisions or the relevant periods of contractual notice shall be subject to a formal decision made by the Leader and the Cabinet Member for Community and Resources.

#### 16.2 Re-employment following termination

The Council will not re-employ ex-employees who have been made voluntarily redundant (or left in the "efficient exercise of the service") until a period of 24 months from their leaving date has expired. The same restriction will apply in respect of the placement of such ex-employees via employment agencies or as self-employed consultants under a contract for services. For the avoidance of doubt this restriction does not apply to

employees who were made compulsory redundant. Where a former employee is re-employed at Chief Officer level, the appointment will be subject to the approval of full Council in accordance with the provisions of the Council's constitution.

The Council will not re-employ staff whose termination of employment is covered by a Settlement Agreement or COT3. The same restriction will apply in respect of the placement of such ex-employees via Employment Agencies or as self-employed consultants under a contract for services. Delegated authority will be given to the Chief Executive, Strategic Directors (for posts in their respective services), Head of People and Business Change and the Head of Law and Regulation to consider any pre or post termination requests to waive this policy provision on a case by case basis. A number of factors will be relevant in considering requests to waive this policy provision including, financial, working relationships and trust and confidence (this is not an exhaustive list). In the event that a request to waive is agreed, ex-employees will not be able to recommence employment with the Council (after an open advertisement and successful outcome from a recruitment and selection process) until a period of time has elapsed that is equal in length to the number of weeks' pay their compensation payment equates to.

### **17.0 Confidentiality**

The application of this Pay and Reward Policy will be undertaken in an open and transparent way but the salary details of individual members of staff shall remain confidential. Where the Council is required to publish salary information in accordance with the provisions of the Accounts and Audit (Wales) Regulations 2005, this information is published on an anonymised basis due to the requirements of the current Data Protection Act.

### **18.0 Workforce Information**

It is recognised that accurate workforce data is critical to the management of the Council's most valuable and costly resource, its employees, and to the implementation of this Pay and Reward Policy. People and Business Change will be responsible for analysing the data that is currently collected in order to inform any future proposed changes to this policy/related policy and in order to fully understand the financial context.

### **19.0 Partnership with Trades Unions**

The Council will endeavour to maintain the joint working approach that it has developed with its recognised Trade Unions and will continue to work closely with them on pay related matters. There has been consultation with representatives of the recognised Trade Unions during the development of this Pay and Reward Policy. Collective bargaining processes will be followed as appropriate for any proposed changes to pay and/or allowances.

### **20.0 Publication**

Following approval by the full Council, and in accordance with the requirements of the Localism Act, this Pay and Reward Policy will be published on the Council's Website.

In addition, for posts where the full-time equivalent salary is at least £60,000, in accordance with the provisions of Accounts and Audit (Wales) Regulations 2005, the Council's Annual Statement of Accounts will include a note setting out:

- the total amount of salary, fees or allowances paid to or receivable by the postholder in the current and previous year
- any bonuses so paid or receivable by the postholder in the current and previous year
- any sums payable by way of expenses allowance that are chargeable to UK income tax
- any compensation for loss of employment and any other payments connected with termination
- any benefits received that do not fall within the above.

### 21.0 Policy Review

This Pay and Reward Policy outlines the current position in respect of pay and reward within the Council. It will be reviewed and reported to Council on an annual basis to ensure it meets the principles of fairness, equality, accountability and value for money for the authority and its residents.

This Pay and Reward Policy is updated and approved by Council on an annual basis. This statement will come into immediate effect once fully endorsed by Council at its meeting in October 2020.

<b>Created By:</b>	Rachael Davies
<b>Date Created:</b>	February 2020
<b>Reviewed By:</b>	Rachael Davies
<b>Date Reviewed:</b>	28/02/2020
<b>Current Version:</b>	e.g. February 2018

### Document Control

Version	Date	Author	Notes/Changes
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Appendix A: **NJC FOR LOCAL GOVERNMENT WORKERS SALARY RATES**  
**1 APRIL 2020**

Spinal Column Point	Annual Salary £	Monthly Salary £	Weekly Salary £	Hourly Rate (37) £		
1	17842	1486.79	342.17	9.2477	Grade 1	
2	18198	1516.50	349.00	9.4325	(210-253)	
3	18562	1546.52	355.98	9.6210		Grade 2
4	18933	1577.73	370.36	9.8133		(254-297)
5	19312	1609.32	370.36	10.0098	Grade 3	
6	19698	1641.52	377.77	10.2101	(298-341)	
7	20092	1674.31	385.32	10.4141		
8	20493	1707.79	393.02	10.6223		Grade 4
9	20903	1741.96	400.89	10.8348		(342-397)
10	21322	1776.81	408.91	11.0515		
11	21748	1812.34	417.09	11.2726		
12	22183	1848.56	425.42	11.4978		
13	22627	1885.55	433.93	11.72.79		
14	23080	1923.31	442.62	11.9628	Grade 5	
15	23541	1961.75	451.47	12.2019	(398-453)	
16	24012	2000.97	460.50	12.4458		
17	24491	2040.96	469.70	12.6946		
18	24982	2081.80	479.10	12.9486		
19	25481	2123.41	488.67	13.2074		
20	25991	2165.88	498.45	13.4716		Grade 6
21	26511	2209.21	508.42	13.7411		(454-509)
22	27041	2253.39	518.59	14.0159		
23	27741	2311.79	532.03	14.3791		
24	28672	2389.37	549.88	14.8616	Grade 7	
25	29577	2464.72	567.22	15.3303	(510-565)	
26	30451	2537.58	583.99	15.7835		
27	31346	2612.16	601.15	16.2474		
28	32234	2686.14	618.18	16.7075		Grade 8
29	32910	2742.48	631.15	17.0580		(566-621)
30	33782	2815.18	647.87	17.5101		
31	34728	2894.04	666.02	18.0006		
32	35745	2978.72	685.51	18.5274	Grade 9	
33	36922	3076.85	708.09	19.1377	(622-677)	
34	37890	3157.51,	726.66	19.639494		
35	38890	3240.82	745.83	20.1576		
36	39880	3323.36	764.83	20.6710		Grade 10
37	40876	3406.33	783.92	21.1871		(678-743)
38	41881	3490.08	803.19	21.7079		
39	42821	3568.42	821.22	22.1952	Grade 11	



40	43857	3654.73	841.09	22.7321	(744-809)	
41	44863	3738.56	860.38	23.2535		
42	45859	3821.62	879.49	23.7701		Grade 12
43	46845	3903.73	898.39	24.2808		(810-875)
44	48014	4001.17	920.81	24.8869		
45	49220	4101.69	943.95	25.5121	Grade 13	
46	50453	4204.44	967.60	26.1512	(876-941)	
47	51709	4309.08	991.68	26.8020		
48	53002	4416.79	1016.46	26.4720		Grade 14
49	54323	4526.91	1041.81	28.1569		(942-1007)
50	55685	4640.45	1067.94	28.8631		
51	57079	4756.55	1094.66	29.5853	Grade 15	
52	58504	4875.32	1121.99	30.3240	(1008+)	
53	59961	4996.73	1149.93	31.0792		

**Appendix B: CHIEF OFFICER SALARY RATES – 1 APRIL 2020**

JOB TITLE	GRADE	SCALE	ANNUAL SALARY £
CHIEF EXECUTIVE	MD01	001	127,411
		002	133,881
		003	140,352
		004	146,824
STRATEGIC DIRECTORS	CD01	001	106,993
		002	110,954
		003	112,667
		004	116,547
HEADS OF SERVICE	HDS01	001	78,937
		002	80,914
		003	82,933
		004	85,001

## Appendix C: SOULBURY SALARY RATES – 1 SEPTEMBER 2020

## i) EDUCATIONAL IMPROVEMENT PROFESSIONALS (EIPs)

SPINE POINT	SALARY FROM 1.9.20	SPINE POINT	SALARY FROM 1.9.20
1	36,419	26	67,257
2	37,723	27	68,419
3	38,955	28	69,597
4	40,203	29	70,777
5	41,443	30	71,956
6	42,684	31	73,124
7	43,998	32	74,311
8	45,243*	33	75,498
9	46,705	34	76,714
10	48,009	35	77,927
11	49,295	36	79,174
12	50,541	37	80,402
13	51,951**	38	81,642
14	53,209	39	82,866
15	54,598	40	84,089
16	55,854	41	85,318
17	57,114	42	86,546
18	58,350	43	87,773
19	59,625	44	89,006
20	60,283***	45	90,236
21	61,549	46	91,468
22	62,653	47	92,705
23	63,867	48	93,930****
24	64,956	49	95,160****
25	66,121	50	96,392****

## NOTES:

Salary scales to consist of not more than four consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit and motivate employees.

\* normal minimum point for EIP undertaking the full range of duties at this level

\*\* normal minimum point for senior EIP undertaking the full range of duties at this level

\*\*\* normal minimum point for leading EIP undertaking the full range of duties at this level

\*\*\*\* extension to range to accommodate structured professional assessments.

## ii) EDUCATIONAL PSYCHOLOGISTS

EDUCATIONAL PSYCHOLOGISTS - SCALE A	
SPIKE POINT	SALARY FROM 1.9.20
1	38,197
2	40,136
3	42,075
4	44,012
5	45,951
6	47,889
7	49,714
8	51,538
9	53,247*
10	54,959*
11	56,554*

## NOTE:

\*The 11-point scale A provides for up to 3 additional SPA points to be added to the post holder entitlement on the appropriate 6-point range

## ii) SENIOR EDUCATIONAL PSYCHOLOGISTS

SENIOR AND PRINCIPAL EDUCATIONAL PSYCHOLOGISTS (B) SALARY RANGE			
SPIKE POINT	SALARY FROM 1.9.20	SPIKE POINT	SALARY FROM 1.9.20
1	47,889	10	60,880
2	49,714	11	62,090
3	51,538*	12	63,233
4	53,247	13	64,577
5	54,959	14	65,790**
6	56,554	15	67,061**
7	57,209	16	68,318**
8	58,433	17	69,585**
9	59,646	18	70,850**

## NOTES:

Salary scales to consist of not more than four consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit, retain and motivate employees.

\* Normal minimum point for the principal educational psychologist undertaking the full range of duties at this level

\*\* Extension to range to accommodate discretionary scale points and structured professional assessments

## Appendix D: TEACHERS' SALARY RATES – 1 SEPTEMBER 2019

Set out below are teachers' pay scales from 1 September 2019 for Wales. This will be amended upon receipt of confirmation for September 2020 pay scales.

