

Agenda



Newport City Council

Ddydiad: Dydd Mawrth, 25 Ionawr 2022

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> i. To receive any apologies for absence. ii. To receive any declarations of interest. iii. To receive any announcements by the Mayor.	
2. <u>Cofnodion</u> (Tudalennau 5 - 26) To confirm and sign the minutes of the last meeting.	
3. <u>Penodiadau</u> (Tudalennau 27 - 28) 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>Adroddiad Chwe Misol Rheoli'r Trysorlys 2021/22</u> (Tudalennau 29 - 46)	All Wards
6. <u>Cynllun Gostyngiadau Treth y Cyngor</u> (Tudalennau 47 - 54)	All Wards

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Date of Issue: Dydd Mawrth, 18 Ionawr 2022

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| 7. | <u>Adroddiad Blynddol y Cyfarwyddwr Gwasanaethau Cymdeithasol (Tudalennau 55 - 108)</u> | All Wards |
| 8. | <u>Deddf Hapchwarae - Datganiad o Egwyddorion (Tudalennau 109 - 192)</u> | All Wards |
| 9. | <u>Amserlen Cyfarfodydd 2022/23 (Tudalennau 193 - 208)</u> | All Wards |
| 10. | <u>Cofnodion y Pwyllgor Gwasanaethau Democraidd: 13 Rhagfyr 2021 (Tudalennau 209 - 216)</u> | All Wards |
| 11. | <u>Enwebiad Maer ar gyfer 2022/23</u> | All Wards |

12. Cwestiynau i Arweinydd y Cyngor
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.

13. Cwestiynau i Aelodau'r Cabinet
To provide an opportunity to pose questions to Cabinet Members in line with Standing Orders.

Process:

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

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

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

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

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

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. [Live Event](#)
[Council Meeting, 25 January 2022 - YouTube](#)

Mae'r dudalen hon yn wag yn



Minutes

Council

Date: 23 November 2021

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, Councillor R Jeavons, M Kellaway, M Linton, D Mayer, R Mogford, Councillor J Mudd, J Richards, M Spencer, T Suller, K Thomas, C Townsend, Councillor R Truman, T Watkins, R White, K Whitehead, D Wilcox, D Williams, G Berry, J Clarke, Y Forsey, P Hourahine, J Hughes, J Jordan, L Lacey, S Marshall, W Routley, H Townsend, J Watkins, A Morris, Hussain and Jones

Apologies: Councillors H Thomas, M Whitcutt, V Dudley and T Holyoake

1. Preliminaries

1.i Apologies

As above.

1.ii Declarations of Interest

None.

1.iii Mayor's Announcements

None.

2. Minutes

The Minutes of 28 September 2021 were approved as a true record.

3. Appointments

To consider the proposed appointments set out in the report

Councillor Harvey informed Council that the Appointment Sub-Committee had recently appointed a new Strategic Director for Environment and Sustainability and a new Head of Adult Services, as outlined below. Councillor Harvey congratulated Paul Jones and Mary Ryan on their successful appointments.

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

Resolved: That the following appointments be agreed.

Governing Body Appointments

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

Council Strategic Director Role

Paul Jones, Strategic Director for Environment and Sustainability

Head of Service Role

Mary Ryan, Head of Adult Services

Internal Appointments

Foster Panel: Councillor Davies to replace Councillor Berry

Champions

BAME Champion: Councillor Hussain to replace Councillor Rahman

Carers Champion: Councillor Guy to replace Councillor Berry

Outside Bodies

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

Caldicot Drainage Board: Councillor Lacey to replace Councillor Berry

Newport Live: Councillor Hughes to replace Councillor Rahman

4. Police Issues

The Chief Superintendent Tom Harding and Superintendent Mike Richards were in attendance and provided an update on current local policing priorities, before inviting questions from Members.

The Mayor invited the Leader to say a few words.

The Leader was delighted to hear about the safer streets funding partnership recently put in place and congratulated Insp Cantwell and Insp George on their PCC award for partnership working.

The Leader went on to mention that the city centre was experiencing an increase in offensive materials being posted around the city centre along with fly posting in relation to

transgender people and was seeking assurance that the matter would be dealt with by the police. Chief Supt Harding assured the Leader that every single hate crime reported to police was looked into every morning and passed on to a trained officer who dealt with the incident accordingly and encouraged residents to report any incident as it was being taken seriously. Supt Richards also mentioned that the police had a transgender member of staff in place to address any issues appropriately.

The Leader had raised at the previous meeting the challenges raised in Malpas and was pleased to see that the police had increased their presence around St David's Hospice. The Leader was also delighted to hear that a moped had been impounded and that residents' concerns raised in relation to anti-social behaviour were also being addressed.

The Leader asked what assurances to residents on anti-social behaviour the police could provide and how to report this, as residents were often reluctant to contact police. Supt Richards assured the Leader that the police would be as responsive to these issues as possible to ensure that communities reported these incidents.

The Leader asked for clarification regarding the relationship that councillors had with the Inspector and whether elected members were entitled to monthly meetings with the Inspector. Supt Richards assured the Leader that it was to be expected that there was a good working relationship with councillors. In addition, there would be a new Inspector for Newport West by the end of the week, as there was a gap for a couple of weeks and Supt Richards apologised for this. Supt Richards would re-enforce the importance of regular meetings with councillors.

The Leader also raised the issue of members' personal security in the light of recent terrorist threats and the killing of Sir David Amess. The Leader had received support from Gwent police regarding a recent harassment issue but was disappointed that there was some disparity between the level of contact between police forces across Wales and Council Leaders. In some authorities, Leaders were contacted directly by the police, but this had not happened in Gwent and the Leader would have appreciated some assurance by the police. Chief Supt Harding apologised that the Leader felt her safety was not taken seriously. The Chief Supt had emailed the Chief Executive within three hours of the incident taking place and assured the Leader that support to any Councillors who were in a similar position would be provided by the police and was happy to circulate a copy of the email to the Leader. If councillors wanted the contact information this would be facilitated by the Chief Superintendent.

Councillors Questions:

- Councillor Harvey referred to a recent incident where a victim of domestic abuse dialled 999 at midnight and was not seen until 5am when it was light and felt that this was not acceptable and that the police should have come sooner. The estate had seen a recent murder and antisocial behaviour. In addition, properties were being targeted by a passer-by dropping a peg on a property as a marker for burglary. Supt Richards apologised about the recent 999 incident and assured the councillor that it would be raised with their control room. Supt Richards also thanked the councillor for the heads up on the burglaries and would raise this as a matter of priority with Insp Cawley.
- Councillor Jeavons confirmed that Insp Cawley met monthly with ward councillors and recently updated the councillor with regard to the joy riders on the SDR on a Sunday night. The Councillor however requested that this be escalated as it was still taking place and was a serious disturbance for residents. This happened during the early hours of the morning where drivers around the Lysachts Institute would stop and start at the traffic lights. Councillor Jeavons also requested the use of the 'Go Safe' van during these times. The Superintendent agreed to pursue the request of a Go Safe van to address this.

The Mayor confirmed that the allotted 30 minutes was up and that there was no time for any further questions.

Councillor Fouweather raised a point of order and asked the Mayor if it was fair that councillors did not have time to address their issues due to the questions put to the Chief Superintendent by the Leader.

Monitoring Officer advised that the 30 minutes were up for the Police Questions and that, if members were concerned about the adequacy of the time allocated for this item, then that was a debate for another time.

Councillor Routley raised a point of order and requested that they Mayor suspend Standing Orders to continue with the Police Questions.

The Monitoring Officer advised that it was not within the power of the Mayor to suspend Standing Orders to extend the question time, as that was a decision for the Council. Members could however move a procedural motion and put it to a vote whether to suspend the Standing Orders and extend the time for Police Questions. It was a matter of custom and practice that the Leader, had always been invited to speak and ask questions first.

Councillor M Evans mentioned that this custom and practice for the Leader to speak first was a recent decision. When Councillor Evans was Leader until 2012, this had not been the case.

The Monitoring Officer explained the process again. The Monitoring Officer confirmed that the Council would need to move a motion to suspend standing orders and extend the time for Police Questions. It would then be debated and voted upon.

In light of the above, the Mayor asked would someone like to propose a vote to suspend Standing Orders and extend the time. Councillor Mogford proposed the motion and Councillor Routley seconded the proposal.

Councillor Hourahine requested on another point of order that it was unreasonable to ask the police officers to remain to debate an internal matter for the Council. If the Council was to decide in due course that a longer period of time was required for police questions this would be up to the officers. The Councillor felt that it was unreasonable that the police officers stay whilst the discussion was taking place as they may have other priorities to consider.

Councillor Whitehead suggested that whilst it was unfortunate that other councillors did not have the opportunity to speak and that this could be raised again, the discussion was diverting from the council meeting and taking up the time of the police officers.

Councillor Fouweather suggested that as time was moving on that the police leave but expressed his opinion as previously that councillors should be allowed to question the police rather than the Leader having precedence.

The Monitoring Officer asked that the Mayor close the debate and either put the matter to a vote or close the police questions.

Councillor Routley withdrew his motion at this juncture, and it was agreed that the police questions end and that the police leave the meeting.

5. Notice of Motion: Motion for Newport City Council to declare a Climate Emergency

The Leader presented the following Motion to Council and reserved her right to speak later in the debate:

Declare an Ecological and Climate Emergency.

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

The Leader reserved her right to speak after the end of the debate.

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

No amendments were proposed.

Comments on the Motion from Councillors:

- Councillor Jeavons mentioned that the Council had made great progress over the last four years reducing carbon emissions by nearly 30%. This included replacing all streetlighting with low energy LED bulbs and introducing several solar PV systems across its estate. The Council would shortly be putting its ambitious climate change strategy out for consultation. With a commitment to net zero by 2030 or sooner.

Councillor Jeavons went on to say that the Council had a fleet of just over 200 vehicles, moving away rapidly from diesel and petrol vehicles. By the end of the year, 25% of the fleet would be electric, including all cars and small vans.

The Council was also working on more challenging bespoke plant and vehicles, and recently rolled out the first electric RCV in Wales, with a further five joining the fleet over the coming months. By 2030 the Council would have 100% electric fleet.

The replacement of cars and vans would save 75 tonnes of CO₂ per year. This was equivalent to the amount that 100 trees would absorb over 75 years. Each electric RCV saves 40 tonnes of CO₂ per year and the Council would target electric vehicle usage to the AQMA areas.

There were 21 charging stations at council buildings, 50 installed in our car parks for public use and the rollout of rapid chargers and residential charging was underway.

- Councillor Lacey informed colleagues that we were in an Ecological and Climate crisis and that it was not too late for elected members to put policy in place to have a positive impact on the city for now and for future generations to come.

Newport was only one council and one city alone, however, only a few years ago a motion was brought to the council to make Newport a Bee friendly city and what an impact that motion already had. There were not one but two endangered and rare bees

thriving in the City - the Shril Carder Bee could be found not only on the Gwent levels but also in St Julian's along with the silver sided nomad bee. In addition, local beekeepers noticed an increase in honey production this year thanks to the no mow May initiative as well as the creation of the wildflower meadows.

Councillor Lacey went on to ask members to support the motion put to them to once again make that impact for future generations to come.

- Councillor Forsey welcomed the climate change plan to reach net zero by council. Councillor Forsey encouraged walking and cycling whenever possible and suggested planned journeys wherever possible. Majority of journeys were less than one mile and walking would be a healthier alternative as the Council was planning more active travel routes.
- Councillor Davies mentioned that, as the previous Cabinet Member for sustainable development, this remained as an issue that she felt very passionate about and felt a moral imperative to move at a pace and protect the future of our planet.

Climate change was now affecting every country on every continent and affecting lives, costing people, communities and countries dearly today and even more tomorrow.

People were experiencing the significant impacts of climate change, which included changing weather patterns, rising sea levels and more extreme weather events. The greenhouse gas emissions from human activities are driving climate change and continued to rise to their highest levels in history. Without action, the world's average surface temperature was projected to rise over the 21st century and is likely to surpass 3 degrees Celsius.

It's clear that the poorest and most vulnerable were being affected the most. This is internationally, in countries such as Madagascar, where drought was entirely caused by climate change and the consequence was famine and disease.

At a more local level it was clear that those who were most deprived were more directly impacted, either living in areas where there are high recorded CO2 emissions or live-in inadequate housing that was ill equipped to deal with anticipated climate extremes. It was felt that everyone had a personal responsibility to take action.

Taking a corporate responsibility and developing a city-wide strategy would enable us as a city to become carbon neutral by 2050 had to be commended and Councillor Davies, therefore supported the motion.

- Councillor Whitehead suggested that the discussion around pollution had taken a back seat but needed to be raised as a matter of priority. The Councillor mentioned that the number of weeds hiding plastics at the Sainsbury's site to the Castle was staggering. The City Centre also had a lot of plastic on the entrance, this also needed to be addressed.
- Councillor M Evans mentioned that the Conservative group would support the motion and welcomed the opportunity to collaborate with the public, private and third sectors. He stressed how important it was that they provided innovative solutions and assistance to help the council to meet their aims and target. The public however needed to get on board with this. A fully integrated transport network running 24 hours a day, 365 days a year with a reasonably priced and reliable bus service would be a considerable help but we were a long way from achieving this. It also needed to be recognised that a car for some people was a necessity and not a luxury. In order to allow low-income families to participate with affordable alternatives, significant funding would be required by the

government. It would not be easy, and we would all need to set an example and the rest of the world would need to play its part.

- Councillor Hughes summed up that most of us here this evening will be very much aware of the enormous harm that a 2~C average rise in global temperature is likely to cause our planet even compared to a 1.5°C rise.

We are a coastal nation and Newport is a maritime city-something which has favoured us in the past but raises serious challenges for our future, no corner of the world will avoid the consequences of climate change.

Limiting global warming will now take ambitious action on a national, local and individual level.

Newport has committed to net zero targets and is leading the way in several areas. Our talented and passionate staff do make us an organisation we can be proud of. We have made a good start and have made strong inroads however as discussed throughout COP26 much more urgent action needs to be taken to avoid the worst impact of climate change.

Declaring an Ecological and climate emergency will further strengthen our position in continuing to take effective action. As a council we will ensure that we take the actions highlighted and that our plans are consistent and effective in reaching our ambitious targets.

Our colleagues in Council have spoken about how we are making a difference and how motions passed are having a positive impact on our environment. Throughout the city people are making a difference and this Council is making a difference-we must ensure that momentum is not lost.

Councillor Hughes urged members to share and respond to the draft climate change strategy and help shape our cities response to these challenges.

We have so many activities throughout the city that we can be genuinely proud of-we are seeing our urban biodiversity thrive, new species returning and partnerships and communities engaging but the challenge ahead for humanity presents the greatest of challenges and this motion commits us all to doing what we can to meet the challenges support our ecosystems and achieve net zero.

Councillor Hughes stated that this motion sends a clear message that we do take these issues seriously and we will remain proactive in meeting our obligations to future generations.

Councillor Hughes was pleased to second this motion and asked colleagues in Council to support the motion also.

- The Leader mentioned that it was apparent that there was a cross party agreement on moving this motion and emphasised the role of partnership work. The Council had signed up to a sustainable travel charter. There was an opportunity for taxi drivers to use the Electrical Vehicles (EV) scheme available for them to test drive EV motors. Discussion was taking place on how to harness the natural resource along the M4 corridor from the River Severn. Some of the issues addressed by colleagues at this meeting were being addressed by the Council, such as weeding and litter picking. The Leader referred to the comments from colleagues of the opposition and thanked everyone for their support in this debate and it was felt that there was also a moral obligation to support the children within Newport for a more sustainable future.

Resolved:

The motion was put to the vote and was duly carried.

6. City Centre Public Spaces Protection Order (PSPO)

The Mayor invited the Cabinet Member for Licensing and Regulation to present the report.

The Cabinet Member for Licensing and Regulation informed members that the report recommended that the Council resolved to approve and adopt a revised Public Spaces Protection Order ("PSPO") for the City Centre for a further period of three years, as set out in Appendix A of the report.

A Public Spaces Protection Order (PSPO) was designed to prevent individuals or groups committing persistent anti-social behaviour in a public space where the behaviour was, or was likely to have, a detrimental effect on the quality of life of those in the locality. Only the Council could make a PSPO but both Police and Council Officers could undertake enforcement activities. Anyone who breached the PSPO could be issued with a Fixed Penalty Notice or was liable to a fine in the magistrates' court.

The first City Centre PSPO for Newport was made in November 2015, following extensive public consultation and oversight by Scrutiny. The original PSPO was then replaced by a revised Order in 2018. The PSPO had to be reviewed every 3 years to consider whether there was a continuing need for the control measures.

In accordance with the legislation and the statutory guidance, the Council was required to consult with the Police and the wider community. The results of the engagement with key stakeholders and the public responses to the wider consultation were contained within the Report.

The current PSPO restrictions were mainly enforced by Gwent Police and Police colleagues had been involved in the review process and attended both Scrutiny Management Committee meetings. They were supportive of the continuation of the PSPO restrictions and were confident that these control measures would assist them to regulate the city centre more effectively.

The Overview and Scrutiny Management Committee considered the Police comments and the consultation responses and were satisfied that there was a continuing need for a City Centre PSPO. They were recommending that it be renewed on the same terms as previously, but with the inclusion of one additional control measure relating to the dangerous use of e-bikes and e-scooters. However, the final decision regarding the adoption of any PSPO was a matter for full Council.

When considering the need for and the impact of any PSPO, the Council had to have regard to its public sector equality duty and its socio-economic duty and, therefore, a Fairness and Equality Impact Assessment was been carried out, which was also attached to this report. The proposed control measures were considered to be a reasonable and proportionate means of preventing or reducing the detrimental impact of this type of anti-social behaviour within the City Centre.

Councillor Truman moved that the Council resolved to approve and adopt the City Centre PSPO as set out in the report.

Comments from Councillors:

- As Chair of the Scrutiny Committee that reviewed the renewed PSPO, Councillor Lacey thanked the officers, external agencies and the committee members for the time that was

spent making sure that the order presented today was evidence based, demonstrating a necessary and proportionate outcome for what was needed within the city centre.

On coming to the conclusion to recommend the PSPO as presented, the Scrutiny Committee took advice from the officers, Head of Law and Standards as well as Gwent Police. All parties were strongly recommending the order as presented today. Councillor Lacey therefore supported the approval of this order.

- Councillor M Evans reluctantly supported the report and remained disappointed that there was not a complete ban on begging. While there were human rights issues, it was worth noting that residents had a right to visit the city centre without being asked for money, giving that providing money was often counter-productive and associations were available to assist the homeless. This therefore needed to be addressed as a matter of urgency.
- Councillor H Townsend welcomed the action taken on e-bikes and e-scooters within the city centre but did not agree with the measures taken on the homelessness who she felt were being penalised. Councillor Townsend therefore did not support the motion.
- Councillor Ferris mentioned a recent conversation with a couple who did not visit Newport as they did not feel safe because of the aggressive begging. He also had a similar experience when collecting money for charity and was asked to move on. It was also not acceptable for electric scooters to drive at speed.
- The Leader referred to Cllr Lacey's comments regarding the evidence-based proposal and the data gathering exercise and put their proposals forward. This was not based on perception but factual evidence, which must be taken into account. There were various opposing arguments however, the Leader made it clear that there were continuing operations to support the homeless. The pandemic was transformational in how help was provided for the vulnerable and in what the Council was able to do. The Leader considered therefore that the report was reasonable.

Resolved:

That the Council adopt and implement the City Centre PSPO (2021-2024), as set out in the report.

7. Strategic Equality Annual Report 2020/21

The Mayor invited the Leader to present the above report to Council

Under the Equality Act (2010) the Council was required to report annually on the progress it made against the strategic equality objectives contained within its Strategic Equality Plan. The Equality Act also required Local Authorities to publish staff equalities data, which this report also contained. This Annual Report related to the first year of delivery against the Council's new Strategic Equality Objectives, published on 31 March 2020.

The new Objectives were developed in partnership with key internal and external stakeholders and were subject to extensive community engagement. The involvement of grassroots communities ensured that whilst our Plan delivered a strategic vision for equality in Newport, it also ensured tangible outcomes for communities on the ground.

The pandemic presented significant challenges in delivering against some areas of work, for example, in relation to customer services. However, other areas gained traction as a direct result of the impact of COVID-19. The Council's equality work this year had to be flexible, responding to emerging challenges, particularly around access to information, education and addressing race-based hate crime.

The impacts of the UK leaving the EU was deeply felt by our EU migrant communities this year and focus on supporting people to remain in Newport and protect their rights and entitlements continued. The Council had taken stock of the effectiveness of our monitoring arrangements throughout the year and took steps to improve them.

This year the Council continued to demonstrate its commitment to equality, diversity and inclusion in various ways including signing up to Race Council Cymru's Zero Tolerance to Racism Policy for Wales and Victim Support's Hate Crime Charter. We marked significant dates, including Pride Month, Black History 365, Refugee Week, Holocaust Memorial Day and Hate Crime Awareness Week. Earlier this year, £100,000 of funding was distributed to grassroots community projects as part of a Participatory Budgeting programme, and an Accessibility Stakeholder Group was established to advise on council projects with a focus on access for disabled people.

The Council have established a number of staff networks to better support our colleagues from minority backgrounds. The council now had a Diversity (ethnic minority), LGBTQ+ and Disability staff network. Analysis of the data for our workforce highlighted key areas for improvement, including improving the levels of recorded equality data, better aligning recording categories with census data, and understanding why levels of leavers were higher for particular groups (eg, people from an ethnic minority background and disabled people).

The council still had work to do to improve representation of minority ethnic staff at all levels of the organisation, and this would be a focus for our work during 2021/22. The Council established specific Recruitment and Representative Workforce working groups to progress this.

This Annual Report went to Overview and Scrutiny Management Committee and to Cabinet. This version included a sample of the graphics that would be used in the final published report and communications.

The Leader moved acceptance of the Strategic Equality Plan Annual Report and invited the Cabinet Member for Assets and Resources to second the motion.

The Cabinet Member for Assets and Resources added that this report was a summary of the work undertaken during first year of our new Strategic Equality Plan. It set out the Council's commitment to a workplace culture and approach to service delivery that valued inclusion and diversity.

The Council would continue to progress this work over the next 12 months, and the Annual Report set out clear priorities for the next period based on a review of our workforce data and progress against our Equality Objectives to date.

Work this year was delivered against a challenging backdrop which resulted in an acute focus on inequalities and scrutiny of public services' response to the pandemic, particularly in supporting minority communities. A key strength this period was the increased engagement of key stakeholders, including both our grassroots communities and minority staff. This had not only informed the Council's response to COVID-19, but also its priorities during recovery and wider equalities work.

The Cabinet Member also noted that the report was also very well written by officers and was very comprehensive.

The council's Strategic Equalities Group had refreshed and now received quarterly highlight reports, it was attended by Elected Member Champions and Network Chairs and was notably more outcome focussed in its approach to supporting this work.

Resolved:

Council approved the Strategic Equality Plan Annual Report 20/21 for publication in accordance with statutory deadlines.

8. Annual Report of the Democratic Services Committee 2020/21

The Mayor invited the Chair of the Democratic Services Committee (DSC) to present the report.

Councillor Ferris highlighted that the Local Government (Wales) Measure 2011 requires the Committee to report annually to the Council on the work that it has carried out in the past 12 months and its future work programme.

This annual report covered the period from November 2020 to November 2021.

The Committee was politically balanced group which worked together in a non-partisan manner 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. We met on four occasions during the past 12 months and continued to meet remotely in accordance with agreed Council protocols. It was anticipated that additional meetings would need to be arranged during the remainder of this year in order to complete our forward work programme in readiness for the May 2022 local elections.

Most of the work of the Committee was in relation to the review of the Council's governance and Constitutional arrangements, to meet the requirements of the legislative changes in the Local Government and Elections (Wales) Act. In particular, the committee considered the technology and protocols required for hybrid meetings, remote access and live broadcasting of Council meetings and the IT support required by elected members as part of the New Working Model. The Committee had overseen the development of a draft public participation and engagement strategy and intended to publish for consultation early in the New Year.

DSC had recommended to Council changes to the name, terms of reference and membership of the new Governance and Audit Committee, and recruitment was already underway for the new independent members of the Committee.

The DSC considered the IRP draft annual report and noted the proposals for a significant reset for all members' allowances as from May 2022 in the light of the significant changes since the previous allowances were fixed.

The Committee contributed towards the development of the national competency framework and induction training programme for new Councillors and a Democracy Handbook. All of this work would need to be completed in the next six months, together with a re-working of the Council's constitution and the production of a summary document. Therefore, it would be an extremely busy and important period for the Committee

The Committee was satisfied that adequate resource continued to be made available to fulfil the roles and responsibilities under the Measure and the new legislation. The DSC was pleased to note that, following successful appointments to the Democratic Services Manager position and the Scrutiny Adviser posts, the Governance Team was now up to a full complement of staff.

It was moved and duly seconded that the DSC Annual report should be noted and agreed.

Resolved:

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

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

9. Standards Committee Annual Report 2020/21

The Mayor invited Councillor Hourahine to present the 2020/21 Standards Committee Annual Report to Council.

This was the eighth annual report, which covered the period from November 2020 to November 2021, and followed on from the last report presented to Council in November 2020.

This Annual Report had previously been presented to Council on a voluntary basis. However, as from May 2022, there would be a statutory requirement under the Local Government and Elections (Wales) Act 2021 for Standards Committee to make an annual report to Council. In addition, next year's Annual Report must include an assessment of the extent to which leaders of political groups on the Council have complied with their new duties to promote and maintain high standards of conduct within their groups.

The Committee met on six occasions during the last twelve months and the meetings were all conducted remotely in accordance with Council Protocols.

For the first time this year, Standards Committee was called upon to conduct a misconduct hearing and to impose a sanction on an elected member. This did not reflect well on the Council's reputation and, therefore, it was considered that this case should act as a salutary lesson for all members. Therefore, a full copy of the decision was attached to this Annual Report and would encourage all members to read and take note of the reasons for this decision.

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

The report confirmed that three complaints were referred to the Ombudsman about City Councillors during the last year and eight complaints were made regarding community councillors. Apart from the one misconduct case, the other complaints were not accepted for formal investigation, although the Ombudsman had written to two community councillors to remind them of their obligations under the Code and to warn them about not being abusive and disrespectful towards members of the public in future and not to bring their office into disrepute.

The training requirements for City Councillors, community councils and their clerks continued to be monitored and reviewed as part of the Committee's forward work programme, particularly as we move towards the next round of local government elections in May 2022.

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

It was moved and duly seconded that the report should be noted and agreed.

Resolved:

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

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

Leader's announcements:

• **White Ribbon Day 2021**

This year's White Ribbon Day takes place on Thursday 25 November.

It is an annual event that marks the United Nation's International Day for the Elimination of Violence Against Women.

This year we are asking residents, businesses, schools and community groups to sign up to the #30Challenge.

Its aim is to raise awareness of the 30 children every day in Gwent that are affected by incidents of domestic abuse at home where the police are called.

The #30Challenge could be something you do alone, with a few people from your household, or as part of a group. People, families, schools, organisations, sports teams and community groups can set their own challenges focusing on the number 30 and are urged to post their actions of support online.

Educational workshops and lesson plans are being rolled out in schools across Gwent to raise awareness of the importance of healthy relationships with children and young people.

Domestic abuse can take many forms including physical, coercive control, psychological abuse and financial abuse.

Together with our partners it is essential that we not only take a stand against such destructive behaviour but that we also encourage those experiencing it to seek help.

• **Climate change plan**

Climate change is one of the defining global challenges of our generation.

The Leader stated that we will all be aware of the outcomes of COP26 recently held in Glasgow, and the urgent need for us all to come together to limit global temperature rises and build a sustainable world for future generations.

As a council, we have already made a good start, reducing our direct and energy generating emissions by 29 per cent over the last three years.

However, we know that we have much more work to do, and I'm pleased that we have now presented our draft climate change plan for consultation.

The ambitious climate change plan sets out how the Council would work towards becoming carbon neutral by 2030 and how we will use our services to support climate change action across the city.

It is centered around six key delivery themes:

- organisational culture and leadership
- our buildings

- our land
- transport and mobility
- the goods and services we procure, and
- our wider role

The Council is seeking the views of residents, businesses and stakeholders to help ensure we are taking the right actions, before we finalise the plan in early 2022.

- **Environmental award**

To continue in the same vein, the leader announced that she was incredibly proud to have accepted the Outstanding Organisation award on behalf of Newport City Council at the recent inaugural National Environmental Awards.

The award recognised the commitment and passion of our staff to deliver real change for our organisation and for Newport.

The Leader expressed her to those who work tirelessly and with passion to improve our environment and lower our carbon emissions, and to those who dedicate their spare time to supporting countless initiatives as volunteers in the city and beyond. This win was a reflection of their efforts and dedication.

- **Social worker national fostering award**

The Leader congratulated one of the Council's social workers who has been recognised for her outstanding work within fostering.

Lorraine Bird, a supervising social worker with our Foster Wales Newport team, has been awarded an excellence award for outstanding contribution by a social worker by the Fostering Network.

Her nomination was based on a letter of appreciation from one of the foster carers she works with, highlighting how she always goes above and beyond.

The Leader expressed her congratulations to Lorraine and the whole fostering team who do an amazing job for young people in Newport.

- **Levelling up/Community renewal fund**

It was recently announced that Newport has been awarded over £2.8million from the UK Community Renewal Fund (UK CRF).

Bids to the UK CRF were invited earlier in the year with the aim of supporting people into employment and investment in skills, local business, communities and place.

As a council we were pleased to be able to support partners in their applications and that we can now push ahead with several projects that will really make a difference in our local areas.

We will continue to bid for money from such initiatives to ensure Newport can benefit as much as possible.

