

Agenda



Newport City Council

Ddydiad: Dydd Mawrth, 26 Ionawr 2021

Amser: 5.00 pm

Lleoliad: Canolfan Dinesig

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

HYSBYSIAD GWE-DDARLLEDU

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

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

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

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

Eitem	Wardiau dan Sylw
1. <u>Rhagofynion</u> <ul style="list-style-type: none">i. To receive any apologies for absence.ii. To receive any declarations of interest.iii. To receive any announcements by the Mayor.	
2. <u>Munudau</u> (<i>Tudalennau 5 - 16</i>) To confirm and sign the minutes of the last meeting.	
3. <u>Penodiadau</u> (<i>Tudalennau 17 - 20</i>) To consider any proposed appointments.	All Wards
4. <u>Materion yr Heddlu</u> 30 minutes is allocated for questions to the Gwent Police representative.	All Wards
5. <u>Rhybudd o Gynnig: Cwestiynau yn y Cyngor i'r Arweinydd</u> To amend Council Standing Order 4.2(b) to change the time limit for Questions at Council to the Leader from 15 minutes to 30 minutes.	All Wards

Contact: Anne Jenkins

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

Date of Issue: Dydd Mawrth, 19 Ionawr 2021

To receive the following motion for which the necessary notice has been provided.

The motion is to be proposed by Councillor William Routley and seconded by Councillor Matthew Evans.

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|-----|---|-----------|
| 6. | <u>Adroddiad ar Reoli'r Trysorlys ar gyfer y Cyfnod 30 Medi 2020</u>
(<i>Tudalennau 21 - 36</i>) | All Wards |
| 7. | <u>Cynllun Gostyngiadau Treth y Cyngor</u> (<i>Tudalennau 37 - 42</i>) | All Wards |
| 8. | <u>Adroddiad Blynddol y Cyfarwyddwr Gwasanaethau Cymdeithasol</u>
(<i>Tudalennau 43 - 94</i>) | All Wards |
| 9. | <u>Datganiad Diwygiedig o'r Polisi Trwyddedu</u> (<i>Tudalennau 95 - 176</i>) | All Wards |
| 10. | <u>Amserlen Cyfarfodydd y Cyngor 2021/22</u> (<i>Tudalennau 177 - 192</i>) | All Wards |
| 11. | <u>Enwebiad Maer 2021/2022</u>
To receive nominations for the Mayor and Deputy Mayor for 2021/2022 | All Wards |
| 12. | <u>Cwestiynau i Arweinydd y Cyngor</u>
To provide an opportunity for Councillors to ask questions to the Leader of the Council in accordance with the Council's Standing Orders. | |

Process:

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

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

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| 13. | <u>Cwestiynau i Aelodau'r Cabinet</u>
To provide an opportunity to pose questions to Cabinet Members in line with Standing Orders. | |
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Process:

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

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

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

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

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

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

14. Cwestiynau i Gadeiryddion Pwyllgorau
To provide an opportunity to pose questions to the Chairs of the Committees in line with Standing Orders.

Process:

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

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

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

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

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

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

15. Pwyllgor Safonau Cofnodion
To note the minutes of the latest meeting of the Standards Committee.

Minutes



Council

Date: 24 November 2020

Time: 5.00 pm

Present: Councillors J Cleverly, P Cockeram, D Davies, M Al-Nuaimi, C Evans, M Evans, C Ferris, D Fouweather, G Giles, J Guy, D Harvey, I Hayat, Councillor R Jeavons, M Kellaway, M Linton, D Mayer, R Mogford, Councillor J Mudd, M Rahman, J Richards, M Spencer, T Suller, H Thomas, K Thomas, C Townsend, Councillor R Truman, T Watkins, M Whitcutt, R White, K Whitehead, D Wilcox, D Williams, G Berry, 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: Councillor Critchley and Cornelious

1. Preliminaries

i. To receive any apologies for absence

The Monitoring Officer reported apologies for absence (noted above)

ii. To receive any declarations of interest

There were no declarations of interest at this stage.

iii. To receive any announcements by the Mayor

The Mayor asked all members to join with him in observing a minute's silence as a mark of respect for a former Mayor, Noel Trigg, and also former Caerleon Councillor Adam Cox both of whom had sadly passed away.

The Mayor congratulated Councillor Matthew Evans on the award of his MBE.

The Mayor also expressed his sincere thanks to all concerned for organising and participating in the Remembrance Day and Merchant Navy Day commemorations that he attended. Although it was not possible to have the usual parade and public services due to the Covid-restrictions and the need for social distancing, it was important that we still remembered and recognised the sacrifice made by so many people.

2. Minutes

The Minutes of the Council meeting held on 29 September 2020.

Resolved:

That the Minutes of 29 September 2020 were 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.

Appointments to External Organisations

None.

Governing Body Appointments

Organisation	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
Tredegear Park Primary School	Derek Ross	LEA Governor
Ringland Primary School	Shahinoor Alom	LEA Governor
Maesglas Primary School	Bev Perkins	LEA Governor
Caerleon Lodge Hill Primary School	Councillor Gail Giles Caroline McLachlan Paul Huntley	All re appointed
Tredegear Park Primary School	Miqdad Al-Nuaimi	LEA Governor

4. Police Issues

Due to technical difficulties, Superintendent Mike Richards was not able to join the meeting to discuss Police Issues. The Mayor agreed that this item should be deferred until the next Council meeting.

5. Notice of Motion: Reduce the Impact of Fireworks to Support RSPCA

The Council considered the following motion, for which the necessary notice had been given. The motion was moved by Councillor Truman and seconded by Councillor Harvey

That this Council Resolves:

To require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for the animals and vulnerable people.

To promote actively a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people - including the precautions that can be taken to mitigate risks.

To write to the Welsh Government urging them to utilise any levers at their disposal to mitigate any negative impacts on animals and vulnerable people of the hosting of firework displays.

To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays.

To encourage local supplies of fireworks to stock 'quieter' fireworks for public display.

A number of members spoke in favour of the motion.

Resolved:

It was unanimously resolved to support the motion.

6. Pay and Reward Policy 2020/21

The Leader presented the above report to Council highlighting that the Pay and Reward Policy required adoption and publication by Council on an annual basis to meet the statutory requirements of the Localism Act 2011. The policy set out the internal mechanisms for remunerating Council officers and supporting employment data.

There were two changes to the proposed Pay and Reward Policy compared with the 19/20 policy. Firstly, the Policy proposed removal of the car-block allowance for Chief Officers, altering the way in which mileage expenses were incurred and bringing Chief Officers in line with the rest of the workforce who were required to claim for the journeys they made as opposed to receiving a fixed payment.

Secondly, restricting re-employment to those who took voluntary redundancy or settlement agreements which meant that public funding towards severance packages was applied appropriately and that due diligence on staffing structures was thoroughly applied before any decision to agree severance packages was taken.

In addition to these proposals, the policy reported the annual gender pay gap, which was also published on the Council's website. The mean gap had decreased to 3.6% from last year's reported 4.8%. The Leader was pleased to report that the median gap had now closed as the analysis of the data showed that the median point of hourly pay was the same for both men and women. The Council's gender pay gap compared favourably with other Councils across Wales and the UK average of 17%.

In conclusion, the Leader advised that the Council would continue to review and monitor the gender pay gap to find ways of closing the mean pay gap through the objectives published in the Council's annual gender pay gap report and by undertaking a second equal pay audit in 2021 to identify any further areas for improvement.

Resolved:

That the Pay and Reward Policy 2020/21 be approved and adopted.

7. Democratic Services Committee Annual Report 2019/20

Councillor Ferris presented the 2019/20 Democratic Services Committee Annual Report to Council.

The Local Government (Wales) Measure 2011 required the Committee to report annually to the Council on the work carried out in the past 12 months as well as its future work programme.

The report covered the period from November 2019 to November 2020, where Councillor Ferris resumed the role as the Chair of the Committee in July 2020. The Committee was previously chaired by Councillor David Fouweather from May 2019 until July 2020 during the time that Councillor Ferris was serving as Deputy Mayor. The Committee was a politically

balanced group, working together in a non-partisan to consider various aspects of the Constitution and other matters that impacted on the governance of the Council.

The report highlighted the important work carried out by the Committee last year, despite the disruptions caused by the Covid-19 lock-down restrictions. The Committee considered options for the appointment of a Presiding Member/Chair of Council and recommended to Council that the current arrangements continue. The Committee considered the IRP annual reports and agreed that a summary of the IRP supplementary report be circulated to all members for their information to publicise the availability of care allowances. The Committee completed a review of the officer Scheme of delegation, to include new sustainable drainage powers, and we completed the review of support for members in their ward work, and recommended that the current arrangements for ward meetings should continue.

Finally, the Committee completed a significant piece of work in relation to the Boundary Commission Review, and it was gratifying to see that the Boundary Commissioners took on board the comments of the Committee when they published their final electoral proposals in August 2020 and agreed to retain 3 ward members in Bettws and Beechwood.

The Committee was satisfied that adequate resource continued to be made available to fulfil the roles and responsibilities under the Measure, although we stressed the importance of recruiting to the vacant Democratic Services Manager and Scrutiny Adviser posts as soon as possible.

Resolved:

That the Committee's annual report be received in order to meet the requirements of the Local Government Measure.

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

8. Standards Committee Annual Report 2019/2020

Councillor Hourahine was happy to present the 2019/20 Standards Committee Annual Report to Council.

This was the seventh annual report covering the period from November 2019 to November 2020, and followed on from the last report presented to Council in November 2019. The Committee met on two occasions during the last twelve months. Unfortunately, the scheduled meetings in April and July were cancelled because of the Coronavirus lock-down but our meetings had now resumed remotely.

This year had again seen no formal findings of misconduct in the past 12 months. Five complaints were referred to the Ombudsman about City Councillors in 2019-20, but only one of them has been accepted for formal investigation. One complaint was referred to the Ombudsman about a local community councillor in 19/20 but the Ombudsman did not consider that the failure to declare a personal interest was a sufficiently serious breach as to warrant formal investigation and sanction.

One complaint was successfully resolved under the Local Resolution Protocol. This demonstrated that the Protocol was successful in dealing with these "low level" complaints locally, without the need for any referral to the Ombudsman or the Standards Committee. The Committee was grateful to the officers and members concerned for their co-operation in resolving these complaints amicably.

Finally, the Standards Committee carried out an ethical standards audit of members and senior officers and, although the number of responses was disappointing, the responses

received were very encouraging in terms of the perception of ethical standards and behaviour within the Council.

Resolved:

That the Standards Committee Annual Report for 2019/20 be received and the forward work programme noted.

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

The Leader announced the following before proceeding with Questions.

▪ **Business grants**

The Leader stressed that supporting businesses during these challenging times was a priority for the council and shared some of the latest figures with colleagues:

A number of grants were administered by the council through the Council's Business Services, Rates and Childcare teams. Almost 4,000 grants were awarded, to a value of £34.5m. In addition, financial support and information was provided to over 5,500 Newport businesses.

▪ **Christmas**

The traditional Christmas lights switch on looked very different this year with an online event coordinated by Newport Now. The Leader was very pleased, as part of that event, to announce free weekend parking in council car parks during December and January.

This would support local businesses during a key period and would be complemented by the Council and Newport Now's campaigns encouraging people to shop locally.

▪ **Healthy Travel Charter**

At the start of this month, the Council and 21 partners from across Gwent launched the Healthy Travel Charter.

Through 15 ambitious commitments, the charter promoted walking, cycling, agile working and the use of public transport and ultra-low emission vehicles, supporting and encouraging staff to travel in a sustainable way to and from work.

The Council was already making very positive advances in Newport with electric buses, more electric charging points, improvement in active travel routes, to name a few and this was another demonstration of our commitment to creating a healthier city.

▪ **White Ribbon Day**

25 November was White Ribbon Day. An annual event that marked the United Nation's International Day for the Elimination of Violence against Women.

In 2018, 149 women were killed by men in the UK. More than half were killed by a former spouse or partner, and almost all of them were committed by a man known to the victim.

Normally there was a community walk of one mile in Gwent to mark White Ribbon Day; however, due to Covid-19, this will not be possible this year. Instead, it was being replaced with the #149Challenge

The Leader urged members to get involved, by setting a personal challenge focusing on the number 149 and sharing achievements online. This could be seconds, minutes or whatever you liked, such as baking 149 cakes, climbing 149 stairs or writing a 149-word poem.

The important part was that this message was shared to support others to take a stand against violence against women, and encourage anyone experiencing abuse to speak out – not to suffer in silence because help was available.

- **Terrence Higgins Trust**

1 December marked the anniversary of the HIV/AIDS pandemic and the victims that suffered from the stigma of Aids. One of the founders of Terrence Higgins Trust was Martin Butler, from Newport and Cllr C Evans was also a member of the Trust.

- **Compliments, comments and complaints**

Earlier this month we published our annual Compliments, Comments and Complaints report which examined the positive and negative feedback received from residents during the last financial year.

Improvements made to the 'My Newport' platform made it easier for residents to submit feedback to us this was a positive step in two-way communication.

This and the implementation of a number of major changes to service delivery such as civil parking enforcement and waste collection resulted in an increase in the overall number of comments received. There was an eight per cent reduction in the number of complaints progressing from stage one to stage two, and an 11% reduction in the number of complaints being referred to the public services ombudsman for Wales.

The complaints model was also revised, and the complaints standards authority cited our model to other local authorities as an example of best practice.

The Council also worked to implement a number of changes following feedback from residents. This included amending our self-service platform to help us process requests for bin and recycling containers more quickly, and consulting residents for their views on how we make decisions regarding parking permits following requests for more consistency.

- **Dogs home award**

Finally, the Leader congratulated Newport City Dogs Home for achieving the gold award at the 2020 RSPCA Cymru PawPrint awards for their work with stray dogs.

PawPrints was an annual award scheme that recognised good practice from public bodies in relation to animal welfare.

Well done to all the team.

Leader's Questions

Councillor M Evans thanked the Leader for her updates and also supported the Terrence Higgins Trust and wore his White Ribbon in support of those victims, both male and female of domestic violence.

- Councillor Evans walked into Friars City Centre after the Sunday Parade and was disappointed to see that after the end of a local lockdown the city centre was quiet. A Tweet he received also mentioned that Spytt Retail Park was busy and the Bridgend Outlet was completely full with traffic queuing to enter the shops. It was therefore felt that free parking for the first two hours should be introduced. Councillor Evans also asked why did a spokesperson defend the decision and not the Leader or Cabinet Member.

The Leader replied that she had also walked through the city centre that Sunday and was pleased that there was a significant number of shoppers and that the previously

empty units were put in use. Free parking had a cost and the Council could not support this as a permanent fixture however we could try to do whatever we could to support families and business. It was therefore hoped that the limited period of free parking during December and January to help with this.

Councillor M Evans referred to his second question and asked whether the Leader should be responsible for delivering both good and bad news rather than a Council spokesperson.

The Leader agreed that all individuals should take responsibility for their actions as well as every elected member. In relation to free parking this matter had been debated many times and with the previous Leader it was decided that the Council could not as a continuous gesture, provide free parking.

Councillor K Whitehead took the opportunity to thank the Leader for responding to his request regarding a domestic violence portal adding that she had listened, reacted and acted on the request.

- Councillor Whitehead referred to the ongoing issues with the SDR which had seen many dangerous incidents and more recently a tragic incident involving a young man. Social media had been active regarding crashes and incidents. Councillor Whitehead therefore asked if the Leader had any plans to prevent such serious incidents happening in the future.

The Leader expressed her heartfelt sympathy to family at this time and stressed that there was an investigation ongoing. The Council was actively working Capita in undertaking a review but would have to await findings from Police and Coroner before making any long term adjustments to the speed limit. The Leader wanted to reiterate that the Council was listening and responding.

- Councillor C Townsend referred to a recent question on homelessness and rough sleepers in Newport. The current figure of 180 people that were homeless seemed a lot higher than at previous council meeting therefore the Leader was asked to clarify these figures.

The Leader advised that the number of homeless people increased during pandemic and presented a challenge to the Council. Some of those 180 people were repeat presentations this was often due to problems at home, relationship break downs, mental health or substance issues or other complex reasons. This meant that they would need to present themselves again and go through the process of being re homes. The Council had seen however, a high number of homeless people and were able to help them during this time.

Questions Ballot

- Councillor Y Forsey congratulated the Leader on her first year anniversary and proceeded to ask for further information on the Gwent Sustainable Travel Charter.

The Leader was pleased to share with members some background information on the Charter. As members knew, the Council was part of the One Newport PSB that worked alongside other public sector groups as well as attendees that were invited to as external members to this board. The PSB also linked into the work of G10 group, who were a collective of five Local Authorities, Police, Fire Service and the Regional Partnership Board. One in three people were collectively employed in the Gwent area and had the G10 had a responsibility to provide sustainable travel for these employees which was why a Charter was developed. There were 15 commitments outlined in the Charter to enable to try and ensure meeting attendees could attend in a sustainable manner. This was a

serious issue because the levels of emissions in Gwent was high and it was a priority to ensure we reduced the carbon foot print to contribute to saving the planet.

10. **Questions to the Cabinet Members**

Councillor Joan Watkins put the following question to the Cabinet Member for Education and Skills.

Part one

Is there a disparity between funding for schools provided to Councils across Wales from the Welsh government

Response:

All Councils' total funding is made up of (i) a share of the total Revenue Support Grant (RSG) which is determined by Welsh Government (WG) and (ii) Council Tax which is determined locally.

So each Council receives a proportion of the available RSG set out by WG, based on a complex methodology and many different data-sets such as number of pupils by pupil age, number of free school meals and the sparsity of the region. As you can see pupil numbers only form part of the calculation. As no two Local Authorities and no two schools are the same therefore funding will not be the same.

How is the calculation for the process formulated and where does Newport sit on the scale across the whole of Wales?

Response:

The formula based methodology is driven by a needs based assessment which is applied consistently across Wales and utilises, for the schools' element, additional to pupil number data. All Councils are treated equally but use of various datasets point to different 'measured needs' such as pupil ages, sparsity, number of free school meals. Therefore the needs between Councils differ and therefore funding support.

The WG RSG distribution process is based on measuring a Council's 'need to spend' driven by 52 relevant data-sets across 15 service blocks, with school's being one. These are applied against the funding available and provides the distribution to each Council. The process, including the data-sets used are reviewed regularly by Welsh Government and Local Government officials and data is updated annually.

The funding that is passported onto service areas (including schools) is a local decision for Council based on their own spending priorities, including specifically, the availability of funding coming from their own decisions on council tax.

Part two:

If so how much per pupil does Newport receive as opposed to other cities like Cardiff, Swansea and Wrexham?

Response:

Each Local Authority sets a school funding formula which must be based around a prescribe range of factors set by WG including funding for energy costs and the number of pupils within a school. This funding is agreed by the local authorities Schools Forum comprised of Head teachers, Governors and School Business Managers

If disparity exists what is this Council doing about it?

Response:

The data used for the funding formula is ambiguous and does not give a clear explanation of how the total schools budget is delegated for specific issues, for example to pupils with Special Educational Needs. If we were to consider the total school budgets given per local Authority you will note that Newport provided approximately £114 million pounds to its 57 schools in 2019/20, including £4068 per pupil but, nonetheless, was ranked in 21st place across Wales. In comparison another local authority which has 100 schools provided £163 million. Proportionately, that demonstrates that Newport is providing more to its schools despite another local authority being ranked higher for pupil funding. As previous mentioned, the data is ambiguous!

Cabinet provided an additional £10 million of funding to schools in this financial year. All school pressures were met for 1920/21 including pay awards, pension and the cost of new and growing schools.

Individual Head teachers and Governing Bodies are responsible for the management of a school budget. Additional support is being provided to Newport schools in a deficit position. A range of work has been undertaken to ensure that schools are using their finances in the best way possible and maximises teaching and learning. This has included curriculum reviews, benchmark comparisons of sickness levels and staffing and the impact of the Pupil Deprivation Grant.

Over the last year there have been a number of schools which have improved their forecast in- year financial position due to this support; Caerleon Comprehensive and Newport High School are two good examples.

It is important to note that only one local authority in Wales had no schools in a deficit position at the end of March 2020. One local authority had 52 schools in a deficit position. This is quite a contrast to Newport's which has 13 schools in deficit and is working with great strides to return to balanced budgets.

Despite the severe financial situation as a result of years of austerity measures by the UK Government, we will continue to provide all possible support to all our schools, teachers, pupils and governing bodies

11. **Questions to the Chairs of Committees**

12. **Part 2 Exempt or Confidential Items**

It was moved and duly seconded that the Council should resolve to exclude the press and public before consideration of the next item

Resolved:

To exclude the Press and Public during consideration of the following item on the grounds that it will involve the likely disclosure of exempt or confidential information as defined in schedule 12A of the Local Government Act 1972 and exclusion outweighs the public interest in disclosure.

13. **Council Representation on the Board of Newport Transport**

The Chief Executive outlined the report and letter attached as an appendix, written by the Company Secretary on behalf of the Board of Newport Transport to the Chief Executive requesting that a Councillor Director be removed from the Board, following an independent internal investigation.

The Leader Moved option 1 of the report, that the member concerned by removed and replaced. The Leader then proceeded to explain that this was a serious matter as the Board

had lost trust and confidence in the member concerned and, therefore, it was no longer appropriate for the Councillor to represent the Council, as shareholder, on the Board. Councillor Lacey seconded the motion.

The Monitoring Officer advised that it was not open to the Council to review the internal investigation carried out by the Board or their decision that the Councillor concerned had breached his duties to the Company. That was entirely a matter for the Company. The Council had to consider, as shareholder, whether the member concerned should continue to represent the authority on the Board.

After lengthy discussion by all parties on the matter, Cllr Mayer moved a closure motion in accordance with Standing Order 6.12. The closure motion was seconded and put to the vote without further debate. A recorded vote was requested by more than 5 members in accordance with Standing Order 7.4. A roll-call was therefore undertaken by the Monitoring Officer which showed the following: 25 members were For the closure of motion, 11 were Against and there were five Abstentions.

Councillor Name		For	Against	Abstain
Al-Nuaimi, Miqdad				1
Berry, Graham		1		
Clarke, James	Absent			
Cleverly, Jan				1
Cockeram, Paul		1		
Cornelious, Margaret	Absent			
Critchley, Ken	Absent			
Davies, Deb		1		
Dudley, Val			1	
Evans, Chris		1		
Evans, Matthew			1	
Ferris, Charles			1	
Forsey, Yvonne		1		
Fouweather, David			1	
Giles, Gail		1		
Guy, John		1		
Harvey, Debbie	Absent			
Hayat, Ibrahim		1		
Hayat, Rehmaan		1		
Holyoake, Tracey	Absent			
Hourahine, Phil		1		
Hughes, Jason		1		
Jeavons, Roger		1		
Jenkins, Christine	Disqualified			
Jordan, Jason				1
Kellaway, Martyn			1	
Lacey, Laura		1		
Linton, Malcolm		1		
Marshall, Stephen		1		
Mayer, David		1		
Mogford, Ray			1	
Morris, Allan	Absent			
Mudd, Jane		1		

Rahman, Majid		1		
Richards, John		1		
Routley, William	Absent			
Spencer, Mark	Absent			
Suller, Tom			1	
Thomas, Herbie		1		
Thomas, Kate		1		
Townsend, Carmel			1	
Townsend, Holly				1
Truman, Ray		1		
Watkins, Joan			1	
Watkins, Trevor		1		
Whitcutt, Mark		1		
White, Richard			1	
Whitehead, Kevin				1
Wilcox, Debbie		1		
Williams, David			1	
		25	11	5

The closure motion was duly carried and members of the Council proceeded to vote on the substantive motion. A further recorded vote was requested by more than 5 members in accordance with Standing Order 7.4

The Monitoring Officer therefore proceeded with a second roll-call to take a decision on the substantive motion to remove the Councillor as a Director of Newport Transport Company.

Councillor Name		For	Against	Abstain
Al-Nuaimi, Miqdad		1		
Berry, Graham		1		
Clarke, James	Absent			
Cleverly, Jan				1
Cockeram, Paul		1		
Cornelious, Margaret	Absent			
Critchley, Ken	Absent			
Davies, Deb		1		
Dudley, Val			1	
Evans, Chris				1
Evans, Matthew			1	
Ferris, Charles			1	
Forsey, Yvonne		1		
Fouweather, David			1	
Giles, Gail		1		
Guy, John		1		
Harvey, Debbie	Absent			
Hayat, Ibrahim		1		
Hayat, Rehmaan				
Holyoake, Tracey	Absent			
Hourahine, Phil		1		

Hughes, Jason		1		
Jeavons, Roger		1		
Jenkins, Christine	Disqualified			
Jordan, Jason				1
Kellaway, Martyn			1	
Lacey, Laura		1		
Linton, Malcolm		1		
Marshall, Stephen		1		
Mayer, David		1		
Mogford, Ray			1	
Morris, Allan	Absent			
Mudd, Jane		1		
Rahman, Majid		1		
Richards, John		1		
Routley, William	Absent			
Spencer, Mark	Absent			
Suller, Tom			1	
Thomas, Herbie		1		
Thomas, Kate		1		
Townsend, Carmel				1
Townsend, Holly			1	
Truman, Ray		1		
Watkins, Joan			1	
Watkins, Trevor		1		
Whitcutt, Mark		1		
White, Richard			1	
Whitehead, Kevin				1
Wilcox, Debbie		1		
Williams, David			1	
		24	11	5

The roll call showed that the majority of 24 members were For the first option, with 11 Against and five Abstentions.

Resolved:

That the member concerned by removed as Council-appointed Director of Newport Transport Limited and replaced by another Council representative.

14. **Date of Next Meeting: 26 January 2021**

Report

Council

Part 1

Date: 26 January 2021

Subject **Appointments**

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

Author Governance Team Leader

Ward General

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

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

Action by Governance Team Leader

Timetable Immediate

This report was prepared after consultation with:

- Council Business Managers
- Head of Law and Regulation

Background

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

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

Internal Appointments

Committee	No. of Vacancies / Replacements	Nominations Received
Licensing Committee	1	Councillor Routley to be replaced by Councillor Fouweather
Planning Committee	1	Councillor Dudley to be replaced by Councillor Routley
Standards Committee	1	Councillor Routley to be replaced by Councillor Fouweather

Governing Body Appointments

Governing Body	No. of Vacancies / Re-appointments	Nominations Received
Llanwern High School	Appointment	Mandy Shide
Glan Usk Primary School	Appointment	Lisa Hodge
Newport High School	Appointment	Maddy Cameron
Caerleon Comprehensive School	Appointment	Caroline McLachlan
Alway Primary School	Re-appointment	Deborah Harvey
Caerleon Lodge Hill Primary School	Re-appointment	Kailey Pritchard-Parton
Fairoak Nursery	Re-appointment	Carmel Townsend
Lliswerry Primary School	Re-appointment	Maggie Bain
Malpas Park Primary School	Re-appointment	James Clarke and Hazel Allen
St Michael's RC Primary School	Re-appointment	Michael Allen
Ysgol Gyfun Gwent Is Coed	Re-appointment	Ibrahim Hayat
Malpas Church Primary School	Re-appointment	Iain Riley

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: 19 January 2021

Mae'r dudalen hon yn wag yn

Report

Council

Part 1

Date: 26 January 2021

Subject **Report on Treasury Management for the period to 30 September 2020**

Purpose This report is to inform the Council of treasury activities undertaken during the period to 30 September 2020 and confirms that all treasury and prudential indicators have been adhered to in the first half of the financial year.

Author Head of Finance / Assistant Head of Finance

Ward All

Summary In line with the agreed Treasury Management Strategy, the Council continues to be both a short-term investor of cash and borrower to manage day-to-day cash flows. Current forecasts indicate that in the future, temporary borrowing will continue to be required to fund normal day-to-day cash flow activities and longer-term borrowing will increase to fund new commitments in the current capital programme as well as the impact of reduced capacity for 'internal borrowing'.

During the first half of the financial year the Council's net borrowing decreased by £17.1m from £166.3m at 31 March 2020 to £149.2m at 30 September 2020.

All borrowing and investments undertaken during the first half of the year was expected and within the Council's agreed limits

Proposal To note and approve the report on treasury management activities for 2020/21 were in line with the agreed Treasury Management Strategy 2020/21. Note the comments from Audit Committee on the report.

Action by Head of Finance / Assistant Head of Finance

Timetable Immediate

This report was prepared after consultation with:

- Treasury Advisors
- Head of Finance

Signed

Background

1. In June 2009 the Authority adopted the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2011 Edition (the CIPFA Code) which requires the Authority to approve a treasury management annual report after the end of each financial year.
2. Treasury risk management at the Authority is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2017 Edition (the CIPFA Code) which requires the Authority to approve a treasury management strategy before the start of each financial year and, as a minimum, a semi-annual and annual treasury outturn report. This report fulfils the Authority's legal obligation to have regard to the CIPFA Code.
3. The Authority has borrowed substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are therefore central to the Authority's treasury management strategy.
4. The 2020/21 Treasury Management Strategy was approved by the Council as part of the Capital Strategy in February 2020 and can be viewed via the following link

<https://democracy.newport.gov.uk/documents/s17728/06%20Council%20Report%20Capital%20Strategy%20and%20Treasury%20Strategy%202020.pdf?LLL=0>

5. This report presents the following information:
 - details of capital financing, borrowing, debt rescheduling and investment transactions
 - reports on the risk implications of treasury decisions and transactions
 - details the half year monitoring position on treasury management transactions in
 - confirms compliance with treasury limits set and Prudential code

BORROWING STRATEGY / ACTIVITY

Short and Long Term Borrowing

1. Whilst the Council has significant long-term borrowing requirements, the Council's current strategy of funding capital expenditure is through reducing investments ('internal borrowing') rather than undertaking new borrowing where it can i.e. we defer taking out new long term borrowing and fund capital expenditure from the Council's own cash resources – which it has because of its 'cash-backed' reserves and, to a lesser extent, day to day positive cash-flows, for as long as we can. The Council may undertake borrowing early if, there is the need for future borrowing and it feels it can minimise risk of future interest rate rises while providing value for money, this will be in line with advice from our treasury advisors.

By using this strategy the Council can also minimise cash holding at a time when counterparty risk remains relatively high, especially with the current economic implications during Covid-19. The interest rates achievable on the Council's investments are also significantly lower than the current rates payable on long-term borrowing and this remains the main reason for our current 'internally borrowed' strategy.

At 31 March 2020, the level of internal borrowing was about £87m, mainly in relation to the Council's level of cash backed reserves. At current rates, this saves about £2.6m in interest costs annually compared to physically borrowing this level of cash. As the Council spends its reserves over the medium to long term (PFI reserves, Capital reserves, Invest to Save reserves in particular), then the

internal borrowing will have to be replaced with actual external borrowing and this interest cost will be incurred.

2. Whilst the strategy minimises investment counterparty risk, the risk of interest rate exposure is increased as the current low longer term borrowing rates may rise in the future. The market position is being constantly monitored in order to minimise this risk.
3. As shown in Appendix B, as at 30 September 2020 the level of borrowing has decreased by £17.1m to £149.2m. This decrease is in relation to the short term borrowing the Council undertook at the end of March to support the cash flow of providing grants to businesses in response to the Covid-19 pandemic. This was reimbursed by Welsh Government and subsequently the borrowing was repaid in June 2020.

The level of investments has increased by £15.7m to £28.8, (including £18.2m held on very short-term periods), meaning a decrease in net borrowing of £32.7m during the first half of financial year to £121.1m. Therefore, no new long-term borrowing was required to be taken out in the first half of the financial year. However, it is anticipated that the Council will need to undertake additional borrowing on a short term basis for the remainder of the year in order to cover normal day to day cash flow activity. With current estimates there is the potential that a small amount of additional long-term borrowing will be required in this financial year. This includes small amount of new long term borrowing from Salix of £0.6m which is interest free and linked to specific energy efficiency projects.

4. In regards to LOBOs, no loans were called during the period. All £30m outstanding is subject to potential change of interest rates by the lender (which would automatically trigger a right to the Council to repay these loans) prior to the end of this financial year. Should a change of interest rate be requested, then it will be considered in detail and a decision on how we proceed will be made in conjunction with our treasury advisors.
5. Audit Committee requested that its previous comments on limits placed on future borrowing were reflected in the upcoming Capital Strategy. This will be prepared over the next couple of months in line with the Medium Term Financial Plan and approved at Council alongside the budget report.

INVESTMENTS ACTIVITY / POSITION

6. The Council's strategies in this area of Treasury Management are (i) to be a short term and relatively low value investor, consistent with the pursuit of an 'internal borrowing strategy' and (ii) investment priorities should follow the priorities of security, liquidity and yield, in that order.