## i) TEACHER PAY RANGES

QUALIFIED TEACHERS – pay rate from 1/9/19 – 31/8/20	WALES	UNQUALIFIED TEACHERS – pay rate from 1/9/19 – 31/8/20	WALES
MAIN RANGE	£ p.a.		£ p.a.
Minimum	24,096	Minimum	17,602
Maximum	35,971	Maximum	27,965
UPPER PAY RANGE	£ p.a.		
Minimum	37,654		
Maximum	40,490		

## NOTE:

From 1 September 2013, the qualified and unqualified teacher pay scales were replaced by the ability for the relevant body to pay such salary as it determines within the above Qualified and Unqualified Teacher Pay Ranges.

## ii) ADDITIONAL ALLOWANCES / PAYMENTS

TEACHING AND LEARNING RESPONSIBILITY (TLR) PAYMENTS	ANNUAL ALLOWANCE £		ANNUAL ALLOWANCE £	
TLR 3 BAND (fixed-term award only)	Minimum	555	Maximum	2,757
TLR 2 BAND	Minimum	2,796	Maximum	6,829
TLR 1 BAND	Minimum	8,069	Maximum	13,654
SPECIAL EDUCATIONAL NEEDS (SEN) ALLOWANCES	ANNUAL ALLOWANCE £			
SEN RANGE	Minimum	2,209	Maximum	4,359

## iii) PAY SPINE FOR THE LEADERSHIP GROUP 1/9/2019 – 31/8/2020

(This spine applies to Headteachers, Deputy Headteacher, and Assistant Headteachers)

LEADERSHIP PAY – 1/9/19 – 31/8/20	
	WALES
MAIN RANGE	£ p.a.
Minimum	41,065
Maximum	114,060

# Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

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

**Completed by:** Rachael Davies                      **Role:** HR&OD Manager

**Head of Service:** Rhys Cornwall                      **Date:** October 2020

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

**Yes / No**

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

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

The Pay Policy is an annual statement required to be adopted by the Council. It outlines the organisation's approach to pay and reward for the workforce and sets out the terms and conditions related to pay. This FEIA considers the impact from one new proposal within the policy, and not the policy in itself. The proposal is to restrict re-employment to those who apply for voluntary redundancy to 24 months and to restrict re-employment to those who terminate employment via a settlement agreement.

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

Consultation with trade unions on behalf of the workforce

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





Discussed with CMT group and received feedback from trade unions.

**4. Equalities and Welsh language impact**


Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There is evidence to suggest potential disproportionate impact on older people because of their age. Over 50s regularly struggle to regain employment in entry level to medium seniority roles, however are successful in senior and management roles. Whilst older workers may be more likely to opt for voluntary redundancy on the basis that they can access their pension benefits from age 55, this is the compensatory benefit to requesting voluntary redundancy. The organisation will take into account the reasons that employees choose voluntary redundancy and consider alternative adjustments if those reasons could be related to other characteristics e.g. changes to their long term health (physical, mental and wellbeing) or who have a change in circumstances, or who have a wealth of knowledge, expertise and experience. For example, a part time role may benefit them with reduced responsibilities that was not available to them previously when they were employed. As new opportunities arise it would be best practice to wish to recruit the best talent for the role, regardless of previous employment with NCC.</p> <p>A focus on professional development of older workers to retain skills and experience in the workplace will be considered.</p> <p>Any compulsory redundancy would not preclude any worker from returning to the organisation with immediate effect.</p>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There is no evidence of any disproportionate impact on people because of their disability. There may be changes to their previously employed disability status, which may impact the need to return to employment</p>

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
<b>Gender reassignment/transgender</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is some potential disproportionate impact on people because of their gender identity. This could depend on their gender 'status' when employed and if this had any bearing on the reasons they took redundancy and if this has changed, but no direct impact from policy
<b>Marriage or civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence of any disproportionate impact on people because of their marital or civil partnership status.
<b>Pregnancy or maternity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence of any disproportionate impact on people because of their pregnancy/maternity. The Council's Job Security Policy references the pregnancy/maternity impact when going through a redundancy process and this is taken into consideration at the time of selection.
<b>Race</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence of any disproportionate impact on people because of their race.
<b>Religion or Belief or non-belief</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence of any disproportionate impact on people because of their religion, belief or non-belief.
<b>Sex/ Gender Identity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence of any disproportionate impact on people because of their sex or gender identity.
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence of any disproportionate impact on people because of their sexual orientation.
<b>Welsh Language</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence of any disproportionate impact on people because of their ability to speak Welsh.

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

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Long Term</p> <p>Balancing short term need with long term needs</p>	<p><i>The proposal to introduce restrictions on reemployment following redundancy provides a longer term need to protect the Council's budget in releasing severance packages against the short term decisions that are taken to reduce staffing resource.</i></p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p><i>Not relevant</i></p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p><i>Consultation with trade unions on behalf of the workforce Consultation with CMT group</i></p>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p><i>Not relevant</i></p>



Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p data-bbox="244 658 336 680">Integration</p> <p data-bbox="140 696 424 842">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="459 304 647 338">Not relevant</p>

6

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

No

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

Adopting an approach already followed by many other Welsh Councils to protect the public purse from severance packages that are then followed by reemployment shortly afterwards is a fair and

balanced proposal. Our duty to minimise public money being spent in this way gives opportunity for budget to be focused on delivering services to all residents.

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

Any negative impacts (potentially related to age and older workers being more likely to apply for voluntary redundancy) are considered proportionate due to the higher percentage of older workers that the Council recruits and continues to employ. They are also balanced against the proposal being relevant to voluntary redundancy only, which is a choice that employees will elect to request and their re-employment is a matter for them. However, we should recognise that older people may be more likely to take voluntary redundancy and be mindful of the reasons why someone is taking it (age, disability etc.) which should be mitigated by our approach to developing/supporting those members of the workforce to remain in work if they want/need to.

Any decision on the part of the Council to make a compulsory redundancy will not impact on any worker.

Heads of Service will need to ensure that within their areas any volunteers for redundancy are aware of the potential impact on the re-employment of such individuals before any requests are accepted, as this could mitigate the potential negative impact on not being able to return to the organisation for 24 months.

## **10 Monitoring, evaluating and reviewing**

The policy is reviewed and updated every 12 months

## **11 Involvement**

Guidance will be sent to managers via heads of service and department managers, and placed on the intranet.

**12 Summary of Impact (for inclusion in any report)**

<b>Equality Act 2010 AND Welsh Language</b>
<b>Wellbeing of Future Generations (Wales) Act 2015</b>

Mae'r dudalen hon yn wag yn

**Pay and Reward Policy 2020/21: Trade union responses - March to September 2020**

Tudalen 53

Feedback	Response
<b>UNITE</b>	
Supports both changes to the policy	
<b>UNISON</b>	
We welcome the decision to remove the additional payments regarding block car usage for chief officers.	
The re-employment restrictions will be seen as positive by some and negative by others. I am aware of staff frustrations at seeing colleagues taking voluntary redundancy as part of a cost cutting exercise, within a 6-week period returning on a staff bank and working more hours than they took redundancy from.	The proposal will lead services to consider the longer term implications of redundancy proposals and not make decisions based on individuals, but on service delivery need.
My main concern around this suggestion is correctly identifying what is a voluntary redundancy situation. If for example we have 3 candidates for redundancy which means there is a need for a competitive process if someone steps forward in that situation we want it clearly understood this is still a compulsory redundancy situation by volunteering they will not be penalised for speeding process up and reducing stress levels.	This is an issue for the Job Security Policy in terms of how redundancies are identified and proposals implemented.
As a union we will always support the use of public money to support local government services and protect services by keeping them where they belong. By allowing staff to take voluntary redundancy deleting posts and then return on an ad hoc basis and end up working as many hours as previously worked surely identifies that posts should not have been deleted in the first place.	Individual circumstances based on each individual case can be considered by a Head of Service should the situation arise.

<p>The section around settlement agreements is one that I can understand NCC wishing to implement and I welcome the paragraph around a need to look at it on a case by case basis...We would also ask that NCC consider that staff going through a settlement agreement may be doing so as the only outcome viable to them at that time and at a future time they may be in a position to be a future asset to NCC as a member of staff so considering their ability to return to work for NCC should not be snap decision and should be fully considered at the appropriate time.</p>	
<p><b>GMB</b></p>	
<p>Whilst voluntary redundancy is defined in law as being exactly that (i.e. that it is entirely voluntary), it has been applied rather loosely by Newport City Council over the last ten years or so. I am aware of a number of instances where employees have accepted redundancy voluntarily when faced with a choice between this and a patently unsuitable alternative role when their own positions have been deleted in departmental restructures.</p>	<p>This is an issue for the Job Security Policy and not the Pay and Reward Policy. Any concerns about individual redundancy consultation processes should be raised via the JS Policy or as part of consultation at the time of the proposal being set out.</p>
<p>The Equality Assessment in respect of age appears contradictory and lacks comprehensiveness.</p>	<p>A further rewrite of the FEIA has been undertaken and shared with GMB. No further comments on the new version were received.</p>



# Report

## Council

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### Part 1

Date: 24<sup>th</sup> November 2020

**Subject** Annual Report of the Democratic Services Committee

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

**Author** Head of Law and Regulation

**Ward** All wards

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

The annual report attached at Appendix A was agreed by the Democratic Services Committee on 22<sup>nd</sup> October 2020.

Also attached at Appendix B is the annual report of the Head of Law and Regulation, on behalf of the Head of Democratic Services, presented to the Democratic Services Committee on 22<sup>nd</sup> October 2019 in order to review the adequacy of staff to support members.

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

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

**Action by** Head of Law and Regulation

**Timetable** Immediate

This report was prepared after consultation with:

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

## **1. Background**

- 1.1 The Local Government (Wales) Measure 2011 (“the Measure”) requires each council to establish a Democratic Services Committee. The Measure prescribes the functions of the Committee and requires the Committee to make a report at least annually to the Council.
- 1.2 The Measure prescribes the functions of the Democratic Service Committee as:
  - Designating the Head of Democratic Services
  - Keeping under review the provision of staff, accommodation and other resources made available to the head of democratic services in order that it is adequate for the responsibilities of the post;
  - Making reports, at least annually, to the Council in relation to these matters.
- 1.3 The Democratic Services cannot discharge and other functions or perform any dual role (for example doubling-up as a Scrutiny committee).
- 1.4 The Council agreed to widen the role of the Democratic Services Committee to include the consideration of any proposed amendments to the Council’s constitution for recommendation to the executive where appropriate and to the Council.
- 1.5 The Measure was subsequently amended by the Local Government Democracy (Wales) Act 2013, to specifically provide for a wider range of functions for Democratic Services Committees, along the lines adopted in Newport. The full terms of reference of the Committee, as set out in the Constitution, are contained in the draft Annual Report.
- 1.6 The annual report attached at Appendix A was agreed by the Democratic Services Committee on 22<sup>nd</sup> October 2020.
- 1.7 Under the Measure, the Democratic Services Committee is required to keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, to ensure that adequate resources are provided for the responsibilities of the post. To that end, also attached at Appendix B is the report by the Head of Law and Regulation on behalf of the Head of Democratic Services for 2019-20, also presented to the Democratic Services Committee on 22<sup>nd</sup> October 2020. This report provides an outline of the resources made available in support of these functions, so that the Committee can fulfil its responsibilities under the Measure to review the adequacy of staff to support members.
- 1.8 The Report confirms that the provision of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to decision making, democratic administration and Scrutiny as they currently exist. However, the impact of any changes in statutory requirements, or the needs of members will need to be kept under review by the Committee. Although the staffing resources within the Democratic Services team remains adequate to discharge the democratic functions under the Measure, the Head of Democratic Services Annual Report identifies the need to recruit to the new post of Democratic Services Manager and the two vacant Scrutiny Officer posts as soon as possible.

