



Walsall Council

You are hereby summoned to attend a meeting of the Council of the Metropolitan Borough of Walsall to be held on **MONDAY the 20TH day of SEPTEMBER 2021 at 6.00 p.m.** at the Town Hall, Walsall.

Public access via: <https://youtu.be/1E3FWktBW80>

Dated this 10th day of September 2021.

Yours sincerely,

Chief Executive.

The business to be transacted is as follows:

1. To elect a person to preside if the Mayor and Deputy Mayor are not present.
2. Apologies.
3. To approve as a correct record and sign the minutes of the meeting of the Council held on 26th May, 2021 (**pages 6 to 20**)
4. Declarations of interest.
5. **Local Government (Access to Information) Act, 1985 (as amended):**
To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
6. Mayor's announcements.

7. Appointment of Deputy Mayor for the remainder of the Municipal Year 2021/2022.
8. To receive any petitions
9. To answer any questions in accordance with Council procedure rules:

(a) From the public:

The harvestime housing development is over 50 % complete in Raleigh Street Birchills Pleck ward. What progress has been made on traffic management plan for local area as approved in planning consent.

(b) From members of the Council:

Councillor Smith:-

Given that:

- a) at an Extra ordinary Meeting of Walsall Council, held in private, on 7th August 2017, Walsall Council agreed, after a named vote (27 for, 21 against) to support a Motion moved by the then Leader of the Council, Cllr S. Coughlan and seconded by Cllr. A Nawaz to *“approve an amendment to the 2017.18 Capital Programme to include a budget for the acquisition of the Saddlers Centre Shopping Centre and associated purchase costs of £13.802m”* , effectively buying a previously privately owned town centre shopping centre (the Saddlers Centre) that had made a loss of over £2.9m in the year before (2016), according to Topland (Saddlers, Walsall) Limited Financial Statement dated 31/5/16 and
- b) at the time Walsall Council was seeking to “save” £86m by 2020, including the closure of libraries, less grass cutting & street cleaning and other front line cuts,
- c) The Council at the time was receiving “due diligence” advice that supported the acquisition, from Cushman & Wakefield Investment Teams based in London & Birmingham whilst simultaneously a Cushman& Wakefield team based in Bristol was acting for the vendors (Topland), and furthermore, at that time, Cushman & Wakefield also had an interest in the near by Old Square Shopping Centre
- d) The then Leader of the Council, Cllr. S Coughlan was quoted in a statement published on 9/8/17 as saying “This is a very positive story for Walsall. This acquisition will provide the Council with an opportunity to add to its existing investment portfolio whilst the rental income generated will meet the aims and requirements of the Council’s four year financial plan.”

can the present Leader of the Council explain to what extent the 21- strong opposition in a named vote at the meeting of 7/8/17 to this purchase, has been

vindicated, with particular reference to the forecasted anticipated cash surplus based on the Asset Management Strategy for the property prepared by the Council's external property experts, Cushman & Wakefield which included both capital return on an assumption of sale at the end of a five year period (from 2017) plus rental income minus costs?

Councillor Smith:-

If as Leader of the Council, you accept, either wholly or partially that:

a) many people feel that it is time to get Walsall Council "back to normal", including the opening up of the Civic Centre to the public and so that face to face meetings can soon be held in Committee Rooms and the Council chamber without the need for laptops, headphones, masks, etc. for those who feel comfortable doing so and so that members of the public can once again have an opportunity to attend, observe and speak (where appropriate) in the interests of democratic accountability,

and

b) many people feel that there seems to be an apparent drive to make it easier (if not compulsory) for more and more Office Council employees to work from home, which is detrimental to good communications and accountability,

and

c) many people feel that the drive for more "working from home" will have a negative impact on the regeneration of the town centre and could also have a demotivating effect on much of the workforce,

Will you therefore, if this drive for more and more office-based workers to work from home becomes inevitable, **comment on the views that** these "remote employees" could become particularly vulnerable in any future drives to save money if looking to delete posts and that the financial viability of the Civic Centre itself could become questionable, thus leading to the call to "rent out" more units of the Civic Centre and/or even to consider it being put up for sale?

10. To confirm the following recommendation of **Cabinet**:

Treasury Management Annual Report (pages 21 – 48)

To note (in line with the requirements of the Treasury Management Code of Practice (2017)), the annual position statement for treasury management activities 2020/21 including prudential and local indicators (Appendix A).