Included within the investment figure of £28.2m on the 30 September 2020, is £18.2m held on very short-term. Due to the pandemic the Authority kept more cash available at very short notice than is normal to cover any unexpected calls on cash flow. Currently there is not much demand for very short term borrowing within the market place, and in September rates on deposits below 14 days with the Debt Management Account Deposit Facility (DMADF) dropped below zero percent. The Authority has its investment with LA of £20m with an average rate of 0.3%. But it is anticipated that investments will reduce during 2020/21 until we reach the balance of £10m, which will be invested for compliance with MiFIDII.

7. All investments are currently placed on a temporary basis and are placed in high security institutions, in line with our other strategy in this area, dealing with our investing priorities of (i) security (ii) liquidity and (iii) yield, in that order. At the 30 September 2020 £20m was placed with various local authorities. The maximum maturity date of any of these investments held was 14 October 2020.
8. January 2018 saw the implementation in the UK of the second Markets in Financial Instruments Directive (MiFID II), where firms will be obliged to treat all local authorities as retail clients unless

they opt up to professional client status and meet certain criteria. These criteria include holding a minimum of £10m investment balance and employing knowledgeable and experienced staff to carry out investment transactions. It is anticipated that our investment balances will remain at or above the minimum £10m.

9. To retain its classification as 'professional clients', the Council currently invests its funds over short-term, low-risk instruments such as other local authorities and central government and because of the low risk nature of these – income from these are also very low. As part of the 2020/21 Medium Term Financial Plan and the Capital and Treasury Management Strategy it was approved that the Council could undertake larger, long-term investments in riskier financial instruments such as pooled funds, and other instruments. Essentially, investments in stock market and property funds to generate additional interest receivable income. However, due to Covid 19, investment in approved Property Funds was suspended. Due to the financial risk and the impact the ongoing pandemic could have on the economic global market, the Council will not be pursuing this strategy in 2020/21.
10. The Authority is currently undertaking the process of applying to be able to invest in Money Market Funds. This will enable the Authority to invest in short term funds if required, which has a higher rate of return but which is still deemed low risk due to its very short term nature. The use of these funds is already approved within the Council's Treasury Management Strategy.
11. The Council does not hold any long-term (more than 364 days) treasury investments as at 30 September 2020.

IMPACT OF COVID-19 PANDEMIC

12. Since the early days of the pandemic the Council has been monitoring the impact on cash flow closely. As highlighted within the borrowing figures, the Council undertook some additional borrowing at the end of the 2019/20 financial year to enable the delivery of business grants prior to the cash being received by WG, this was subsequently reimbursed and the borrowing repaid. In addition to the business grants, the Council has seen an increase in covid related expenditure, a reduction in income across services, and a decrease in the collection of Council Tax and Non-Domestic Rates (NDR) and the Council has also implemented the NDR Relief Scheme for retail, leisure and hospitality businesses who receive 100% relief.
13. All of the above would have had a significant impact on cash flow, however aside from the beginning of the year when the additional short-term borrowing was required, WG have mitigated the impact by reimbursing increased expenditure through the hardship fund and through loss of income claims. WG have also repaid the business grants in a timely manner, and front-loaded a significant portion of the Revenue Support Grant payments to the Council into April, as well as providing a grant to support the cash flow of the 100% rate reliefs. Up to this point this has certainly assisted with cash flow and the Council has not required to undertake additional borrowing in the first half of the year.
14. As we continue through the remainder of the financial year and continue to see a reduction in Council Tax and NDR income, we anticipate that we will require to undertake some borrowing, but this is not substantially different to where we were expecting to be at this stage of the year and is in line with the limits set by Council in the capital strategy.

NON-TREASURY INVESTMENTS

15. The definition of investments in CIPFA's revised Treasury Management Code now covers all the financial assets of the Authority as well as other non-financial assets which the Authority holds primarily for financial return. This is replicated in the Investment Guidance issued by Ministry of Housing, Communities and Local Government's (MHCLG) and Welsh Government, in which the definition of investments is further broadened to also include all such assets held partially for financial return.

The Authority also held such investments in:

- directly owned property such as office and commercial units of £10.8m
- loans to local businesses and landlords £4.4m
- shareholding in subsidiaries £0.3m

These investments generated £0.7m of investment income for the Authority after taking account of direct costs. The outbreak of Covid-19 has impacted global financial markets and as at the valuation date of 31st March 2020, less weight can be attached to previous market evidence to inform opinions of value. There is an unprecedented set of circumstances on which to base a judgement. Valuations were therefore reported on the basis of ‘material valuation uncertainty’ as per the RICS Red Book Global.

OTHER MID YEAR TREASURY MATTERS

Economic background and Counter Party Update

16. Appendix A outlines the underlying economic environment during the first half of the financial year, as provided by the Council’s Treasury Management Advisors Arlingclose.
17. As discussed previously in this report the Council does not have any long-term treasury investments, and the investments that it currently undertakes is mainly with other local authorities which are deemed very secure, therefore the risk is currently ‘low’. At the end of September 2020 there have been no changes to the names on the counterparty list, but our Treasury Management Advisors now advise that where strategies permit, bank deposits should only be made for periods up to 35 days. The long-term rating of Santander UK, the Council’s bankers, remains at A+; above the Council’s minimum level of A-.

Compliance with Prudential Indicators approved by Council

18. The Authority measures and manages its exposures to treasury management risks using various indicators which can be found in Appendix B. The Authority has complied with the Prudential Indicators for 2020/21, set in February 2020 as part of the Treasury Management Strategy. Details of treasury-related Prudential Indicators can be found in Appendix B.

PWLB future lending terms

19. Members will be aware that the PWLB increased interest rates on loans in the autumn of 2019 following concerns about the level of Local Government debt, in particular for commercial activities.

A consultation was held this year, closing on 31st July 2020, on the proposed changes in their lending criteria, which Newport City Council responded to. It contained proposals to allow authorities that are not involved in “debt for yield” activity to borrow at lower rates as well as stopping local authorities using PWLB loans to buy commercial assets primarily for yield. The consultation also broaches the possibility of slowing, or stopping, individual authorities from borrowing large sums in specific circumstances. The announcement of the new lending terms is expected at the end of this calendar year or early next year.

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?
Investment counterparty not repaying investments	High but depending on	Low	The Council only invests with Institutions with very high credit scores. It employs advisors to monitor money	Members, Head of Finance, Treasury

	investment value		market movements and changes to credit scores and acts immediately should things change adversely. The lower levels of funds available for investment will also alleviate the risk.	staff, based on advice from treasury advisors
Interest Rates moving adversely against expectations	Low	Low	Future expectations for higher short term rates are subdued. The Treasury strategy approved allows for the use of short term borrowing once investment funds are exhausted to take advantage of these low rates.	Head of Finance, Treasury staff, treasury advisors

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

It is the Council's policy to ensure that the security of the capital sums invested is fully recognised and has absolute priority. The Council follows the advice of the Welsh Governments that any investment decisions take account of security, liquidity and yield in that order.

Options Available and considered

The Prudential Code and statute requires that, during and at the end of each financial year, reports on these matters are presented to Council for approval. Thus the Council is required to approve the report or not.

Preferred Option and Why

To note and approve the report on treasury management activities for 2020/21 were in line with the agreed Treasury Management Strategy 2020/21.

Comments of Chief Financial Officer

Decisions made on treasury matters will be made with a view to comply with the Treasury Management Strategy, Prudential Indicators, taking advice, where needed, from our Treasury Advisers.

Comments of Monitoring Officer

There are no legal implications. The in year and annual treasury management report is consistent with relevant Chartered Institute of Public Finance and Accountancy Guidance, Treasury Management principles and the Council's investment Strategy.

Comments of Head of People and Business Change

There are no direct HR implications associated with the report.

The Council is required to approve a treasury management annual report at the end of each financial year. The Well-being of Future Generations Act requires public bodies to balance short-term needs with the needs to safeguard the ability to meet long-term needs. As stated in this report, the Council continues to be both a short-term investor of cash and borrower to manage day-to-day cash flows but current forecasts indicate that in future temporary borrowing will continue to be required and longer-term borrowing will increase to fund the capital programme. This annual report fits in with the well-being goal of a Prosperous Wales.

Comments of Cabinet Member

Leader of the Council Cabinet Member for Economic Growth and Investment presented the papers to Cabinet for approval to be taken to Council.

Local issues

N/A

Scrutiny Committees

N/A

Equalities Impact Assessment and the Equalities Act 2010

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

Children and Families (Wales) Measure

N/A

Wellbeing of Future Generations (Wales) Act 2015

This report is a backwards looking report of the treasury management activities of the Council. It shows that we followed the treasury management strategy and the compliance with prudential code and treasury management indicators. This links into the long-term objectives of the authorities and ensures that the councils activities are carried out in an affordable, prudent and sustainable manner.

Crime and Disorder Act 1998

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

Consultation

N/A

Background Papers

Report to Council February 2020: Capital Strategy and Treasury Strategy.

Dated: 26 January 2021

APPENDIX A

External Context

Economic background:

The spread of the coronavirus pandemic dominated during the period as countries around the world tried to manage the delicate balancing act of containing transmission of the virus while easing lockdown measures and getting their populations and economies working again. After a relatively quiet few months of Brexit news it was back in the headlines towards the end of the period as agreement between the UK and EU on a trade deal was looking difficult and the government came under fire, both at home and abroad, as it tried to pass the Internal Market Bill which could override the agreed Brexit deal, potentially breaking international law.

The Bank of England (BoE) maintained Bank Rate at 0.1% and its Quantitative Easing programme at £745 billion. The potential use of negative interest rates was not ruled in or out by BoE policymakers, but then a comment in the September Monetary Policy Committee meeting minutes that the central bank was having a harder look at its potential impact than was previously suggested took financial markets by surprise.

Government initiatives continued to support the economy, with the furlough (Coronavirus Job Retention) scheme keeping almost 10 million workers in jobs, grants and loans to businesses and 100 million discounted meals being claimed during the 'Eat Out to Help Out' (EOHO) offer.

GDP growth contracted by a massive 19.8% (revised from first estimate -20.4%) in Q2 2020 (Apr-Jun) according to the Office for National Statistics, pushing the annual growth rate down to -21.5% (first estimate -21.7%). Construction output fell by 35% over the quarter, services output by almost 20% and production by 16%. Recent monthly estimates of GDP have shown growth recovering, with the latest rise of almost 7% in July, but even with the two previous monthly gains this still only makes up half of the lost output.

The headline rate of UK Consumer Price Inflation (CPI) fell to 0.2% year/year in August, further below the Bank of England's 2% target, with the largest downward contribution coming from restaurants and hotels influenced by the EOHO scheme. The Office for National Statistics' preferred measure of CPIH which includes owner-occupied housing was 0.5% y/y.

In the three months to July, labour market data showed the unemployment rate increased from 3.9% to 4.1% while wages fell 1% for total pay in nominal terms (0.2% regular pay) and was down 1.8% in real terms (-0.7% regular pay). Despite only a modest rise in unemployment over the period, the rate is expected to pick up sharply in the coming months as the furlough scheme ends in October. On the back of this, the BoE has forecast unemployment could hit a peak of between 8% and 9%.

The US economy contracted at an annualised rate of 31.7% in Q2 2020 (Apr-Jun). The Federal Reserve maintained the Fed Funds rate at between 0% and 0.25% but announced a change to its inflation targeting regime. The move is to a more flexible form of average targeting which will allow the central bank to maintain interest rates at low levels for an extended period to support the economy even when inflation is 'moderately' above the 2% average target, particularly given it has been below target for most of the last decade.

The European Central Bank maintained its base rate at 0% and deposit rate at -0.5%.

Financial markets:

Equity markets continued their recovery, with the Dow Jones climbing to not far off its pre-crisis peak, albeit that performance being driven by a handful of technology stocks including Apple and Microsoft, with the former up 75% in 2020. The FTSE 100 and 250 have made up around half of their losses at the height of the pandemic in March. Central bank and government stimulus packages continue to support asset prices, but volatility remains.

Ultra-low interest rates and the flight to quality continued, keeping gilts yields low but volatile over the period with the yield on some short-dated UK government bonds remaining negative. The 5-year UK benchmark gilt yield started and ended the June–September period at -0.06% (with much volatility in between). The 10-year gilt yield also bounced around, starting at 0.21% and ending at 0.23% over the same period, while the 20-year rose from 0.56% to 0.74%. 1-month, 3-month and 12-month bid rates averaged 0.02%, 0.06% and 0.23% respectively over the period.

At the end of September, the yield on 2-year US treasuries was around 0.13% while that on 10-year treasuries was 0.69%. German bund yields remain negative across most maturities.

Credit review:

Credit default swap spreads eased over most of the period but then started to tick up again through September. In the UK, the spreads between ringfenced and non-ringfenced entities remains, except for retail bank Santander UK whose CDS spread remained elevated and the highest of those we monitor at 85bps while Standard Chartered was the lowest at 41bps. The ringfenced banks are currently trading between 45 and 50bps.

After a busy second quarter of the calendar year, the subsequent period has been relatively quiet for credit changes for the names on our counterparty list. Fitch assigned a AA- deposit rating to Netherlands lender Rabobank with a negative outlook and prior to that, while not related to our counterparty list but quite significant, revised the outlook on the US economy to Negative from Stable while also affirming its AAA rating.

There continues to remain much uncertainty around the extent of the losses banks and building societies will suffer due to the impact from the coronavirus pandemic and for the UK institutions on our list there is the added complication of the end of the Brexit transition period on 31st December and what a trade deal may or may not look like. The institutions on Arlingclose's counterparty list and recommended duration remain under constant review, but at the end of the period no changes had been made to the names on the list or the recommended maximum duration of 35 days.

Appendix B

Local Context

On 31st March 2020, the Authority had net borrowing of £121.1m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.20 Actual £m
General Fund CFR	280
Less: *Other debt liabilities	43
Borrowing CFR	237
Less: Usable reserves	(87)
Less: Working capital inc. non-treasury investments	4
Net borrowing	154

* finance leases, PFI liabilities and transferred debt that form part of the Authority's total debt

The Authority pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk and keep interest costs low.

The treasury management position at 30 September 2020 and the change during the year is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.20 Balance £m	Movement £m	30.9.20 Balance £m	30.9.20 Rate %
Long-term borrowing	150.6	(1.4)	149.2	3.7
Short-term borrowing	-	-	-	-
Cash and cash equivalents	15.7	(15.7)	-	-
Total borrowing	166.3	(17.1)	149.2	3.7
Long-term investments	0	-	-	-
Short-term investments	0	(10.0)	(10.0)	0.1
Cash and cash equivalents	(12.5)	(5.7)	(18.2)	0.2
Total investments	(12.5)	(15.7)	(28.2)	0.3
Net borrowing	153.8	(32.7)	121.1	3.9

The table above shows significant movement in both the borrowing and investment levels of the Council, however overall the NET borrowing position for the Council has decreased by £32.7m.

Borrowing Update

On 9th October 2019 the PWLB raised the cost of certainty rate borrowing to 1.8% above UK gilt yields making it relatively expensive. Market alternatives are available, however the financial strength of individual authorities will be scrutinised by investors and commercial lenders.

The Chancellor's March 2020 Budget statement included significant changes to Public Works Loan Board (PWLB) policy and launched a wide-ranging consultation on the PWLB's future direction.

Announcements included a reduction in the margin on new Housing Revenue Account (HRA) loans to 0.80% above equivalent gilt yields (if the Authority has an HRA, then include: the value of this discount is 1% below the rate at which the authority usually borrows from the PWLB). £1.15bn of additional “infrastructure rate” funding at gilt yields plus 0.60% has been made available to support specific local authority infrastructure projects for England, Scotland and Wales for which there is a bidding process.

The consultation titled “Future Lending Terms” allows stakeholders to contribute to developing a system whereby PWLB loans can be made available at improved margins to support qualifying projects. It contains proposals to allow authorities that are not involved in “debt for yield” activity to borrow at lower rates as well as stopping local authorities using PWLB loans to buy commercial assets primarily for yield. The consultation also broaches the possibility of slowing, or stopping, individual authorities from borrowing large sums in specific circumstances.

The consultation closed on 31st July 2020 with the announcement and implementation of the revised lending terms expected in the latter part of this calendar year or early next year

Municipal Bonds Agency (MBA): The MBA revised its standard loan terms and framework agreement. Guarantees for the debt of other borrowers are now proportional and limited and a requirement to make contribution loans in the event of a default by a borrower has been introduced. The agency has issued 5-year floating rate and 40-year fixed rate bonds in 2020, in both instances Lancashire County Council is the sole borrower and guarantor.

If the Authority intends future borrowing through the MBA, it will first ensure that it has thoroughly scrutinised the legal terms and conditions of the arrangement and is satisfied with them.

Borrowing Strategy during the year

At 30th September 2020 the Authority held £149.2m of loans, a decrease of £17.1m 31st March 2020, as part of its strategy for funding previous and current years’ capital programmes. Outstanding loans on 30th September are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.20	Net Movement	30.9.20	30.9.20	30.9.20
	Balance	£m	Balance	Weighted Average	Weighted Average
	£m		£m	Rate	Maturity
				%	(years)
Public Works Loan Board	105.7	(1.4)	104.3	3.8	19.3
Banks (LOBO)	30.0	-	30.0	4.4	33.7
Banks (fixed-term)	5.0	-	5.0	3.8	57.4
Local authorities (long-term)	-	-	-	-	-
Local authorities (short-term)	15.0	(15.0)	-	-	-
Other inc. WG loans	9.9	(0.0)	9.9	-	7.8
Accrued interest	0.7	(0.7)	-		
Total borrowing	166.3	(17.1)	149.2	3.7	22.7

The Authority’s chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority’s long-term plans change being a secondary objective.

In keeping with these objectives, no new borrowing was undertaken. This strategy enabled the Authority to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk.

With short-term interest rates remaining much lower than long-term rates and temporary investments earning Bank Rate or lower, the Authority considered it to be more cost effective in the near term to use internal resources or borrowed rolling temporary / short-term loans instead, as per our Treasury Management Strategy. The net movement in temporary / short-term loans is shown in table 3 above.

LOBO loans: The Authority continues to hold £30m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate as set dates, following which the Authority has the option to either accept the new rate or to repay the loan at no additional cost. No banks exercised their option during the year.

Other Debt Activity

After £0.8m repayment of prior years' Private Finance Initiative and finance leases liabilities, total debt other than borrowing stood at £42.4m on 31st March 2020, taking total debt to £208.7m.

Treasury Investment Activity

The Authority holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year, the Authority's investment balances ranged between £28.1m and £65.8 million due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.20		30.09.20	30.09.20	30.09.20
	Balance	Movement	Balance	Income Return	Weighted average maturity
	£m	£m	£m	%	Years
Banks & building societies (unsecured)	-	8.2	8.2	0.14	-
Government (incl. local authorities)	12.5	7.5	20.0	0.31	-
Total investments	12.5	15.7	28.2	0.31	-

Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

Continued downward pressure on short-dated cash rate brought net returns on sterling low volatility net asset value money market funds (LVNAV MMFs) close to zero even after some managers have temporarily lowered their fees. At this stage net negative returns are not the central case of most MMF managers over the short-term, and fee waivers should maintain positive net yields, but the possibility cannot be ruled out.

On 25th September the overnight, 1- and 2-week deposit rates on Debt Management Account Deposit Facility (DMADF) deposits dropped below zero percent to -0.03%, the rate was 0% for 3-week deposits and 0.01% for longer maturities.

The return on Money Market Funds net of fees also fell over the six months and for many funds net returns range between 0% and 0.1%. In many instances, the fund management companies have temporarily lowered or waived fees to maintain a positive net return.

In the light of the pandemic crisis and the likelihood of unexpected calls on cash flow, the Authority kept more cash available at very short notice than is normal. Liquid cash was diversified over several counterparties and/or Money Market Funds to manage both credit and liquidity risks.

In the Treasury Management Strategy it was agreed that the Authority will move into higher risk/higher yield investments such as pooled funds. However, this has been delayed while the Authority reviewed its risk appetite. While an increased income target has been included in the 2020/21 budget, due to the current economic uncertainty surrounding Covid-19, the Authority has invested into secure institutions such as local authorities and Central Government.

In November 2019 the Welsh Government published new Statutory Guidance on Local Government Investments to be effective from the 2020/21 financial year. This involves a complete re-write along the lines of the guidance issued last year by the Ministry of Housing, Communities and Local Government (MHCLG) for local authorities in England.

The definition of investments is widened to include “all of the financial and non-financial assets a local authority has invested money into primarily or partially for the purpose of generating a surplus including investment property” providing it has been made using the power to invest contained in the Local Government Act 2003. In addition, loans to wholly-owned companies or associates, to a joint venture, or to a third party count as investments, irrespective of the purpose or legal power used.

Non-Treasury Investments

The definition of investments in CIPFA’s revised Treasury Management Code now covers all the financial assets of the Authority as well as other non-financial assets which the Authority holds primarily for financial return. For English and Welsh Authorities: This is replicated in the Investment Guidance issued by the Ministry of Housing, Communities and Local Government (MHCLG) and Welsh Government, in which the definition of investments is further broadened to also include all such assets held partially for financial return.

The Authority also held such investments in:

- directly owned property such as office and commercial units of £10.8m
- loans to local businesses and landlords £4.4m
- shareholding in subsidiaries £0.3m

These investments generated £0.7m of investment income for the Authority after taking account of direct costs in the first half of the year. As stated above, Covid is likely to have an impact on the income which is generated this financial year.

Compliance

The Head of Finance reports that all treasury management activities undertaken during the year complied fully with the CIPFA Code of Practice and the Authority’s approved Treasury Management Strategy. Compliance with specific investment limits is demonstrated in table 7 below.

Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 5 below.

Table 5: Debt Limits

	H1 Maximum	30.9.20 Actual	2020/20 Operational Boundary	2020/21 Authorised Limit	Complied? Yes/No
Borrowing	192.8	149.2	230	240	<input type="checkbox"/>
PFI and Finance Leases	42	42	43	43	<input type="checkbox"/>
Total debt	234.8	208.3	273	283	<input type="checkbox"/>

Table 6: Investment Limits

	Cash limit
Any single organisation, except the UK Central Government	£10m each
UK Central Government	unlimited
Any group of organisations under the same ownership	£10m per group
Any group of pooled funds under the same management	£10m per manager
Negotiable instruments held in a broker's nominee account	£5m per broker
Foreign countries	£2m per country
Registered providers and registered social landlords	£5m in total
Unsecured investments with building societies	£5m in total
Money market funds	£10m in total
Real estate investment trusts	£10m in total

Above table only shows limits where the Council have invested money in during the year, excluding the UK Central Government.

Treasury Management Indicators

The Authority measures and manages its exposures to treasury management risks using the following indicators.

Interest Rate Exposures: This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interests was:

Interest rate risk indicator	Limit	Complied
Upper limit on one-year revenue impact of 1% <u>rise</u> in interest rates	£200,000	✓
Upper limit on one-year revenue impact of 1% <u>fall</u> in interest rates	£100,000	✓

Maturity Structure of Borrowing: This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	30.9.19 Actual	Upper Limit	Lower Limit	Complied
Under 12 months	1%	60%	0%	✓
12 months and within 24 months	3%	40%	0%	✓
24 months and within 5 years	20%	40%	0%	✓
5 years and within 10 years	7%	40%	0%	✓
10 years and within 20 years	19%	30%	0%	✓
20 years and within 30 years	15%	20%	0%	✓
30 years and within 40 years	20%	20%	0%	✓
40 years and within 50 years	8%	20%	0%	✓
50 years and above	7%	20%	0%	✓

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Principal Sums Invested for Periods Longer than a year: The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2020/21	2021/22	2022/23
Actual principal invested beyond year end	0	0	0
Limit on principal invested beyond year end	10	10	10
Complied?	✓	✓	✓

Other

IFRS 16: CIPFA/LASAAC has proposed delaying the implementation of the new IFRS 16 Leases accounting standard for a further year to 2021/22.

Arlingclose's Outlook for the remainder of 2020/21

	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23
Official Bank Rate													
Upside risk	0.00	0.00	0.00	0.15	0.15	0.15	0.15	0.30	0.30	0.30	0.30	0.30	0.30
Arlingclose Central Case	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
Downside risk	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50

The medium-term global economic outlook is weak. While the strict initial lockdown restrictions have eased, coronavirus has not been suppressed and second waves have prompted more restrictive measures on a regional and national basis. This ebb and flow of restrictions on normal activity will continue for the foreseeable future, at least until an effective vaccine is produced and importantly, distributed.

The global central bank and government responses have been significant and are in many cases ongoing, maintaining more stable financial, economic and social conditions than otherwise. This has supported a sizeable economic recovery in Q3.

However, the scale of the economic shock to demand, on-going social distancing measures, regional lock downs and reduced fiscal support will mean that the subsequent pace of recovery is limited. Early signs of this are already evident in UK monthly GDP and PMI data, even before the latest restrictions. This situation will result in central banks maintaining low interest rates for the medium term. In the UK, Brexit is a further complication. Bank Rate is therefore likely to remain at low levels for a very long time, with a distinct possibility of being cut to zero. Money markets have priced in a chance of negative Bank Rate.

Longer-term yields will also remain depressed, anchored by low central bank policy rates, expectations for potentially even lower rates and insipid inflation expectations. There is a chance yields may follow a slightly different path in the medium term, depending on investor perceptions of growth and inflation, or if the UK leaves the EU without a deal.

Arlingclose expects Bank Rate to remain at the current 0.10% level and additional monetary loosening in the future most likely through further financial asset purchases (QE). While Arlingclose's central case for Bank Rate is no change from the current level of 0.1%, further cuts to Bank Rate to zero or even into negative territory cannot be completely ruled out.

Gilt yields are expected to remain very low in the medium term. Shorter-term gilt yields are currently negative and will remain around zero or below until either the Bank of England expressly rules out negative Bank Rate or growth/inflation prospects improve.

Downside risks remain in the near term, as the government dials down its fiscal support measures, reacts to the risk of a further escalation in infection rates and the Brexit transition period comes to an end.

Mae'r dudalen hon yn wag yn

Report

Council

Part 1

Date: 26 January 2020

Subject Council Tax Reduction Scheme 2021/2022

Purpose For Council to consider a proposed Council Tax Reduction Scheme for 2021/22 and to determine its local discretions.

Author Service Manager – Customer Experience

Ward All

Summary The Council Tax Reduction Scheme (CTRS) for 2021/22 updates the scheme that was introduced on 1st April 2015. The Council is not required to consult on the proposals of the new scheme as the changes made are in consequence of amendments made to the Prescribed Requirements Regulations. The local discretions that are available to the Council will remain unchanged. This report provides information on the proposed Council Tax Reduction Scheme.

Proposal That Council approves the Council Tax Reduction Scheme for 2021/22 in accordance with the Council Tax Reduction Schemes (Prescribed Requirements and Default Schemes) (Wales) (Amendment) Regulations 2015 ("the Prescribed Requirements Regulations") exercising its local discretions as indicated in the report.

Action by Service Manager – Customer Experience

Timetable Immediate

This report was prepared after consultation with:

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

Signed

Background

In Wales the Council Tax Reduction Scheme, continues to be a national scheme (in contrast to England, where schemes are local to each billing authority.)

The Council Tax Reduction Scheme in Wales is set by Regulations made under Schedule 1B of the Local Government Finance Act 1992 (as inserted by the Local Government Finance Act 2012). In January 2021, the Welsh Assembly approved amending regulations to have effect from 1st April 2021: the Council Tax Reduction Schemes (Prescribed Requirements and Default Schemes) (Wales) (Amendment) Regulations 2021. These Regulations prescribe the main features of the Scheme to be adopted by all Councils in Wales. The revisions for 2021/2022 are:

Updates to the financial figures used to calculate entitlement to a council tax reduction to reflect the cost of living.

The financial figures in the 2013 Regulations will be uprated as follows:

- **Personal allowances in relation to working age, and carer and disabled Premiums**
The financial figures in respect of these allowances have been amended and have increased in line with the cost-of-living rises. The convention is to uprate in line with the Consumer Price Index figure for September from the previous year (2020), which is 0.5%.
- **Personal allowances in relation to pensioners**
The financial figures in respect of pensioner rates have been amended and are aligned with Housing Benefit. These have been calculated with assistance from the Department of Work and Pensions and have been uprated by different mechanisms. For example, the Pension Credit Standard Minimum Guarantee is uprated by earnings, whereas the Additional Pension and increments are uprated by prices.
- **Non-dependant deductions**
The financial figures for the income bands and deductions made in relation to non-dependants have been uprated. If amendments are not made, the deductions from CTRS awards would not be appropriate as the income thresholds would no longer reflect average earnings and the deduction would no longer reflect the overall cost of council tax.

Other consequential Amendments have been made to ensure the 2013 regulations remain up-to-date and fit for purpose:

- **Amendments related to the Windrush Compensation Scheme**
This compensation scheme (“the Scheme”) is designed to compensate individuals who have suffered loss in connection with being unable to demonstrate their lawful status in the United Kingdom.

The proposed amendments to the 2013 CTRS Regulations make provision that compensation payments made under the Scheme will be disregarded from capital when determining an applicant’s eligibility for a reduction and the amount of that reduction.
- **Universal Credit Run-On Disregard**
Entitlement to Universal Credit (UC) ends when a person (or mixed-age couple) reaches the qualifying age for state pension credit (PC). From this point, claimants can instead claim pension-age benefits such as Pension Credit (PC).

Previously, claimants who reached state pension age during the assessment period risked there being a gap between their last UC payment and their first PC (and other pension-age benefits) payments. The Department of Work and Pensions (DWP) is aiming to reduce the gaps in entitlement for claimants transitioning from UC to pension-age benefits. To achieve this, DWP is making additional UC ‘run-on’ payments to cover the entire month in which a claimant reaches pension age. For some claimants, depending on which date within the month they reach this age, there will be an overlap in the receipt of this UC run-on payment and pension-age benefits.

The proposed amendments to the 2013 Regulations make provision that any 'additional income' resulting from such an overlap is not to be considered as income when determining eligibility for a pension-age council tax reduction in Wales.

Although the Act gives Welsh Ministers discretion to allow Welsh local authorities to determine the contents of schemes themselves, the Government's decision to establish a national framework for the provision of Council Tax Support in Wales and avoids what has been termed a "postcode lottery" whereby eligibility for a Council Tax reduction and the size of the Council Tax reduction for particular groups could be different in different council areas.

Although a national scheme has been approved, within the Prescribed Requirements Regulations, limited discretion is given to the Council to apply additional discretionary elements that are more generous than the national scheme and which provide for additional administrative flexibility remain. These are:

- The ability to increase the standard extended reduction period of 4 weeks given to persons after they return to work where they have previously been receiving a council tax reduction that is to end as a result of their return to work;
- Discretion to increase the amount of War Disablement Pensions and War Widows Pensions which is to be disregarded when calculating income of the claimant;
- Discretion to enhance the process for notification of decisions above the minimum requirements; and
- The ability to backdate the application of council tax reduction with regard to late claims prior to the new standard period of three months before the claim.

It is required by the Prescribed Requirements Regulations that the Council adopts a Council Tax Reduction Scheme by 31 January 2021, regardless of whether it applies any of the discretionary elements. If the Council fails to make a scheme, then a default scheme shall apply under the provisions of the Default Scheme Regulations. The Council can only apply discretion if it makes its own scheme under the Prescribed Requirements Regulations. A Council meeting is scheduled for the 26th January 2021 to adopt the Scheme.

The Council has not undertaken consultation on the adoption of the scheme as the Council is no longer obliged to carry out consultation on the adoption of a scheme as the provisions were set by the Welsh Government. Even without the application of any of the discretionary elements, the Council is obliged to make a scheme under the requirements of the Prescribed Requirements Regulations notwithstanding the fact that a default scheme would come into effect even if the Council failed to make a scheme. The obligation is a statutory duty and applies even if the Council chose not to apply any of the discretions available to it.

The recommended approach is to adopt the Scheme in the Prescribed Requirements Regulations and to continue to exercise the available discretions as follows:-

- The ability to increase the standard extended reduction period of 4 weeks given to persons after they return to work where they have previously been receiving a council tax reduction that is to end as a result of their return to work [It is not recommended to increase the standard extended reduction period] ;
- Discretion to increase the amount of War Disablement Pensions and War Widows Pensions which is to be disregarded when calculating income of the claimant [It is recommended to disregard the whole amount of War Disablement Pensions and War Widows Pensions] ;
- Discretion to enhance the process for notification of decisions above the minimum requirements [It is not recommended to enhance the process for notification of decisions] ; and

- The ability to backdate the application of council tax reduction with regard to late claims prior to the new standard period of three months before the claim. [It is not recommended to increase the backdated period].

It should be noted the above recommendations follow existing practice and continue with the features of the 2020/21 Scheme. There are no additional monies available from the Welsh Government to fund discretionary elements.

The Council continues to have powers to support hardship on an individual basis or in respect of a defined group. Such arrangements cannot form part of the Council Tax Reduction Scheme itself. The Council has previously had access to grant for discretionary housing payments and will continue to provide support where appropriate.