### **Financial Summary**

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



## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Non-compliance with the requirements of the Local Government Measure	M	L	This report suggests the content of an annual report in line with the requirements of the Measure.	Democracy and Communication Manager / Head of Law and Regulation.
Inadequate resources to discharge the statutory requirements of the Measure	M	L	The Annual Report confirms the adequacy of existing resources and the proposals for a more effective management structure. The arrangements are the subject of review by the Committee in the event of any changes in functions or requirements	Democracy and Communication Manager / Head of Law and Regulation

\* Taking account of proposed mitigation measures

## Options Available

- (a) To receive the Committee's annual report to the Council in order to meet the requirements of the Local Government Measure and to note the content of the Head of Democratic Services Annual Report, as supporting evidence that the Committee has carried out its responsibility to review the adequacy of staff to support members.
- (b) To take no action

## Preferred Option and Why

- (a) To receive the Committee's annual report to the Council in order to meet the requirements of the Local Government Measure and to note the content of the Head of Democratic Services Annual Report, as supporting evidence that the Committee has carried out its responsibility to review the adequacy of staff to support members

## Comments of Chief Financial Officer

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

## Comments of Monitoring Officer

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

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

The Head of Democratic Services states that the provision by the authority of staff, accommodation and other resources by the Council is adequate to discharge the statutory requirements in relation to Decision Making, Democratic Administration and Scrutiny as they currently exist. There are therefore no staffing implications arising at this time.

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

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

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

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives
- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies
- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objective
- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City.

## **Background Papers**

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

Dated: 13<sup>th</sup> November 2020

APPENDIX A



# **Democratic Services Committee Annual Report 2019-20**

## **1. Introduction**

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

## **2. Terms of reference**

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

The Committee's terms of reference are:

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

## **3. Structure and Membership**

The Committee comprises

- Councillor Charles Ferris (Chair) – as from July 2020
- Councillor Mark Whitcutt – as from July 2020
- Councillor Phil Hourahine – as from July 2020
- Councillor Jason Hughes - as from July 2020
- Councillor James Clarke – as from July 2020
- Councillor Trevor Watkins
- Councillor Kate Thomas
- Councillor Matthew Evans
- Councillor Chris Evans

The Committee was previously chaired by Councillor David Fouweather from May 2019 until July 2020

Councillors Yvonne Forsey, Rehmaan Hyatt, Laura Lacey and Herbie Thomas also served as members of the Committee from May 2019 until July 2020

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

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

#### **4. Activities in 2019-20**

This Annual report covers the period from November 2019 to November 2020.

The forward work programme for the Committee was severely disrupted by the coronavirus pandemic and the suspension of all Council meetings during the Covid-19 lock-down period as from March 2020. Following the meetings held on 24<sup>th</sup> October 2019, and 20<sup>th</sup> February 2020, the subsequent scheduled meetings on 21<sup>st</sup> May 2020 and 22<sup>nd</sup> July 2020 had to be cancelled.

The Committee meeting held on 22<sup>nd</sup> October 2020 was the first remote meeting conducted in via MS Teams Live Event accordance with the Coronavirus (Meetings)(Wales) Regulations 2020 and the Protocol for the conduct of remote meetings adopted by the Council.

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

##### **(i) Chair of Council/Presiding Member**

The Committee considered a report on options for the appointment of a Presiding Member (and Deputy Presiding Member) as Chair of Council

The Local Government (Democracy) Wales Act 2013 gave local authorities the power to appoint a Presiding Member (and Deputy Presiding Member) to act as Chair of Council and discharge any other non-executive functions, as determined by the Council. The purpose of having a stand-alone Chair of Council was to reflect the specific role of presiding over Council meetings and the skills required to manage Council business in a fair and efficient manner. These roles and responsibilities are quite distinct and different from the other civic, ambassadorial and ceremonial roles discharged by the Mayor (and Deputy Mayor) as the first Citizen of the City. Many councils in Wales have now gone down this route and have appointed a specialist Presiding Member to chair council meetings. A Member of the Executive may not be elected as Presiding Member/Chair of Council, but can be elected as a stand-alone Mayor. If remunerated, a Presiding Member is entitled to a Band 3 Senior Salary and the post would count towards the Senior Salary cap for the Council of 18 posts.

Where a Presiding Member is appointed the Council must appoint a Deputy Presiding Member. A Deputy Presiding Member cannot be a member of the Executive and is not entitled to be remunerated. Consequential amendments would be required to the Council's Constitution to reflect the separation of the Chair of Council and Mayoral roles.

The Committee made the following recommendations;

- That the Council should not appoint a Chair of Council/Presiding Member.
- If full Council decided to appoint a Presiding Member, then it was recommended that there should be a rule prohibiting any serving Cabinet Member from being appointed as the Mayor and carrying out a dual role.

These recommendations were subsequently accepted by full Council in February 2020.

## **(ii) Annual Report of the Head of Democratic Services**

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

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

In January and February 2020, the two Scrutiny Advisers also resigned to take up other employment and these vacancies were also advertised, as well as the new position of Democratic Services Manager. Unfortunately, the recruitment process for all of these vacant posts had to be suspended during the Covid-19 lock-down period in March 2020. However, all committee meetings were also suspended during this period, until remote meetings were introduced in June 2020. Therefore, there were no issues regarding resources or support for members during this period. The intention is to recruit to the vacant posts as soon as possible, to ensure that there is a full complement of staff going forward.

In the meantime, the annual report confirmed that the current staffing arrangements are sufficient to meet these statutory responsibilities under the Measure and to support members. The Head of Law and Regulation has taken on a more direct management role and oversight of the service and he has been supported by the Governance Team in managing the remote Scrutiny meetings and agendas. A new Assistant Head of Legal Services and Deputy Monitoring Officer was appointed prior to the lockdown and the new post-holder started in June 2020.

The Committee endorsed the view of the Head of Law & Regulation that the provision of staff, accommodation and other resources by the Council continues to be adequate to discharge the statutory requirements in relation to decision making, democratic administration and scrutiny, having regard to the proposals for the recruitment of a new Democratic Services Manager. The Committee also asked the Head of Law and Regulation and the new Democratic Services Manager (when appointed) to keep under review the provision of staff, accommodation and other resources made available to members to ensure that statutory requirements and any changing needs of elected members are met, and to present a report to the Committee should any review be required.

## **(iii) Independent Remuneration Panel Wales: Draft Annual Report**

The Committee received the draft Independent Remuneration Panel for Wales (IRPW) Annual Report and were invited to discuss the response from Newport City Council as part of the consultation process.

In accordance with the requirements of Section 147 of the Local Government (Wales) Measure 2011 ('the Measure'), the Panel's draft Annual Report, including proposals which would have effect for the municipal year 2020/21, was published on its website.

In 2017 the Panel visited each of the 22 principal councils and met with many members and officers. Since then they had met with all Fire and Rescue and National Park Authorities and continued with the programme of meetings with Community and Town Councillors and Clerks. In this draft Annual Report, the IRP continued to reflect some of the issues that have arisen during their visits. The IRP had previously indicated that payments to councillors had not kept pace with the original comparator the Panel used to establish an appropriate level of remuneration because of pressures on public expenditure. The IRP proposed an increase in the basic salary of elected members of principal councils

and members of both Fire and Rescue Authorities and National Park Authorities to take account of the current rate of inflation which will help prevent further erosion. The IRP acknowledged that there may be some concerns about the financial impact of this increase when local government in Wales continues to be financially stretched. However, they had to balance the issue of affordability with fairness to members of local councils and recognise that the current level of payments means that many of them struggle financially. As the IRP have consistently indicated, representative democracy does not come without a cost. In the current circumstances the IRP considered that the determinations set out in this Report achieve this balance.

The Committee agreed in principle with the report and had no further comments.

The final IRPW report was later published in February 2020 and adopted as the Council Scheme of allowances at the Annual General Meeting in July 2020, with effect from April 2020.

### **IRP Supplementary report**

The Committee also considered a supplementary report from the IRP regarding the reimbursement of costs of care for members. It was felt that members were not taking advantage of the financial support made available to those with primary caring responsibilities for a child or adult and/or personal support needs where these were not covered by statutory benefit or other provision.

The IRP therefore wanted to remind councillors of this benefit through this supplementary report by way of raising awareness through the Democratic Services Committee. The Committee were informed that members would still be entitled to this allowance along with any extra care allowance, which might be received from the government. This was also available to senior salary holders such as Cabinet Members and for those members attending meetings. The Committee agreed that members should be made aware of this additional allowance and that the monetary support would be a reassurance to those with children or adults that needed extra care. We agreed that a summary of the supplementary report should be circulated to all members for their information by the Governance Team Leader.

#### **(iv) Review of the Constitution-Revised Officer Scheme of Delegation**

As part of the forward work programme and the terms of reference for Democratic Services Committee, the Committee was required to keep under review the Council's constitutional governance arrangements.

In accordance with the Council's approved scheme of delegation, set out in Part 3 Appendix 3 of the Council's Constitution, a number of statutory functions were delegated to those Heads of Service who were authorised to discharge these duties on behalf of the Council. The Officer Scheme of Delegation was last reviewed and updated in October 2017 and since that time; there had been a few legislative changes and amendments to Council procedures. These changes and amendments needed to be incorporated into a revised and updated scheme of delegation for adoption by full Council. For the most part, the previous officer scheme of delegation did not require substantive revision. However, since the last review, new legislation was introduced to deal with sustainable drainage systems ("SuDS") for new developments and additional delegated powers needed to grant the Head of City Services to enable him to determine applications and all other related functions under Schedule 3 of the Flood and Water Management Act 2010 on behalf of the Council as the SuDs Approving Body ("SAB").