- **Leisure centre**

Planning permission was granted earlier this month paving the way for the Council's vision of a new leisure centre for the residents of Newport to become a reality.

Work will now begin early next year to create a 21st century building that will house state-of-the-art facilities.

As well as a fantastic leisure offer, we are determined that the new centre should be built to the highest possible environmental standards.

We want it to be inclusive and to be used by people of all ages from across the city, so accessibility is also a key factor in its design and location.

We asked the public for their views on the development earlier this year and the feedback was overwhelmingly positive. The Leader was sure that, like her, they would watch the progress of the development with great interest and cannot wait for the day the doors open.

Leader's Questions

Councillor M Evans:

In February 2021, Councillor Fouweather asked if the Leader or Cabinet Members were in negotiation with Friars Walk regarding the soon to be vacant Debenhams, the Leader answered this question with a no. The Leader was then quoted in a BBC News article suggesting that the Council would work with the WG and the Newport Now BID to find a solution. Eight months later, a Freedom of Information request (FOI) revealed that no meeting with Friars Walk, Talisker Corporation had taken place. In addition, was the Leader also aware in advance that Admiral was closing in the City Centre.

Response:

The Leader advised that she could not control what the journalists had reported. There had been a number of meetings and the Leader the met with Chair of the Debenhams Group. There had also been ongoing discussions between senior officers and Talisker. These were technical discussions regarding commercially sensitive legal and financial issues and, therefore, were matters for senior officers not the Leader.

The Leader went on to say that she was very disappointed about the news that Admiral was closing their offices and only knew about this on the day when they issued the press release. Admiral contacted the Council at 9am that day to advise that a press release was being issued. Officers were continuing dialogue with Admiral, and they remained tenants responsible for paying rent on the building. Officers would also continue to work closely with Admiral to identify a new tenant to take over the Admiral building. Fortnightly meetings were in place to discuss the outcomes as they progressed.

Supplementary:

Councillor Evans referred to the advice that officers were dealing with these matters and felt that it was a recurring theme with a lack of joined up thinking. Councillor Evans mentioned the former Deputy Leader Councillor Ed Townsend worked tirelessly to get Admiral in the city. The Council had paid Talisker £375K alone this year, until September in subsidy payments in relation to empty shop units and £2M since January 2017. Did the Leader feel that there was an urgency to meet regularly with Debenhams as a matter of priority, it was also up to the Leader of the Council to progress these negotiations.

Response:

The Leader advised that the Talisker financial arrangements were a matter of public record through open and transparent Cabinet meetings and the investment subsidy agreement was also widely publicized and well documented. In relation to Admiral, Newport City Council found out the news in the same way as its neighbours regarding the other office locations and did not know in advance about the measures they were taking. This only involved however, the relocation of staff and not job losses. The council was working closely with businesses at a range of levels across authority. The Council was in constant communication with the Business Improvement District (BID), to encourage new businesses in Newport and the Council was also supporting start-up businesses.

At this point Councillor M Evans repeated his question and The Leader reminded him that officers were dealing with these issues.

A point of order was raised by Councillor M Spencer regarding the repeating of a question. The Mayor advised that the line of questioning was not going anywhere and invited the next question to the Leader.

Councillor K Whitehead:

Regarding the amount of Newport residents attending Cardiff and their Winter Wonderland and was the mindful that Newport could emulate this. The land opposite Friars Walk would be an ideal location for this. Could Newport City Council also set this up during the festive period.

Response:

The Leader welcomed the question and considered that it was the perfect opportunity to bring people to the City Centre. The Leader also mentioned the switching on of the Christmas lights and stalls and fair ground rides that would be located within the area by the Riverfront and the City Centre. The Leader welcomed any ideas that people may have for seasonal attractions throughout the year. However, the Council was limited for a site because of the development of new the leisure building, which was in the space that Cllr Whitehead mentioned. The Leader was keen to keep the footfall within the City Centre and was confident that in collaboration with the BID and other stake holders the Council would be able to provide these events.

Councillor Hussain:

Could the Leader provide colleagues with an update on the support available for businesses.

Response:

The Leader highlighted the excellent work the Business Support Team carried out within the Council. They had put together a short film on social media to advertise the support provided for small businesses and grants that was available, which was up to £250K. There was also significant support through this area.

Supplementary:

Had the WG made additional support available, if so, how much.

Response:

An announcement was made on the same day as Council that a £45M package for small businesses across Wales would be available as well as support training for sectors that were under supported, this was good news for those thinking of setting up small businesses within Newport. It was hoped that £1.5M might be made available to Newport and £10M across Wales for personal learning accounts to help people change careers. There was a real opportunity to support businesses and individuals.

11. **Questions to the Cabinet Members**

Question 1 – Deputy Leader/ Cabinet Member: City Services

Councillor Mogford:

Considering Measures to Reduce (Toxic) Emissions Across the City.

With the new impetus to combat Climate change in Wales does the Cabinet Member have a plan or a vision to ensure that access to local recycling centres can be optimised in terms of distance and time taken.

A practical case in point is the five lanes recycling centre on the A48. Many residents are having to take the longer journey both in time and distance to the NCC recycling centre, which can be up to a 20 plus mile round trip rather than just a few miles in some cases.

In making it easier and quicker to travel to the nearest recycling centre does the cabinet member also see the potential for a reduction in fly-tipping on top of the beneficial reduction in vehicle emissions?

Response:

Monmouthshire County Council took the decision to close access to their Five Lanes Recycling Centre to Newport residents back in 2019; and while we regret the inconvenience caused to residents in the area, unfortunately it is for Monmouthshire County Council to decide on the access rules to their recycling sites, over which we have no control.

Newport City Council's Corporate Plan, detailed plans for a second household waste recycling facility to be built, in the east of the city, Also, all Newport residents receive a weekly collection of all common recyclable household waste, plus refuse and garden waste collections. A special collection is available upon request for bulky materials.

Finally, we have seen no correlation between fly-tipping and access to the HWRC. Fly tipping is a criminal activity that the vast majority of our residents would not entertain. A significant proportion of fly-tipping is carried out by commercial operators, who cannot not use the HWRC and have a legal obligation to dispose of their waste in line with relevant legislation.

Supplementary:

'In the future if the Council was interested in an agreement to joint fund facilities such as Five Lanes, we would be happy to enter into these kind of discussions'. This was in an email received on 25 September 2019 from Monmouthshire Council. Had this offer been taken up and would it be beneficial for the two councils to share in this facility.

Response:

The Deputy Leader advised that Monmouthshire Council had closed these facilities to residents in 2019. There had been conversations in the past, but these were not promising.

Question 2 – Deputy Leader/Cabinet Member: City Services

Councillor Kellaway:

I have received a number of emails from concerned residents regarding the risk of flooding in Llanwern, you may recall the rain over the festive season in December 2020 which resulted in residents' homes being damaged and some residents being evacuated.

What reassurance can you and the administration provide to residents that they will not see a repeat of the overtopping of Monks Ditch and subsequent flooding of Llanwern village and wider area so all residents can at least look forward to a peaceful and stress-free Christmas.

Response:

We have carried out a thorough CCTV investigation to the drainage system along Station Road, and carried out numerous pipe repairs, root removal and jetting of the system to ensure an improvement in the performance of the system. We have recently received a high rainfall event which did not appear to have any flooding issues in the area, which we may have otherwise seen issues prior to the remedial works being complete.

This issue is highly reliant on water being able to discharge from the system in to the associated reens. If the reens downstream of the system remain in working order, then we are confident that the residents should not experience any issues in future. We have also issued two breach of condition notices on Redrow to ensure that the development proceeds in accordance with the approved details, particularly in relation to drainage. Redrow were

required to cease the provision of further hard surfacing and soil stripping until details of surface water drainage had been agreed and implemented. This is considered necessary in order to ensure that surface water run-off from the site does not increase issues of flooding for the village.

NCC are seeking Welsh Government grant funding to both reline some of the existing system and upgrade other parts to ensure better performance in the area

Supplementary:

Two or three years ago the Council was given £100K to upgrade the drains from the developer. Why was the money not utilised to fix the repairs sooner to avoid the flooding last year.

Response:

There was an original scheme in 2005 but the site was not developed for many years. When the site was developed, the original design did not meet the current standards due to climate change and would clash with multiple utilities, a more suitable design has since been progressed.

Question 3 – Deputy Leader/Cabinet Member: City Services

Councillor Routley:

Will the Cabinet Member for City Services outline his political vision and leadership with regards to how he is going to build momentum going forward on road safety and the environment within Newport?

Response:

Newport City Council is committed to the delivery of the objectives set out in The Wales Transport Strategy which makes people and climate change a priority when looking at highways and transportation.

Focusing on road safety, Newport is working closely with Welsh Government in the delivery of the new national default speed limit of 20mph in residential areas, which is due to come into force across Wales in 2023.

The key objective is to make roads and streets safer for all users with greater priority to public transport and active travel as seen in recent projects around the city including Queens hill / Devon place.

With regard to the environment and the meeting of both the 2030 and Net Zero target of 2050, the authority, in collaboration with Welsh Government, is delivering publicly accessible Electric Vehicle Charge Points for the city and making good progress in decarbonising the Councils fleet.

We are also driving forward initiatives to deliver the benefits of a greener city for our communities and the encouragement of biodiversity, especially in the urban environment. We are currently out to consultation on our climate change strategy.

Supplementary:

Magor Road had 30MPH, then 50MPH and went back to 30MPH causing high levels of pollution. This also led to driver frustration. Would the Deputy Leader support the traffic order plan.

Response:

The Review by WG only considered 30MPH to 20MPH speeding restrictions. The speed limits on the rest of the roads referred to had been reduced to 50MPH from 60MPH and this was deemed appropriate.

Question 4 – Deputy Leader/Cabinet Member: City Services

Councillor Forsey:

Many residents have commented on the ongoing construction work at the railway station. Can the Cabinet Member provide Council with an update on the progress of the Devon Place footbridge.

Response:

The Devon Place bridge project is to replace an existing subway, connecting Devon Place with Queensway beneath the Great Western Mainline railway.

The subway was unsightly, and the location of much antisocial behaviour including a number of serious assaults and muggings. This subway route was not safe and not suitable for a 21st Century City. Fortunately, the Authority were successful in obtaining funding for a new unsegregated pedestrian and cycle bridge; enabling Newport City Council (NCC) to decommission the existing subway. The funding for the development and implementation has been secured from Welsh Government via their Active Travel Fund, following a series of design development and feasibility stages. Although the work is not yet completed it is anticipated that the total cost of the project from development to delivery will be in excess of 9 million pounds. Part of the process has included effecting a permanent closure of the subway right of way,

One of the most technical elements was modifying the recently installed overhead electric line which was only recently commissioned. Construction phase began fully in August 2021. Early works included site clearance, hoarding installation, and removal of the Network rail owned Harvey Hood sculpture for repair prior to reinstallation close to the main station entrance. Further segments of the bridge will be delivered in the coming weeks as they are released from the fabrication workshop. The support structures above ground will start to be installed through December leading to the main lift of the bridge deck segments. These will be undertaken as a number of individual lifts during the scheduled Christmas railway closure. This closure begins on Christmas Eve and lasts for 72 hours. During this time the central supports, decks and link spans will be lifted into place.

Following Christmas and New Year the access ramps, steps, parapets and handrails will arrive on site to be gradually installed during the spring. Public realm works will follow and we should see the main structure in place by the end of March/April

Question 5 – Cabinet Member: Sustainable Development

Councillor Mogford:

Hundreds of studies have found harmful biological or health effects from exposure to radio frequency radiation at intensities too low to cause significant heating. The public at this time have no reason to believe 5G is safe.

5G masts are starting to pop-up all around Newport. Their range is very short and effectively cover 'line of sight'

How many of these masts can we expect to be given planning permission if the plan is to get full or significant coverage in Newport?

Following on, could the Cabinet Member attempt to reassure members that in rolling out 5G in and around the Newport area they are convinced that the risk to public health is below a threshold of concern? Have they engaged with Welsh Senedd on the matter at this time in seeking their own reassurance?

Response:

Most forms of telecommunication equipment development, including 5G masts, are permitted development. This means that the principle of the development was accepted and the local planning authority can only consider the siting and appearance of the proposal. Potential health implications would not be a planning consideration. All local planning authorities are governed by planning legislation, and Newport City Council cannot vary from this.

Radiation concerns associated with 5G masts fell under separate regulations. I was aware of media reports and some perceived health risks, but also aware of scientific research which has counteracted these claims with robust evidence. For example, last year, the UKs regulator, Ofcom, found no identifiable risks in its first tests since 5G technology was deployed. The World Health Organisation are of a similar view.

When a prior approval application for a 5G mast is submitted to the local planning authority, we ensure that the submission includes an ICNIRP (International Commission on Non-Ionising Radiation Protection) certificate. This certificate confirms that the equipment has been designed in full compliance with the requirements of the radio frequency public exposure guidelines of the ICNIRP. This certificate is a necessary part of the process, and without this, the local planning authority would refuse to consider the application.

The aim of the network providers is to create superfast connectivity to citizens and businesses in Newport and encourage inward investment however they do not undertake any pre consultation with us in terms of their proposals for mast sharing or the number of new masts required.

Supplementary:

Could the Cabinet Member reassure members that in rolling out 5G in the Newport area that he was convinced that the risk to public health was below the concerned threshold and had the Cabinet Member engaged with the Senedd to seek this reassurance.

Response:

With regard to the health risks to public the council was confident at this time that according to all research by Ofcom the technology was safe.

Question 6 – Cabinet Member: Social Services

Councillor Marshall:

The Newport City Council Corporate Plan makes a commitment to a reduction in the number of out of county social care placements. Can the Cabinet member give an overview of progress against this objective?

Response:

Over the past year we have despite the challenges of the pandemic been able to safely reduce the number of children who are looked after. Our teams have worked to support families and to provide the direct support needed to prevent children coming into care. This has included the development of our Baby and Me team to support parents at risk of losing their children because of the risk of significant harm pre-birth, the implementation of Family Group Conferences to create family solutions and the provision of a Rapid Response team to intervene at times of crisis and provide 24/7 support. We have worked to revoke the number of Care Orders by supporting the reunification of children with family sometimes many years after they first became looked after. We have supported family members and foster carers to care for children using Special Guardianship rather than remaining in care.

The table below gave the decrease in the number of children who are looked after since April 2020.

As At Date	Total CLA (inc UASC)	Total CLA (Excluding UASC)
31.03.2020	379	362
30.06.2020	378	359
30.09.2020	382	365
31.12.2020	376	362
31.03.2021	378	363
30.06.2021	373	359
30.09.2021	367	347

On 19 November 2021 we had 366 children in our care. We have with all our children in care focused on being able to meet their needs in the most effective way possible. For some children this will mean being in care but placed with family members and often this will mean being placed outside of Newport.

We have a small number of our foster carers who live just outside Newport so again while these are categorised as out of county the placement is still close to the child's original school and community. We also have a small number of children placed for adoption out of Newport and these again are part of the group constituting out of authority placement.

As of 30 June 2021, we had 22 children placed out of Wales. All of this group are either placed with family members or are awaiting final adoption orders. A further 98 children were in Wales but outside of Newport with most of this group being in Gwent or Cardiff. This total number of children has been static for the past year but examining the detail demonstrates there are good reasons for the children being placed out of Newport.

We have pursued work to try to ensure that when children do require foster care or residential care, we can care for them in Newport. We have slowly reduced our reliance on both Independent Fostering Agencies and external residential care. We will continue to do this as it ensures the safety, wellbeing and future needs of our children are met.

In order to do so we have increased and improved the provision of residential care in Newport. This has included the opening of Rose Cottage and Rosedale, improvements at Forest Lodge and Oaklands, and the closure of Cambridge House. We are currently working on the development of Windmill Farm and the annexes at Rosedale. Over the past eighteen months the number of children placed with out of authority residential providers reduced from 24 to 18. As well being the best outcome for our children this has brought a slow reduction in our spend on these sorts of placements. The total spend has reduced by almost £2 million some of which has then been repurposed to provide our own homes with considerable improvements in outcomes for our children.

Newport City Council staff have taken a proactive approach to ensuring we have a robust group of foster carers with a positive package of support including financial, material and emotional support. The launch of Maethu Cymru/Foster Wales has been interwoven with our local approaches to recruiting and then retaining foster carers.

In the past eighteen months we have seen a reduction in the number of children placed with Independent Fostering agencies from 72 to 58.

The work undertaken in all arenas of Children's Services contributes to this work and therefore meeting the commitment to reduce the number of children inappropriately placed out of county for social care placements.

The Mayor and Mayoress attended a recent Foster Care event and was happy to support this initiative.

There were no questions for Chairs of Committees. Therefore, the Mayor asked members to note the date of the next meeting and, there being no further business, declared the meeting closed.

Report

Council

Part 1

Date: 25 January 2022

Subject **Appointments**

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

Author Governance Team Leader

Ward General

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

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

Action by Governance Team Leader

Timetable Immediate

This report was prepared after consultation with:

- Council Business Managers
- Head of Law and Regulation

Signed

Background

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

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

Governing Body Appointments

Governing Body	No of Vacancies / Re-appointments	Nominations Received
High Cross Primary School	1	Stewart Jones
Newport High School	1	James Clarke
Malpas Church in Wales School	1	Jane Mudd
Ysgol Bryn Derw	1	Chris May
Malpas Park Primary School	1	Gavin Horton
Crindau Primary School	1	Colin Seeney
Lliswerry Primary School	1	Ruqia Hayat
Tredeggar Park Primary School	1	Allan D Screen
Caerleon Lodge Hill Primary School	1	Abby Vowles
Rogerstone Primary School	1	Paula Bartlett
St Joseph's High School	1	Alex Pimm

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: 18 January 2022



Report

Council

Part 1

Date: 25 January 2022

Subject Report on Treasury Management for the period to 30 September 2021

Purpose This report is to inform Council of treasury activities undertaken during the period to 30 September 2021 and confirms that all treasury and prudential indicators have been adhered to in the first half of the financial year. The report has been considered by Governance and Audit Committee, who provided no reservations or adverse feedback.

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 this year, last year's and this year's underspend alongside the normal up-front loading of RSG has created a positive cash-flow situation.

During the first half of the financial year the Council's net borrowing decreased by £13.2m from £128.3m at 31 March 2021 to £115.1m at 30 September 2021.

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 to 30th September 2021, approving in the process that activities were in line with the agreed Treasury Management Strategy for 2021/22.

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 2021/22 Treasury Management Strategy was approved by the Council as part of the Capital Strategy in March 2021 and can be viewed via the following link

<https://democracy.newport.gov.uk/documents/s19160/06%20Capital%20Strategy%20and%20Treasury%20Strategy%202021.pdf?LLL=0>

5. This report presented 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
6. This report was considered by Governance & Audit Committee on 28th October 2021. No contrary feedback or need for revision was volunteered, and it was endorsed for onward circulation to Cabinet and subsequently Council.

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. This may prove the case during second half year of 2021/22 as indications suggest a rise to base rate presumptions by Bank of England to mitigate inflationary pressures.
2. 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, the level of internal borrowing was about £107m, mainly in relation to the Council's level of cash backed reserves. When added to external borrowing, the Councils borrowings are c£222m – split between 'actual external borrowing taken up' at c£115m and 'committed but not yet taken up' at £107m. At current rates, using internal borrowing where possible saves about £2.4m 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 unavoidably incurred. Given the extent of underspending and subsequent transfer of this to reserves experienced at 2020/21 year end, internal borrowing is likely to remain a useful mitigating factor for longer than originally anticipated.

3. 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.
4. As shown in Appendix A, as at 30 September 2021 the level of borrowing has decreased by £9.1m to £144m. This decrease is in relation to;
 - The repayment of a PWLB loan which matured in the first half of 2021/22, as at 30th September further borrowing to replenish this loan has not been required. This may be needed to be covered by temporary borrowing before 31st March 2022
 - We have a number of loans which are Equal Instalments of Principal (EIP), which pays back principal over the life of the loan, and the interest associated with the loan goes down as the principal outstanding reduces.

The level of investments has increased by £4.1m to £28.9m, meaning a decrease in net borrowing of £13.3m during the first half of financial year to £115.1m. 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 it is expected that there will be no requirement to undertake long-term borrowing this financial year, although as mentioned above, external borrowing may be taken up to manage interest rate risks and fund the Councils longer term borrowing commitment .

5. 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.

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 £28.9m on the 30 September 2021, is £13.9m held in the form of cash. This is circa £6m less than year-end but due to the continuing pandemic the Authority has continued to keep 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) are still very low at 0.01%. The Authority has its investment with other local authorities of £15m with slightly better, but still low interest rates. It is anticipated that investments will reduce during 2021/22 as an alternative to borrowing until we reach the balance of £10m, which will remain invested for compliance with MiFIDII.

7. 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.
8. 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 has chosen not to actively use such instruments subsequently during the first half of 2021/22 until it is more confident of market stabilisation.
9. The Authority has concluded administration to be able to invest in specific Money Market Funds. This will enable the Authority to invest in short term funds if required, which attracts a higher rate of return than currently received on its investments 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.
10. The Council does not hold any long-term (more than 364 days) treasury investments as at 30 September 2021.

IMPACT OF COVID-19 PANDEMIC

11. Since the early days of the pandemic the Council has been monitoring the impact on cash flow closely. 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.
12. All of the above would have had a significant impact on cash flow, however, WG continue to 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, 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 been required to undertake additional borrowing in the first half of the year.

NON-TREASURY INVESTMENTS

13. 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 £12.7m
- loans to local businesses and landlords £7.6m
- shareholding in subsidiaries £0.3m

These investments generated £0.2m of investment income for the Authority after taking account of direct costs from April to September. In terms of the financial valuations of these assets, the outbreak of Covid-19 has impacted global financial markets and as at the valuation date of 31st March 2021, less weight can be attached to previous market evidence for comparison purposes, to inform opinions of value. There is an unprecedented set of circumstances on which to base a judgement. Therefore, the valuations were therefore reported on the basis of ‘material valuation uncertainty’. Consequently, less certainty and a higher degree of caution should be attached to the valuation for the Council’s properties than would normally be the case.

OTHER MID YEAR TREASURY MATTERS

Economic background and Counter Party Update

14. 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.
15. 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 2021 our treasury management advisors Arlingclose had completed its full review of its credit advice on unsecured deposits. The outcome of this review included the addition of NatWest Markets plc to the counterparty list together with the removal of the suspension of Handelsbanken plc. In addition, the maximum duration for all recommended counterparties was extended to 100 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

16. 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 2021/22, set in March 2021 as part of the Treasury Management Strategy. Details of treasury-related Prudential Indicators can be found in Appendix B.

PWLB future lending terms

17. 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.

These have manifested themselves in enhanced PWLB rules being adopted in the first half of 2021/22, to preclude advantageous PWLB borrowing rates being used to fund investments primarily for yield. These checks are anticipated to add 2 days to the approval mechanism. The guidelines also allow for sanctions being applied to any counterparty using this funding source erroneously, varying from no longer being able to use PWLB for any of its borrowing, having to unwind specified transactions and/or the application of fines and penalties depending upon the severity of the breach.

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 investment value	Low	The Council only invests with Institutions with very high credit scores. It employs advisors to monitor money market movements and	Members, Head of Finance, Treasury staff, based

			changes to credit scores and acts immediately should things change adversely. The lower levels of funds available for investment will also alleviate the risk.	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 to 30th September 2021, approving in the process that activities were in line with the agreed Treasury Management Strategy for 2021/22.

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 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. Sound financial management by the Council aligns with the well-being goal of a Prosperous Wales.

Comments of Cabinet Member

N/A

Local issues

N/A

Scrutiny Committees

N/A

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

For this report, a full Fairness and Equality Impact Assessment has not been undertaken. This is because this report is not seeking any strategic decisions or policy changes, with its purpose being to update Cabinet on the treasury management activities for the first six months of the year. However, fairness and equality are considered as part of service delivery and will feature in annual finance reports, such as the Treasury and Capital Strategy.

In terms of the Wellbeing of Future Generations (Wales) Act, and the five ways of working contained within it, this report highlights examples of these being supported. 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.

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. There are no direct equality implications arising from this report.

In the case of the Welsh Language, the service will continue to ensure that, wherever possible, services or information is available in the medium of Welsh.

Consultation

N/A

Background Papers

Report to Council March 2021: Capital Strategy and Treasury Strategy.

Dated: 17th January 2022

APPENDIX A

External Context

Economic background: The economic recovery from coronavirus pandemic continued to dominate the first half of the financial year. By the end of the period over 48 million people in the UK had received their first dose of a COVID-19 vaccine and almost 45 million their second dose.

The Bank of England (BoE) held Bank Rate at 0.1% throughout the period and maintained its Quantitative Easing programme at £895 billion, unchanged since the November 2020 meeting. In its September 2021 policy announcement, the BoE noted it now expected the UK economy to grow at a slower pace than was predicted in August, as the pace of the global recovery had shown signs of slowing and there were concerns inflationary pressures may be more persistent. Within the announcement, Bank expectations for GDP growth for the third (calendar) quarter were revised down to 2.1% (from 2.9%), in part reflecting tighter supply conditions. The path of CPI inflation is now expected to rise slightly above 4% in the last three months of 2021, due to higher energy prices and core goods inflation. While the Monetary Policy Committee meeting ended with policy rates unchanged, the tone was more hawkish.

Government initiatives continued to support the economy over the quarter but came to an end on 30th September 2021, with businesses required to either take back the 1.6 million workers on the furlough scheme or make them redundant.

The latest labour market data showed that in the three months to July 2021 the unemployment rate fell to 4.6%. The employment rate increased, and economic activity rates decreased, suggesting an improving labour market picture. Latest data showed growth in average total pay (including bonuses) and regular pay (excluding bonuses) among employees was 8.3% and 6.3% respectively over the period. However, part of the robust growth figures is due to a base effect from a decline in average pay in the spring of last year associated with the furlough scheme.

Annual CPI inflation rose to 3.2% in August, exceeding expectations for 2.9%, with the largest upward contribution coming from restaurants and hotels. The Bank of England now expects inflation to exceed 4% by the end of the calendar year owing largely to developments in energy and goods prices. The Office of National Statistics' (ONS') preferred measure of CPIH which includes owner-occupied housing was 3.0% year/year, marginally higher than expectations for 2.7%.

The easing of restrictions boosted activity in the second quarter of calendar year, helping push GDP up by 5.5% q/q (final estimate vs 4.8% q/q initial estimate). Household consumption was the largest contributor. Within the sector breakdown production contributed 1.0% q/q, construction 3.8% q/q and services 6.5% q/q, taking all of these close to their pre-pandemic levels.

The US economy grew by 6.3% in Q1 2021 (Jan-Mar) and then by an even stronger 6.6% in Q2 as the recovery continued. The Federal Reserve maintained its main interest rate at between 0% and 0.25% over the period but in its most recent meeting made suggestion that monetary policy may start to be tightened soon.

The European Central Bank maintained its base rate at 0%, deposit rate at -0.5%, and asset purchase scheme at €1.85 trillion.

Financial markets: Monetary and fiscal stimulus together with rising economic growth and the ongoing vaccine rollout programmes continued to support equity markets over most of the period, albeit with a bumpy ride towards the end. The Dow Jones hit another record high while the UK-focused FTSE 250 index continued making gains over pre-pandemic levels. The more internationally focused FTSE 100 saw more modest gains over the period and remains below its pre-crisis peak.

Inflation worries continued during the period. Declines in bond yields in the first quarter of the financial year suggested bond markets were expecting any general price increases to be less severe, or more transitory, that was previously thought. However, an increase in gas prices in the UK and EU, supply shortages and a dearth of

HGV and lorry drivers with companies willing to pay more to secure their services, has caused problems for a range of industries and, in some instance, lead to higher prices.

The 5-year UK benchmark gilt yield began the financial year at 0.36% before declining to 0.33% by the end of June 2021 and then climbing to 0.64% on 30th September. Over the same period the 10-year gilt yield fell from 0.80% to 0.71% before rising to 1.03% and the 20-year yield declined from 1.31% to 1.21% and then increased to 1.37%.

The Sterling Overnight Rate (SONIA) averaged 0.05% over the quarter.

Credit review: Credit default swap spreads were flat over most of period and are broadly in line with their pre-pandemic levels. In late September spreads rose by a few basis points due to concerns around Chinese property developer Evergrande defaulting but are now falling back. The gap in spreads between UK ringfenced and non-ringfenced entities continued to narrow, but Santander UK remained an outlier compared to the other ringfenced/retail banks. At the end of the period Santander UK was trading the highest at 53bps and Lloyds Banks Plc the lowest at 32bps. The other ringfenced banks were trading between 37-39bps and Nationwide Building Society was 39bps.

Over the period Fitch and Moody's upwardly revised to stable the outlook on a number of UK banks and building societies on our counterparty list, recognising their improved capital positions compared to last year and better economic growth prospects in the UK.

Fitch also revised the outlooks for Nordea, Svenska Handelsbanken and Handelsbanken plc to stable from negative. The rating agency considered the improved economic prospects in the Nordic region to have reduced the baseline downside risks it previously assigned to the lenders.

The successful vaccine rollout programme is credit positive for the financial services sector in general and the improved economic outlook has meant some institutions have been able to reduce provisions for bad loans. While there is still uncertainty around the full extent of the losses banks and building societies will suffer due to the pandemic-related economic slowdown, the sector is in a generally better position now compared to earlier this year and 2020.

At the end of the period Arlingclose had completed its full review of its credit advice on unsecured deposits. The outcome of this review included the addition of NatWest Markets plc to the counterparty list together with the removal of the suspension of Handelsbanken plc. In addition, the maximum duration for all recommended counterparties was extended to 100 days.

As ever, the institutions and durations on the Authority's counterparty list recommended by treasury management advisors Arlingclose remain under constant review.

