

Agenda

Pwyllgor Rheoli Trosolwg a Chraffu

Dyddiad: Dydd Gwener, 30 Gorffennaf 2021

Amser: 10.00 am

Lleoliad: Virtual Meeting

At: Cynghorwyr: L Lacey (Cadeirydd), G Berry, P Hourahine, M Al-Nuaimi, Y Forsey, C Ferris, M Evans, C Evans and F Hussain

Eitem	Wardiau Dan Sylw
1	<u>Ymddiheuriadau</u>
2	<u>Datganiadau o ddiddordeb</u>
3	<u>Cofnodion y Cyfarfod Diwethaf</u> (Tudalennau 3 - 20)
4	<u>PSPO Parciau</u> (Tudalennau 21 - 38)
5	<u>PSPO Canol y Ddinas</u> (Tudalennau 39 - 64)
6	<u>Casgliad Adroddiadau Pwyllgorau</u> Following the completion of the Committee reports, the Committee will be asked to formalise its conclusions, recommendations and comments on previous items for actioning.
7	<u>Adroddiad Cyngorydd Craffu</u> (Tudalennau 65 - 72) a) Forward Work Programme Update (Appendix 1) b) Action Sheet (Appendix 2)
8	<u>Digwyddiad Byw</u> To watch the live event please click here

Minutes



Overview and Scrutiny Management Committee

Date: 9 July 2021

Time: 10.00 am

Present: Councillors G Berry, P Hourahine, M Al-Nuaimi, Y Forsey, C Ferris, M Evans, Hussain and J Hughes

In Attendance: Mark Bleazard (Digital Services Manager), Felicity Collins, Neil Barnett (Scrutiny Adviser), Connor Hall (Scrutiny Adviser) and Samantha Schanzer

Apologies: Councillors L Lacey, C Evans and P Cockeram

1 Declarations of Interest

None.

2 Minutes of the previous meeting held on 11 June 2021

It was flagged up that the apologies were not recorded for Councillor M Evans. The Democratic Services team advised that this would be amended retrospectively to reflect this.

The minutes of the meeting held on 11 June 2021 were **accepted** as a true and accurate record.

3 Annual Corporate Safeguarding 2020/21

Invitees:

Sally Ann Jenkins – Head of Children and Young People Services

Mary Ryan – Head of Corporate Safeguarding

The Head of Corporate Safeguarding provided a brief overview of the report to the committee and explained that the service area had taken up the Welsh Audit amendments that were suggested for 2021. It was stressed that it has been an unusual year which has had an impact on all service areas with challenges but the department remained committed to the work plan of 2021 despite it being an odd time in terms of remote working.

The e-learning for safeguarding was launched in May 2020, it was anticipated to be launched in March 2020 but the pandemic delayed this. The team hoped for 90% of staff and volunteers to complete the course but noted that this was not attainable due to COVID, however the e-learning still had a good uptake and good feedback from those who attended.

The officer explained that some of the challenges were due to the reduced face to face training, it was explained that the safeguarding team would use such training to ensure the council remained compliant. Back in September 2020, they hoped to put that back in place but this that did not happen due to more things being delayed against of the backdrop of the

pandemic. Despite this, the officer assured the committee that there was a lot in place to ensure that staff are aware of their safeguarding responsibilities.

The Volunteer and Chaperone Register was created following a recommendation by the Welsh Audit Office. The lead officer advised that this put them in a better position now and that it is going fine despite not having as many volunteers purely because of the way of the services being delivered. The committee were advised that this would eventually pick up and the team would review the volunteering policy with registration completed and the relevant updates.

The Committee was advised that all the Newport.Gov website legacy records had all been removed and were correct. This was mainly to assist citizens as the safeguarding partners across the region were accordingly updated and decimated within the council through different communication means such as the newsletter and readily available information on the internet. From this, the officer highlighted that the motive was to ensure that access for citizens to safeguarding information was much easier to locate.

It was mentioned to the Members that there had been the abolition of reasonable punishment, known as the smacking ban. The members were referred to the end of the report should they wish to read the briefing which will be in the director's report in terms with compliance.

The Head of Corporate Safeguarding noted that the team launched the Newport Council Safeguarding Self-Assessment Audit Talk. This brought reassurance to the service areas of the council on where they are in terms of safeguarding and gave lots of support to the departments.

Part of the annual plan was designed to support certain sections within their plans amongst the service areas. The officer advised that it was reassuring that a lot of people were interested in terms of policy perspective as it made service areas think about different things that could affect their safeguarding. It was beneficial as it helped members of the public and staff on where to go with their concerns on having more accessible information in the public domain and were advised that they will be well ahead of this when the council services all reopen for the new normal.

The council worked with partners prior to lockdown in March 2020. In particular, Barnardo's worked on their child protection processes and procedures in Newport, and examined how they felt about working in assault and child protection, and examined what improvements could be made. It was noted that this approach has been really helpful to the staff as they ensured inclusion across all of the children's services looking at those processes. Management took on valuable recommendations and embedded them in Social Services processes.

The Head of Safeguarding stated that the main highlight was that the safeguarding hub was accepted as the way to go, and was especially good for Newport as a positive model for safeguarding with the city's key partners. The Central Police Protection Unit, which was formerly based in the centre region had changed its way of providing services and now does so from East and West. This encouraged more contact as the police are now based by the hub and centre. This created better communication for both the Young Adult Services and Children's Services. This allowed the services to start safeguarding as soon as necessary, so can be seen as a win for Newport as the team tried it as a pilot but it is now firmly embedded within region. As a result of this, the hub will be part of the director's report.

The Chair thanked the Head of Safeguarding for their time and opened up questions from the committee.

The Committee asked the following:

- The Committee welcomed a streamlined approach in the document however noted their concerns on the constantly changing performance indicators. It was acknowledged that the same would not be published until June 2022, so the Scrutiny Committee commented that they would not be able to advise without knowing how they can help to improve the current safeguarding issues. Therefore, the committee asked;
A) For assurance that those who need help are being prioritised and if the team have any concerns on the direction of the way things are going.
B) If the structure of Newport safeguarding team is appropriate to meet the safeguarding matters.

In response, the Head of Safeguarding explained that there is a constant issue in how much detail they can divulge and to also keep the assurance at a high level for the council. They work closely with adults and children so when the team have issues they are addressed both formally and very quickly. Immediate safeguarding has been attended to for the children apart from April 2020 when referrals reduced while everyone adjusted to working remotely.

The members were advised that the safeguarding team receive referrals through a range of avenues and the issues they had were due to mainly schools being closed as the access to schools is a big safeguarding benchmark.

The team worked with education regarding vulnerable children and young people were better protected through keeping the services going. The team was mindful of what was going on outside of schools. It was noted that there was an influx of referrals because currently there are more eyes on vulnerable people.

The officer stressed that the report will be different as the pressures that the safeguarding team are facing currently, are very different to the ones from March in 2020, however despite this, the members were informed that this was very well managed.

The Head of Service stressed that they shared the committee's frustration regarding the details of the data. Welsh Government changes to the guidelines were frustrating for performance management however the officer remains optimistic as new guidelines provided a clear picture of what was expected of the team and the requirements for submitting to the regional safeguarding board in future. Members were advised that the team will be finally approaching clarity from that.

In terms of assurance, from February 2020 onwards there was an immediate risk to any sort of vulnerability as it is an outward facing service, there was not a drop off in service as social workers were still out working. Staff were provided with PPE and were vaccinated early within the programme.

The lead officer then advised members that within the children services department, they have a young workforce who are confident in IT and have a lower risk from COVID so they were lucky enough to not completely halt services. It was stressed that the pressure on their staff had been substantial. Whilst the staff held the fort really well, the team had an assurance check from Care Inspectorate Wales with no concerns raised in terms of direct practice. Despite this, it is important to acknowledge that the staff are tired and due to the pandemic it is more than just the numbers of referrals.

Members were informed that the referrals are much more complex and challenging for the staff in terms of knowledge base and skills with referrals they would not usually see. For instance, for children as nobody had sight of them during lockdown periods i.e. health visitor checking in at schools. Referrals are also coming through much later

with children coming out from longer periods of neglect. The committee was advised that this has a profound impact on the children in terms of development in physical and mental well-being therefore the department will be dealing with more complex issues for a while.

For both services, the team delivered throughout the pandemic. The staff responded extremely well to the issues in terms of transparency and decision making, and the officer thanked Cllr Cockeram for his help. The whole team worked collaboratively but acknowledged that they are heading into a more difficult period with the knock on effects of the pandemic and could do with a circuit break but they cannot stop servicing those in need.

- The Committee thanked the safeguarding team for their huge efforts over the last 18 months which must have been incredible tough, their work behind the scenes and honest appraisals were fully appreciated. Members queried whether the team had any recommendations to Cabinet that might be helpful to them for the future issues.

The Head of Service confirmed that their main issue is one of resourcing, but that they had voiced these issues already and that Cabinet are aware. They appreciated the thanks and said they would pass it on to their team.

- Members enquired whether the resource discussion is an underlying issue for the team and how the same is affecting staff training, they acknowledged that the younger staff were mentioned earlier for help.

The Head of Service responded by stating that the youth of their staff was a help as the nature of social care tends to be a young workforce. Therefore, the turnover is reasonable with low rates of agency staff, noting that the area has one agency worker. The lead officer explained that both they and the Head of Safeguarding proudly sponsor a student who just recently got a first in their degree and who will be staying with the team. It was highlighted that they are able to support students through social work training and it is just as important to help them stay. The service area does have vacancies, not as many as other authorities however they argued that they are in a good position compared to a larger authority and have permanent staff which is more beneficial for many reasons.

It was explained that social workers have to undertake ongoing training in order to maintain registration so much of this was done online but however some could not be done virtually such as residential staff and elements of first aid training.

The Head of Service pointed out a positive of the team running an event from early in June for early year children conference with 150 in attendance. It was encouraging to have individuals embracing looking at new developments and mentioned that work with the children protection team and staff supported the changed and continued to develop and adapt.

Members were informed that the staff are concerned about the lack of resources and given the weight of referrals, it has impacted training but the lead officer assured that they are trying to address that in the coming year, workload-wise and how to balance it.

Another element of this issue is trying to ensure that resources are in the right place, there is a long discussion in place about who else the team could bring in to undertake assessments and use resources appropriately. The other national issue is with social work, this occupation has been challenged across the United Kingdom as they continually have to work hard to retain their staff.

- The Committee referred to page 15 of the report and mentioned from the increase in referrals that seem consistent throughout the year of 2021, it does not look like there would be any likelihood of it easing off. Members acknowledged that during the time of school closures, there was a suppression of referrals so voiced their concerns that cases of neglect are being picked up later than they would have been. From this increase in difficulties, the committee queried what aspect of the pandemic is causing this.

In response, the Head of Safeguarding explained that it seems to be from a combination of financial issues/stress/community support/job losses. They have not had the same amount of eyes in the community i.e. health visitors, immunisations for young children; and families became less visible with the severe neglect cases that the council did not know about a year ago. Issues which have gone unreported for the past year are more difficult to deal with, as the cases are more entrenched when caught at a later date.

The officer mentioned that we have all experienced loss in a way, due to illness or loss of opportunities and the team acknowledged that the most vulnerable of our society have experienced this the most. The restrictions put in place to keep people safe have taken a heavy toll on families and the support for them.

In April 2020, the officer explained that there was a dip in referrals but they have since increased. The team usually dread weeks after the school holidays or just before the pupils go on summer holiday.

Members were advised that there were two issues that the safeguarding team deal with, the loss and the emotional wellbeing and impact it has had on the adult services and also the emotional wellbeing and ill health in children. The stresses have been seen throughout on children in this area and the toll it has also taken with adults, for example they have seen increased episodes of hoarding and Obsessive Compulsive Disorder.

The Lead Officer indicated that they have seen a sharp increase in domestic abuse reports. All of these things compounded, and there has been an increase in children in families as victims of domestic abuse.

It was added that there had been an increase in sibling abuse also due to the stress of elder children being locked inside and also with relatively young adults living with parents, there has been a rise in domestic abuse of older children on their parents.

The Head of Service noted that we can see across the country, in reports of the press that the weakest have suffered the most from this and the ones with the least resources are hit first and the hardest.

The Committee gave their thanks to the officers for the report and their presentations and agreed to accept the report.

4 **Annual Information Risk Report**

Invitees:

Rhys Cornwall – Head of People and Business Change

Mark Bleazard – Digital Services Manager

Tariq Slaoui – Information Manager

The Head of Business and People Change provided the committee with a brief overview of the report and stated that it is the ninth annual Information Risk Report, which is not a statutory report but is done every year as a best practice approach to information

management and security, fundamental for transparency. The report provided an overview of arrangements and highlights importance of information governance.

The Digital Services Manager acknowledged that the context of said report is at an unprecedented time where risk management is mainly from working from home which presents different challenges. For instance, the blurring of work and personal lives could increase the risk of staff being targeted by cyber criminals due to the unique circumstances that people find themselves in.

The officer went through specific highlights of the report and what they are required to deal with in terms of certain elements of compliance. The Public Services Network enables them to connect the network to manage their information and security appropriately, managed by the cabinet office. It was indicated that they had made two submissions that have been unsuccessful which was a challenge and has been escalated with SRS.

The GDPR Data Protection Regulation is guidance for the council on how to handle the data. Members were advised that the council are comfortable that they are managing this information as an organisation should, it was mentioned that there are clear privacy notices on the website detailing how the council holds its data for openness and transparency.

A further element of compliance was the payment card facility, the council are compliant but they had some challenges a few years back. In order to resolve this, the team are working through a procurement exercise to work with experts and are confident that they are doing things well in terms of progress but will do things slightly differently over the next couple of months, this is an ongoing process which has been delayed due to a bereavement but the members were assured that the team are back and working on the project.