Financial Summary

Uprating the financial in respect of pensioners and working age allowances would slightly increase total reductions under CTRS. However, if the financial figures in relation to non-dependant deductions were also uprated, this would mitigate some of the increase in total reductions. Consequently, total council tax reductions are not expected to rise significantly as a result of the uprating.

Funds to pay for the scheme are within the Council's base budget as the historical specific grant from WG that used to fund this was transferred into the Revenue Support Grant in 2013/14 for the provision of the Council Tax Reduction Scheme.

Risks

The Council needs to manage the cost of Council Tax Support within its budget.

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 adopt a scheme in accordance with the required regulations	L	L	There is a default scheme in the event that the Council does not follow the appropriate procedures	Head of City Services

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The Welfare Reform changes are imposed by national government and devolved to the Welsh Government for implementation by Councils. The Council's response within its service areas will be to try to ensure that any effects of the reforms are mitigated wherever possible.

Options Available

Option 1 – Do nothing

- If the financial figures used to assess household allowances in the council tax reduction means-test remained static, the criteria used would be slightly less generous for non-passported applicants and would lead to small decreases in support in real terms.
- The financial figures used to assess the eligibility of households with non-dependants would be out-of-date. The income thresholds would no longer reflect average earnings and the adjustment made to the final Council Tax Reduction would no longer reflect overall cost of Council Tax.

- If consequential amendments are not made to the 2013 CTRS Regulations, this would mean that they would not take account of changes to related welfare benefits and other legislation. This could disadvantage some applicants by reducing or stopping their entitlement to support. It could also create confusion for applicants and increase the administrative burden for local authorities and advice providers.
- The default scheme would be implemented and the local discretionary elements would be lost.

Option 2 – Adopt amended Regulations and retain local discretionary elements

- This option would mean that amendments would be made to update the financial figures in the 2013 CTRS Regulations in line with to Welsh Government policy, cost-of-living increases and changes to qualifying benefits.
- The financial figures in relation to working age, disability or carer rates will continue to increase with the cost of living for 2020-21 (0.5%, as measured by CPI). The personal allowances for pensioners will be updated to align with those for Housing Benefit and the benefits system.
- The amendments to disregard windrush related compensation, and ‘run-on’ UC payments for calculations of reductions would be implemented into the policy.
- The necessary technical and consequential amendments would also be made.
- The local discretionary elements would be retained.

Proposal

The changes are largely mandatory with the exception of the limited discretions identified in the report. The Council needs to determine the specific discretions as part of its Scheme.

The proposal is that Council adopts the revised Council Tax Reduction Scheme including the preferred discretions which maintain existing practice.

Comments of Chief Financial Officer

As noted above, the funds to pay for the scheme are contained within the Council’s base budget, since WG transferred the specific grant for this into the Revenue Support Grant in 2013/14. The budget is uplifted each year in line with the increase in Council Tax and to date, has been more than sufficient. As no changes to these flexibilities are being recommended, the current budget should therefore be sufficient on a like for like basis on current demand levels.

Whilst unrelated to the updating of the scheme parameters and eligibility criteria, the situation with CTRS is currently potentially very fluid. This is a demand led budget and the schemes criteria and eligibility determines its costs to the Council and not budget availability. The demand for CTRS support is very important in the current situation with Covid -19 impact on the economy and employment and all opportunities to advertise its existence is used. Whilst claimant numbers/costs have not increased significantly over the last 6 months or so, we might expect an increase in due course as the situation continues to be challenging over a more prolonged period. Whilst budget savings are being taken from The CTRS budget in 2021/22, it has some headroom to fund an increase in claimant numbers and this will need to be monitored closely.

Comments of Monitoring Officer

The Council has a statutory duty to approve a revised Council Tax Reduction scheme by 31st January 2021 in accordance with the Council Tax Reduction Schemes (Prescribed Requirements and Default Schemes) (Wales) (Amendment) Regulations 2021. If the Council does not adopt a revised local scheme before the end of January, then a Default Scheme will come into operation. In Wales, the Welsh Government has prescribed a national council tax reduction scheme and, therefore, the Council has no option but to adopt the mandatory elements of the scheme. The previous mandatory scheme has been revised to increase financial allowances in line with inflation and to disregard specific payments when calculating entitlement, such as “Windrush” compensation and Universal credit run-off payments. There are also some limited local discretions within the national scheme, which the Council has previously adopted as part of the current local scheme, and it is recommended that these should continue to be

applied. There is no longer any formal consultation requirement, because of the mandatory nature of the national scheme and the Council has previously consulted on the local discretions.

Comments of Head of People and Business Change

The proposed new scheme is mainly a consequence of amendments to the Prescribed Requirements Regulations. In addition, it is proposed to keep the preferred discretions from the previous scheme in place. This is intended to maintain the measures in place to support low-income households in paying Council Tax and in doing so contributing to wellbeing objectives e.g. a more equal Wales and principles of fairness. There is no longer a formal consultation requirement, because of the national scheme is mandatory and the Council has previously consulted on the local discretions.

There are no human resources implications arising from this report.

Equalities Impact Assessment and the Equalities Act 2010

In drafting these Regulations Welsh Government have considered the duty on Welsh Ministers to promote equality and eliminate discrimination.

An Equality Impact Assessment was completed for the introduction of the 2013 Council Tax Reduction Scheme Regulations.

Wellbeing of Future Generations (Wales) Act 2015

The policy supports the principles within the Well-being of Future Generations (Wales) Act 2015. Maintaining full entitlement to Council Tax Reduction Scheme will continue to help low income households in meeting their council tax liability and as such will help to contribute to the wellbeing objectives of: a prosperous Wales; and a more equal Wales.

Consultation

The Council is not required to consult on the proposals of the new scheme as the amendments made are in consequence of amendments made to the Prescribed Requirements Regulations. The local discretions that are available to the Council will remain unchanged.

Background Papers

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2021

Explanatory Memorandum to the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2021



Draft CTRS
Regulations 2021.pc



Explanatory
Memorandum CTRS

Dated: 26 January 2021



Report

Council

Date: 26 January 2021

Subject **Annual Report of the Director of Social Services**

Purpose To present to Council the Annual Report of the Director of Social Services.2019/20

Author Chris Humphrey Director of Social Services

Ward Citywide

Summary This report is the Director's evaluation of 2019/20 performance for Social Services. It conforms in format and content with the statutory requirements for the Director's Report as set out in the Social Services & Wellbeing (Wales) Act 2014.

Proposal To receive the Annual Report of the Director of Social Services, 2019/20

Action by Chris Humphrey

Timetable Immediate

This report was prepared after consultation with:

- Social Services staff
- Cabinet Member for Social Services
- Monitoring Officer
- Head of Finance
- Head of People and Business Change

Signed

Background

The purpose of this annual report is to set out the local authority's continued delivery of its statutory duties in providing services to people in Newport in terms of information, advice and assistance, and those individuals and carers who need care and support. This report demonstrates how Newport Social Services has responded to the requirements of the Social Services and Well-being (Wales) Act 2014 and how we have promoted and accounted for the delivery of well-being and care and support to the citizens of Newport.

The Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA) and the ***Social Services and Wellbeing (Wales) Act 2014 (SSWB)*** sets out the requirement for the Director to produce an annual report setting out the performance of Social Services, following the format prescribed by the Local Authority Social Services Annual reports (Wales) Regulations 2016 and is intended for a range of audiences as set out in the Local Authority Annual Social Services Report guidance document.

The intention of the report is not to detail process but to focus on the activities and outcomes achieved and the impact this has had on citizens in Newport. The evidence of our citizens has been used throughout the report as has the contribution of our partner agencies and commissioned services.

Director's Summary of Performance

2019/20 was another demanding year characterised by the focus on the delivery of quality services and the beginning of the Coronavirus Pandemic.

The delivery of the Social Services and Well-Being (Wales 2014) Act continues to drive the provision of early intervention and preventative services and the ongoing work to manage the increasing demands placed upon Social Services. The well-being objectives are wound through all Social Services operations and tie closely to the Newport City Council (NCC) Corporate Plan, notably:

- To improve skills, educational outcomes and employment opportunities.
- To enable people to be healthy, independent & resilient.
- To build cohesive & sustainable communities.

There is a continuous striving to maximise the efficient use of resources both financial and resources whilst identifying savings. In Childrens Services efforts have continued to address the shortage of placement options with a new 4 bed residential home now in operation with 2 more services planned for 2021/22. The preventative work to minimise the number of children becoming Looked After continues to develop with new and innovative practices such as Baby & Me and Family Group Conferencing. Work in Adult and Community Services continues to focus on working across the interface of health and social care through the use of the Integrated Care Fund and the Transformation Fund to support services such as the Community Connectors, and Intermediate Care beds. The collaborative work to minimise the number of delayed hospital discharges has further developed with the combined impact of Home First and the improvement and expansion of the Reablement service to support people to remain as independent as possible in their communities.

Newport was the pilot site for a new joint inspection in Wales which carried out a review of multi-agency responses to child abuse and exploitation the outcome of which was positive with the conclusion that agencies collaborated effectively.

The Coronavirus Pandemic brought unprecedented challenge across the range of services in 2020 and some older persons residential homes were impacted early on as Newport experienced high numbers of cases before preventative measures such as whole home testing and PPE were fully in place.

At the time of writing significant changes to the way services are being delivered has been implemented in order to maintain levels of essential support. However At this stage we are still in the midst of a crisis and uncertainty remains about the longer term impact of COVID 19 on community and how we deliver our services in the future.

Financial Summary

During 2019/20, the Council has managed its overall revenue position within budget. The revenue outturn shows an underspend of £2,062k prior to the approval of new reserve transfers requested by service areas, leaving a remaining underspend of £1,807k. Excluding schools, this represents a less than 1% variance against net budget.

The Council faced some unexpected costs during the last part of the financial year linked to the Covid19 pandemic and these have been able to be accommodated within the overall budget. This is due partly to the reduced levels of spending in the service areas and also some one-off grant funding from Welsh Government received late in the financial year.

Within Children's there is ongoing significant financial pressure due to out of authority placement costs which is replicated in many other local authorities and identified as an area of increasing demand and cost nationally. The development of in-house residential services is progressing well which should in time reduce the reliance on external provision. Newport will continue to monitor this closely in 2020/21.

The Adult & Community Services budget also faces significant pressure due to increased demand. Adults are living longer with more complex conditions and these result in an increase in residential and supported living care and support arrangement as they need support on a 24 hour basis. Inflationary increases on care packages continues to place pressure on service budgets.

The annual budget in 2019/20 for social services was £71.2m. There is a well-developed financial management process in place across service areas that enables the identification and management of budget risks. This process supports medium term financial planning, ensuring that all relevant factors can be considered when budgets are set.

Risks

Risk	Impact of Risk if it occurs (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
That the continuing and increasing demand for Social Services will bring unsustainable financial pressures.	H	M	We are maintaining strong financial controls on day to day decision making in the service and also develop services both in-house and in partnership which provide effective options to meet the increasing demand.	Chris Humphrey Director of Social Services/ Head of Adult and Community Services and Sally Jenkins, Head of Children and Family Services
That users and carers will not continue to have the opportunity to engage and contribute further to our understanding of their experience to inform the development of services in future years	H	L	The plan will be to continue to hold regular and frequent service user and carer forum meetings, as well as making use of a wide variety of other consultative mechanisms that we have put in place for users and carers. We will continue to develop imaginative ways of	Chris Humphrey, Director of Social Services, Head of Adult and Community Services and Sally Jenkins, Head of Children and Family Services

			capturing people's views, comments and experiences	
That we will need to recruit and retain staff with the skills and experience to deliver on our statutory responsibilities and support the independent and voluntary sector to do the same.	H	M	We continue to invest in our workforce in terms of training and development and work regionally to support the care sector.	Chris Humphrey, Director of Social Services, Head of Adult and Community Services and Sally Jenkins, Head of Children and Family Services

Links to Council Policies and Priorities

Newport City Council's Corporate Plan 2017 – 22.

Options Available and considered

Option 1 - Council endorses the Annual Report of the Director of Social Services for 2019 20

Option 2 – Council does not endorse the Annual Report of the Director of Social Services for 2019 -20 and sets out specific reasons and recommendations for action.

Preferred Option and Why

Option 1 as the Annual Report of the Director of Social Services is a statutory requirement whereby the Director provides their assessment of performance to the Council.

Comments of Chief Financial Officer

The Director of Social Services annual report gives an overview of the performance of Social Services in 2019-20. Whilst there are no financial implications arising specifically from this report it is important that the service has an awareness and consideration of the financial position when making any decisions. Robust financial management will enable the appropriate funds to be available for the greatest need.

Comments of Monitoring Officer

The Director of Social Services has a statutory duty under the Social Services and Wellbeing (Wales) Act 2014 (as amended by the Regulation and Inspection of Social Care (Wales) Act 2014) to produce an annual report to the Council, setting out his personal assessment of the performance of Social Services in delivering its social care functions during the preceding 12 months. This Annual report covers the financial year 2019/20 and has been prepared in accordance the Local Authority Social Services Annual Reports (Prescribed Form) (Wales) Regulations 2016 and statutory guidance, as set out in the Local Authority Annual Social Services Report guidance document. The Report also sets the Director's assessment of how well the Council has promoted and delivered well-being standards for service users and carers in need of care and support, in accordance with the six well-being outcomes. The Report confirms that the Director of Social Services is satisfied that the Council continues to make good progress in implementing the Services and Wellbeing (Wales) Act, in a structured and programmed manner, and is meeting the requirements of the Future Generations and Well Being Act and the corporate well-being objectives. This statutory Annual Report reflects the Director's personal assessment of the performance of Social Services and is, therefore, being presented to Cabinet for information purposes and not for comment or amendment.

Comments of Head of People and Business Change

This report sets out the Director of Social Services' own assessment of the performance of Social Services in 2019/20 as part of the statutory role. Whilst there are no direct staffing implications that arise specifically from the report there are potentially implications in the future, either as a result of on-going

financial uncertainty or the further implementation of the Social Services and Wellbeing Act or Wellbeing of Future Generations Act. These will need to be considered as they arise and are not the purpose of this report.

Local issues

City-wide report

Equalities Impact Assessment and the Equalities Act 2010

Not applicable to this report

Children and Families (Wales) Measure

Not applicable to this report

Wellbeing of Future Generations (Wales) Act 2015

This report sets out how Social Services has responded to the following requirements:

- 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 objectives
- 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 we serve.

Crime and Disorder Act 1998

Not applicable to this report

Consultation

There is a continuing programme throughout the year of meeting with users and carers to help people make their contribution to the continuing intelligence supporting the Director's Annual Report..

Background Papers

None.

Dated: 26 January 2021

Mae'r dudalen hon yn wag yn

Report of the Director of Social Services 2019/20



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1. Introduction

2019/20 was another demanding year characterised by the maintenance of quality and standards of service delivery and the beginning of the Coronavirus Pandemic.

The task of embedding the Social Services and Well-Being(Wales) Act 2014 continues to influence the provision of Early Intervention and Preventative services and in the ongoing work to manage demand. The well-being objectives wind through all Social Services operations and tie closely to the Newport City Council (NCC) Corporate Plan, notably:

- To improve skills, educational outcomes and employment opportunities.
- To enable people to be healthy, independent & resilient.
- To build cohesive & sustainable communities.

There is a continuous striving to minimise costs and identify savings. In Childrens Services efforts have continued to address the shortage of placement options with a new 4 bed residential home now in operation with 2 more services planned for 2021/22. The preventative work to minimise the number of children becoming Looked After continues to develop with new and innovative practices such as Baby & Me and Family Group Conferencing.

Work in Adult and Community Services continues to focus on improving and developing integrated working between health and social care with the Intermediate Care Fund (ICF) and the Transformation Fund being key enablers. The collaborative work to minimise the number of delayed hospital discharges has further developed with the combined impact of Home First and the improvement and expansion of the Reablement service delivering a strong year end position.

Newport was the pilot city for the new joint inspection arrangements in Wales and the review of multi agency responses to child abuse and exploitation was positive with the conclusion that agencies share information effectively.

The Coronavirus Pandemic brought unprecedented challenge across the range of services but older persons residential homes were impacted early on as Newport experienced high numbers of cases before preventative measures were in place.

At the time of writing significant changes to the way services are being delivered has been implemented in order to maintain levels of essential support.

At this stage we are still in the midst of a crisis and uncertain about how the medium to long term impact of the Coronavirus Pandemic will affect the community and how we deliver our services.

2. Summary of Performance 2019/20

This is the fifth year of reporting against the measures introduced by the Welsh Government (WG) following the introduction of the Social Services and Well-Being Act in 2016. Anomalies within the reporting framework have been identified and regional and national discussions have highlighted differences in the ways that Local Authorities are recording their activity.

These anomalies, along with the rollout of the Welsh Community Care and Information System (WCCIS) have required a review of performance measures and Newport City Council (NCC) has been involved in national discussions led by WG to develop new recording and reporting requirements.

A new performance framework was originally planned for implementation during 2018/19 year but it was delayed until April 2020. Unfortunately, the onset of the Coronavirus Pandemic in March 2020 has led to a further delay.

NCC have started to develop the WCCIS system to capture the new data but the Welsh Government guidance has not yet been published so full implementation is now scheduled for April 2021

End of Year Performance Figures for Adult and Community Services

The table of measures shown are all subject to change or will be removed from the new performance framework.

Work has continue to progress to embed the recording and reporting mechanisms for the new framework that will be implemented in 2021 but as yet the final guidance has not yet been published.

Notwithstanding the above it must be noted that adult services has experienced significant additional demand during 2019/20. The number of people receiving assessments was 4038, an increase of 891 from 2018/19

Hospital discharge figures are within target and is a result of close collaboration with Health and the continued effectiveness of In Reach and Reablement. The preventative approach of Home First has also become embedded into practice and is having an impact on the overall flow of patients through the hospital.

The First Contact team continues to offer information, advice and assistance and signposts people to prevent the need for statutory provision. The links to the Community Connector service ensures that the team are well informed about local support groups and social activities

4,588 citizens received advice and assistance from First Contact in 2019/20

Adults Measures	Target	Results & Comments
% of adult protection enquiries completed within 7 days	90%	<p>99.9% (Improving) 901 enquiries 900 completed within 7 working days</p> <p>Several new measures proposed next year to capture the quality of response as well as the timeliness</p>
The rate of delayed transfers of care for social care reasons per 1 1,000 population aged 75 or over	6	<p>5.10 (strong performance -low is good, high is bad)</p> <p>Reported within Public Accountability Measures PAMS next year</p>
% of adults who completed a period of Reablement and have a reduced package of care and support 6 months later	50%	<p>4.6%</p> <p>(the guidance for this measure has changed it now includes everyone who received Reablement whereas previously it was limited to those with a care and support plan)</p> <p>Reablement measures are retained within the new framework but different reporting criteria to measure the impact of intervention at the end rather than 6 months later</p>
% of adults who completed a period of Reablement and have no package of care and support 6 months later	50%	<p>77.2% (strong performance –the target for both Reablement measures require updating but the impact of the intervention can be identified if both figures are added together i.e.</p> <p>77.2% + 4.6% = 81.8% of people who received a Reablement service did not require or reduced the need for ongoing care & support</p>

The average length of time in days adults (aged 65 or over) are supported in care homes	1,100 days (approximately 3 years)	826.9 days = 2yrs & 3 months, target is 3 years Strong performance (high is bad low is good) and represents people being successfully supported in the community for as long as possible. This measure has been removed from the new performance framework by WG.
Average age of adults entering care homes	75 years	84.yrs (high is good low is bad) Supports the above measure in that people are supported successfully in the community and average age of entry to residential care is higher than the average. This measure has been removed from the new performance framework by WG.
% of adults who have received advice and assistance and have not contacted the service again within 6 months	40%	This was not reported at year end because the requirement was suspended by Welsh Government due to the Coronavirus Pandemic We know that during 2019/20 4,588 citizens received advice and support from the First Contact team This measure has now been removed from the performance framework by WG. There are a new set of indicators that aim to identify demand and measure the effectiveness of the response

NB: This performance report is restricted to the measures required by WG and is the benchmark for comparison between all Welsh Local Authorities. Inconsistent interpretation and methodology around

recording and reporting practice means that the comparison across Wales is not robust.

End of Year Performance Figures for Children and Young People's Services

The table of measures shown are all subject to change or will be removed from the new performance framework.

Work has continue to progress to embed the recording and reporting mechanisms for the new framework that will be implemented in 2021 but as yet the final guidance has not yet been published.

Notwithstanding the above it must be noted that children's services has experienced significant additional demand during 2019/20. The number of children receiving assessments was 5944 an increase of 919 from 2018/19

The continuing development of additional residential placements, and the ongoing efforts to recruit Foster Carers will improve capacity and enable more children to remain within the City.

Family Group Conferencing and Baby & Me as new additions to the range of preventative services are enabling families to stay together. The percentage of families supported to remain together during 2019/20 is 58%, despite a significant increase in the number of referrals during the year.

Children's Measures	Target	Results & Comments
% of assessments completed for children within statutory timescales	90%	89.25% 5944 completed in total 5302 completed within timescales
% of children supported to remain living with their family at 31 st March	65%	58% - improved This measure has now been removed from the performance framework by WG. There is a new set of indicators for looked after children – to monitor placement arrangements
% of Looked After Children returned home from care during the year	13%	9.35% All children are regularly reviewed and their circumstances assessed to ensure the best outcome

% or re-registrations of children on Local Authority Child Protection Registers (CPR)	10%	1.1% Strong & improving performance (low is good high is bad)
The average length of time for all children who were on the Child Protection Register during the year	260 days	260.8 days Strong & improving performance (low is good high is bad)
% of children achieving the core subject indicator at key stage 2. This KPI is populated by WG based on Education data – due to COVID 19 it has not been provided for 19/20	60%	This measure has now been removed from the performance framework by WG with the intention of linking the data in the annual child requiring care and support census to the returns submitted by Education
% of children achieving the core subject indicator at key stage 4 This KPI is populated by WG based on Education data – due to COVID 19 it has not been provided for 19/20	5%	This measure has now been removed from the performance framework by WG with the intention of linking the data in the annual child requiring care and support census to the returns submitted by Education
% of children seen by a registered dentist within 3 months of becoming Looked After	40%	This data is usually collected manually and because of Covid was not provided for 19/20 This measure has now been removed from the performance framework by WG
% of children looked after at 31 st March who were registered with a GP within 10 working days of the start of their placement	90%	54.34% - this is not felt to be a representative figure as the usual verification process could not take place because of the Coronavirus Pandemic This measure has now been removed from the performance framework by WG

% of looked after children who have had 1 or more changes of school	12%	This data was not collected during 2019/20 This measure has now been removed from the performance framework by WG with the intention of linking the data in the annual child requiring care and support census to the returns submitted by Education
% of looked after children who have had 3 or more placements	9%	11.84% (improved)
Care leavers who are in education, training or employment at 12 months	50%	15.8% this is not felt to be a representative figure as the usual verification process could not take place because of the Coronavirus Pandemic This measure has now been removed from the performance framework by WG
Care leavers who are in education, training or employment at 24 months	50%	48.48% (historically better outcome at 24 months) This measure has now been removed from the performance framework by WG – The new framework requires the measurement of those who have completed 3 consecutive months of education or training
% of care leavers who have experienced homelessness during the year	10%	Manual collection – annual reporting requirement suspended by Welsh Government due to the Coronavirus Pandemic
Number of first time entrants into the youth justice system	79	25 (Strong & Improving) Children continue to be offered the opportunity of being diverted away from the Youth Justice System, by receiving a Community Resolution

		Disposal. This means the child is not criminalised and will continue to receive an intervention from the Youth Justice Service.
Number of young people sentenced to custody	25	0 (Strong & Improving) No Child from Newport has been sentenced to Custody since December 2018
Young people out of court disposals re-offend within 12 months	30%	14% (Strong & Improving) The re-offending rate, for children issued with out of court disposals between 1 April 2018 – 31 March 2019 is at 14%, this based on a cohort of 120 young people with 17 re-offending. NB: This figure is 12 months behind as reoffending rates are tracked over a 12 month period
Young people statutory orders who re-offend within 12 months	50%	39% (Improving) NB: This figure is 12 months behind as reoffending rates are tracked over a 12 month period

NB: This performance report is restricted to the measures required by WG in 2019/20 and is the benchmark for comparison between all Welsh Local Authorities. Inconsistent interpretation and methodology around recording and reporting practice means that the comparison across Wales is not robust.

The implementation of the new performance framework originally due to go live in April 2020 has been delayed due to the Coronavirus Pandemic. The final guidance is yet to be published by Welsh Government but work is ongoing regionally and locally to prepare for the new measures that includes making changes to recording and reporting systems (WCCIS)

3. How Are People Shaping Our Services?

Newport City Council is committed to ensuring that people are able to have a say in how they receive support and how services will be developed and delivered in the future.

Some examples of how we do this are:

- Co-production in the assessment process to enable citizens to express their preferences around how support will be delivered.
- Contract monitoring processes where the views of citizens who receive services are sought and providers are contractually required to gather feedback and comments to inform service development.
- Citizen engagement/involvement in the commissioning process
- Complaints and compliments.
- Consultation events and citizen forums
- Provider Forums and engagement processes
- Feedback from inspections.
- Engagement with Care Inspectorate Wales (CIW).
- Active promotion of voice of the child

Consultation events in 2019/20

These included:

- Gwent Safeguarding Children's Board held a consultation day for 250 children and young people in the Celtic Manor on 18th October 2019 discussing issues such as mental health, bullying and knife crime
- The over 50's Information Day was held in Newport Centre in October 2019, attended by 1,000 citizens and 115 organisations.
- The Carers Network, meetings and drop-ins throughout the year building peer support and providing opportunities to engage with the Local Authority and community groups.
- Carers Week 10th to 16th June 2019 – various activities
- Carers Rights Day was held in November 2019 – 65 carers attended and 15 partner agencies
- The NCC team of Connectors attended community events during the year
- Annual public budget consultation process in December 2019.
- Regular feedback obtained from children and adults living in NCC residential homes at house meetings.
- The Cabinet Member for Social Services is very active at community level and is a regular attendee of events and meetings across the full range of client groups.

Welsh Government agreed that Local Authorities were not required to undertake a citizens survey during 2019/20 as there have been issues with the questions and process that have not been resolved. The statutory reporting requirement is currently under review.

NB: The Public Accountability Measure linked to satisfaction with Care and Support is deleted for 19/20.

Regulation & Inspection of Social Care (Wales) Act 2016 (Risca)

This legislation requires the appointment of a responsible individual (RI).

- To oversee the management of the registered service;
- To provide assurance that the service is safe, well run and complies with regulations
- To ensure the service has a manager, sufficient resources & support;
- The RI is **NOT** responsible for the day-to-day management of the service.

The RI is required to provide a quality of care report that was due for submission to Care Inspectorate Wales (CIW) in May 2020. This report was deferred for 12 months as a consequence of the Coronavirus Pandemic so it will be produced in 2021 and considered by the Council's democratic process.

Care Inspectorate Wales Inspections 2019/20

Adult Services

Spring Gardens January 2020

CIW reported that residents were satisfied with the care and support provided at the home.

"We found the home to be comfortable and the environment met the needs of people living there. We observed that staff knew people well, were responsive to their needs and we saw people having opportunities to take part in activities that interested them. Staff and management demonstrated a commitment to providing a good quality service and they had a range of policies and processes in place to help them achieve this"

Areas for improvement:

- Recording – greater detail required in some areas.
- Recruitment – process to be reviewed by the Responsible Individual to ensure staffing regulations continue to be compliant.
- Appraisal – to extend the system in place for managers and supervisors to all staff

Blaen-y-pant January 2020

CIW reported that the service offers a clean, welcoming environment where people are provided with care in a respectful and dignified manner.

"They are kept safe and assisted to maintain their health and well-being. Residents were supported by staff who were familiar, trained and had good knowledge of each individual. The management had good oversight of the service and systems in place to offer reassurance and monitor effectiveness. The manager recognises that the service has areas that

require development and is proactive in welcoming feedback to secure improvement

Areas for improvement:

- Recording – personal plans/details of activities/medication/fluid and nutritional intake
- Laundry system requires further improvement to ensure all residents get the right clothes
- Security – cleaning materials should be kept safe.

Parklands August 2019

CIW reported that people living at Parklands were satisfied with the care they receive.

“Staff are well-trained and most staff were happy working at the service. Management is effective within the home, but improvements are required to ensure quality assurance is monitored effectively”

“People are accommodated in a clean, warm and welcoming environment and have access to some social engagement and interaction, but consideration to a dedicated activity co-ordinator is recommended, to ensure that people meet their personal well-being outcomes”

Areas for improvement:

- Internal quality assurance audits
- Security – window fixings
- Availability of special diets.
- Medication administration
- Recommended a lead person for activity co ordination
- Update Statement of Purpose
- Deployment of staff

Children’s Services

Rose Cottage September 2019

CIW reported that the relationships between staff and the young people were warm and caring with staff dedicated and committed to each young person and their well-being

“Good attention was given to education and health care needs and we saw positive outcomes for young people. Staff are trained and supported to fulfil their roles and there were good management and monitoring arrangements in place.”

Areas for improvement

- Recording processes need to be properly established

Oaklands November 2019

CIW reported that care provided at Oaklands is good and they acknowledged that significant investment had been made to refurbish the building and improve the environment for the children.

“Children who stay at Oaklands experience a good level of care”

Areas for improvement

- Further attention needed to ensure the compatibility of young people who attend together

Cambridge House July 2019

CIW reported that staff were young person focused

“We found the relationships between staff and young people warm and caring with staff dedicated and committed to each of the young people”

Areas for improvement

- Internet access needs to be improved for the benefit of the young people
- The home was not compliant with Reg 80(2) because a review of the quality of service needs to be undertaken every six months with recommendations for improvement

Forest Lodge February 2020

CIW reported that the home was found to be non-compliant

“we saw examples of some positive interaction between staff and young people although the impact of this does not consistently result in positive outcomes for young people”

Areas for improvement

- Medication management
- Provision of care and support in a way that promotes and maintains the safety and well being of young people.

NB: Improvement plans are in place and subject to ongoing review

The full reports can be found on the CIW website

<https://careinspectorate.wales/our-reports/regulated-services-inspection-reports>

Joint Inspection of Child Protection Arrangements December 2019

Between 2nd and 6th December 2019 the Care Inspectorate Wales, Healthcare Inspectorate Wales, Probation, Police, Fire & Rescue and Estyn carried out a joint inspection of the multi agency response to abuse and neglect in Newport.

Newport was the pilot city for the new inspection arrangements in Wales. This new approach included a deep dive into the circumstances of 7 children aged between 13 and 17 years to measure the effectiveness of how all partners had responded and worked together.

"During our inspection we met with highly committed and motivated professionals who demonstrated a good understanding of the nature of work in relation to children and families who are at risk or are experiencing exploitation. We recognised the complex nature of this work".

Findings:

- Agencies share information effectively and in a timely way
- The Childrens Service management team were seen as being supportive to staff and there was evidence of a 'no blame culture'
- Social Workers demonstrated an effectiveness at building relationships with the families they work with

"Children told us they had been able to form good relationships with professionals working with them from across a range of agencies. We were told about some social workers having long- standing relationships with young people. Research points to the importance of young people having strong relationships with a key individual, so this is a significant finding" (p8

The report highlighted the following areas of practice as positive:

- Development and implementation of the risk assessment tool for child exploitation as part of multi agency practice
- The safeguarding hub model
- How the NCC childrens homes support young people

Overview of complaints 2019/20

A Stage 1 complaint is for local resolution within 10 working days.

Following Stage 1, if the complainant remains dissatisfied they can request to proceed to Stage 2. This involves a formal investigation conducted by an independent investigator at a cost to the Local Authority.

Following Stage 2, if the complainant remains dissatisfied they are advised to proceed to the Public Services Ombudsman for Wales (PSOW)

During 2019/20, the Complaints Service received **148** Social Services complaints, **19 more than last year**

Adults' Services –

- **83** complaints
- **82** were **resolved** at stage 1
- **1** proceeded to **stage 2**
- **1 resolved**

Children's Services –

- **65** complaints:
- **61** were **resolved** at stage 1
- **4** proceeded to **stage 2**
- **1 resolved - 1 not upheld - 1 partly upheld - 1 ongoing**

It should be noted that although the number of complaints received has increased there are fewer proceeding to stage 2, thereby indicating improved complaints handling and resolution procedures

No complaints were referred to the Public Services Ombudsman for Wales (PSOW)

Recommendations for service improvement as a consequence of complaints management.

- The specific communication needs of the complainant must be considered
- Mandatory Data Protection re-training provided to all staff involved in Complaints.