(Note: Report of Cabinet reproduced for this meeting)

11. To confirm the following recommendation of **Standards Committee**:
Code of Conduct for Elected Members (pages 49 – 74)
That the Code of Conduct for Councillors be approved.
(Note: Report of Standards reproduced for this meeting)
12. To confirm the following recommendation of **Licensing and Safety Committee**:
Statement of Licensing Policy and Cumulative Impact Assessment (pages 75 – 156)
That the Statement of Licensing Policy and Cumulative Impact Assessment be approved.
(Note: Report of Licensing and Safety Committee reproduced for this meeting)
13. **Annual report of Audit Committee 2020/21**. Report to Audit Committee on 8 July 2021 reproduced in the reports booklet for this meeting. **(pages 157 – 168)**
14. **Scrutiny Annual Report 2019-2021**. Report enclosed **(pages 169 – 191)**
15. **Adoption of the International Holocaust Remembrance Alliance Definition of Antisemitism** - Report enclosed **(pages 192 – 196)**
16. **Portfolio holder briefing**. To receive a 5 minute presentation from the Leader of the Council. Report **to follow**.

(Note: A member of the Council may ask the portfolio holder any question and another associate question without notice upon each report. Questioning by members is limited to 10 minutes for each report presented.)
17. To consider the following motion, notice of which has been duly given by **Councillors A. Nawaz, k. Hussain, N. Gultasib, R. Worrall, I. Roberston, S. Nasreen and H. Bashir**.

This Council recognises the £20 uplift in Universal Credit has been a significant help to the most poorest families in our country including families in Walsall; and

This Council calls upon the Government to make the £20 uplift in Universal Credit permanent and refrain from reversing the increase.

18. To consider the following motion, notice of which has been duly given by **Councillors A. Nawaz, k. Hussain, N. Gultasib, R. Worrall, I. Roberston, S. Nasreen and H. Bashir.**

This Council accepts and adopts in full, with all examples therein, the All Party Parliamentary Group on British Muslims' definition of Islamophobia, which is:-

'Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness'

And further resolves to act and combat robustly all forms of Islamaphobia through its internal and external policies.

19. To consider the following motion, notice of which has been duly given by **Councillor P. Smith:**

This Council:

notes the widespread public concern, bordering on anger by many residents across the Borough, at what is seen as a deterioration in the services of many GP Practices/Health Centres; Concerns about:

- Difficulty getting through on the phone to many of them.
- Difficulty getting a doctor' appointment within a reasonable time, especially a face to face appointment.
- Extra pressure put on A&E as a result of many patients being unable to obtain satisfactory responses from their GP Practices/Health centres, thus feeling the only alternatives being A&E or the Urgent Care Walk- In Centre, where patients could and often do, have a wait of several hours before being treated.
- Particular problems around inequality that the shift away from face to face meetings and towards more phone appointments and online appointments pose, especially for patients who may be profoundly deaf, unable to speak, have language barrier issues, be visually impaired, have serious mental health issues, have learning difficulties and those without the appropriate skills and/or access to computers and the internet.

and consequently this Council resolves to use the maximum influence that it has to engage with the appropriate organisations and bodies including its own Health and Well Being Board, Healthwatch Walsall, Walsall's Members of Parliament and the Department of Health and Social Care, in order to a) draw attention to this concern and b) call for a massive improvement in what is perceived by many to be an deteriorating and unacceptable service for so many.



Walsall Council

Minutes of the **ANNUAL MEETING** of the Council of the Walsall Metropolitan Borough held on **Wednesday 26th May, 2021, at 6.00 p.m.** at the Town Hall, Walsall.

Present

Councillor P. Bott (Mayor) in the Chair

Councillor R. Burley (Deputy Mayor)

“ G. Ali
“ B. Allen
“ A.J.A. Andrew
“ H. Bashir
“ M.A. Bird
“ C. Bott
“ R. Burley
“ O. Butler
“ B. Chattha
“ A.G. Clarke
“ S.J. Cooper
“ D. Coughlan
“ S. Coughlan
“ S.R. Craddock
“ C.U. Creaney
“ S.K. Ditta
“ S. Elson
“ K. Ferguson
“ G. Flint
“ M. Follows
“ N. Gandham
“ N.Z. Gultasib
“ A.D. Harris
“ L.A. Harrison
“ A.J. Hicken
“ A. Hussain
“ K. Hussain
“ L.D. Jeavons

Councillor S. Johal

“ P. Kaur
“ E. Lee
“ Mrs. R.A. Martin
“ F. Mazhar
“ K. Murphy
“ J. Murray
“ S. Nasreen
“ A.A. Nawaz
“ A. S. Nazir
“ M. Nazir
“ K. Pedley
“ G. Perry
“ W. Rasab
“ L.J. Rattigan
“ I.C. Robertson
“ S. Samra
“ H.S. Sarohi
“ K. Sears
“ P. Smith
“ G. Singh Sohal
“ C.A. Statham
“ M.A. Statham
“ C.D.D. Towe
“ A. Underhill
“ V.J. Waters
“ J. Whitehouse
“ T.S. Wilson
“ R.V. Worrall

1. **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors D. James and A. Young.