With regard to the data standards, the officer assured the committee that the Council is well tried and tested in terms of arrangements within the staff, for example, Head of Law and Regulation is the Senior Information Risk Owner, Head of People and Business Change is the operational head of team, an information governance group that they meet up with and the Digital Services Manager is the Protection Data Officer.

The officer explained that for 2021, they undertook a staff survey on GDPR and the results included within the report provided, noted that there is more work to follow up on and actions that will be taken from that.

The committee was advised of a positive mention that the digital team had a two years of service level agreement with local primary schools which was very beneficial for them and a great step as it encouraged lots of queries from them in terms of communication and awareness being raised.

It was explained to the members that the staff were identified as the weakest link for the security risks, therefore the council has a liability to get their staff well informed and educated as much as they possibly can. It was mentioned that they do regular sessions, mostly on teams, when they were in person they would be organised within the Civic Centre. The team will commence proper courses again, the officer told that the e-learning course on GDPR has been excellent as a large number of staff have brushed up their knowledge.

The officer acknowledged that with the staff survey that they need to do more analysis on what is important and communication will be a big part of that. Members were advised that the next risk management issue would be situations where important paperwork goes astray, confidential emails being sent to the wrong recipient. The committee was informed that the team has an action plan for such situations.

The Digital Services Manager reported that they share responsibility with data controllers as part of the Track and Trace Service, designated joint resource with Public Health Wales. The committee was informed that the amount of data is minimal but due to the issue that was

reported to the information commissioner's office which was publicised, the Public Health Wales team were transparent by releasing a statement to ensure the public were aware of risks.

In terms of technology solutions, the committee was informed that they are quite well placed with people working remotely but are changing their solutions with secure email systems such as egress for an example. It was explained that when the report was written they were in a process of moving to a different solution which has now been resolved.

The IT Partnership with Shared Resources Services proposed a security operation centre and a security information management system. Such systems would log activity and concerns about the network with individuals to support. Members were advised that they are now at a place to agree a budget for this plan to enhance the Council's current security arrangements which will change the remote working situation and bring about security benefits for VPN. Ransomware was mentioned as a huge threat in both public and private sectors but the team are well aware of this and they are working on the solution to mitigate the risk of remote working and cyber risk.

Members of the Committee were then informed that the team had a great response to providing information on Freedom of Interest requests, as they exceeded their target this year.

The Digital Services Manager went on to highlight that staff did experience issues with subject access requests which were personal data queries, indicating that they missed the target on that. This was primarily due to the issue of physical access to the records as a result of workers being remotely working. The committee was assured that this will improve going forward into the next half of the year.

The Committee asked the following:

- A Member expressed concern on making the information more readily available to everybody on the website in terms of Freedom of Interest requests. With regard to subject access requests, the member further queried the main reason for why members of the public request them. The Member further noted the website outage issue and asked if that could happen again.

The Head of People and Business Change explained that many for Freedom of Interest requests are from companies when looking for commercial opportunities and the council try to put them on the website in an allocated FAQ area to prevent staff from going through the same lengthy curation process when the work has already been undertaken to answer it.

With regard to the website outage, the Head of Service replied that generally the IT structure is very stable, at 99.4% of the time, but the outages are for a variety reasons, mostly out of the council's control. The officer could not give a guarantee that it would not happen again but reassured members that measures with the capital refresh plan with Shared Resources Services on the infrastructure will alleviate the systems. This has been agreed by Cabinet in October to move the date to roadmap for high resilience in place to mitigate such situations.

With regard to the subject access requests, the Information Manager responded by pointing out they are requests under a certain legislation data protection act as from 2018 it become a statutory requirement to respond to such requests within one month. This goes for private sector also, not just public sector. In terms of the reason why, they get a multitude of reasons but the most common reasons mentioned were social services records for a child they need information on, education records, and

history of payments of council tax. The department receives various ad-hoc requests in addition to these. Information services then pass this request to the relevant service area to collate and respond accordingly within the law.

- A Member enquired if possible for more transparency around Freedom of Information requests and reiterated that the substantial website outage caused problems across the council.

The Information Manager responded by referring to the Transparency page which is on the council website as it entails commonly asked FOI's. For example, pupil numbers in a school and in past cases, and business rates but due to a court case they do not do that now. The officer explained that they cannot put every single individual request online but it is something that they review as they need to consider the consequences that could arise from it and the resources it would realistically take. Members were advised that the team update these quarterly depending on what data it is set on.

The Digital Services Manager directed the member to the newport.gov Transparency page and echoed the Head of People and Business Change's comments that the website outage issue was unusual and they recognised that it had a big impact. The data structure was old which may have caused issues but explained that new equipment has been bought and the team undertake capital refreshes which help with reducing issues.

The officer went on to explain that the overall resilience would be the move to the cloud however the officers could not guarantee that there will not be any down time but however such providers are well equipped for providing solutions.

- A Member commented on how the stakes are high with fines if an organisation discloses information by breaching data rules, and asked if the council would be fined £20 million if the same happened to them.

The Head of People and Business Change responded with confirming the figure but clarified with the committee that the figure mentioned was the highest fine that has ever been charged, which was against British Airways for a notable data breach. This was more than £20 million with euros based on turnover. The original proposed fine was actually significantly higher than that but it was reduced to 20 million due to the pandemic's impact on the sector and noted that this fine highlighted the risk involved with breaches.

- A Member expressed concern that the organisation would have to pay that price by upping their costs and passing it on to their paying customers. The member enquired whether the same could happen with the council, and if it did, would they apply higher rates to the public if ever fined with a breach?

The Digital Services Manager confirmed that the council is a Local Authority Body which does not profit and realistically, councils would not be looking at that scale of fine. The council is at the stage of prevention and does not treat data vigilantly just because of a financial penalty, it is because they are handling very sensitive data of their local residents.

The officer stressed that the reason they are there is to service residents and it would be a matter for Council to debate if incorporating a data breach fine needed to be repaid via taxpayers.

In contrast, if the council committed a large breach, they would not be looking at a fine large enough to make the council do anything drastic and there are arrangements in place to ensure that they do not end up in such a situation.

- A Member commented on the fact that the weak link of this is human error, which is down to the staff. They queried whether in dire straits, would a disgruntled member of staff release information, seemingly by accident?

The Head of People and Business Change acknowledged that both staff and members alike make error in judgement and that it will always be the most difficult in process of procedures to resolve. The committee was advised that the council has measures in place to ensure that a breach would not happen.

The officer pointed out that £300,000 is the highest that a corporation has had to pay and the fine should not be the factor that drives vigilance.

- The committee referred to the report and outlined the fact that the council does not know how much sensitive data they are holding. The members queried whether there was a method in place to sift through what the council does hold and what it does not hold?

The Digital Services Manager commented that the team has a good idea of what information they hold, they have more breadth of services as they have an asset data system.

The council holds details of what data is held within the council whether it is health data or sensitive personal data. The officer stressed that they are looking to expand that further not just with the primary systems but some of the smaller data systems which would mitigate a risk of a potential breach.

- A Member noted the stock take mentioned within the report. The committee asked how the council does a stock take and asked the officers to confirm what a good score would entail.

In response, the Digital Services Manager asserted that a cyber-stock take is done across Wales and the local authorities and takes the form of self-assessment. The Council is provided with a score on those particular areas.

The team highlighted previous concerns about ransomware and as a result of the stock-take the Council's resilience to ransomware was boosted.

The officer recognised that they need more staff awareness training to make them aware of their obligations such as through online courses as there is always more that they can do to mitigate such risks.

- The committee asked that when the council undertakes the self-assessment if we are scored by a third-party.

The Digital Services Manager confirmed this and that this is done for Wales centrally. The team provide responses and they analyse and compare different organisations and are able to advise on different departments with governance arrangements. With cyber security, there are lots that organisations do but when those risks increase, organisations need to do more so it is best to have them assessed centrally and hear what they perceive to be best practice on those areas.

- A Member of the committee asked the officer what did the council score on the self-assessment.

The Digital Services Manager could not recall the exact score but was confident that it was above average across the authorities.

- The committee then referred to page 67 for the table including the number of incidents. Members enquired if that was part of the process.

The Digital Services Manager replied by stating it was not, as they do a self-assessment on particular areas by asking about their procedures. Not about the activity or how many incidents/breaches have been reported.

- The Committee commented on the uniqueness of agile working and queried whether over the last 12 – 15 months of staff working remotely and relying on their own Wi-Fi, would cause any concern in terms of cyber-attacks?

The Digital Services Manager explained that theoretically it would be a higher risk to an extent. However it was explained that the council had people working from home previously prior to the pandemic so the technical solution remains that when emails are sent, the data is encrypted from end to end. The data is scrambled and cannot be intercepted, just the same as in the office so in reality there is not an increased risk.

Head of People and Business Change added to this by explaining that there are certain risks with staff working in remote locations but not necessarily the IT side of it was the risk. The council discourage paper records and are more focused on IT provisions. The officer highlighted that it is safer than an individual leaving confidential paper records somewhere, as if somebody left their work laptop elsewhere the multi-authentication log in procedure would mean that nobody can access the records on the drive. One requires a technical solution while the other requires awareness and vigilance training.

The Digital Services Manager noted the recent central government breach of a staff member leaving critical government information at a bus stop. This ultimately reiterated the point that human error is where mistakes are made, where the challenges lie.

- A Member of the committee referred to the payment card industry and noticed that in the report it mentions that our compliance has lapsed. The committee asked if they could have more information on what that means and what potential risks come with that. The committee also noted that it states in the report that the projects should be completed by Summer but the action plan stipulates that it will not be ready until Autumn.

The Digital Services Manager noted he would resolve which of those would be a more appropriate date and will report this accordingly. In terms of PCI standards, they are not mandated by law but it is seen as best practice. The officer noted the bigger risk is in human error such as staff writing down card numbers.

Members were advised that the risks are small because the processes and technical solutions are in place however the officer mentioned that there will be gaps such as issues of segregation of card traffic on the wider network.

- The Committee queried for a wider Public Relations perspective as the public want more reassurance that when making a payment online, it will be safe. Due to more services being paid online such as council tax bills, it would be good practice that the council could get this arranged in August as the report states and not wait until October time.

The Head of People and Business Change reiterated that with card payments to providers, the council go through PCI compliance. There would be a negligible risk associated with it and it is best practice to operate on the most secure practice models for data security. The officer explained that the timescales have changed because as the Digital Services Manager said earlier in the meeting, that once the council gets through the procurement exercise they will be able to get external support to get over the line with some technical issues.

The lead officer mentioned that there was a bereavement within the task force which resulted in time losses and the Digital Services Manager agreed that this impacted on the timeline but this is also due to ensuring best practice to get expert advice.

- The committee asked with regard to the GDPR Survey. What was the percentage of staff who responded to the survey and how did the team determine the staff to sample?

The Digital Services Manager gave an approximate figure of 15% of staff that had responded. They are looking at trends but overall they have received a better response this time around.

Members were advised that the survey was published to all staff through bulletins on the intranet and therefore did not sample as such with the usual practice of making it voluntary for people to complete the survey.

- Members queried whether the team could take a more focused management approach to this to determine who the key people are that would have access to these records.

In response, the Digital Services Manager clarified that this is complimentary to the work. For instance, Head of People and Business Change has operational responsibility for this area, Head of Law and Regulation has the senior information risk owner side of it and there is an information governance group which looks at these issues strategically and meets quarterly. The team review major incidents and look at training programmes.

The GDPR staff survey was to get more of a grassroots staff opinion on how the digital team are doing and what their perceived issues were. It is designed to complement all of the existing kind of people and processes that could have an impact on GDPR.

The officer stressed they want to ensure they inform the organisation accordingly with regular messages sent out.

- A member of the committee queried whether there has been any work on the legacy records being sorted and catalogued.

The Digital Services Manager confirmed that they have a facility within the Civic building with modern records, where archived records are stored with around 5000 boxes worth of files are in there. Members were informed that there is a smaller amount of storage that needs to be resolved and the digital team are in a process of

trying to organise this. Until recently, the digital staff did not have the capacity to store some records due to the retention policy but were able to destroy a few records in order to have room to store what is currently needed to be kept.

- The Committee recognised that some of the data does not expire such as personal historic information and asked if it would be a reasonable request to keep these as they could be passed on to future generations? Members appreciated the enormity of the problem of storing this much information.

The Digital Services Manager responded and stated that there are different retention timelines on different types of records. Social services records can be held for up to 99 years. The officer agreed that is a bigger challenge and previous quotes to scan the whole room would cost hundreds of thousands of pounds but it is something the team would have to consider for the future use of the building.

Members were then advised that they do need to maintain some records and this equates to around 3000 boxes worth. Due to the usage of electronic storage of the last 7-8 years, the amount of paper stored has been reducing slowly but they have a bulk of social care and historical records that are vital to be kept.

The Chair and Committee thanked the officers for their comprehensive introduction and answers.

5 Annual Digital Report

Invitees:

Rhys Cornwall – Head of People and Business Change

Mark Bleazard – Digital Services Manager

The Head of People and Business Change gave a brief overview and stipulated that this was the first digital report to come into scrutiny as the previous one came through during lockdown period of the pandemic. It complements the risk report information so it may duplicate some of the information discussed on the previous item. It is something critically important over the last 18 months for us as an organisation.

The purpose of the report is for views on the digital response and how it comes together to work, the officer then reminded the committee that this is not for performance data from Shared Resources Services. That is reviewed by the Partnership Committee and asked the members to steer away any questions from the performance review of SRS staff as it would be unfair due to them not being in the meeting today.