Overview of compliments 2019/20

Adults' Services received **13 – 3 more than last year**

Children's Services received **0**

"Please accept my sincere thanks for all your kindness and consideration during my recent incapacitation. I will always be grateful

(Reablement)

"I would like to take this opportunity to thank all concerned with the adaptation of my bathroom. The help and assistance I received was second to none

(Occupational Therapy Team)

4. Promoting & Improving the Well-being of Those We Help

Quality Standard 1 – Working with people to define and co-produce personal well-being outcomes that people wish to achieve

Throughout 2019/20 NCC's Information, Advice and Assistance (IAA) Service had meaningful conversations with service users, their families and carers about what really matters to them. Conversations with our IAA staff are strengths based, meaning that we work with people to regain or maintain their independence and encourage them to utilise their own skills and networks to achieve their desired outcomes.

In order to respond appropriately to the wide range of adult enquiries, our First Contact Service is a multi-disciplinary team with co-located specialist officers who offer on-the-spot advice and assistance to citizens in the following areas:

- Safeguarding;
- Occupational Therapy;
- Housing advice;
- Sensory impairment;
- Independent living – Direct Payments;
- Financial advice.
- Community Connectors

There are plans to further extend the services available within First Contact to strengthen the preventative focus of IAA by ensuring citizens get the right advice and support at the earliest opportunity. During 2020/21 Physiotherapy, Falls and Reablement services will be added to the multi-disciplinary First Contact team

IAA has been successfully extended to the hospital environment and is an integral part of the following 2 components of hospital discharge that contributes to effective patient flow:

- **In Reach** - Targeted engagement with patients and families whilst still on the ward ensures safe discharge arrangements are co-produced to maximise independence, identify well-being outcomes and sign post or refer to appropriate ongoing community based provision
- **Home First** - The offer of IAA is a critical feature of this regional service, hosted by Newport City Council. It offers IAA and low-level care support to patients within the hospital with the aim of preventing admission and encouraging citizens to seek support from alternative sources if it is deemed appropriate and safe

In 2019/20 **4,588 citizens received advice and assistance** from the First Contact Team

Where the First Contact Team are unable to meet the needs of citizens through the provision of Information, Advice and Assistance (IAA) via a proportionate assessment, an integrated assessment is offered that further explores the person's eligible needs and works with the individual on how best to meet them.

The following figures represent the full range of assessment activity during the year (proportionate and integrated):

- **4038 adult assessments**
- **Number increased by 891** (3147 in 2018/19)
- **5944 children assessments**
- **Number increased by 919** (5025 in 2018/19)
- **188 carers assessments**
- **Number increased by 135** (71 in 2018/19)

It is important to acknowledge that the majority of contacts for Children's Services are from professionals and as a result the 'what matters' conversations with the child and/or their family are unable to take place until an assessment for Care and Support has commenced.

- Children participate fully in their foster care placement reviews.

A guiding principle is the promotion and maintenance of independence. For Children's Services, this means supporting families to stay together and maintaining children within their homes and communities wherever it is safe to do so. This is underpinned by timely assessments of need and creative solutions being sought to help keep families together.

- **89.2%** of children assessments were completed within the statutory timescale (4% less than last year)
- **58%** of children were supported to remain with their family (1% more than last year)

Barnardo's currently deliver an **Integrated Family Support Service** in partnership with NCC.

The partnership has developed innovative approaches to prevent children coming into care that were established in 2019/20

Every young person who is involved in the child protection process or who are Looked After has access to the which is the opportunity to speak with an advocate.

The National Youth Advocacy Service (NYAS) provides a regional advocacy service. Every Newport child who is involved in the child protection process or who is Looked After has access to the **statutory active offer** and has the opportunity to speak to an advocate to ensure their voice is heard.

Dewis is commissioned to provide an independent advocacy service to adults. In 2019/20 they supported **54 adults** with a range of issues such as accommodation, finance, representation and safeguarding

The Community Connector team continues to offer support to citizens who may be socially isolated to gain independence and to improve their well-being based on what matters to them.

- Newport's team of **six Connectors** provided a service to a total number of **2,007 citizens** during 2019/20 with information, telephone advice and 1:1 support.
- The Connectors offer specialist support to BAME communities including work with asylum seekers, refugees and migrants to enable access to social activities, volunteering and learning and employment opportunities.
- **941 BAME citizens were supported during 2019/20**
- **12 BAME groups were supported to access grant funding**

"May I say many thanks for your help and understanding, I feel you went over and above and for that we thank you."

The Community Connectors and our Third Sector partners continue to update the **DEWIS** database that contains local and national information. Newport has 538 live resources on the site, an increase of 10 from last year.

There has been a slight decrease of database use during 2019/20

- **4,904 views per month compared to 5,237 in 2018/19**
- **At the time of writing this report the database usage has significantly increased as citizens refer to the site during the pandemic – this demonstrates DEWIS remains a trusted source of community information**

The Connectors distribute quarterly newsletters

- to raise awareness of social isolation,
- to provide information on local groups
- to promote activities and community events
- to signpost citizens to information sources

NCC Strategic Equality Plan 2020-2024:
Objective 6 Independent Living Outcome 2

People are empowered to play an active role in their communities

Occupational Therapists (OT) provide assessments to support people to remain physically independent within the home environment. An OT is based within our First Contact team to ensure appropriate advice is available for citizens at the earliest opportunity.

Funding was received by NCC from the **Intermediate Care Fund** in 2019/20 to employ an OT who will undertake specialist work with 17 to 25 year olds to support the transition from the children's disability team into adulthood with the intention of maximising independent living and personal choice.

The OT team currently co-ordinate the telecare service that was established in 2019/20 in partnership with Monmouthshire and Caerphilly Local Authorities. The provision of equipment supports independence and ensures community safety

In 2019/20 32 Newport citizens were provided with telecare equipment to help them remain independent at home

Ask SARA - an easy to use online self-help guide providing information about equipment for independent living. The site provides an overview of what is available and how to obtain it.

Newport was the first Local Authority in Wales to adopt Ask SARA and it has now been launched Gwent wide.

The Newport Support Partnership (NSP) has been operating since September 2016, it is a consortium arrangement comprising of four Third Sector providers who offer a range of services including advocacy, information, advice and assistance, community support, a sitting service and volunteering opportunities. The emphasis is prevention and early intervention to support well-being and promote independence. Any Newport resident can self refer.

- NSP received **964 enquiries** during 2019/20
- **132 people** received specialist advocacy services (DEWIS)
- **187 people were provided with a sitting service** (Reach & Volunteering Matters)
- **96 people** were offered community support (Reach & Volunteering Matters)
- **1100** people received financial advice and assistance (Citizens Advice Bureau)

These services were subject to review during 2019/20 and it was found that the way that people were accessing the services was not via the single point of contact that the consortium intended to offer. Reviews of individuals in receipt of services were undertaken and it was felt that to separate out the consortium would be the best way to ensure equal access to provision.

Consultation with providers was undertaken during the year and it was agreed to end the consortium arrangement but to retain some of the services as single contracts

- Citizens Advice Bureau – financial advice and support

- Pobl – carers respite service
- Volunteering Matters – community support
- Dewis – advocacy support

These new single arrangements provided the opportunity to consolidate funding streams such as Corporate grants, Families First and Housing Support into a single contract with integrated contract monitoring, management and payment processes. At the time of writing these arrangements are in development but services have continued throughout the pandemic with providers modifying their offer to ensure they remain connected to those in need of support.

The Carers Network aims to offer information, advice and support for Newport citizens in a way that suits their individual requirements. The focus is on helping people access services and identify community-based options. Newsletters and updates are sent out via email and available on the website to reach those who are unable to attend the quarterly meetings

The Newport Carers Network has **510** members.

In 2019/20 there were

- The Carers Network benefited from **25** new signups
- **188** new carer's assessments were undertaken in 2019/20 – 117 more than last year
- **A Carers Handbook** was launched this year

Carers Week 10th-16th June 2019

- **86** carers participated in well-being activities such as an art class, a walk in the park and a Theatre trip.

“Good fun. Staff excellent, company good”

The Carers Network has increased opportunities for citizens with caring responsibilities to obtain information, advice and support from Newport City Council. During 2019/20:

- The community connectors provided information, advice and assistance to **422 carers**. (135 more than last year)
- The community connectors engaged with **376 carers** at community events and drop ins such as the monthly **Carers Café** that offers time out, peer support and information and advice

Priorities for 2020/21

- To further develop the First Contact team into an Information Advice and Assistance (IAA) hub consisting of co-located Social Care, Health and partner organisations
- To continue to develop the OT service;
 - supporting 17 to 25 year-olds in the transition to adulthood.
 - develop knowledge around new technological aids and work with citizens to support their independence
- To develop the integrated third sector contracts to maximise funding opportunities and ensure citizens have equal access to services.
- To ensure the services provided by NCC continues to compliment the work that is being undertaken to expand the well-being network within the City that aims to increase information, advice and support options for all citizens

NCC Corporate Plan 2017-2022:

“We will support the development of health and well-being hubs which can provide day and work opportunities, carers respite, social prescribing and care closer to home.”

Quality Standard 2 – Working with people & partners to protect and promote people’s physical and mental health and emotional well-being

A key priority in 2018/19 was to open new residential services for children in Newport to reduce the number of out of county placements.

Rose Cottage, a 4-bedroom residential home opened in January 2019 and 4 children who were previously living out of the area were able to return to Newport. The Inspection undertaken by CIW in September 2019 was positive.

Capital funding has been received from the Intermediate care Fund (ICF) and planning is underway to open 2 more residential homes for children in crisis.

- **Rosedale** – a 4 bed property due to open in November 2021
- **Windmill Farm** – a 4 bed property due to open in 2021

These 2 settings will increase opportunities for children to remain close to their family networks and plans are already in place to bring a child back from an out of county setting where previously there were no local placements available.

Newport are active partners in the Gwent-wide Children and Families Strategic Partnership and has a positive working relationship South East Wales Regional Adoption Collaborative.

- In 2019/20 permanent and stable futures were secured for **20 children through adoption.**

Newport has more looked-after-children placed with in house foster carers than with foster placements purchased from Independent Fostering Agencies. This is in contrast to most other Welsh Authorities. Nationally there is a decreasing foster carer cohort, which is naturally leading to the requirement for more placements in residential and secure accommodation. This results in possibly less favourable options for children who would be better served within a family environment and leads to increased costs.

Newport is actively participating in the National Fostering Framework (NFF) Phase 3 work programme that aims to increase the number of Local Authority foster placements across Wales to increase the range and quality of options available for children who are looked after.

NCC Corporate Plan 2017-2022:

"We will reduce out of county children's social care placements by 25%."

Recruitment & Retention of Foster Carers

- In February 2020 Cabinet agreed to increase the payment rates in an attempt to retain foster carers. The new rates were implemented in April 2020
- A regional recruitment campaign is ongoing and social media is being utilised to ensure wider engagement. There were **6 new approved foster carers** in 2019/20
- As of 31st March 2020, there were **248 approved foster placements** available in Newport.
- This number includes:
 - Connected Person Carers (formerly known as kinship foster carers who take on the responsibility for children who are part of their extended family or network group.
 - Respite placements and supported lodgings

- NCC continues to invest in foster carers as an alternative to residential placements. Work will continue to place children in family settings with better support in the form of MyST (My Support Team). This multi agency approach to the provision of a therapeutic service for children with complex needs will serve to better support foster carers and prevent placement breakdown. Implementation of MyST is planned for 2020/21
- During 2019/20 Barnardo's provided support to **330 families and 774 children**, thereby greatly contributing to the **58%** of children that were able to remain with their family.

The Young Carers' Service is delivered by Barnardo's to ensure young people who care for family members have an opportunity to engage with their peers, achieve their personal development goals and get appropriate respite from their role as primary carer. Barnardo's offer time out activities for young carers who often face social isolation and low self esteem. Each young person has a personal plan based on what matters to them.

Barnardo's also run a youth club for young carers aged over 14.

- **299** young carers were supported in 2019/20

Young Carers Awareness Day – 30th January 2020

- Celebrated with a trip to the Cardiff Escape Rooms, a meal out for the older group and the younger carers enjoyed pottery and art activities.

"It helped me take my mind off my problems"

"I enjoyed trying something new. It's enjoyable to get a break from caring"

"I made new friends and I enjoyed painting"

The Youth Justice Service (YJS)

The Welsh Government Youth Justice Blueprint published in 2019 has helped to significantly re focus the work of the YJS in Newport, as the transformation of the service continues.

Building on improved child focussed practice already underway, the Blueprint sets out the vision for youth justice in Wales. Key guiding principles for the implementation of the Blueprint include;

- Ensuring a 'children first' approach to youth justice
- Ensure youth justice is child-centred rather than service focused
- Ensure that it meets the individual needs of children and responds to their best interests
- Taking a trauma-informed approach throughout the various stages of the youth justice system, from prevention and early intervention to resettlement from custody, recognising and responding to adverse childhood experiences (ACE's) and indicators of complex need.

The service continues to improve performance

- Numbers of children entering the CJ system for the first time, only **25** new entrants in 2019/20 (54 below target – low is good)
- Numbers of children receiving a custodial sentence **0** in 2019/20 – this cannot be improved upon and is the lowest ever recorded in Newport.

YJS Priorities for 20/21

- Development of an online training course for volunteers to contribute to the delivery of the Youth Justice Service. This is in response to Covid-19 restrictions
- Development of Participation and Engagement role within the service to meaningfully involve children and their families with service developments
- Addressing the BAME agenda with clarity of actions and collaboration with key partners
- Embedding trauma informed practices (TIP) within all assessments, reports and care planning.
- Continuation of overhauling all service processes and systems to ensure the service is working towards an 'Inspection ready' position

Delayed Transfer of Care (DToC)

A delayed transfer of care is experienced by a hospital patient that is ready to be discharged to move to the next stage of care but is prevented from doing so.

The measure is defined as the rate of delayed transfers of care for social care reasons per 1,000 population aged 75 or over.

- Year-end performance in Newport was strong **5.10 against a target of 6** (low is good high is bad)

This represents the effectiveness of the ongoing management strategy that seeks, in partnership with Health, to minimise the number of people who cannot come out of hospital because they don't have the right social care services.

Reablement supports hospital discharge operates as a fully integrated health and social care service in St Woolos and the Royal Gwent Hospital.

The service operates as an Intake model, which means that everyone who has not previously had a care package has a period of Reablement first to ensure his or her independence skills are maximised. This means that people are encouraged and supported to do as much as they can for themselves, which has a positive impact on their physical and mental wellbeing.

- **The combined total for those who were discharged from the Reablement service in 2019/20 with no care and support plan or a reduction in their care is 81.8%, representing a high level of success.**

NB the measure for reporting this data has changed and in 20/21 will focus on the outcome at the end of the intervention rather than after 6 months.

The Reablement service has implemented improvements in 2019/20 as follows:

- Development of a duty hub to co-ordinate and fast track daily queries
- Implementation of new software that improves access to patient information

Home First - Newport City Council are hosting and managing the service based in A&E at the Royal Gwent and Neville Hall Hospitals. It involves the offer of proportionate assessments (IAA) for patients within pre-admission wards, regardless of where they live in Gwent.

- **Home First received 2714 referrals between 01/04/19 and 31/02/19**
- **Home First safely discharged 1167 people between 01/04/19 and 31/02/19**

NB: The above data covers an 11 month period due to the impact of the Coronavirus Pandemic in March 2020

Intermediate Care Unit at Parklands Care Home (*Step Up Step Down*) benefited from Intermediate Care Funding (ICF) in 2019/20 to increase the number of beds available from 10 to 15

The facility supports early discharge from acute hospital beds and also prevents hospital admission by offering intensive rehabilitation and assessment

"Helped me back to independence. Helped me back to quality of life. First class, a big thank you to all concerned. I'm very grateful"

- Feedback Forms demonstrated that:
- - **23 out of 23 respondents stated that they felt fully involved in decisions about their care and support**

Domiciliary Care provision is provided through Newport with approximately 30 independent providers operating in the city. Despite the relative stability within the market, recruitment remains an ongoing problem across the region. NCC Commissioners negotiate annual fees with providers that reflect the true cost of care to support the retention of a skilled and committed social care workforce.

The impact of the Coronavirus Pandemic on services will be evaluated throughout 2020. Immediate issues and threats to service delivery included

- shortages of PPE and hugely inflated costs
- concerns around service continuity if large numbers in the social care workforce became ill
- citizens concerns about having carers in their home leading to cancelled calls and escalating risks
- the long term financial stability of the sector

Mental Health

There is increasing pressure on mental health services and the Coronavirus Pandemic has created further immediate demand with an expectation that resources will continue to be challenged

At 31st March 2020 NCC has 8.5 Adult Mental Health Professionals (AMHP's) with 2 more staff members undertaking training.

Deprivation of Liberty Safeguards (DoLs)

Is the procedure prescribed in law when it is necessary to deprive a person of their liberty who lacks capacity to consent to the care that is required to keep them safe.

It requires Social Services to undertake a mental capacity and best interest assessment for each person where this applies

2019/20

- 377 DoLs assessments undertaken (102 more than last year)
- 344 on the waiting list at 31st March 2020 (201 less than last year)

A new model for authorising the Deprivation of Liberty for those receiving care was due to come into effect in 2020 but this has now been delayed until March 2022 – Liberty Protection Safeguards (LPS) are included in the Mental Capacity (Amendment) Act 2019 and will place additional responsibilities onto Local Authorities.

NCC commissions a service from **Mind** that offers support to prevent a deterioration in mental health. The service offers practical advice and signposting to other agencies and self management courses to help with stress and anxiety.

During the lockdown Mind have undertaken active monitoring with their service users. Groups have continued to run via Zoom and activity packs and food parcels have been delivered.

Growing Space as an NCC commissioned mental health service provider has also kept services running throughout lockdown with zoom calls and outreach visits to monitor well being and offer ongoing practical support.

Priorities for 2020/21

- Reablement – review patient information to improve understanding of the service
- Reablement – to develop a specialist dementia service with links to the memory clinic and older persons mental health teams
- To complete the work already started around increasing placement capacity for children within the city (Rosedale & Windmill Farm)
- To continue to increase capacity within the in-house foster care service, improve training and support for carers and reduce pressure on external foster and/or residential placements
- To fully implement the MyST service to support children with complex needs and their Foster carers.
- To continue to offer support to children who are looked after in partnership with Barnardo's to prevent placement breakdown.
- To continue to develop discharge pathways to ensure people are supported to leave hospital as soon as possible with an appropriate package of care that supports continued independence
- To continue to identify and support carers.
- To ensure our staff are sufficiently trained and prepared for the introduction of the Mental Capacity (Amendment) Act 2019.
- To work with our mental health partners in both the statutory and independent sector to establish a clear pathway into preventative services.
- To continue to support the health and social care sector through the Career College Consortium

Quality Standard 3 – Taking Steps to Protect & Safeguard People from Abuse, Neglect or Harm

Safeguarding vulnerable children, young people and adults will continue to be a priority.

A full report on Corporate Safeguarding was due to be presented to Scrutiny in March 2020. It was delayed due to the Coronavirus Pandemic but is available on the Council's website. Safeguarding is intrinsically embedded within the Well

Being of Future Generations Act 2015, with the requirement for public bodies to ensure citizens are safe. The Social Services and Well Being Act strengthens the safeguarding and protection of both adults and children.

Safeguarding children, young people and vulnerable adults is a corporate priority and Newport is an active member of each of the two Regional Safeguarding Boards that have amalgamated under the umbrella of "Gwent Safeguarding".

Newport Officers are also part of the regional Violence against Women Domestic Abuse and Sexual Violence Partnership Board and the regional Adult & Children's Safeguarding Boards.

99.9% of adult protection enquiries were completed within 7 days against a Welsh Government target of **95%**

The Regional IDVA (Independent Domestic Abuse Advisor) team has continues to provide an IDVA service for Newport citizens at high risk of domestic abuse. The IDVA regional Manager is employed by Newport City Council (funded by the Police and Crime Commissioner's office) and based within the Regional VAWDASV Team (Violence Against Women, Domestic Abuse and Sexual Violence).

The VAWDASV Team operate on a regional basis to develop and implement the Welsh Government's legislation across all relevant public services. This ensures that workplace policies are developed; that the National Training Framework (NTF) is operational for all staff; and the 'Ask and Act' Welsh Government mandated training continues to be rolled out to all front line staff so that they can recognise signs of domestic abuse.

All employees complete basic VAWDASV level 1 e-learning as part of the NCC induction process. All employees are expected to report any concerns or suspicions they have for children or adults at risk of harm or abuse.

Development of mandatory safeguarding training will be rolled out in the latter part of 20/21 (delayed due to Coronavirus Pandemic measures)

We closely monitor services that we commission to ensure safeguarding policies are in place and staff are appropriately trained.

The Children's review team in Newport have 2 distinct roles:

- Chair of Child Protection Conferences for children who are deemed at risk of significant harm
- Act as Independent Reviewing Officers to ensure children's care plans are appropriate to the child needs.

The Regional Deprivation of Liberty (DoLs) assessment service (managed by Health) continues to struggle with the demand and high referral rate across the region. The DoLs legislation will be changed to Liberty Protection Safeguards, this has been delayed and will be implemented in April 2022. This will pose significant

challenge for the Council to ensure all practitioners are trained and new processes in place.

The success of the Newport adult and children Safeguarding HUB (based in the Civic centre) continues and has expanded to include additional services (specifically for children). *Open Closed Doors* (focus on domestic abuse) and also the *Early Intervention Together* programme ensure that all referrals to statutory children's services where there is no statutory role are provided an effective support pathway. Both of these programmes are for 12 months with external funding. The other service that was developed within the Safeguarding Hub is 'ENCOMPASS' which ensures schools are aware of any domestic incidents that may impact the child in education in a timely manner.

The Council have continued to roll out the safeguarding Champions across the whole Council and have a schedule of meetings to raise awareness about all safeguarding aspects for each service area, from safe recruitment, safeguarding training and wider safeguarding requirements.

Safeguarding vulnerable children, young people and adults will continue to be a corporate priority.

Achievements 19/20

1. An e-learning safeguarding module for all Members, Officers and volunteers is now in place
2. The safeguarding champion's cohort can work with volunteers
3. Proposals have been developed for partner agencies to consider next steps in relation to the Safeguarding Hub pilot
4. A child exploitation strategy and toolkit for Newport is in place and is embedded into core child protection work.
5. The new Wales safeguarding procedures and protocols are embedded in practice

Priorities for 20/21

1. To develop a Corporate Safeguarding self assessment tool for all areas
2. Develop a register of chaperones and volunteers
3. Safeguarding champions to take on domestic abuse role within service area for employees
4. Develop Corporate training map for safeguarding

Quality Standard 4 – Encouraging & Supporting People to learn, develop and participate in society

Supporting children who are looked after and young people leaving care to reach their full potential and achieve positive outcomes is a key priority for Children's Services. Targeted support is provided to children and young people at key stages in their education. In addition, tuition and extra-curricular activities are funded to provide further support.

The Career College Consortium (previously known as the Gwent Care Academy) is a regional initiative that seeks to encourage recruitment and retention within the social care workforce. The Consortium will seek to increase the status of the workforce and help agencies to manage costs by enabling employees to passport their qualifications within the sector.

Partners include:

- Coleg Gwent
- ABUHB
- Local Authorities
- Care Forum Wales
- Regional employability projects
- Mirus (as a provider representative)

Career College Consortium Main Objectives

- To create a seamless pathway from college into health and social care creating a skilled and compassionate workforce that meets sector requirements.
- Develop relationships between key stakeholders so a holistic, integrated approach to qualification and recruitment can be developed.
- Add value to current courses while developing new, innovative courses that meet the future recruitment needs of the sector.
- To create more opportunities for work experience placements/internships across the sector

NB: Due to the Coronavirus Pandemic there has been a reduction in the numbers of placements offered by employers. The impact of this will be assessed during 20/21

Career College Consortium Achievements 2019/20

307 full time level 3 Health & Social Care students

137 full time level 2 Health & Social Care students

The Council has an apprenticeship scheme –

- Social Services hosted **2 placements** in 2019/20 in residential services.

There are a range of options and information sources to help people achieve the things that matter to them. The Community Connectors have supported

established groups by referring new members and set up new groups because of their knowledge of unmet need.

“The Connectors assisted me with housing solutions, benefits checks and social groups to meet exciting new friends”

The Community Connectors developed a database of activities across the City. This information has now been transferred to DEWIS so that people can access the information for themselves 24 hours a day, 7 days a week.

- **27 community groups** were assisted by the Connectors in 2019/20

Newport City Council is committed to makes the city’s dementia-friendly status real by introducing dementia-friendly work practices across the Council and creating dementia-friendly toolkits for local businesses to ensure people with dementia are not socially excluded.

NCC Corporate Plan 2017-2022:

“We will use best practice materials from the Alzheimer’s Society and elsewhere to create a simple toolkit and online training module for staff and businesses to use”

During 2019/20

- **62 Dementia Friends awareness sessions** were completed in the City
- **1018** People became **Dementia Friends**
- **8** people trained as **Dementia Champions**
- Regionally there are over 8000 Dementia Friends

Volunteering Matters provide training to Newport citizens who want to offer their time to help others in the community. Volunteers are matched with citizens who require help with daily activities.

In March 2020 adult services established a contract with Volunteering Matters to specifically address the needs of the community for low level support during the Coronavirus Pandemic.

- NCC, in partnership with Volunteering Matters established a range of essential support services such as shopping, medication/prescription collection and other activities such as dog walking for those shielding or with caring responsibilities who were unable to access normal respite provision due to the National lockdown.
- At the time of writing the service has been expanded to offer telephone befriending to those who are experiencing social isolation as a consequence of ongoing Coronavirus restrictions.

NCC provides funding and works in partnership with **Growing Space** who offer accredited training programmes for people recovering from **mental ill health**.

The service is based at Tredegar Park in Newport where they have established a gardening project and a shop selling plants and handcrafted items, offering participants horticultural, organisational and retail experience.

Other activities available include arts and photography, cookery and independent living skills, confidence building and stress management courses.

Priorities for 2020/21

- To continue to identify and source additional educational support for children who are looked after to improve choices for work experience, training, apprenticeships and wider employment options
- To develop a full range of services for carers based on consultation and engagement through the Newport Carers Network.
- To ensure early identification of young carers and the provision of appropriate support in partnership with Health, Education and our delivery partner, Barnardo's.
- Continue to support and develop DEWIS & other information sources to encourage self-reliance and maximise opportunities for engagement in community based activities.
- To work with our mental health providers to ensure the continued availability of preventative and rehabilitative services.

Quality Standard 5 – Supporting people to safely develop and maintain healthy domestic, family and personal relationships

NCC supports children to feel they can make decisions for themselves and maintain important relationships. It is recognised that people having fulfilling relationships with those they are close to is really important for their well-being.

Children who are looked after maintain contact with their families through facilitated sessions. Our strategic partner Barnardo's, provide support to existing placements and prevent relationship breakdown

NCC Corporate Plan 2017-2022:

"We will improve placement stability, including achieving permanence for % (up from 75%) and reducing the number of children accessing more than three placements to 5%"

In 2019/20, **11.84%** of children who are looked after experienced three or more placements. This represents a reduction of 3% when compared to last year's figure of 15.63 (target 9%).

In 2019/20 the number of children returned home from care was **9.35% against a target of 13%** - this is a measure with a number of elements out of the control of the Local Authority.

NB: Children are regularly reviewed and their individual circumstances assessed to ensure the most appropriate service is provided.

These figures must also be viewed in the context of the evidenced increase in activity within Childrens services in 2019/20 that reflects the National trend.

Barnardo's currently deliver an **Integrated Family Support Service** in partnership with NCC.

The partnership has developed innovative approaches to prevent children coming into care that were established in 2019/20

Family Group Conferencing Service. (FGC)

Family Group Conferencing encourages families to find their own solutions with appropriate support. The aim is to build resilience, develop problem-solving skills and reduce dependency on statutory provision.

- **During 2019/20 there were 52 Family Group Conferences**
- **60% of families reduced risks following FGC engagement**
- **22% reduction in Looked After numbers following FGC engagement**

Funding has been made available until 2022 for FGC based on the early evidence gathered that substantiates a high level of success

Baby & Me Service

The Baby & Me service went live in November 2019 and works with pregnant women whose children are at risk of being removed. The service includes a Social Worker, Midwife and Health Visitor.

Newport is the first Local Authority in Wales to develop this service and it has recently been highlighted as one of the leading models to reduce the numbers of new born babies coming into care.

An evaluation of the service by 'Research in Practice' has just begun which will demonstrate the impact of this service.

Build A Girl Project

On 11th March 2020 Children's Services hosted an event for **20 young people** or who are at risk or have experienced sexual/criminal exploitation. The event was called Build a Girl project and was founded by Fiona Broadfoot who is a survivor of child sexual exploitation.

The project provides a safe and therapeutic environment for girls and young women to 'build a unique self' by raising aspirations and self esteem and empowering them to make safe choices and have healthy relationships.

"I know now why my sister did not leave her abusive boyfriend

We recognise that, where possible, children who are looked after need to be close to their communities and social networks.

Family and Friend Team The Family and Friends Team was established in early 2019 utilising Intermediate Care Funding. This team aims to enable kinship Foster Carers to become Special Guardians thereby reducing the number of children on care orders

Rose Cottage, the new residential children's home developed by NCC has enabled four children placed out-of-county the opportunity to return to the city.

Respite offers an important opportunity for family members to have time for themselves and Newport offers residential respite services for adults and children.

Residential respite for adults with disabilities is available at the **Centrica Lodge** in the Gaer area of the city. Occupancy levels have improved since the building was refurbished as the internal lift has made it more accessible.

Oaklands residential respite centre for disabled children was fully refurbished with ICF capital funding in 2019 and continues to offer a valued service to Newport citizens

The below quote is from a Social Worker

"Children have made significant progression whilst at Oaklands which is credit not only to them but also to the staff.

Carers were able to access a sitting service from the Pobl Group during 2019/20. This provides time out from the caring role and helps to maintain positive family/carer relationships.

- **187 people** used the sitting service in 2019/20

Shared Lives offers shorter periods of respite to enable carers to have a break in addition to long-term placements. It gives people the opportunity to experience living in more homely, family-based support settings within communities, rather than in residential care settings. The service is managed regionally with Caerphilly County Borough Council as the host

- At the end of 2019/20, there were **41 people** from Newport in long-term placements.”

Shared Lives continues to offer services to meet the diverse needs of older people, adults with learning disabilities, physical disabilities, and people with mental health support needs.

New Shared Lives services were developed during 2019/20

- **Mental Health Crisis Project** offering short term placements for those who require temporary additional support
- **Dementia Project** offering short term specialist placements for those with a diagnosis of dementia

NCC provides day services at Brynglas House for people with profound and multiple learning disabilities, those recovering from mental ill health and older people.

At the time of writing the NCC day services have been suspended as a result of the Coronavirus Pandemic. Support is being maintained with families to monitor health and well being.

Relationships can also be harmful and as outlined under Quality Standard 3, work is carried out through the Safeguarding Boards and Regional services such as IDVA and VAWDASV to support and protect those who are at risk of harm.

Priorities for 2020/21

- To further develop the preventions work in Children’s Services to support families, placements and develop sustainable alternatives to care;
- To recruit more Foster Carers to meet increasing demand;
- To source more residential placements in Newport to meet increasing demand;
- To review the impact of the additional involvement of the Commissioning team in Children’s Services / Education contractual activity;
- To increase the number of carers we engage with to ensure the right support is available;
- To review the domiciliary care service for children with disabilities;

- To review the wider day services provision for mental health, learning disabilities and older people to ensure they continue to meet the needs of the community;
- To continue to educate and inform people about the dangers of unsafe relationships and support those at risk of harm.

Quality Standard 6 – Working with and supporting people to achieve greater economic well-being, have a social life and live in suitable accommodation that meets their needs.

As outlined in Quality Standard 4, Children’s Services support children and young people to access education and training and provide individualised additional support where necessary.

In 2019/20

- **15.8%** of young people were in education, training or employment **12 months after leaving care.**
- **48.48** of young people were in education, training or employment **24 months after leaving care.**

NB – Historically, the figure increases at 24 months. These measures have now been removed from the Welsh Government Performance Framework and replaced by a new measure that records those engaged in ETE for a consecutive 3 month period

NCC wants to do better and the Corporate Plan sets out a commitment to be achieved by 2022.

NCC Corporate Plan 2017-2022:
“We will ensure that 85% of care leavers enter employment, education or training.”

The incidence of homelessness in Newport for young people was not recorded in 2019/20. The Welsh Government suspended the requirement for this report due to the Coronavirus Pandemic. This measure is included in the new WG Performance Framework and will be reported in the future

NCC works with Registered Social Landlords (RSLs) and the Housing Department to ensure we can provide an appropriate response to young people facing homelessness. We have access to supported accommodation and lodgings for young people who need extra help during the transition from care to independent living and are currently working with a private landlord to increase the accommodation and support options available.