Appendix B - 2020-21 Treasury Activities

Local Context

On 31st March 2021, the Authority had net borrowing of £128.3m 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

	31.3.21 Actual £m
General Fund CFR	281
Less: *Other debt liabilities	-41
Loans CFR	240
Less: Usable reserves	-108
Less: Working capital	-4
Net borrowing	128

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

Lower official interest rates have lowered the cost of short-term, temporary loans and investment returns from cash assets that can be used in lieu of borrowing. The Authority pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk.

The treasury management position on 30th September 2021 and the change over the six months is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.21 Balance £m	Movement £m	30.9.21 Balance £m	30.9.21 Rate %
Long-term borrowing	147.5	-3.5	144.0	3.6
Short-term borrowing	5.6	-5.6		
Total borrowing	153.1	-9.1	144.0	3.6
Long-term investments				
Short-term investments	-5.0	-10.0	-15.0	0.0
Cash and cash equivalents	-19.8	5.9	-13.9	0.2
Total investments	-24.8	-4.1	-28.9	0.2
Net borrowing	128.3	-13.2	115.1	3.8

Borrowing Update

Local authorities can borrow from the PWLB provided they can confirm they are not planning to purchase 'investment assets primarily for yield' in the current or next two financial years, with confirmation of the purpose of capital expenditure from the Section 151 Officer. Authorities that are purchasing or intending to purchase investment assets primarily for yield will not be able to access the PWLB except to refinance existing loans or externalise internal borrowing.

Acceptable use of PWLB borrowing includes service delivery, housing, regeneration, preventative action, refinancing and treasury management.

Competitive market alternatives may be available for authorities with or without access to the PWLB. However, the financial strength of the individual authority and borrowing purpose will be scrutinised by commercial lenders. Further changes to the CIPFA Prudential Code expected in December 2021 are likely to prohibit borrowing for the primary purpose of commercial return even where the source of borrowing is not the PWLB.

The Authority is not planning to purchase any investment assets primarily for yield within the next three years and so is able fully access the PWLB

Revised PWLB Guidance

HM Treasury published further guidance on PWLB borrowing in August 2021 providing additional detail and clarifications predominantly around the definition of an ‘investment asset primarily for yield’. The principal aspects of the new guidance are:

- Capital expenditure incurred or committed to before 26th November 2020 is allowable even for an ‘investment asset primarily for yield’.
- Capital plans should be submitted by local authorities via a DELTA return. These open for the new financial year on 1st March and remain open all year. Returns must be updated if there is a change of more than 10%.
- An asset held primarily to generate yield that serves no direct policy purpose should not be categorised as service delivery.
- Further detail on how local authorities purchasing investment assets primarily for yield can access the PWLB for the purposes of refinancing existing loans or externalising internal borrowing.
- Additional detail on the sanctions which can be imposed for inappropriate use of the PWLB loan. These can include a request to cancel projects, restrictions to accessing the PLWB and requests for information on further plans.

Changes to PWLB Terms and Conditions from 8th September 2021

The settlement time for a PWLB loan has been extended from two working days (T+2) to five working days (T+5). In a move to protect the PWLB against negative interest rates, the minimum interest rate for PWLB loans has also been set at 0.01% and the interest charged on late repayments will be the higher of Bank of England Base Rate or 0.1%.

Municipal Bonds Agency (MBA): The MBA is working to deliver a new short-term loan solution, available in the first instance to principal local authorities in England, allowing them access to short-dated, low rate, flexible debt. The minimum loan size is expected to be £25 million. Importantly, local authorities will borrow in their own name and will not cross guarantee any other authorities.

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.

UK Infrastructure Bank: £4bn has been earmarked for of lending to local authorities by the UK Infrastructure Bank which is wholly owned and backed by HM Treasury. The availability of this lending to local authorities, for which there will be a bidding process, is yet to commence. Loans will be available for qualifying projects at gilt yields plus 0.6%, which is 0.2% lower than the PWLB certainty rate.

Borrowing Strategy during the period

At 30th September 2021 the Authority held £144m of loans, (a decrease of £9.2m from 31st March 2021, 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

	31.3.21 Balance £m	Net Movement £m	30.9.21 Balance £m	30.9.21 Weighted Average Rate %	30.9.21 Weighted Average Maturity (years)
Public Works Loan Board	102.0	-3.2	98.8	3.7	18.9
Banks (LOBO)	30.0		30.0	4.4	32.7
Banks (fixed-term)	5.0		5.0	3.8	56.4
Local authorities (long-term)	0				
Local authorities (short-term)	5.0	-5.0			
Other WG loans	10.6	-0.3	10.3		6.9
Accrued interest	0.6	-0.6			
Total borrowing	153.1	-9.1	144.0	3.6	22.2

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, while £2m of existing loans allowed to mature without replacement. 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 with surplus of liquidity continuing to feature in the LA to LA market, 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. 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 quarter.

Other Debt Activity

After £0.9m repayment of prior years' Private Finance Initiative and finance leases liabilities, total debt other than borrowing stood at £41m on 30th September 2021, taking total debt to £281m.

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 £17.9 and £58.2 million due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.3.21 Balance £m	Net Movement £m	30.9.21 Balance £m	30.9.21 Income Return %	30.9.21 Weighted Average Maturity days
Banks & building societies (unsecured)	9.8	(5.9)	3.9	0.1	-
Government (incl. local authorities)	15.0	10.0	25.0	0.2	-
Total investments	24.8	4.1	28.9	0.2	-

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.

Ultra low short-dated cash rates which have been a feature since March 2020 when Bank Rate was cut to 0.1% have resulted in the return on sterling low volatility net asset value money market funds (LVNAV MMFs) being close to zero even after some managers have temporarily waived or lowered their fees. At this stage net negative returns are not the central case of most MMF managers over the short-term, and fee cuts or waivers should result in MMF net yields having a floor of zero, but the possibility cannot be ruled out.

Deposit rates with the Debt Management Account Deposit Facility (DMADF) are also largely around zero.

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 was been included in the 2021/22 budget, due to the current economic uncertainty surrounding Covid-19, the Authority has invested into secure institutions such as local authorities and Central Government.

The progression of risk and return metrics are shown in the extracts from Arlingclose’s quarterly investment benchmarking in Table 5 below.

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. 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 investments in

- directly owned property £12.7m
- loans to local businesses and landlords £7.6m
- shareholding in subsidiaries £0.3m

These investments generated £0.08m of investment income for the Authority after taking account of direct costs,

Treasury Performance

The Authority measures the financial performance of its treasury management activities both in terms of its impact on the revenue budget and its relationship to benchmark interest rates, as shown in table 6 below.

Compliance

The Head of Finance reports that all treasury management activities undertaken during the quarter complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management. Compliance with specific investment limits is demonstrated in table 5 below.

Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 7 below.

Table 5: Debt Limits

	H1 Maximum	30.9.21 Actual	2021/22 Operational Boundary	2021/22 Authorised Limit	Complied? Yes/No
Borrowing	187	144.0	187	255	Y
PFI and Finance Leases	42	42	42	42	Y
Total debt	234.8	208.3	229	297	Y

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Table 8: Investment Limits

Sector	Time limit	Counterparty limit	Sector limit
The UK Government	50 years	Unlimited	n/a
Local authorities & other government entities	25 years	£20m	Unlimited
Secured investments *	20 years	£10m	Unlimited
Banks (unsecured) *	13 months	£5m	Unlimited
Building societies (unsecured) *	13 months	£5m	£10m
Registered providers (unsecured) *	5 years	£5m	£25m
Money market funds *	n/a	£10m	Unlimited
Strategic pooled funds	n/a	£10 m	£25m
Real estate investment trusts	n/a	£10m	£25m
Other investments *	5 years	£5m	£5m

Credit rating	Banks unsecured	Banks secured	Government	Corporates	Registered Providers
UK Govt	n/a	n/a	£ Unlimited 50 years	n/a	n/a
AAA	£5m 5 years	£10m 20 years	£10m 50 years	£5m 20 years	£5m 20 years
AA+	£5m 5 years	£10m 10 years	£10m 25 years	£5m 10 years	£5m 10 years
AA	£5m 4 years	£10m 5 years	£10m 15 years	£5m 5 years	£5m 10 years
AA-	£5m 3 years	£10m 4 years	£10m 10 years	£5m 4 years	£5m 10 years

A+	£5m 2 years	£10m 3 years	£5m 5 years	£5m 3 years	£5m 5 years
A	£5m 13 months	£10m 2 years	£5m 5 years	£5m 2 years	£5m 5 years
A-	£5m 6 months	£5m 13 months	£5m 5 years	£5m 13 months	£5m 5 years
None	£1m 6 months	n/a	£10m 25 years	Not Applicable	£5m 5 years
Pooled funds and real estate investment trusts		£10m per fund or trust			

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	30.9.21 Actual	2021/22 Limit	Complied?
Upper limit on one-year revenue impact of a 1% <u>rise</u> in interest rates	100%	£200k	
Upper limit on one-year revenue impact of a 1% <u>fall</u> in interest rates	0	£50k	

The impact of a change in interest rates is calculated on the assumption that maturing loans and investment will be replaced at current rates.

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:

	30.9.21 Actual	Upper Limit	Lower Limit	Complied?
Under 12 months	2%	60%	0%	Y
12 months and within 24 months	1%	40%	0%	Y
24 months and within 5 years	20%	40%	0%	Y
5 years and within 10 years	5%	40%	0%	Y
10 years and within 20 years	18%	30%	0%	Y
20 years and within 30 years	14%	20%	0%	Y
30 years and within 40 years	20%	20%	0%	Y
40 years and within 50 years	8%	20%	0%	Y
50 years and above	7%	20%	0%	Y

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. *For presentational purposes LOBO option dates are treated as potential repayment dates.*

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:

	2021/22	2022/23	2023/24
Actual principal invested beyond year end	0	0	0
Limit on principal invested beyond year end	£10m	£10m	£10m
Complied?	Y	Y	Y

Revisions to CIPFA Codes

In February 2021 CIPFA launched two consultations on changes to its Prudential Code and Treasury Management Code of Practice. These followed the Public Accounts Committee’s recommendation that the prudential framework should be further tightened following continued borrowing by some authorities for investment purposes. In June, CIPFA provided feedback from this consultation.

In September CIPFA issued the revised Codes and Guidance Notes in draft form and opened the latest consultation process on their proposed changes. The changes include:

- Clarification that (a) local authorities must not borrow to invest primarily for financial return (b) it is not prudent for authorities to make any investment or spending decision that will increase the Capital Financing Requirement, and so may lead to new borrowing, unless directly and primarily related to the functions of the authority.
- Categorising investments as those (a) for treasury management purposes, (b) for service purposes and (c) for commercial purposes.
- Defining acceptable reasons to borrow money: (i) financing capital expenditure primarily related to delivering a local authority’s functions, (ii) temporary management of cash flow within the context of a balanced budget, (iii) securing affordability by removing exposure to future interest rate rises and (iv) refinancing current borrowing, including replacing internal borrowing.
- For service and commercial investments, in addition to assessments of affordability and prudence, an assessment of proportionality in respect of the authority’s overall financial capacity (i.e. whether plausible losses could be absorbed in budgets or reserves without unmanageable detriment to local services).
- Prudential Indicators
 - New indicator for net income from commercial and service investments to the budgeted net revenue stream.
 - Inclusion of the liability benchmark as a mandatory treasury management prudential indicator. CIPFA recommends this is presented as a chart of four balances - existing loan debt outstanding; loans CFR, net loans requirement, liability benchmark - over at least 10 years and ideally cover the authority’s full debt maturity profile.
 - Excluding investment income from the definition of financing costs.
- Incorporating ESG issues as a consideration within TMP 1 Risk Management.
- Additional focus on the knowledge and skills of officers and elected members involved in decision making

Arlingclose's Economic Outlook for the remainder of 2021/22 (based on the October 2021 interest rate forecast)

	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24
Official Bank Rate													
Upside risk	0.00	0.15	0.00	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Arlingclose Central Case	0.10	0.10	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Downside risk	0.00	0.00	0.15	0.15	0.15	0.40	0.40	0.40	0.40	0.40	0.40	0.40	0.40

Arlingclose expects Bank Rate to rise in Q2 2022. We believe this is driven as much by the Bank of England's desire to move from emergency levels as by fears of inflationary pressure.

Investors have priced in multiple rises in Bank Rate to 1% by 2024. While Arlingclose believes Bank Rate will rise, it is by a lesser extent than expected by markets.

The global economy continues to recover from the pandemic but has entered a more challenging phase. The resurgence of demand has led to the expected rise in inflationary pressure, but disrupted factors of supply are amplifying the effects, increasing the likelihood of lower growth rates ahead. This is particularly apparent in the UK due to the impact of Brexit.

While Q2 UK GDP expanded more quickly than initially thought, the 'pingdemic' and more latterly supply disruption will leave Q3 GDP broadly stagnant. The outlook also appears weaker. Household spending, the driver of the recovery to date, is under pressure from a combination of retail energy price rises, the end of government support programmes and soon, tax rises. Government spending, the other driver of recovery, will slow considerably as the economy is taken off life support.

Inflation rose to 3.2% in August. A combination of factors will drive this to over 4% in the near term. While the transitory factors affecting inflation, including the low base effect of 2020, are expected to unwind over time, the MPC has recently communicated fears that these transitory factors will feed longer-term inflation expectations that require tighter monetary policy to control. This has driven interest rate expectations substantially higher.

The supply imbalances are apparent in the labour market. While wage growth is currently elevated due to compositional and base factors, stories abound of higher wages for certain sectors, driving inflation expectations. It is uncertain whether a broad-based increased in wages is possible given the pressures on businesses.

Government bond yields increased sharply following the September FOMC and MPC minutes, in which both central banks communicated a lower tolerance for higher inflation than previously thought. The MPC in particular has doubled down on these signals in spite of softer economic data. Bond investors expect higher near-term interest rates but are also clearly uncertain about central bank policy.

The MPC appears to be playing both sides, but has made clear its intentions to tighten policy, possibly driven by a desire to move away from emergency levels. While the economic outlook will be challenging, the signals from policymakers suggest Bank Rate will rise unless data indicates a more severe slowdown.

Mae'r dudalen hon yn wag yn

Report

Council

Part 1

Date: 6 January 2022

Subject Council Tax Reduction Scheme 2022/2023

Purpose For Council to consider a proposed Council Tax Reduction Scheme for 2022/23 and to determine its local discretions.

Author Benefits Manager – City Services

Ward All

Summary The Council Tax Reduction Scheme (CTRS) for 2022/23 updates the scheme that was introduced on 1st April 2013. 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 are recommended to remain unchanged. This report provides information on the proposed Council Tax Reduction Scheme.

Proposal That Council approves the Council Tax Reduction Scheme for 2022/23 in accordance with the Council Tax Reduction Schemes (Prescribed Requirements and Default Schemes) (Wales) (Amendment) Regulations 2013 ("the Prescribed Requirements Regulations") exercising its local discretions as indicated in the report.

Action by Benefits Manager – City Services

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). On 18 January 2022, the Welsh Assembly are expected to approve amending regulations to have effect from 1st April 2022: the Council Tax Reduction Schemes (Prescribed Requirements and Default Schemes) (Wales) (Amendment) Regulations 2022. These Regulations prescribe the main features of the Scheme to be adopted by all Councils in Wales. The revisions for 2022/2023 are:

The usual annual 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 updated 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 update in line with the Consumer Price Index figure for September from the previous year (2021), which is 3.1%.
- 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 updated by different mechanisms. For example, the Pension Credit Standard Minimum Guarantee is updated by earnings, whereas the Additional Pension and increments are updated by prices.
- Non-dependant deductions
The financial figures for the income bands and deductions made in relation to non-dependants have been updated.

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:

- Afghan Nationals and UK Nationals from Afghanistan
This amendment is designed to support Afghan nationals and UK nationals from Afghanistan as a consequence of the recent changes to the Afghan Government.
The proposed amendments to the 2013 CTRS Regulations make provision to exempt this group from those counted as persons not being in Great Britain. The effect of these amendments is that this group will be eligible to be included in a local authority's CTRS and will be eligible for a discount if they meet the other requirements of the CTRS.
- Redress scheme for survivors of historical child abuse in care in Scotland
The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 received Royal Assent on 23 April 2021. The Act sets up a scheme to make financial payments ('redress payments') to survivors of historical child abuse in care in Scotland. To ensure that no applicant living in Wales is negatively affected because they have received a redress payment, a consequential amendment is made to disregard any redress payment received from the calculation of an applicant's

capital under the scheme. A similar amendment is also made to disregard any ex gratia payment made by the Scottish Ministers from the Advance Payment Scheme set up by the Scottish Ministers in respect of cases of historical child abuse in care.

- Pensioners reaching state pension age: personal allowance
The 2013 CTRS Regulations currently provide for higher or lower personal allowance rates for pensioners depending on whether they are over or under 65 respectively. There are no longer pensioners (within the meaning of the Regulations) who are under the age of 65. An amendment is therefore made to remove the redundant references. The effect of the amendment is that pensioners in Wales are entitled to the higher rate of personal allowance.

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 2022, 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, which is the purpose of this report now to Council. 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 and no changes are recommended on the discretionary elements. 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 existing, 2021/22 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 (Capital and Revenue)

Up-rating 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 up-rated, 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 up-rating.

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 Title / Description	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) 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 and considered

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 uprate 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 2022-23 which is 3.1%, as measured by CPI. The personal allowances for pensioners will be uprated to align with those for Housing Benefit and the benefits system. The increase would be aligned to the UK Government's Standard Minimum Guarantee (in Pension Credit) plus the maximum amount of Savings Credit (in Pension Credit).
- The financial figures used to calculate the adjustment for non-dependant deductions would be uprated. The income thresholds in relation to non-dependants would be uprated to reflect average earnings and the non-dependant deduction from CTRS would reflect the average increase in council tax.
- The necessary technical and consequential amendments would also be made.
- The local discretionary elements would be retained as indicated in the report above and which are unchanged from the current position on these.

Preferred Option and Why

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 national 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, there are key issues to note in relation to this important scheme:

- This is a demand led budget and the schemes criteria and eligibility alone determines its costs to the Council and not budget availability. All eligible applicants are supported in line with the national scheme / local discretions.
- The demand for CTRS support is very important in the current situation with Covid -19 impact on the economy and all opportunities to advertise its existence is used. In saying that, claimant

numbers/costs have not increased significantly over the last 12 months or so and is monitored carefully.

Comments of Monitoring Officer

The Council has a statutory duty to approve a revised Council Tax Reduction scheme by 31st January 2022 in accordance with the Council Tax Reduction Schemes (Prescribed Requirements and Default Schemes) (Wales) (Amendment) Regulations 2022. 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 reflect consequential changes to the status of Afghan nationals, survivors of child abuse cases in Scotland and pensioners. 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. The approval of the Council Tax Reduction scheme under the Regulations and the Local Government Finance Act 1988 is a non-executive decision for full Council.

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.

Comments of Cabinet Member

The Cabinet Member for Sustainable Development, Community and Resources, Cllr Jason Hughes, has been consulted on the report and supports the proposal.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**

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.

- **Equality Act 2010**

The council has considered its responsibilities under the Equality Act 2010. A full FEIA has not been completed in relation to this report as an all-Wales policy is being adopted, with the full range of local discretions being implemented in Newport, in turn resulting in positive impacts for those communities who may experience disadvantage. The all-Wales policy has been developed by Welsh Government who are a specified body with responsibilities under the Equality Act.

An Equality Impact Assessment was completed for the introduction of the 2013 Council Tax Reduction Scheme Regulations and will be reviewed and updated as necessary.

- **Socio-economic Duty**

This policy does not constitute a strategic decision as defined under the Socio-economic Duty. However the additional discretions to apply council tax reduction to specified groups contributes to the reduction of inequalities that may arise as a result of socio-economic disadvantage.

As Council Tax Reduction is a means tested benefit those who qualify could be assumed to be in lower social-economic groups. As these changes relate directly to the basis of the means test within CTR, those who work or have independent sources of income are the only groups affected by the proposed changes and would have to contribute more towards their Council Tax liability. The low median income for working households in Newport means these households are more likely to need financial assistance through CTR with paying their Council Tax.

- **Welsh Language (Wales) Measure 2011**

The Welsh Language (Wales) Measure 2011 modernised the existing legal framework regarding the use of the Welsh language in the delivery of public services. The measure is an inherent component of fairness and equality. The council supports promoting and facilitating use of Welsh and treating Welsh no less favourably than English.

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 2022.

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



Draft CTRS
Regulations 2022.pdf



Explanatory
Memorandum.pdf

Dated: 6 January 2022

Mae'r dudalen hon yn wag yn



Report

Council

Part 1

Date: 25 January 2022

Subject Annual Report of the Director of Social Services 2020/21

Purpose To present to Council the Annual Report of the Director of Social Services.2020/21

Author Chris Humphrey Director of Social Services

Ward Citywide

Summary This report is the Director's evaluation of 2020/21 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, 2020/21

Action by Director of Social Services

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

2020/21 was another demanding year characterised by the maintenance of quality and standards of service delivery within the context of the ongoing Coronavirus Pandemic.

The delivery of the Social Services and Well-Being (Wales) 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.

The new performance framework implemented from 1st April 2021 has changed the way we are required to measure data so comparison with last year is problematic.

This new set of metrics and recording processes along with the enforced working from home arrangements and the shift in demand as a result of the Pandemic means that it is sensible to treat this period as a baseline set of figures.

There is a continuous striving to maximise the efficient use of resources both financial and resources whilst identifying savings. In Children's Services efforts have continued to address the shortage of placement options with another 4 bed residential home opened in Jan 2021. The preventative work to minimise the number of children becoming Looked After continues to develop with new and innovative practices such as Baby & Me, MyST 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. The collaborative work to minimise the number of delayed hospital discharges has further developed with the combined impact of Home First and the Reablement service now fully integrated into the new Grange Hospital that opened at a very challenging time in December 2020.

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. New priorities and pressures have emerged such as the intensive and complex work with street homeless the systems required to allocate additional funding made available by Welsh Government to support the social care sector.

Across adults and children's services, we are now experiencing higher than usual levels of complexity and increasing referral numbers. Social care services have not had sufficient time to recover and there are concerning signs of a significant staffing shortage. We expect ongoing budget constraints but 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.

Financial Summary (Capital and Revenue)

The 2020/21 revenue out-turn for the Council produced a net underspend, after core budget contributions to/from reserves, of £14m against the £300.2m budget (4.6% variance). This variance has arisen for several reasons.

At a high level, the following explains the position:

- Receipt of one-off Welsh Government (WG) funds to compensate Council services to support its enhanced service delivery to Newport's communities in response to Covid; and lost income from Covid restrictions; meant these costs were not borne by the Council;
- Funding for the direct costs of, and delivery' of the WG support programs to businesses; meant these costs were not borne by the Council;
- Underspends across all services in relation to (i) costs of general administration and service provision due to changes in working practices and (ii) not undertaking planned/normal services, as they were not required or unable to be carried out due to Covid response work being prioritised;
- Resulting directly and indirectly from all of the above, the Councils budget underspent on its general revenue contingency budget, council tax reduction scheme and council tax income, which they would ordinarily do in a 'normal year'. These are all non-service budget areas.

Across Social Services, the overall outturn was a £2.824m underspend for both areas. £221k overspend in Children services and £3.045m underspend in adult services.

- Adults social care - community care – (£1.5m) underspend
- Adult In-House residential homes – (£500k) underspend
- Adult Staffing – (£290k) underspend
- Children's in-house residential and respite – £752k overspend
- Childrens Emergency Placements - £638k overspend
- Children's out of area placements – (£330k) underspend
- Youth Offending/Child Protection and Family Support Teams – (537k) underspend

The global pandemic, which lasted throughout 2020/21, had an unprecedented financial impact. Whilst Adult Services was expecting pressures due to increased demand from adults living longer with complex needs, COVID-19 caused a decrease in numbers. Numbers are expected to rise back up to normal levels, however the timeline is uncertain. Welsh Government compensated the additional cost, as a direct result of COVID-19.

However, within Children Services, the pandemic did not affect the numbers of looked after children. Therefore, Children services faced the normal pressures but with the added complication of not being able to carry out as much preventative work. There was also a lack of availability of certain placements/fostering options due to covid-19 restrictions.

The in-house residential services suffered from an unexpected high level of non-covid sickness across all homes. The issues have been addressed and this was hopefully an in year issue only. 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 2021/22.

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

The annual budget in 2020/21 for social services was £75.1m. There is a well-developed financial management process in place across service areas that supports the medium term financial plan and enables the identification and management of budget risks.

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.	Sally Jenkins Director of Social Services/ Mary Ryan Head of Adult and Community Services and the Head of Children and Family Services (post currently vacant)
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 capturing people's views, comments and experiences	Sally Jenkins Director of Social Services/ Mary Ryan Head of Adult and Community Services and the Head of Children and Family Services (post currently vacant)
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.	Sally Jenkins Director of Social Services/ Mary Ryan Head of Adult and Community Services and the Head of Children and Family Services (post currently vacant)

Links to Council Policies and Priorities

Newport City Council's Corporate Plan 2017 - 22

Options Available and considered

Option 1 - Cabinet endorses the Annual Report of the Director of Social Services for 2020/21

Option 2 – Cabinet does not endorse the Annual Report of the Director of Social Services for 2020/21 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 2020/21. There are no financial implications arising specifically from this report

Social Care has been subject to significant challenges over the last 18 months and which are not necessarily manifested in their financial positions outlined in this report. The services have worked, in conjunction with WG to support the care sector and the challenge continue to be significant, stemming from a number of issues, such as recruitment and retention.

The Council has a well-developed process to update and agree its MTFP and annual budget and this ensures that budget issues are identified and considered appropriately.

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 2016) to produce an annual report to the Council, setting out a 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 2020/21 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 2020/21 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.

Scrutiny Committees

Performance Scrutiny

Wellbeing of Future Generation (Wales) Act

- The importance of having a workforce up to date with all mandatory training courses and understanding the role and influence their services have in the ongoing work to ensure the community is strong and resilient.
- The Social Services and Well-Being Act (2014) ensures that the prevention element that is required within the legislation supports communities to access early intervention for support that offers advice and assistance to maintain independence, improve well being and prevent unnecessary escalation to statutory services.
- Integration: The ongoing work to integrate health and social care service to provide a coherent service response to those in need of support. A strong example of this is the further development of social care within the hospital pathway, now expanded to prevent admission as well as facilitate timely and safe discharge back to independent living
- Collaboration: The work with partners, specialist providers, independent, third sector and nationals who have rallied together throughout the Pandemic to ensure support continues to be available. Supported by the Local Authority in terms of co-ordination of services and distribution of Wels Government funding to ensure they remain sustainable and responsive to changing needs
- 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.

Equality Act 2010 and Socio Economic Duty

This report does not reflect a policy change or decision which would impact disproportionately on staff or communities because of protected characteristics or inequalities arising as a result of socio-economic disadvantage. Therefore, a formal Fairness and Equality Impact Assessment is not required. However, fairness and equality are considered in service delivery.

Welsh Language (Wales) Measure 2011

The service area is mandated by Welsh Government to collect data around this measure to illustrate and monitor need. Information is contained within the report.

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 intelligence that informs the Director's Annual Report.

Background Papers

Directors Report 2020/21

Dated: 18 January 2022

Report of the Director of Social Services 2020/2021



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Introduction

2020/21 was a particularly demanding year characterised by the maintenance of quality and standards of service delivery in the midst of the Coronavirus Pandemic. In April 2020 we had no idea of how long the situation would last or of the impact it would have on services, citizens and staff.

This report will document how services responded and maintained and where we find ourselves at the end of a 12 month period characterised by some unique challenges that will inevitably lead to some permanent changes in the way we support citizens in the future.

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 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.

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, Family Group Conferencing and Rapid Response.

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 continued with pathways including Reablement and Home First fully integrated into the new Grange Hospital that opened during this year

The Coronavirus Pandemic brought unprecedented challenge across the range of services and older persons residential homes were impacted early on as Newport experienced high numbers of cases before preventative measures were in place. Although I have referenced the way we responded to the Pandemic throughout the report I thought it would be helpful to summarise here some of the themes of the past year to establish the context.

In April, May and December of 2020 there was a spike in deaths of citizens known to us and people have been fearful of going into hospital and into long-term care. Our domiciliary care providers have worked with us and with GP's District Nurses and Community Psychiatric Nurses to keep people safe in the community and to ensure they have access to the right care

We have adopted new ways of working, as have our partners, utilising technology where possible. We have supported our providers, ensuring PPE is available and working collaboratively with colleagues in Environmental Health, Public Health Wales, ABUHB and Welsh Government to offer practical and financial support.

People receiving some services and their carers had to deal with the fact that their care had to be delivered in a different way e.g. support at home and in the community rather than attending a building. Social Workers continued to undertake urgent assessments and maintained contact with others to ensure appropriate arrangements were in place offering telephone support and arranging welfare visits when necessary. Volunteers did shopping, collected prescriptions and delivered food parcels.

We developed a new outreach service and successfully embedded our hospital discharge processes into the new Grange Hospital that opened in September 2020. The Hospital and Reablement teams have been present at hospital sites throughout.

Considerable and impressive effort was made to house 70 street homeless people in temporary accommodation and to ensure they have ongoing access to specialist substance misuse and mental health support.

In Children's services we have continued to work in partnership with Barnardo's to prevent children coming into care, to work with children with additional needs and to support young carers.

Referral rates for safeguarding have remained high throughout the Pandemic, increasing the pressure on statutory services due to the restrictions on other community based provision. The new Rapid Response service started in October 2020 and aims to help families de-escalate and manage their crisis to prevent children coming into care.

The number of Looked After Children has remained constant (378 at 31st March) which indicates the effectiveness of prevention given the high rates of referral. Family Group Conferencing, Baby & Me, Rapid Response and MyST are all proving effective tools in supporting families. We maintained family contact sessions using technology and continued with face-to-face engagement where necessary.