The Digital Services Manager noted the number of similarities with the risk report against the backdrop of a pandemic, technology has been of great importance to organisations as it highlights the importance of security and technology in the democratic process by keeping it going.

Members were advised that in hindsight, in order to facilitate more flexible and remote working, the council had laptops in the facility for long period of time. Admittedly they did have to scale up a bit to log in remotely in council – with previous logged issues with heavy snow so less people could log in at the time, but the digital services team were able to put things in place to facilitate working remotely quite seamlessly from past experiences.

The Committee was informed that the digital team are strategic in forward thinking and Sam Ali and the Digital Services team lead on this. They have internal engagement with Heads of Service of what their problems may be and as previously discussed, the website outage being minimised as much as possible so in all looking to increase their resilience in the strategy.

There will be external stakeholders working with Sam Ali in the Digital Team which is linked with other areas such as Shared Resource Services and how the council secures its data and the processes with keeping it secure and mobile with accessing systems from remote locations and handheld devices.

The Officer stated that in terms of governance, the partnership with Shared Resource Services is key to delivering service as the digital team require the SRS staff to undertake technical work for us. The SRS team are vital to the delivery of the service and additional funding has been provided for the digital team. Last year it was reported that this funding assisted the team with the replacement of equipment, such as the new laptop replacements for staff and now there is money allocated for migration to the cloud. Additional posts have made a difference to the team as their newcomer has been making positive contributions to the team.

The key performance measures were discussed by the Digital Services Manager. Members were shown that the delivery against the service level agreement was well above target. The team needed to work with other areas so were able to work collectively to reflect the way that Shared Resource Services attempt to do their work, for example they understandably now receive a much higher number of calls a day.

The officer elaborated on the funding arrangements to the committee to outline how it works. It was pointed out that Shared Resource Services is funded by partner organisations and does not have funding from somewhere else, it comes from contributions. Such conversations about the matter would take place but the officer asked the members to keep it in their understanding that the money that they spend on Newport effectively comes from Newport itself as it needs to be a collaborative arrangement. The council has contract systems and budgets for other systems within Newport where this gives the digital team some sort of control on spending on some areas.

Members were informed that for 2021 to 2022, the digital team have another £250,000 that has been allocated to the budget and that they have initial plans of what to spend this on. As the officer previously mentioned in the Risk Report, security operations centre and an event security management system has been suggested to enhance the council's online security with a budget to improve this and it is likely that the council could add more of the data systems to the cloud. Specifically in relation to local schools, the officer explained that the council has contributed significant amounts of money into schools and mentioned that the Assistant Head of Education and Digital Projects Manager did a lot of good work with the team to make a difference in IT provision in schools. The officer gave credit to the Welsh Government for signing the funding into that.

The officer informed the committee that they worked in cross sections and got involved in lots of projects with technology pieces for example the test trace and protect service. This was critically important and still is in the fight against the pandemic where some of the solutions they manage incidents by using some of the council's local systems. They also used email system and chat facilities and the postal systems via the mail room of the civic centre. The officer also mentioned that there was a HR and payroll project to make most of the system online in order to maximise their investment in that solution.

Another positive contribution mentioned by the Digital Services Manager was the work put into the live streaming of services for the Gwent Crematoriums. This infrastructure was not present before the pandemic, much of it was a joint effort of Shared Resources Service and Digital Services.

The officer also mentioned that the equipment in committee rooms of the civic centre have been enhanced to improve connectivity with the option of touch screens and webcams installed, as a result there are now more 'new normal' facilities to dial in remotely.

The Head of People and Business Change added to this that pre pandemic that this equipment was proved invaluable to social services as it was utilised for meetings and interviews. It was there from the Government and Local Elections Act but not just the pandemic.

The Digital Services Manager went on to state that the information risk report was agreed by cabinet last October. It was approved for us to move to a new data centre to improve the council's resilience and part of that will be a shared facility with our partnerships, this will bring about benefits for the collective infrastructure alongside the cloud coming in with two further data systems migrated into it from 2020 to 2021.

The Committee was informed that a new financial system is planned for October 2022 on current plans to go live, the cloud hosted this system. With the direction of travel, with the addition of funding support the digital team will be able to be more proactive with this and able to maintain technical solutions.

The officer explained that they have already replaced audio visual rooms within the civic however mentioned that the council chambers are a bit more complicated to work with. It was confirmed however, that the council was successful in its funding bid to Welsh Government for the Digital Democracy Fund which was around £52,000 in order to facilitate and upgrade software for that from existing suppliers with a number of enhancements for equipment for council chambers, such as the projectors and sound system facilities.

Members were reminded that the council has civic Wi-Fi around the centre in both public buildings and buses. Despite the significant saving target for 2021, this has been raised to 2022 to reduce public Wi-Fi usage but given the situation, they realise with the savings that the digital team will now take a different approach based on impact of pandemic.

Digital inclusion is important, and the team are currently looking to make savings with minimal impact on the public Wi-Fi but will not look to remove this service as they previously intended to.

The officer recognised impact of the pandemic has had on all aspects of life and explained that the Head of People and Business Change is working with the new normal group and working through democratic services at the moment. To conclude, going forward, the team will continue to work in a different way from pre-pandemic. Members will have their view on which end of the spectrum that this will be but technology will need to still support the new normal.

Questions were welcomed from the committee.

The Committee asked the following:

- A Member of the committee showed their appreciation for how far the council has come in terms of digital equipment and working methods. With regard to the Track, Trace and Protect Project in the report, the member queried if we have a separate one in Wales, or is it part of the national system? If so, the Member asked the officer to confirm how much the council is involved with that and asked if possible to expand on that considering the logistics of the project, whether it is a reliable system or not.

The Digital Services Manager replied that the report is primarily around support for the service rather than for the service for itself.

The Head of People and Business Change asserted that the report was a brief overview not within the scope of such projects, but the Track Trace and Project is delivered as a regional board through Local Authorities and Public Health Wales. The

council recruited and redeployed a lot of staff which was a fundamental part of the Environmental Health section with mutual aid with the support of Shared Resource Services with the technical equipment to ensure the staff could operate. In hindsight, it was all set up in a very short period of time during June 2020 as part of the national approach but locally, it was a very significant project which relied on local resources and organisational support.

- The Committee then enquired whether it was funded for by the regional board and in terms of cost to the authority, could they quantify their commitment to the project.

In response, the Head of People and Business Change confirmed it was a funded service with a budget from Welsh Government to service all aspects of it. However, there are parts that we cannot quantify, which is time. We cannot quantify the Digital Team's time, the several of digital staff were redeployed into the covid response work, how to manage the stock and setting up equipment and organisational priority to ensure that it operated properly without resource strain but on the whole it was responding to a global pandemic so it was an unprecedented time.

- The Committee asked if the council are prepared for the next annual cycle.

The Head of People and Business Change replied that a piece of work is underway, from a February Meeting that came to Cabinet in June on what the approach would be. From a technological point of view, the council digital team has been discussing a range of methods and have been on that enhancement journey for a few years now. The Council had thousands of people working remotely within 3 days of the announcement of a national lockdown in March 2020. This was due to the IT department, the Digital Services team. Members have laptops and iPads, and office 365 which is cloud based.

The Lead Officer stressed that not every local authority was lucky enough to be in that position due to the journey that the digital team has been on for years and it paid dividends at that moment in time. The pandemic helped us learn also about key points on how to get work going with provisions in place such as a lockdown.

The committee was advised that the team continued to move to the cloud system to improve their resilience and from an IT perspective, the equipment has gone into the committee rooms for hybrid meetings, where a fair few were already in place and the officer stated that the council is well on the road for more developments within the digital strategy.

- A Member commented on the fact that 2000 people working from home was astounding and the foundation laying has certainly paid off and was definitely worthwhile.

The Member asked with regard to the council website;

Who is responsible for the functionality and design? And is there any opportunity to discuss the design in order of finding things more easily?

It was noted that the transparency page previously mentioned was not found before this meeting, even in the pre-meeting we were unable to find the page.

The member then asked if it would be worth having a report on how much usage of the reporting app has increased over the past two years through that platform.

The Head of People and Business Change replied that they would do their best to review and develop the council's web presence. With the current website, its functionality does a lot of things as the system is integrated. With regard to the system, there are 60,000 household accounts. It was explained that they can get information from the relevant customer services group on that data for account numbers and usage.

With regard to the technical support, the officer clarified that the service provision and integration is not really within IT's remit. It involves more of the Shared Resource Services team, Strategic Communication and Marketing on how the council interface and also through the customer services channels via City Services. In short, the council all own a part of it but assured members that work is currently in training to pick that up and create a more improved web presence to look better and work better.

- The Committee mentioned that they would like to see more support for people to use these apps more and stated that an improvement in communication would be good for efficiency savings for instance by reducing the waiting time for the customer services line. The Committee understands there is a telephone line for reporting issues, but they asked if it would be better to be able to have an email address to email IT queries through to?

In response, the Digital Services Manager confirmed that they do not have a generic email address for the desk as there is a log system through the Self Service Portal which is managed a lot better through the structure but however appreciates the easiness of an email address option.

The Head of People and Business Change acknowledged that it would be an ease of use point but mentioned that Sam Ali a member of the team, is leading on the development of the digital strategy and is working with the WLGA from a digital point of view on how they need to work to make people's lives better. There seems to be a digital divide, exposed by the pandemic where people cannot access certain things some of us take for granted.

The lead officer explained that savings were previously to be made from removal of public Wi-Fi but now cannot remove that cost as Newport communities now require access more than ever. It was noted that the council will still have individuals who need extra support with technology, but the team are improving on how they can give them their tailored support to free up the resource by improving the channel of reporting generic usual needs that need to be dealt with and resolved quickly.

- The Committee asked how the Shared Resource Service KPIs are determined and if there is a conflict with the services such as police/ambulance services? If so, how are such conflicts resolved?

The Digital Services Manager replied that there is a service level agreement which is the same across all partners and is agreed by SRS periodically. Some may need a review to reflect on how they are sorting more calls at the first point of contact but in terms of general principles of performance, they highlighted that their team has a role in working between the council and SRS. For escalations and priorities, the team undertakes a lot of work with Shared Resource Services such as regular forums, strategic boards and the financing board. The Delivery Board was mentioned as they discuss about strategic issues and issues on the day.

Since the pandemic, regular meetings with SRS colleagues have been beneficial to discuss pressing issues and now there are much less issues than there were in the early days of the pandemic, for instance with the crematorium live streaming but the council are now in a much better position. This regular dialogue with the partnership with the SRS team is for all of the team's benefit.

The Committee thanked the officers for their time.

Conclusions

Following the completion of the Committee reports, the Committee will be asked to formalise its conclusions, recommendations and

comments on previous items for actioning.

The Committee noted the Annual Corporate Safeguarding 2020/21, the Annual Information Risk Report and the Annual Digital Report and wished to make the following comments to the Cabinet:

Annual Corporate Safeguarding 2020/2021

- The Committee wished to recommend more monitoring the resources for the safeguarding team as they appreciated the increased need for it due to the 10% increase of referrals.
- The Committee expressed their gratitude for the difficult job that the service area do. It was mentioned that the report itself was more of the operational side and did not give much insight into the underlying difficulties that they face and the issue of the report of the performance measures will not be published until June 2022.

The Committee requested that the Corporate Safeguarding provide more details on frequent problems, avoiding the confidentiality risk of certain details being shared.

- The Committee also recommended that they remove the option for the scrutiny committee to comment on the Safeguarding staff structure and if it is fit for purpose. The members felt it would not be for them to comment on such an important structure that they do not have a good understanding of.

Annual Information Risk Report

- The Committee acknowledged that it was the first time the report came to Scrutiny so the format was more detailed than usual presentations. Members appreciated that the last two presentations were comprehensive.
- The Committee therefore requested that in future, the presentations could be more of a brief overview so they can open up questioning from the scrutiny committee sooner.
- The Committee also recommended for the officers to slim down the reports but were reminded by the Scrutiny Adviser that they have reduced the number of agenda items hence why there is an extra meeting date to ensure the meetings are shorter.
- Discussion ensued and the Committee requested that the reports could be more slimmed down and the executive summary could be detailed with the main points included to help with questioning.

Annual Digital Report

- The Committee wished to make the recommendation that FOI requests be kept up to date on the transparency page of the Council website.
- The Committee acknowledged that it would take a large forum for the design of the website to be discussed but wished to recommend that the council considers improving its web presence by making the channels on the website easier to find in order to be more functional and easily accessed, this could also free up officer time with reduced queries.

6 Scrutiny Adviser Reports

Invitees:

Connor Hall – Scrutiny Adviser

The Scrutiny Adviser presented the Forward Work Programme, and informed the Committee of the topics to be discussed at the next committee meetings.

The officer advised the committee that they will be adding the City Centre PSPO to the meeting on 30 July 2021 for the Parks PSPO with the possibility for a further meeting on 23 September to further discuss the City Centre PSPO.

The officer queried who the members would like to invite any certain bodies in particular for this, committee explained they were reluctant to invite just one isolated group of people.

The officer then asserted that with recommendations, it would go through and then further queries for the police would make it go through the police consultation for the council to possibly revisit on 23 September 2021.

Discussion ensued and the officer reminded the committee that due to the length of meetings, an additional date was added and proposed 23 September reason being that the PSPO runs out on 23 August and would like to bring it to the committee before that.

The Committee came to an agreement to do both Parks and City Centre PSPOs on the 30 July 2021 meeting.

The Scrutiny Adviser thanked the members of the committee for their attendance.