In addition to this, the Committee were informed that amendments had been made to the existing scheme of delegation to Council granting full delegation to the Head of Regeneration Housing and Investment to determine minor property transactions, as previously recommended by Democratic Services Committee at their meeting in November 2018.

The Committee agreed to the proposed amendments to the Scheme of Delegation to Officers and recommended that it be adopted as Part 3 Appendix 3 of the Constitution at Council on 27 February 2020.

## **(v) Support for Councillors in their Ward Work**

It was previously agreed that the Democratic Services Committee would review support for Councillors in their ward work as part of the work programme for 2018-19. The Committee agreed the scope of a further review of the support and engagement arrangements in July 2018. The previous research had focused predominantly on the engagement methods themselves, and Neighbourhood Committees / ward meetings in particular. The focus therefore of this additional review was specifically in relation to the practical support that Councillors needed to undertake their ward work effectively, through all the different methods available to them.

The Committee received interim presentations on upgrades to Members IT and the development of an on-line members Took-Kit to assist and support Councillors in carrying out their representational roles within their local communities. Due to changes however, in key personnel and membership of the Committee, the outcome of the review was never formally concluded and signed-off. In particular, no final conclusions were drawn on whether the Neighbourhood Committees/ward meeting should continue in their current format in the light of the significant developments in other methods of engaging with local communities within individual wards.

Therefore, the Committee considered a report which summarised the outcome of the review of support for Councillors in their Ward work and considered the options regarding Neighbourhood Committees/Ward Meetings.

Since 2011, and with the advent of new technology and other methods of engagement and communication with the public, the numbers of ward meetings has declined significantly. Some wards hold ward meetings on a regular basis, others only call meetings in response to specific issues, for example as part of a consultation exercise. Some wards do not use ward meetings at all, as they find other communication methods more effective. A ward meeting is only one of a number of tools available to Councillors to engage with their residents. Ward meetings will not suit all wards, and, where used, they are intended to compliment other ward activities, for example, Ward surgeries, meeting with individuals / groups by request, Community events, Social media, Newsletters and Blogs.

Between 2012 and 2018, there has been a gradual decline in numbers over the years and, currently, ward meetings are never held in 9 wards, they are arranged infrequently in 3 others and are only held regularly in 8 wards. Even in these 8 wards, attendance is variable.

The Committee recognised that there was no consistent approach to ward meetings. However, some ward members were passionate advocates of ward meetings, which were non-political and helpful for residents from an information perspective. They were also important for constituents raising individual issues with ward members and well attended. Some residents that were not using social media found ward meetings helpful, and it was felt that if ward meetings were lost, some councillors would lose touch their community. Ad hoc or side arrangements in place for some wards were still effective, such as holding meetings to discuss the budget or other strategic matters. Some ward members did not run ward surgeries however, if constituents had concerns, they would meet with them on a one to one basis.

Therefore, the Committee felt that each ward had an individual way of running their ward meetings and there was an argument for and against. However, the final decision should be left for the individual discretion of each ward member. Consequently, the Committee recommended to Council that the current arrangements should continue and it should be left to the individual ward councillors whether they wished to continue with these ward meetings and, if so, how often they should be held. This recommendation was subsequently approved by full Council in February 2020.

## **(vi) Boundary Commission Review of Electoral Arrangements -Draft Proposals**

The Local Democracy and Boundary Commission for Wales is reviewing the electoral arrangements for Newport with a view to considering and formulating proposals for future arrangements. This is part of the



Commission's programme to review all principal councils in Wales, in time for new arrangements to be introduced for the next local government elections in 2022. Newport is the 17th council to be reviewed.

The Commission published initial consultation documents, showing the current elector to Councillor ratios in the City and how these compare to their Council Size Policy and ideal ratios. The Commission invited comments on these documents and the potential changes required to future electoral arrangements in Newport. The 12-week consultation period began on 30 January 2019 and closed on 3 May 2019.

Following a report to Democratic Services Committee on 14 February 2019, a cross party working group was set up to review the available evidence, invite submissions from stakeholders, and devise options for a proposed new scheme of electoral arrangements.

The Group's proposals were reported to full Council on 30<sup>th</sup> April 2019 and the preferred options were submitted to the Boundary Commission for consideration. The Commission will now prepare its draft proposals for Newport's electoral arrangements, followed by a further statutory period of consultation before the Commission's final recommendations are made to Welsh Government.

The Commission's Draft Proposals were finalised in October 2019 but not published until January 2020. The Council had until 8 April 2020 to formulate and submit any response to the draft proposals. The Commission would then consider any consultation responses before finalising their proposals, which would be submitted to the Welsh Government Ministers for approval, with or without modification. The necessary Order would then be made to implement the new electoral arrangements prior to the next local government elections in May 2022.

In summary the draft proposals would establish a Council of 49 Members and 22 Wards, compared to the current 50 Members and 20 Wards. The Communities of Wentlooge and Coedkernew would be moved from the current Marshfield Ward and merged with the existing Tredegar Park Ward to form a new Tredegar Park and Marshfield East Ward. The new Ward would have two Members, while the remainder of Marshfield would have one. Part of the existing community of Graig would be merged with the Community of Rogerstone. The existing Rogerstone Ward would be divided into three new Wards with four members between them. Part of the existing community of Pillgwenlly would be transferred to Stow Hill, both Wards retaining two Members each. The Community of Bishton would transfer from Llanwern to Langstone. The Community of Nash would transfer from Liswerry to Llanwern with representation unchanged. The wards of Bettws and Beechwood would remain unchanged but membership would be reduced from three members to two in each ward.

The Committee considered the draft proposals at length at the meeting in February 2020. It was agreed that the proposals were generally acceptable and that any different political views could be submitted separately. However, there was agreement that Bettws and Beechwood should continue to be three member wards. The Committee was concerned that given the social and economic issues within those wards, a reduced Councillor representation would put strain on two members and the residents would not get the service they deserved.

This recommended response was agreed at Council in February 2020.

In August 2020, the final proposals were announced by the Boundary Commission. They recommended that the number of Councillors for Newport should increase from 50 to 51, to reflect current growth. There is also scope for a further increase in Llanwern when the housing developments are complete.

They also accepted the representations agreed by the Committee about keeping 3 ward members for Bettws and Beechwood, because of the socio-economic issues in those communities and the work that they generate. The only other change from the draft proposals is the combination of all of Marshfield and Tredegar Park into one 3-member ward, which reduced the overall number of wards from 22 to 21.

## **5. Work Planned for 2020-21**

The work programme was agreed at the Democratic Services Committee held on the 22<sup>nd</sup> October 2019.

We will need to continue our work in reviewing any proposals for amendments to the Council's constitution for recommendation to the executive where appropriate and to the Council.

In particular, we will review the current governance arrangements regarding the conduct of remote meetings and recommend any proposed changes to protocols and procedures. We will also review future governance arrangements to meet the requirements of proposed legislative changes in the Local Government and Elections (Wales) Bill, for example in relation to hybrid meetings, remote access and live broadcasting.

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

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

## **6. Democratic Services Annual Reports**

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

**Councillor Charles Ferris**  
**Chair of the Democratic Services Committee**

**Gareth Price**  
**Head of Law and Regulation**

APPENDIX B



# Head of Democratic Services Annual Report 2020

## **1. Introduction**

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

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

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

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

## **2. Functions and requirements of the statutory role**

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

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

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

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

The Measure also provided that role of the Head of Democratic Services had to be separate from the designated Monitoring Officer role, although there was nothing to prevent the Monitoring Officer from having line management responsibility for democratic services. However, the Local Government and Elections (Wales) Bill currently before the Senedd intends to remove this requirement as it is now recognised that the Monitoring Officer and Head of Democratic Services roles are not mutually exclusive and can be jointly provided. The Committee may wish to review the designation of the statutory role in the light of forthcoming legislative changes

### 3. Provision of staff

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

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

The management responsibilities for Destination Development and Strategic Communications have been removed from the post and these managers currently report directly to the Head of Law & Regulation.

The new post has been advertised externally and a short-list of suitably qualified and experienced candidates has been drawn-up, but the recruitment process had to be suspended during the Covid-19 lock-down restrictions. In the meantime, the two Scrutiny Advisers resigned in January and February 2020, to take up other employment opportunities, and those posts also had to be advertised internally and externally. Again the recruitment process for the scrutiny posts had to be suspended during lockdown as it was not possible to continue with the interviews.

In the meantime, interim arrangements were put in place to cover the management of the Governance and Scrutiny Team. The team managers report directly to the Head of Law & Regulation, who has taken a more direct role in overseeing the scrutiny function, assisted by officers from within the Governance Team

A new Assistant Head of Legal Services and Deputy Monitoring Officer was recruited in March and the post-holder started in June 2020.

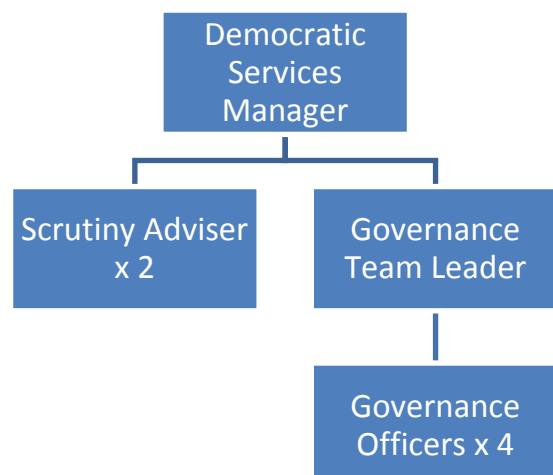
Interviews will be held shortly for the new post of Democratic Services Manager and for the two vacant Scrutiny Adviser posts and the interim arrangements will continue in the meantime.

### 4. Scrutiny and Governance

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

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

The Governance Officers, under the direction and supervision of the Governance Team Leader, will provide all administrative support to committees and general support to members. The more simplified



structure under a single team manager has been designed to allow more resilient, flexible support for the democratic process, and additional capacity for general member support and development activities.

## **5. Adequacy of staffing**

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

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

Therefore, the provision staff, accommodation and other resources under this structure is considered to be adequate to discharge democratic services functions, as they currently exist. However, it is imperative that the new Democratic Services Manager is appointed as soon as possible and that the two vacant Scrutiny Adviser posts are also filled.