- Along with the residential children's homes, all of the 16+ accommodation is now overseen by a single service manager with a team manager structure. All accommodation has been reviewed.
- Additional properties have been negotiated for unaccompanied asylum seeking children aged 16+.
- The pathway for young homeless people has been revised and simplified. The process is now clearer and ensures those picking up this work fully understand the needs of the young people and steps required to support them.

Disabled Facilities Grants (DFG's) are available to citizens to make their homes safe and enable them to remain independent

In 2019/20

- **135 DFG's** were completed - ramps, stairlifts, and accessible showers to enable people to remain safe and independent. The total spend was £1,092,123.
- **1130 Safety at Home Grants** were allocated with a total spend of £374,931
- A further £211,320 was unspent but committed so will continue into 2020/21

NCC has 3 residential homes, offering 94 beds for older people and those with specialist dementia care needs. Parklands offers 15 specialist support for those who are ready to be discharged from hospital but who need support to return to independent living.

NCC Corporate Plan 2017-2022:

"We will develop our internal Care Homes and day opportunities to specialise in Dementia care"

NCC works proactively with the Aneurin Bevan University Health Board (ABUHB) and with 20 Independent Residential and Nursing home providers in the City to ensure citizens and their families are able to choose where they live when they can no longer remain at home.

At the end of 2019/20 Newport was badly affected by the virus and the impact on care home settings was significant and devastating for residents families and the staff.

The ongoing work with care homes includes the continued distribution of PPE and the allocation of additional funding from Welsh Government.

Close partnerships have been forged between Commissioning Teams, Environmental Health, Public Health Wales and ABUHB in order to provide support and guidance to providers, to ensure service continuity for citizens and to ensure oversight of the regional position.

Housing Support Grant (formerly Supporting People)

2019/20 was the first year of a two-year transition period from the Supporting People Programme to the new to Housing Support Grant Programme.

The programme offers support to help access, maintain appropriate accommodation, and provide stability. These services help to prevent crisis, keep people safe, prevent homelessness and reduce the need for more expensive accommodation options.

During 19/20 the Supporting People Team received over **3,000 new referrals**, approximately **57 per week**, an increase of 300 on last year's figure.

A total of **5,000 people** were supported during the 12 month reporting period. The number of people with presenting complex/multiple needs continues to increase year-on-year.

Over **£6.3m of Housing Support Grant** funding is invested in a wide range of accommodation-based and community support services for Newport citizens.

Housing Support grant is used to fund an in-house **Financial Inclusion Team** comprising one full-time and one part-time support worker who, in 2019/20, increased annualised income for vulnerable citizens by over **£500,000**.

This total was achieved by maximising welfare benefits and grants and facilitating debt write offs.

In addition, a Housing Support Worker is located in the First Contact Team to offer specialist IAA (information, advice and assistance) to citizens and to refer them directly into the established Housing Support Gateway that is the conduit for assessment and onward referral to all Housing Grant funded services that operate across the city.

Age Cymru Gwent's 55+ floating support scheme supported **250 people** in 2019/20 with 175 new referrals coming onto the service. This service provides housing related support to people living in both public and private housing in Newport and signposts to other community services.

Housing Support Grant Achievements in 2019/20

- A new supported housing scheme comprising 8 self-contained flats for women and children with complex needs who need accommodation as a result of domestic abuse opened in December 2019.

- This was a partnership project with Torfaen and Caerphilly. Newport funded two units.
- By 31st March 2020 **3 Newport families** had been supported in the scheme.

The Citizens Advice Bureau offer financial advice and assistance to citizens have recorded gains of over £1.5m for people in receipt of benefits since the contract started in 2016.

NCC has developed an Independent Living Strategy to identify the future accommodation needs for adults with Learning Disabilities. The document has been shared with our Registered Social Landlord partners (RSLs) and identifies the need for more self-contained accommodation as traditional group living arrangements become less popular.

A specialist Learning Disability Occupational Therapist was employed by NCC in 2019/20 through the Intermediate Care Fund. The OT works with young adults to as they enter into adulthood. These skills provide the young people with the ability to choose independent living solutions.

- The Transitions OT worked with **22 young people** in 2019/20

Priorities for 2020/21

- Continue to work with the RSL's to develop sustainable accommodation options for all client groups
- To continue to develop innovative services for people with dementia
- To continue to support Newport citizens of all ages to manage their own tenancies and maintain their independence through services funded by the Housing Support Grant
- To improve the support available to care leavers in order to address homelessness and assist in the transition to education, training and employment;
- Increase the range of accommodation and support options available for young people leaving care.

5. How We Do What We Do

Our workforce and how we support their professional roles

The workforce is a dynamically changing asset that supports service delivery to some of the most vulnerable people in the city. NCC faces many challenges, not least as a result of complex social issues associated with city centre living.

Under Part 9 of the Social Services and Well-being (Wales) Act 2014, regional finance, governance and workforce priorities for action are agreed through the Regional Workforce Development Board and reflect alignment to Social Care Wales' National Priorities in partnership with transformation and health services.

**The Social Care Wales Workforce development Programme (SCWWDP)
Board regionally agreed priorities for 2019/20 are as follows:**

- Support the continued implementation of the Regulation and Inspection of Social Care (Wales) Act.
- Support the training, development and qualification of social care managers.
- Support the ongoing development of approaches to outcome-focused care and support practice.
- Support for both Social Work qualifying training and post qualifying training in Wales.
- Support frontline social care workers to develop their skills overall in relation to social care, and the revised induction framework.
- Enable the workforce to meet regulatory requirements for qualification and/or registration using guidance available in the Qualification Framework.
- Provide learning and development to equip the workforce to work effectively alongside carers.

Local Key achievements in 2019-20 include:

- More than 350 generic/ non-qualifying courses of core learning and development opportunities, delivered across the sector.
- 4276 course places offered
- Social Work Qualifying Training –**Six** trainee SW students from NCC workforce with 2 qualifying.
- 36 Social Work Practice Learning Opportunities undertaken in partnership with four universities and 30 teams /placements during the new academic year
- 37 Post Qualifying Social work programmes with 11 qualifying
- 16 accredited vocational and academic management based courses
- 18 Best Interest Assessor places supported (working with 6 SW LA partners)
- Qualification Assessment Centre – 85 Vocational learning programmes of QCF based qualifications with Newport Assessment Centre and contribution to national qualification development

- Implementation of the new All Wales Induction Framework, and introduction of the new CORE qualification.
- Support of regional initiatives with partners including Social Care Wales.
- Emergency training support for the sector/ Covid related resources

NB: It is difficult to estimate the true impact of Covid-19 on additional progress that may have been achieved by the end of 2019/20.

Gwent, the early epicentre, had to respond earlier than some other regions. Regional projects came to a halt, planned engagement cancelled, and programmes of learning completely disrupted.

SCWWDP had to urgently respond to the advancing army of volunteers and redeployed LA staff to meet essential care training needs.

Training schedules and programmes included opportunities to support skills development e.g. supervision, motivation, time management, mindfulness, coaching.

6. Financial Resources & How We Plan for the Future

During 2019/20, the Council has managed its overall revenue position within budget. The revenue outturn shows an underspend of £2,062k prior to the approval of new reserve transfers requested by service areas, leaving a remaining underspend of £1,807k. Excluding schools, this represents a less than 1% variance against net budget.

The Council has faced some unexpected costs during the last part of the financial year and it is fortunate that these have been able to be accommodated within the overall budget. This is not solely due to the reduced levels of overspending in service areas but because of the one off grant funding received by social care late in the financial year.

Whilst this position is positive there are 3 main areas of budget pressures that have been highlighted throughout the year. Whilst the overspending is significant within these three key areas, the position would have been worse had the areas not received unexpected grant income during the year. The next few paragraphs highlight the key underlying issues had the grant income not been received:

Overall outturn was £1.8m overspend for both areas. Final spend of £72.979m (£47.3m Adults and £25.7m childrens)

- Adults social care - community care – £955k overspend (underlying position exc. unexpected / one-off grants - £1,146k overspend)
- Children's independent fostering – £598k overspend
- Children's out of area placements – £553k overspend (underlying position exc. unexpected/ one-off grants - £742k overspend)

These three areas alone contribute £2.1m to the service area overspend (£2.5m exc. unexpected / one-off grants). As the outturn for social care is lower overall, at c£1.8m, there are areas of underspending that mitigate the £2.1m of overspending shown above. This mitigation is predominantly savings against staff budgets. Children's reported staff savings of c£300k.

Within Children's there is significant financial pressure due to out of authority placement costs. This is a trend replicated in many other local authorities and identified as an area of increasing demand and cost nationally. The alternative residential services project is progressing well which should in time reduce the reliance on external provision. Newport will continue to monitor this in 2020/21.

The Adult Services budget also faces significant pressure due to increased demand. Adults are living longer with more complex conditions and these result in an increase in residential and supported living care packages which are more expensive than non-residential care alternatives. Inflationary increases on care packages continues to place pressure on service budgets.

The council is working collaboratively with regional partners to maximise the use of regional resources to develop services within Newport.

The annual budget in 2019/20 for social services was £71.2m. There is a well-developed financial management process in place across service areas that enables the identification and management of budget risks. This process supports medium term financial planning, ensuring that all relevant factors can be considered when budgets are set.

7. Partnership Working, Political and Corporate Leadership, Governance & Accountability

The features of partnership working have become more deeply embedded in the activities of both Children's and Adults with Heads of Service, the Strategic Director and Cabinet Member regularly engaged. NCC is a very active participant in the Regional Partnership Board.

Bids have, and will continue to be, made successfully to the WG Transformation Fund and the Integrated Care Fund, both capital and revenue. The former is a key mechanism for prompting and facilitating integrated working. The Newport Integrated Partnership (NIP), incorporating the third sector, ABUHB, Housing Associations and NCC continues to be the group that determines and drives the practical implementation of any regional approach to integration. The NCC Strategic Director is joint Chair of the NIP.

The Cabinet Member, Cllr Cockeram, is very active within the Partnership Board, numerous service user groups and at all opportunities with the Minister. In addition, Cllr Cockeram provides significant challenge to NCC officers.

The Cabinet Member, along with the Strategic Director and Heads of Service, regularly attend scrutiny. Cllr Cockeram presents reports on social services

matters to Cabinet and responds to questions from Cabinet colleagues in addition to his appropriate provision of social services context within Cabinet discussion.

Heads of Service regularly brief the Corporate Management Team (CMT) on social services matters with safeguarding and Domestic Homicide, Child Practice and Adult Practice Reviews standard items on the CMT agenda. Safeguarding is a standard item on the agenda of the Senior Leadership Team (SLT), chaired by the Chief Executive. There are monthly reviews – at the least – of the service finances involving the Senior Finance Partner with the Heads of Service and again with the Strategic Director. Budget proposals and annual budget determination follow the NCC budget setting process with Heads of Service discussing these in detail with the SLT before the proposals are considered by the Cabinet Member and then by the Cabinet. Complementing the above there are clear lines of decision making and accountability to the Heads of Service and onward to the statutory Director of Social Services, the Strategic Director with the Cabinet Member providing the strategic direction.

November 2020

Chris Humphrey

Director of Social Services



Glossary of Terms

ABUHB	Aneurin Bevan University Health Board
AMHP	Approved Mental Health Professional
BAME	Black and Minority Ethnic
CIW	Care Inspectorate Wales
CSE	Child Sexual Exploitation
DFG's	Disabled Facilities Grants
DOLS	Deprivation of Liberty Safeguards
DTOC	Delayed Transfer of Care
IAA	Information, Advice and Assistance Service
IDVA's	Independent Domestic Abuse Advisors

LAC	Looked after Children
NCC	Newport City Council
NFF	National Fostering Framework
NSP	Newport Support Partnership
OT	Occupational Therapy/Therapist
PSOW	Public Services Ombudsman for Wales
RISCA	Regulation and Inspection of Social Care legislation
RSL's	Registered Social Landlords
SCWWDP	Social Care Wales Workforce Development Programme
UASCA	Unaccompanied Asylum Seeker Children
VAWDASV	Violence against women, domestic abuse and violence Team
WCCIS	Welsh Community Care & Information System
WG	Welsh Government
YJS	Youth Justice Service

Mae'r dudalen hon yn wag yn

Report

Council

Part 1

Date: 26 January 2021

Subject **Licensing Act 2003: Revised Statement of Licensing Policy**

Purpose To seek approval and adoption of the revised Statement of Licensing Act Policy 2021.

Author Alastair Dearling

Ward All wards

Summary The 2003 Act required the Council to prepare and publish a Statement of Licensing Policy before carrying out any function in respect of individual licence applications made under the 2003 Act. Additionally, the Act requires the Council to revise and republish the Policy at 5 yearly intervals. The current SLP is effective for the period Jan 2016 - 2021 and the Council is therefore required to revise and republish the Statement of Licensing Policy no later than end of January 2021. Statutory and non-statutory consultation must also take place prior to the Policy being finally determined by the Council, this consultation took place from the 21st September 2020 until 30th October 2020. The current policy has proved to be entirely satisfactory since its adoption any much of the core policy remains though the major change in the policy is the removal of the Cumulative Impact Policy in Newport City Centre.

Proposal **Select this text and type in proposal**

Action by Head of Law and Regulation

Timetable Immediate

Signed

Background

1. Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2003 Act. During the five year period, the policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.
2. The Guidance issued under the Licensing Act states that before determining its policy for any five-year period, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:
 - the chief officer of police for the area;
 - the fire authority for the area;
 - persons/bodies representative of local holders of premises licences;
 - persons/bodies representative of local holders of club premises certificates;
 - persons/bodies representative of local holders of personal licences; and
 - persons/bodies representative of businesses and residents in its area.
3. The policy must be endorsed and approved by full Council prior to its coming into force by end of January 2021.
4. The Current policy has been in operation for just over 4 years and it has proved extremely satisfactory and has guided applicants, officers, and more importantly, the Licensing Committee, in the consideration and determination of applications. Though the policy has changed over the last 15 years the core of the policy still reflects the Council original policy brought into force in 2004.
5. The Authority must have regard to the Home Office Guidance issued under section 182 of the Licensing Act when making and publishing its policy. Departure from this Guidance issued by the Home Office could give rise to an appeal or judicial review.
6. A review of the policy was conducted with members of the Gwent Licensing Forum, which consists of Council Licensing Officers, Police Licensing Officers and a Public Health Officer covering the areas of Monmouthshire, Torfaen, Caerphilly, Blaenau Gwent and Newport. The proposed policy has been endorsed by the Gwent Licensing Forum with the aim of all five Authorities adopting the policy in 2020 or the start 2021, with only minor differences.
7. The revision of the policy highlighted in red (Appendix A), has taken into account any legal changes and integrating strategies that have been amended in last 5 years. The Policy also provides an update of the implications of Alcohol and Drug Harm within Newport provided by Public Health. This in turn will highlight the need for licensee to put measures in place and to work in partnership with Statutory Officers under the Act. Guidance is given within the Policy on best practice for the following:
 - Prevention of Crime and Disorder, which includes CCTV, security, drug and weapon policies, use of toughened glass, underage schemes and prevention of sexual exploitation, modern slavery and human trafficking.
 - Prevention of Public Nuisance, which includes working with partners such as Environmental Health and referral to Welsh Government's Noise and Soundscape Action Plan 2018-2023.
 - Public Safety, which includes advice on risk assessments and control measures
 - Protection of Children from Harm, this includes safeguarding advice and underage sales.

8. Cumulative Impact Assessment – Newport City Centre

One of the major changes to the previous policy adopted in 2015 is the proposal to remove the Cumulative Impact Policy in Newport City Centre. In April 2018, Section 141 of the Policing and Crime Act 2018 made changes to the Licensing Act 2003, which requires all Authorities to carry out a Cumulative Impact Assessment (CIA) to the area they propose to have special measures put in place. The Authority must give reasons why they are considering a CIA, what part(s) they are considering a CIA and whether it considers a CIA applies to all licences or those of a particular kind.

As such, the Authority cannot have a cumulative impact policy, as previously adopted, but must instead conduct a thorough assessment if a CIA is to be introduced. It must be reviewed at least every three years and when being reviewed should not be reintroduced unless justified, currently there is no evidence that CIA is warranted, specifically as a city we wish to see growth in redevelopment within the city centre. However, having regard to the levels of crime and disorder and public nuisance within Newport City Centre there is still evidence that the promotion of the licensing objectives within an identified area of Newport City Centre is being undermined as a consequence of the operation of licensed premises in the area.

The licensing authority considers that although the levels of problems do not currently justify the implementation / renewing of a cumulative impact area, the area is of a concern and will be kept under very close review.

Therefore, in retracting the historic Cumulative Impact area the Council has determined to adopt a Special Policy for the City Centre which shall be known as the “City Centre Stress Area”; that can found within the draft policy. The City Centre Stress area stipulates:

The licensing authority recognises there are a number of existing measures available that are relevant to tackling unlawful and anti-social behaviour associated with licensed premises, including:

- Planning controls
- Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- The confiscation of alcohol from adults and children in designated areas
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issue of fixed penalty notices
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale) – Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a disturbance.
- Robust conditions on the licence promoting the four licensing objectives.
- The power of the police, or other responsible authorities or any person to seek a review of the licence or certificate.
- Regular monthly Responsible Authority meetings, for interested parties to comment on, and providing an action plan, when dealing with problematic premises and areas.

Newport Stress Area(s)

However, having regard to the levels of crime and disorder and public nuisance within Newport City Centre there is still evidence that the promotion of the licensing objectives within an identified area of Newport City Centre is being undermined as a consequence of the operation of licensed premises in the area.

The licensing authority considers that although the levels of problems do not currently justify the implementation / renewing of a cumulative impact area, the area is of a concern and will be kept under very close review.

Therefore, in retracting the historic **Cumulative** Impact area the Council has determined to adopt a Special Policy for the City Centre which shall be known as the "City Centre Stress Area"; this area is identified on a map in Appendix A of the draft Licensing Policy.

The Licensing authority does not wish to see an increase in antisocial behaviour or for premises to undermined the Licensing Objectives, however the authority does wish to diversify the night-time economy and continue to regenerate the city centre. The Council aim is to promote an 'inclusive' evening and night-time economy throughout the city to ensure people of all ages can participate in and enjoy a range of activities through a diverse array of licensed premises, not simply focused on the consumption of alcohol.

Where an application is located within a Special Policy Stress area, all parties are expected to have due regard to it. The licensing authority's discretion to determine the application shall be engaged upon the receipt of relevant representations and the respective Special Policy shall be the starting point when doing so.

No Special Policy is absolute and the licensing authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the Special Policy. Where no representations are received for an application within a Special Policy area, the application will be granted as applied for. Applicants are expected to demonstrate a full understanding of the Policy; how the Policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the Policy.

New and variation applications for premises and club premises certificates within the "City Centre Stress" area will not be subject to the presumption of refusal, but operators will be expected to pay very special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. It is strongly recommended to discuss the application with the Licensing Authority before submitting an application.

On receipt of any application in the City Centre Stress area, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules.

The adoption of Stress area(s) policy takes into consideration: paragraph 10.13 of the Government's statutory Guidance, which recognises that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas and that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.

With the above in mind, the following approach for new licences and material variations, where relevant representations have been made, shall be taken:

Type of Premises	Alcohol Licensing Hours / Other Licensing Activities
Restaurant	Alcohol Licensing Hours 07:00- 00:30hrs Other Licensing Activities 08:00- 00:30hrs
Café	Alcohol Licensing Hours 07:00- 00:30hrs Other Licensing Activities Midnight 08:00- 00:30hrs
Late Night Takeaways / Fast Food Outlet.	Late Night Refreshment Sunday- Thursday 23:00-2:30am Friday- Saturday 23:00-03:00am
Night Club / Sexual Entertainment Venue	Alcohol Licensing Hours Sunday-Thursday 07:00- 3:00am Friday-Saturday 07:00-3.30am Other Licensing Activities Sunday-Thursday 08:00- 3:30 am Friday-Saturday 08:00- 4:00am (Additional Measures last entry to Night Club / Sexual Entertainment 2:00am)
Pub / Bars	Alcohol Licensing Hours Sunday- Thursday 07:00-2:00 am Friday-Saturday 07:00-2:30am Other Licensing Activities Sunday –Thursday 08:00-2:00am Friday-Saturday 08:00-2:30am
Non-Alcohol lead This may include: <ul style="list-style-type: none"> • Cinemas • Theatres •Bowling alleys, hairdressers, florists • Art galleries. • Workplace Bar solely for use of employees of the premises 	In general, will be granted a licence in line with trading hours.
Hotel	Alcohol Licensing Hours 07:00-02:00am Or 24 hours to residents of hotel Other Licensing Activities 08:00- 02:00am

	Late Night Refreshment for residents of hotel 23:00hrs till 05:00hrs
Off Licence	Alcohol Licensing Hours 07:00-23:00pm
Members Clubs	Alcohol Licensing Hours 07:00-2:30am Other Licensing Activities 08:00-2:30am
Outdoor Events	Alcohol Licensing Hours 07:00-10:30pm Other Licensing Activities 08:00-23:00pm

It is imperative to stipulate No Special Policy is absolute and the licensing authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the Special Policy in light of the individual circumstances of the case. Though exceptions will only be made where the **applicant** proves that the grant would not harm the Licensing objectives.

Matters such as;

- longer hours will create slower dispersal;
- history of good management;
- Character of the applicant
- premises are well run;
- size of the proposal;
- alcohol is not sold;
- clientele are a cut above the usual;
- A neighbouring premises has longer hours;

Will not be considered exceptional circumstances and the policy is intended to be strictly applied.

Where no representations are received for an application within a Special Policy area, the application will be granted as applied for. Applicants are expected to demonstrate an understanding of the Policy; how the Policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the Policy.

Existing licensees who wish to materially alter and/or extend the premises to which the authorisation relates are required to seek a new authorisation. This is because the Act prohibits the use of a variation application to substantially alter the premises to which the authorisation relates.

Where the only change is to the physical extent or material layout of the premises themselves (i.e. in the absence of additional features such as change in style of operation, capacity etc) it is highly unlikely this would trigger the special policy, but of course this policy cannot restrict the right of any responsible authority or interested party to make relevant representations in that regard and if such are forthcoming they will be diligently considered. Where other change is envisaged then the presumption may arise. Applicants in such circumstances are entitled to seek a Provisional Statement.

9. Consultation

The consultation ran from the 21st September 2020 until the 30th October 2020, the authority received no comments regarding the revised policy.

Following this period of public consultation, the revised Statement was presented to the Licensing Committee on 15th December 2020, where upon it was agreed to recommend that Full Council adopt the draft policy but with the following amendments and recommendations.

The Licensing Committee recommended that a minor amendment be made to Section 11.2 & 11.7 of the draft policy; these amendments are highlighted in **Purple** in the policy.

The amendments expand on the importance for applicants to meet the public nuisance objectives specifically regarding litter, but also further expand on the recommendation for applicants to engage with local residents and communities when considering submitting an application.

The Committee also considered the significant impact that Covid 19 has had on both Licensing Trade and Night Time Economy and felt that the Policy should be monitored and the Licensing Manager should report back to the Committee in the first 3 to 6 months of the introduction of the Policy to ensure the Policy is having positive impact in light of current outbreak.

10. Financial Summary

The revision of the Statement of Licensing Policy is a statutory function. The costs in carrying out the revision, including the consultation process, will be covered by the Licensing Act 2003 fees. There will be no income generated by the revision of the policy.

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs (Income)					
Net Costs (Savings)					
Net Impact on Budget					

11. Risks

- (a) The Council in carrying out its function as Licensing Authority has a statutory duty to revise its Statement of Licensing Policy every 5 years. The next revision must be published and effective no later than January 2021. Prior to adoption of the policy by Council, statutory and non-statutory consultation is required and has highlight has taken place. If the Committee does not make a recommendation, the consultation cannot commence

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?
Policy will not be adopted by end of January 2021	H	L	The Licensing Committee will make a recommendation for policy to go out for consultation and make any recommendation after consultation prior to the revised policy being referred to full Council for adoption.	Licensing Manager
Due to current Covid 19 restrictions, the policy may be required to be revised in the future.	M	L	It is recognised that Covid 19, has a detrimental impact on the Licensing Industry. Thus meaning post Covid the policy may be required to be further revised. Despite the Policy required to be reviewed every 5 years it does not prevent the Licensing Authority reviewing its policy at any time within this 5 year period. In light of Covid 19 the Policy will be monitored to see if a further revision are required.	Licensing Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities 10 Ensuring that this work is completed as required by statute will support the following Council Policies and Strategies:

12. Ensuring that the Council follows best practice will support the following Council Policies & Strategies:

- Newport City Council's Corporate Plan 2017-2022 (Building on Success, Building a Better Newport)

Options Available

13. Having regard to the Council's statutory obligation to revise the Statement of Licensing Policy, the Council may decide:

(a) That the revised 2021 Statement of Licensing Policy under the Licensing Act 2003 (Appendix A) be adopted.

(b) To propose significant amendments to the revised Statement of Licensing Policy and then undertake a further 2 months' consultation. Whilst adopting the 2016-2021 policy whilst consultation takes place and report is brought back to full council.

Preferred Option and Why

14. The preferred option is 13(a): the revised policy builds on the previous Statement of Licensing Policy, but reflects the changes in legislation and guidance.

Comments of Chief Financial Officer

15. There will be no adverse financial impact in the adoption of the revised Statement of Licensing Act Policy 2021. Any costs associated with the consultation and implementation of the policy will be met from existing budgets.

Comments of Monitoring Officer

16. The Council has a statutory duty under Section 5 of the Licensing Act 2003 to review and republish its Statement of Licensing Policy every 5 years. Therefore, the current policy needs to be formally reviewed and republished by end January 2021. In accordance with the Act, the Council is required to consult with the Police and key stakeholders before revising the policy. The draft revision of the Policy has been the subject of extensive consultation with responsible authorities, licence holders and the general public and no adverse comments or objections have been received. Licensing Committee have also been consulted and they have suggested minor amendments, which have been incorporated within the revised Policy, to strengthen the provisions relating to public nuisance and engagement with local communities.
17. When formulating its Statement of Licensing Policy, the Council is also required to have due regard to statutory guidance issued by the Secretary of State under Section 182 of the 2003 Act. The draft revision reflects changes in legislation and statutory guidance since the last statement was published, with increased guidance on best practice for the prevention of crime and nuisance and protecting children from harm. However, for the most part the substantive policy remains broadly the same, as the current policy has provided an effective and satisfactory policy framework for the determination of licensing applications. The one significant change to the previous policy is in relation to cumulative impact assessments ("CIA"), in accordance with the requirements of section 141 of the Policing and Crime Act 2017. Section 141 provides that a licensing authority can only publish a CIA if it considers that the number of licensed premises in an area is such that the granting further licences would be inconsistent with its duty to promote the licensing objectives – because of the cumulative impact of the number of licensed premises in that designated area. Without this evidence, the Licensing Policy cannot automatically include a CIA, although the impact of numbers of licensed premises in the City Centre can be kept under review. The licensing authority must publish the evidence for its opinion before publishing any CIA. However, to reflect specific issues within the City Centre, the revised Statement of Licensing Policy will include different strategies for dealing with applications within the designated "City Centre Stress Area". These strategies are intended to provide a fair and consistent approach for determining licensing applications within this sensitive area of the City and reflect current issues regarding numbers of premises and public order. However, this strategy cannot be applied as a blanket policy, so as to fetter the discretion of the Council in determining applications where there are exceptional circumstances.
18. The Cabinet Member for Licensing and Regulation has agreed the revised policy and is recommending the policy to full Council for approval and adoption. Because the revised Statement of Licensing Policy is part of the Council's policy framework under the Constitution, it will need to be formally approved and adopted by full Council at its next meeting on 26th January 2021.

Comments of Head of People and Business Change

19. The report relates to the draft Statement of Licensing Policy and there are therefore no staffing implications. The draft Statement has been developed following consultation and in line with the 2003 Act and takes account of current policy and strategy

Comments of the Cabinet Member for Regulatory Functions

20. I am satisfied that the 2015 Statement of Licensing Policy has been revised appropriately and support the recommendation that Council adopts it.

Wellbeing of Future Generations (Wales) Act 2015

A prosperous Wales: Alcohol and entertainment along with late night refreshment can add a vibrancy and wealth to the County. However, we also need to consider the negative impact of alcohol related anti-social behavior. The policy concentrates on measures that are available through legislation, partnership working to deal with crime and disorder, prevention of public nuisance, public safety and protection of children from harm. These are the licensing objectives under the Licensing Act 2003.

A healthier Wales: The policy recognises the benefits of licensed venues for job opportunities and progression. But also looks at the problematic impacts of alcohol related illness, crime and fear of crime and also the health implications of nuisance, pollution and harm to children.

A Wales of cohesive communities: The policy addresses measures that can be taken by licensees and statutory partners to work towards a cohesive and attractive community and promoting the ethos of the Act to have a café culture.

A Wales of vibrant culture and thriving Welsh language: The policy provides guidance and advice, in order to achieve a positive contribution to the culture of our town centres and surrounding areas.

Background Papers

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003 – Home Office, dated April 2018

Newport City Council Well-being Plan <http://www.newport.gov.uk/oneNewport/Well-being-Plan/Well-being-Plan.aspx>

Appendix A

'Licensing Act 2003 Policy Statement 2021.

Mae'r dudalen hon yn wag yn



Licensing Act 2003 Draft Policy Statement 2020

Newport City Council

Further information can be obtained from:

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1. Introduction

- 1.1. The Licensing Act 2003 requires the Council, in fulfilling its role as the Licensing Authority, to publish a “Licensing Policy” that sets out the policies the council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This is that statement of policy prepared in accordance with the provisions of the 2003 Act and the latest version of Home Office Guidance issued under section 182 of the Act
- 1.2. Newport City Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. Throughout the document, the Council will be referred to as the Licensing Authority, where appropriate to prevent confusion between this role and the other functions carried out by the Council.
- 1.3. This policy sets out how applications for licences, which are required by the Licensing Act 2003, will be considered by the Licensing Authority
- 1.4. In developing this licensing policy, the advice of bodies such as Local Government (LG), the Welsh Local Government Association (WLGA) and various trade associations have been taken into account wherever possible. Where appropriate, the Policies of other Gwent authorities have also been taken into account, in order to achieve uniformity wherever possible and to help ensure the integration of the various policies over a wider geographical area. Other Corporate policies adopted by the Council have also been taken into account, and these will be referred to throughout this document as appropriate
- 1.5. The Equalities Act 2010 introduced measures to tackle discrimination encountered by disabled people in certain areas including employment, and access to goods, facilities and services. The applicant shall have regard to this legislation. However, the Licensing Authority will not use licensing to pursue such issues, other than where supported by legislation and accepted good practice
- 1.6. Newport City Council has a legal obligation to comply with all legislation that promotes equality it has a policy in place to promote equality to all. The Planning and Public Protection Service Area has its own equalities framework which is available for inspection on our website. Licensing of persons and premises under the Licensing Act 2003 will actively promote equality of service and enforcement to all members of the community
- 1.7. The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The Licensing Authority will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out
- 1.8. Each application will be considered on its individual merits, and in the light of this Policy
- 1.9. The Licensing Authority acknowledges that it may need to depart from this Policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in

consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded

- 1.10. The licensing policy will not seek to regulate matters which are provided for in any other legislation and will seek to complement such regimes e.g. planning, health and safety, employment rights, fire safety, etc
- 1.11. The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities in Newport throughout their opening hours and to promote live music, dance, theatre, etc. for the wider cultural benefit of the community
- 1.12. This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within five years of the date of this Policy, and will fully consult with partners, trade associations and residents groups as appropriate at that time, any representations received will be considered at that time. However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance
- 1.13. **This policy revision will take into account the following matters in its re-drafting.**
 - **The amendments to the Licensing Act 2003 made by:**
 - ❖ **The Police Reform and Social Responsibility Act 2011**
 - ❖ **The Live Music Act 2012**
 - ❖ **The Deregulation Act 2015**
 - ❖ **Statutory instruments laid**
 - ❖ **Revised Guidance issued under S182 of the Licensing Act 2003**
 - ❖ **Immigration**

2. Profile of the County

- 2.1 Newport is a multi-cultural city with its own unique atmosphere, where traditional industries sit alongside new electronics and financial service sectors. Standing at the gateway between England and Wales, Newport covers a geographical area of just over 73.5 square miles, with a population of 145,700 persons and is a vibrant, forward-thinking city steeped in a rich industrial heritage, dating from the nineteenth century when its important strategic location was first recognised. After losing some of its core industries, the city is successfully proving that it can re-establish and adapt itself as a centre of modern industry and commerce.
- 2.2 The face of Newport is changing dramatically with a number of exciting new developments underway. Completed projects and investments have already delivered huge transformation for the city including a world class university campus, state of the art business premises, a new railway station, revamped market, new bus station, iconic architecture and a new waterfront district providing riverside homes and leisure opportunities. These schemes, as well as new investments and recent announcements mean investments totaling £250 million are giving a fresh momentum to the city's regeneration. Construction of Friars Walk, Newport's new retail and leisure scheme is underway and will be completed

in later half of 2015. This coupled with the city ability to successful hold international events like the NATO conference and Ryder Cup highlights that the city is open to business

- 2.3 There are approximately 500 premises licensed to sell alcohol either on or off the premises, and a further 100 premises providing late night refreshments and/or takeaways which are licensed under the Licensing Act 2003. The City Centre is very compact in nature and has very high density of licensed premises in and around High Street, Market Street and Cambrian Road, many of which operate well into the early hours of the morning
- 2.4 The Council recognises a vibrant, Safe, Clean and well managed night economy can go a long way to boosting the local economy through attracting visitors and stimulating a hive of culture and creative activity in the local community. Evidence suggests that city's and town centres with lively streets and people moving around in them make people feel safe. However, this relies on a controlled and managed approach to evening and night economy. Uncontrolled growth focused on a heavy drinking culture can lead to negative consequences related to crime, disorder and Anti-social behaviour

3. Licensing Committee

- 3.1 The Council will appoint a Licensing Committee in accordance with its constitution.
- 3.2 A Licensing Committee shall establish Sub-Committees (panels) consisting of three Members of the Committee, to consider applications where representations have been received from any person and/or Responsible Authorities
- 3.3 The Licensing Committee will also sit to determine applications not associated with the Licensing Act 2003, such as taxi and private hire vehicle licensing
- 3.4 In the interests of good governance, where a Councillor who is a Member of a Licensing Committee or a Licensing Sub-Committee has had a direct or indirect pecuniary or personal interest in any matter before them they will be disqualified from any involvement in the decision-making process affecting the premises licence. A Councillor will not sit on a Sub-Committee to consider an application within their 'Ward'
- 3.5 The Licensing Sub-Committee will refer to the Licensing Committee any matter it is unable to deal with because less than three members are able to consider the matter before the Sub-Committee
- 3.6 The Licensing Committee shall refer to the 'Licensing Authority' [the Council], any matter it is unable to deal with because less than the quorum of three Members are able to consider the matter before the Committee
- 3.7 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied with reasons for the decision. A summary of the decision is notified to the parties to the hearing, a target time of three days, to be displayed on the Council's website, or as soon as possible thereafter, where it will form part of the statutory licensing register
- 3.8 The Council's Licensing Officers will deal with all licence applications where either no relevant representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary
- 3.9 A periodic report will be made to Licensing Committee on the exercise of delegated powers

- 3.10 The Council will ensure that members and relevant officers are appropriately trained to carry out their duties under the Act
- 3.11 Matters in respect of the Licensing Act 2003 are to be dealt with as specified in the council's scheme of delegation under its constitution

4. Fundamental principles

- 4.1. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions may be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.
- 4.2. When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned
- 4.3. In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues that can occur away from the licensed premises, including:
- Planning controls;
 - On-going measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
 - Designation of parts of the County of Newport as places where alcohol may not be consumed publicly;
 - Regular liaison with police on law enforcement issues regarding disorder and antisocial behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises;
 - The power of the police, other responsible authority or interested party to seek a review of the licence or certificate.