Meeting terminated at 12:51pm

The meeting terminated at 12.51 pm

Scrutiny Report

Overview and Scrutiny Management Committee

Part 1

Date: 24th June 2021

Subject **Parks PSPO**

Author Overview and Scrutiny Officer

The following people have been invited to attend for this item:

Invitee:	Area / Role / Subject
Joanne Gossage	Service Manager Environment and Leisure
Jennie Judd	Team Manager – Parks and Recreation

Section A – Committee Guidance and Recommendations

1 Recommendations to the Committee

The Committee is asked

1. Agree or otherwise the restrictions proposed by the draft PSPO for Cemeteries, Parks, Open Spaces and Countryside sites Managed and or owned by Newport City Council.
2. Satisfy itself that the evidence provided is sufficient, or otherwise, to progress to consultation on the draft PSPO.
3. Consider the consultation plan and determine whether the proposed consultation is targeting the most appropriate people/organisations and whether the chosen medium of consultation will provide the necessary information for the process to proceed.
4. Agree to review the outcome of the consultation and consider the final draft of the PSPO at a future meeting.

2 Context

Background

2.1 What is a Public Spaces Protection Order?

2.2 Public Spaces Protection Orders (PSPO) specify areas where activities take place which are or may likely be detrimental to the local community's quality of life and public health. The order impose restrictions on how people may use specified areas.

2.3 The Anti-Social Behaviour, Crime and Policing Act 2014 which came in in October 2014, introduced the Public Spaces Protection Order (PSPO). The Act repeals Dog Control Orders, Gating Orders and alcohol Designated Public Places Orders. Newport has a number of dog control orders on sensitive sites in addition to by-laws on parks and open spaces. Many of these are now out of date and all need to be replaced under the new legislation.

2.4 There was a three year time limit for local authorities to replace these existing orders with one or more PSPO. We therefore propose to review all such orders which were in place in Newport and achieve consistency across all publically accessible sites owned and managed by the Council.

2.5 What is a Public Spaces Protection Order?

2.6 A PSPO is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or be likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing nature; and be unreasonable. The power to make an Order rests with local authorities, in consultation with the police, Police and Crime Commissioner and other relevant bodies who may be impacted.

2.7 The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.

There are particular considerations for registered common land, town or village greens and open access land. The maximum length of a PSPO is three years.

2.8 When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the European Convention on Human Rights. Consideration of a Public Spaces Protection Order will take place where there is material evidence of anti-social behaviour. Assessments will commonly include reports to the police, and various Council teams and partner agencies.

2.9 Restrictions

2.10 Restrictions and requirements are set by the local authority and can be blanket restrictions or requirements, or can be targeted against certain behaviour by certain groups at certain times. They can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.

2.11 Orders can be enforced by a police officer, police community support officer and council officers. A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a prosecution via the courts which can result in a level 3 fine, £1000.

2.12 Appeals against the setting up of a PSPO

Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. Further appeal is available each time the PSPO is varied by the council.

3 Information Submitted to the Committee

3.1 Proposed PSPO?

3.2 Public Spaces Protection Orders (PSPO) specify areas where activities take place which are or may likely be detrimental to the local community's quality of life and public health. The order impose restrictions on how people may use specified areas.

3.3 This order will cover issues such as the control of dogs on public sites including dog fouling, keeping dogs on leads and excluding dogs from specified zones or sites.

3.4 In summary the order:

- **Excludes dogs from:**
 - enclosed children's play areas
 - specific coastal areas and beaches at certain times of year
 - specific sporting or recreational facilities at certain times of the year
- **Requires dogs to be kept under close control or on a leads within:**
 - City Council churchyards and cemeteries on a lead
 - Countryside or coastal sites as directed
 - Sites designated for nature conservation and protection as directed
 - Along cycleways and Active Travel routes as directed
- **Requires dog owners to remove dog faeces forthwith**
 - This applies to any land to which is open to air and to which the public have access
 - To carry a suitable receptacle to collect and dispose of dog faeces
- **Requires dog owners to put their dog on a lead when directed to do so by an authorised officer or by appropriate signage on site.**
 - This will apply to any public land where a dog is considered to be out of control or causing alarm and or distress

3.5 Proposed Consultation

3.6 We feel any PSPO ought to have the buy-in of those affected by it. In an ideal world, we would hope that such was the universal support for the measures it would become self-policing.

Accordingly, we propose to consult widely with:

- Parks Users: General Public, Sports Teams etc.
- The public via elected Members and via press releases and the website (with a questionnaire allowing the public to vote for what they would like to see in a PSP and to add other measures to the above list).
- Gwent Police, Police and Crime Commissioner

3.7 A list of the site where the POPO's will be applicable are detailed in **appendix 1**.

3.8 The online consultation will run for a period of four weeks, with a copy of the consultation document and all of the relevant maps being available to view online. Upon completion of the Public Consultation all data will be put into a report format and also used to help inform the fairness, equalities, impact assessment.

3.9 A copy of the proposed consultation questions are detailed in **appendix 2**.

4. Suggested Areas of Focus

4.1 The proposed content of the new PSPO is detailed below.

Section B – Supporting Information

5 Supporting Information

5.1 The necessary evidence to support Scrutiny Committee in making its decision is included in the appendices associated with this report.

Appendix 1	A list of the sites where the PSPO's will be applicable.
Appendix 2	A copy of the proposed consultation questions.
Appendix 3	A copy of complaints relating to dog faeces and dogs off leads.
Appendix 4	Examples of other Welsh Local Authorities PSPO's.
Appendix 5	Maps and plans

5.2 These can be summarised and included within the body of the report, or linked for background reading.

6 Links to Council Policies and Priorities

- Summarise how this report aligns with Council priorities – in particular the Corporate Plan and wellbeing objectives:

Well-being Objectives	Promote economic growth and regeneration whilst protecting the environment	Improve skills, educational outcomes & employment opportunities	Enable people to be healthy, independent & resilient	Build cohesive & sustainable communities
Corporate Plan Commitments	Thriving City	Aspirational People		Resilient Communities
Supporting Function	Modernised Council			

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

Newport City Council's Corporate Plan "Standing Up for Newport" 2012-2017 (Relevant priorities: "A Greener & Healthier City"; "A Safer City").

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

7 Wellbeing of Future Generation (Wales) Act

7.1 General questions

- How is this area / policy affected by the new legislation?
- How will this decision / policy / proposal impact upon future generations? What is the long term impact?
- What evidence is provided to demonstrate WFGA has been / is being considered?
- Evidence from Community Profiles / other data?
- (When published:) Evidence of links to Wellbeing Assessment / Objectives / Plan?

7.2 Wellbeing Goals

- How are the Wellbeing goals reflected in the policy / proposal / action?
 - *A prosperous Wales*
 - *A resilient Wales*
 - *A healthier Wales:* to provide an environment where people of all demographics can socialise, exercise and take part in formal and informal leisure activities, without the fear of coming into contact with dogs off a lead, and dog faeces which has not been appropriately collected and disposed of, thus discouraging people from exercising and potentially posing a serious health issue to facility users. To provide designated leisure facilities or spaces within Parks that facilitate dog owners and their pets to freely exercise, without the fear of being challenged.
 - *A more equal Wales:* to provide an outdoor environment where all individual needs are met and facilitated in a safe way, ensuring that no persons are excluded.
 - *A Wales of cohesive communities*
 - *A Wales of vibrant culture and thriving Welsh language*
 - *A globally responsible Wales*

7.3 Sustainable Development Principles

Does the report / proposal demonstrate how as an authority we are working in accordance with the sustainable development principles from the act when planning services?

Long term: The introduction of Public Space Protection Orders within Cemeteries, Parks and Countryside Facilities, brings Newport City Councils (NCC) provisions in line with other neighbouring Local Authorities. The introduction of the PSPOs will replace the now expired Dog Control Order. This will help to provide a safer environment for all demographics to take part in outdoor recreation including formal and informal play, without fear or unwanted contact with a dog that is being exercised off a lead. It also assists in reducing the danger of persons coming into contact with dog faeces that has failed to be appropriately disposed of. Although no such cases have been reported to the city Council, it has been widely reported upon throughout the UK that children and adults have suffered from gastrointestinal parasites and even blindness, when coming into contact with dog faeces when taking part in formal sports and informal play. The introduction of the Dog Control Orders will ensure that Newport City Council is continually striving to provide a safe and inclusive environment, for all people to take part in different forms of Leisure activities, whilst also providing suitably allocated locations and spaces where dog owners can freely be exercised, without the fear of being challenged.

Prevention: The Order would allow for Council Officers and Police Constables to demand a dog is placed on a lead if it is deemed as being a nuisance or could cause harm. It must be pointed out though that the wording of the legal order states that this will only take place if it is deemed necessary to do so. Signage will also be displayed to remind people of their responsibilities in area when officers are not present.

Integration: This report supports the following Well-being and Future Generations Goals and NCC Well-being Objective number three; to enable people to be healthy, independent and resilient.

A Healthier Wales – to provide an environment where people of all demographics can socialise, exercise and take part in formal and informal leisure activities, without the fear of coming into contact with dogs off a lead, and dog faeces which has not been appropriately collected and disposed of, thus discouraging people from exercising and potentially posing a serious health issue to facility users. To provide designated leisure facilities or spaces within Parks that facilitate dog owners and their pets to freely exercise, without the fear of being challenged.

A more equal Wales – to provide an outdoor environment where all individual needs are met and facilitated in a safe way, ensuring that no persons are excluded.

Collaboration: By Introducing the Public Space Protection Order we have measured our approach against other neighbouring local authorities of a similar size and demographic. We believe that this is fundamental to our tourism economy, as well as contributing to the education, health and well-being of our residents. It is imperative that the councils Parks & Outdoor Recreation and Countryside Services, and infrastructure is of the highest standard, to continue to provide physical activity and education opportunities, along with partnership working with key stakeholders such as Newport Live, Keep Wales Tidy, Gwent Wildlife Trust, Sport Wales, WRU, WFA, RSPB and volunteers and friends groups. This can only be achieved if there is continued and planned investment into such community and green infrastructure

Involvement: We will undertake a number of formal consultations and enter into direct discussions with representatives of the Kennel Club, and other stakeholders. In addition, there will be a period of public consultation regarding the Public Space Protection Orders which will be advertised in the South Wales Argus, objectors will be encouraged to submit their objections in writing to be considered as part of this Cabinet Report. We have also looked at the demographics of our City to ensure that our charges are pitched to a level that will continue to promote Newport as a suitable venue for physical activity and outdoor education, without discouraging those who are on fixed or low waged incomes.

8. Background Papers

Include all additional documents that are referenced in the report, and those that you have used as background reading. Hyperlink to online versions of them if available.

- [The Essentials - Wellbeing of Future Generation Act \(Wales\)](#)
- [Corporate Plan](#)

Report Completed: December 2017

Appendix 1: A list of the sites where the POPO's will be applicable

Ward	Site Name
Allt-Yr-Yn	Sorrell drive Fixed Play
	Sorrell Drive MUGA
	Sorrell Drive Skate Park
	Sorrell Drive Open Space Area
	Barrack hill Fixed Play
	Allt -Yr-Yn Open Space
	Allt-yr-yn Fixed Play
	Allt-yr-yn/Ridgeway/Double View
	St Woolos Cemetery
	Mon & Brec Canal (M4 Underpass to Barrack Hill)
	Barrack Hill Open Space
	Coed Melyn
	Allt-yr-yn Nature Reserve
	Alway
Mount Bax MUGA	
Penkin Hill Fixed Play	
Beechwood	Beechwood Park Fixed Play (Top)
	Beechwood Park MUGA
	Beechwood park Fixed Play (Bottom)
	Beechwood Park Open Spaces
	Beechwood Park Tennis Courts
	Christchurch Cemetery
	Woodland Park
	The Moorings
Bettws	Bettws lane Fixed Play
	Bettws MUGA
	Bettws Lane Playing Fields
	Ty Coed Playing Fields
	Tone road Fixed Play
	Livale walk Fixed Play
	Humber road Fixed Play
	Mon & Brec Canal (Gwastad Gate to Torfaen Boundary)
Caerleon	Coldbath road Fixed Play
	Caerleon Rugby
	Caerleon 'The Fosse' Playing Field
	Cold Bath Road Playing Fields
	Home Farm Fixed Play
	Roman way Fixed Play
	Christchurch Viewing Oint

	Caerleon Cemetery
	Caerleon Cycle Way
Dyffryn	Open Space adj Pencarn Lane
	Dyffryn Wods
Gaer	Stelvio park Fixed Play
	Gaer Park Fixed Play
	Gaer MUGA
	Gear Fort
Graig	Cow shed lane Fixed Play
	Fort view Fixed Play
	Rhiwderin Fixed Play
	Gloch wen Fixed Play
	Caernarfon drive Fixed Play
	Graig Wood
	Old Tredegar Park Golf Course
Langstone	Poppy Park Fixed Play
	Centenary Field Fixed Play
	Centenary Field Open Space
	Centenary Park MUGA
	Penyworld Woodland
	Foresters Oaks Meadow Site
Llanwern	Underwood Park Fixed Play
	Underwood MUGA
	Underwood Park Skate Park
	Waltwood park Fixed Play
	Underwood Cemetery
	Coed Rheddyn/Scotch Wood
	Birch Grove, Llanmartin
Llswerry	Oliver road Fixed Play
	Coronation Park Playing Fields
	Thompson Ave Fixed Play
	Llswerry rec Fixed Play
	Lysaghts Fixed Play
	Lysaghts MUGA
	NISV Fixed Play
	NISV MUGA
	Llswerry Rec Playing Field
	Somerton Park Fixed Play
	Coastal Path - Transporter Bridge
	Monkey Island
Malpas	Westfield Gym
	Westfield Playing Fields
	Westfield Fixed Play
	Penny crescent Fixed Play
	Grove park Fixed Play
	Grove Park MUGA