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

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

Following the introductions of the Covid-19 lock-down restrictions in March, all formal meetings of Cabinet, Council and Committees were suspended and all decisions have been taken under the officer and member scheme of delegation. Because the Council already operated an extensive scheme of delegated decision-making, both at an executive member and officer level, then it was not necessary to introduce any emergency measures to enable essential and urgent business to be conducted during this period. In terms of the democratic process, the requirement for "pre-decision scrutiny" of Cabinet Member reports continued and all elected members were consulted on all proposed executive decisions, the only slight variation being that comments were submitted in writing. In addition, there has been an agreed communication process for the dissemination of information to elected members about Covid-related matters and an opportunity to submit urgent written questions in accordance with Council Standing Orders. Therefore, there has been no democratic deficit even during the suspension of all meetings during the lock-down period.

However, in the interests of openness and transparency it was always intended to re-introduce Council and committee meetings, with public access to the proceedings, as soon as the legal framework was introduced to permit meetings to be held remotely and as soon as the technology was available to support this

The Local Government (Coronavirus) (Wales) Regulations 2020 came into force on 22<sup>nd</sup> April 2020 and apply to all Council meetings until 1<sup>st</sup> May 2021. The Regulations enabled the Council to hold remote meetings to overcome Covid 19 social distancing measures and limitations in the existing Local Government (Wales) Measure 2011 regarding the requirements for convening, managing and recording meetings

Since the changes introduced by the Regulations, the Council's Governance and IT teams, supported by the SRS, have tested a number of different technology applications and solutions for conducting remote meetings. In the longer term, developments to the current Public-i system which is used to live-stream meetings from the Chamber and integrates with the democratic services governance software, may provide greater functionality. However, the adopted solution for the interim period is Microsoft Teams, which is the supported application for internal meetings and which has been rolled-out to officers and members.

The recommencement of formal Cabinet meetings as from 25<sup>th</sup> June was the first step to reinstalling governance and democratic arrangements through remote meetings. This used the MS Teams application to meet remotely and to record the proceedings for uploading onto the Council website for public viewing. Since, then there has been a phased programme to recommence all Committee meetings remotely, using the Live Event facility to broadcast the proceedings live. Further enhancements and refinements to the technology have enabled external participants to also participate fully in meetings.

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

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

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

- Any changes to the demands and needs of elected members
- Any changes in statutory requirements, e.g. Welsh Language Standards; Wellbeing of Future Generations Act / PSB Scrutiny.
- Increased day to day demands
- Any further demands from regulatory bodies
- Any impact of Welsh Government proposals for local government as set out in the Local Government and Elections (Wales) Bill.

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

**Head of Law & Regulation**

Mae'r dudalen hon yn wag yn





# Report

## Council

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### Part 1

Date: 24<sup>th</sup> November 2020

**Subject** **Standards Committee Annual Report 2019/2020**

**Purpose** To present the Standards Committee Annual Report for 2019/120

**Author** Head of Law and Regulation  
Chair of Standards Committee

**Ward** General

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

This fifth Annual Report covers the period from November 2019 to November 2020 and follows on from the last report presented to Council in November 2019.

**Proposal** **To receive the Standards Committee Annual Report for 2019/20 and to note the forward work programme**

**Action by** Head of Law and Regulation

**Timetable** Immediate

This report was prepared after consultation with:

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

**Signed**

## **Background**

1. The Local Government Act 2000 Part III requires the Council to establish a Standards Committee to promote and maintain high standards of ethical conduct by Councillors, co-opted members and Community Councillors. This role involves advising and training Members on the Code of Conduct, determining any complaints of misconduct, the imposition of sanctions, where appropriate, and considering any applications for dispensation under the Code.
2. The composition and membership of the Standards Committee is prescribed by the Standards Committees (Wales) Regulations 2001 (as amended) and comprises:-
  - 5 independent members (including an independent chair and vice-Chair)
  - 3 Councillors
  - 1 community council representative.
3. The Standards Committee is required to meet at least once annually in accordance with the Local Government Act 2000. In practice, the Committee meets on a scheduled quarterly basis and additional special meetings are arranged, as necessary, to deal with specific matters such as misconduct hearings and requests for dispensation.
4. The Annual Report provides information to the Council about the work carried out by the Committee during the last 12 months, identifies any specific issues that have arisen and sets out the forward work programme for the forthcoming year.
5. This seventh Annual Report covers the period from November 2019 to November 2020 and follows on from the last report presented to Council in November 2019.
6. There have been no changes to the membership of the Standards Committee during the past year. However, the Committee will need to consider succession planning next year as the second term of office of two of the independent members of the Committee, including the Chair, will come to an end. Therefore, new independent members of Standards Committee will need to be appointed

### **The Committee's work in 2019/20**

7. The Annual Report summarises the work carried out by the Standards Committee during the past 12 months. The Committee has met on 2 occasions during this period. The meetings scheduled for 16<sup>th</sup> April 2020 and 16<sup>th</sup> July 2020 had to be cancelled due to the Coronavirus lock-down. All face-to-face Council meetings were cancelled in March 2020 due to the lock-down restrictions and remote meetings were re-introduced on a phased basis as from June 2020 in accordance with the remote meetings Protocol adopted by the Council and the Coronavirus Meetings (Wales) Regulations 2020. Future meetings of Standards Committee will be conducted remotely and webcast live using MS Live Events. A recording of the meeting will also be uploaded onto the Council web site for public viewing.
8. The training requirements of the community councils and their compliance arrangements will continue to be monitored and reviewed as part of the Committee's forward work programme. The need for any refresher training for City Councillors will be reviewed in the light of responses to the Ethical Standards questionnaire.
9. An Ethical Standards Questionnaire was sent to members and senior officers to assess the culture within the organisation and the relationship between officers and members, to identify any areas of concern and need for improvement. In an effort to generate a better response than last time, the Chair of Standards Committee met with the Group Leaders of the main political Groups to get their support for this initiative and to encourage their members to respond to the questionnaire. However, despite this, only 9 responses were received, which

is extremely disappointing. Nevertheless, this still represented a 20% return and the responses that were received were generally positive about the culture within the organisation and the effectiveness of standards Committee and the policies and procedures that are in place. There appears to be a lack of clarity in terms of the respective roles and responsibilities of members and senior officers and further work needs to be done here which may also improve levels of trust and respect

10. The Report highlights the fact that there were no formal findings of misconduct against any local Councillors or community councillors during the past 12 months. Five complaints have been made to the Ombudsman about City Councillors, but only one has been accepted for formal investigation. One complaint was made to the Ombudsman about a local community councillor but he did not consider the failure to declare an interest to be a sufficiently serious breach as to warrant formal action. One “low-level” complaint was successfully resolved under the Local Resolution Protocol.

### Forward Work Programme

11. The Annual Report also contains a draft forward work programme for the forthcoming 12 months.

### Financial Summary

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

### Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
An ineffective Standards Committee would undermine public confidence in local government and would lead to poor quality decision-making, with the risk of legal challenge, reputational harm to the Council and sanctions imposed on individual Members	H	L	By proactively promoting high standards of ethical conduct among elected Members and officers and delivering effective training, there have been no findings of misconduct and no serious complaints of breaches of the Code.	Standards Committee Monitoring Officer Deputy Monitoring Officer

Failure to agree key priorities and a structured forward work programme could lead to a reduction in standards and behaviour and undermine the effectiveness of the Committee	M	L	The forward work programme sets out a structured basis for reviewing all ethical standards policies and procedures and reviewing training needs and development.	Standards Committee Monitoring Officer Deputy Monitoring Officer
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\* Taking account of proposed mitigation measures

### **Links to Council Policies and Priorities**

The promotion of high standards of ethical conduct among elected Members and officers maintains public confidence in local government and helps to make Newport a Fairer City

### **Options Available**

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

### **Preferred Option and Why**

To receive the Standards Committee Annual Report and note the forward work programme

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

There are no financial implications.

### **Comments of Monitoring Officer**

Included in the Report.

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

There are no staffing or policy implications.

### **Background Papers**

Committee reports and background papers November 2019 to November 2020

Dated: 13<sup>th</sup> November 2020.



# **Standards Committee Annual Report 2019-20**

## **Foreword by the Chair**

I am pleased to present the seventh Annual Report of the Standards Committee for 2019/20. The Annual Report provides information to the Council about the work carried out by the Committee during the past 12 months and identifies particular issues that have arisen.

This seventh Annual Report covers the period from November 2019 to November 2020 and follows on from the last report presented to Council in November 2019.

The Standards Committee is committed to promoting high standards of ethical conduct among elected Members and officers in order to maintain public confidence in local government.

We are pleased to report that, once again, no serious complaints of misconduct were referred to the Standards Committee by the Ombudsman during the past 12 months and no complaints were referred for determination by the Committee under Stage 3 of the Local Resolution Protocol. The Council's proud record of never having any complaints upheld and sanctions imposed against individual Members has again been upheld, and long may this continue.

One complaint was successfully resolved under the Local Resolution Protocol. The resolution of this complaint demonstrates that the Protocol has been successful in dealing with these types of issues locally, without the need for any referral to the Ombudsman or the Standards Committee. We are grateful to the officers and members concerned for their co-operation in resolving these complaints amicably.

However, as I have mentioned previously, there is no room for complacency and it is essential that these standards are maintained. The Standards Committee will continue to proactively review all ethical standards policies and procedures as part of the forward work programme.

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

There have been no changes to the membership of the Standards Committee during the past year. However, we will need to consider succession planning next year as the second term of office of two of the independent members of the Committee, including the Chair, will come to an end. Therefore, new independent members of Standards Committee will need to be appointed.

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

Phillip Westwood

Chair of Standards Committee

## 1. **Introduction**

### 1.1 **Terms of Reference**

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

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

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

- (i) The hearing and determination of "low level" complaints of misconduct at Stage 3 of the Local Resolution Protocol;
- (ii) Providing advice to the Council on the Council's Codes of Practice, including the Officers' Code of Conduct and the Whistle Blowing policy;
- (iii) Monitoring and updating the Codes of Practice as required; and
- (iv) Overseeing the Council's confidential complaints procedure;

### 1.2 **Structure and Membership**

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

The Standards Committee comprises:-

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

- Phillip Westwood (Chair)
- Andrew Mitchell (Vice Chair)
- Tracey Britton
- Kerry Watkins
- Dr Paul Worthington

3 councillor representatives:-

- Councillor Baroness Wilcox of Newport ( replacing Councillor Herbie Thomas as from July 2020)
- Councillor Phil Hourahine
- Councillor Val Dudley

1 community council representative:-

- John Davies (Bishton Community Council)

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

### **1.3 Enforcement of the Members Code of Conduct**

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

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

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

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

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

The Adjudication Panel for Wales:-



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

The Standards Committee

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

## **2. The Committee's work in 2019/20**

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

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

The Standards Committee met on 2 occasions during the past 12 months:-

- 7<sup>th</sup> November 2019
- 16<sup>th</sup> January 2020

The meetings scheduled for 16<sup>th</sup> April 2020 and 16<sup>th</sup> July 2020 had to be cancelled due to the Coronavirus lock-down. All face-to-face Council meetings were cancelled in March 2020 due to the lock-down restrictions and remote meetings were re-introduced on a phased basis as from June 2020 in accordance with the remote meetings Protocol adopted by the Council and the Coronavirus Meetings (Wales) Regulations 2020. Future meetings of Standards Committee will be conducted remotely and webcast live using MS Live Events. A recording of the meeting will also be uploaded onto the Council web site for public viewing.