Despite the restrictions, we progressed 26 adoptions, approved 23 new foster households and opened a new 4 bed residential home.

The year end financial position mirrors the operational experience, the adult underspend reflects not only the loss of life as a result of Covid 19 but also the reluctance of citizens to access services. Lockdown and furlough meant that more informal networks were available. We also had access to a significant amount of additional Welsh Government funding the future of which is not yet confirmed.

The Children's services overspend is reflective of the increased pressure on services that was already high but further exacerbated by the Pandemic. The prevention services continue to mitigate rising costs.

Across adults and children's services, we are now experiencing higher than usual levels of complexity and increasing referral numbers. Social care services have not had sufficient time to recover and there are concerning signs of a staffing crisis. We expect ongoing budget constraints but 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.

Summary of Performance 2020/21

A new performance framework was planned for implementation during 2018/19 but it was delayed until April 2020. Unfortunately, the onset of the Coronavirus Pandemic in March 2020 led to a further delay until April 2021

NCC have developed the WCCIS system and new reporting and recording processes are now in place.

The data contained in this report represents the new performance framework but not all of the figures are for the full 12 month period. It is unavoidable that this year has been a period of transition but our systems are now complete and ready to go from April 2021 in accordance with Welsh Government timescales and the draft guidance that is yet to be finalised.

End of Year Performance Figures for Adult and Community Services

The new performance framework has changed the way we are required to measure the data so comparison with last year is problematic. This new set of metrics and recording processes coupled with the enforced working from home arrangements and the shift in demand as a result of the Pandemic means that it is sensible to treat this period as a baseline set of figures upon which to build future datasets to support evidence of future success, good practice and service pressures.

For example, last year (2019/20) **the number of people receiving assessments was 4038**, an increase of 891 from 2018/19.

During 20/21 the figure is **1538** that appears to be considerably less but this is because the metric is now restricted to **'new' assessments**

Another example of this is the change in the way the provision of **advice and assistance** is measured. In 2019/20 the figure of **4,588** was recorded but in 20/21 this has **reduced to 1,718** as we have been required to remove the numbers where only information was provided. This must be considered in the context of the **5,597 contacts recorded in 20/21** that demonstrates an overall increased level of activity

Hospital discharge figures have not been provided as they are no longer a statutory reporting requirement. However, In Reach, Reablement and Home First continue to be effective integrated service approaches to manage the flow of patients through the hospital and ensure they return home with the right level of support to maximise and maintain independence.

NB: No targets have yet been established, a full year of data is required to establish a benchmark for future performance

Adults Measures	Figure 20/21	Results & Comments
Total No. of Adults Who Have Received Advice & Assistance	1718	5,597 contact in total that includes when information only was provided
No. of New Assessments Completed During the Year	1538	Only represents new people 1 st time assessments
Active Offer of Welsh Accepted	0	
No. with a Care & Support Package at 31st March 2021	1861	
No. with Eligible Needs for Care & Support Maintained by Direct Payments at 31st March	93	over 18's only
Total no. of Adult Protection Enquiries Completed in the Year	648	doesn't represent individuals - could be multiple enquiries for same person
No. of Adult Protection Enquiries Completed Within Timescales	636 Within 7 working days	98.1%
Total No. of Packages of Reablement Completed During the Year	584	
Outcome of Reablement - Reduced Package of Care & Support	43	7.4%

Outcome of Reablement - No. of Packages of Reablement That Maintained the Need For Support	95	16.3%
Outcome of Reablement – No further Package of Care & Support	409	70%
Increased package of support	37	6.3%

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

The new performance framework has changed the way we are required to measure data so a comparison with last year is problematic. This new set of metrics and recording processes coupled with the enforced working from home arrangements and the shift in demand as a result of the Pandemic means that it is sensible to treat this period as a baseline set of figures upon which to build future datasets to support evidence of future success, good practice and service pressures

Notwithstanding the above it must be noted that children's services has experienced significant additional demand during 2020/21

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.

Preventions services including **Family Group Conferencing, Baby & Me** and the new **Rapid Response service** are enabling families to stay together and preventing new entrants to the care system.

NB: No targets have yet been established, a full year of data is required to establish a benchmark for future performance

Children's Measures	Figure 20/21	Comments
No. of referrals where advice and assistance was provided	5,424	10104 contacts in total that includes where information only was provided

No. Where Physical Punishment was the Only Factor	144	New law coming April 2022 about physical punishment by the parent or care – this is a new measure to start to gather data to measure the impact
Active Offer of Welsh Accepted During Assessment	0	
No. of Children With a Care & Support Plan (CASP) at 31 st March 2021	978	This figure includes children with a Special Guardianship Order (SGO) and includes children receiving finance only support
No. of Children who are LAC at 31 st March 2021	378	
No. of Children Becoming Looked After During the Year	91	
No. of Children Who Ceased Being Looked After During the Year	92	
No. of LAC Who have had 3 or More Placements	26	* Note this may change once we receive final notification from WG improved figure since 19/20
No. of LAC Returned Home During the Year	36	
No. of Children in Care Proceedings During the Year	44	
No. of Foster Carers Registered with the LA	159	
No. of Childrens Residential Beds as at 31 st March 2021	21	
Total Number of Children on Child Protection Register (CPR) as at 31 st March	158	
Total No. of Registrations on the CPR During the Year	179	

No. of Children Who Were Removed from the CPR	148	
No. of Reports of Child Exploitation Received During the Year	62	*Note this only covers the 6 month period 01 Oct 2020 to 31 March 2021
No. of Contacts by Young Carers or Professionals During the Year	74	<p>Provided by Barnardo's and relates to new contacts.</p> <p>50 received advice and assistance and progressed to a formal care plan</p> <p>At 31st March there were 84 on a formal care plan</p> <p>Reviews are conducted every 6 months</p>

Youth Justice Service

By continuing to shape the service in line with the Welsh Government's **Youth Justice Blueprint for Wales**, we have seen a dramatic increase in our preventative cases, which is promoting positive outcomes for children.

We adopt a "**Child-first**" practice approach and continue to develop community partnerships to improve diversionary opportunities for children. We work with key agencies under an Anti-Social Behaviour umbrella to ensure there is a multi-agency approach to planning.

We have engaged a **Speech and Language Therapist** to aid communication and understanding and ensure each child has a plan that is individual to them.

We have just started a Restorative Justice Clinic that will provide specific restorative justice sessions for the child we are working with. These sessions will include victim empathy work

We are reviewing how we work with **victims** including providing various ways of communicating and using a "cooling-off period" to ensure they can access support at a later date if needed. We are developing a process to help us reach out to the victims of children who have been diverted away from criminal justice to ensure they are not forgotten and have the option to access a service

We have set up an **allocation pathway with the Safeguarding Hub** to ensure that those coming through the Children's Services front door can access the Youth Justice Service without delay.

We are working with the **Preventions Team**, to ensure that where possible, we work with the children and the parent/carers or siblings, so that each has their own personal support plan. This is designed to provide a family-based approach

to prevention support and to ensure any younger children can benefit from the service provided to the older children.

The Youth Justice Service Workers have been trained in **Trauma Informed Practice** which is used throughout assessment and case management.

We have monthly **psychology input** and use that for case formulation sessions where children with complex situations and adverse childhood experiences (ACE's) are considered in a multi-agency forum and a **case formulation document** completed. This document will travel with the child throughout their involvement with children's services and is available to explain their particular needs and vulnerabilities from a psychological perspective,

We continue to work closely with our **specialist services**; CAMHS, Speech and Language Therapy, Education, Probation, Police and Barod (Substance Use) These services are currently under review to ensure they are fit for purpose as the YJS goes through this period of transition. We have introduced monthly performance reporting for specialist service provision.

We have re-organised the structure and recording of **Risk Management Panels**. These have become an integral part of partnership working and are well attended by all key agencies, the outcome being that an accurate and multi-agency risk plan is completed.

Children's Measures	Target	Results & Comments (2020/21)
Number of young people sentenced to custody	25	<p>1 child was sentenced to Custody in November 2020. (0 in 2019/20)</p> <p>The YJS proposed a community order as an alternative to custody in the pre-sentence report</p> <p>5 other local authorities in Wales had more than one child sentenced to custody in 2020/21</p>
Number of first time entrants into the youth justice system	40	<p>37 (Within target but 12 more than last year)</p> <p>YJS identified that the outcomes from Bureau were often a Youth Caution or Conditional Caution resulting in the child becoming a first time entrant.</p> <p>YJS have reviewed processes to deliver more child focussed bureau outcomes and there was a reduction in first time entrants in the latter part of the year</p> <p>Additionally, 9 children were sentenced to a statutory court order because of the nature and seriousness of their offending.</p>

Young people out of court disposals re-offend within 12 months	30%	<p>30% (On target but an increase of 16%)</p> <p>NB: This figure is 12 months behind as reoffending rates are tracked over a 12 month period and covers 1st April 2019 to 31st March 2020)</p> <p>Based on a cohort of 116 young people with 35 re-offending.</p> <p>The numbers of children re-offending have more than doubled.</p> <p>YJS have commissioned an audit to inform future practice.</p>
Young people statutory orders who re-offend within 12 months	50%	<p>27.5% (Strong and Improving performance)</p> <p>NB: This figure is 12 months behind as reoffending rates are tracked over a 12 month period and covers 1st April 2019 to 31st March 2020)</p> <p>Based on a cohort of 29 young people with 8 re-offending.</p> <p>This improvement has been strongly influenced by the information provided to the bench on Trauma Informed Practice and engagement with the Court User Group whose support for diverting young people away from the criminal justice system is resulting in a decrease in the amount of court disposals</p>

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 2020/21

These included:

- Carers Week – virtual event
- Annual public budget consultation process in December 2020.
- 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

Welsh Government agreed that Local Authorities were not required to undertake a citizens survey during 2020/21. The statutory reporting requirement is currently under review.

Adult – Residential & Reablement Services

Due to Covid the Care Inspectorate Wales inspections did not take place as planned. However, 3 monthly visits by the Responsible Individual (RI) were completed.

Common themes identified for improvement by the RI across the residential care homes at Blaen-y-Pant, Spring Gardens and Parklands were as follows:

- Ensure staff receive mandatory training within specified timescales
- Ensure vehicles have sufficient fuel, and journey logs are completed
- Ensure staff are regularly tested for Covid
- Ensure regular supervisions are completed
- Ensure photographs are placed on Mars charts of residents

Reablement were required to provide better information to citizens about what the service could achieve and to prepare them properly for the fact that it is a time limited programme

Children's Residential Services

Common themes identified by the RI across Forest Lodge, Rosedale, Oaklands, Rose Cottage and Brynglas Bungalow were as follows:

- Improve Health and Safety risk assessments
- Improve information provided at shift handover
- Ensure staff are up to date with mandatory training
- Progress outstanding environmental improvements i.e garden/decoration

Care Inspectorate Wales Inspections 2020/21

Brynglas Bungalow unannounced visit - 27th October 2020

- *There is a full staff team but there were high levels of staff absences.*
- *Staff were positive and their comments indicated that they are motivated and committed to the young people and their roles.*
- *Robust referral and admission arrangements are in place with systems in place to ensure only children whose needs can be met live at the home.*
- *Systems for engaging children in seeking their views about the day to day life at the home and their personal goals and outcomes are in place.*
- *The group of young people are well established with feedback from young people, staff and a social worker describing each of the young people making good progress.*
- *Young people are generally satisfied with living at the home*

Cambridge House unannounced inspection – 30th November 2020

- *The home is a large detached property and not well suited for such use and although changes have been made in order to meet the needs of the placement the premises are in poor condition.*

Cambridge House closed in May 2021 as the Council develops new residential services that meet the needs of children and young people. Rose Cottage and Rosedale already provide an additional 8 beds over 2 sites and Windmill Farm is scheduled to open in 21/22

Care Inspectorate Wales (CIW) Assurance Check Newport City Council - May 2021

NB Whilst this inspection took place outside of the 2020/21 reporting timeframe the focus of the check was very much on our service delivery during the Pandemic. As the findings are available at the time of writing they have been included to add further depth and context to the period of time covered by this report.

To determine:

- *How well is the local authority discharging its statutory functions to keep people who need care and support and carers who need support, safe and promote their well-being during the pandemic.*
- *What is the Local Authority doing to prevent the need for children to come into care and are children returning home to their families quickly enough where safe to do so*

"We considered the safety and well-being of people who use or may need to use services, the safety of services they access and the safety and well-being of people who work in services"

The findings identified culture of improvement and mutual support and a recognition of positive leadership. It was noted that staff morale was generally good.

"Partnerships were in the main working well at all levels and delivering an integrated sustainable approach to meeting need and promoting well-being"

Innovative responses to the Pandemic were noted in adult services and also that there was evidence that carers had been identified as requiring additional support and that efforts had been made to ensure that information and advice was available.

"Mostly evident at an individual level, we found support was underpinned by a relationship of openness and honesty about the options available for people who need care and support and carers who need support"

In Children's Services the preventative interventions such as the Rapid Response service, Family Group Conferencing MyST and Baby & Me were identified as being effective at preventing needs escalating and it was noted that parents and carers were positive about the support they received.

"many staff were exhausted with complex case work and high volume evident. Children's services were experiencing unprecedented demand and increase in referrals. In adult services we found services working under significant pressure"

Areas for improvement - Overview

- Supervision – need to improve recording to evidence shared thinking and rationale in decision making
- Timeliness needs to be improved in supporting the well-being of the workforce to manage demand and for those waiting for assessments and care and support
- It was acknowledged that the Pandemic had restricted the ability of preventative services to operate thereby creating additional demand.
- Inter-agency responses could be improved with better understanding

A full copy of the report can be found at:

<https://careinspectorate.wales/our-reports/local-authority-inspection-and-review-reports>

Overview of complaints 2020/21

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 and if a child or vulnerable adult and Independent Person is also appointed, 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 2020/21, the Complaints Service received **130** Social Services complaints, **11 less than last year**

Adults' Services –

- **52** total complaints received
- **26** were **not progressed** to a complaint
- **22** were **resolved** at stage 1
- **2** were **discontinued** (This is where a resolution has not been mutually met but the complaint does not progress to a stage 2)
- **2** proceeded to **stage 2**
- Stage 2 outcome – **part upheld** and **not upheld**
-

Children's Services –

- **78** complaints
- **50** were **not progressed** to a complaint
- **20** were **resolved** at stage 1
- **6** were discontinued (This is where a resolution has not been mutually met but the complaint does not progress to a stage 2)
- **2** proceeded to **stage 2**
- Stage 2 outcome – **part upheld** and **upheld**

The decrease in the number of stage 2 complaints has been noted again for this financial year with a total of 4 stage 2 complaints. This continues is a result of the number of complaints being resolved at stage 1.

4 complaints (2 Children Services and 2 Adults Services) were assessed by the Public Services Ombudsman for Wales (PSOW). The outcome of each were as follows:

1 Adults complaint - premature and referred back to the Council to complete their complaints procedure

1 Adults complaint- early settlement, progress complaint to a stage 2

1 Childrens complaints - refused as a matter for the courts

1 Childrens complaint- investigation completed by the Ombudsman – resulting in financial redress and actions to be taken forward

Recommendations for service improvement as a consequence of complaints management.

- Improvements to information provided to customers on viability assessments
- Improvements to information sharing and communication to families of children in their guardianship
- Improvements to recording and transition practices within Children's residential settings

Overview of compliments 2020/21

Adults' Services **15** - **2 more than last year**

[Occupational Therapy Team](#)

Tudalen 75

"Everything I wanted and needed you got for him without hesitation and that made his daily life a lot easier and that meant the world to me. I can't thank you enough"

Children's Services **4** - **4 more than last year**

Children's Team

"I just wanted to personally thank you for being so supportive and understanding. I'm hopeful with the help you've put in place, and support from everyone at the meeting today we'll get there."

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

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 information, advice and assistance to citizens in the following areas:

- Safeguarding;
- Occupational Therapy;
- Housing advice (funded by Housing Support Grant)
- Sensory impairment;
- Independent living – Direct Payments;
- Financial advice.
- Community Connectors

There are plans to 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. Physiotherapy, Falls and Reablement is scheduled to join the First Contact team.

In 2020/21 **1538 citizens received advice and assistance** from the First Contact Team (this figure does not include those who only received information)

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.
- **Home First** - The offer of IAA is a critical feature of this regional service, hosted by Newport City Council. It offers IAA to patients within the hospital with the aim of preventing admission.

Where the First Contact Team are unable to meet the needs of adults 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.

"In adult services, proportionate assessments were undertaken in a timely manner. Although variable, people's voices were mostly heard, their choices respected and people achieve self-identified outcomes"

(CIW Assurance Report May 2021)

Every young person who is involved in the child protection process or who are Looked After has 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.

- **139 active offers of advocacy were made in 2020/21**

Dewis is commissioned to provide an independent advocacy service to adults. In 2020/21 they supported **135 adults** with a range of issues by adopting new ways of working, blending virtual contact with face to face based on individual risk assessments.

Dewis advocates supported the consultation process in relation to the closure of Brynglas Day Centre and also ensured that the views and wishes of residents and their families were independently represented during 2 care home closure processes that occurred during the year.

This was a challenging time both in terms of the stress of upheaval for the residents and for the multi agency team who had to manage the transfer of clinically vulnerable people in the midst of a Pandemic. All were successfully moved and are now settled in their new homes.

During 20/21 Newport Childrens Services and Barnardos undertook a **Review of families and professional agencies experiences of Child Protection Case Conferences** as part of a commitment to hear the voice of the child and family in child protection processes

- We spoke to **12 family members** and **30 agencies**

- Responses were used to shape the redesign of CP processes and a greater focus on parental collaboration and ensuring the children understand what has been agreed is now at the forefront.
- This work is due to continue in 21/22

The Community Connector team offers support to citizens who may be socially isolated to help them gain independence and improve their well-being.

- Newport's team of **six Connectors** provided a service to a total number of **2,136 citizens** during 2020/21 with information, telephone advice and 1:1 support
- **4,427** outcomes were recorded at closure thereby highlighting the complexity of enquiries that resulted in multiple solutions.
- This year saw an increase in those requesting a support service and volunteer shopping due to shielding, isolating or ill-health. Food bank support continued to rise highlighting those in food poverty.
- There was a decline in those asking for social activities and skills or training but a rise in those seeking information and support regarding their health, mental wellbeing and financial assistance.
- 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.
- **302 BAME citizens were supported during 2020/21** this represents a reduction as engagement is usually centered around community events that did not take place this year
- Information about Covid Support Grants were shared with community groups

The Community Connectors and our Third Sector partners continue to update the **DEWIS** database that contains local and national information. Newport has **509** live resources on the site, a decrease of 20 from last year but still high when viewed in the context of many services and groups being unable to operate throughout the year

There has been an increase in database use during 2020/21 that indicates continued trust in DEWIS as a reliable source of community information

- **Average of 7,144 views per month compared to 4,904 in 2019/20**

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.



Over **200** urgent visits were carried out by the OT's during the Pandemic. Citizens on the non-urgent waiting list were contacted and offered advice and assistance to help with daily activities during lockdown

The OT team currently co-ordinate the telecare service that was established in 2019/20 in partnership with Monmouthshire and Caerphilly Local Authorities.

At 31st March 2020 87 Newport citizens were using 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 and is available throughout Gwent.

CARERS

The Newport Carers Network has **540 members** and offers information, advice and support for Newport citizens in a way that suits their individual requirements.

Newsletters and updates are distributed via post and email and available on the NCC website.

The Newport Carers Offer – launched in 2020

Information around what is available to anyone in a caring role living in Newport – all this information is available on the NCC website and is regularly publicised via established communication channels.

- **132** adult carer's assessments were undertaken in 2020/21
- **689** carers received information, advice and assistance from the Connector team.
- **2,241** people accessed digital support information from the Carers Support Webpage and My Newport Online Portal (**1,330 in 2019/20**)

"We found recognition of the need to support carers during the Pandemic. Information and advice was given to carers and service provided to support their needs"

(CIW Assurance Check May 2021)

The Pandemic presented particular challenges for carers who were not only unable to access their normal support networks such as the established Carers Café, but community based services for the cared for were also unavailable thereby placing additional strain on informal arrangements. NCC recognised this and took the following steps:

- **A revised edition of the Newport City Council Carers Handbook was provided to every known adult carer with an outline of the Newport Carers Offer**
- **Information was shared on social media**
- **A new online request form was added to My Newport Council page in February 2021.**

Carers Week 8 - 12 June 2020

- **Information campaign launched with support of Public Relations colleagues**
- **Daily emails for network members and social media posts to reach a wider audience**

"Well done for all your efforts for Carers Week. I think it was really positive. Thank you for all the info, links and resources in the daily emails "

"It was helpful to see the post online and to find out that there is so much information and support out there"

Priorities for 2021/22

- 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
- **Carers** - to engage and support more adult unpaid carers
- **Telecare** - to continue to expand and improve the service
- To continue to proactively **manage demand and reduce waiting times** as the community starts to recover from the Pandemic
- To **improve digital access** to the information and advice service by developing the website
- To launch an **NCC Young Carers offer** in partnership with Barnardo's
- To develop a **single entry point for adult safeguarding** issues

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

Covid has had a significant impact upon our foster carers and residential homes. It has caused issues in placing children with new carers due to the risks of spreading the infection and the young people in our care have experienced isolation from friends, a reduction in family time and less time in education.

The staff have had to cope with homes going into isolation, PPE and children frustrated at being unable to leave. This was overcome by finding new

entertainment and staff organised activities such as baking competitions and karaoke evenings.

A key priority since 2018/19 has been to open new residential services for children in Newport to reduce the number of out of county placements and keep children close to their family and community networks. The Pandemic has caused delays but the current position is as follows:

- **Rose Cottage**, a 4-bedroom residential home opened in January 2019
- **Rosedale**, a 4 bed property opened in January 2021
- **Windmill Cottage** a 4 bed property, joint project with health to support crisis placements on a regional basis is due to open in March 2022

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 2020/21 permanent and stable futures were secured for **26 children through adoption**. (6 more than last year)

Newport has more children placed with in house foster carers than with foster placements purchased from independent Fostering Agencies and this is an ongoing trend. Fostering offers a family environment and is often preferable to a residential placement. In house provision also means that children can remain close to their networks and NCC are committed to recruiting more foster carers who are based within the local authority area and to offer specialist support to prevent placement breakdown.

- At year end there were **378 Looked After Children in** Newport
- **256** are in fostering arrangements
- **207** are in NCC fostering arrangements
- **159** foster carers were registered with NCC at year end
- **75%** of the independent foster agency (IFA's) carers used by NCC are out of county placements
- **23** new NCC fostering households were approved during 2020/21

NCC Corporate Plan 2017-2022:

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

- **MyST** was launched in 2020/21 (My Support Team). This multi agency approach to the provision of a therapeutic service for children with complex needs will better support foster carers and prevent placement breakdown. The central purpose of MyST is to improve the psychological wellbeing of

children/young people, their relationships with birth family members, their attachments with safe adults, reduce placement disruptions and particularly the risk of out-of-county placement for young people with emotional and behavioral difficulties.

- **When I Am Ready** – a scheme to enable care leavers to stay with their foster carers post 18 and up to the age of 25 – this is now available to looked after children in Newport and will continue to be monitored.
- During 2020/21 Barnardo's **Family Support Service (FSS)** provided support to **580 children (a reduction of 17% from last year)**
- **94%** of FFS cases closed during the year did not escalate or reduced the initial risk status

NB: the number of referrals reduced at the height of the Pandemic

It has been a challenge during lockdown to provide support to families using virtual platforms and only conducting visits in the most urgent of cases. Feedback has been positive but a clear preference for face-to-face sessions has been expressed and they have increased as restrictions have eased.

The Rapid Response Team is a new early intervention service offered to families in crisis as a result of a referral to the safeguarding hub.

The service commenced in October 2020 and is funded by the **Intermediate Care Fund (ICF)** with 3 workers employed by **Barnardo's** who work closely with the Social Worker using a range of trauma informed approaches. Support is offered for **6 weeks** and the intention is to de escalate risk and **keep families together.**

During the first quarter the team worked with 12 families

- **4** children returned home
- **4** children remained with their family

The Disabled Children's Team has been working in collaboration with adult services, commissioning and the education department to:

- Develop 2 transition supported living services & 1 residential service
- Develop a new outreach and day service provision for young people with complex behaviours
- Develop alternative post 16 education options for young people with special educational needs
- Continue to deliver sessional support for children and their cares

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 aged 8 - 25** who often face social isolation and low self esteem.
- During the Pandemic the service diversified to offer virtual groups and activities as well as phone calls and video chats with young carers
- **422** young carers were supported in 2020/21 (73 new referrals and an increase of 123 since 2019/20)
- **Young Carers ID Card** was launched in Newport to provide young carers with the opportunity and confidence to highlight their caring role to teachers, medical professionals and retailers.
- **Newport Young Carers** ran a virtual awareness raising campaign and held a poster competition **Carers Week**

Hospital Discharge & Community Based Services

Throughout the Pandemic services have maintained a full presence on the hospital wards and in the community, often working with people who are Covid positive.

Reablement operates as a fully integrated health and social care service to support hospital discharge in St Woolos, the Royal Gwent and the Grange

It is a short term focussed support package where 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.

During 20/21 at the end of the Reablement programme **70% of people required no ongoing support** (409 out of a total of 584)

The Dementia Reablement Service. A regionally funded project that began in October 2020

The Service will provide planned, time limited and goal orientated approaches that support people with memory problems or with dementia to maintain their daily living skills and remain independent for as long as possible.

- **Dementia Reablement Service supported 94 people** between October 2020 and March 2021
- **11 people reduced their package of care** at the end of the programme
- **36 people remained independent** at the end of the programme
- **82 people required no change** to their support at the end of the programme

During the Pandemic people were reluctant to go into hospital due to the risk of becoming infected with the virus. In order to respond to the increased number of community based referrals the Reablement staff worked in partnership with GP's District Nurses and Social Workers to keep people safe at home.

Dementia Service Development – the specialist Reablement service is part of a suite of interventions that will offer citizens options to remain in the community for as long as possible.

- **Spring Gardens** offers daily respite for people with dementia and this also supports the carer to have a break.
- **Outreach Service** newly established as a result of the closure of Brynglas Day Centre that offers flexible support to carers both in the home and in the community

Home First - Newport City Council host this regional service. The Grange University Hospital opened in December 2020 and Home First is fully operational on that site in addition to the Royal Gwent and Neville Hall Hospitals. It involves the offer of information, advice and assistance (IAA) through a proportionate assessment for patients within pre-admission wards, regardless of where they live in Gwent.

- **Home First** received **840 referrals** between 01/10/2020 and 31/03/21
- Home First **safely discharged 475 (60%)** people between 01/10/20 and 31/03/21

NB Home First stats were not formally recorded at the beginning of the year due to the Pandemic and the re-alignment of services to support the regional Covid 19 requirements for hospital discharge

Domiciliary Care. Newport City Council commissions services from approximately 30 independent providers. Despite a relatively stable market, recruitment of staff has been 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 but the Pandemic has exacerbated the staffing shortage and the post lockdown increase in the number and complexity of referrals means that care is having to be prioritised in a way that hasn't previously been necessary.

Staff shortages are affecting all social care services with recruitment processes often failing to identify any suitable candidates. This is a national problem that will require ongoing local, regional and national oversight to manage the risks and find sustainable solutions.

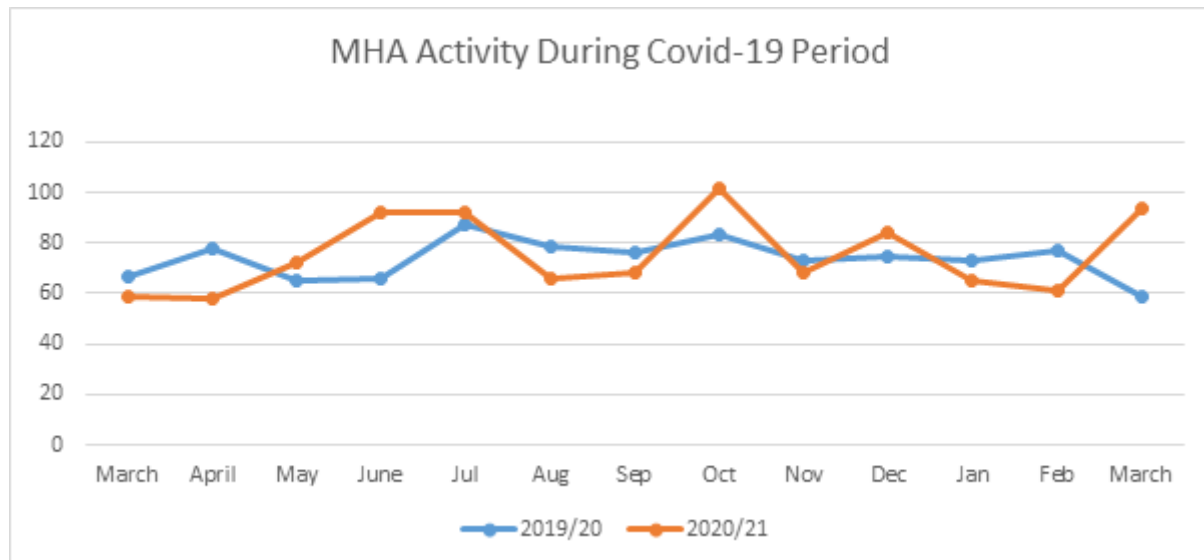
Providers worked tirelessly throughout the lockdowns with carers going into homes that are unregulated environments often knowing that individuals were Covid 19 positive. The number of cases among community based staff remained relatively low as infection control procedures were implemented.

The impact of the Coronavirus Pandemic on services will continue to be monitored throughout 2021.

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

The Pandemic has further highlighted increases in mental ill health and there has been an acknowledgement nationally that citizens and services are under pressure. Newport experienced 30% more referrals than usual during the period and this was replicated across Gwent.