	Crindau Park Playing Field
	Crindau Park Tennis Courts
	Pilton Vale
	Grove Park Drive
Marshfield	Cambrian close Fixed Play
	Percoed Reen Cylce path and Fields
Pillgwenlly	Pill Playing Fields Fixed Play
	Ruperra Street Fixed Play
	Riverside Park
Ringland	Ringland park Fixed Play
	Ringland Park Playing Fields
	Ringland MUGA
	Playford crescent Fixed Play
	Edward german Fixed Play
	Ladyhill Wood
	Hartridge Wood
	Rignland Wood
	Land between Ringland Allotments & Hartridge Wood
	Farnaby Close
Rogerstone	Cefn wood Fixed Play
	Cefn Wood Playing Fields
	Afon village Fixed Play
	Rivermead MUGA
	Delphinium Way open space
	Delphinium way Fixed Play
	Woodland Area Afon Village
	14 Locks open Space
	Gwenn-y-Cefla Wood
	Mon & Brec Canal (Cearphilly boundary to M4 Underpass)
Shaftesbury	Shaftesbury Park Fixed Play
	Shaftesbury Park Playing Fields
	Pugsley Street MUGA
	Crindau Playing Fields
	Crindau Park Fixed Play
	Brynglas Woods
	Graig Wood
St Julians	Kelly rd Fixed Play
	Glebelands Fixed Play
	Glebelands Tennis Courts
	Glebelands Playing Fields
	Renoir MUGA
	St Woolos Cemetery
	St Julians Wood
Stow Hill	Clifton Park Fixed Play
	Baneswell Mouse Garden Fixed Play
	Belle Vue MUGA

	Belle Vue Park
	Belle Vue Fixed Play
Tredegar Park	Tredegar Park Fixed Play
	Tredegar Park Skate Park
	Tredegar Park Gym
	Tredegar Park MUGA
	Tredegar Park Tennis Courts
	Tredegar Park Playing Fields
	Duffryn park Fixed Play
	Light House Rd Fixed Play
	Duffryn Rebound Wall
	Duffryn Sandpiper Way Playing Field
	Cambrian Road Fixed Play
Victoria	Radnor Road Fixed Play
	Maindee MUGA

Appendix 2: A copy of the proposed consultation questions are detailed below.

Public Space Protection Order

Consultation

New Powers are available to local authorities under the Anti-Social Behaviour, Crime and Policing Act 2014 to tackle irresponsible dog ownership.

The Council propose to make a Public Spaces Protection Order, containing 4 proposed dog controls:

1. A provision requiring people to clean up after their dogs immediately, if it defecates on public land. This will apply on **ALL** publicly accessible land in the City of Newport.
2. A provision requiring people to place their dog on a lead when directed to do so by an authorised officer of the Council or Police Constable. This will also apply on ALL publicly accessible land in the City of Newport
3. A provision prohibiting dogs from all outdoor enclosed children's play areas and sports pitches within their respective seasons within the City of Newport.
4. Dogs are to be kept on leads at all times when within a cemetery.

When responding to this questionnaire you may wish to consider whether you agree that there is a need for the proposed controls, whether they are reasonable, whether they should be amended in some way, or whether there are other ways we could achieve our objectives. We would welcome any comments that you may wish to make.

Are you a dog owner?

Yes

No

If yes, on an average dog walk how many dogs do you have with you?

Are you a parent?

Yes

No

How old are you?

<16

16 – 24

25 – 34

35 – 44

45 – 54

55 – 64

65 – 74

>74

The following questions relate to specific elements of the proposed order, and would be applied to ALL publicly accessible land in the City of Newport, subject to the exemptions set out previously.

The Council is proposing to make an Order that will require people to clean up after their dog(s) immediately if it defecates on public land. How far do you agree with this proposal?

strongly agree agree neither agree /
disagree disagree strongly disagree

Are you aware you can dispose of dog faeces in any Council public waste bin in parks or on pavements?

Yes

No

A direction to put a dog on a lead can only be made where an authorised officer of the Council or Police Constable believes that such restraint is reasonably necessary to prevent a nuisance, or behavior by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal or bird.

The Council is proposing to make an Order that will require people to place their dog on a lead when directed to do so by an authorised officer. How far do you agree with this proposal?

strongly agree agree neither agree/
disagree disagree strongly disagree

The Council is proposing to make an Order that will prohibit dogs from all outdoor enclosed children's play areas, subject to the exceptions set out above. How far do you agree with this proposal?

strongly agree agree neither agree/
disagree disagree strongly disagree

The Council is proposing to make an Order that will prohibit dogs from all marked sports pitches (during their respective seasons). How far do you agree with this proposal?

strongly agree

agree

neither agree/
disagree

disagree

strongly disagree

The Council is proposing to make it a requirement that dogs are kept on leads within all cemeteries owned and / or maintained by Newport Council. How far do you agree with this?

strongly agree

agree

neither agree/
disagree

disagree

strongly disagree

The Council is proposing to make an Order that there is a requirement allowing authorised officers to give a direction that a dog(s) be put and kept on a lead if necessary. Do you agree with this?

Yes

No

Do you agree that enforcement measures should be put in place to ensure that dog owners / walkers carry bags or other suitable means for the disposal of dog faeces?

Yes

No

Are your day to day activities limited because of a physical or mental health condition, illness or disability which has lasted, or is expected to last 12 months or more?

Yes

No

Additional Comments

Once completed please return to insert email account City.Services@newport.gov.uk

On behalf of Newport City Council, I would like to take this opportunity to thank you for taking the time to complete this consultation form.

- Appendix 3 [A copy of complaints relating to dog faeces and dogs off leads.](#) (See file attached).
- Appendix 4 [Examples of other Local Authorities PSPO's.](#) (See file attached).
- Appendix 5 Maps and plans. (To follow).

Public spaces protection (dog control) order 2021

Notice is hereby given that the County Council of the City and County of Newport propose to make a Public Spaces Protection Order under Section 59 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 that will affect any public place as set out in the draft order attached hereto.

The purpose of the order will be to enforce responsible dog owners.

The County Council of the City and County of Newport (in this order called “the Council”), in exercise of its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“ the Act”) and of all other enabling powers, after consultation carried out in accordance with the Act, and being satisfied that uncontrolled and irresponsible dog walking in public places has a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Act are met, hereby makes the following Order

1 Definitions and Interpretation

1.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-

“Authorised Officer” means a person who is authorised in writing by the Council for the purposes of this Order.

“Person in Charge” means the person who has the dog in his possession, care or company at the time the offence is committed or otherwise, the owner or person who habitually has the dog in his possession.

“Public Space” means any place to which the public has access (with or without) payment or permission and which is owned or maintained by the Council, including roads, footpaths, pavements, grass verges, alleyways, public parks and gardens, green spaces and allotments.

1.2 Except when the context otherwise requires, the singular includes the plural and vice versa, and the masculine includes the feminine and vice versa.

1.3 Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it.

2 Scope

This Order applies to the Public Spaces in the City and County of Newport which are described and shown in the Order and Schedules attached to this Order.

3 Duration

This Order shall come into effect on xxx 2021, and shall remain in force for a period of 3 years from this date, unless extended by further orders made under the Council’s statutory powers.

4 Title

This Order may be cited as “The Newport Council (Public Spaces Protection) (Dog Control) 2021 and imposes the following requirements and prohibitions.

5 Dog Fouling

In all Public Spaces within the City and County of Newport, as shown on the plan an list in **Schedule A**, the following requirements apply:

- 5.1 (a) If a dog defecates at any time, the Person in Charge must remove the faeces from the land forthwith; and
- (b) A Person in Charge of a dog must have with them an appropriate means to pick up any faeces deposited by that dog, and must produce this if requested to do so by an Authorised Officer or Police Constable.
- 5.2 For the purpose of Article 5.1 (a)
- (i) Placing the faeces in a receptacle on the land which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the land; and
- (ii) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable device or means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

6 Dogs on Leads

- 6.1 In any of the public cemeteries listed and shown in **Schedule B** to this Order, any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.
- 6.2 In any other Public Space in the City and County of Newport, as shown on the plan and list in **Schedule A**, a Person in Charge of a dog, at any time, must put and keep the dog on a lead and keep it under proper control when directed to do so by an Authorised Officer or Police Constable.
- 6.3 For the purposes of Article 6.2, an Authorised Officer or Police Constable shall only give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or wildlife / bird on the land.
- 6.4 A maximum of 4 dogs can be walked by one person at any one time.
- 6.5 No dogs are allowed on sports pitches during the respective sports seasons, as set out below. Any Person in Charge of a dog is only permitted to use this area outside of the published sports season fixture timetable.

Football Season – 1st July to 30th April

Rugby – 1st September to 30th April

Cricket – 1st April to 30th September

7 Dogs Excluded (Enclosed Childrens Play Areas)

7.1 A Person in Charge of a dog is prohibited from taking dogs onto, or permitting the dog to enter or remain in any enclosed children's play area described or listed in **Schedule C**, to this Order.

8 Offences and Penalties

8.1 Any failure to comply with the requirements or prohibitions imposed in Article 5, 6 or 7 of this Order shall constitute a criminal offence, unless;

- (a) The person has a reasonable excuse for failing to do so;
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so; or
- (c) The person is exempt under Article 9 of this Order

8.2 Any person guilty of an offence under this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (on the date of this Order, this is set at £1000)

8.3 A Fixed Penalty Notice may be issued by an Authorised Officer or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100. Payment of the Fixed Penalty of £100 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

9 Prosecution

The requirements and prohibitions imposed by this Order shall not apply to any person who;

1. Is registered as blind, sight or hearing impaired under the National Assistance Act 1948, the Social Services Act 1948, the Social Services and Well-Being (Wales) Act 2014 or any other legislation;
2. Has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which he relies for assistance ; or
3. Is using a working dog purposes of law enforcement, military duties, agriculture or statutory emergency services (search and rescue)

10 Appeal

Any interested person (defined as an individual who lives in the restricted area or who regularly works in or visits that area), may question the validity of this Order, pursuant to Section 66 of the Act, on application made to the High Court within 6 weeks from the date of the Order.

11 Validity Severance

If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Order, shall continue in full force and effect as if the Order had been executed with the invalid, illegal or unenforceable provision eliminated.

THE COMMON SEAL OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF NEWPORT was hereunto affixed in the presence of:-

Authorised Signatory

The day of in the Year

Schedules

SCHEDULE A - All Public Spaces within the City and County of Newport City Council

SCHEDULE B – Public Cemeteries – List and Plans

SCHEDULE C - Enclosed Childrens Play Areas – List and Plans

DRAFT

Scrutiny Report



Overview and Scrutiny Management Committee

Part 1

Date: 22nd July 2021

Subject **City Centre PSPO, Renewal and Proceed to Consultation**

Author Rhys Thomas – Acting Regulatory Services Manager

The following people have been invited to attend for this item:

- Gareth Price – Head of Law and Regulation
- Rhys Thomas – Regulatory Services Manager
- Michelle Tett – Community Protection Manager
- Inspector Jodie Davies – Gwent Police

Section A – Committee Guidance and Recommendations

1.0 Recommendations to the Committee

At this meeting, the Committee is asked to

- 1.1 Agree (or otherwise) the continued need for a PSPO in the City Centre area of Newport.
- 1.2 Agree (or otherwise) that the evidence provided to quantify the nature of ASB in the City Centre is sufficient and to progress to public consultation.
- 1.3 Consider if the current PSPO restrictions remain relevant and note a proposal to include a urination and defecation restriction.
- 1.4 Consider the PSPO renewal consultation plan (**Appendix 4**) and determine whether the proposed consultation is targeting the most appropriate people / organisations and whether the chosen medium of consultation will provide the necessary information for the process to proceed.
- 1.5 Agree to review the outcomes of the PSPO consultation at the next available scrutiny meeting and consider the re-implementation of PSPO restrictions before presentation to Council.
- 1.6 Note that between 24th August and the date of any new PSPO being implemented, the existing order will cease to be effective until a new PSPO/renewal is made.

2.0 Context

2.1 What is a Public Spaces Protection Order?

2.2 A PSPO is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality; and the behaviour is or likely to be persistent or continuing nature; and be unreasonable. The power to make an Order rests with local authorities, in consultation with the Police, Police and Crime Commissioner and other relevant bodies who may be impacted.

2.3 The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre. There are particular considerations for registered common land, town or village greens and open access land.

2.4 The maximum length of a PSPO is three years.

2.5 When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the Human Rights Act 1998. Consideration of a PSPO will take place where there is material evidence of anti-social behaviour.

2.6 What kind of Restrictions can be in a PSPO?

2.7 Restrictions and requirements are set by the local authority and can be blanket restrictions or requirements, or can be targeted towards certain behaviour by certain groups at certain times. They can restrict access to public spaces (including certain types of highway) where that route is being used to commit Anti-social behaviour.

2.8 Orders can be enforced by a Police officer, Police Community Support Officer and delegated and duly authorised Council Officers e.g. Community Safety Wardens or Environmental Health staff. A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100 or a level 3 fine of up to £1000, on prosecution.