Therefore, the work programme has been significantly disrupted during 19/20 due to these unprecedented times but Standards Committee will continue to operate effectively under these new arrangements and will continue to fulfil its statutory functions.

### **2.1 Dispensation Applications**

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

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

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

## **2.2 Training**

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

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

The Committee has previously recommended to the Council that it should be compulsory for all City Councillors to attend training on the Code of Conduct. A training programme for Councillors was delivered as part of the induction arrangements following the May 2017 elections, in the light of the legislative changes to the ethical standards framework and the new Members Code of Conduct adopted by the Council in May 2016. The Committee was pleased that 40 City Councillors and many community councillors attended these training sessions, and the training appeared to be well-received.

In July 2017, a letter was sent by the Chair of the Committee to the remaining 10 Councillors, with a copy to the group Business Managers, urging them to arrange a further training session as soon as possible. The Monitoring officer and Deputy Monitoring Officer then delivered a further training session on 18<sup>th</sup> January 2018, when 7 of the 10 Councillors attended. The Committee was pleased to note that 47 out of 50 City Councillors had attended the mandatory Code of Conduct training. It was agreed that no further additional training sessions were required and that no further action was necessary to compel the remaining 3 Councillors to undertake the mandatory training. However, they have been provided with electronic copies of the training presentation slides and documents and a link to the Ombudsman training video.

The Standards Committee has continued to proactively review all ethical standards policies and procedures as part of the forward work programme.

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

As part of this on-going review, the Committee has identified a need for refresher training, particularly for new community councillors and Clerks. This has also been identified at Liaison meetings with the community councils. Only some of the community councils subscribe to training from One Voice Wales and others are entirely dependent on Standards Committee and the Monitoring Officer to provide advice and assistance in relation to Code of Conduct compliance. Community council clerks have raised a number of procedural issues

regarding maintenance of statutory registers and declarations of interest at meetings and have requested specific training on these matters. It was originally intended to deliver this refresher training in 19/20 but these plans were disrupted by the Coronavirus lock-down restrictions. Therefore, as part of the forward work-programme for 2020/21, we will be arranging further remote training sessions for community councillors and their Clerks. This will be specific to community councillors as the rules relating to the register of members interests and exemptions are different to the City Council.

We will review the need for any refresher training for City Councillors in the light of responses to the Ethical Standards questionnaire. We are conscious that some Members were last trained in 2017 and there have been some changes to protocols and guidance since that time. However, we are also conscious of the fact that the new local government elections will take place in May 2022 and a new induction training programme will need to be developed in readiness for the elections.

### **2.3 Local Resolution Protocol**

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

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

One complaint was received under the Local Resolution Protocol in 2019/20. This complaint concerned allegations of lack of respect and consideration for IT support officers dealing with telephone requests regarding computer problems. The matter was resolved by the Monitoring Officer following a Stage 2 mediation meeting, when the Councillor apologised unreservedly for any upset caused to the staff. The Councillor was frustrated by a perceived lack of response to her IT problems and this was impacting on her ability to discharge her role. The service manager agreed an escalation process for dealing with any future concerns about IT support.

The resolution of this complaint demonstrates that the Protocol has been successful in dealing with these types of issues locally, without the need for any referral to the Ombudsman or the Standards Committee. We are grateful to the officers and members concerned for their co-operation in resolving these complaints amicably.

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

and Deputy Monitoring Officer will continue to provide advice and assistance to community council clerks in relation to the local resolution of minor complaints.

#### **2.4 Revised Ethical Standards Framework and Procedures.**

The Local Authorities (Model Code of Conduct) (Wales) Amendment Order 2016 was made on 27<sup>th</sup> January 2016 and came into force on 1<sup>st</sup> April 2016. The Order amended the Model Code of Conduct for elected members of the Council and co-opted members with voting rights. Newport City Council formally adopted the new Code at its Annual General Meeting held on 17<sup>th</sup> May 2016.

The Local Government Democracy (Wales) Act 2013 transferred responsibility for maintaining the register of members' interests for community councils from the Council's Monitoring Officer to the "Proper Officer" of the community council as from 1<sup>st</sup> May 2016. However, Standards Committee still has the responsibility for ensuring that community councils continue to comply with these requirements.

As part of the ethical standards review of community councils carried out in 2018, 12 out of the 14 community councils responded to the questionnaire and confirmed their compliance with the requirements of the legislation. Standards Committee was pleased to note that all of the councils who responded had formally adopted the new Model Code within the prescribed timescale, all their members had signed an undertaking to abide by the Code and the community council clerks ( as designated "Proper Officers") has made satisfactory arrangements for publishing the register of members' interests. The community councils were also publishing electronic copies of agendas and minutes on their website, in accordance with sections 55-57 of the 2013 Act.

Standards Committee will continue to monitor compliance as part of its on-going review of the community councils. In particular, we will review their current practices and procedures for the conduct of remote meetings and the publication of electronic copies of agendas and minutes in accordance with the Coronavirus Meetings (Wales) Regulations. As part of the forward work-programme, we will also be reviewing the Council's practices and procedures for declarations and registration of interests.

#### **2.5 Succession Planning**

There have been no changes to the membership of the Standards Committee during last year.

John Davies from Bishton Community Council was confirmed as the community council representative by the Council on 28th November 2017.

However, we will need to consider succession planning this year as the second term of office of two of the independent members of the Committee, including the Chair, will come to an end. Therefore, new independent members of Standards Committee will need to be appointed. An advertisement will need to be published and an appointments panel constituted in accordance with the Standards Committees (Wales) Regulations, to interview

suitable applicants and make recommendations to Council regarding the appointment of new independent members.

## **2.6 General work**

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

The Committee considered the Welsh Local Government Association Social Media Guidelines for Councillors. This provided comprehensive guidance and advice on both the pitfalls and the positive impact of using social media. It detailed how members could communicate and engage better with the public through the use of social media. However, Councillors need to be mindful that anything that they publish on social media is also subject to the Code of Conduct, particularly the duty to show respect and consideration for others. Members at other Welsh local authorities have been found guilty of breaches of the Code and have been sanctioned by the Adjudication Panel for comments that they have posted on social media.

There is also a Council policy that all members have to adhere to regarding the use of IT and data security.

The Committee considered that the use of social media should be covered in more detail at future ethical standards training.

The Committee felt that there was a need to carry out a further Ethical Standards audit, particularly in the light of the revised Protocol for Officer/Members relations which we issued last year. It was felt that the general behaviour in meetings had improved since 2011 but, in view of the time that had elapsed since the last review, it was opportune to repeat the exercise. Therefore, the Committee agreed a form of simple questionnaire with a free text section at the end for comments, which was circulated to all Councillors, Strategic Directors and Heads of Service and also those other staff who came into regular contact with elected members, such as planning and licensing staff. In an effort to generate a better response than last time, the Chair of Standards Committee met with the Group Leaders of the main political Groups to get their support for this initiative and to encourage their members to respond to the questionnaire.

The questionnaires were distributed in July 2019 and re-issued December 2019 but, unfortunately, only 9 completed responses were received, which is extremely disappointing. However, despite the low response, the actual responses received and the information provided was extremely positive. The full results and analysis of the Ethical standards survey are set out at [Appendix 1](#) to this Annual Report.

Although the Ethical Standards Questionnaire again yielded another poor response, 20% of the members and staff surveyed had replied, which was statistically the same response as the previous questionnaire and a similar response to other Council surveys, such as the staff questionnaires. Therefore, it was a fairly representational response and not unexpected. Enquiries were made with other local authorities such as Swansea, Caerphilly and Torfaen about whether they had undertaken a similar ethical standards audit. Caerphilly and Torfaen confirmed that they had not carried out similar surveys of members and staff and Swansea Council confirmed that they invited their Political Group Leaders, and Chairs of Committees

to their Standards Committee on an annual basis to have an open and honest discussion about general ethics, standards and behaviour in Swansea.

In response to Q1, 100% of those who replied agreed that the work of the Standards Committee had a positive effect on ethical standards and 89% replied positively to Q2 and believed that the public perception of the Council was that it operated in an ethical manner. 89% of those surveyed also agreed that the Council had clear policies and guidance in place. 78% agreed that the behaviour of officers and members demonstrated a clear understanding of ethical standards and 89% agreed that there was an open and transparent process in place for the registration and declaration of personal interests.

However, only 62% of those who responded believed that there was trust and mutual respect as between members and senior officers and only 55% believed that the different roles of elected members were clearly defined and understood. Therefore, in terms of perception, more work needs to be done here to improve trust and confidence and to clarify the different roles and responsibilities of officers and members.

Only 55% of those members who responded indicated that they knew how to access the Code of Conduct and 45% felt that they would benefit from additional training. Again, we will take this into account when reviewing and planning future member training.

Overall, the Committee considered that, despite the relatively low response, the outcome of the ethical standards audit was generally positive. We felt that the profile of the Standards Committee could be raised and the information published on the web pages should be updated to raise the profile of the committee and the members. The Chair of the Committee wrote to the Leaders of the political groups on the Council to inform them of the outcome of the questionnaire

The Standards Committee also received a presentation of the relevant parts of the Local Government and Elections (Wales) Bill. The electoral reform proposals would allow 16 to 17 years old to vote in local government elections in 2022. The Welsh Government had already legislated to allow 16 and 17 year olds to vote in the next Assembly elections in May 2021. The establishment of Corporate Joint Committees was intended to facilitate more consistent and coherent regional working and would allow local authorities to deliver certain services on a collaborative basis. This was different to existing Joint Committees, which did not have any separate legal status and operated as voluntary joint arrangements between councils. The new CJC's will have corporate legal status and will be able to employ their own staff. The initial services to be delivered via CJC's were regional transport and regional planning and development.

Some provisions of the legislation will come into force before the next local government elections in May 2022, which will necessitate extensive changes in governance arrangements. All Committee meetings will need to be remotely accessible and broadcast live. Prior to the lock-down, only full Council and Planning Committees were being Webcast from the Council Chamber. The current remote meeting arrangements all for all members to dial-in remotely, but the technology does not permit the type of "hybrid" meetings required by the Bill, where most Councillors would be in the meeting room but others would be able to join remotely. Therefore, all Councils meeting rooms will need to be adapted in order to allow all Committee meetings to be webcast.