The graph below shows a data comparison of completed assessments for the Gwent area between 20/21 and 19/20



Deprivation of Liberty Safeguards (DoLS) - 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

- 423 full DoLS assessments were undertaken in 2020/21

Due to Covid restrictions, the majority were completed via video conferences but the more complex cases were completed face to face using the appropriate PPE.

"We saw examples of best interest and mental capacity assessments with clear decision making; we also found capacity assessment reviewed over time to consider fluctuating capacity and changing circumstances"

(CIW Assurance Report May 2021)

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. A **key priority** for NCC is to ensure full implementation of the new **Code of Practice**

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.

NCC are working closely with partners to understand the impact of the Pandemic. Some service initiatives such as virtual groups and zoom calls will continue to be available as they have become established as a valuable alternative method of engagement

Priorities for 2021/22

- **Reablement** – to further develop the **specialist dementia service** with links to the memory clinic, older persons mental health teams, step down facilities, the dementia respite service and outreach support.
- To establish **Windmill Farm** in accordance with planned timescale
- 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 continue to realise the benefits of the **MyST** service to support children with complex needs and their Foster carers and prevent placement breakdown.
- To continue to provide the **Rapid Response** service to families in crisis
- To progress the new **accommodation projects** for disabled children in transition to adulthood
- To develop the **outreach and day service for disabled children** and young people
- To continue to identify and support **young carers** in partnership with Barnardo's
- To ensure our staff are sufficiently trained and prepared for the introduction of the **Mental Capacity (Amendment) Act 2019** by implementing the new **Code of Practice** ready for implementation in April 2022
- To work with our mental health partners in both the statutory and independent sector to establish a clear pathway into preventative services.

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

A full report on **Corporate Safeguarding** was presented to Scrutiny in June 2021. 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 2014 strengthens the statutory safeguarding requirements for the Council with regard to the protection of both adults and children. Prevention and early intervention prior to statutory intervention is a key message within the legislation.

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 City Council host the regional **Violence against Women Domestic Abuse and Sexual Violence Partnership, (VAWDASV)** and are active members of the Board. Representatives from both adult and children social services within Newport attend all the subgroups for each Boards work plans.

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. The six NTF training levels are required to be completed depending on specific roles within the Council.

Newport City Council host the regional **IDVA (Independent Domestic Abuse Advisor)** team, ensuring resources in Newport are available for our 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 progression and development of the regional IDVA service has required an increase in sustainable funding to ensure citizens with protected characteristics have no barriers accessing the IDVA service. Regional requirements for the service development will be seeking to tender the service for Gwent in 2021.

During 2020 the roll out of the mandatory safeguarding Elearning training was successfully launched and is a part of the recruitment process.

Newport Childrens Services have continued to develop an effective multi-agency response to child exploitation over 20/21 working in partnership and collaboration with colleagues across Health, Police, Education and specialist 3rd Sector agencies.

Our work has led to the creation of an **Exploitation Toolkit and Practice Framework** for identifying and responding to risk, which is rooted in research and Welsh Government guidance on keeping children safe within our communities. Our model was trialled across the region in 20/21 and is now adopted regionally as a model of good practice and approved by the Gwent Safeguarding Board. Interest in our approach has also extended to other Local Authorities across the United Kingdom with some now using the approaches pioneered by Newport. An evaluation of the Toolkit and strategy will be a priority for 21/22 with a dedicated Exploitation Social Worker..

During 20/21 the Child Protection teams remained committed to **keeping children with families** where safe to do so. The focus on work to redesign child protection conferences, was completed across children services and the inclusion of additional services such as **Family Group Conferencing** increases the partnership with parents and wider families to ensure the needs of the child are central to all decision making and plans to safeguard the child. Raising the prevention and intervention possibilities for families with social workers, the legal department and the judiciary to align on this objective has resulted in a **reduction in the number of children entering care proceedings in Newport** as well as a reduction in the number of children waiting to be adopted.

Child protection conferences have continued throughout 2020/21, when children are deemed at risk of significant harm. During the Pandemic conferences have been held virtually.

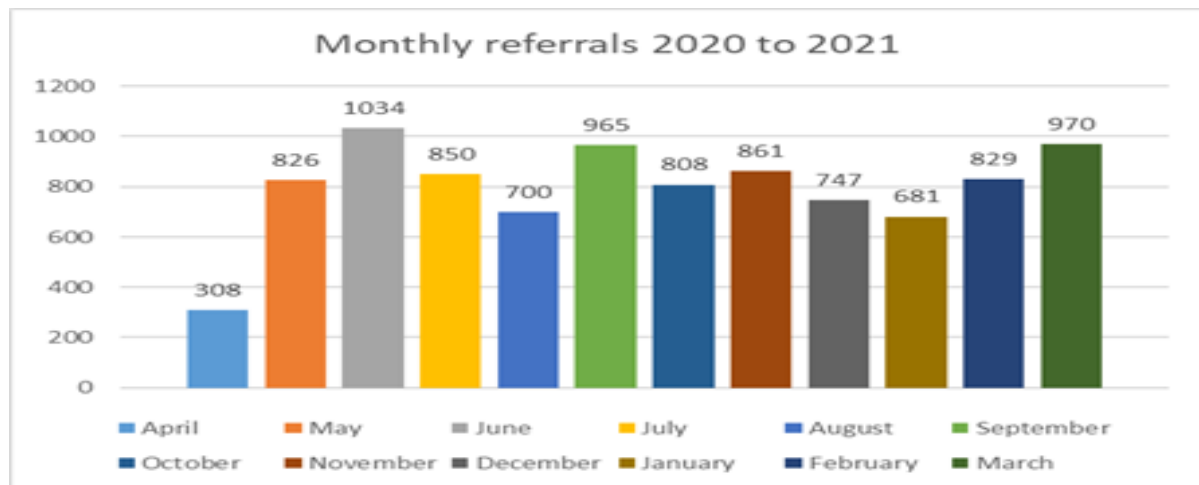
The number of children **Looked After as at 31.3.21 was 376**. The number of children who **ceased to be Looked After** during the course of the year was **92**.

The **Newport Safeguarding hub** and its success has resulted in the model being adopted across the region and the Police have restructured their resources to accommodate this way of working.

The "adult at risk" safeguarding process is still presenting through two referral pathways, the Safeguarding Hub and First Contact Team. This compromises the reliability of the data and leads to inconsistencies in the management of the process. A single pathway is the preferred option but requires further work.

There are safeguarding performance measures captured within the Safeguarding Hub

- Adults at Risk (duty to enquire) as follows:



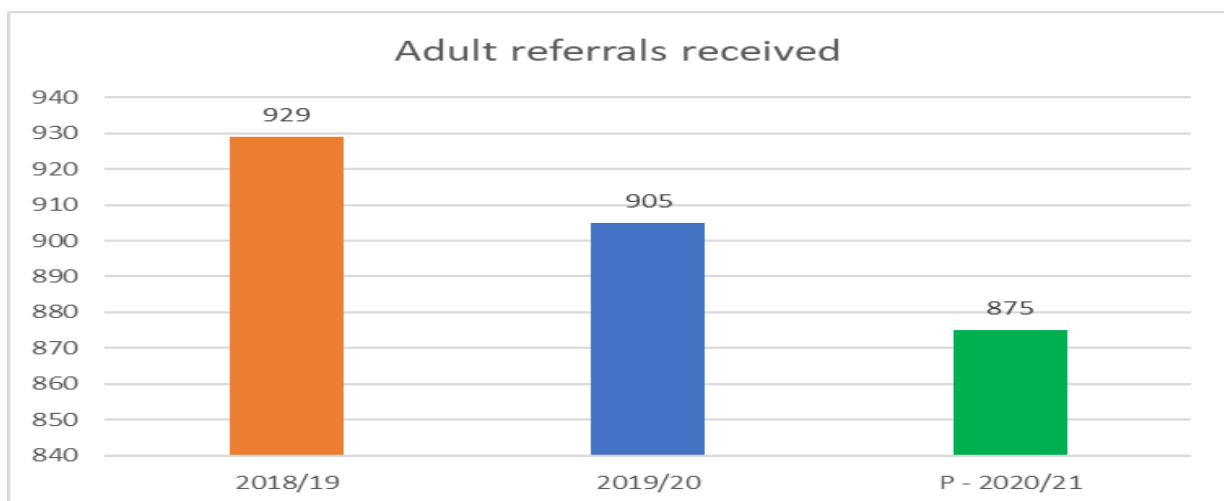
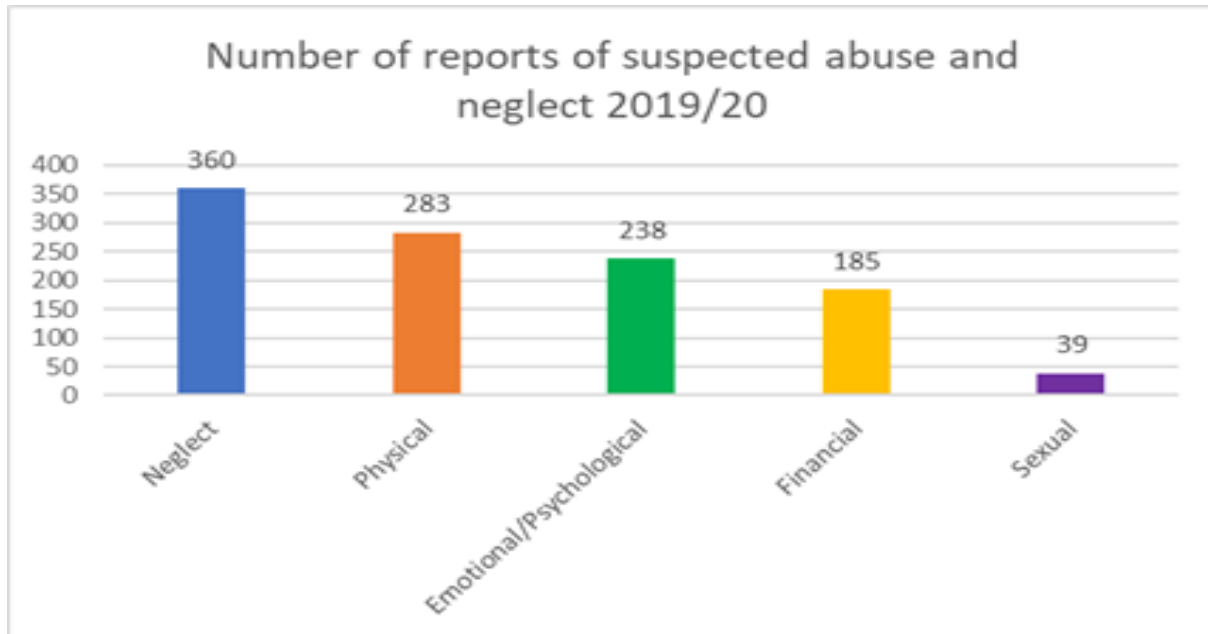
- Children’s safeguarding processes (contacts/strategy discussions/initial conferences);

There was a significant downturn in referrals (Children’s Services) in April 2020 due to the initial pandemic lockdown, however, since this time the number of referrals that have progressed through the Hub has since accelerated.

- **Referrals** to the **Safeguarding Hub (Children’s Services)** have overall **increased by 9.1%** compared to 2019/20.
- **Abuse or Neglect** continues to be the **most frequent** referral category.
- **Referrals** attributed to **Family in Acute Stress** category has **increased 55%** during the pandemic (1248 average to 2262).
- The **prevention service** and children’s duty team is the model in place to address the needs of families in acute stress, responding to need and **escalating only** those families where **thresholds are appropriate**.

The data suggests that there are effective controls within the safeguarding HUB, that there is compliancy and effective safeguarding arrangements in terms of children’s decision making and the statutory responsibilities for timely decision making.

The total number of reports of an adult suspected of being at risk received in 2019/20 was 905. This represents a drop of 24 referrals and a percentage drop of 3%. The projected figure for this year 2020/21 for the total number of reports of an adult suspected of being at risk is 875 referrals, a further 3% drop.



The Council continues to prepare for the **change in practice** from Deprivation of Liberty Safeguards **to Liberty Protection Safeguards** which will now occur in 2022. More training on the new legislation/ practice to increase knowledge and skill will be on-going and is clearly identified both within the Annual Corporate plan (2021/2022) and in the social services training plans.

Achievements 20/21

- A **self- assessment safeguarding audit tool** was completed across the council.
- **E-learning** safeguarding module for all Members, Officers and volunteers is operational and formal recording is in place on completion.

- The **safeguarding champion's** cohort continued to meet virtually throughout the pandemic restrictions.
- Completion of a **volunteers/chaperones register** is centrally held within People and Organisation service. This assures **training and recruitment** for all volunteers.
- **Safeguarding Hub for children and adults** confirmed and extended across the region.
- A **child exploitation strategy** and toolkit for Newport has been accepted by the regional Safeguarding Board and parts of the UK and is now established practice.

Priorities for 2021/22

- To work with each service on the outcome of **the safeguarding self-assessment audit** for continual development.
- **Single Unified Safeguarding Review (SUSR)** Newport leading on the Policy and Process part of the Welsh Government and Home Office project to align all case reviews for children, adults and domestic homicides under Safeguarding Boards.
- Embed the change in legislation from Deprivation of Liberty to **Liberty Protection Safeguards (Mental Capacity Act)** and ensure a robust process is introduced for Newport citizens where this is applicable.
- Tender of the **regional IDVA service** and develop the service to ensure all citizens with protected characteristics access services.

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 Child Protection service in partnership with Barnardo's have committed to improving collaboration and participation across Children's Services in 2021/22 by establishing the following:

- **Parent Advocacy and Mentoring Support Programme** to enable parents to receive direct support to meet the needs of their children. The model will also offer peer mentors and advocate training to encourage and facilitate meaningful participation in the development and evaluation of services
- **Young Persons Participation Board** to recruit young people who have experience of children's services and are able to help us shape what we provide in the future

The Career College Consortium (previously known as the Gwent Care Academy) is a regional initiative

- The Pandemic has both highlighted and aggravated the issues of staff shortages in social care. Carers have worked tirelessly throughout and better paid jobs in hospitality and retail are an understandably attractive option that will continue to diminish the workforce.

The Consortium is working hard to improve **recruitment and retention** by establishing a

- **Gwent Care Career Pathway**

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 by developing relationships with statutory bodies and employers
- 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: The Pandemic has led to a reduction in the numbers of placements offered by employers and the motivation and focus of students has suffered. This is being addressed and priorities for 2021/22 are:

- To develop new approaches to **apprenticeships**
- To continue to **add value to courses** by working with practitioners and providers to develop 'service insights'
- To develop **data collection processes** to understand the impact of the work of the consortium on the student cohort and the care sector.

The Council has an apprenticeship scheme – but no placements were offered during 2020/21 as a result of the Pandemic.

Newport City Council is committed to ensure that people with **dementia** are not socially excluded.

NCC Corporate Plan 2017-2022:

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

The Pandemic made it difficult to deliver dementia awareness sessions but in May 2021

- **Newport Transport**, become the first bus company in Wales to be accredited as **Dementia Friendly**. The company has worked with the Regional Partnership Board, Newport City Council and Alzheimer's Society to make all staff dementia aware and highlight how drivers can support people living with dementia and their carers to use transport around the city.

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 for those shielding or with caring responsibilities who were unable to access services during the Pandemic.
- **58 volunteers** were recruited and trained and although some were on furlough and have now returned to work it has offered an opportunity build on the service and establish a meaningful volunteer programme to enhance the ongoing low level support needs of the community with funding remaining in place during 2021/22
- 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.

Priorities for 2021/22

- 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 the **Parent Mentoring and Advocacy Programme** and establish the **Young Persons Participation Board**
- To continue to support the health and social care sector through the **Career College Consortium**
- To further develop the **volunteer service** and establish a sustainable model.

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 important for their well-being. Children who are looked after maintain contact with their families through facilitated sessions.

the **Cwtch centre** who are responsible for facilitating family contact time worked tirelessly throughout the Pandemic using virtual and face to face methods to ensure parents were still able to see their children. This hybrid model successfully addressed the needs of the family and kept staff and participants safe.

- In 2020/21 **36 children returned home from care**

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:

Family Group Conferencing Service. (FGC) 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. Whilst the Pandemic resulted in fewer FGC's the results still remain strong

- During 2020/21 there were **98 Family Group Conferences**
- **30% of families reduced risks** following FGC engagement
- **20% reduction in Looked After numbers** following FGC engagement

The success of this model has resulted in funding being made available by Welsh Government to deliver the **Later Life Links Model**, which uses the Family Group Conference approach for Care Leavers. This will be developed in the NCC Pathway Teams as a priority in 2021/22

Baby & Me 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.

- In 2020/21 **12 out of 18 babies** at risk of being removed **went home with their family**

Family and Friend Team This team aims to enable kinship Foster Carers to become Special Guardians. A panel has been established to consider **Special Guardianship** plans to ensure the Court is provided with sufficient reassurance of viable and safe alternative arrangements to **reduce the number of care orders** and enable children to remain within their family.

"We found a positive approach to developing creative services, such as Baby and Me and productive relationships with Families First, Barnardos and youth justice"

(CIW Assurance Report May 2021)

Respite offers an important opportunity for family members and the cared for person to have time for themselves. It supports the caring role and ensures the maintenance of healthy relationships. 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 was reduced during the Pandemic but the service remained open. Discussions are currently underway to improve day time activities for those attending.

Oaklands residential **respite centre for disabled children** also remained open throughout the Pandemic offering much needed support for families.

The Carers Sitting Service was not available during lockdown but staff continued to offer support over the telephone and with practical issues such as shopping and prescription collection.

Brynglas Day Centre – After a long period of closure during the Pandemic it was agreed that it would not re-open and all those who previously used the services were offered alternative provision in full consultation with them, their families and carers.

During the period of closure **Social Work teams maintained regular contact** to ensure appropriate arrangements were in place.

- **Mental health** –
 - **Growing Space** based at Tredegar Park
- **Learning Disability** –
 - new **day service** at Ringland developed by an independent provider
- **Older People** –
 - new **outreach service** developed by NCC
 - new **Dementia Respite Service** developed by NCC based at Spring Gardens Residential Home

These services are in the early stages of development and some people are not yet confident enough to return. The situation is being monitored and will form part of the ongoing evaluation to determine how the Pandemic will impact in the longer term on service demand and models of delivery.

NCC Corporate Plan 2017-2022:

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

Shared Lives offers shorter periods of respite to enable carers to have a break in addition to long-term placements. It gives older people, adults with learning disabilities, physical disabilities, and people with mental health support needs including older persons with dementia the opportunity to experience family-based support settings, rather than in residential environments.

The service is managed regionally with Caerphilly County Borough Council as the host. The service experienced reduced numbers during the year but placements did continue to be made in accordance with guidelines and Covid safe practice.

- At the end of 2020/21, there were **41 people** from Newport in long-term placements."
- In the Newport area there are **69 registered shared lives carers** and **68 service beneficiaries**
- In August and September 2020 there were **3 virtual open days** to **promote awareness** of the scheme and **encourage carer recruitment.**

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 2021/22

- To further develop the **preventions work** in Children's Services to support families, placements and develop sustainable alternatives to care
- To develop the **Later Life Links** Model for Care Leavers
- To develop the **domiciliary care service for children with disabilities;**
- To monitor and review the new arrangements for **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 2020/21 we recorded that **17** Care Leavers had completed **3 consecutive months of employment, education and training** within 12 months of leaving care and **26** within 24 months

This is a new measure and will continue to be monitored during 2021/22

In 2020/21 we recorded that **28** care leavers **experienced homelessness** within 12 months of leaving care

This is a new measure and will continue to be monitored during 2021/22

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.

- We currently have the use of **10 properties** – 8 private and 2 NCC
- Funding has been sourced from the **Housing Support Grant to employ 2 workers** to help the young people develop independent living skills.

3 ICF capital bids approved

- 2 supported accommodation provisions for 18+ and 1 for 16-18 yr olds for development during 2021/22

Unaccompanied Asylum Seeker Children (UASC)

- The National Transfer Scheme has been developed in order to support the dispersal of unaccompanied minors. Newport and Cardiff Children Services will be acting as the region for Wales and has agreed to accept up to 30 young people per annum.
- Collaboration is ongoing with stakeholders to ensure there is an infrastructure to meet the needs of this vulnerable group of young people.

"There has been productive working with Cardiff City Council as lead local authorities in Wales for the National Transfer Scheme (NTS) and the safe transfer of unaccompanied asylum seeking children (UASC) from one authority to another"

(CIW Assurance Report May 2021)

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

Covid 19 has significantly disrupted the service .Suspension of onsite work from March to July.

- **86 DFG's** were completed (135 in 2019/20)- including ramps, stairlifts, and accessible showers to enable people to remain safe and independent. The total spend was £784,307 (£1,092,123 in 2019/20)
- **780 1130 Safety at Home Grants** were allocated (1130 in 2019/20) with a total spend of £242,445 (£374,931 in 2019/20)
- A further £343,425 was unspent but committed so will continue into 2021/22

The service is adapting by introducing new safe onsite working practices and the removal of paper based systems to enable staff to work from home.

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

- 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.

Care homes have suffered **significant harm** throughout the Pandemic and although the vaccination roll out has reduced the number of infections cases, the relaxing of restrictions means that cases are still being recorded. This, along with the challenges of **staff shortages** is affecting the number of placements that can be made when increasing levels of need are presenting to adult services.

Regular testing is in place and close collaboration between ABUHB, Public Health Wales and Environmental Health to monitor the situation and offer support to providers.

Changes to the financial support later in 2021 by the Welsh Government may result in some homes becoming **financially unsustainable**

- During 2020/21 **2 care homes closed** in Newport with the loss of over **60 beds**

The situation will continue to be monitored, we **work closely with providers** and with ABUHB to ensure residential care provision is sufficient for the community both in terms of capacity and quality.

NCC has developed an **Independent Living Strategy** to identify the future accommodation needs for adults with **Learning Disabilities**. Discussions are ongoing with **Housing Strategy** to identify opportunities for the development of

new self-contained accommodation units where people can access support but live more independently.

- During 2020/21 a **new development** in Newport offered **5 adults** with learning disabilities improved opportunities for independent living
- More schemes are planned in 2022/21

Housing Support Grant (formerly Supporting People)

2020/21 has been a challenging year for the supported housing sector but the housing support team together with partners have found new ways of working to continue to support some of our most vulnerable citizens.

- **Hostels, refuges and supported accommodation** settings were fully operational
- **Floating support workers** quickly adapted their working practices using technology where possible to minimise the need for face to face contact.

During 20/21, the Housing Support Team

- received over **2,500 new referrals**, approximately **48 per week**, slightly less than in 2019/20 when 3,000 referrals were recorded.
- Over **5,000 people** were supported during the 12 month reporting period but in a different way. The **new ways of working** enabled more contact with service users

Homelessness - A major challenge for the Council was implementing the directive from Welsh Government and Public Health to ensure all homeless people were able to access suitable temporary accommodation during the Pandemic.

In order to respond to the complex needs of this group of people we established a **new floating support service** in partnership with three specialist providers. Working with colleagues in the Housing Needs Unit and the Gwent Drug and Alcohol Service (GDAS)

- Over **70 verified street homeless** were accommodated and supported in a variety of settings in the City.
- **Substance misuse services** were offered on an outreach basis

Housing Support Grant - Finance

- **2020/21 £6.3m** of Housing Support Grant funding was invested in a wide range of accommodation-based and community support services for Newport citizens.
- Welsh Government announced a major uplift in funding for the Housing Support Programme in 21/22 with Newport confirmed as receiving an **additional £2.57m** per annum.

A list of project proposals is currently being developed and presents a unique opportunity to further develop services that prevent crisis, keep people safe,

prevent homelessness and reduce the need for more expensive accommodation options.

Housing Support grant also funds a

- **Financial Inclusion Team** who, in 2020/21 increased income for vulnerable citizens by over **£300,000**, despite the constraints of the Pandemic.

The Citizens Advice Bureau is funded to provide financial advice and assistance. This service continued to be available by phone throughout the Pandemic.

The Appointee Team – NCC acts as an appointee for those who lack the capacity or capability to look after their own finances. This requires the oversight and management of income, general financial management to ensure bills are paid and that money is available for everyday expenses. Many of these cases are as a result of **safeguarding issues**.

This is a **critical service** and was maintained throughout lockdown by modifying systems to reduce the number of people requiring weekly cash collection. This included new bank account set ups to facilitate electronic transfer and working with providers to agree advance payments for individual allowances.

The team assisted Children's services by providing cash for care leavers utilising their established agreements with a local Post Office.

- At 31st March 2021 the Appointee Team were managing **109 cases** providing a service to individuals to protect their finances and maintain financial solvency.
- During 2020/21 the Appointee Team **recovered £57k in care fee arrears**
- During 2020/21 the Appointee Team **recovered £33k in Housing Benefit and Council Tax debt**
- During 2020/21 the Appointee Team **recovered £9k in rent arrears** therefore protecting tenancies and preventing homelessness
- During 2020/21 the Appointee Team **generated revenue of £50k** as service charges.

Priorities for 2021/22

- 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.**

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 (SCWWD) Board regionally agreed priorities for 2020/21 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.
- key priorities included support for digital solutions for workforce development and the implementation of Welsh language standards, and the active offer.

Local Key achievements in 2020/21 focussed on immediate and responsive workforce initiatives required as a response to the Coronavirus Pandemic

- Resources and facilities redesigned to meet increased assessment of risk (eg continuation of personal training in buildings was risk assessed and managed)

- Continuation of face to face essential training to enable the workforce to remain competent within job roles e.g. by providing access to essential generic/ non-qualifying courses of core learning and development opportunities, delivered across the sector. Within this context we still delivered 2485 course places in a variety of formats.
- Implementation of digital formats for training (e- learning platform and licences, use of workbooks and paper-based formats to support learning, use of web -based meeting platforms to deliver training)
- Social Work Qualifying Training –5 trainee SW students from NCC workforce with 2 qualifying .
- Social Work Practice Learning Opportunities adjusted to meet COVID -19 requirements, and extended liaison with university partnerships to establish and implement *adjusted* programmes and PLO assessment requirements for SW students . This is with four universities and 30 teams /placements during the new academic year
- Similar adjustments made for our Post Qualifying Social work programmes with programmes offered via virtual formats with partner universities. 5 NQSW supported in their 1st 3 years. 3 Enabling practice learning. 9 CPEL Consolidation.
- Roll out of the new CORE vocational qualification in addition to other vocational qualification routes. The team continued to work with 85 learners across 9 vocational care and management based courses.
- Continued to work with Awarding Organisations at national level (City and Guilds and WJEC), to mitigate COVID -19 impact upon learners and qualifications, and introduce amended assessment arrangements
- Implementation of the new All Wales Induction Framework, support for SCW registration of the sector and delivery of online registration support sessions- with the Regional Transformation Team.
- Emergency training support for the sector/ Covid related resources using our networks, partners, and accessible formats such as Facebook and You Tube videos, to share knowledge and resources to the sector

The approach of workforce development to meet individual learning needs as a responsiveness to the challenges faced by teams, and practitioners managing frontline practice.

Between April 2020 and August 2020 the workforce team also responded with some front facing/care support and back office support functions that sat outside of their immediate roles (e.g. working in residential homes and supporting external sector data collection for Covid -19 data information requests). But even as supportive within these care roles, workforce staff were still completing learning activities such as assessment, observation, competency checks etc.).

Financial Resources & How We Plan for the Future

The 2020/21 revenue out-turn produced a net underspend, after core budget contributions to/from reserves, of £14m against the £300.2m budget (4.6% variance). This variance has arisen for several reasons.

At a high level, the following explains the position:

- Receipt of one-off Welsh Government (WG) funds to compensate Council services to support its enhanced service delivery to Newport's communities in response to Covid; and lost income from Covid restrictions; meant these costs were not borne by the Council;
- Funding for the direct costs of, and delivery' of the WG support programs to businesses; meant these costs were not borne by the Council;
- Underspends across all services in relation to (i) costs of general administration and service provision due to changes in working practices and (ii) not undertaking planned/normal services, as they were not required or unable to be carried out due to Covid response work being prioritised;
- Resulting directly and indirectly from all of the above, the Councils budget underspent on its general revenue contingency budget, council tax reduction scheme and council tax income, which they would ordinarily do in a 'normal year'. These are all non-service budget areas.

Across Social Services, the overall outturn was a £2.824m underspend for both areas. £221k overspend in Children services and £3.045m underspend in adult services.

- Adults social care - community care – (£1.5m) underspend
- Adult In-House residential homes – (£500k) underspend
- Adult Staffing – (£290k) underspend
- Children's in-house residential and respite – £752k overspend
- Childrens Emergency Placements - £638k overspend
- Children's out of area placements – (£330k) underspend
- Youth Offending/Child Protection and Family Support Teams – (537k) underspend

The global pandemic, which lasted throughout 2020/21, had an unprecedented financial impact.

Whilst Adult Services was expecting pressures due to increased demand from adults living longer with complex needs, COVID-19 caused a decrease in numbers. Numbers are expected to rise back up to normal levels, however the timeline is uncertain. Welsh Government compensated the additional cost, as a direct result of COVID-19.

However, within Children Services, the pandemic did not affect the numbers of looked after children. Therefore, Children services faced the normal pressures but with the added complication of not being able to carry out as much preventative work. There was also a lack of availability of certain placements/fostering options due to covid-19 restrictions.

The in-house residential services suffered from an unexpected high level of non-covid sickness across all homes. The issues have been addressed and this was hopefully an in year issue only. 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 2021/22.

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

The annual budget in 2020/21 for social services was £75.1m. There is a well-developed financial management process in place across service areas that supports the medium term financial plan and enables the identification and management of budget risks.