3.0 Current City Centre PSPO

3.1 The existing City Centre PSPO restrictions are outlined below.

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59
PUBLIC SPACES PROTECTION ORDER 2018
NEWPORT CITY CENTRE

NEWPORT CITY COUNCIL in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") hereby makes this Order, being satisfied on reasonable grounds that activities in a public space, namely in Newport City Centre, have had or are likely to have a detrimental effect on the quality of life of those in the locality and that these activities involved various anti-social behaviours. Further, Newport City Council believes that the effect, or likely effect, of the said activities is, or is likely to be, persistent or continuing in nature, such as to make the activities unreasonable and justifies the restriction imposed by this Order:-

1. This Order shall come into operation on 23 August 2018 and shall have effect for a period of 3 years thereafter, unless extended by further Orders under the Council's statutory powers.
2. This Order applies to the public place as shown edged in red on the Plan annexed to this Order ("the Restricted Area").
3. No person shall within the restricted area refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer to prevent public nuisance or disorder.
4. No person shall within the restricted area undertake "street trading" which term includes peddling, charity collecting or touting for services, subscriptions or donations UNLESS authorised to do so by an existing Police or Council issued or Council recognised Street Trading/Charity Collection/Promotions consent, licence or written permission or holds a valid Pedlars Certificate.
5. No person shall within the restricted area beg within 10 metres of a cash or payment machine or beg in a manner which is aggressive or intimidating or which has caused or is likely to cause a member of the public to feel harassed, alarmed or distressed.
6. No person shall behave (either individually or in a group) in a manner that causes or is likely to cause harassment, alarm or distress to a member of the public; persons who breach this prohibition shall, when ordered to do so by an authorised person, disperse immediately or by such time as may be specified and in a manner as may be specified by the said authorised person and failure to do so is a further breach of this Order.

7. No person shall within the Restricted Area:

- a. Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances.
- b. Sell or supply intoxicating substances.
- c. Intoxicating substances (commonly referred to as "legal highs") is given the following definition: substances with the capacity to stimulate or depress the central nervous system (does not include alcohol).
- d. Exemptions shall apply in cases where the substances are used for valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs (to include drinks) regulated by food health and safety legislation.
- e. Persons who breach this prohibition shall surrender any such intoxicating substance in his/her possession when asked to do so by an authorised officer in the Restricted Area.

8. Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she fails to keep the dog on a lead (of no more than 1.5 metres in length).

FIXED PENALTY NOTICES AND OFFENCES:-

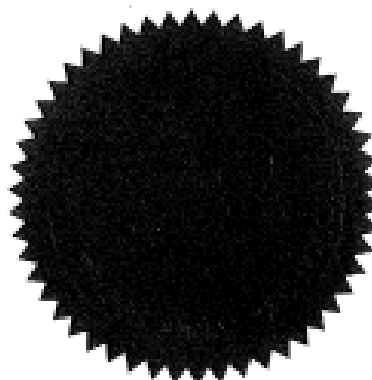
- 9. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
- 10. In accordance with sections 63 and 68 of the Act, a person found to be in breach of this Order by refusing to stop drinking alcohol or to surrender alcohol to an authorised person, on request, is liable on summary conviction to a maximum penalty of a Level 2 fine (currently £500) or to a Fixed Penalty Notice up to £100.
- 11. In accordance with sections 67 and 68 of the Act, a person found to be in breach of this Order other than by consuming alcohol in breach of a public spaces protection order, is liable on summary conviction to a maximum penalty of a Level 3 fine (currently £1000) or to a Fixed Penalty Notice up to £100.
- 12. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

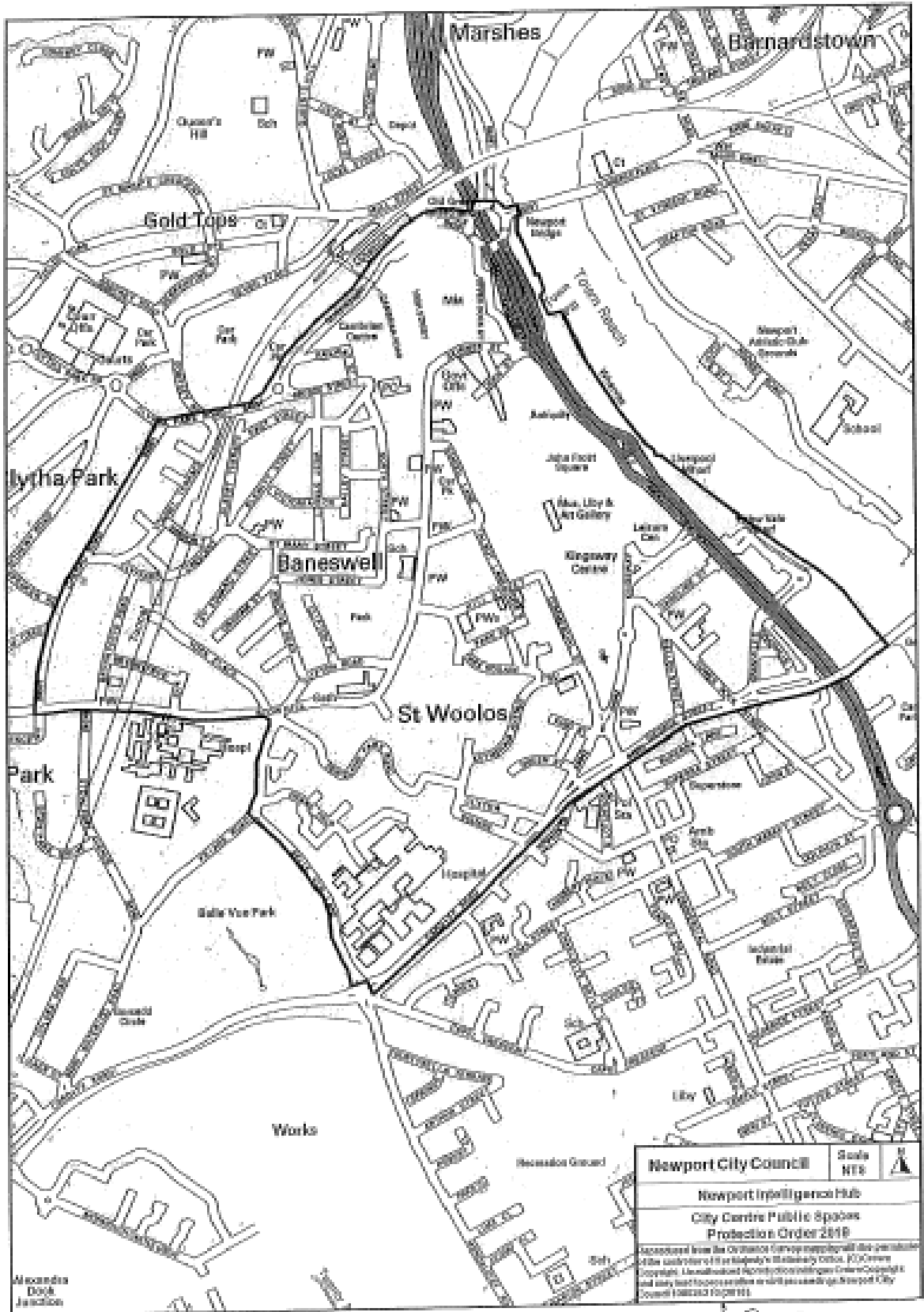
Dated: 23rd August 2018

THE COMMON SEAL of
NEWPORT CITY COUNCIL was
hereunto affixed in the presence of:-


Chief legal officer

)
)
)
)





4.0 Renewal or implementing a new/varied City Centre PSPO

4.1 The existing PSPO will expire on 24th August 2021. The Council now has to decide whether to:

4.1.1 Renew, by implementing a new PSPO with the existing restrictions for a period of 3 years;

4.1.2 Implement a new PSPO with amended restrictions;

4.1.3 Or discharge the PSPO.

4.2 Where an authority extends or varies a PSPO, the authority has a statutory duty to Publicise and Publish the intent to extend or vary the PSPO, and also undertake a consultation on the proposals. They cannot be implemented, varied or extended without consultation. Council does not meet in time for the existing PSPO to be extended before it expires.

4.3 In order for Committee to make its decision, evidence from City Centre Police, Council Community Safety Wardens and Council Noise and Neighbourhood Officers has been provided.

4.4 The City Centre PSPO restricted area directly abuts the Pillgwenlly PSPO area which has different restrictions.

4.5 Guidance on the Renewal, Extension and Variation of a PSPO is issued by both Home Office and the Local Government Association.

4.6 LGA Guidance

Extension, variation and discharge

A PSPO can be made for a maximum duration of up to three years, after which it may be extended if certain criteria under section 60 of the Act are met. This includes that an extension is necessary to prevent activity recurring, or there has been an increase in frequency or seriousness of the activity. Extensions can be repeated, with each lasting for a maximum of three years. Effective evaluation of Orders will be important when determining whether any extensions or variations would be appropriate.

Councils should consider carefully what length of time would be reasonable and proportionate given the nature of behaviour in question and the impact of the restrictions being posed – byelaws, which are permanent, may be more appropriate if the issue concerned is unlikely to be transient. The impact of the original Order should be evaluated before any extensions are approved – where ASB has been completely eradicated as a result of a PSPO, it is proportionate and appropriate to consider the likelihood of recurrence of problems if the Order is not extended.

Orders can also be varied under the Act, by altering the area to which it applies, or changing the requirements of the Order. The same legislative tests of detrimental impact, proportionality and reasonableness need to be satisfied, as set out earlier in this guidance. Similarly, PSPOs can be discharged before their original end date.

Where PSPOs are varied, extended or discharged, there are statutory requirements regarding publishing or publicising this and councils are required to undertake a further consultation process (see publication and communication, above). Similarly, under section 72 councils are

required at all of these stages to have particular regard to articles 10 and 11 of the Human Rights Act 1998 (see limitations, above).

In light of the updated statutory guidance from the Home Office on anti-social behaviour powers, published in December 2017, councils should review their PSPOs when they are up for renewal and take into account these recent changes to the statutory guidance.

4.7 Home Office Guidance

At any point before expiry, the Council can extend a Public Spaces Protection Order by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives they think appropriate before doing so.

Changing the terms of a Public Spaces Protection Order: *A Public Spaces Protection Order can cover a number of different restrictions and requirements so there should be little need to have overlapping orders in a single public space. However, if a new issue arises in an area where an Order is already in force, the council can vary the terms of the order at any time. This can change the size of the restricted area or the specific requirements or restrictions.*

For instance, a Public Spaces Protection Order may exist to ensure dogs are kept on their leads in a park but, after 12 months, groups start to congregate in the park drinking alcohol which is having a detrimental effect on those living nearby. As a result, the council could vary the Order to deal with both issues. Any proposed variation to an existing Public Spaces Protection Order would require the council to undertake the necessary consultation on the proposed changes.

As well as varying the Order, a council can also seek to discharge it at any time, for instance when the issue that justified the Order has ceased or where the behaviour has stopped or the land ceases to be classified as a public space.

5.0 Supporting evidence

The necessary evidence to support Scrutiny Committee in making its decision is included in the appendices associated with this report.

- 5.1 **Appendix 1 NCC Law and Regulation:** Summary of the use of the PSPO, observations from the Acting Regulatory Services Manager, and the ASB team.
- 5.2 **Appendix 2** is the PSPO City Centre Community Safety Wardens/N&N complaint data.
- 5.3 **Appendix 3** is the Police Evidence, Submissions and Data provided to support the need for the City Centre PSPO
- 5.4 **Appendix 4** is the proposed Draft online public consultation questionnaire and the approach to consultation including identification of community stakeholders/relevant groups.
- 5.5 **Appendix 5** is the wording of the Pillgwenlly PSPO for comparison.

Section B – Supporting Information

7.0 Links to Council Policies and Priorities

7.1 Newport's Corporate Plan 2017-2022, "Building a better Newport" has a key focus – to improve people's lives in all the Council does.

7.2 An Equalities, Freedoms and Impacts Assessment will be undertaken on completion of the consultation process. It will consider the public feedback as part of the assessment the EFIA will be presented to Scrutiny before the PSPO is presented to Council.

8.0 Risks

8.1 There are risks associated with renewing the City Centre PSPO. It should be noted that at the point of implementation of this PSPO in 2018, significant media, public and political attention was received around the inclusion of the begging restriction.

8.2 The risks include implementing unenforceable restrictions, imposing conditions that have unexpected consequences, unfairly impact on otherwise permitted freedoms, and the PSPO becoming irrelevant.

8.3 Between 24th August 2021 and the signing of any new Order, the existing PSPO will be un-enforceable. FPNs will not be able to be issued by Police or Council Staff under the current order until a new PSPO put in place.

9.0 Financial Implications

9.1 There are no financial implications to the Scrutiny committee reviewing the continued need for the PSPO, consultation process or proposed renewal to the PSPO. There are no significant financial costs associated with undertaking the consultation.

10.0 Background Documents

- LGA PSPO Guidance to LA's (2020)
- Corporate Plan (2017-2022)



10.21 PSPO
guidance_06_1.pdf



Corporate-Plan-201
7-2022.pdf

Report Completed: 26 July 2021

Appendix 1: NCC Law and Regulation: Review of the existing PSPO

Community and Environment: Regulatory Services Manager summary

The existing PSPO has been used well by NCC officers and Gwent Police in both an advisory or preventative capacity and in an enforcement manner. Awareness of the PSPO is high. Engagement between Newport ASB staff and the Police occurs frequently and is testimony to a close partnership working approach.

Our Anti-Social Behaviour Officers, Community Safety Wardens and Noise and Neighbourhood Team have used the PSPO consistently since inception. They have indicated that an additional restriction regarding Urination or Defecation on the street would be beneficial, this is consistent with the restrictions added to the new Pillgwenlly PSPO.

Use of the City Centre PSPO is consistent between NCC and Police with the majority of FPNs being issued for causing harassment or distress or alcohol related matters. This is also evidence by the Newport Council complaint data.

Gwent Police have identified that the use of Alley/Lane Gating (formally known as gating orders but are now dealt with under PSPO's) will help in the prevention of ASB in the City Centre. These are often for street or local area specific issues and require bespoke consultation on those directly affected by any move to gate an area. This line of work is important, but separate to this PSPO for reasons including access & egress, emergency response, cost of gates and land ownership.