5. Zoning and licensing hours

- 5.1 Paragraph 10.13 of the Government's current Section 182 Guidance states that:

"The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application"

- 5.2 Paragraph 13.41 of the Government's current Section 182 Guidance goes on to state that

“As part of its licensing policy, the licensing authority may also wish to consider the use of alternative measures such as fixed closed times and zoning within its area, providing such mechanisms are justified on the basis of the licensing objectives and are only presumptive, with final decisions continuing to be made in relation to the individual premises on a case by case basis in accordance with what is appropriate to promote the licensing objectives. The licensing authority would be expected to include its intention to use such measures in its statement of licensing policy and justify doing so in order to orchestrate closing times so as to manage problems in the night-time economy based on the promotion of the licensing objectives. As with the creation of a cumulative impact policies, the use of such mechanisms would create a rebuttable presumption and would apply in the event of representation being received”

- 5.3 When dealing with licensing hours, the Licensing Authority recognises the requirement that each application will be dealt with on its individual merits. Nonetheless, whilst the Licensing Authority does not wish to unduly inhibit the continuing development of a thriving and safe evening and night-time local economies which are important for investment and employment locally. The Authority considers that it is vital to create an appropriate balance between the economic needs of licensed premises and the rights of local residents & Businesses to be able to enjoy a reasonable degree of peace and quiet at noise-sensitive times and other persons not experience early fall out of the night-time economy. To this end, the Licensing Authority has prepared and will continue to review areas that identifying stress points in these areas the Licensing Authority may create Stress area(s), details of which can be found in **Section 31 of this policy**.
- 5.4 The Licensing Authority notes that the Government’s Section 182 Guidance states that “Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours”. However, because of the problems experienced in some local communities in Newport arising from the availability of alcohol for sale at local shops for consumption off the premises this Licensing Authority has decided that it will not adopt this general position but instead will expect applicants and licence-holders to trade alcohol at hours which are appropriate to their particular local environment. Therefore applicants should very carefully consider the hours they seek when devising their operating schedule and it is recommended to discuss such application with the appropriate Responsible Authorities.
- 5.5 In the event that applications are submitted which have not demonstrated that appropriate alcohol trading hours have been properly considered, it is likely that representations will be made by the relevant responsible authorities and the public. This will delay the determination of the application and result in it being referred to a Licensing Sub-Committee for determination.
- 5.6 Once an application, or an existing licence in the case of a review, is referred to a Sub-Committee it can be expected that the Sub-Committee will scrutinise the

application or licence very carefully and arrive at a decision regarding hours. Appropriate hours will be considered to promote the licensing objectives and may even result in the refusal of the application or the revocation of a licence

- 5.7 For example, in local areas where there may be a concentration of problematic drinkers or where it is known that groups of people congregated and have caused anti-social behaviour. Applicants should very carefully consider the appropriateness of selling alcohol during early morning or late evening hours

Drinking up time / cooling down time

- 5.8 Even though the traditional drinking up time was not carried over into the Act, the Council recommends that applicants of premises licensed for the on-sale of alcohol should consider a drinking up / cooling down period. During this time music volume may be reduced, customers may finish their drinks and make arrangements for transportation from the premises. The Council considers that a 30 /45 minutes drinking up time will assist in the gradual dispersal of customers and consequently reduce any potential negative impact on the area

6. Commercial demand

- 6.1 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for the Licensing Authority. These matters would be a specific consideration for the local Planning Authority taking into account the demands of the licensed trade and market demands

7. Alcohol Harm

- 7.1 The evidence base for the impact of alcohol use on health and well-being is strong. Alcohol use contributes to over 60 different health conditions including liver disease, foetal alcohol syndrome and several cancers. Research shows that as well as being a contributor to a wide range of diseases and conditions, alcohol use can result in injuries and can contribute to, trigger and/or exacerbate mental health conditions. In addition, alcohol is a major cause of death and illness in Wales with around 1,500 deaths attribute to alcohol each year, (1 in 20 of all deaths)
- 7.2 Research has repeatedly shown that the economic, geographical and temporal availability of alcohol has a significant effect on the level of alcohol related harms, including health harms. Research and real-life experiments have shown that the range of times and days alcohol is available for sale has a significant impact on the harms caused by alcohol. The geographical ease of access also has an impact, as shown by a large body of research into outlet density. Research conducted in 2017 demonstrated that actively enforced Licensing policies lead to a reduction in alcohol-related hospital admissions. These are all factors that are influenced by local licensing frameworks and operational and enforcement approaches to licensing

- 7.3 Research has demonstrated that the most effective and cost-effective approach to tackle the harms from alcohol misuse is to reduce the affordability, availability of and access to alcohol. The World Health Organisation and Public Health Wales have identified reducing the availability of and access to alcohol as key to reducing alcohol related health harms
- 7.4 The intent of the Licensing Act 2003 is to regulate the supply of alcohol. Licensing is therefore the key mechanism by which the availability of alcohol can be regulated, through regulating the times and days of the week alcohol can be sold, premises which can supply alcohol and the conditions of sale
- 7.5 Newport City Council recognises the significant negative impact on the health of our residents caused by alcohol, reflected in hospital admissions and deaths from alcohol related illnesses (see below)

Alcohol data shared by Public Health Wales in 2019 indicates that Newport local authority area has:

- Similar rates of alcohol-specific adult hospital admissions when compared to the Welsh average. This rate is **higher** than the Welsh average for females¹.
 - Similar rates of alcohol-specific hospital admissions for under 18s for both males and females when compared to the Welsh average².
 - Has a similar rate of alcohol-specific adult mortalities (deaths) when compared to the Welsh rate.
 - A significantly lower rate of persons aged 16+ self-reporting drinking above the guidelines³ (14.7%), when compared to the Welsh average of 19%
- 7.6 Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premise may have on the health and well-being of their customers, the neighbourhood and the wider community. For examples of licensing conditions that can promote health and wellbeing, reference can be made to Newport City Council 'Model Pool of Conditions'
- 7.7 In addition, the Licensing Authority expects applicants to consider the impact their premise may have on people vulnerable to alcohol misuse, in particular children and young people and problematic drinkers. Commissioned alcohol treatment

¹ More adult males than females in Newport are admitted to hospital for alcohol-specific conditions. All hospital admissions for alcohol are preventable.

² More under 18 females are admitted to hospital for alcohol-specific conditions than males in Newport.

³ Average self-reported consumption of alcohol is estimated to be consistently less than the amount of alcohol sold. This could be due to adults underestimating the amount they consume, either by misreporting consumption to appear to have a more favourable behaviour, or due to difficulties in converting what they have consumed into units.

services are set within the communities they serve. The availability of alcohol in near proximity to treatment services can create specific issues for treatment providers. The Licensing Authority expects applicants to consider and mitigate the harm by including licensing conditions when their premise is close to the location of treatment services, and areas where children and young people may congregate, such as schools, youth clubs and parks

8. Drugs

- 8.1 The harms from drug misuse are numerous, and not restricted to health harms. Welsh drug death levels were at their highest ever level in 2018-19 with deaths from drug poisoning having increased by 78% over the last 10 years. Drug deaths appear to be increasingly occurring in people using drugs on a recreational basis.
- 8.2 The UK's drug market is rapidly evolving, with common street drugs continuing to increase in strength and purity, and an ever-widening array of substances in circulation. Licensing has a role in reducing the harms from drug misuse in the Night Time Economy and our licensed premises
- 8.3 Where there are issues of concern the Licensing Authority will expect to see evidence that the drug policy has been implemented and reviewed
- 8.4 Within the context of promoting the licensing objectives for preventing crime and disorder and ensuring public safety, the Licensing Authority expects applicants and licensees to:
 - Take all reasonable steps to prevent the entry of drugs into licensed premises
 - Take all reasonable steps to prevent drugs changing hands within the premises
 - Train staff to recognise understand the signs of drug misuse in people so that practical steps can be taken to deal with instances that occur
 - Have appropriately trained staff to deal with drug related incidents
 - Display appropriate drug safety awareness information to customers
 - Provide a first aid room and first aid equipment, including a defibrillator in larger venues
 - Deploy staff trained to assist with medical incidents
 - Implement an appropriate banning policy
- 8.5 At the request of Gwent Police, licensed premises would be required to seize, retain and document any drugs found, with a clear audit trail and a process for surrender in compliance with Gwent Police written policy. Furthermore, in the interest of Crime and Disorder, Gwent Police would also require licensed premises to allow the use of the ION Track machine on their premises to assist with identifying the areas where illegal drugs may be used at the venue.

- 8.6 The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises. However, it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the crime and disorder licensing objective. The licensing authority expects all licence holders to actively support this aim in the way that they plan, manage and operate premises.
- 8.7 If relevant representations are received to an application for grant or variation of a licence special conditions may be imposed to support the prevention of the illegal supply or use of controlled drugs. Advice on conditions will be sought from the police or any other relevant organisation involved in the control of controlled drugs or the support and/or treatment of drug users.
- 8.8 In premises where drug misuse is problematic and where any responsible authority or other person apply for a review of the licence, the licensing authority will consider this as being very serious and will give appropriate consideration to the full range of options available, including suspension and revocation of the licence in accordance with the statutory guidance issued by the secretary of state. The licensing authority recognises that each case is individual and will be decided on its own facts and specific merits.

9. Licensing Objective

- 9.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives (of which each one is of equal importance) are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- 9.2 It is recognised that the licensing function is not the primary method of securing the delivery of these objectives. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, **Health Board, Immigration, Safer Newport Group**, local businesses, licensees and local people towards the promotion of the objectives.

10. Prevention of Crime and disorder

- 10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 10.2 The Licensing Authority will expect operating schedules (see section 27) to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies

and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.

10.3 Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.

10.4 The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants may wish to consider the following and are advised to refer to the Authority's 'Model Pool of Conditions' when considering an application

- Is there CCTV, and, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance. What is the retention period of recordings, how easy it to access, produce copies or download images if requested by Police and Licensing.
- Are Security Industry Authority (SIA) door staff employed and what checks are made to the validity of the SIA licence? What records are kept of SIA checks, search policy, entrance policy, restriction of patrons using outside areas, such as smoking areas, employment times of SIA and their training?
- Is there ID scanning on entry to the premises? Will there be 'No ID No Entry' policy in place?
- Is there a clear drug and weapon policy? Is there a regular documented training of this policy carried out with staff when drugs/weapons are seized or stored. Are areas or surfaces designed to prevent the likelihood of drug use at the premises?
- Has the use of plastic or toughened glass for serving of alcohol been considered, will glass bottles be handed over the bar? Are there restrictions of drinks being taken outside?
- Is there a proof of age scheme, do the premises have a challenge 25 policy? Are staff trained regularly on this policy and is it documented

10.5 The Licensing Authority recognise that although Gwent Police and other criminal justice services suffer the greatest resource burden from preventable alcohol related crime and disorder the health system is also impacted. Preventable alcohol-related attendances and admissions have a negative impact on limited NHS resources, staff and other patients. Physical injury and the psychological impacts from violent incidents directly affect the health and wellbeing of individuals, their family, friends and work colleagues, our public service staff and licensed premise staff who deal with these incidents, and the local community. Responsible Authorities will work together, sharing all available local data, and will use NHS sources of data to promote this licensing objective.

- 10.6 The Authority will endeavour to reduce crime and disorder throughout the County in accordance with its statutory duty under s.17 of the Crime and Disorder Act 1998.
- 10.7 Newport City Council, through agency working together and sharing information aim to identify and prevent sexual exploitation, modern slavery and human trafficking. Licence holders can help as they may become aware or come into contact with such victims. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders, and staff employed in licensed premises, are in an ideal position to help protect people

Modern slavery and human trafficking is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude and compulsory labour. The licence holder and staff who work in licensed premises should look for and ask themselves the following

- Has the person got any physical signs of abuse or neglect? Deprived of food, water, sleep, medical care or other life necessities?
- You see worrying behaviour towards someone.
- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak when spoken directly?
- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement? Can they freely contact friends and family? Do they have limited social interaction?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the victim bonded by debt, or in a situation of dependence?

If there are concerns the licence holder are to report the matter to Modern Day Slavery helpline on 08000 121 700 or visit the website <https://www.modernslaveryhelpline.org/report> If someone is in immediate danger to call the Police on 999.

In addition, all staff who are employed in the UK must have the right to work in the UK. Employing someone illegally without carrying out the prescribed checks can lead to robust sanctions against the licence holder

11. Prevention of Public nuisance

- 11.1 Licensed premises have significant potential to impact adversely on persons living and working (including those carrying on business) in the area around the premises, and also further afield through public nuisances that arise from their operation. It is therefore important that in considering the promotion of this

licensing objective, Licensing Authorities and Responsible Authorities focus on the effect of the licensable activities at the specific premises on these parties which may be disproportionate and unreasonable

- 11.2 The definition of what may be considered as a potential or actual 'public nuisance' is to be interpreted in line with its broad common law meaning established through relevant case law. This is the interpretation which the Licensing Authority will apply when considering such matters. Matters giving rise to 'public nuisance' are mainly accepted to include issues relating to noise, light pollution, odour and litter. It may also arise as a result of the adverse effects of dust, insects, accumulations or any other matter which is determined to have an adverse impact on the living and working environment of other persons living and working in the area of the licenced premises

Clearly licenced premises have a responsibility under the Public Nuisance objective to clear up litter/rubbish caused by customers in the near vicinity of the licence premises. Premises are advised to undertake regular litter picks and provide adequate bins for their customers. Applicants will be encouraged to demonstrate in their Operating Schedule what suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance including litter

- 11.3 The Licensing Authority recognise that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being.

The Licensing Authority recognise the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents' mental and physical health issues, and their wider wellbeing. Lack of sleep can have an impact on the immune system and can contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases.

Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures.

- 11.4 The Licensing Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries and considerations about the local area before submitting their application. The purpose of this is to enable the applicant to consider the most appropriate controls for potential inclusion in the operating schedule with a view to ensuring their activities do not undermine the licensing objective with regard to the prevention of public nuisance. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside whilst it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site and any necessary mitigation at an early stage.

- 11.5 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential

sources of nuisance posed by the premises operation to those who may be impacted by their activities. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.

- 11.6 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:
- they are situated in a residential or noise sensitive area; or
 - extended opening hours are proposed

- 11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

Applicants are also encouraged to engage with “other persons” for example local residents, local Business and local community groups at an early stage prior to a submission of an application. It is recommended that if a licence is granted that the premises continues to engage with Newport City Council Environment Teams for example PINT (Pride In Newport Team) and the local Community and to ensure a good level communication between the premises and local community

- 11.8 Applicants are encouraged to engage with the Licensing Authority and other relevant Responsible Authorities (such as Environmental Health) at an early stage and prior to the submission of an application, wherever reasonably practicable. These Authorities will be able to provide advice in respect of appropriate control measures that may be put in place, and included in the operating schedule, to mitigate the potential risks of public nuisance occurring

- 11.9 **The Well-being of Future Generations (Wales) Act 2015, Noise & Soundscape Management**

The Well-being of Future Generations (Wales) Act 2015 (hereinafter referred to as the WFG Act 2015) places a duty on Local Authorities including the Licensing Authority to embody sustainable development principles aimed at achieving seven prescribed well-being goals as part of its fundamental operation; this includes the delivery of its Licensing function. One of the cornerstone areas of consideration is the management of noise and its impact on health and well-being.

- 11.10 The Statutory Licensing guidance issued under Section 182 of the Licensing Act 2003 does not currently provide any reference to how operationally Licensing Authorities are to have regard to the requirements of the WFG Act 2015 specifically as it may relate to the promotion of the Licensing Objective, the Prevention of Public Nuisance. It is clear however in the Welsh Government’s ‘Noise and Soundscape Action Plan 2018-2023’ that there is recognition of the

impact of noise. The Licensing Authority will have regard to this action plan when determining applications (please refer to section 17 Integrating strategies below)

12. Public Safety

- 12.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events. Applicants are advised to seek advice from various organisations, such as the Newport City Council health and safety enforcement officers, South Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided
- 12.2 The Regulatory Reform (Fire Safety) Order 2005 introduced a requirement that any person responsible for the management of a premises must make a suitable and sufficient assessment of the risks, to which persons may be exposed for the purpose of identifying the general fire precautions, which need to be taken. Therefore no conditions may be imposed on an authorisation where it directly relates to fire safety. It is expected therefore that authorisation holders will conduct a thorough risk assessment which is regularly reviewed and updated. The risk assessment should be retained at the premises and be available upon request by any authorised officer of the Council.
- 12.3 Where an applicant identifies an issue with regard to public safety, which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety.

Depending on the individual style and characteristics of the premises and/or events, the following issues may be relevant

- The number of people attending the premises/safe capacity levels, (factors may include access and egress, flow around premises, comfort levels, seating provisions, dance areas, accessibility to bars, etc);
 - The age, condition, design and layout of the premises, including the means of escape in case of an emergency;
 - The nature of the activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
 - The hours of operation, differentiating between the hours of opening from the hours when the licensable activities will be provided;
 - Customer profile (e.g. age, disability etc.);
 - The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.
 - Electrics and heating as part of the risk assessment,
- 12.4 The following examples of control measures are considered to be important and should be taken into account by applicants in their Operating Schedule, having regard to the particular type of premises and/or activities

- The age, condition, design and layout of the premises, including the means of escape in case of an emergency;
- The nature of the activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- The hours of operation, differentiating between the hours of opening from the hours when the licensable activities will be provided;
- Customer profile (e.g. age, disability etc.);
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.
- Electrics and heating as part of the risk assessment,

12.5 The authority recommends that specialists, e.g. qualified safety officer, should be consulted to assist with an assessment of public safety issues, (excluding fire safety as such a risk assessment is a mandatory requirement)

12.6 Heddlu Gwent Police promotes the use of polycarbonate drinking vessels to reduce injuries caused either deliberately or accidentally from glass drinking vessels. The Council supports this initiative and would advise any applicant or authorisation holder that toughened glass often lose their tempering through repeated use, and should consider the introduction of solely polycarbonate or plastic drinking vessels. Where premises are associated with crime and disorder, the Council may also advocate that open glass bottles for consumption on the premises should not be permitted and that contents are decanted before serving to customers, the purpose being to reduce any incidents where bottles may be used as weapons

12.7 The Licensing Authority recognise that there are links between public safety and health, for example injuries suffered in licensed premises that need medical treatment. Falls are a contributor to alcohol related hospital attendances and admissions.

Considering and noting issues relating to public safety in responses to a licensing application can be an effective way of addressing these issues through conditions being placed on a licence, or, in more extreme cases a licence not being granted. The Health Board, as a Responsible Authority, may be able to provide evidence of prevalence, costs and impacts of public safety issues as appropriate

13. Protection of children from harm

13.1 Nothing in this statement of policy shall limit or require access of children to premises unless there is an overriding requirement of necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this policy.

13.2 With the exception of the restrictions specified in Section 145, the 2003 Act does not prohibit children from having free access to any licensed premises. However, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.

- 13.3 The Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual premises or club.
- 13.4 The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 13.5 The Chief Officer Social Care and Housing for the authority will be consulted on issues relating to protecting children from harm.
- 13.6 **Safeguarding children is everyone's responsibility. Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background. Child sexual exploitation involves perpetrators grooming youngsters and using their powers and it can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older partner, having sex in return for attention, gifts, money, alcohol and cigarettes. Violence, coercion and intimidation are common forms of exploitation, with some vulnerable children being given drugs or made to sell drugs and/or are forced to be part of county lines network**

Hotels, bars and restaurants, late night takeaways, off licences or other licensed premises may come into contact with such children. This Authority encourages those premises to look out for signs of possible exploitation. Licence holders and staff should look for and ask themselves the following –

- Does a child appear to be in a relationship with an older person?
- Does the child appear to be under the influence of alcohol or drugs?
- Is the hotel booking done by an adult, who is trying to conceal they are with a young person?
- Numerous adults and young people coming to a hotel who do not appear to have a reason for being there, or high levels of visitors to a guest room. With guests moving in and out of the premises at unusual times.
- Guests arriving and asking for specific rooms number without knowing the name of the person the room is booked under.

For safeguarding children the Council do not support contactless check in systems (virtual reception) whereby no members of staff will have interaction with the customers at a hotel.

If there are concerns the licence holder and staff are to report the matter to either Newport Safeguarding on 01291 635669 or Police Safeguarding on 01495 745409. If someone is in immediate danger to call the Police on 999

- 13.7 The Licensing Authority recognise that compared to adults, children and young people are at higher risk of harm in relation to alcohol use and consumption, and the health impacts can be higher where they happen. Children and young people are also more vulnerable to certain harms in licensed settings. Furthermore, earlier take up of regular drinking increases lifetime risks of alcohol-related harms

Children and young people have multiple vulnerabilities related to the impact that alcohol can have on their health and development. They have higher levels of vulnerability and risk associated with being on licensed premises that need to be considered and appropriately addressed in licensing policies, practices and processes. A significant impact from a child or young person suffering illness, injury or dependence as a result of access to alcohol and licensed premises is likely to fall to the Health Board.

The Licensing Authority also recognise the serious impact of parental alcohol misuse on children at every age, and the long-term consequences (i.e. adverse childhood experiences). There is potential for lower levels of harmful parental alcohol consumption having a beneficial impact on reducing childhood adversity in the home environment (e.g. reductions in violence, in particular domestic abuse).

- 13.8 Evidence demonstrates that young people are more vulnerable than adults to the adverse effects of alcohol due to a range of physical and psycho-social factors. As such, initiatives to prevent the sale and supply of alcohol to children are supported

- 13.9 The Authority expects age verification measures to be operated by licensed premises involved in the sale and supply of alcohol to ensure the licensing objective for the protection of children is met.

To support the age-verification process the Authority strongly recommended that premises have the following measures in place to ensure age verification for sales

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- That 'Challenge 25' is supported as part of the age verification scheme established. The scheme should require the production of evidence of age from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.
- That all staff involved in the sale of alcohol shall be trained in age verification schemes and proxy sales, where a person attempts to buy alcohol for a person under 18. Records of such training shall be retained on the premises and made available for inspection by authorised officers.
- That an incident log be maintained, and details of all age-related refusals recorded. This book shall be reviewed monthly by the DPS and actions taken recorded in the book and signed off by the DPS. The log shall be retained on the premises and made available for inspection by authorised officers.

- That a personal licence holder shall be on the premises at all times that alcohol is supplied.

That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.

14. Rights of representation

14.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. In this way, those with a right to make representations or objections are able to fully assess the factors that may affect them.

14.2 Relevant representations may be made by a responsible authority, other persons or organisations representing them, but they should state whether they are making a representation on their own behalf or on behalf of another person.

14.3 Amendments to the Act has inserted the term 'other person' to replace 'interested party' as someone who can make representations, it also removed the vicinity test for residents and the specific term of councillor. This opens up the range of persons who may make representation and includes for example the following:-

- Residents living near the premises
- Persons with an interest in the premises or locality
- Local councillors
- Businesses with an interest in the premises or locality
- Organisations with an interest in the locality, premises or licensable activities

The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and or vicinity.

14.4 Relevant representations will be taken as those that relate to the fundamental principles of the Licensing Act, any organisation or individual wishing to object to any application will therefore need to state whether they are doing so on the grounds of:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm

14.5 Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example as an objection to a planning application, may also be disregarded where consideration of such representations would be duplication.

- 14.6 Petitions may be accepted if the Authority believes all those that signed the petition understood the implications of what they were signing. Please refer to 29.24 below for further guidance.

15. Responsible authorities

- 15.1 The Licensing Act 2003 as amended specifies who is responsible authorities that may make representations on applications or apply for the review of a premises licence or club premises certificate, and they are:

- The Chief Officer of Police
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local planning authority
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The local weights and measures authority
- The Director of Social Services and the body representing matters relating to the protection of children from harm, currently the Local Safeguarding Children Board
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board
- The Local Health Board (Aneurin Bevan University Health Board)
- The Licensing Authority (The Council)
- Immigration (Home Office Immigration Enforcement)

16. Other Persons

- 16.1 Changes to the Licensing Act 2003 by virtue of the Police Reform and Social Responsibility Act 2011 have now removed the test of “vicinity” from the 2003 Act and as a consequence, the categories of “interested party” no longer exist.

- 16.2 Therefore, any person is able to make representations in relation to certain types of applications as an “Other Person” However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.

17. Integrating strategies

- 17.1 The Secretary of State’s Guidance to the Licensing Act 2003 states that the Licensing Authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieve the Council’s aims for a safe and vibrant night

time economy. Other pieces of legislation may impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 in relation to the promotion of the four licensing objectives:

Crime and Disorder Act 1998

This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

The Anti-Social Behaviour, Crime and Policing Act 2014

This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders which allows the local authority to designate areas where anti-social behaviour such as street drinking will be prohibited. The Act also gives powers to the local authority and police to close licensed premises where nuisance and anti-social behaviour is taking place. This Act therefore clearly supports and actively promotes the licensing objectives contained within the Licensing Act 2003.

Immigration Act 2016

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 and made Home Office Immigration Enforcement a Responsible Authority concerned with the licensing objective of prevention of crime and disorder. They will exercise their power both in respect of being a consultee on new licence applications and having right of entry to licensed premises with a view to seeing whether an offence under any of the Immigration Acts is being committed on a licensed premises. This will primarily involve the detection and prevention of illegal working on premises that have an alcohol licence or a late night refreshment licence. The offence of employing people at licensed premises who have no right to work in the UK is also now listed in the Secretary of State's guidance under Section 11.27 which covers criminal activity deemed to be particularly serious and where a licensing authority should consider revoking a premises licence even in the first instance. This Act clearly supports and actively promotes the licensing objective of preventing crime and disorder and the licensing authority will work with colleagues in the Immigration service and Gwent Police to enforce this.

Human Rights Act 1998

The Council has a duty under the European Convention on Human Rights to protect both the rights of resident to privacy and family life (Article 8), and the rights of a licence holder to operate their business without undue interference (Article 1 of the First Protocol). This promotes the need for the licensing authority to reach a balance between these two principles when making decisions.

Equality Act 2010

The Act places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who shared a protected characteristic and those that do not. Protected characteristics include age, disability, race, religion and sexual orientation. When making a decision, the licensing authority will have regard to this due to the goal of ensuring that the night time economy is safe and accessible to all. Other legislation that the Licensing Authority will consider-

Well-being of Future Generations (Wales) Act 2015

This Act requires Local Authorities in Wales to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems, such as poverty, health inequalities and climate change. The Act clearly supports and actively promotes the licensing objectives. This Act links specifically to the prevention of crime and disorder and public nuisance. It recognises that there is a need to create appropriate soundscapes – the right acoustic environment in the right time and place. The Local Authority will consider the management of noise and soundscapes and in particular the five ways of working contained under this Act namely, i) Long term – the importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs, ii) Integration, iii) Involvement, iv) Collaboration and v) Prevention. Welsh Government has produced a ‘Noise and Soundscape Action Plan for 2018-2023’<https://gov.wales/sites/default/files/publications/2019-04/noise-and-soundscape-action-plan.pdf>

The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences

17.2 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate or proportionate to impose the same or similar duties on the premises licence holder or club. Once the discretion of the Licensing Authority is engaged, it is only where additional and supplementary measures are

appropriate to promote the licensing objectives that appropriate and proportionate conditions will be attached to a licence.

- 17.3 Other Local Authority and Government policies, strategies, responsibilities, and guidance documents may also refer to the licensing function, and the Licensing Authority may liaise with the relevant authorities or its directorates with regard to these. Whilst some of these may not be directly related to the promotion of the four licensing objectives, they can indirectly impact upon them.
- 17.4 It is the Local Authority's intention that it will, through its Licensing Committee monitor how these matters, set above, impact on the Authority's licensing and other functions, in order that it may seek to co-ordinate and integrate its licensing function with other relevant strategies.
- 17.5 In respect of cultural strategies the Licensing Authority will, for example through periodic consultation with local Leisure and Cultural Services officers, consider whether the provision of live music and cultural activities and entertainments are being deterred by local licensing requirements. Where there is any indication that this is the case, the Licensing Authority may consider investigating how the situation might be reversed, and may if necessary in the light of such investigations consider a revision to the Statement of Licensing Policy.

Relationship with Planning Process

- 17.6 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.
- 17.7 It is strongly recommended that prospective licence applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It clearly makes operational sense to ensure that planning and licensing are compatible
- 17.8 The Licensing Authority wishes to emphasise that the granting by the Licensing & Regulatory Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate
- 17.9 The Local Authority will aim to properly separate planning, building control and licensing regimes in order to avoid duplication and inefficiency. The Licensing and Planning regimes involve consideration of different (albeit related) matters
- 17.10 The Licensing Authority will avoid treating licensing applications as a re-run of planning applications, and will not normally
- cut-across decisions taken by the Local Authority Planning Committee or following appeals decisions taken by that Committee; or

- impose licensing conditions where the same or similar conditions have been imposed on a planning consent

17.11 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.

17.12 Where, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of their planning permission - for which they may be liable to prosecution under planning law (and vice versa where the licensing hours finish earlier than the planning permission).

18. Personal alcohol licence

18.1 The Council recognises it has very little discretion in the granting of a personal licence. In general provided an applicant is **aged 18 or over, is entitled to work in the UK, has an approved qualification, has not had a personal licence forfeited within 5 years of this application** and does not have relevant criminal convictions **or civil penalty received after 6 April 2017 for immigration matters**, the application must be granted.