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 has been the Chair of the Regional Partnership Board since October 2020, he actively engages with numerous service user groups and 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 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.

August 2021

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: 25 January 2022

Subject **Gambling Act 2005 – Statement of Principles**

Purpose To seek approval and adoption of the revised Gambling Act 2005 Council Statement of Principles.

Author Alastair Dearling, Licensing Manager

Ward All wards

Summary The Gambling Act 2005 requires that before each successive period of three years, the Council, in its role as the Licensing Authority, prepares and publishes a statement of the principles it proposes to apply in exercising its functions under the Act during that period. The current statement of principles lapses on 31 January 2019. A review of the statement of principles has been conducted and their draft has been published for consultation. The formal consultation period was between 16 August 2021 and 31 October 2021. The Authority received one response from the consultation and was able to make several minor amendments as a result. The Cabinet Member of Licensing & Regulation approved the consultation process and has been briefed on the response.

Proposal That Council approves and adopts the revised Statement of Principles under the Gambling Act 2005.

Action by Head of Law and Regulation

Timetable As soon as is practicable

This report was prepared after consultation with:

- Head of Finance
- Head of People and Business Change
- Head of Law & Regulation

Signed

Background

Section 349 of the Gambling Act 2005 requires a licensing authority, before each successive period of three years prepares a statement of the principles, they propose to apply in exercising their functions under the Act during that period and publish the statement.

The Gambling Commission's "Guidance to Licensing Authorities", which is statutory guidance published under the Gambling Act 2005, explains that: "The statement of policy forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality".

The current statement of principles covers the period from 31 January 2019 to 31 January 2022 and a revised statement is now required to take effect for the three-year period that will begin on 31st January 2022.

The existing statement has been effective and so the proposed changes are mainly updated references, data and dates rather than any changes to the meaning of any principle within the statement. It should be noted that the UK Government is currently undertaking a review of the Gambling Act 2005 and a White Paper is expected in the coming months. This may lead to significant legislative changes. If this is the case, there may be a more comprehensive review of the statement as a result prior to the end of the current three-year period.

The formal consultation period was between 16 August 2021 and 31 October 2021. The Authority received one response from the consultation and was able to make several minor amendments as a result. The consultation response was from the solicitors acting for the Betting and Gaming Council. The consultation response is attached as Appendix A. The Cabinet Member of Licensing & Regulation approved the consultation process and has been briefed on the response and the minor alterations/

The points raised in the consultation responses and the proposed action because of each of these points is set out in a table that is attached to the report as Appendix B.

Amendments to the draft statement of principles have been proposed in view of the consultation responses and a revised version of the draft statement is attached to the report as Appendix C. The proposed changes are shown as track-changes throughout the document.

Financial Summary (Capital and Revenue)

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
Costs	0	0	0	0	There are no costs or financial implications relating to this proposal
(Income)					
Net Costs	0	0	0	0	
(Savings)					
Net Impact on Budget	0	0	0	0	

Risks

Risk Title / Description	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) responsible for dealing with the risk?

The statement of principles is not put in place as required by statute	H	L	Presentation of statement of principles to council prior to the end of the three-year period.	Licensing Manager
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Links to Council Policies and Priorities

- Ensuring that an appropriate Statement of Principles is in place as required by statute will support the following Council Policies and Strategies:
- Newport City Council's Corporate Plan 2017-2022 (Building on Success, Building a Better Newport)

Options Available and considered

Option 1: To approve the revised Statement of Principles under the Gambling Act 2005. This will ensure that the Council fulfils its duty as the Licensing Authority to have the Policy in place by the appointed day.

Option 2: To make amendments to the revised Statement of Principles under the Gambling Act 2005 and send the Statement of Principles out for further consultation.

Preferred Option and Why

The Statement of Principles has undergone very few changes since the last statement which served the city well; an appropriate consultation process was carried out and the views of the responder have been fully considered and acted upon; the Statement of Principles has been produced in consultation with neighbouring authorities and represents a consolidation of best practice; there is a statutory deadline of 31 January 2022.

For these reasons it is recommended that option 1 is agreed.

Comments of Chief Financial Officer

There are no financial implications arising from amending the Gambling Act Statement of Principles, the changes following consultation are in relation to dates, reference and data and do not alter any underlying principles and so there is no budgetary impact.

Comments of Monitoring Officer

The draft Statement of Principles complies with the Council's statutory duty under Section 349 of the Gambling Act 2005 and reflects the Regulations and Guidance issued by the Gambling Commission. The Council has a duty under the Gambling Act to prepare and publish a Statement of Principles that it proposes to apply in exercising its function under the Act and to review that Statement every three years. The current Statement was adopted in January 2019 and, therefore, needs to be reviewed and re-adopted in January 2022. There are no substantive changes proposed and the new Statement has just been updated to reflect changes to Gambling Commission's Guidance/Code of Practice and includes additional guidance to applicants on local risk assessments the suitability of locations for gambling premises. In accordance with the legislation and guidance, the Council is required to consult with the public and key stakeholders before adopting the revised Statement. Formal consultation was undertaken between 16th August 2021 and 31st October 2021 and one formal consultation response was received from solicitors acting on behalf of the gambling trade. Where appropriate, minor amendments have been made to the draft Statement to reflect this consultation response. Therefore, Council is now requested to formally approve and adopt the revised Statement of Principles. A FIEA is also attached to this Report, which set out how the revised Statement complies with the Council's public sector equalities and socio-economic duties under the Equality Act and also meets the well-being principles and objectives.

Comments of Head of People and Business Change

The Council's Gambling Act Statement of Principles are in line with the Council's own well-being objectives and with the Newport Offer and Strong Resilient Communities interventions in Newport's Well-being Plan: the statement recognises that responsible gambling can be a source of leisure and can boost the local economy through attracting visitors, especially alongside sporting events, but that gambling can also be addictive and have negative consequences on local communities. As such, the Statement notes the importance of partnership working in achieving the Council's licensing objectives and notes that the Council will continue to work with neighbouring authorities, members of One Newport Partnership (notably Gwent Police, Public Health Wales and Aneurin Bevan University Health Board), local businesses, local people and those involved in child protection.

There are no HR implications arising directly from this report

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

A Fairness & Equality Impact Assessment is attached in Appendix D of the report.

Crime and Disorder Act 1998

One of three fundamental objectives under the Gambling Act 2005 is to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

Consultation

Section 349 of the Gambling Act 2005 provides that in preparing a revision of the statement of principles, the Authority shall consult with:

- The chief officer of police for the Authority's area,
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

The Gambling Commission guidance explains that this is "*deliberately wide*" as it allows "*Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in their statement of policy*".

The Guidance further provides that "*It is a matter for licensing authorities to develop their own consultation practices, including the methods for consultation and who they consider it necessary to consult with, which might include consultation with relevant local groups, business and responsible authorities.*"

The consultation process followed a similar format to previous years and as minimal changes were proposed to the existing Statement of Principles, the duration of the consultation was set at 8 weeks. A formal notification was sent to the Chief Constable of Gwent Police, as specifically required under the Gambling Act 2005; and a written notification was sent to each responsible authority under the Act, local gambling businesses, formal consultation via the council's website to allow local residents, community groups, businesses and others to respond, and via social media.

Background Papers

Proposed Statement of Principles [Attached]

Gambling Act 2005: <http://www.legislation.gov.uk/ukpga/2005/19/contents>

Guidance to Licensing Authorities <https://www.gamblingcommission.gov.uk/home.aspx>

Newport City Council Statement of Policy 2019 <http://www.newport.gov.uk/en/Business/Licences--permits/Gambling/Gambling-licences.aspx>

Dated:

Consultation Response Gosschalks Solicitors

Richard Taylor

BY EMAIL ONLY
LICENSING DEPARTMENT
NEWPORT CITY COUNCIL

Please ask for:

Direct Tel: 01482 590216

Email: rjt@gosschalks.co.uk

Our ref: RJT / MJM / 123267.00001
#GS4159223

Your ref:

Date: 27 October 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**
- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- The overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- Successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing services delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy as a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the draft Gambling Act 2005 Statement of Licensing Principles 2022 to 2025

Paragraph 2.1 refers to an, *“onus on the premises licence holder to complete a risk assessment based on code 8 the Social Responsibility Code.”* As acknowledged later in the draft statement of principles, it is SR Code Provision 10 that requires operators to conduct local risk assessments and this paragraph should be amended to reflect that.

Paragraph 2.4 (Location) refers to the possibility of a specific policy with regard to areas where gambling premises should not be located. This sentence should be removed. Any such policy is likely to be unlawful and is certainly contrary to the section 153 “aim to permit” principle. Furthermore, the use/mix of use of premises in an area is an issue for the Planning Authority and the Licensing Authority should be careful not to trespass into that domain. This is especially the case given the next paragraph (2.5) which is clear that the Licensing Authority will seek to avoid any duplication within the statutory regulation systems where possible, including planning.

Paragraph 2.8 explains the Licensing Authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation that the mandatory and default conditions that attach to all premises are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section states that regard will be given to the local risk assessment, but it should be made clear that additional conditions will only be considered in exceptional circumstances where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that is not adequately addressed by the policies, procedures, and mitigations policies outlined in an applicant’s local area risk assessment.

Paragraph 6 explains the requirements for operators to conduct risk assessments. This section is too prescriptive with the licensing authority dictating what is to be included and matters that it expects to be considered. This section should be abridged to simply outline the requirements of SR Code Provisions 10.1 and 10.2, acknowledging that operators are best placed to assess the risks posed by their proposals and the bullet point lists amended to exclude matters that are not relevant to any assessment of risk to the licensing objectives. One bullet point indicates that the risk assessment is expected to consider *“Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity etc.”* It is impossible to see how these activities can be relevant to an assessment of risk to the licensing objectives.

Similarly, “Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti tagging, underage drinking etc.” should be removed from the next bullet point list as these issues are not relevant considerations when assessing risk to the licensing objectives. The bullet point that reads, “Gaming trends that may coincide with dates for financial payments such as pay days or benefits payments” should be removed as these can only be relevant to an assessment of risk to the licensing objectives if the authority’s view is that anyone in receipt of benefits or indeed paid employment is deemed vulnerable or likely to commit crime as a result of gambling.

The final list of bullet points refers to “matters of faith” as a potential consideration. This is not a relevant consideration to any assessment of risk to the licensing objectives and should be removed.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,

A handwritten signature in cursive script that reads "Goschalks".

GOSSCHALKS LLP

Appendix B

Proposed actions to address The Betting & Gaming Council consultation response.

Comment	Response
<p>It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions. The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.</p>	<p>Paragraph 2.8 of the draft statement provides: All Gambling Act 2005 premises licences are subject to mandatory and default conditions. Additional conditions will only be considered where there is clear evidence of a risk to one or more of the licensing objectives and in circumstances where there is a need to supplement the mandatory and default conditions. In view of the second sentence in the above paragraph, it is not considered that the draft statement already addresses this concern.</p>
<p>The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This No age policy is prescribed within the draft statement but reference is made to both Challenge 21 and Challenge 25 policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed</p>	<p>No age policy is prescribed within the draft statement, but reference is made to both Challenge 21 and Challenge 25. in the model conditions in Appendix B e.g. "A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram."</p> <p>As these are model conditions that would only be imposed in individual cases where there is evidence to require them and there would be discretion given to the licence holder to decide at what age they will require identification to prove an individual's age, it is not considered that an amendment to the draft statement is required to address this concern</p>
<p>Paragraph 2.4 refers to location of premises and refers to the possibility of a specific policy with regard to areas where gambling premises should not be located. Thereafter, it appears to create a rebuttable presumption of refusal akin to a Licensing Act 2003 cumulative impact area. These references should be removed. Location will always be relevant</p>	<p>Paragraph 2.4 of the draft statement says: The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's Guidance for local authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.</p>

<p>in the context of whether a particular proposal is consistent with the licensing objectives. The potential policy referred to in the existing paragraph, however, is likely to be unlawful and is certainly contrary to the “aim to permit” principle contained within s153 Gambling Act 2005 and therefore references to it and the rebuttable presumption of refusal should be removed.</p>	<p>Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome. We do not currently have a policy that gives the presumption that an application for a licence to take effect in any particular location or type of location would be refused. It is therefore proposed to remove the following text from the above paragraph to avoid the suggestion that the Council is considering such a policy at this time and to satisfy the concern raised: “Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such policy does not preclude any application being made and...” If any policy were to be introduced, it would be subject to appropriate consultation</p>
<p>Paragraph 6 refers to the [Gambling Commission’s Licence Conditions and Code of Practice (LCCP)] and in particular the requirement that operators conduct local risk assessments. This section runs for almost 10 pages, is overly prescriptive and should be significantly abridged. Any applicant (save for those in respect of track licences) will be the holder of an operating licence and therefore required to comply with the LCCP in any event. A commentary of its requirements is unnecessary. This section needs only to refer to the requirement of SR Code provision 10.1.1, that licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks and SR Code Provision 10.1.2 that the risk assessments must be updated to take into account significant changes in local circumstances. SR Code Provisions 10.1.1 and 10.2.2 provide for “relevant matters identified in the licensing authority’s statement of licensing policy” to be taken into account. The list of bullet points detailing examples of matters that could be considered needs therefore only to reflect matters that are relevant to the licensing objectives. It is impossible to see how issues such as “youths participating in anti-social behaviour” could in itself pose a risk to the licensing objectives. Similarly, the proximity of alcohol licensed premises, pawn brokers, payday lenders and job</p>	<p>It is agreed that section 6 of the draft statement contains a large amount of information, some of which is taken directly from the LCCP, whilst other parts are intended to provide guidance to applicants and licence holders when completing risk assessments. It is proposed to move this information to a separate guidance document thereby reducing the length of the section. This would mean that the remaining information would make reference to the provisions of the LCCP that are identified in the consultation response and a give a revised list of matters that the Council considers should be taken into account when applicants and licence holders develop their risk assessments. It is considered that this revised list is relevant to the licensing objectives, so the concerns raised in the consultation response would be addressed.</p>

centres cannot be relevant and “gaming trends that may mirror days for financial payments such as pay days or benefit payments” can only be relevant to an assessment of risk to the licensing objectives if the authority’s view is that anyone in receipt of benefits or indeed paid employment is deemed vulnerable or likely to commit crime as a result of gambling. This cannot be correct and references to any issue that I not relevant to the licensing objectives should be removed.

Appendix C

Amendments to the draft Gambling Policy statement

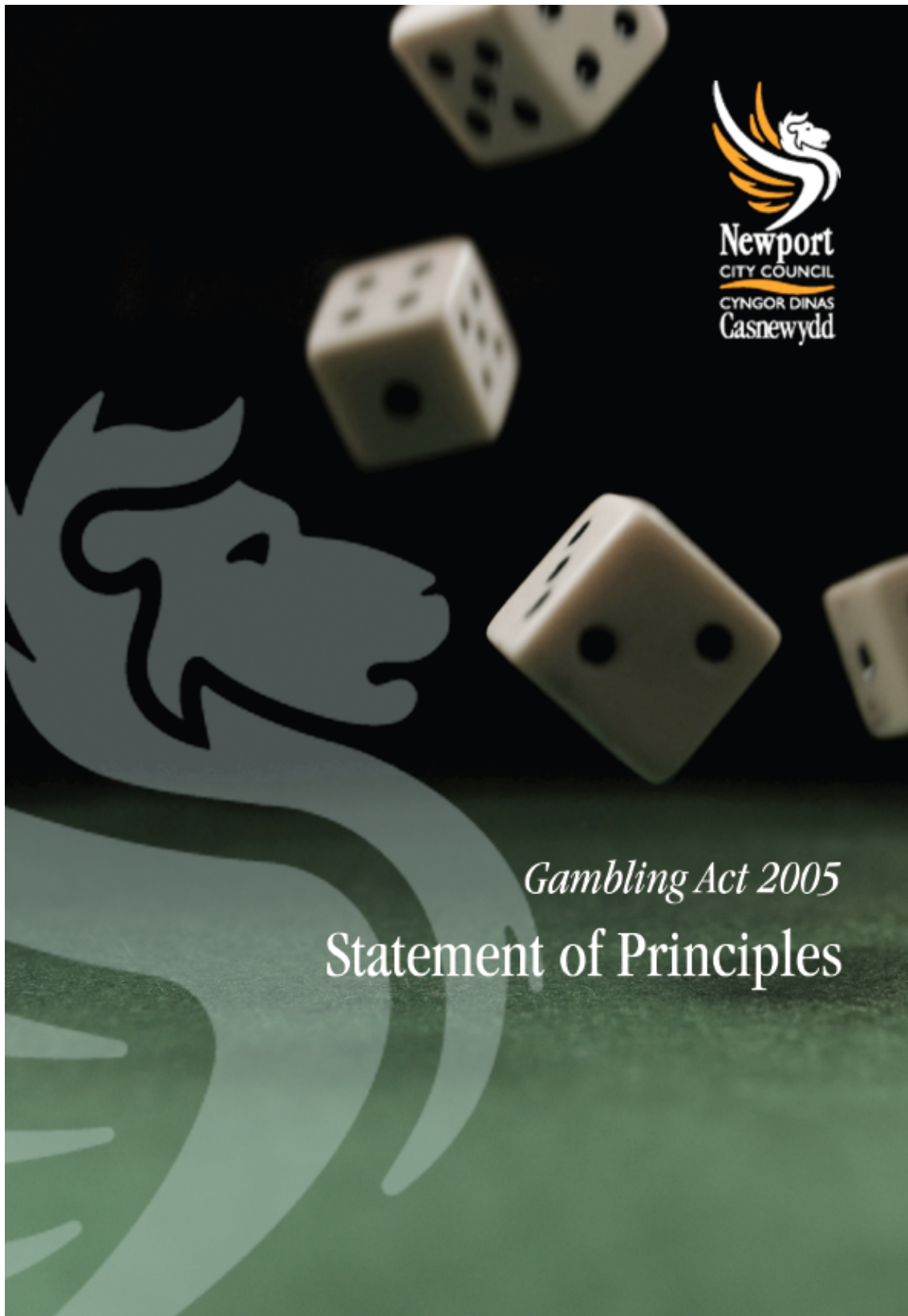
As Attached

Appendix D

Fairness and Equalities Impact Assessment (FEIA)

As Attached

Mae'r dudalen hon yn wag yn



Draft 2022 Gambling Policy

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1. Statement of Licensing Policy

1.1 Introduction

The Gambling Act 2005 requires the Council to prepare and publish a “Statement of Licensing Policy” that sets out the principles the Council proposes to apply in exercising its licensing functions when dealing with applications for Premises Licences, as required by the Act.

This Policy Statement takes effect January 2022 This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within 3 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.

In producing the final Policy Statement, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, any codes of practice and any responses from those consulted on the Policy Statement.

The 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 Gambling Act 2005 will actively promote equality of service and enforcement to all members of the community.

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 Council 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.

The Council 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.

1.2 Profile of Newport City

Newport is a coastal city, covering a geographical area of just over 84 square miles. It has an urban hub with an extensive rural hinterland and is home to one of Wales' most diverse and multi-cultural populations.

The city's natural and heritage assets are significant: from the flagship Wetlands Reserve and beautiful rolling countryside to Roman Caerleon, Tredegar House, the iconic Transporter Bridge and important links to Chartism and the history of British democracy. The Council works continually to protect, enhance, and promote these wonderful assets.

Newport gained city status in 2002. Since then, one of the largest regeneration projects in the UK has delivered huge transformation, culminating in the opening of the Friars Walk retail and leisure complex in 2015. In recent years, landmark buildings have been brought back into use, creating new homes and commercial space in the city centre. The riverfront has been transformed with new housing developments and is the location of the university campus near the city centre.

Newport has also developed an international profile, having hosted world class business and sporting events: the NATO Summit in 2014 and the Ryder Cup in 2010. The city has ambition and it is expected the Wales International Convention Centre at the Celtic Manor Resort will attract further world class events to the city.

Newport is a vibrant, forward-thinking city steeped in a rich industrial heritage. Whilst it may have lost some of its core industries, the city has proved that it can re-establish and adapt itself as a centre of modern industry and commerce, particularly in areas such as technology, finance, professional services, and the government sector.

While areas of poverty and deprivation exist across the City, the council and its partners work with local communities to understand the differing issues and identifying priorities. There is a focus on meeting the requirements of those residents most in need and communities that are most disadvantaged and at risk, ensuring that all our citizens can be more optimistic for the future.

1.3 Objectives

In exercising most of its functions under the Gambling Act 2005, the Council, as the Licensing Authority, must have regard to the following three licensing objectives:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
- **Ensuring that gambling is conducted in a fair and open way;**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

The Council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling insofar as it believes it is:

- **In accordance with any relevant code of practice issued by the Gambling Commission;**
- **In accordance with any relevant guidance issued by the Gambling Commission;**
- **Reasonably consistent with the licensing objectives;**
- **In accordance with the Council’s Statement of Licensing Policy.**

1.4 The Licensing Authority Functions

The Council is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;

- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receive notification from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section below on information exchange);
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that local licensing authorities are not involved in licensing remote gambling. This activity is regulated by the Gambling Commission via Operator Licences.

The Council recognises that the licensing function is only one means of promoting delivery of the three objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work in partnership with neighbouring authorities, Gwent Police, the *One Newport* Partnership, local businesses, Public Health Wales / Aneurin Bevan University Health Board, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Council recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.

1.5 Consultation

The Council has consulted widely with regard to this Statement before finalising and publishing. A list of those persons consulted is provided below, in line with the Act and the Gambling Commission's Guidance. Further details, together with a list of comments made and the consideration by the Council of those comments are available on request.

- The Chief Officer of Police;
- The Fire Authority;

- Representatives of the holders of various licences for premises within Newport who will be affected by this Policy;
- Bodies representing businesses and residents in Newport;
- Council Departments (including Responsible Authorities) with an interest in the licensing of gambling;
- Local Safeguarding Children Board;
- Community Councils;
- Other organisations as appear to be affected by licensing matters covered by this Statement;
- H.M. Revenue and Customs.
- Local Health Board

Consultation took place between INSERT DATE and INSERT DATE and, as far as practicable, the Council followed the Consultation Principles issued by the government in October 2013 which is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

This policy was approved at a meeting of the Full Council on INSERT DATE and was published on INSERT DATE as well as being available at INSERT WEB ADDRESS

1.6 Responsible Authorities

In exercising the Council's powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- The need for the body to be responsible for an area covering the whole of the Council's area;
- The need for the body to include senior and responsible representatives of appropriate public bodies in the county borough area, who have as a principal duty, responsibility for the protection of children from harm

In accordance with the Gambling Commission's Guidance this Council designates the Local Safeguarding Children Board/the Council's Head of Children's Services for this purpose.

1.7 Interested Parties

Interested Parties can make representations about licence applications, or apply for a review of an existing licence based on the three licensing objectives as detailed in paragraph 1.3 of this Policy Statement. An Interested Party is someone who:-

- (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) Has business interests that might be affected by the authorised activities; or
- (c) Represents persons in either of the two groups above.

The principles the Council will apply to determine whether a person is an Interested Party are:

Each case will be decided upon its merits. This Council will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commissions' Guidance for local authorities. It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices and Health Boards.

Interested Parties can be persons who are democratically elected, such as Councillors, AMs and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP/AM represents the ward likely to be affected. Likewise, community councils likely to be affected will be considered as interested parties. Other than these, however, this Council will generally require written evidence that a person, body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. Correspondence from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing and Gambling Sub-Committee dealing with the licence application or in any other way have a personal interest that would preclude them from participating in a hearing. If there are any doubts then please contact the Licensing Section.

It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. There is, however, other relevant legislation, which deals with public nuisance.

1.8 Exchange of Information

The principle that the Council will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of

the Gambling Act 2005 which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

1.9 Enforcement

The Council's principles are that it will be guided by the Gambling Commission's Guidance to local authorities, the Regulators' Code and the Council's Public Protection enforcement policy. It will endeavour to be:

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities, the Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Council has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission.
- The principles set out in this Statement of Licensing Policy.
- The council's Public Protection enforcement policy.

The main enforcement and compliance role for this Council in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines are dealt with by the Council but should be notified to the Gambling Commission.

The Council will take account of the Gambling Commission's guidance document (and any future subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.

The Council also keeps itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.

1.10 Fundamental Rights

Under the terms of the Act any individual/company may apply for a variety of permissions and have their applications considered on their individual merits. Equally, any Interested Party or Responsible Authority has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

Applicants and those making relevant representations in respect of applications to the Council have a right of appeal to the Magistrates' Court against the decisions of the Council.

1.11 Integrating Strategies and Avoiding Duplication

By consulting widely prior to this Policy Statement being published, the Council will take full account of local policies covering crime prevention, culture, transport, planning and tourism as part of an integrated strategy for the Council, Police and other agencies. Many of these strategies may not be directly related to the promotion of the three licensing objectives, but may indirectly impact upon them.

When considering any application, the Council will avoid duplication with other regulatory regimes so far as possible. Therefore, the Council will not attach conditions to a licence unless they are considered necessary, reasonable and proportionate to the use of premises for gambling consistent with the licensing objectives.

1.12 Sustainable Development Community Strategy

The Local Government Act 2000 requires all local authorities to produce a community strategy within the framework of the UK Sustainable Development Strategy – "A better Quality of Life" and relevant regional strategies. Alongside Well-being of Future Generations (Wales) Act 2015. Requires all Welsh local authorities 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 Council will have regard to these principals in exercising its functions under the Gambling Act

Community strategies provide a focal point for the identification of local issues and aspirations on social inclusion, environmental protection, employment and economic development.

Local strategic partnerships, typically involving the police, local authorities, primary care trusts, and representatives from education, business and the voluntary sector organisations, are responsible for the achievement of locally set objectives.

Under the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent crime and disorder in the area. The Council will have particular regard to the likely impact of licensing on related crime and disorder in the City, particularly when considering the location, impact, operation and management of all proposed licence/permit applications, renewals and variations of conditions.

2. Premises Licences

2.1 General Principles

Premises Licences authorise the provision of gambling facilities on the following:-

- Casino Premises;
- Bingo Premises;
- Betting Premises (including race tracks used by betting intermediaries);
- Adult Gaming Centres (AGCs);
- Family Entertainment Centres (FECs).

Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be granted to those issued with an Operating Licence by the Gambling Commission.

Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing

authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Council is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling insofar as it believes it is:-

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Policy Statement.

The Council may also consider measures to meet the licensing objectives when making such decisions, for example:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with children on the premises, for example, suspected truancy from school.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objection to gambling is not a valid reason to reject applications for Premises Licences" and also that unmet demand is not a criterion for a licensing authority.

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission, places further onus on licence holder to complete a risk assessment based on code 8, the Social Responsibility Code. The Council will have regard to this code when considering applications. This is covered in detail in Section 6 of this statement.

Definition of “Premises”:

Premises are defined in the Act as “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building/plot will be the subject of an application for a licence. But, that does not mean that a single building plot cannot be the subject of separate premises licence, e.g. the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.

However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example, by ropes or moveable partitions, can properly be regarded as different premises.”

The Council takes particular note of the Gambling Commission’s Guidance which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following –

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part

in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensing premises or premises with a permit;
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors, which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Are the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

2.2 Appropriate Licence Environment

The Guidance to Local Authorities and the Licence Conditions and Codes of Practice (LCCP), set out additional matters that the Council should take into account when considering licence applications for premises licences.

The Guidance prescribe restrictions on gambling activities on premises, previously known as primary gambling activity. The Council will consider any application based on the provisions in these codes and guidance.

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises, and that the premises is adequately supervised at all times.

The Council will consider these and any other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's Guidance for relevant access provisions for each premises type is reproduced in Appendix A:

2.3 Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if it needs alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding constructions or alteration works at premises, the Council will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling;
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

2.4 Other Considerations

Location:

The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's Guidance for local authorities, the Council will pay particular

attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome. (see section Licensing Conditions & Codes of Practice)

Planning

The Gambling Commission Guidance to Licensing Authorities states:

- In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

The Council will not take into account irrelevant matters as per the above guidance. In addition, the Council notes the following excerpt from the Guidance:

- When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

2.5 Duplication with other Regulatory Regimes:

The Council seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, the Council will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will

not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

2.6 Licensing Objectives:

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does, however, envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime, the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions. (Disorder is defined to mean an activity that is more serious and disruptive than mere nuisance)

Ensure that gambling is conducted in a fair and open way:

The Council has noted that the Gambling Commission states that it does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks, which is explained in more detail in the "tracks" section.

Protecting children and other vulnerable persons from being harmed or exploited by gambling:

The Council has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will, therefore, consider, as suggested in this Guidance, whether specific measures are required at particular premises, with regard to this licensing objective.

Appropriate measures may include supervision of entrances/machines, segregation of areas, etc.

The Council is also aware of the Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. The Council will consider this licensing objective on a case by case basis.

The Gambling Commission Guidance to Local Authorities sets out the considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

In particular operators must ensure that;

- all staff are trained,
- that all customers are supervised when on gambling premises
- must have procedures for identifying customers who are at risk of gambling related harm.

The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions with regard to self-exclusion and marketing are included in the Social Responsibility Code. The Council will take all conditions and codes into account when considering applications or performing enforcement activities.

See section 6 of this policy statement for further details and on the Council’s requirements in relation to the LCCP.

The Council will have regard to the Chief Medical Officer for Wales report to support the licensing objective in order to protect children and other vulnerable persons from being harmed or exploited by gambling.

The Council would expect applicants and licence holders to carry out the necessary checks on all relevant members of staff to ensure their suitability for employment, particularly in respect of premises where children and vulnerable people have access.

2.7 Bet-Watch:

The Council encourages and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This will also be an opportunity for operators to discuss issues with the licensing officers.

2.8 Conditions:

Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will consider utilising should there be a need, such as the use of supervisors, appropriate signage for adult only areas, etc. Specific regard will be against the local risk assessment for each premise, when making such decisions There are specific comments made in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively, in conjunction with mandatory conditions that are specified in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (the regulations).