The City Centre PSPO directly abuts the Pillgwenlly PSPO restricted area and as such ensuring a level of consistency across the two areas is appropriate. Councils when making orders are to assess whether the use of a PSPO displaces issues from one locality to another.

Recommendation: To consult on the current content of the PSPO, review the outcomes of the consultation and if supported, implement a new PSPO for the City Centre that includes the previous restrictions and a new Urination and Defecation restriction, worded to match the Pillgwenlly restriction below.

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

Appendix 2

Below is a record of the NCC Community Safety Wardens service request, FPN or complaint/log data from 2018 to 2021 relating to the whole Stow Hill Ward.

It must be noted that the data spans a time frame when the service changed reporting processes.

Where relevant themes associated with the PSPO are apparent, or links to broader Antisocial Behaviour, they are outlined under Commentary/PSPO Relevance.

This date includes the full year of 2018, although it must be recognised that the PSPO was implemented in August 2018.

Fixed Penalty Notices Issued

Date Range	Call Log Type	Number FPNs	Commentary / PSPO relevance
2018	PSPO FPN	1	1 Drinking/Alcohol Related
2019	PSPO FPN	5	5 Drinking/Alcohol Related
2020	PSPO FPN	25	12 Drinking/Alcohol Related 10 Begging in a manner that causes harassment, alarm or distress, 1 Causing harassment, distress
2021	PSPO FPN	6	4 Begging in a manner that causes harassment, alarm or distress 2 Harassment, Harm and refusing to disperse from the area

PSPO related Service Requests

Date Range	Call Log Type	Number Requests	Commentary / PSPO relevance
2018	PSPO-OTHER	21	Due to the way in which this data is held, it is not possible to break down this data in more specific detail. Review of the text associated with these complaints shows: 13 SRTS or ASB references that cite begging in the text. However in most circumstances the reference also included other issues such as alcohol use/drinking in public and tents associated with rough sleepers/homelessness.

			1 reference of threat of violence – throwing a chemical. It should be noted that the date of all but 1 of these records pre-dates the implementation of the PSPO.
2019	PSPO-OTHER	2	2 Alcohol Related/Drinking in the street
2020	PSPO-OTHER	1	Administrative record of an event – not ASB related.
2021	PSPO-OTHER	1	1 Alcohol Related/Drinking in the street

ASB related Service Requests in the Stow Hill Ward

Date Range	Call Log Type	Number of complaints/Call Logs	Commentary / PSPO relevance
2018	Aggressive begging	8	7 before implementation of the PSPO
	Drinking in Public	5	4 before implementation of the PSPO
	Dog off Lead	1	After implementation of PSPO
	Drug/Solvent Abuse	15	Often accompanied by other ASB issues e.g. drinking on the streets. This call Log Type can also include finding needles or member of the public reporting seeing them
2019	Aggressive begging	6	
	Drinking in Public	2	
	Dog off lead	No records	
	Drug/Solvent Abuse	4	
2020	Aggressive begging	8	
	Drinking in Public	6	
	Dog off lead	No Records	
	Drug/Solvent Abuse	17	One report including large amount of needles and human waste

			Locations being used as toilets and injecting drugs cited in a call complaint.
2021	Aggressive begging	5	
	Drinking in Public	4	
	Dog off Lead	1	
	Drug/Solvent Abuse	10	Many needle call logs.

Appendix 3

Gwent Police colleagues have provided a statistical report on ASB for the Stow Hill Ward.

It outlines the range and nature of ASB that the Police engage and respond too with within the Stow Hill Ward.

The Gwent Police data, specifically on the PSPO and service of Fixed Penalty Notices use includes:

- 13 tickets issued between 2019 – 2020 specifically for begging and refusing to surrender alcohol
- In 21 months 50 FPNS in total against the PSPO have been issued

Gwent Police indicate that the PSPO is of significant importance and is used in both enforcement and advice by its 9 Community Support Officers. The PSPO is also central in the use of Community Protection Warnings (CPW's) or Community Protection Notices (CPN's) issued by Gwent Police for Anti-Social Behaviour matters.

- 2018-2021 – 49 CPW/CPN's issued
- 10 CPWS and 8 CPN's currently live
- 10 Criminal Behaviour Orders issued in the same period

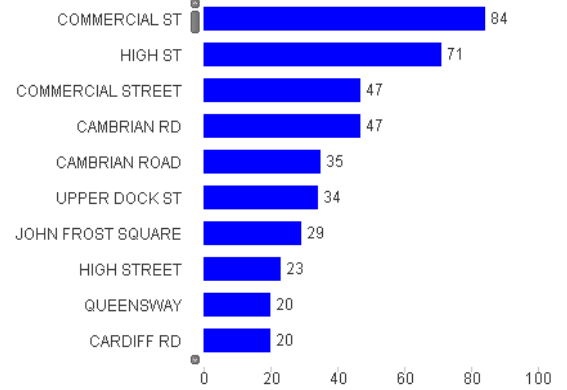
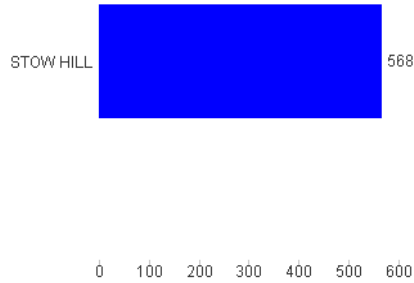
Public Order Offences, which will include elements of the PSPO and related ASB, are in the top 3 of reports/complaints made to the Police in the Stow Hill area for each year since 2018.

The Police Data also outlines the key areas where Anti-Social Behaviour and related crime occurs.

July 2018-2019

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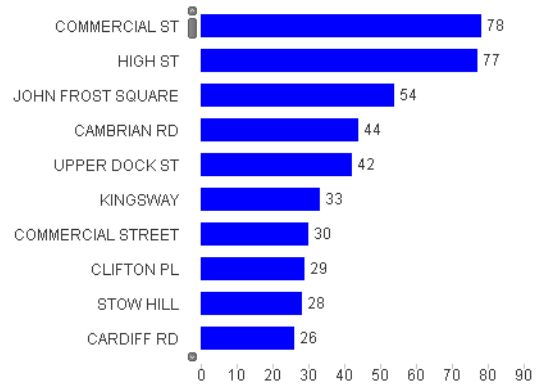
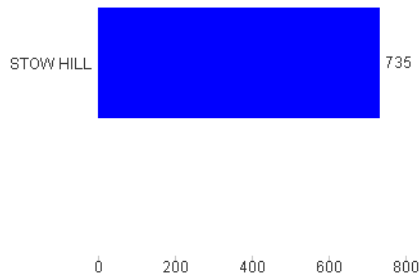
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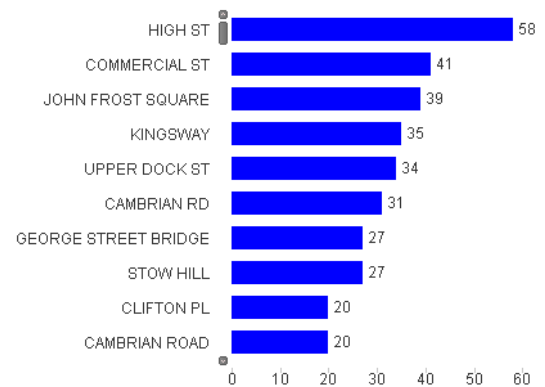
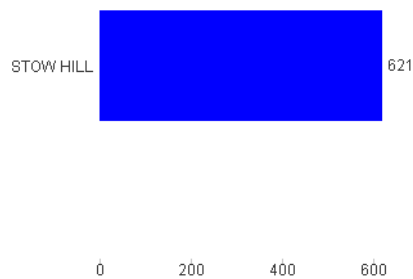
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Appendix 4

The proposed approach to consultation and the questions and response options to the online questionnaire.

1.0 Consultees

NCC will consult the public, relevant organisations and partners during the consultation phase for 4 weeks between **01 August 2021 – 28th August 2021.**

Where other relevant organisations come forward or are identified, the consultation can be provided to them.

The Newport Council community an engagement team will also distribute the consultation link to their established network of 3rd sector organisations, charities c and religious groups operating within the Stow Hill ward.

Consultee	Mode of Engagement
Public	Online Questionnaire Publicise via Social Media
Police and Crime Commissioner	Online Questionnaire to be sent directly to Office of the PCC.
Safer Newport	Chair to be sent Online Questionnaire and coordinate response on their behalf
Stow Hill Ward Councillors	Online Questionnaire sent directly
The Wallich	Online Questionnaire sent directly
Share Centre	Online Questionnaire sent directly and for onward distribution to relevant communities
Cwtsh	Online Questionnaire sent directly

2.0 Questionnaire questions



Public Space Protection Order (PSPO) – City Centre

What is a Public Space Protection Order (PSPO)?

A PSPO is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality; and the behaviour is or likely to be persistent or continuing nature; and be unreasonable. The power to make an order rests with the local authority. PSPO's are made under the Anti-Social Behaviour, Crime and Policing Act 2014.

The Council can make a PSPO on any public space within its own area. The maximum length of a PSPO is three years, but it can be reviewed at any time.

Before making any changes to a PSPO, including extending or varying a PSPO content, the Council has to consult on the proposals.

When making a PSPO, the Council must have particular regard to the rights of freedom or expression and freedom of assembly and association set out in the Human Rights Act 1998.

What can a PSPO do?

Restrictions and requirements are set out by the local authority and can be blanket restrictions or requirements, or can be targeted towards certain behaviour by certain groups at certain times. They can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour e.g. Alley Ways and parks.

Orders can be enforced by a police officer, police community support officer and delegated council officers. A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100 (to be fixed locally), or a level 3 fine of up to £1000, on prosecution.

Consultation Questions

1.	Are you a.....?	
	<input type="checkbox"/> Resident of Stow Hill Ward / City Centre	<input type="checkbox"/> Visitor to Newport
	<input type="checkbox"/> Worker in City Centre	<input type="checkbox"/> Resident of Newport
	Other	
Please specify:		
2.	Have you experienced Anti-Social Behaviour in the City Centre in the past 12 months?	
	<input type="checkbox"/> Never	<input type="checkbox"/> Rarely
	<input type="checkbox"/> Occasionally	<input type="checkbox"/> Frequently

Restrictions

The following restrictions are contained in the PSPO, please select if you agree or disagree with the continued need for the restriction. Please provide any context or examples. If you disagree, please state your reasons.

3.a	No person shall, within the restricted area refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer to prevent public nuisance or disorder.	
	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
If you disagree, why?		
3.b	Please add any further comments about this condition.	

4.a	<p>No person shall within the restricted area undertake “street trading” which includes peddling, charity collecting or touting for services, subscriptions or donations UNLESS authorised to do so by an existing Police or Council issued or Council recognised Street Trading/Charity Collection/Promotions consent, license or written permission or holds a valid Pedlars Certificate.</p>
	<p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree</p>
	<p>If you disagree, why?</p>
4.b	<p>Please add any further comments about this condition.</p>
5.a	<p>No person shall within the restricted area beg within 10 meters of a cash or payment machine or beg in a manner which is aggressive or intimidating, or which has caused or is likely to cause a member of the public to feel harassed, alarmed or distressed.</p>
	<p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree</p>
	<p>If you disagree, why?</p>
5.b	<p>Please add any further comments about this condition.</p>
6.a	<p>No person shall behave (either individually or in a group) in a manner that causes or is likely to cause harassment, alarm or distress to a member of the public; persons who breach this prohibition shall, when ordered to do so by an authorised person, disperse immediately or by such a time as may be specific and in a manner as may be specified by the said authorised person and failure to do so is a further breach of this Order.</p>
	<p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree</p>

	If you disagree, why?
6.b	<p>Please add any further comments about this condition.</p>
7.a	<p>No person shall within the Restricted Area:</p> <ul style="list-style-type: none"> • Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances • Sell or supply intoxicating substances • <i>Intoxicating substances (commonly referred to as “legal highs”) is given the following definition: substances with the capacity to stimulate or depress the central nervous system (does not include alcohol).</i> • <i>Exemptions shall apply in cases where the substances are used for valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs (to include drinks) regulated by food health and safety legislation.</i> <p>Persons who breach this restriction shall surrender any such intoxicating substance in his/her possession when asked to do so by n authorised officier.</p> <p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree</p> <p>If you disagree, why?</p>
7.b	<p>Please add any further comments about this condition.</p>
8.a	<p>Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she fails to keep the dog on a lead (of no more than 1.5meters in length).</p> <p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree</p>

	If you disagree, why?
8.b	<p>Please add any further comments about this condition.</p>
9.	<p>Is there anything else you would like to see included in the Order to help reduce Anti-Social Behaviour in and around the City Centre/Stow Hill Ward?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please state:</p>
10.	<p>The below image shows the boundary that is covered by the PSPO.</p> <p>INSERT IMAGE OF CITY CENTRE PSPO</p> <p>What do you think we should do (tick your preference)?</p> <p><input type="checkbox"/> Keep to the existing boundary <input type="checkbox"/> Make bigger <input type="checkbox"/> Make smaller</p>

<p>If you have ticked 'make bigger' or 'make smaller', please give details and specify the areas you feel should be included/excluded.</p>
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Equalities Monitoring

This is to gather more comprehensive equalities information for those completing the survey.