18.2 **Individuals applying for a personal licence must be entitled to work in the UK. Licences must not be issued to people who are illegally present in the UK who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating the carrying on of a licensable activity.**

18.3 **Where an applicant's immigration permission to live and work in the UK is time-limited, a personal licence may be issued but will become invalid when the immigration permission expires. In the event that the Home Office cuts short or ends a person's immigration permission, any personal licence issued in respect of an application made on or after 6 April 2017 will automatically lapse.**

18.4 **If an applicant declares that they have been issued with an immigration penalty or convicted of an immigration offence or foreign offence comparable to an immigration offence, the licensing authority is required to notify the Secretary of State for the Home Department (through Home Office Immigration Enforcement).**

18.5 **If an applicant has a relevant conviction the Police can oppose the application. If an applicant has been issued with an immigration penalty or convicted of a relevant immigration offence on or after 6 April 2017, the Home Office may object to the application. When an objection is lodged a hearing must be held.**

- 18.6 Applicants with unspent convictions for relevant offence as set out in the Regulations made under the Act are encouraged to first discuss their application with the Council's Licensing Officer and/or the Police.
- 18.7 At a hearing in respect of an objection to the granting of a personal licence, or the revocation of an existing licence, the Council will consider carefully whether the grant of, or continuation of, the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances. The Council will only grant the application, if it is satisfied that doing so will promote this objective.
- 18.8 Prevention of crime is both an objective of the Licensing Act 2003 and a responsibility of the Council under the Crime and Disorder Act 1998. A person holding a personal licence should be a person who is not only properly qualified but a person who will assist in the prevention of crime. Granting a licence to a person with a relevant criminal record could undermine rather than promote the crime prevention objective.

19. Premises licence

- 19.1 A premises licence is granted in respect of any premises, other than a private members club or similar type premises, authorised for one or more licensable activities, such as the supply of alcohol, late night refreshment or regulated entertainment.
- 19.2 There are some exemptions for the requirement of a licence and they include the exhibition of films for educational or promotional reasons, films shown as part of an exhibition, amplified live and recorded music to audiences of less than 500 people between the hours of 8.00 am and 11.00 pm. Applicants are advised to contact the licensing authority on other exemptions for further guidance.
- 19.3 Where alcohol is supplied, a Designated Premises Supervisor, who must be the holder of a personal licence, must be nominated to authorise the sale of alcohol at the premises.
- 19.4 Premises licences are issued to individuals over the age of 18 years who carry on, or propose to carry on, a business which involves the use of the premises for licensed activities. In addition, charities, health service bodies, educational institutions and persons of other prescribed descriptions may apply for a premises licence.
- 19.5 A licence may be issued subject to conditions, which must be complied with at all times whilst the premise is being used for licensable activities during the times

specified in the licence. Failure to comply with the terms and conditions of a licence or if licensable activities are carried out without a premises licence, may result in a fine, which is unlimited or a term of imprisonment of up to 6 months, or both.

- 19.6 Fees for licences are based on the rateable value of a premises and although licences are usually issued for an indefinite period, an annual fee is payable.
- 19.7 It is an expectation that the premises licence holder and designated premises supervisor will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority
- 18.9 From 6 April 2017 the Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences. This is a discretionary power and may be undertaken when a licensing authority becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty on or after 6 April 2017. The decision must be made by the Licensing Committee or sub-committee and they may revoke the licence or suspend it for a period up to 6 months.

20. Club premises certificate

- 20.1 A qualifying club, industrial and provident society, friendly society and miners welfare institute that satisfies the criteria specified in part 4 of the Licensing Act 2003 may provide licensable activities for its members and guests of a member that are authorised by a club premises certificate (CPC).
- 20.2 A CPC only authorises the use of a premises for the benefit of its members and their guests and cannot be used to provide licensable activities to non-members. If the premises are to be used to provide licensable activities for non-members an additional authorisation will be required. This may be a premises licence (PL) or a temporary event notice (TEN).
- 20.3 A premises operating under the authorisation of a CPC enjoy special privileges. If a club premises operate under the authorisation of a PL or TEN the privileges do not apply. The privileges include; restricted rights of entry, no need to have a qualified person authorising sales of alcohol. Other considerations would be different taxation rules, advice should be sought from HMRC.
- 20.4 It is an expectation that the CPC holder will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority

21. Temporary Event Notice

- 21.1 Temporary Event Notices (TENs) can be used to allow licensable activities to be carried out on a one-off or occasional basis. They are the most appropriate type of authorisation for small-scale, one-off events, such as community, school and charity fundraising events, at which it is intended to:
- sell or supply alcohol;
 - provide regulated entertainment; or
 - sell hot food/drink between 11 pm and 5 am
- 21.2 Unless sent electronically, a TEN must be sent to the relevant licensing authority, to the Police and the local authority exercising environmental health functions at least ten working days before the event. A premises user may also give a limited number of "Late TENs" to the licensing authority less than 10 working days before the event, but certain restrictions apply.
- 21.3 The Police or authority exercising environmental health functions may intervene to restrict the event or prevent the event taking place. They may agree a modification of the TEN directly with the TEN user. When giving a TEN, the premises user should consider the promotion of the four licensing objectives.
- 21.4 There are two types of TEN, a standard TEN and a late TEN. A standard notice is given no later than ten working days before the event to which it relates and a late notice is given not before nine and not later than five working days before the event. The period excludes the day the notice is received and the first day of the event. Late TENs are intended to assist premises users who are required to submit a notification at short notice for reasons outside their control.
- 21.5 The Police and authority exercising environmental health functions have a period of three working days from when they are given the notice to object to it on the basis on any of the four licensing objectives.
- 21.6 If an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary.
- 21.7 If an objection notice is received in relation to a late TEN, the notice will not be valid and the event will not be permitted to go ahead as there is no scope for a hearing or for any existing licence conditions to be applied to the notice.
- 21.8 A number of limitations are imposed on the use of TENs by the Licensing Act 2003. Notice givers are advised to contact the licensing authority for further advice.
- 21.9 The Licensing Authority recommends that anyone wishing to submit a Temporary Event Notice, particularly where this involves the provision of regulated

entertainment, gives as much notice to the Authority as possible, to ensure that proper advice can be given and any anticipated issues resolved in a planned and timely manner. Whilst notices can legally be submitted with 10 working days or a late notice in 5 working days prior to the event taking place, a period of 12 weeks is recommended for larger events.

- 21.10 The Licensing Authority may notify the Council's Event Safety Advisory Group (ESAG) of any Temporary Event Notices involving the provision of regulated entertainment. This Panel brings together the various enforcement bodies that may be responsible for enforcement in respect of an event, along with any applicants and other organisers, and allows agreement to be reached regarding the way that the event will be organised etc. It is recommended that all applicants submitting a Temporary Event Notice go through the Events Panel when drawing up their Notice, and the Events Panel will be of particular assistance to charities, community and voluntary groups, and other event organisers who may not have access to legal advice or technical knowledge.

It is recommended that ESAG is contacted in adequate time to factor in the possibility of objections to a licence or temporary event and the hearing timescale. As such, it is recommended that ESAG be contacted for events under 500 people, 24 working days before the event and 68 working days before the event for events over 500. This is recommended where alcohol, regulated entertainment and/or late night refreshment is taking place.

- 21.11 External areas and outdoor events will normally be restricted to 08.00 – 22.00hrs unless the applicant can demonstrate the comprehensive control measures have been implemented that ensure the promotion of the licensable objectives, in particular the public nuisance objective

22. Sale and supply of alcohol

- 22.1 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises, which are known to be a focus or cause of disorder and disturbance then, subject to representations from the police and other responsible authorities, a limitation on licensing hours may be appropriate.

- 22.2 Licensed premises authorised under the Act for the sale and/or supply of alcohol must consider their responsibilities with regard to who they supply with alcoholic drinks, in particular

- The sale to persons under the age of 18 years
- The sale to persons who are delivering to persons under the age of 18 years
- The sale to persons who are drunk

22.3 The Licensing Authority actively encourages that the sale or supply of alcohol should terminate at least thirty minutes to fourth five before the closing time of the premises. This provides a suitable 'wind down' period and a slower dispersal of customers.

22.4 The council recommend that any licensed premises that is authorised to sell or supply alcohol have a policy that sets out how the sale or supply is controlled and must include staff training requirements. Records should be kept of all training provided and any incidents e.g. a refusal to sell and reasons.

23. Regulated entertainment

23.1 Schedule 1 to the 2003 act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities, which are not and therefore exempt from the regulated entertainment regime. (Applicants are strongly advised to review Home Office Section 182 Guidance of the Licensing Act 2003 regarding Regulated Entertainment.

The descriptions of entertainment activities licensable under the 2003 Act are

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance; and
- Entertainment of a similar description to a performance of live music, any playing of recorded music or performance of dance

To be licensable, on or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- Take place in the presence of a public audience, or
- Where that activity takes place in private, be the subject of a charge made with a view to profit

23.2 Public Audience

for the purpose of regulated entertainment, the term "audience" refers to any person for whose entertainment (at least in part) any licensable activities are provided. An audience member need not be, or want to be, entertained: what matters is that an audience is present and that the purpose of the licensable activity is (at least in part) intended to entertain any person present. The audience

will not include performers, together with any person who contributes technical skills in substantial support of a performer (for example, a sound engineer or stage technician), during any associated activities. This includes setting up before the entertainment, reasonable breaks (including intervals) between activities and packing up thereafter. Similarly, security staff and bar workers will not form part of the audience while undertaking their duties

23.3 Overview of circumstances in which entertainment activities are not licensable

There are a number of exemptions that mean that a licence (or other authorisation) under the 2003 is not required. This Policy cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- Activities which involve participation as acts of worship in a religious context;
- Activities in places of public religious worship;
- Education – teaching students to perform music or to dance;
- The demonstration of a product – for example, a guitar – in a music shop;
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to make a profit;
- Morris dancing (or similar);
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors)

23.4 Deregulatory changes where a licence is not required

As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- **Plays:** no licence is required for performances between 08.00 and 23.00 on any day, if the audience do not exceed 500.

- **Dance:** no licence is required for performances between 08.00 and 23.00 on any day, if the audience do not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day, provided that the audience does not exceed 500 and the organiser (a) gets the consent to the screening from a person who is responsible for the premises and (b) ensures that such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for an event between 08.00 and 23.00 on any day, if the audience do not exceed 1000.
- **Boxing or wrestling entertainment:** no licence is required for a contest exhibition or display of Greco-Roman wrestling, or freestyle between 08.00 and 23.00 on any day, if the audience do not exceed 1000.
- **Live unamplified music:** No licence is required for a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- **Live amplified music:** No licence is required for a performance of amplified live music between 08.00 and 23.00 on any day
 - on premises authorised to sell alcohol for consumption on the premises, if the audience do not exceed 500.
 - In a workplace that does not have a licence, if the audience do not exceed 500
 - In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded music:** No licence is required for any playing of recorded music between 08.00 and 23.00 on any day
 - On premises authorised to sell alcohol for consumption on the premises, if the audience do not exceed 500.
 - In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience do not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- **Cross Activity Exemptions:** No licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- Any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider.
- Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school and
- Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If organisers are uncertain as to audience size or if audience migration is likely, it might be easier and more flexible to secure an appropriate authorisation.

Examples of where a Temporary Event Notice (TEN) could still be required include if the activity is the playing of recorded music or the exhibition of a film that required an authorisation; or if the entertainment is not authorised by an existing licence or certificate and its conditions.

Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and (planning) Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

23.5 Circumstances in which entertainment activities are no longer licensable

Local Authorities, hospital healthcare providers and school proprietors: cross entertainment activity exemption

No licence is required for any entertainment provided by or on behalf of a local authority, health care provider, or school proprietor to the extent that it takes place on defined premises, between 08.00 and 23.00 on any day provided that

- For entertainment provided by, or on behalf of, a local authority it takes place on premises in which that authority has relevant property interest, or is in lawful occupation
- For entertainment provided by, or on behalf of, a health care provider, providing it takes place on any premises forming part of a hospital in which the provider has a relevant property interest, or is in lawful occupation; and
- For entertainment provided by, or on behalf of, a school proprietor it takes place on the premises of the school.

The policy cannot give examples of every eventuality where entertainment is not licensable under this exemption through being provided “by or on behalf of”. It will depend on the facts in each case

However, the following are examples of activities that are not usually considered to be licensable under this exemption:

- Any entertainment activity hosted by a local authority on their own premises where there is a significant relationship between the local authority and the provider of the entertainment (e.g. principal and agent);
- Any entertainment activity organised on a local authority’s behalf on that local authority’s premises by a cultural trust in discharge of a local authority’s discretionary power to arrange entertainment provision and support for the arts, including festivals and celebrations.
- Any entertainment activity organised by a healthcare provider on their own hospital premises in partnership with a hospital charity.
- Any entertainment event on school premises organised by the Parent Teacher Association (PTA) to benefit the school.

It is for the local authority, health care provider or school proprietor to determine whether, and on what basis, they can (or wish) to provide entertainment activity under this exemption, including consideration of issues around fundraising, profit making, governance or use of public funds. However a pure hire of premises by a third party does not constitute the provision of an entertainment event “on behalf of” a local authority, healthcare provider, or school proprietor and nor does commercial entertainment which the local authority merely facilitates through providing a public space.

All the terms used in this exemption such as “local authority”, “health care”, “health care provider”, “hospital”, “school”, “school premises”, “school proprietor”, “domestic premises” and “relevant property interest” are defined in the 2014 Order.

Local authority, hospital and school premises: third party music entertainment

No licence is required for a performance of live music or the playing of recorded music on local authority, hospital or school premises, that are not domestic premises, between 08.00-23.00 on any day provided that;

- It is performed in front of an audience of no more than 500 people; and
- A person concerned in the organisation or management of the music entertainment has obtained the prior written consent of the local authority, health care provider or school proprietor (as appropriate) for that entertainment to take place. It is for these

“trusted providers” to determine whether, or not, they wish to make their premises available for music entertainment by a 3rd party and on what terms they deem it appropriate

Community premises: music entertainment

No licence is required for a performance of live music or the playing of recorded music on community premises, between 08.00-23.00 on any day provided that;

- The community premises are not authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises;
- The music entertainment is in the presence of an audience of no more than 500 people and
- A person concerned in the organisation or management of the music entertainment has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises

Community premises: exhibition of film

No licence is required for an exhibition of a film on community premises between 08.00-23.00 on any day providing that

- The film entertainment is not provided with a view to a profit
- The film entertainment is in the presence of an audience of no more than 500 people
- The admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by BBFC or relevant licensing authority regarding the admission of children and
- A person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises

Under this exemption, one condition is that the film entertainment is not being provided with a view to profit. An entry charge does not of itself make the film entertainment licensable; it is whether the organiser intended to make a profit (that includes raising money for charity). A charge or contribution that is made solely to cover the costs of the film screening is consistent with 'not being provided with a view to profit'. The 'not with a view to profit' condition applies

solely to the activity of exhibiting the film under this exemption. A charge with a view to making a profit may legitimately be levied for any other activity or event that is distinct from film admission, such as the provision of refreshments, film talks, or a social event.

This community film exemption is also conditional on those responsible having in place operating arrangements that ensure that the age rating for the film is implemented by means of a suitable child admission policy. How this is achieved is a matter for the organisation or social group exhibiting the film. For example, they may operate a membership subscription scheme which pays for entry to all titles in a season and is limited to adults. It could be a children's film club with a policy of only showing films that are suitable for all by being rated 'U' by the BBFC. Alternatively, the organisers could sell tickets to the public and ensure that children are only permitted to attend in accordance with any age rating for the film – i.e. a door admissions policy linked to proof of age.

Travelling Circuses

Where types of entertainment are present in a performance by a travelling circus they will not be licensable provided that certain qualifying conditions are met. The qualifying conditions are;

- The entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- The entertainment takes place between 08.00hrs and 23.00hrs on the same day;
- The entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- The travelling circus has not been located on the same site for more than 28 consecutive days

Live Music

Live music is licensable -

- Where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day:-
- Where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- Where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- Where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people; or

- Where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review

In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN, allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

Key terms used in relation to live music

Under the live music provisions, “music” includes vocal or instrumental music or any combination of the two. “Live music” is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.

A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.

A “relevant licensed premises” for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.

Recorded Music

No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable

- Where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
- Where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- Where the playing of recorded music takes place at a relevant licensed premises in the presence of an audience of more than 500 people; and
- Where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).

Plays and Dance

No licence is required for a performance of a play or dance to the extent that certain qualifying conditions are satisfied. However a performance of a play or dance remains licensable;

- Where the performance takes place before 08.00 or after 23.00 on any day; or
- Where the performance takes place in the presence of an audience of more than 500 people.

Indoor Sport

No licence is required for an indoor sporting event to the extent that certain qualifying conditions are satisfied. However an indoor sporting event remains licensable;

- Where the performance takes place before 08.00 or after 23.00 on any day; or
- Where the event takes place in the presence of more than 1000 spectators

23.6 Licence Conditions

Live Music or Recorded Music

Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- At the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- If the music is amplified, it takes place before an audience of no more than 500 people; and
- The music takes place between 08.00 and 23.00 on the same day.

Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect)

These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.

Beer Gardens

Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08.00 and 23.00 on the same day before an audience of 500 people or fewer.

Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace.

Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08.00 and 23.00 on the same day in front of an audience of no more than 500 people. Note

that the exemption in paragraph 12B does not apply to the playing of recorded music.

However, a licensing authority may, where justified, impose a licence condition that relates to the performance of live music in an unlicensed beer garden being served by any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms.

Plays, dance and indoor sport

Where qualifying conditions are satisfied, any current licence condition that relates to a performance of a play or dance, or an indoor sporting event for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect.

Where, however, these non-licensable activities take place at the same time as other activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out above.

Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not deregulated, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

In almost all cases where a performance of dance is potentially licensable as both the provision of relevant entertainment (under the 1982 Act) and regulated entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:

- The premises are not licensed as a sex entertainment venue under the 1982 Act, and
- Relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any such occasion.

Boxing or wrestling entertainment and conditions relating to combined fighting sports

An indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and any contest, exhibition or display that combines boxing or wrestling with one or more martial arts ('combined fighting sports') is – whether indoors or not – a boxing or wrestling entertainment

Where a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an 'indoor sporting event', the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation

A contest, exhibition or display of Greco-Roman wrestling, or of freestyle wrestling, between two participants (regardless of their sex) does not require a licence provided that certain qualifying conditions are met. They are that:

- It takes place in the presence of no more than 1,000 spectators;
- It takes place between 08.00 and 23.00 on the same day; and
- It takes place wholly inside a building and the spectators present at that entertainment are accommodated wholly inside that building.

23.7 Conditions relating to other non-licensable activities

If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the 2003 Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, could create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.

Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities (and will generally be classed as a performance of live music) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers on an 'open-mic' night (which encompasses more than just live music), if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor at certain times, where the presence of customers in close proximity who had been consuming alcohol on the premises had led to serious disorder. In the first instance it is for the licensing authority to satisfy itself that a particular condition is appropriate and lawful in each case.

23.8 Incidental music

The performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act. 16.58 The incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required, as it takes place between 08.00 and 23.00 on the same day and before an audience which does not exceed the relevant limit. This is because such an activity is no longer a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment, such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required

Whether or not music is "incidental" to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:

- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
- Is the music advertised as the main attraction?
- Does the volume or the music disrupt or predominate over other activities, or could it be described as 'background' music.

Conversely, factors which would not normally be relevant in themselves include:

- The number of musicians, e.g. an orchestra providing incidental music at a large exhibition;
- Whether musicians are paid;
- Whether the performance is pre-arranged; and
- Whether a charge is made for admission to the premises

In any disputed case, it will be for the licensing authority initially and, ultimately, for the courts to consider whether music is "incidental" in the individual circumstances of any case

23.9 Removing licence conditions

On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements

23.10 **Busking**

Busking or street performance is the practice of performing in public spaces for money. Performances are not limited to music or singing and can take the form of a wide range of activities that people find entertaining.

Busking is generally not licensable under the 2003 Act as

- It often occurs in a place that is not a premises made available (at least in part) for the purposes of providing entertainment.
- The entertainment is usually incidental to another activity, such as shopping or sightseeing, as there are few circumstances in which anyone would go out specifically to watch buskers; and
- Any unamplified live music is not licensable between 08.00 and 23.00

23.11 **Incidental Film**

An exhibition of a film within the meaning of paragraph 15 of Schedule 1 to the 2003 Act is not regulated entertainment if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act.

The incidental film exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required as it takes place between 08.00 and 23.00 on the same day before an audience which does not exceed the relevant limit. Such activities would no longer be a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act

This means that, while any exhibition of moving pictures cannot be incidental to a boxing or wrestling entertainment, such film displays may be within the scope of the incidental film exemption for an indoor sporting event or performance of a play or dance for which no licence is required.

Whether or not an exhibition of moving pictures is “incidental” to another activity will depend on the facts of each case. In considering whether or not film is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of an exhibition of moving images will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. This would mean that if the BBFC or the relevant licensing authority has given an age rating to a film, video, or music video, then to qualify for the “incidental film” licensing exemption, the admission of children to the premises will need to be restricted in accordance with the appropriate age rating. But that is one aspect of one relevant factor. Other factors to consider in assessing whether film is incidental might include some or all of the following:

- Is the film the main, or one of the main, reasons for people attending the premises and being charged?
- Is the film advertised as the main attraction?
- Does the screening of the film predominate over other activities, or could it be described as ‘background’ images?
- Does the appearance of moving pictures within another entertainment activity, for which no licence is required (e.g. a performance of a play or dance), undermine the promotion of the licensing objectives?

23.12 Entertainment activity provided as part of childcare

Entertainment activity that is provided as part of childcare will generally not be licensable. This includes entertainment activity in a nursery or private home. In addition, paragraph 5 of Schedule 1 to the 2003 Act includes a licensing exemption for an exhibition of a film where the main purpose is to provide education. Education will generally include all forms of pre-school child and day care. Furthermore, an exhibition of a film, or the playing of live or recorded music, will generally be incidental to the activity of childcare and so the incidental music and film exemption in paragraph 7 of Schedule 1 will also apply. This will generally be the case for any entertainment activity organised as part of wraparound childcare, including breakfast clubs, after school clubs or holiday clubs linked to the child’s school or based in the local community

23.13 Child performers

Child performance legislation requires that a licence must be obtained from a child’s home local authority before a child can take part in certain types of performance and activities. A licence may be required whether or not any payment is made for the child to perform. The deregulation of entertainment licensing does not alter the regulations on when children can take part in performances. For further information on the licence for Child Performers contact the Education Welfare Officer of the Council

24. Administration

The council's licensing team administer all aspects of the Licensing Act 2003, including applications, representations and requests for assistance and advice. The council's website has detailed information on all of the services it offers for licensees, applicants, complainants and all other enquiries. Application information and forms can be downloaded from our website. The licensing teams can be contacted by any of the following means:

Licensing Section

**Newport City Council,
Licensing,
PO BOX 883,
Civic Centre,
Godfrey Road,
Newport.
NP20 4UR**

Tel: 01633 656656

Email: environment.licensing@newport.gov.uk

Website: www.newport.gov.uk/licensing

25. Application Process

- 25.1 Prospective applicants are strongly recommended to seek pre-application advice. Advice on the application process will be given, but at no stage will the Licensing Authority complete the application form on behalf of an applicant. The council's website has detailed information on all of the services it offers for licensees, applicants, complainants and all other enquiries. In addition the website can be used to search existing licences to view activities, times and conditions and is available at www.newport.gov.uk/licensing
- 25.2 In accordance with the Provision of Services Regulations 2009, electronic application facilities for premises licences are available and may be found on GOV.UK or www.newport.gov.uk/licensing. Electronic applications for other categories of licence and authorisations are also available on these sites. Applications made in electronic form or via GOV.UK will be sent to the responsible authorities by the licensing authority. If the applicant submits their application in writing, they will remain responsible for copying it to the responsible authorities.
- 25.3 Details of applications are available via Newport City Council website at www.newport.gov.uk/licensing

25.4 Applications for all licences and authorisations available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full and received, together with the relevant fee(s) and all other required information, by the Licensing Authority and the relevant responsible authorities.

25.5 Where electronic applications are made, the application will be taken to be 'given' when the applicant has submitted a complete application form and submitted the fee.

25.6 **The Responsible Authorities are:**

Responsible Authority	Contact details
Licensing Authority	<p>Newport City Council, Licensing, PO BOX 883, Civic Centre, Godfrey Road, Newport. NP20 4UR</p> <p>Tel: 01633 656656 Email: environment.licensing@newport.gov.uk Website: www.newport.gov.uk/licensing</p>
Environmental Health Authority	<p>Environmental Health Newport City Council Civic Centre Godfrey Road Newport South Wales NP20 4UR</p> <p>Tel: 01633 656656 Email: environmental.heath@newport.gov.uk</p>
Health and Safety	<p>Environmental Health Newport City Council Civic Centre Godfrey Road Newport</p>

	<p>South Wales NP20 4UR</p> <p>Tel: 01633 656656 Email: environmental.heath@newport.gov.uk</p>
Trading Standards	<p>Trading Standards Newport City Council Civic Centre Godfrey Road Newport South Wales NP20 4UR</p> <p>Tel: (01633) 656656 trading_standards@newport.gov.uk</p>
Child Protection Authority	<p>Children & Family Services Newport City Council Room 208 W Civic Centre Newport NP20 4UR</p> <p>Tel: (01633) 656656 Email: info@newport.gov.uk</p>
Planning Authority	<p>Planning Services Newport City Council Civic Centre Newport South Wales NP20 4UR</p> <p>Tel: (01633) 656656 Email: planning@newport.gov.uk</p>
Heddlu Gwent Police	<p>The Chief Officer of Police FAO The Licensing Officer Heddlu Gwent Police East LPA Licensing Team Cardiff Road Newport NP20 2EH</p> <p>Tel: (01633) 245229 or (01633) 245249 Email: Newportlicensing@gwent.pnn.police.uk</p>
South Wales Fire & Rescue Service	<p>South Wales Fire & Rescue Service, Forest View Business, Llantrisant, Pontyclun CF72 8LX.</p>

	safetysouth@southwales-fire.gov.uk
Public Health	Executive Director of Public Health – Alcohol Licensing Lead, Aneurin Bevan Gwent Public Health Team, St Cadocs Hospital, Headquarters Building, Lodge Road, Caerleon NP18 3XQ. publichealth.aneurinbevan@wales.nhs.uk

25.7 The steps for consideration of licensing application, a licensing variation and a club premises certificate are:

- a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information www.newport.gov.uk/licensing.
- b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary).
- c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data.
- d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives.
- e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

25.8 Conditions on a licence

- Must be appropriate for the promotion of the licensing objectives;
- Must be precise and enforceable
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- Must be tailored to the individual type, location and characteristics of the premises and events concerned;

- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- Should not replicate offences set out in the 2003 Act or other legislation;
- Should be proportionate, justifiable and capable of being met;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Should be written in a prescriptive format

25.9 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, the Authority must be satisfied that an applicant has the right to work in the UK, to demonstrate that the applicant has permission to be in the UK and that they are permitted to undertake work in a licensable activity. This also applies to individuals who apply for premises licences. The purpose of this is to prevent illegal working in the UK

25.10 A person is also disqualified from holding a licence if they are subject to a condition on their permission to be in the UK preventing them from holding a licence, for example if they are subject to an immigration restriction that does not permit them to work.

26. Operating Schedule

26.1 All new and variation applications should incorporate an 'operating schedule' which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.

26.2 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their

local area when describing the steps that they propose to take in order to promote the Licensing Objectives.

26.3 The Licensing Authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the Licensing Authority and other Responsible Authorities prior to submitting them.

26.4 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises concerned. For premises such as a public house where regulated entertainment is not provided, only a relatively simple document may be required. However for an operating schedule accompanying an application for a major entertainment venue or event, it will be expected that issues such as public safety and the prevention of crime and disorder will be addressed in detail.

26.5 The operating schedule must be set out on the prescribed form and include a statement of the following-

- Full details of the licensable activities to be carried on at and the intended use of the premises;
- The times during which the licensable activities will take place;
- Any other times when the premises are to be open to the public;
- Where the licence is only required for a limited period, that period;
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- Whether alcohol will be supplied for consumption on or off the premises or both;
- The steps which the applicant proposes to promote the Licensing Objectives

26.6 For some premises, it is possible that no measures will appropriate to promote one or more of the Licensing Objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be

- Precise and enforceable
- Be unambiguous
- Not to duplicate other statutory provisions
- Be clear in what they intend to achieve, and
- Be appropriate, proportionate and justifiable

26.7 To assist applicants the authority has provided a Code of good practice for licenced premises, the current code can be found in Appendix A of this policy. It should be noted the code does not form any part of this policy and the guidance and examples of control measures are simply given to assist applicants in preparing operating schedules and the on-going running of a licenced premises.

The code is not exhaustive and is not to be regarded in any way as standard conditions or mandatory requirements

27. Conditions

- 27.1 The Licensing Act 2003, as amended, imposes a number of mandatory conditions on licences. The council has the power to impose additional conditions if they consider that they are appropriate for the promotion of the licensing objectives.
- 27.2 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises, activities and/or events provided at the premises. The policy does not provide for any standard, general or blanket conditions, and will not impose disproportionate and burdensome requirements.
- 27.3 Applicants may offer conditions in the operating schedule as part of their application; the council may remove or reword any of these conditions if they are considered to be unclear, ambiguous or unenforceable, with the agreement of the applicant. This will ensure that all parties fully understand their responsibilities to promote the licensing objectives.
- 27.4 The council recognise that they can only impose conditions where relevant representations are received and it is considered appropriate for the promotion of the licensing objectives. Where a responsible authority gives evidence that it is appropriate to impose specific conditions the request will be considered by the council who may suggest the wording of the condition to ensure that it is clear, relevant and enforceable.
- 27.5 When attaching conditions, the council will also be aware of the need to avoid measures that might deter live music, dancing or theatre by imposing costs of a substantial nature, that are not in proportion to the risks.

28. Applications where representations are received

- 28.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.
- 28.2 Representations must be made to the Licensing Authority within the statutory period of 28 days beginning on the day after the relevant application is received by the Licensing Authority. Representations must be made in writing.

- 28.3 Representations can be made either be in support of an application or to express objections to an application being granted. However the Licensing Authority can only accept “relevant representations.” A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the Licensing Objectives.
- 28.4 An example of a representation that would not be relevant would be a representation from a local business person about the commercial damage that competition from a new licensed premise would do to their own business. On the other hand, a representation by a business person that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be a relevant representation.
- 28.5 In other words, representations should relate to the impact of licensable activities carried on from premises on the Licensing Objectives.
- 28.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.
- 28.7 Whilst the Licensing Authority expects representations to be evidence based, there is no requirement for a Responsible Authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.
- 28.8 Responsible authorities are a group of public bodies that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. A full list of contact details for the responsible authorities is provided on the Licensing Authority’s website.
- 28.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each Responsible Authority to determine when they have appropriate grounds to do so.
- 28.10 The Licensing Authority recognises that every Responsible Authority can make representations relating to any of the four Licensing Objectives. However the Licensing Authority would normally expect representations about the promotion of individual Licensing Objectives to come from the most relevant Responsible Authority with expertise in that particular area. For example the Licensing Authority would expect representations about the prevention of crime and disorder to come primarily from the police and representations about the prevention of public nuisance to come primarily from environmental health.

- 28.11 The Licensing Authority recognises that the police should be its main source or advice on matters relating to the promotion of the crime and disorder licensing objective, but also may be able to make relevant representations with regards to the other Licensing Objectives if they have evidence to support such representations.
- 28.12 The Licensing Authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the Licensing Objectives. However the Licensing Authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.
- 28.13 The Licensing Authority recognises Newport City Council children's services as being the body that is competent to advise it on the licensing objective of the protection of children from harm.
- 28.14 The Licensing Authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions.
- 28.15 For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information might be relevant to the public safety objective and in some cases the crime and disorder objective.
- 28.16 As a result of the Police Reform and Social Responsibility Act 2011, the Licensing Authority is also now a Responsible Authority and can therefore make representations if it deems it appropriate to do so.
- 28.17 However the Licensing Authority will not normally act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so.
- 28.18 Such parties can make relevant representations to the Licensing Authority in their own right, and the Licensing Authority expects them to make representations themselves where they are reasonably able to do so.
- 28.19 The Licensing Authority also expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other Responsible Authority. Each Responsible Authority has equal standing under the

2003 Act and may act independently without waiting for representations from any other Responsible Authority.

28.20 In cases where a Licensing Authority is also acting as Responsible Authority in relation to the same process, the Licensing Authority will seek to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities.