Conditions the Council may impose on a licence could include;

Security conditions

- A minimum of two members of staff after 10pm;
- The premises will have an intruder alarm and panic button;
- A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering the premises.

Anti-social behaviour conditions

- The licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises;
- The licensee shall place and maintain a sign at the entrance which states that 'only drinks purchased on the premises may be consumed on the premises';
- The licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.

Underage controls

- Customers under 21 will have to provide proof of age;
- No machines in the Unlicensed Family Entertainment Centre to be sited within one metre of the Adult Gaming Centre entrance;
- Staff training records or certified copies should be available at the premises for inspection.

Player protection controls

- There shall be no cash point or ATM facilities on the premises;
- The licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request;
- Prominent GamCare documentation will be displayed at the premises.

This list is not exhaustive and merely gives an example of the type of conditions which may be imposed depending on the circumstances at each premises.

The Council will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance & Code of Practice(s).

The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises, including buildings where multiple premises licences are applicable.

The Council is aware that tracks may be covered by more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions, which the Council cannot attach to premises licences, which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winning or prizes.

2.9 Door Supervisors:

The Gambling Commission advises in its Guidance to licensing authorities that if it is concerned that a premises could attract disorder, or be subject to attempts at unauthorised access (e.g. by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or

not, will be necessary. It will not be automatically assumed that they need to be licensed as the statutory requirements for different types of premises vary.

2.10 Adult Gaming Centres

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises, e.g. motorway service areas and shopping malls, the Council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

This Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.11 (Licensed) Family Entertainment Centres

The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. The applicant for a Family Entertainment Centre provide evidence that a suitable criminal record check with the Disclosure and Barring Service (DBS) has been conducted on all staff in his/her employment.

Children and young persons are permitted entry to licensed FECs but are not permitted to play Category C machines. The Council expects the applicant to

ensure that there will be sufficient measures in place to prevent under 18 year olds having access to the adult only gaming machine areas. The Council will expect applicants to meet the licensing objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission.

There is a requirement that there must be clear segregation between the types of machine in order that children do not have access to Category C machines. All Category C machines must be located in an area of the premises which is separate from the remainder of the premises by a physical barrier, which will prevent access other than through a designated entrance. The Council will seek to ensure that:

- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

2.12 Casinos

The Council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution. Any such decision will be made by the full Council.

Betting Machines:

The Council will, as per the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wants to offer

2.13 Bingo Premises

This Council notes that the Gambling Commission's Guidance states:

“Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.”

The Council is aware that a holder of bingo premises licences may make available for use of a number of category B gaming machines, not exceeding 20% of the total number of gaming machines available for use on the premises.

Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo. If category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

Where Category C or above machines are available in the bingo premises to which children are admitted, the Council will seek to ensure that;

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff or the licence holder; and
- at the entrance to, and inside any such area, notices are prominently displayed indicating that access to the area is prohibited to persons under 18.

Where bingo is permitted in alcohol-licensed premises, this must be 'low turnover bingo' only and applicants are expected to comply with any Codes of Practice and advice issued by the Gambling Commission. High turnover bingo will require a Bingo Operating Licence.

2.14 Betting Premises

Betting machines:

Self Service Betting Terminals (SSBTs):

The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Betting premises may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines: they merely automate the process, which can be conducted in person and, therefore, do not require regulation as a gaming machine.

However, where a machine is made available to take bets on virtual races (that is, results and/or images generated by computer to resemble races or other events) that machine **is** a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises

The Council will, as per the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. The premises should also display notices with contact for help organisations e.g. GamCare

2.15 Tracks

The Council is aware that tracks may be subject more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission’s Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Council may consider measures to meet the licensing objectives, such as:-

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

The list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.16 Gaming Machines:

There are many categories of gaming machine permitted at licensed and other premises and the number of such machines that may be permitted in each type of gambling premises are set out in the Act. The Council does not have the power to set different limits or further expand or restrict the categories of machine that are permitted. The exception to this is alcohol-licensed premises that hold gaming machine permits, where licensing authorities have discretion to specify the number of permitted gaming machines. In addition, limits are set separately in the Act for certain types of permit issued by licensing authorities. A table setting out gaming machine entitlement at each type of premises is attached at Appendix C.

There is a minimum age of 18 for all players for all category A, B and C machines, including category B3A gaming machines offering lottery style games. However there is no minimum age for players of category D machines. The holder of any permit or premises licence must comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than Category D machines) should be located in areas from which children are excluded.

2.17 Betting Machine:

Betting machines: the Council will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to

monitor the use of machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact who should be a senior individual and to whom the Authority will contact first should any compliance queries or issues arise.

2.18 Applications and Plans:

The Gambling Act & Regulations requires applicants to submit plans of the premises with their application, in order to ensure that the Council has the necessary information to make an informed judgement about whether the premises are fit for gambling. They will also be used for the Council to plan future premises inspection activity.

Plans for tracks should be drawn to scale sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Council can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting area subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

2.19 Travelling Fairs

This Council is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Council will also consider whether the applicant falls within the statutory definition of a travelling fair contained in Section 286 of the Gambling Act 2005.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

2.20 Provisional Statements

Developers may wish to apply to this Council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Gambling Act provides for a person to make an application to the Council for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence

applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage; or
- they reflect a change in the applicant's circumstances.

In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Council's opinion reflect a change in the operator's circumstances; or
- Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Council notes that it can discuss any concerns it has with the applicant before making a decision.

3. Permits/Temporary and Occasional Use Notices

These forms of authorisations are as follows;

- Unlicensed Family Entertainment Centres (uFEC) Permits
- Prize Gaming Permits
- Licensed Premises Gaming Machine Permits
- Club Gaming Permits
- Club Gaming Machine Permits
- Temporary Use Notices (TUNs)
- Occasional Use Notices (OUNs)

A table setting out gaming machine entitlement is attached at Appendix D.

A table setting out gaming machine entitlement is attached at Appendix D.

3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

Only premises that are wholly or mainly used for making gaming machines available may hold an Unlicensed Family Entertainment Centre. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the

machines will be in a designated enclosed area and clearly defined when making an application to the Council.

Where premises do not hold a Premises Licence but wishes to provide category D gaming machines, it may apply to the Council for this permit.

It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, leisure centres, garages and petrol filling stations, taxi offices.

An application for a permit may be granted only if the Council is satisfied that the premises will be used as an unlicensed Family Entertainment Centre and the Chief Officer of Police has been consulted on the application.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

This Council will also expect, as per Gambling Commission Guidance, that applicants demonstrate:-

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- That staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that the Council cannot attach conditions to this type of permit.

3.2 (Alcohol) Licensed Premises Gaming Machine Permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of

categories C and/or D. The premises merely need to notify the licensing authority. The Council can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than two machines, then it needs to apply for a permit and this Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as the Council think relevant.*” The Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by anyone under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3.3 Prize Gaming Permits

The Council has the right to prepare a 'Statement of Principles' that it proposes to apply in exercising its functions under Schedule 14 of the Act which may, in particular, specify matters that this authority propose to consider in determining the suitability of the applicant for a permit.

The Council has prepared a 'Statement of Principles', which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:-

- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit, the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:-

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club Gaming and Club Machines Permits

Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance.

Members Clubs and Miners' Institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

The Council has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take into account a number of matters as outlined in sections 25.47-25.49 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

The Council may only refuse an application on the grounds that:

- (a) The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) The applicant's premises are used wholly or mainly by children and/or young persons;
- (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) A permit held by the applicant has been cancelled in the previous ten years; or
- (e) An objection has been lodged by the Commission or the Police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold Club Premises Certificates under the Licensing Act 2003 and so cannot use the fast track procedure. As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

- (c) That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

3.5 Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Council can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement, the relevant regulations (S1 no. 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in part 8 of the Act is discussed within the Gambling Commission Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Council needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises; as recommended by the Gambling Commission's Guidance to licensing authorities.

3.6 Occasional Use Notices

The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

4. Small Society Lotteries

The Gambling Act 2005 sets out a definition of a lottery, detailed below, and provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, in accordance with section 14 of the Act.

A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and has been established as a non-commercial organisation. Section 19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes, as defined in section 2 of the Charities Act 2006;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than that of private gain.

The society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Local authorities are entitled to operate their own lotteries, but may only do so if licensed by the Gambling Commission. Local authorities must commit a minimum of 20% of the proceeds from such lotteries for a purpose for which they have power to incur expenditure, and must also adhere to the other

relevant provisions in the Act. They may also need to hold a remote gambling operating licence, in the event that they wish to sell lottery tickets via electronic or other remote technological methods such as over the telephone, email or via the internet.

Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and must be accompanied by a registration fee and a copy of the terms and conditions and the constitution to prove that they are a non-commercial society. Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for licensing authorities to refuse a small society lottery registration application.

The Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. The Council considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries.

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact the Council's Licensing Team to seek further advice.

5. Decision Making

5.1 Administration, Exercise and Delegation of Functions

The powers and duties of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

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 following schedule sets out the recommended delegation of functions and decisions by guidance. The Council may, nevertheless, refer any matter to the Licensing Committee or Sub-Committee.

The schedule of delegation of licensing functions is attached at Appendix B.

5.2 Appeals Procedure

Entitlements to appeal for parties aggrieved by decisions of the Council are set out in Sections 206 to 209 of the 2005 Act. Appeals must be made to the Magistrates' Court for the area in which the licensing authority, which has considered the application, is situated.

An appeal has to be commenced by giving notice of the appeal by the appellant to; The Clerk to the Justices, Gwent Magistrates Court, The Law Courts, Faulkner Road, Newport, NP20 4PR, within a period of 21 days, beginning with the day on which the appellant was notified by the Council of the decision to be appealed against.

On determining an appeal, the Court may:

- Dismiss the appeal;
- Substitute the decision appealed against with any other decision that could have been made by the licensing authority;
- Remit the case to the licensing authority to dispose of the appeal in accordance with the direction of the Court.
- Make an order about costs.

5.3 Giving Reasons for Decisions

In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. The Council will address the extent to which decisions have been made with regard to any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.

5.4 Implementing the Determination of the Magistrates' Court

As soon as the decision of the Magistrates' Court has been notified to all parties, 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 other appeal against the determination of the Magistrates' Court.

5.5 Complaints against Licensed Premises

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing and Gambling Sub-Committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all relevant representations unless they fit the exceptions in 5.6 below.

5.6 Reviews

Requests for a review can be made by Interested Parties or Responsible Authorities. However, it is for the Council to decide whether the review is to be carried out based upon any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.

The request for the review will also be subject to the consideration by the Council as to whether it is frivolous, vexatious, or whether it will not cause this Council to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason, which it thinks is appropriate.

Once a valid application for a review has been received by the Council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Council, who will publish notice of the application within 7 days of receipt.

The Council must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to the Council are:-

- add, remove or amend a licence condition imposed by the Council;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the Council must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

In particular, the Council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Council must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

6. Licensing Conditions and Codes of Practice (LCCP)

The Gambling Act 2005 requires the Gambling Commission to issue one or more codes of practice about the manner in which facilities for gambling are provided. The codes may be directed at the holders of operating or personal licences, or any other person involved in providing facilities for gambling.

The Act also requires licensing authorities to take into account when exercising their functions, any relevant code of practice issued by the Commission under section 24, in this case:-

- The Commission's *Licence conditions and codes of practice* (LCCP), which apply to holders of Gambling Commission operating or personal licences;
- Other codes - these are the Commission's code of practice for equal chance gaming and its code of practice for gaming machines in clubs and premises with an alcohol licence

Risk Assessments Gambling Premises

The LCCP requires all existing licensees that provide gambling at their premises to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. Licensees must take into account any relevant matters identified in the licensing authorities (gambling) Statement of Policy when making their risk assessments.

A local risk assessment should also be undertaken or updated by a licensee, when applying for:-

- A new premises licence;
- When applying for a variation of an existing premises licence;
- To take into account any local significant changes in the local area;
- When there are significant changes within their premises that may affect the existing local risk assessment.

Operators are required to make the risk assessment available to licensing authorities when an application is submitted and a copy should be kept at the premises or otherwise on request, and this will form part of the Council's inspection regime or investigating complaints.

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment..

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may reflect benefit payments

- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

The Council expects the following matters to be considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted,
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidents of underage gambling,
- Gaming trends that may coincide with dates for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors' surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

Other issues that may be considered could include;

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.
- the economic make-up of an area;
- the surrounding night-time economy;
- children's homes and care facilities;
- the area footfall eg. residential or commercial areas;
- banks and ATM nearby;
- known anti-social behaviour issues;
- housing facilities;
- job centres;
- hostel and support services for the homeless;
- alcohol and drug support facilities;
- pawn brokers and payday loan businesses;
- other gambling premises;
- mental health facilities;
- community buildings;
- residential care establishments;
- transport and parking facilities eg. bus stops, taxi ranks, train stations;
- presences of rough sleepers;
- unemployment rates for area;
- types and rates of crime in the area that could impact on the premises
- areas with significant areas of children, eg parks and playgrounds

This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

Betting Track Premises – The Gambling Commission states, within its LCCP code, that Operators are required to make a risk assessment. However, Betting Track Premises are not required to seek an Operator's Licence with the Gambling Commission and, as such, are not the required to conduct a risk assessment. However, in the interest of the objectives of the Gambling Act 2005, namely i) preventing gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime; ii) ensuring that gambling is conducted in a fair and open way; iii) protecting children and other vulnerable persons from being harmed or exploited by gambling, this Council would expect a Betting Track Premises to conduct a risk assessment for their premises.

7. Further Information

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:

Newport City Council,
Po Box 883,
Civic Centre,
Godfrey Road,
Newport.
NP20 4UR.

Telephone: 01633 656656

Email: environment.licensing@newport.gov.uk

Information is also available from:

The Gambling Commission
Victoria Square House
Birmingham
B2 4BP

Telephone: 0121 2306666

Website: www.gamblingcommission.gov.uk

The Department for Culture, Media and Sport
2– 4 Cockspur Street
London
SW1Y 5DH

Telephone: 020 7211 6200

Website: www.culture.gov.uk

Advice regarding Problem Gambling can be found by number of charities and

Counselling support groups for example Gamcare: www.gamcare.org.uk

Appendix A Access to Premises

Casinos

- The principal access entrance to the premises must be from a street;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises, which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

No customer should be able to access the premises directly from:

- a casino;
- An adult gaming centre.

Bingo Premises

No customer must be able to access the premises directly from:

- a casino;
- an adult gaming centre;
- Betting premises, other than a track.

Family Entertainment Centre

No customer must be able to access the premises directly from:

- a casino;
- an adult gaming centre;
- Betting premises, other than a track.

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

Appendix B Schedule of Delegation of Licensing Functions and Decisions

Matters to be dealt with	Full Council	Sub-Committee	Officers
Three year Gambling Policy	x		
Policy not to permit casinos	x		
Fee Setting – when appropriate	Licensing Committee		
Application for Premises Licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representation has been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a Premises Licence		x	
Revocation of a premises licence for failure to pay annual licence fee			x
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn

Matters to be dealt with	Full Council	Sub-Committee	Officers
Cancellation of club gaming/club machine permits		x	
Applications for other permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

Appendix C Definitions

NOTE: In this Policy, the following definitions are included to provide an explanation to certain terms included in the Act and, therefore, in the Statement of Licensing Policy. In some cases they are an abbreviation of what is stated in the Gambling Act 2005 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Gambling Act 2005.

'The Council' means Newport City Council, acting as the Licensing Authority as defined by the Gambling Act 2005.

'The Licensing Authority' the authority in whose area the premises are wholly/partly situated. The Licensing Authority (as in the issuing authority) is also a responsible authority.

'The Act' means the Gambling Act 2005.

'The Gambling Commission' a body set up by the Government as the unified regulator for gambling, replacing the Gaming Board.

'Responsible Authority' means a public body that must be notified of certain applications for premises licences and permits, and are entitled to make representations on any of the licensing objectives.

'Children'- individuals who are under 16 years old.

'Young person' means individuals who are between the ages of 16 and 18 years old.

'Mandatory Conditions' means a specified condition provided by regulations to be attached to premises licences.

'Default Conditions' means a specified condition provided for by regulations to be attached to a licence unless excluded by the Council.

'Premises' means any place, including a vessel or moveable structure.

Appendix D Summary of Machine Provisions by Premises

Machine category							
Premises type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)				Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)			
Small casino (machine/table ratio of 2-1 up to maximum)				Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)			
Pre-2005 Act casino (no machine/table ratio)				Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead			
Betting premises and tracks occupied by pool betting				Maximum of 4 machines categories B2 to D (except B3A machines)			
Bingo premises¹		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4			No limit on category C or D machines		
Adult gaming centre²		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4			No limit on category C or D machines		
Licensed family entertainment centre³				No limit on category C or D machines			
Family entertainment centre (with permit)³				No limit on category D machines			
Clubs or miners' welfare institute (with permits)⁴				Maximum of 3 machines in categories B3A or B4 to D			
Qualifying alcohol-licensed premises				1 or 2 machines of category C or D automatic upon notification			
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)				Number of category C-D machines as specified on permit			
Travelling fair		No limit on category D machines					

¹ Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight (The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

² Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

³ Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

⁴ Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

⁵ Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Mae'r dudalen hon yn wag yn

Fairness and Equalities Impact Assessment (FEIA)

This is an integrated Impact Assessment which aims to ensure Newport City Council makes decisions which are fair, take account of relevant evidence, and seek to secure the best outcomes for our communities. **An FEIA should be used to inform the first steps of decision-making, at concept stage, not when a decision is already made, or at the point when it cannot be influenced.** This impact assessment considers our legislative responsibilities under:

- The Equality Act (2010), including the Socio-economic Duty
- The Wellbeing of Future Generations (Wales) Act (2015)
- The Welsh Language (Wales) Measure (2011)

The FEIA process is not intended to prevent decisions being made, but to ensure we have considered their potential impact. An FEIA also helps us to focus on how we can reduce any negative impacts and provides us with evidence that we have met our legal duties.

For support to complete your FEIA, please contact the [Connected Communities Team](#)

What do we mean by Fairness?

The Newport Fairness Commission is an independent body which advises the council on the best use of resources and powers to achieve the fairest outcomes for local people. The Fairness Commission has established four **Principles of Fairness** which should be considered as part of any decisions that the council make – the questions below are useful to reflect on before you start your FEIA.

Equity	Are people being treated in a consistent way, whilst acknowledging their differences (for example, need, barriers to accessing services)?
	Will the gap between those with more, and those with less be reduced?
	Have the interests of different groups affected (including minority or disadvantaged communities) been taken into account?
Priority	Have the needs of the most disadvantaged and vulnerable across the city been given priority?
	Have you considered possible indirect consequences for minority/disadvantaged communities when other priorities are directing decisions?
Inclusion	Will the voices of all those affected by your decision be heard?
	Are people able to participate in and shape a service, as well as receiving it?
	Have you considered the impact of your decision on the relationship between communities, and the spaces they share?
Communication	Are decisions being made transparently and consistently?
	How will decisions be communicated to people who are affected in a clear way, with the opportunity for feedback?

Part 1: Identification

Name of person completing the FEIA	Alastair Dearling
Role of person completing the FEIA	Licensing Manager
Date of completion	08/11/21
Head of Service who has approved this FEIA	Gareth Price

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1. What is being assessed? *(Please double click on the relevant box(es) (X) and select 'checked' as appropriate)*

- New or revised policies, practices or procedures (which modify service delivery or employment practices)
- Service review or re-organisation proposals which affect the community and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- Decisions affecting service users, employees or the wider community including (de)commissioning or revising services
- New project proposals affecting staff, communities or access to the built environment
- Public events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Service Boards
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other *please explain in the box below:*

2. Please describe the overall aims, objectives and intended outcomes of your decision

This is an equalities impact assessment of the Council's draft policy for the licensing of gambling premises and permits.

Under Gambling Act 2005 local authorities are responsible for issuing premises licences, permits and notices in respect of gambling premises. The city council are required to adopt a gambling policy every three years, the first of which came into effect in January 2007.

We now need to prepare and publish a new policy by end of January 2022.

Function of the Policy The gambling policy may be referred to by officers and members of committees when determining licensing Applications and is available for all parties when applying for licences and submitting representations.

As mentioned above this policy is relevant to various permissions and authorisations under the Gambling Act 2005 relating to gambling premises and permits, there are separate policies for other areas of licensing e.g., alcohol and entertainment, street trading , taxis and sexual entertainment venues.

The policy has served the council well and has not been subject to any challenge since implementation. The licensing of gambling related activities is a well-regulated low risk licensing function. It was anticipated that there will be any need to change the policy other than some drafting amendments to reflect some minor amendments to guidance/legislation since the last policy was adopted and the fact the Government is proposing to revise the Gambling Act.

The legislation sets out a consultation process and framework which the council has a statutory responsibility to follow. The Licensing Authority's role is limited as we licence premises and related activities e.g., Amusements with prizes (AWP) machines in licensed premises. The bulk of policy and operations are held with the Gambling Commission, which licences and regulates the operators through issuing operating licences. Our experience of processing gambling act applications is that they are no contentious. Since the legislation came into force only a small number of applications have been referred to the Licensing Committee for determination.

3. Who are the main stakeholders who may be impacted by your decision and what data do you hold on them? Consider communities of place (people who live in the same geographic area) and communities of interest (people who share particular characteristics but may live in different geographic areas). Stakeholders may include residents, local businesses, community groups, staff or partners.

- Local Businesses / Premises / operators that currently hold a license or wish to in future hold licenses
- Local residence or those who visit the city.
- Responsible Authority's and trade bodies as defined under the 2005 Act
- Consultation was undertaken in accordance with the Act and details can be found within Cabinet Members Report.

Part 2: Engagement

When completing this section, you need to consider whether you have sufficient information about the views and experiences of people who your decision will impact upon. If you don't, you may need to undertake a period of engagement/consultation before continuing. An FEIA is a live document, so can be updated with consultation findings, and amended as needed during the decision-making process.

The council has a duty to consult and engage with people who may experience inequalities as a result of your decision. This includes people **who share Protected Characteristics** (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and people who **have lived experience of socio-economic disadvantage**. The council's Youth Promise also requires us to ensure **all young people in Newport are listened to and included in decisions affecting them**.

The council also has a duty to ensure that any consultation is available bilingually (in Welsh as well as English), and you may like to consider any other community languages that are spoken by people who may be impacted by your decision. Below are some questions that should be included in any public consultation relating to a decision which may impact on the use of Welsh language in Newport:

1. Do you believe that the proposed decision/policy will have a positive or negative effect on opportunities to use the Welsh language?
2. If you think it will have a negative effect, what steps could we take to lessen or remove this and improve positive effects?
3. Do you believe that the proposed decision/policy will treat the Welsh language less favourably than the English language?

1. How have you engaged with people who may be affected by your decision (the stakeholders you have identified)?

The Draft Policy was consulted under the provisions of the Gambling Act 2005

2. What do you know about the views or experiences of people who may be affected by your decision?

Consultation responses were considered, and the Policy was amended in parts, details of which can be found within the council report.

Part 3: Assessment

This section requires you to assess the potential impact of your decision on a range of groups who may experience specific disadvantages. Your assessment should be supported by evidence – either from your own engagement/consultation, similar or previous engagement, what you already know about the people who access your service, or from local and national sources of information.

Useful documents which set out information about how communities are impacted by inequalities include [EHRC – Is Wales Fairer?](#) and the council’s [COVID-19 Community Impact Assessment](#). Your decision may have both positive and negative impacts – if this is the case, please place a cross in both boxes.

1. Impact on people that share Protected Characteristics

[Protected Characteristics](#) are defined under the Equality Act 2010, and describe groups of people who are protected from discrimination, either in the workplace, or through the provision of goods and services. The council must consider how decisions may impact on people differently because of a protected characteristic, and how any negative impact could be reduced. National guidance on assessing equality impacts and the Public Sector Equality Duty can be found [here](#). You can also access further advice and examples of positive and negative impacts [here](#).

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Protected characteristic	Impact:			<p>Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to:</p> <ol style="list-style-type: none"> 1. Promote equal opportunity across different groups 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation
	Positive	Negative	Neither	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This policy will have a Positive impact on age. Actions and objectives are stated in the policy that will help protect vulnerable and young people. The policy outlines what the licensing authority’s duty is in and what the Council expects from licence holders in respect of protecting young people from harm. The policy makes provision for Children and Young Peoples services to act as the responsible authority for matters relating to the protection of children from harm and enables them to comment on variations/new applications and request reviews of licences.</p>

Protected characteristic	Impact:			<p>Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to:</p> <ol style="list-style-type: none"> 1. Promote equal opportunity across different groups 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation
	Positive	Negative	Neither	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>No positive or negative impact anticipated but each licence application, where representations are made, will be considered against the three key Gambling Act objectives, namely:</p> <ol style="list-style-type: none"> 1. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, 2. ensuring that gambling is conducted in a fair and open way, and 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling. <p>In the policy applicants are requested to have regard to the type of people that are likely to visit their premises in their application when identifying the steps, they will take to promote the licensing objectives. Applicants will be expected to propose steps to ensure that the physical layout of the premises does not present any risks to 'vulnerable' people, some of whom may be disabled.</p>
Gender Reassignment/ Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No expected impact
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No expected impact
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No expected impact

Protected characteristic	Impact:			Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to: 1. Promote equal opportunity across different groups 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation
	Positive	Negative	Neither	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy will ensure that all services are aware of the need to abide by the Equality Act (2010)
Religion or Belief or non-belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Most religions do not condone gambling for money; consequently some sectors could view the gambling policy as an endorsement of this kind of activity. There is however no expected significant negative impact.
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No expected impact
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No expected impact

2. Impact on Welsh Language

The Welsh Language (Wales) Measure specifies that for all policy decisions, the council must consider the effects (both positive and negative) on the Welsh language. For further guidance on Welsh language considerations see [here](#).




	Impact:			
	Positive	Negative	Neither	
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No expected impact


1. Please describe how you have ensured your engagement has considered the view of Welsh speakers in Newport.


This strategy will be available to members of the public in Welsh. The public have been able to contribute to the development of the strategy, and will be to future developments of the strategy, through the medium of Welsh.

3. The Sustainable Development Principle

The Well-being of Future Generations Act puts in place a sustainable development principle which helps organisations consider the impact they could have on people living in Wales in the future, and ensure they are focused on tackling long-term challenges. Below, consider how your decision promotes, advances, or contradicts the [5 ways of working](#) which underpin the sustainable development principle. You can access further guidance on considering the sustainable development principle [here](#).

<p>Long term</p> 	<p><i>The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.</i></p>	<p>The Policy set out clear expectation on how operators, business should conduct their business in line with Gambling Act 2005 specifically the Licensing Objectives.</p>
<p>Prevention</p> 	<p><i>Putting resources into preventing problems occurring or getting worse</i></p>	<p>The Policy builds on the current Policy that has been in place since 2019, we continue to support, listen, and work with the interested parties and businesses. Clearly as highlighted within the policy The Gambling Act 2005 one of the Licensing objectives is to preventing gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime; (Long term & Prevention)</p> <ul style="list-style-type: none"> • Ensuring that gambling is conducted in a fair and open way; (Prevention) • Protecting children and other vulnerable persons from being harmed or exploited by gambling. (Prevention) • The policy has been out for public consultation allowing input from relevant persons and organisations ensuring the policy is undertaken in collaboration and allows involvement. <p>(Collaboration & Involvement)</p>
<p>Integration</p> 	<p><i>Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.</i></p>	<p>To provide consistency for bodies and individuals who work with licensing or apply of a licence.</p> <ul style="list-style-type: none"> • The policy has been out for public consultation allowing input from relevant persons and organisations ensuring the policy is undertaken in collaboration and allows involvement.

<p>Collaboration </p>	<p><i>Working together to deliver objectives.</i></p>	<p>The Chief Medical Officer for Wales Annual Report 2016-17 – Gambling with our health’ http://gov.wales/topics/health/professionals/cmo/reports/?lang=en Some of the key points that this report has raised is as follows; The most important benefit of the gambling industry is the tax revenues, which are considerable in the UK: in 2017 this amounted to £2.7 billion. This income is used by the UK government to help fund its programme for government. However, the economic benefits of gambling need to be balanced against the social and health harms to people who gamble, their family, friends and wider society. While most people who participate in gambling activities do so without any significant problems, for others gambling is problematic, causing damage to their health and to wider society. The availability of gambling products and platforms to diverse groups, and the developments in the infrastructure of game design, make gambling an immediate and rapidly evolving public health issue. The public health approach aims to improve quality of life for all and to achieve health equity. This focus on equity is necessary as people living in areas of deprivation are more likely to experience gambling-related harm. The harms caused by gambling for the individual include anxiety, stress, depression, and alcohol and substance misuse. These factors are likely to have a wider impact on family and friends. Further family problems can include money-troubles and family breakdown, as well as neglect and violence towards any partner or children. There are higher rates of separation and divorce among problem gamblers compared to the general population. Further impacts of gambling include the inability to function at work, and financial problems which can lead to homelessness. The harms from gambling to wider society include fraud, theft, loss of productivity in the workforce, and the cost of treating this addiction. Gambling harm not only affects the individual, but the family and wider society. Since this</p>
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		<p>report Joint work published by a team led by Prof Robert Rogers, Bangor University, with colleagues from Public Health Wales, Heather Wardle Research Ltd and Swansea University highlights the widespread harms that gambling can cause, not only for those who gamble, but also for families, friends, and communities. Gambling is increasingly being recognised as a public health priority.</p> <p>Once again the policy has been out for public consultation allowing input from relevant persons and organisations ensuring the policy is undertaken in collaboration and allows involvement.</p>
<p>Involvement</p> 	<p><i>Involving those with an interest and seeking their view - ensuring that those people reflect the diversity of the area.</i></p>	<p>Discussions, Engagement, and consultation has taken place in accordance with the Gambling Act 2005.</p>

4. Socio-economic Duty

The [Socio-economic Duty](#) is set out in the Equality Act 2010, and requires the council, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. Inequalities of outcome are felt most acutely in areas such as health, education, work, living standards, justice and personal security, and participation.