14.	What is your gender?		
	<input type="checkbox"/> Male	<input type="checkbox"/> Non-binary	<input type="checkbox"/> Prefer not to say
	<input type="checkbox"/> Female	<input type="checkbox"/> Self-identify	
	If you ticked 'Self-identify', please state:		
15.	Age?		
	<input type="checkbox"/> Under 18 years old	<input type="checkbox"/> 35-44 years old	<input type="checkbox"/> 65-74 years old
	<input type="checkbox"/> 18-24 years old	<input type="checkbox"/> 45-54 years old	<input type="checkbox"/> 75 years or older
	<input type="checkbox"/> 25-34 years old	<input type="checkbox"/> 55-64 years old	<input type="checkbox"/> Prefer not to say
16.	What area of Newport do you live in?		
	<input type="checkbox"/> Allt-Yr-Yn	<input type="checkbox"/> Langstone	<input type="checkbox"/> Rogerstone
	<input type="checkbox"/> Alway	<input type="checkbox"/> Llanwern (Goldcliff)	<input type="checkbox"/> Shaftesbury (Crindau / Brynglas)
	<input type="checkbox"/> Beechwood	<input type="checkbox"/> Lliswerry	<input type="checkbox"/> St Julians
	<input type="checkbox"/> Bettws	<input type="checkbox"/> Malpas	<input type="checkbox"/> Stow Hill
	<input type="checkbox"/> Caerleon	<input type="checkbox"/> Marshfield	<input type="checkbox"/> Tredegar Park (Duffryn)
	<input type="checkbox"/> Gaer	<input type="checkbox"/> Pillgwenlly	<input type="checkbox"/> Victoria (Maindee)
	<input type="checkbox"/> Graig	<input type="checkbox"/> Ringland	<input type="checkbox"/> I do not live in Newport
17.	Do you consider yourself to be disabled?		
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Prefer not to say
18.	Do you consider yourself a Welsh speaker?		
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Prefer not to say
19.	What is your ethnic group?		
	<input type="checkbox"/> White – Welsh / English / Scottish / Northern Irish / British		
	<input type="checkbox"/> White – Irish	<input type="checkbox"/> Gypsy or Irish Traveller	

<input type="checkbox"/> Any other White ethnic background (please state):		
<input type="checkbox"/> White & Black Caribbean	<input type="checkbox"/> White & Asian	
<input type="checkbox"/> White & Black African		
<input type="checkbox"/> Indian	<input type="checkbox"/> Pakistani	
<input type="checkbox"/> Bangladeshi	<input type="checkbox"/> Chinese	
<input type="checkbox"/> Any other Asian ethnic background (please state):		
<input type="checkbox"/> Black African	<input type="checkbox"/> Black Caribbean	
<input type="checkbox"/> Any other Black ethnic background (please state):		
<input type="checkbox"/> Arab		
<input type="checkbox"/> Any other ethnic group or background (please state):		
<input type="checkbox"/> Any other mixed or multiple ethnic background (please state):		
<input type="checkbox"/> Prefer not to say		
20.	What is your current sexual orientation?	
<input type="checkbox"/> Heterosexual / Straight	<input type="checkbox"/> Pansexual	
<input type="checkbox"/> Gay man / Homosexual	<input type="checkbox"/> ACE	
<input type="checkbox"/> Gay woman / Lesbian	<input type="checkbox"/> I identify in another way	
<input type="checkbox"/> Bisexual	<input type="checkbox"/> Prefer not to say	
21.	Are you married or in a civil partnership?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<input type="checkbox"/> Prefer not to say		
22.	Religion / Belief?	
<input type="checkbox"/> Buddhist	<input type="checkbox"/> Muslim	<input type="checkbox"/> No religion
<input type="checkbox"/> Christian	<input type="checkbox"/> Sikh	<input type="checkbox"/> Agnostic
<input type="checkbox"/> Hindu	<input type="checkbox"/> Any Other	<input type="checkbox"/> Humanist
<input type="checkbox"/> Jewish	<input type="checkbox"/> Atheist	<input type="checkbox"/> Prefer not to say

23.	<p>Is your gender identity the same as the sex assigned to you at birth?</p> <p><i>Gender identity is a way to describe how you feel about your gender. Some people know/feel that their gender identity is the same as the sex that they were assigned at birth – for example, a person whose original birth certificate says ‘male’ and they identify as a man (‘yes’ to this question). Some people know/feel that their gender identity is not the same as the sex they were assigned at birth – for example, a person whose original birth certificate says ‘male’ and they identify as a woman (‘no’ to this question).</i></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say</p>
24.	<p>Caring Responsibilities</p> <p>A: Do you care for children of school age?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say</p> <p>B: Do you care for children of pre-school age?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say</p> <p>C: Do you care for a dependent adult or child above school age?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say</p>

Thank you for taking the time to comment on the PSPO.

Appendix 5

Pillgwenlly PSPO (2021-2024) restrictions for comparison.

1. Refusing to stop drinking alcohol or hand over any containers (sealed or unsealed) in their possession, which are believed to contain alcohol, when required to do so by an authorised Officer within the Restricted Area.
2. No person shall behave (either individually or in a group) in a manner that has caused or is likely to cause harassment, alarm or distress to a member of the public within the Restricted Area. Persons who breach this prohibition shall, when ordered to do so by an authorised Officer, disperse immediately and not return within 24hours, unless for a lawful reason.
3. No begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed.
4. No person shall urinate or defecate in a public space or in public view except in a premises designated for that purpose within the Restricted Area.
5. No person shall within the Restricted Area:
 - Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances*.
 - Sell or supply intoxicating substances*.

Persons who breach this restriction shall surrender any such intoxicating substance in his/her possession when asked to do so by a Police Constable.**

**“Intoxicating substances” (commonly referred to as “legal highs”) is given the following definition: substances with the capacity to stimulate or depress the central nervous system (does not include alcohol).*

***Exemptions shall apply in cases where the substances are used for valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs (to include drinks) regulated by food health and safety legislation.*

6. Cyclists, or users of scooters, E-scooters, E-bikes, skateboards and hover boards, are to dismount if requested to do so by an authorised officer, if they are of the opinion that the operator is riding in an unsafe manner which is causing or is likely to cause a danger to the public in the Restricted Area.
7. No person shall spit saliva or any other product from their mouth onto the ground within the Restricted Area.
8. No person shall enter the restricted area and attempt to buy sexual services from another person



Scrutiny Report

Overview and Scrutiny Management Committee

Part 1

Date: 30 July 2021

Subject Scrutiny Adviser Report

Author Scrutiny Adviser

The following people have been invited to attend for this item:

Invitee:	Role
Connor Hall (Scrutiny Adviser)	Present the Committee with the Scrutiny Adviser Report for discussion and update the Committee on any changes.

Section A – Committee Guidance and Recommendations

Recommendations to the Committee

The Committee is asked to:

1. Committee's Work Programme:

Consider the Committee's Forward Work Programme Update (**Appendix 1**):

- *Are there any amendments to the topics scheduled to be considered at the next Committee meeting?*
- *Are there any additional invitees that the Committee requires to fully consider the topics?*
- *Is there any additional information that the Committee would like to request?*

2 Context

Background

- 2.1 The purpose of a forward work programme is to help ensure Councillors achieve organisation and focus in the undertaking of enquiries through the Overview and Scrutiny function. Effective work programming is essential to ensure that the work of Overview and Scrutiny makes a positive impact upon the Council's delivery of services.
- 2.2 Further information about the work programming process, including the procedures for referring new business to the programme, can be found in our Scrutiny Handbook on the Council's Scrutiny webpages (www.newport.gov.uk/scrutiny).

- 2.3 The Centre for Public Scrutiny's Good Scrutiny Guide recognises the importance of the forward work programme. In order to 'lead and own the process', it states that Councillors should have ownership of their Committee's work programme, and be involved in developing, monitoring and evaluating it. The Good Scrutiny Guide also states that, in order to make an impact, the scrutiny workload should be co-ordinated and integrated into corporate processes, to ensure that it contributes to the delivery of corporate objectives, and that work can be undertaken in a timely and well-planned manner.

Forward Work Programme Update

- 2.4 The Committee's work programme was set in April 2021, including estimated timescales for when the reports will be considered by the Committee. This programme is then managed and implemented by the designated Scrutiny Adviser for this Committee under the direction of the Committee Chairperson.
- 2.5 Attached as **Appendix 1** is the Committee's Forward Work Programme Update. The Committee is asked to consider:
- *Any amendments to the topics scheduled to be considered at the next Committee meeting?*
 - *Are there any additional invitees that the Committee requires to fully consider the topics?*
 - *Is there any additional information that the Committee would like to request?*

The Committee agreed to keep a degree of flexibility within its work programme to enable the Committee to respond to urgent / emerging issues. This item is an opportunity for the Committee members to raise any suggested amendments to the Work Programme.

3 Information Submitted to the Committee

- 3.1 The following information is attached:

Appendix 1: The Committee's Forward Work Programme Update;

4. Suggested Areas of Focus

Role of the Committee

The role of the Committee in considering the report is to:

- **Forward Work Programme Update - Appendix 1**

Consider:

- Are there any amendments to the topics scheduled to be considered at the next Committee meeting?
- Are there any additional invitees that the Committee requires to fully consider the topics?
- Is there any additional information that the Committee would like to request?

Section B – Supporting Information

5 Supporting Information

- 5.1 The Corporate Assessment, and the subsequent [follow up assessment](#) provide background information on the importance of good work programming. Specific reference is made to the need to align the Cabinet and Scrutiny work programmes to ensure the value of the Scrutiny Function is maximised.
- 5.2 The latest Cabinet work programme was approved by the Cabinet on a monthly basis for the next 12 months and includes the list of reports scheduled for consideration. Effective forward planning by both Cabinet and Scrutiny needs to be coordinated and integrated in relation to certain reports to ensure proper consultation takes place before a decision is taken. A link to the Cabinet work programme is provided [here](#) to the Committee as part of this report, to enable the Committee to ensure that the work programmes continue to reflect key decisions being made by the Cabinet.

6. Links to Council Policies and Priorities

- 6.1 Having proper work programming procedures in place ensures that the work of Overview and Scrutiny makes a positive impact upon the Council's delivery of services, contributes to the delivery of corporate objectives, and ensures that work can be undertaken in a timely and well-planned manner.
- 6.2 This report relates to the Committee's Work Programme, Actions from Committee's and Information Reports that support the achievement of the Scrutiny Committee, in accordance with the Law and Regulation Service Plan, Objectives, Actions and Measures and the Wellbeing objectives:

Well-being Objectives	Promote economic growth and regeneration whilst protecting the environment	Improve skills, educational outcomes & employment opportunities	Enable people to be healthy, independent & resilient	Build cohesive & sustainable communities
Corporate Plan Commitments	Thriving City	Aspirational People		Resilient Communities
Supporting Function	Modernised Council			

7 Wellbeing of Future Generation (Wales) Act

- 7.1 The Wellbeing of Future Generations Act 2015 which came into force in April 2016 sets the context for the move towards long term planning of services.
- 7.2 **General questions**
- How is this area / policy affected by the new legislation?
 - How will this decision / policy / proposal impact upon future generations? What is the long term impact?
 - What evidence is provided to demonstrate WFGA has been / is being considered?
 - Evidence from Community Profiles / other data?
 - Evidence of links to Wellbeing Assessment / Objectives / Plan?
- 7.3 **Wellbeing Goals**
- How are the Wellbeing goals reflected in the policy / proposal / action?
 - *A prosperous Wales*
 - *A resilient Wales*
 - *A healthier Wales*

- *A more equal Wales*
- *A Wales of cohesive communities*
- *A Wales of vibrant culture and thriving Welsh language*
- *A globally responsible Wales*

7.4 Sustainable Development Principles

- Does the report / proposal demonstrate how as an authority we are working in accordance with the sustainable development principles from the act when planning services?
 - **Long Term**
The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs
 - **Prevention**
How acting to prevent problems occurring or getting worse may help public bodies meet their objectives
 - **Integration**
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
 - **Collaboration**
Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives
 - **Involvement**
The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

8 Background Papers

- [The Essentials - Wellbeing of Future Generation Act \(Wales\)](#)
- [Corporate Plan 2017 - 2022](#)
- The Corporate Assessment and [follow up assessment](#).

Report Completed: 30 July 2021

Appendix 1

**Overview and Scrutiny Management Committee
– Forward Work Programme Update**

Friday, 10 September 2021 at 10am	
Topic	Information Required / Committee's Role
Corporate Plan Annual Report	To provide comment and recommendation to the Cabinet on the performance of the Council towards their objectives set out in the Corporate Plan.
Strategic Equalities Plan Annual Report	<p>To consider the Council's progress towards achieving the objectives that were defined in the Strategic Equality Plan (SEP) 2020 – 2024.</p> <p>Whether the Strategic Equality Plan Annual Report 2020/21 contains sufficient information to monitor the achievement of the 9 Objectives.</p> <p>Whether it wishes to provide comment and recommendations on the SEP annual report to Cabinet.</p>

Thursday, 23 September 2021 at 4pm	
Topic	Information Required / Committee's Role
City Centre PSPO	<p>To consider how effectively the recommendations made in relation to the City Centre PSPO have been implemented.</p> <p>Update from the Service area on the implementation of the recommendations.</p> <p>Summary of the background to the item and a list of the recommendations as approved and implemented by the Council.</p>

Mae'r dudalen hon yn wag yn

**OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
ACTION SHEET – 09/07/2021**

	Agenda Item	Action	Responsibility	Outcome
1	Annual Corporate Safeguarding	Scrutiny Adviser to send comments, questions and recommendations to Head of Children and Young People’s Services and Head of Child Protection	Scrutiny Adviser	Completed – emailed relevant Officers.
2	Annual Information Risk Report	Scrutiny Adviser to send comments, questions and recommendations to the Head of People and Business Change.	Scrutiny Adviser	Completed – emailed relevant Officer.
3	Annual Digital Report	Scrutiny Adviser to send comments, questions and recommendations to the Head of People and Business Change.	Scrutiny Adviser	Completed – emailed relevant Officer.
4				
5				
6				

Mae'r dudalen hon yn wag yn