28.21 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

28.22 The Licensing Authority will also reject as invalid, any representations from other persons that are deemed to be frivolous or vexatious. A representation might be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause. Frivolous representations are essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

28.23 Decisions as to the validity of representations will normally be made by officers of the Licensing Authority. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it

28.24 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition

- We ask that the organiser of the petition identify himself or herself as a central point of contact. We may need to make contact in order to verify certain matters if we are unable to do this it could invalidate the petition
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses must be supplied
- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge

We will not write to each signatory separately, but instead assume that the organiser will advise each signatory of the hearing date and the final outcome of the application. It is expected that the organiser will represent the signatories at the hearing and to speak for them. When making a decision, the Licensing Authority will give appropriate weight to a petition. Those wishing to make representations should appreciate that the quality of the representations we receive is an important consideration when making a decision.

28.25 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the authority's corporate complaints procedure. A person may also challenge such a decision by way of judicial review.

28.26 Where a notice of a hearing is given to an applicant, the Licensing Authority is required to provide the applicant with copies of the relevant representations that have been made.

28.27 The Licensing Authority will normally provide copies of the relevant representations to the applicant in full and without redaction. However in exceptional circumstances, where a person satisfies the Licensing Authority that they have genuine reasons to fear intimidation or violence if their personal details, such as name and address, are divulged to the applicant, the copies of the representations may be redacted accordingly.

28.28 In such circumstances the Licensing Authority will still provide some details to the applicant (such as street name or general location within a street), so that the applicant can fully prepare their response to any particular representation.

28.29 Alternatively, persons may wish to contact the relevant Responsible Authority or their local Councillor with details of how they consider that the Licensing Objectives are being undermined so that the Responsible Authority can make representations on their behalf if appropriate and justified.

28.30 Further guidance on making representations is provided on the Licensing Authority's website.

29. Exercise and delegation of functions

29.1 The Licensing Act 2003 requires local authorities to act as the Licensing Authority and to set up a Licensing Committee to be responsible for all matters relating to the Licensing Act 2003. The Licensing Committee further delegate to Licensing Sub Committees (Panels), or by one or more officers acting under delegated authority.

29.2 It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers. **The Licensing Authority, when acting as a Responsible Authority commenting on Licence applications, will have separate roles for officers. One member of staff will be required to administer the application and another member of staff will act as the Responsible Authority making comments on the application.**

29.3 The Schedule below sets out the presumed delegation of functions and decisions. Notwithstanding this presumption of delegation, the Council reserves the right to refer any matter to the Licensing Committee or sub-committee.

29.4 **Schedule of delegation of licensing functions and decisions**

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee (panels)	Officers
Application for personal licence		If a police objection	If no objection made
Application for a personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application for provisional statement		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application to vary premises licence/club premises certificate		If a relevant representation made and not withdrawn	If no relevant representation made or representation withdrawn
Application to vary designated premises supervisor		If a police objection	All other cases
Application for a minor variation			All cases
Application to vary a licence on a community premises to include		If police objection	All other cases

alternative licence condition			
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Determination of a police or environmental health objection to a temporary event notice		In all cases if not withdrawn.	
Suspension of licences following non-payment of annual fees			All Cases

30. Reviews of licences

30.1 The Council can only review a licence where it is alleged by a "responsible authority", or other person that the licensing objectives are being breached. Responsible authorities will aim to give licence holders early warning of any concerns identified at the premises. Only responsible authorities or other persons (e.g. local residents, local organisations and councillors) can apply for the review of a licence; and determine its outcome at a hearing where an evidential basis for allegations made will be submitted. It views particularly seriously applications for the review of any premises licence which involves the

- use of licensed premises for the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;

- use of licensed premises for the sale of smuggled tobacco or goods;
- use of licensed premises for the storage or sale of stolen goods;
- the police being frequently called to attend to incidents of disorder;
- prolonged and/or repeated instances of public nuisance
- serious risk to public safety have been identified and the management is unable or unwilling to correct;
- Serious risk to children.

30.2 The Licensing Sub-committee will consider all evidence provided at the hearing and apply appropriate weight to that evidence when making their decision.

30.3 The licensing sub-committee will consider all of the sanctions available to it provided for in the Act and guidance, including taking no action if appropriate. In cases where a licensing objective is seriously undermined, that revocation of the licence, even in the first instance, will be considered where appropriate to ensure the licensing objectives are promoted.

30.4 In cases where a licensing objective is seriously undermined, the revocation of the licence, even in the first instance, will be seriously considered where appropriate to ensure the licensing objectives are promoted.

31. Cumulative Impact Assessment & Newport Stress Area(s)

31.1 Under the Licensing Act 2003, Licensing Authorities have the power to introduce a cumulative impact policy where there is evidence showing that a significant number of licensed premises concentrated in one area has led to an increase in; Crime and disorder, Public nuisance or to both. Where adopted, a Cumulative Impact Policy creates a rebuttable presumption that applications for new premises licences, or club premises certificates or variations, that are likely to add to the existing cumulative impact will normally be refused

31.2 The Statutory Guidance sets out the steps to be followed when considering whether to adopt a special policy within the Policy these include

- a) Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm
- b) Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- c) If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- d) Identify the boundaries of the area where problems are occurring.

- e) Consult with those specified by Section 5(3) of the Licensing Act and subject to the outcome of that consultation, include and publish details of any special policy in the licensing policy statement

- 31.3 In April 2018, Section 141 of the Policing and Crime Act 2018 introduced a new Section 5A to the Licensing Act 2003 relating to Cumulative Impact Assessments (CIA). Before an Impact assessment area can be introduced the Authority must give reasons why they are considering a CIA, what part(s) they are considering to be a CIA and whether it considers the CIA applies to all licences or those of a particular kind. As such, the Authority must conduct a thorough assessment and if a CIA is introduced it must be reviewed at least every 3 years.
- 31.4 Having taken into account the Statutory Guidance, an assessment in line with 31.3 above and guidance from Gwent Police, it has been determined to remove Newport City Centre Cumulative Impact area from its licensing policy.
- 31.5 The licensing authority recognises there are a number of existing measures available that are relevant to tackling unlawful and anti-social behaviour associated with licensed premises, including:
- Planning controls
 - Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other departments of the local authority
 - The provision of CCTV surveillance, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
 - The confiscation of alcohol from adults and children in designated areas
 - Police enforcement of the general law concerning disorder and antisocial behaviour, including the issue of fixed penalty notices
 - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale) – Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a disturbance.
 - Robust conditions on the licence promoting the four licensing objectives.
 - The power of the police, or other responsible authorities or any person to seek a review of the licence or certificate.
 - Regular monthly Responsible Authority meetings, for interested parties to comment on, and providing an action plan, when dealing with problematic premises and areas

Newport Stress Area(s)

However, having regard to the levels of crime and disorder and public nuisance within Newport City Centre there is still evidence that the promotion

of the licensing objectives within an identified area of Newport City Centre is being undermined as a consequence of the operation of licensed premises in the area.

The licensing authority considers that although the levels of problems do not currently justify the implementation / renewing of a cumulative impact area, the area is of a concern and will be kept under very close review.

Therefore, in retracting the historic **Cumulative** Impact area the Council has determined to adopt a Special Policy for the City Centre which shall be known as the “City Centre Stress Area”; this area is identified on the map in [Appendix A](#) of this Licensing Policy.

The Licensing authority does not wish to see an increase in antisocial behaviour, however the authority does wish to diversify the night-time economy and continue to regenerate the city centre. The Council aim is to promote an ‘inclusive’ evening and night-time economy throughout the city to ensure people of all ages can participate in and enjoy a range of activities through a diverse array of licensed premises, not simply focused on the consumption of alcohol.

Where an application is located within a Special Policy Stress area, all parties are expected to have due regard to it. The licensing authority’s discretion to determine the application shall be engaged upon the receipt of relevant representations and the respective Special Policy shall be the starting point when doing so. No Special Policy is absolute and the licensing authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the Special Policy. Where no representations are received for an application within a Special Policy area, the application will be granted as applied for. Applicants are expected to demonstrate an understanding of the Policy; how the Policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the Policy.

New and variation applications for premises and club premises certificates within the “City Centre Stress” area will not be subject to the presumption of refusal, but operators will be expected to pay very special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. It is strongly recommended to discuss the application with the Licensing Authority before submitting an application.

On receipt of any application in the City Centre Stress area, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules.

The adoption of Stress area(s) policy takes into consideration paragraph 10.13 of the Government's statutory Guidance, which recognises that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas and that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.

With the above in mind, the following approach for new licences and material variations, where relevant representations have been made, shall be taken

Type of Premises	Alcohol Licensing Hours / Other Licensing Activities
Restaurant	Alcohol Licensing Hours 07:00- 00:30hrs Other Licensing Activities 08:00- 00:30hrs
Café	Alcohol Licensing Hours 07:00- 00:30hrs Other Licensing Activities Midnight 08:00- 00:30hrs
Late Night Takeaways / Fast Food Outlet.	Late Night Refreshment Sunday- Thursday 23:00-2:30am Friday- Saturday 23:00-03:00am
Night Club / Sexual Entertainment Venue	Alcohol Licensing Hours Sunday-Thursday 07:00- 3:00am Friday-Saturday 07:00-3.30am Other Licensing Activities Sunday-Thursday 08:00- 3:30 am Friday-Saturday 08:00- 4:00am (Additional Measures last entry to Night Club / Sexual Entertainment 2:00am)
Pub / Bars	Alcohol Licensing Hours Sunday- Thursday 07:00-2:00 am Friday-Saturday 07:00-2:30am Other Licensing Activities

	<p>Sunday –Thursday 08:00-2:00am Friday-Saturday 08:00-2:30am</p>
<p>Non-Alcohol lead</p> <p>This may include:</p> <ul style="list-style-type: none"> • Cinemas • Theatres •Bowling alleys, hairdressers, florists • Art galleries. • Workplace Bar solely for use of employees of the premises 	<p>In general, will be granted a licence in line with trading hours.</p>
<p>Hotel</p>	<p>Alcohol Licensing Hours 07:00-02:00am</p> <p>Or 24 hours to residents of hotel</p> <p>Other Licensing Activities 08:00- 02:00am</p> <p>Late Night Refreshment for residents of hotel 23:00hrs till 05:00hrs</p>
<p>Off Licence</p>	<p>Alcohol Licensing Hours</p> <p>07:00-23:00pm</p>
<p>Members Clubs</p>	<p>Alcohol Licensing Hours 07:00-2:30am</p> <p>Other Licensing Activities 08:00-2:30am</p>
<p>Outdoor Events</p>	<p>Alcohol Licensing Hours 07:00-10:30pm</p> <p>Other Licensing Activities 08:00-23:00pm</p>

It is imperative to stipulate No Special Policy is absolute and the licensing authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the Special Policy in light of the individual circumstances of the case. Though exceptions will only

be made where the **applicant** proves that the grant would not harm the Licensing objectives.

Matters such as;

- longer hours will create slower dispersal;
- history of good management;
- Character of the applicant
- premises are well run;
- size of the proposal;
- alcohol is not sold;
- clientele are a cut above the usual;
- A neighbouring premises has longer hours

Will not be considered exceptional circumstances and the policy is intended to be strictly applied.

Where no representations are received for an application within a Special Policy area, the application will be granted as applied for. Applicants are expected to demonstrate an understanding of the Policy; how the Policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the Policy.

Existing licensees who wish to materially alter and/or extend the premises to which the authorisation relates are required to seek a new authorisation. This is because the Act prohibits the use of a variation application to substantially alter the premises to which the authorisation relates.

Where the only change is to the physical extent or material layout of the premises themselves (i.e. in the absence of additional features such as change in style of operation, capacity etc) it is highly unlikely this would trigger the special policy, but of course this policy cannot restrict the right of any responsible authority or interested party to make relevant representations in that regard and if such are forthcoming they will be diligently considered. Where other change is envisaged then the presumption may arise. Applicants in such circumstances are entitled to seek a Provisional Statement.

32. Early morning restriction orders

- 32.1 The Authority considered the implications this would have on the night time economy and recognise that the restriction would apply to alcohol sales and not entertainment. It looked at the balance of providing a vibrant community and the negativity of alcohol related crime and disorder and anti-social behaviour. It also looked at the current measure in place to deal with such matter
- 32.2 An EMRO restricts the time within which alcohol can be supplied. Alcohol supply can be prohibited between 0000-0600 and applies to Premises Licences, Club

Premises Certificates and Temporary Event Notices. There are no exceptions save that which authorise supply of alcohol to residents with overnight accommodation via minibars and room service.

- 32.3 The Authority considered all of the above and resolved not to adopt an EMRO. However, the Authority will consider this approach if at any point it becomes appropriate and necessary and will conduct a full consultation before the provision is considered.

33. Hearings

- 33.1 Applications for licences and certificates will be determined following consultation with relevant responsible authorities. Where no representations are received, they will be issued administratively by the Licensing Team, however, contentious applications must be referred to the Council's Licensing Sub-Committee (panel) for determination, unless it is agreed by all parties that a hearing is not necessary
- 33.2 The period of notice of a hearing that must be given to all relevant parties, and the information which may be disclosed, varies depending on the type of application, subject to regulations. A Licensing Sub-Committee (panel) of three Elected Members will determine a contentious application and will either grant a licence, grant a licence with amendments or refuse an application. Any party can appeal against the Council's decision to a Magistrates' Court
- 33.3 At any time during the period of a licence, any responsible authority or other person can ask for the review of a licence or certificate. All review applications will be determined by the Licensing Sub-Committee.

34. Appeals

- 34.1 Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Schedule 5 of the Act. Other than in the case of personal licences, an appeal has to be made to the local Magistrates' Court. In the case of personal licences, the appeal must be made to the Magistrates' Court for the area in which the licensing authority which has considered the application (or any part of it) is situated
- 34.2 An appeal has to be instigated by giving notice of the appeal by the appellant to

The Clerk to the Justices,
Newport Magistrates' Court
The Law Courts
Faulkner Road
Newport
Gwent
NP20 4PR
DX 311301 Newport (Gwent) 19,

Within a period of 21 days beginning with the day on which the appellant was notified by the Council of the decision appealed against.

34.3 On determining an appeal, the Court may:

- dismiss the appeal
- substitute any other decision which could have been made by the Council or
- remit the case to the Council to dispose of it in accordance with the direction of the Court.

The Court may make such order as to costs as it thinks fit

34.4 In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which decisions has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 182 Implementing the determination of the Magistrates' Courts.

34.5 Where appropriate, the Licensing Authority will provide applicants and objectors etc. with information concerning their rights of appeal.

34.6 Where appropriate, the Licensing Authority will provide applicants and objectors etc. with information concerning their rights of appeal.

35. Implementing the determination of the Magistrates' Court

35.1 As soon as the determination of the Magistrates' Courts has been promulgated, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action [for example, as a result of an on-going Judicial Review]. The Act provides for no further appeal against the determination of the Magistrates' Courts.

36. Enforcement

36.1 The Licensing Authority has established joint enforcement protocols with the police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to low-risk premises, which are shown to be well run.

36.2 The Licensing Authority intends that enforcement visits will be made to licensed premises as appropriate, to ensure that any conditions imposed as part of the licence are being complied with. These visits may be either proactive planned

inspections based on the risk presented by the premises, history of non-compliance etc., or reactive visits as a result of complaints.

36.3 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

36.4 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Council's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

37. Fees Generally

37.1 All fees are currently set by statute and the council is obliged to charge the fees as detailed in the Fees Regulations.

37.2 **The Police Reform and Social Responsibility Act 2010** have provisions to give councils to set their fees locally, however at this time the relevant sections have not been commenced. When commenced the councils will calculate fees to recover the costs of the service and then consult on their implementation before asking the Licensing Committee to approve any change.

38. Annual Fees for Premises Licences and Club Premises Certificates

38.1 The Licensing Act 2003 and regulations made under the Act set out requirements for annual fees and require that the fee is paid on the due date which is every year on the anniversary of the original grant of the licence. The fee is currently set by regulations, however amendments made by the Police Reform and Social Responsibility Act 2010 will when commenced give the council the ability to set fees locally to recover costs associated with the administration and compliance of the Act.

39. Licence suspension for non-payment of annual fee

39.1 Amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2010 give councils the power to suspend premises licences and club premises certificates where the annual fee required by regulations is not paid.

- 39.2 The council will suspend any licence or certificate where the required fee is not paid by the 'due date', which is annually on the anniversary of the date that the licence was first granted. The council will follow the below procedure:
- 39.3 Upon notification/discovery that an annual fee is not paid, the council will give notice to the licence/certificate holder, in writing,
- that the licence/certificate will be suspended 14 days from the date of the notice.
 - It will also state that the suspension will not become effective if the fee is paid prior to the suspension date.
 - If an administration error is claimed, the suspension date may be 21 days from the due date; or the date of suspension on the 14 day notice, whichever is later.
 - A copy of the notice will also be served on the designated premise supervisor/premises manager if they are not the premises licence holder
- 39.4 If the fee is not paid by the date specified on the notice the licence/certificate will be deemed suspended. The licence/certificate holder and DPS/Manager will be immediately notified of the suspension becoming effective, and informed that the premises may no longer offer any licensable activities until such time as the fee is paid and the suspension lifted. When the full payment is made the council will immediately lift the suspension, and confirm this in writing.
- 39.5 Where a licence/certificate is suspended and licensable activities are provided the council will consider prosecuting the provider for offences under section 136 of the Licensing Act 2003.

40. Late night levies

- 40.1 A Late Night Levy (LNL) is an optional power, introduced by the Police Reform and Social Responsibility Act which allows Licensing Authorities (LAs) to raise a contribution towards the costs of policing the night time economy (NTE) by charging a levy to holders of Premises Licences and Club Premises Certificates authorised to sell alcohol. A LNL must apply across the whole borough and also applies to all on- and off-licences. TENs are not included.
- 40.2 The Authority considered the benefits of a busy night time economy as many residents are either employed within this sector or enjoy the vibrant, social entertainment it provides. They further considered the balance of this to the negative impact the night time economy may bring along with the financial restraints if a levy is adopted.
- 40.3 The Authority considered all of the above and resolved not to adopt a Levy at its Full Council meeting held on 26th September 2013. However, the Authority will

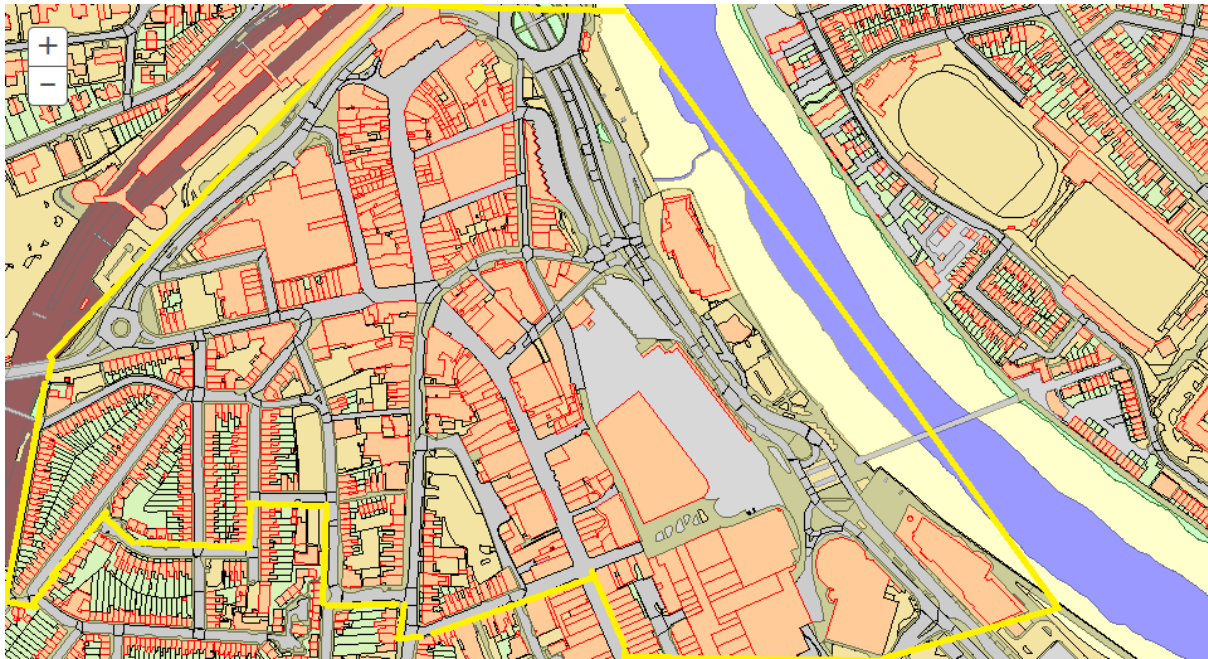
consider this approach if at any point it becomes appropriate and necessary and will conduct a full consultation before the provision is considered.

41. Further Information

Further information about the Licensing Act 2003 and the Council's licensing policy can be obtained from:

Appendix A

Newport City Centre Stress Area





Report

Newport City Council

Part 1

Date 26 January 2021

Subject **Schedule of meetings**

Purpose To adopt a schedule of meetings for the period May 2021 to May 2022.

Author Governance Team Leader

Ward All wards

Summary The proposed schedule of meetings attempts to structure the diary with a series of meetings to facilitate the decision making process through the Council, Executive and Regulatory Committees. The schedule of meetings also sets a pattern of meetings for Scrutiny Committees and other bodies.

The diary does not include dates for meetings of individual Cabinet Members as Cabinet Members will take a view on when they need to meet to make decisions, rather than be bound by a diary of meetings. This will, of course, not affect members' opportunities for consultation on proposed decisions or to request to meet the Cabinet Member before decisions are taken.

It is suggested that the dates, times and locations of all meetings other than the Council meeting are to be left to each individual committee. It is suggested that the needs of Councillors who have work or other commitments at any time during the day are taken into account by the various committees and groups.

The schedule will remain a guide and subject to change and amendment to meet the needs of the work programmes of each committee or other group.

Proposal **To adopt the schedule of meetings as the basis for arrangements for May 2020 to May 2021, recognising it is subject to change and amendment to meet the needs of the work programmes of each committee or other group.**

Action by Governance Team Leader

Timetable As set out in the diary and subject to the views of individual committees

This report was prepared after consultation with:

- Senior Leadership Team
- Monitoring Officer
- Head of Finance
- Scrutiny and Governance

Background

The Council needs to agree a schedule of meetings to allow members to be aware of the pattern of meetings and to assist officers in producing reports in good time for the various stages of the decision making process or the overview and scrutiny process.

Work programme and schedule of full Council meetings

The following sets out the notional Council work programme and proposed dates of meetings. Normally the meetings will commence at 5.00pm and will be broadcast live on the Council's website.

Meeting Date	Provisional Work Programme
11 May 2021	Mayor Making and AGM
20 July 2021	Democratic Services Committee Annual Report Head of Democratic Services Annual Report Director of Social Services Annual Report Treasury Management – Year-end review Welsh Language Annual Report Strategic Equality Plan Annual Report
28 September 2021	Scrutiny Annual Report Standards Committee Annual Report Improvement Plan Review
23 November 2021	Treasury Management – Mid-year review
25 January 2022	Mayoral Nomination Council Schedule of Meetings Treasury Management Council Tax Reduction Scheme
22 February 2022	2021-22 Council Tax / overall budget, Capital Strategy / Treasury Management
26 April 2022	Independent Remuneration Panel Annual Report NDR Rate Relief Pay and Reward Policy
10 May 2022	Mayor Making and AGM

Cabinet meetings

Normally the Cabinet will meet each month but additional meetings will be arranged as necessary. The Leader of the Cabinet will agree any amendments to the programme as shown in this report.

Other committees

For all other meetings, timings of meetings will be a matter for each individual committee. Amendments will be agreed following consultation with committee members.

Financial Summary

There are no specific costs in agreeing a schedule of meetings.

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?
Not adopting a schedule of meetings so that Work planning and key decision making is ad – hoc and lacks transparency and opportunities for proper consultation	M	L	The report suggests an understandable and structured schedule of meetings that meets the needs of the decision making process but is also flexible enough to meet the needs of the council and its members	Democracy and Communications Manager
Adopting too rigid a schedule will not allow the needs of the council or its members to be taken into account.	M	L	The report offers the opportunity for all committees to arrange meetings to meet the needs of the membership of each committee.	Democracy and Communications Manager

Links to Council Policies and Priorities

The schedule of meetings allows work planning to be undertaken in an informed manner allowing the Council's decision making process to meet statutory and constitutional requirements.

Options Available

- To adopt the Schedule as a guide
- To amend the schedule
- To take no action

Preferred Option and Why

The preferred option is to adopt the schedule of meetings as the basis for arrangements for May 2021 to May 2022.

Comments of Chief Financial Officer

There are no direct financial consequences.

Comments of Monitoring Officer

The proposed programme of meetings and arrangements for their frequency and timing are in accordance with Section 6 of the Local Government (Wales) Measure 2011 and statutory guidance. The

frequency and time of the Council meetings has previously been reviewed and agreed, to reflect the needs and commitments of Councillors. It is not proposed that these arrangements should change. The forward work programme and diary of meetings for full Council also needs to reflect statutory timescales for certain policy Framework decisions, for example the need for the annual general meeting in May and the budget meeting in February. Other Council reports can be included within the forward work programme as and when they arise.

Comments of Head of People and Business Change

The report details the proposed schedule of meetings. Therefore, there are no relevant staffing, policy or performance matters for consideration. Having a clear plan of meetings and decision points for Council allows for a more considered approach to monitoring of key activity and compliance with legislation.

Comments of Cabinet Member

This is a matter for the Council and not an executive function.

Local issues

There are no local issues

Scrutiny Committees

This is a matter for consideration by Council.

Equalities Impact Assessment and the Equalities Act 2010

Equalities Impact Assessment is not required

Children and Families (Wales) Measure

No issues in this report relate directly to Children and Young People

Wellbeing of Future Generations (Wales) Act 2015

Not applicable for this report.

Crime and Disorder Act 1998

Not applicable for this report.

Consultation

As set out above

Dated: 26 January 2021

Mon	Tue	Wed	Thu	Fri	Sat	Sun
31	1 10am - Licensing Committee	2 10am – Planning Committee 4pm - Cabinet	3 4pm – Overview & Scrutiny Management Committee	4	5	6
7 4pm – Performance Scrutiny Committee – Place & Corporate	8 10am – Performance Scrutiny Committee - People	9	10 10am – Employee Partnership Forum 12pm – Planning Site Sub	11	12	13
14	15	16	17 10am – Corporate Parenting Forum	18	19	20
21 4pm – Performance Scrutiny Committee – Place & Corporate	22 10am – Performance Scrutiny Committee – People 10am - Chairs Briefing Planning Committee	23	24 10am - SACRE 6pm – Community Council Liaison Meeting	25	26	27
28	29	30 5pm – Performance Scrutiny Committee - Partnerships				

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July 2021

◀ Jun 2020

Aug 2020 ▶

Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1	2	3	4
5	6 10am - Licensing Committee	7 10am – Planning Committee 4pm - Cabinet	8 12pm – Planning Site Sub	9 10am – Overview & Scrutiny Management Committee	10	11
12	13	14	15 10am – Employee Partnership Forum 5:30pm – Standards Committee	16	17	18
19 8am Audit Committee Briefing 5pm – Performance Scrutiny Committee - Partnerships	20 5pm - Council	21	22 10am – Democratic Services Committee	23	24	25
26	27 10am - Chair's Briefing Planning Committee	28 10am – Gwent Crem Joint Committee	29 5pm – Audit Committee	30	31	

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August 2021

Mon	Tue	Wed	Thu	Fri	Sat	Sun
						1
2	3 10am - Licensing Committee	4 10am - Planning Committee	5	6	7	8
9	10	11	12 12pm - Planning Site Sub	13	14	15
Tudalen 183	16	17	18	19	20	21
	23	24	25	26	27	28
	30	31				

September 2021

◀ Aug 2020

Oct 2020 ▶

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 10am – Planning Committee	2 5pm – Audit Committee	3	4	5
6 4pm – Performance Scrutiny Committee – Place & Corporate	7 10am – Licensing Committee 10am – Performance Scrutiny Committee - People	8	9 10am – Corporate Parenting Forum 12pm – Planning Site Sub	10	11	12
13	14	15 4pm - Cabinet	16 6pm – Community Council Liaison Meeting	17	18	19
20	21	22	23 4pm – Overview & Scrutiny Management Committee	24	25	26
27	28 10am Chair's Briefing Planning Committee 5pm - Council	29	30			

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October 2021

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5 10am - Licensing Committee	6 10am - Planning 5pm – Performance Scrutiny Committee - Partnerships	7	8	9	10
11	12	13 4pm - Cabinet	14 10am - SACRE 10am – Employee Partnership Forum 12pm – Planning Site Sub	15	16	17
18	19	20 2pm – Greater Gwent Cremation Joint Committee	21 10am – Democratic Services Committee	22	23	24
25	26 10am – Chair’s Briefing Planning Committee	27	28 5pm – Audit Committee	29 10am – Overview & Scrutiny Management Committee	30	31

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November 2021

◀ Oct 2020

Dec 2020 ▶

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 4pm – Performance Scrutiny Committee – Place & Corporate	2 10am – Performance Scrutiny Committee – People 10am - Licensing Committee	3 10am – Planning Committee	4	5	6	7
8	9	10 4pm - Cabinet	11 12pm – Planning Site Sub 5:30pm – Standards Committee	12	13	14
15 10am – Performance Scrutiny Committee – Place & Corporate	16 10am – Performance Scrutiny Committee - People	17	18	19	20	21
22	23 10am – Chair’s Briefing Planning Committee 5pm - Council	24	25	26	27	28
29	30					

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December 2021

◀ Nov 2020

Jan 2021 ▶

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 10am – Planning Committee 5pm – Performance Scrutiny Committee - Partnerships	2	3	4	5
6	7 10am - Licensing Committee	8 2pm – Greater Gwent Cremation Joint Committee	9 4pm – Corporate Parenting Forum 12pm – Planning Site Sub 6pm – Community Council Liaison meeting	10	11	12
13	14	15 5pm - Cabinet	16	17	18	19
20	21	22	23	24 Christmas Eve	25 Christmas Day	26 Boxing Day
27 Bank Holiday	28	29	30	31 New Year's Eve		

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January 2022

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				31	1 New Years Day	2
3	4	5 10am – Planning Committee	6 5:30pm – Standards Committee	7	8	9
10 10am – Performance Scrutiny Committee – Place & Corporate	11 10am – Performance Scrutiny Committee – People	12 4pm - Cabinet	13 10am – Employee Partnership Forum 12pm – Planning Site Hub	14	15	16
17	18	19	20	21 10am Overview & Scrutiny Management Committee	22	23
24	25 10am - Chair's Briefing Planning Committee 5pm - Council	26 10am Gwent Crem Joint Committee	27 5pm – Audit Committee	28	29	30
31						

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February 2022

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1 10am - Licensing Committee	2 10am – Planning Committee 5pm – Performance Scrutiny Committee - Partnerships	3	4	5	6
7	8	9 10am - Democratic Services Committee Briefing 4pm - Cabinet	10 12pm – Planning Site Sub	11	12	13
14	15	16	17 10am – Democratic Services Committee	18	19	20
21	22 10am – Chair’s Briefing Planning Committee 5pm - Council	23	24	25	26	27
28 4pm – Performance Scrutiny Committee – Place & Corporate						

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March 2022

◀ Feb 2022

Apr 2022 ▶

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1 10am - Licensing Committee	2 10am – Planning Committee	3 10am – Corporate Parenting Forum	4	5	6
7	8 10am – Performance Scrutiny Committee – People	9 4pm - Cabinet	10 10am - SACRE 12pm – Planning Site Sub	11	12	13
14	15	16 5pm – Performance Scrutiny Committee - Partnerships	17 4pm – Overview & Scrutiny Management Committee	18	19	20
21	22 10am Chair's Briefing Planning Committee	23	24 6pm – Community Council Liaison meeting	25	26	27
28	29	30	31 5pm – Audit Committee			

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April 2022

◀ Mar 2022

May 2022 ▶

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5 10am - Licensing Committee	6 10am – Planning Committee 4pm - Cabinet	7	8	9	10
11	12	13	14 12pm – Planning Site Sub 5:30pm – Standards Committee	15 Good Friday	16	17 Easter Sunday
18 Easter Monday	19	20 5pm – Performance Scrutiny Committee - Partnerships	21	22	23	24
25	26 10am – Chair’s Briefing Planning Committee 5pm - Council	27 10am – Gwent Crem Joint Committee	28 5pm – Democratic Services Committee	29 10am – Overview & Scrutiny Management Committee	30	

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May 2022

◀ Apr 2022

Jun 2022 ▶

Mon	Tue	Wed	Thu	Fri	Sat	Sun
						1
2	3 10am - Licensing Committee	4 10am – Planning Committee 4pm - Cabinet	5	6	7	8
9	10 5pm – Council (AGM)	11	12 12pm – Planning Site Sub	13	14	15
16	17	18	19 5pm – Democratic Services Committee	20	21	22
23	24 10am Chair's Briefing Planning Committee	25	26 5pm – Audit Committee	27	28	29
30	31					

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