A 'strategic decision' is defined by Welsh Government as a decision **which affects how the council fulfils its statutory purpose over a significant period of time and does not include routine 'day to day' decisions.** Strategic decisions include:

- Corporate plans
- Setting wellbeing, equality and other strategic objectives
- Changes to, or development of public services
- Strategic financial planning

- Strategic policy development

If you do not think your decision meets this definition, and you do not plan on carrying out a Socio-economic Duty Assessment in this section, please provide your rationale below. Any decision which is presented to a Cabinet Member, at Cabinet or Council will be viewed as a strategic decision.

If your decision does meet the definition, please consider the impact of your decision on the socio-economically disadvantaged groups, and areas of inequality that may arise from socio-economic disadvantage contained in the matrix below. The groups listed are not exhaustive and you should consider any additional groups relevant to your decision who may experience socio-economic disadvantage in the following ways:

- **Low Income/Income Poverty** - cannot afford to maintain regular payments such as bills, food, clothing, transport etc.
- **Low and/or no Wealth** - enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provisions for the future
- **Material Deprivation** - unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, hobbies etc.)
- **Area Deprivation** - where you live (rural areas), where you work (accessibility of public transport)
- **Socio-economic Background** – for example, parents’ education, employment and income

Indicate a positive or negative impact, or both where they apply, and the severity of this impact by coding the sections of the grid based on the below. *If there is no/neutral impact, please leave blank.*

Negative Impact		Positive Impact	
N1	Negative impact – mild	P1	Positive impact – mild
N2	Negative impact – moderate	P2	Positive impact – moderate
N3	Negative impact – significant	P3	Positive impact – significant
N4	Potential for negative impact (but unsure)	P4	Potential for positive impact (but unsure)

Areas of inequality that may arise from socio-economic disadvantage – definitions
Education :The capability to be knowledgeable, to understand and reason, and to have the skills and opportunity to participate in the labour market and in society
Work : The capability to work in just and favourable conditions, to have the value of your work recognised, even if unpaid, to not be prevented from working and to be free from slavery, forced labour and other forms of exploitation
Living Standards : The capability to enjoy a comfortable standard of living, in appropriate housing, with independence and security, and to be cared for and supported when necessary.

Justice, Personal Security and Community Safety: The capability to avoid premature mortality, live in security, and knowing you will be protected and treated fairly by the law							
Health: The capability to be healthy, physically and mentally, being free in matters of sexual relationships and reproduction, and having autonomy over care and treatment and being cared for in the final stages of your life							
Participation: The capability to participate in decision making and in communities, access services, know your privacy will be respected, and express yourself							
Groups	Areas of inequality						
	Living Standards	Work	Health	Education	Justice and community safety	Participation	Physical Environment
Children living in poverty							
Low income households without dependent children							
Unemployed young people							
Long term unemployed							
Homeless households							
Refugees, migrants and asylum seekers							
Deprived neighbourhoods - WIMD rank in 10% most deprived LSOA							
People on Universal Credit / income related benefits							
Adults with no qualifications or low qualifications							
People living in low quality housing or in Houses of Multiple Occupation							

1. What evidence do you have about socioeconomic disadvantage and inequalities of outcome in relation to this decision?
2. Please describe how you have ensured your engagement has considered the views of people living in Newport who are affected by socio-economic disadvantage.

3. Does this decision contribute to a cumulative impact?

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Part 3: Actions and Outcomes

Considering any negative impacts that you have identified, indicate below how you will reduce these, and how you will monitor potential impact. Further guidance on how to complete your action plan can be found [here](#).

IMPACT ON PEOPLE THAT SHARE PROTECTED CHARACTERISTICS			
Summary of impact	Action to reduce negative impact	How this impact will be monitored	Owner
IMPACT ON WELSH LANGUAGE			
Summary of impact	Action to reduce negative impact	How this impact will be monitored	Owner
SOCIO-ECONOMIC IMPACTS			
Summary of impact	Action to reduce negative impact	How this impact will be monitored	Owner

SUSTAINABLE DEVELOPMENT PRINCIPLE			
Summary of impact	Action to reduce negative impact	How this impact will be monitored	Owner

Once your FEIA is complete, please forward to nccequality@newport.gov.uk



Report

Newport City Council

Part 1

Date 25 January 2022

Subject **Schedule of meetings**

Purpose To adopt a schedule of meetings for the period May 2022 to May 2023.

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 2022 to May 2023, 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

Signed

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
17 May 2022	Mayor Making and AGM
19 July 2022	Democratic Services Committee Annual Report Head of Democratic Services Annual Report Director of Social Services Annual Report Treasury Management – Year-end review Strategic Equality Plan Annual Report
27 September 2022	Scrutiny Annual Report Standards Committee Annual Report Improvement Plan Review
22 November 2022	Treasury Management – Mid-year review
24 January 2023	Mayoral Nomination Council Schedule of Meetings Treasury Management Council Tax Reduction Scheme
21 February 2023	2021-22 Council Tax / overall budget, Capital Strategy / Treasury Management
25 April 2023	Independent Remuneration Panel Annual Report NDR Rate Relief Pay and Reward Policy
16 May 2023	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 2022 to May 2023.

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.

Local issues

There are no local issues

Scrutiny Committees

This is a matter for consideration by Council.

Fairness and Equality Impact Assessment:

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

An FEIA is not required for this report.

Crime and Disorder Act 1998

Not applicable for this report.

Consultation

As set out above.

Background Papers

None.

Dated: 18 January 2022.

◀ May 2022

June 2022

Jul 2022 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 10am: Planning Committee	2 The Queen's Platinum Jubilee (Bank Holiday)	3 The Queen's Platinum Jubilee (Bank Holiday)	4
5	6	7 10am: Licensing Committee	8	9 10am: Employee Partnership Forum 12pm: Planning Site Sub Committee	10	11
12 Tudalen 197	13	14	15 4pm: Cabinet	16 10am: Corporate Parenting Forum	17	18
19	20	21	22	23 10am: SACRE 6pm: Liaison Meeting with Community Councils	24 4pm: Overview & Scrutiny Management Committee	25
26	27	28	29	30		

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5 10am: Licensing Committee	6 10am: Planning Committee	7	8	9
10 Tudalen 198	11 4pm: Performance Scrutiny Committee Place & Corporate	12 10am: Performance Scrutiny Committee People	13 4pm: Cabinet	14 10am: Employee Partnership Forum 12pm: Planning Site Sub Committee 5.30pm: Standards Committee	15	16
17	18	19 5pm: Council	20 5pm: Performance Scrutiny Committee Partnerships	21 10am: Democratic Services Committee	22	23
24	25 4pm: Performance Scrutiny Committee Place & Corporate	26 10am: Performance Scrutiny Committee People	27 10am: Greater Gwent Cremation Joint Committee	28 5pm: Governance & Audit Committee	29 10am: Overview & Scrutiny Management Committee	30
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◀ Jul 2022

August 2022

Sep 2022 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 10am: Licensing Committee	3 10am: Planning Committee	4	5	6
7	8	9	10	11 12pm: Planning Site Sub Committee	12	13
14	15	16	17	18	19	20
21 Tudalen 199	22	23	24	25	26	27
28	29 August Bank Holiday	30	31			

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6 10am: Licensing Committee	7 10am: Planning Committee	8	9 10am: Overview & Scrutiny Management Committee	10
11 Tudalen 200	12 4pm: Performance Scrutiny Committee Place & Corporate	13 10am: Performance Scrutiny Committee People	14 4pm: Cabinet	15 10am: Corporate Parenting Forum 12pm: Planning Site Sub Committee	16	17
18	19	20	21 5pm: Performance Scrutiny Committee Partnerships	22 6.30pm: Liaison Meeting with Community Council	23	24
25	26	27 5pm: Council	28	29 5pm: Governance & Audit Committee	30	

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 10am: Licensing Committee	5 10am: Planning Committee	6	7	8
9	10	11	12 4pm: Cabinet	13 10am: Employee Partnership Forum 12pm: Planning Site Sub Committee	14	15
16 Pudalen 2021	17	18	19 2pm: Greater Gwent Cremation Joint Committee	20 10am: Democratic Services Committee	21 10am: Overview & Scrutiny Management Committee	22
23	24	25	26	27 10am: SACRE 5pm: Governance & Audit Committee	28	29
30	31					

◀ Oct 2022		November 2022					Dec 2022 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat	
		1 10am: Licensing Committee	2 10am: Planning Committee 5pm: Performance Scrutiny Committee Partnerships	3	4	5	
6	7	8	9	10 12pm: Planning Site Sub Committee 5.30pm: Standards Committee	11	12	
13	14 4pm: Performance Scrutiny Committee Place & Corporate	15 10am: Performance Scrutiny Committee People	16 4pm: Cabinet	17	18	19	
20	21	22 5pm: Council	23	24	25	26	
27	28 4pm: Performance Scrutiny Committee Place & Corporate	29 10am: Performance Scrutiny Committee People	30				

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◀ Nov 2022		December 2022					Jan 2023 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat	
				1	2 10am: Overview & Scrutiny Management Committee	3	
4	5	6 10am: Licensing Committee	7 10am: Planning Committee 5pm: Performance Scrutiny Committee Partnerships	8 6.30pm: Liaison Meeting with Community Councils	9	10	
11 Tudalen 203	12	13	14 4pm: Cabinet	15 12pm: Planning Site Sub Committee 4pm: Corporate Parenting Forum	16	17	
	19	20	21	22	23	24 Christmas Eve	
25 Christmas Day	26 Boxing Day	27 Extra Bank Holiday (tbc)	28	29	30	31 New Year's Eve	

◀ Dec 2022

January 2023

Feb 2023 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 New Year's Day	2 Bank Holiday Monday	3 10am: Licensing Committee	4 10am: Planning Committee	5	6	7
8	9 4pm: Performance Scrutiny Committee Place & Corporate	10 10am: Performance Scrutiny Committee People	11 4pm: Cabinet	12 12pm: Planning Site Sub Committee 5.30pm: Standards Committee	13	14
15 Tudalen 204	16	17	18	19 10am: Employee Parthership Forum	20 10am: Overview & Scrutiny Management Committee	21
22	23	24 5pm: Council	25 2pm: Greater Gwent Cremation Joint Committee	26 5pm: Governance & Audit Committee	27	28
29	30	31				

◀ Jan 2023

February 2023

Mar 2023 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 10am: Planning Committee	2	3	4
5	6	7 10am: Licensing Committee	8 5pm: Performance Scrutiny Committee Partnerships	9 12pm: Planning Site Sub Committee	10	11
12	13	14	15 4pm: Cabinet	16	17	18
19 Tudalen 205	20	21 5pm: Council	22	23 10am: Democratic Services Committee	24	25
26	27 4pm: Performance Scrutiny Committee Place & Corporate	28 10am: Performance Scrutiny Committee People				

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 10am: Planning Committee	2	3 10am: Overview & Scrutiny Management Committee	4
5	6	7 10am: Licensing Committee	8 5pm: Performance Scrutiny Committee Partnerships	9 10am: SACRE 12pm: Planning Site Sub Committee	10	11
12 Tudalen 206	13	14	15 4pm: Cabinet	16	17	18
	20	21	22	23 6pm: Liaison Meeting with Community Councils	24	25
26	27	28	29	30 5pm: Governance & Audit Committee	31	

◀ Mar 2023		April 2023					May 2023 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat	
						1	
2	3	4 10am: Licensing Committee	5 10am: Planning Committee	6	7 Good Friday	8	
9 Easter Sunday	10 Easter Monday (Bank Holiday)	11	12	13 12pm: Planning Site Sub Committee 5.30pm: Standards Committee	14	15	
16 Eudalen 2007	17	18	19 5pm: Performance Scrutiny Committee Partnerships	20	21	22	
23	24	25 5pm: Council	26 2pm: Greater Gwent Cremation Joint Committee	27 5pm: Democratic Services Committee	28 10am: Overview & Scrutiny Management Committee	29	
30							

◀ Apr 2023

May 2023

Jun 2023 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 May Day (Bank Holiday)	2 10am: Licensing Committee	3 10am: Planning Committee	4	5	6
7	8	9	10	11 12pm: Planning Site Sub Committee	12	13
14 Tudalen 208	15	16 5pm: Council (AGM)	17	18 5pm: Democratic Services Committee	19	20
21	22	23	24	25 5pm: Governance & Audit Committee	26	27
28	29 Spring Bank Holiday	30	31			



Minutes

Democratic Services Committee

Date: 13 December 2021

Time: 10.00 am

Present: Councillors C Ferris (Chair), M Whitcutt, P Hourahine, J Clarke, T Watkins, K Thomas, G Giles, M Evans, C Evans and C Townsend, Gareth Price (Head of Law and Regulation), Leanne Rowlands (Democratic Services Manager), Felicity Collins (Governance Officer), Samantha Schanzer (Governance Officer)

1 Apologies

Councillor Townsend.

2 Declarations of Interest

None.

3 Minutes of Meeting held on 11 October 2021

The Minutes of the Last Meeting held on 11 October 2021 were **approved** and accepted as an accurate record.

4 Participation Strategy (Presentation Update)

Invitees:

Leanne Rowlands – Democratic Services Manager
Gareth Price – Head of Law and Regulation

The Democratic Services Manager provided the Committee with a presentation update on where the Council is with the draft participation strategy to encourage citizens in being more involved with Local Authority decision making processes.

Key points:

There are two key requirements in order to promote the council's functions; the first is to reach the public by promoting awareness and providing ways to get members of the public to access the information easily. The Council are looking to draw the constitution into one accessible guide and to improve the Council website's search facility to make it more user friendly to build public engagement.

The second requirement is to promote how to become a Member of the Council in order to represent the residents of their community. The Council are looking to build on the website page on how to become a councillor, the Lead Officer discussed the points in the presentation in detail to the Committee.

Members were advised that this would come back to Committee at the end of January with a full draft document in advance of the consultation period. After the consultation, the full strategy will be presented to the council in March prior to the deadline publication in May.

The Lead Officer mentioned the further actions that the council will take under the act, such as putting a petition scheme in place so residents know the process and Members know

what the council can do when in receipt of the same. The next steps include future members training and to base it around member seminar training including the importance of social media platforms.

Committee raised the following points:

- The Committee agreed they were happy with the return of the documents to come to the Committee in January and noted that the presentation was easy to follow.
- Councillor Giles assured that promotion is good but the language and wording that the council will use needs to be easily understood. The Member mentioned it would be good to learn what has been contributed from the public toward the work, if it includes public comments i.e. if the website suggestions are from feedback and if the officers have taken into account other Local Authorities' practices.

The Democratic Services Manager confirmed that it is embedded in the presentation of what the residents look at – not on the website at present but it usually comes up with a feedback survey asking what their visit was like that day. Customer Services regularly run surveys and also request feedback from residents on the digital provision.

The other local authorities are in the same position in developing a strategy for May 2022. They are also working towards meeting the first publication date but they are in the first stage of publishing the strategy, then after that they look to improve and develop as Newport will be doing also.

The Head of Service informed the Committee that the strategy is intended as live document - as a starter, when the Democratic Services Manager brings the final document to the Members, it will formalise what the council are doing currently. The plan is to keep it constantly under review with actions for improvement over time as once the council has a strategy in place, they can work with the community on how to improve communication on that. It was reiterated that this is the start in terms of codifying a document of what the council currently does now and the first step is to consult with the public in February on what they think of the strategy. When it will be adopted in May, they will use it as a document moving forward to see how to improve things and review with a set of improvement targets.

- A comment was made by Councillor Watkins that as a Councillor he receives continual complaints about the council website being too complicated to operate so will be interested in how the feedback goes out to see if residents mention that.
- Councillor Whitcutt noted that it can be often simpler to google what they need rather than search the council website itself. It was mentioned that the Cabinet Member for Assets and Resources has been raising the issue for a long period of time. The Member echoed Councillor Giles' point about the type of language concerned to encourage the public as the constitution needs to be user friendly yet dealt with a great deal of care.
- Councillor M. Evans agreed with the prior point that the website is not user friendly. The Member mentioned they receive questions from residents about parking permits and that it should be about simplicity. An example was mentioned, if someone wanted to watch the council committee, they would have to go on YouTube and type it in as there is no direct link on the website. With regard to the petition schemes mentioned, the Member recalled a previous mechanism in place to deal with petitions. It was requested to see more information in January such as research on what other councils are doing on engaging with the public on petitions. The Member referred to the concerns that Scrutiny Committee had expressed about the public consultation

public space protection order and that they would be interested to hear about other petition schemes in the United Kingdom.

In response, the Head of Service explained that the policy mentioned is about how the petitions are presented, the council never had a strategy on how they were dealt with and responded to. The petitions used to be physically presented to the Mayor. A procedure on how petitions should be dealt with and reported is something the council wish to develop. For instance, a policy on how they are responded to and how the council keeps a record to show that they are dealt with properly. Petitions and the website have improvements going forward, and the consultation document is codifying what the council currently does but on the final document the committee can decide what they wish to action and flag up.

- Councillor M. Evans asked to clarify what happens to petitions when they are received by the council.

The Head of Service confirmed that they are dealt with at an operational level and are submitted to the relevant Head of Service, including the relevant Cabinet Member if necessary. However, the outcome and the response is not routinely reported back to any Committee.

- Councillor M. Evans queried if Members could be informed of petitions from the public through a simple system reported to a committee. That way they can promote awareness of the council as the Members would know the process.

The Head of Service confirmed if the Committee would like to make the recommendation then the council can take that on board.

- The Chair added that clarity and better knowledge on how the council receives petitions would be good.

The Head of Service responded that receiving petitions is not the current issue. They are directed to the relevant Head of Service and submitted online as with the Senedd/Houses of Parliament. However the officer recognised that more information on the council website could be put on about how petitions can be submitted. It was acknowledged that what needs to be clearer is what happens to the petitions when they are in the system and to make members aware of how many have been received and how many responded to.

- Councillor K. Thomas commented that she has also received complaints from residents about the website, many of those in relation to parking permits. It was mentioned that officers have not accepted that there is an issue. The Member will be interested to find out should the data show there is an issue such as people going off the website after becoming distressed from the experience. With regard to the petition schemes; the Member went on to advise that with online petitions, they are unaware of how the Senedd conducts them online but mentioned the checks needed and balances available in physical form. The Member used a recent example where a resident mentioned a petition with random individuals signing it but might not understand the necessary qualifications needed for residents to sign i.e. the council would need to know how to check the validity and the address details when received.
- Councillor Hourahine touched on Councillor Whitcutt's comments about the constitution. It was acknowledged as complex and a streamlined constitution is a

major piece of work, it should be reviewed and requested for it to be a possible area of work that the council should consider.

With regard to a committee being informed about petitions, the Member noted that the council should not consider adding another layer of bureaucracy on petitions going ahead as it could take even longer. It was argued that the council does not need a petition monitoring system; but a robust determining strategy of what happens to these petitions.

In response, the Head of Service informed the Members that it is a short term action and not a long term action to re-draft the constitution before May 2022. Members were informed that there is one being done at an all Wales level and when the council receives that, they will re-draft their constitution in the current format to make it more accessible in relevant sections; not to re-write the constitution. Schemes of delegation and terms of reference will be in different sections.

As it is a legal document that the council decision making functions are listed within, there is not much the council can do about its simplicity under new legislation but the council will bring in a 10 page summary of it with links to specific parts.

The Head of Service confirmed they are not suggesting that it goes to a committee beforehand, but more of reporting back to a committee about the numbers received and how many responded to.

- Councillor M. Evans queried with regard to petitions; if a report could be submitted on how many petitions come in and if they have been responded to. The Committee agreed that Members should be aware of how these are logged with Newport City Council.

The Head of Law and Regulation advised Members that instead of an instant decision; the officers can bring more options to them on how that could work in January. The annual reports could be for the Democratic Services Committee or another way of doing it could be service areas to pick up petitions as part of their service plan. An operational reporting plan is also another alternative.

Agreed:

The Committee confirmed they would be happy to make an informed decision in January.

5 **Amendment to the Constitution and Staffing Arrangement (Presentation Update)**

Invitees:

Leanne Rowlands – Democratic Services Manager

Gareth Price – Head of Law and Regulation

The Democratic Services Manager covered the first section of the requirement to update the constitution as part of the Local Government and Elections Act and explained that it is in preparation for a full review.

Key Points:

The Head of Law and Regulation advised the Committee that Members previously considered the option of appointing a Presiding Member 2-3 years, but recommended to Council that the current mayoral role should continue. The officers put it forward to the Members today to reconsider their previous decision about having a presiding member model for the future, in the light of the review of the democratic arrangements, the change to remote/hybrid meetings and the modernisation agenda.

The Head of Service summarised the points in presentation of having a separate member to chair council meetings. It has been introduced through the Local Government & Democracy Wales Act from the Welsh Government as chairing council meetings involves a different skill set from the role of Mayor.

It was also noted that the council has put in a formal bid for the Mayor to be upgraded to Lord Mayor as part of the Queen's Platinum Jubilee honours to be considered next June. If Mayoralty were to be upgraded, there may be more demands on that individual's time as well.

The Officers advised that any changes would take effect as from next May as the move to hybrid meetings requires a different skill set and noted that many other authorities have done this as that Member can hold office to build up that level of expertise.

Committee raised the following points:

- The Chair asked if the Presiding Member post would be a paid post and if there would be two posts; one being the deputy.

The Head of Service confirmed that the Presiding Member could carry an additional salary but the deputy member would not carry the senior salary. The Presiding Member salary would be £25,000.00 per annum. The Council was able to pay an additional senior salary as it was below the maximum number of 18 senior salaries, prescribed by the IRP.

It was highlighted that it would separate the role of Council from the Mayoralty. A Cabinet Member currently has to step down if they wish to become the Mayor as the law states a Cabinet Member cannot chair full council. However, with a separate Presiding Member chairing council, then this would free up a Cabinet Member to become Mayor under the seniority role and to fulfil the civic role, although they would only be eligible to receive one senior salary.

- Councillor Watkins stated that they are happy with the system in place at the moment and noted that if the Mayor's position got upgraded to Lord Mayor; they have a Deputy Mayor who could step into the role as a Presiding Member and therefore does not see the point in making a £25,000.00 salary position.
- Councillor Whitcutt disputed the prior point and stated that it is a skillset to chair a meeting such as full council and stressed that the council needs to modernise the process. It was argued that politics should be set to one side as the Mayor's role is ceremonial. Chairing council is political as they are making decisions and can be a highly contentious role at times. It was mentioned that some Members who have become Mayors, were daunted by chairing large meetings as some can be experienced and others not. Councillor Whitcutt also referred to the salary concern; in comparison to the £270 million budget and stressed it is important for them that the chamber operates efficiently and that the Members have the expertise.
- Councillor Clarke stated that chairing a full council meeting could put Members off wanting to be Mayor as everyone has different skillsets. Especially with the hybrid meetings as the skills required are different from years ago as the role has now changed. It could also free up the Mayor's time.
It was mentioned that other Councils could be looking at this as well, considering there are 18 senior salaries available; there is money available in the budget for the role.
- Councillor Giles agreed with Councillor Whitcutt's point and stated that it is time to develop expertise to ensure efficiency in the decision making process. The Member clarified that this is not a criticism of specific individuals as they are thrown into the position and trying to chair a complicated public meeting can be stressful. Councillor Giles also stated that the application to Lord Mayor status would be a great boost for the City.

- Councillor M. Evans asked the officers to confirm who took the decision to apply for the Lord Mayor status as they had no knowledge of that. The Member argued that just because they allocate a Presiding Member; does not mean they will get someone who is fantastic and agreeing to pay an individual £25,000.00 per annum to chair only seven meetings a year is not something they wish to support. If it were an annual appointment, the group might not like the member's approach and may not be able to remove them. The biggest concern expressed was that a Cabinet Member could also become the Mayor; and anyone who had been the Mayor, knows that is full time occupation.
- Discussion ensued amongst the Members and Councillor Whitcutt disputed the prior point by stating the comment about the salary undervalues the democratic process to put jobs into pounds and pence. The Member reiterated the earlier point that the salary is a comparatively small amount in the budget. It was noted it is a stressful role with a lot of preparation needed. The Mayor takes highly political decisions in full council and argued that they should be divorced from that and passed to a person who should be able to do it. Councillor Whitcutt also mentioned that Mayors could be attacked for things they decide in full council via social media which can lead to personal attacks, which has happened in the past. It could insulate the Mayor from that.
- Councillor Clarke referred to Councillor M. Evans' mention of the Mayor's role being a full time occupation; it will be even more so if the Lord Mayor's Status is granted. Despite only chairing seven meetings, those meetings are the most important meetings that the council and Members have. Therefore they would want the professionalism to come through as everyone has seen examples of videos from other authorities on the internet. As other local authorities have already done this or are moving toward this, the Members should embrace it if they want to keep Newport moving with the times.
- The Chair noted they have observed the diminution of the role of Mayor's office and the role of events they can hold/attend. The council used to have a full office of staff now they do not have the depth of resources that there used to be.

In response, the Head of Service pointed out that there has been no diminution in the role of the Mayor. Due to budget cuts and austerity measures, the amount of the Mayoral budget they spent on hosting Council events has been reduced, but the Mayor continues to be fully supported in attending external events. Although there was no longer a dedicated mayoralty officer, the support work was being picked up by all of the Governance Team, so there was no reduction in support. There was no restriction previous to that and the council does not wish to diminish the role of the Mayor due to less resources. Torfaen Borough Council has abolished the Mayoralty all together – Newport has never countenanced this.

The Head of Service clarified there would be no reduction in the role over the years. In terms of costs, the £25,000.00 is not an additional sum as it includes the Members' basic salary. It would be an extra £9-10,000.00 on top of the basic member salary is paid.

In response to Councillor M. Evans' point on Cabinet Members doubling up as Mayors, the Head of Service clarified they did not suggest they could double up but the legal impediment would be removed as the Cabinet Member's chairing full council meant they could not run as Mayor.

It was mentioned to the Members that they can recommend that the Mayoral procedure continues and they were not suggesting that it could happen however the

Cabinet Member is a full time commitments as is the role of the Mayor and the Lord Mayor could elevate that status.

- The Chair queried if the office for Mayoralty would be upgraded with more resources should Newport City Council get awarded with the Lord Mayor status.

The Head of Service responded that they have not removed support for the Mayor but the budget for the Mayor and hospitality has been reduced due to the need to make budget savings. It was highlighted that there is not a single mayoral officer, but a number of Governance Officers to support the Mayor and chauffeurs. If the Mayor were to get the Lord Mayor status, the council should be able to accommodate that with the current resources.

- Councillor M. Evans thanked the officers for the clarification on the Cabinet Members. And enquired about how the council agreed on the application for Lord Mayor status as other Members will raise questions that there will be additional work as the Mayor. And with the title change; how that could create additional work.

In response, the Head of Law and Regulation confirmed it was through a re-application as the council applied for Lord Mayor status back in 2011. This application was prepared by a team of officer led by the Democratic Services Manager and the events team. The Leader of Newport City Council supported it and the council was encouraged by the office of the Lord Lieutenant to apply. An expression of interest was submitted.

On the second point in terms of the workload; there would be more because of the status and different types of events. There would be no increase in volume of workload as the council works with all the Mayors to agree a work programme that fits in with what they can/want to do as Mayors. It is important that Mayors enjoy their role in office and that the council does not burden them with workloads.

- Councillor C. Evans used an example of the public speaker role in parliament to see how they are elected to ensure impartiality. It was suggested that on the election of the speaker, they would need at least three nominations from different parties. In order to show transparency and lack of bias, the Presiding Officer could write in line with the constitution if someone wants the position, they would have to canvas support and get a significant amount of the opposition party to also agree. In terms of pay, it cannot be about political convenience as has been regarded as a pittance in earlier discussion. The appointment should be done on talent and the Newport City Council could copy the mechanism of the House of Commons. It was suggested they could embed it into the constitution where a Member must self-nominate and be transparent in line with Welsh Government to ensure the role is not just handed out.
- The Chair of the Committee asked if the bid for Lord Mayor Status fails, would the appointment for the Presiding Member fail also.

The Head of Service confirmed that the appointment for the Presiding Officer would not fail. As the justification for the role is the skill set for the arrangements for the hybrid meetings going forward so the question would still remain.

The Head of Law and Regulation responded by stating if the council went down that route; the council would appoint the position. It was confirmed there has been no suggestion for it to be a political position and when they appoint a Presiding Member; the way they dispose that role must be apolitical. This would be for council to agree if Committee took the recommendation to council.

- Councillor C. Evans added that the Welsh Government model differs from the Houses of Parliament model so it would have to be transparent on the appointment and it could be recommended that Members look at the model to elect a potential Presiding Member with using reference from the mechanisms used to elect the public speaker of the House of Commons.
- The Chair of the Committee expressed their approval of the current system for the Mayoralty carrying out civic duties as the swearing of impartiality stands well with presiding over council meetings and noted that the natural turnover of that position yearly is healthy for council meetings.

Recommendations:

The Committee voted on the recommendation of the new model. The vote result was a tied vote with 4 in favour of appointing a Presiding member and 4 against (Councillor Hourahine had left the meeting by this time and did not cast a vote). The Chair did not wish to exercise a second and casting vote as the recommendation would need to be considered by full Council.

Agreed:

The Committee agreed for the decision to be taken to Council.

6 **Date of Next Meeting**

Tuesday 18 January 10am – 12pm

7 **Live Event**

[Democratic Services Committee, 13 December 21 - YouTube](#)

The meeting terminated at 11:52am