The Bill imposed a duty on group leaders to promote ethical standards within their political groups and the Standards Committee would be required to monitor how Leaders do this. Welsh Government would be providing guidance on how this duty is to be discharged.

There would be a compulsory requirement for all Councillors to produce an annual report, and Newport already facilitates this. This report would also need to be made public.

We were also advised about proposal to reinstate some of the investigatory powers of the Ombudsman. The proposals would mean that that the Ombudsman could demand information from people and avoid claims of defamation under Section 69 of the Local Government Act 2000 Act.

The Committee again wrote to all of the community council clerks to ensure that proper arrangements are in place to maintain and publish the registers of members' interests. Sections 55-57 of the Local Government (Democracy) (Wales) Act 2013 Act require Community Councils to publish certain information electronically (i.e. on a website). This includes the public register of members' interests, information about the council's clerk and Members, Minutes of council meetings and any audited statement of the council's accounts. Community Councils are also required to publish public notices electronically, and to make certain information about their meetings and proceedings available electronically. We were satisfied from the responses that proper arrangements were in place to publish the registers and other information, to meet the requirements of the legislation.

With regard to the Ombudsman's Annual report for 19/20, the Committee noted that nationally the number of Code of Conduct complaints had reduced by 18% compared with the past year. The Ombudsman received 231 new complaints last year, which was an 18% reduction on the previous year. 135 of these new complaints related to Town and Community Councils and 96 related to members of principal councils. This reduction was due to a significant drop in the numbers of frivolous complaints made against town and community councillors, many of which were motivated by personal or political differences. The majority of Code of Conduct complaints received during 2019/20 related to matters of 'promotion of equality and respect' (49%) and 'disclosure and registration of interests' (17%).

## **2.7 Ombudsman complaints**

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

The Committee was advised that 5 complaints were referred to the Ombudsman about City Councillors in 2019/20 and 1 complaint was referred regarding a community councillor. However, only one of these complaints has been accepted for investigation and, in the other cases, the Ombudsman took the view that there was no evidence of any serious breaches of the Code.

Two of the complaints were not accepted for formal investigation on the basis that the Members concerned were not acting as councillors at the time of the complaints. The one complaint related to inappropriate posts on social media, which were considered to be offensive. However, the Ombudsman took the view that the Councillor has posted the comments in a private capacity and not as an elected member and, therefore, his behaviour was not covered by the Code of Conduct. The other complaint concerned a neighbour dispute and allegations but, again the Ombudsman took the view that this was a private matter.

Separate allegations had been made by different complainants about the behaviour of one member in supporting a planning application within her ward. The complainants alleged that the member concerned was a close friend and associate of the applicant and, therefore, should have declared an interest in the matter and should not have attempted to use her position as ward councillor to support the planning application. The member strongly denied any association or friendship with the applicant and the Ombudsman rejected the complaints on this basis.

The one complaint referred to the Ombudsman regarding a community councillor concerned a failure to declare an interest in a community council grant payment, when the Councillor's wife was Chair of the Church Group who were allocated the funding. The Ombudsman took the view that there had been a technical breach of the Code but it was not sufficiently serious as to warrant formal action. The Community Councillor concerned was reminded of his obligations to disclose any personal interests and he was told to seek further advice from the Monitoring Officer about his duties under the Code

The one complaint that has been accepted for formal investigation concerns allegations of bullying and lack of respect on the part of an elected member, when contacting ABUHB for information. This investigation is ongoing, but information has been provided to the Ombudsman regarding the Councillor's training record and external appointments. There is also a pending complaint of bullying in relation to a community councillor and the community council clerk

No complaints were referred to Standards Committee in 2019/20 for hearing and determination.

### **3. Forward Work Programme for 2019/20**

<b>Date</b>	<b>Topic</b>	<b>Information</b>
November 2020	Annual Report to Council	Review of work undertaken in the past 12 months, identifying any specific ethical standards issues facing the Council and priorities for the forthcoming year.



		Summary of numbers of complaints received and outcomes.
As and when applications received  Review annually	Dispensations	Granting individual and blanket dispensations to Councillors.  Reviewing decisions annually to identify common issues and consistency of approach.  Produce guidance to Members on any issues arising.
As and when required	Local Resolution Protocol complaints	Conducting hearings into any Stage 3 complaints by Members or Officers
Quarterly	Complaints of Misconduct	Update of numbers of complaints received and outcomes.  Update on complaints resolved through Local Resolution Protocol.
By January 2021	Member training and development	Carry out review of community council training, re-assessing the need for training for new councillors and refresher training for existing members. Arrange training sessions for community councillors and Clerks, as necessary.
By February 2021	Succession Planning.	Agree advertisement and appointment panel for new independent members. Appointment of new Chair.
By March 2021	Ethical standards audit	Check that statutory registers are being properly maintained procedures for declarations are being followed  Review Gifts and Hospitality Protocol and Protocols for hearings and recommend amendments, as necessary.
Annually	Review of community councils	Check that statutory registers are being properly maintained

		<p>procedures for declarations are being followed</p> <p>Engage with community councils to ensure compliance and to identify any training and development needs.</p> <p>Review adoption of Local Resolution Protocols by community councils.</p>
By September 2021	Review of Council Policies, Protocols and procedures relating to ethical standards	<p>(a) Gifts and Hospitality</p> <p>(b) Planning Protocol</p> <p>How they are implemented, communicated to staff, training and compliance monitoring.</p>

#### **4. Helpful Information**

##### **4.1 Can I attend Meetings of the Standards Committee?**

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

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

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

If you wish to find out more about the Standards Committee or make a comment or suggestion, please visit our website: [Standards Committee Webpage](#) where you will find an online contact form or email us at [info@newport.gov.uk](mailto:info@newport.gov.uk)

Phillip Westwood  
Chair of the Standards Committee;

Gareth Price  
Head of Law & Regulation and Monitoring Officer

Liz Bryant  
Assistant Head of Legal Services and Deputy Monitoring Officer

Pamela Tasker  
Governance Officer

Appendix 1

# Standards Committee

Response to Ethical Standards Questionnaire

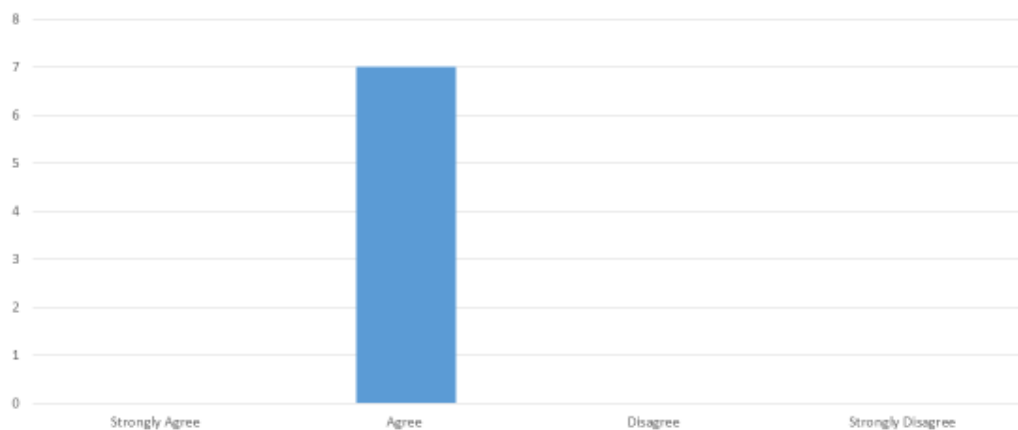
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## Response to Questionnaire

- The questionnaire was sent out to 3<sup>rd</sup> and 4<sup>th</sup> tier management on two occasions.
- In all 9 responses were received.
- Comments received have also been included

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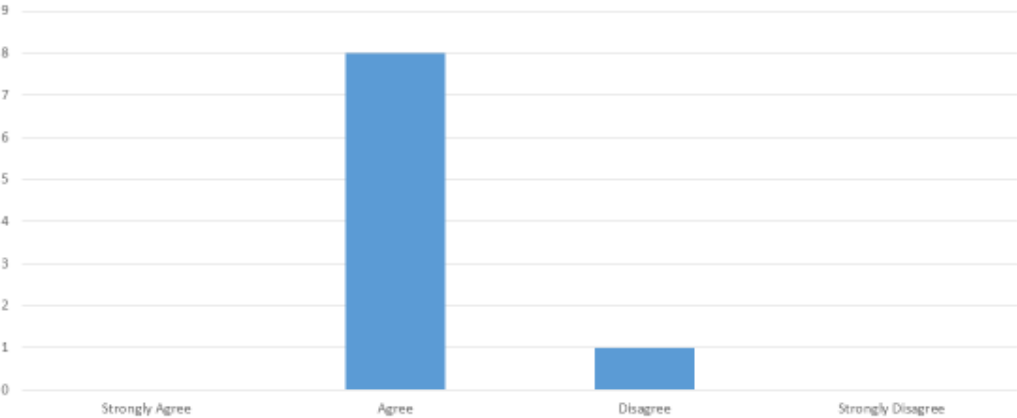
Question 1: The work of the Standards Committee has a positive effect on the work of the Council



**100 % of respondents replied in a positive manner (strongly agree or agree)**

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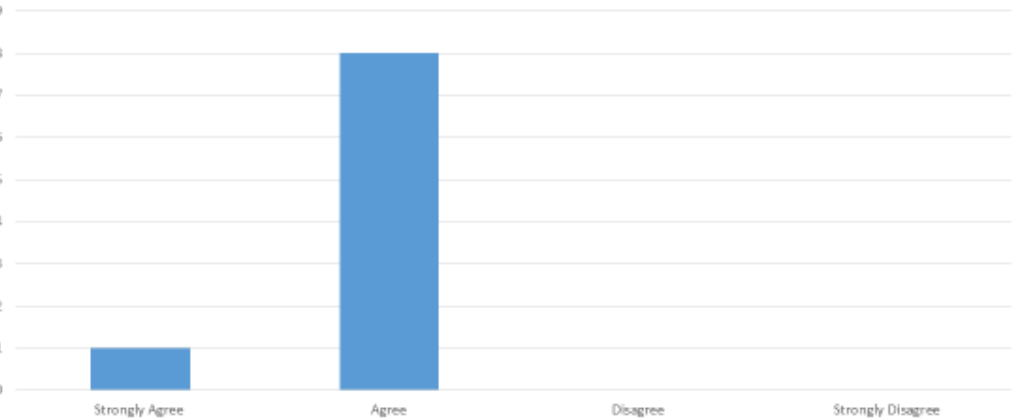
Question 2: I believe that the public perception of the Council is that it operates in a manner that meets ethical standards



**89% of respondents replied in a positive manner (strongly agree or agree)**

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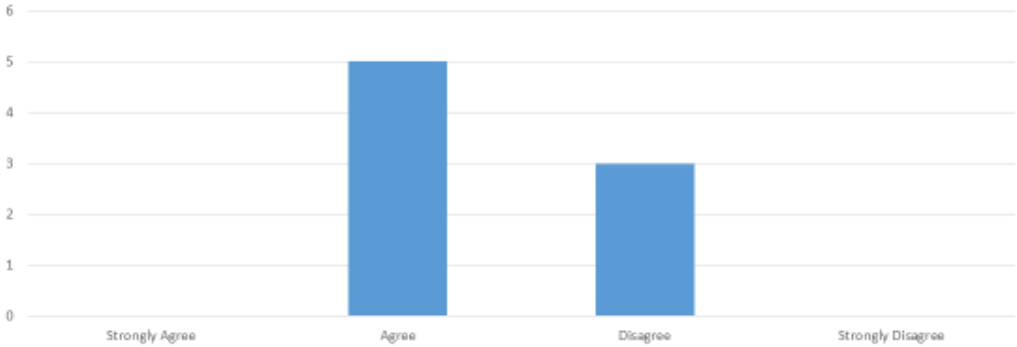
Question 3: The Council has clear policies and guidance on Ethical standards



**89% of respondents replied in a positive manner (strongly agree or agree)**

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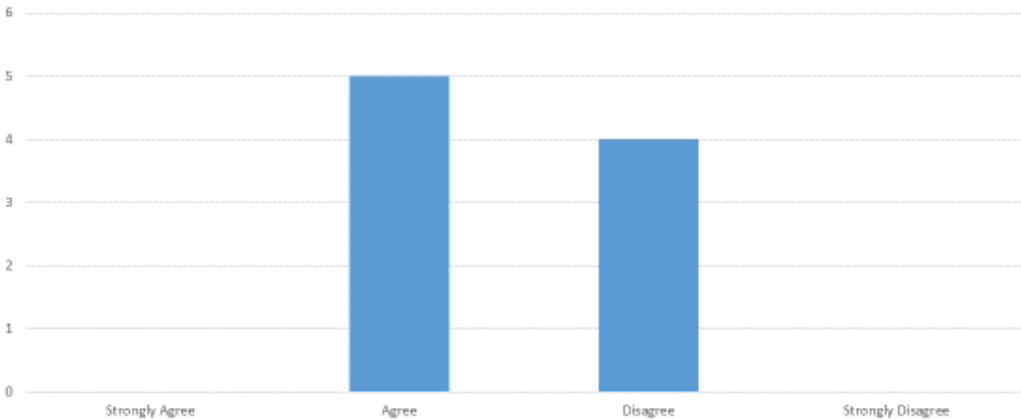
Question 4: There is trust and mutual respect between officers and members of the Council



**62 % of respondents replied in a positive manner (strongly agree or agree)**

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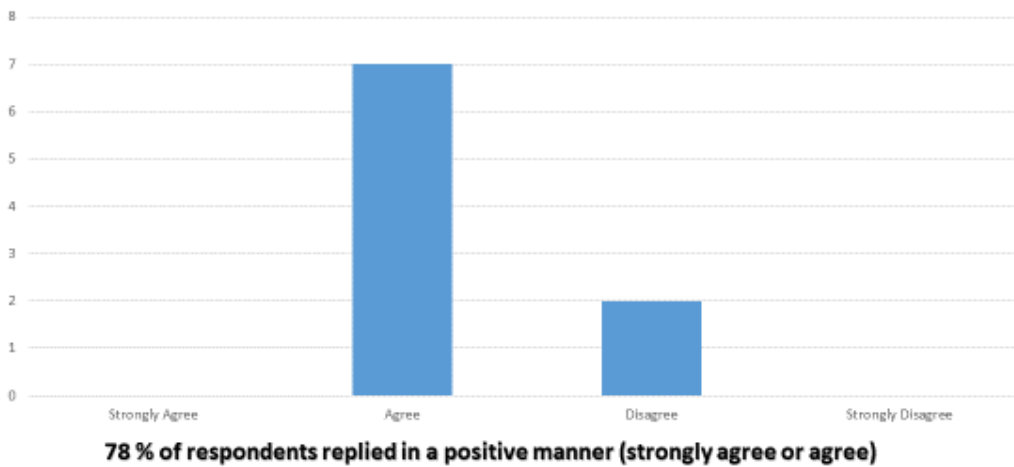
Question 5: The differing roles between members and officers in the Council are clearly defined



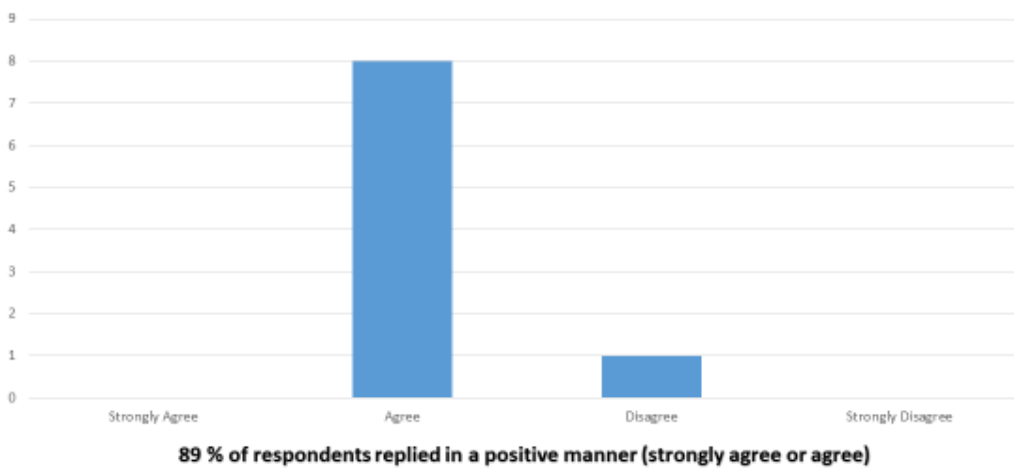
**55 % of respondents replied in a positive manner (strongly agree or agree)**

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Question 6: The behaviour of elected members and officers displays an understanding of ethical standards



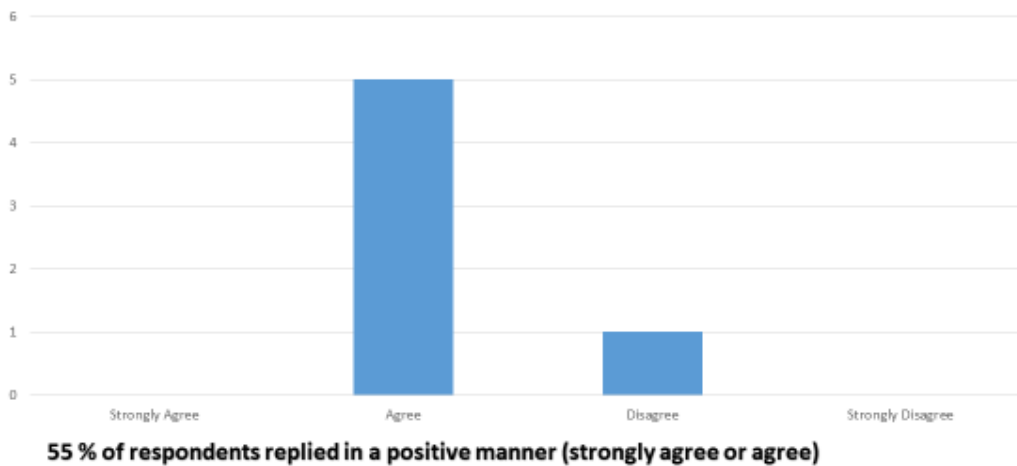
Question 7: Interests of elected members are declared openly and available to the public



### Question 8: As an elected member it is easy for me to declare and register an interest

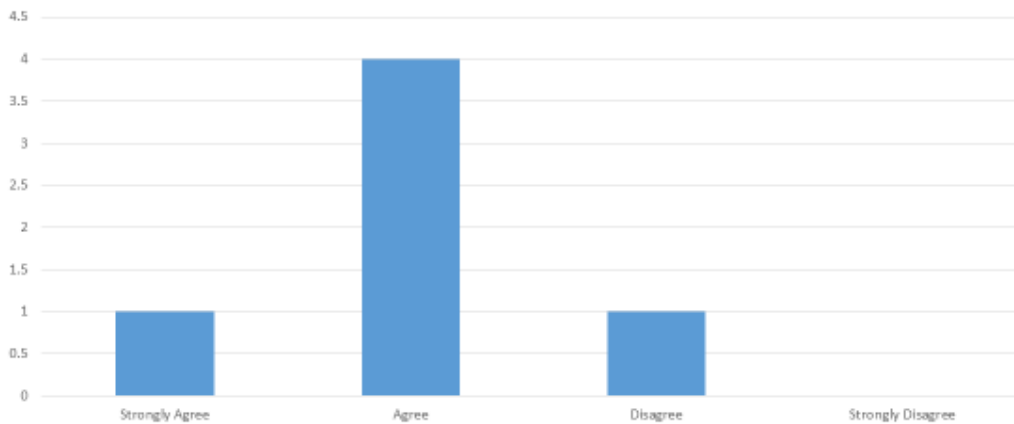


### Question 9: I know where to access the Councillor Code of Conduct





## Question 10: I would benefit from further training on the code of conduct



**45 % of respondents replied that they agreed that they needed further training**

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## Questionnaire Comments

- I have never seen a copy of the Member's code of conduct.
  - I suggest a box between agree and disagree is added for future responses. There are some grey areas that are not so clear to define
  - The public mistrust of the apparatus of local government is embedded in the community and any decision that a community member does not agree with is often framed in terms of corruption. Additionally, the age of austerity and the need to cut services has driven out openness and transparency. This lack of openness impacts all levels and of the organisation, and the organisation's communications with the community at large. The ongoing need to frame service cuts as improvements and so-called efficiency savings leads mistrust and rightly so. The dialogue should be honest at all levels
  - Whenever there are political changes, whether local government elections, by-elections or changes in political leadership/cabinet, and likewise senior management changes - there should automatically be refresher training in place to ensure all new parties are fully aware of the differing roles between members and officers, the code of conduct, declarations of interest and standards.
-

Mae'r dudalen hon yn wag yn

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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