2. **Election of Mayor 2021/22**

It was **moved** by Councillor Underhill and seconded by Councillor D. Coughlan:

That Councillor Rose Burley be elected Mayor of this Borough for the municipal year 2021/22.

On being put to the vote the motion was declared carried and it was:

Resolved

That Councillor Rose Burley be elected Mayor of this Borough for the municipal year 2021/22.

The Council adjourned to enable the Mayor to put on the robes and chain.

Councillor Rose Burley (Mayor) in the Chair

The Mayor read and signed the Declaration of Acceptance of Office and thanked the Council for the honour conferred upon her.

3. **Appointment of Deputy Mayor 2021/22**

It was **moved** by Councillor Hussain and seconded by Councillor Gultasib:

That Councillor Harbans. Sarohi be appointed Deputy Mayor of this Borough for the municipal year 2021/22.

On being put to the vote the motion was declared carried and it was:

Resolved

That Councillor Harbans Sarohi be appointed Deputy Mayor of this Borough for the municipal year 2021/22.

4. **Minutes**

Resolved

That the minutes of the meetings of the Council held on the 25th February, 2021, copies having been sent to each member of the Council, be approved as correct records and signed.

5. **Mayor's announcements**

Charities

The Mayor announced that monies raised during her year of office would be donated Phoenix French Bull Dog Rescue, Alzheimers Society and Walsall Foster Carers Association.

6. **Declarations of interest**

None.

7. **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to be considered in private session.

8. **Election results – 6th May 2021**

The report was submitted.

Resolved

That the report be noted.

9. **Formation of political groups**

The report of the Chief Executive was circulated around the Council Chamber.

Resolved

That the receipt of returns from political groups be noted.

10. **Members appointed to the Executive**

A schedule of portfolio responsibilities was submitted.

Resolved

That the following Cabinet responsibilities for the municipal year 2021/22 be noted:

Description of portfolio	Names of portfolio holder
Leader of the Council	Cllr Mike Bird

<p><i>Services are efficient and deliver value for money</i></p> <p>Overall responsibility for Council strategy, the Corporate Plan, Proud Programme, communications and public relations, emergency planning, government relations and liaison with local MPs and West Midlands leaders. West Midlands Combined Authority, Association of Black Country Authorities and Black Country Joint Committee. Transformation and digital (inc Information Governance) . Finance including payroll and pensions, insurance, risk management, financial reporting, policy led budgeting and MTFO. Financial Regulations, Audit, Counter Fraud and Corruption, Treasury Management, financial systems, external funding Legal and Democratic Services, Performance. Member Development. Governance Business Insights (intelligence) Policy and Strategy Unit</p>	
<p>Deputy Leader and Regeneration</p> <p><i>Creating an environment where business invests and everyone who wants a job can access one;</i></p> <p><i>Housing meets all people's needs, is affordable safe and warm.</i></p> <p>Statutory Deputy Leader as required by Schedule A1 of Local Government Act 2000</p> <p>Economic development, physical development, markets, property and strategic asset management, Black Country Consortium, sub regional regeneration issues. Town and district centres, planning policy and local development framework. Strategic housing role. Traffic and transportation, car parks, strategic transport and highways. Business liaison. Customer.</p>	<p>Cllr Adrian Andrew</p>
<p>Deputy Leader and Resilient Communities</p> <p><i>Children grow up in connected communities and feel safe everywhere</i></p> <p>Oversight role for all Cabinet portfolios;</p>	<p>Cllr Gary Perry</p>

<p>Resilient Communities including Locality co-ordination, community development, engagement and consultation, community associations, voluntary and community sectors, Community Safety, community cohesion, Safer Walsall Partnership, public protection. Leisure and culture services including the New Art Gallery, libraries, sports and museums. Cemeteries and crematoria.</p>	
<p>Education and Skills</p> <p><i>Education, training and skills enable people to fulfil their personal development</i></p> <p>Schools and education services, interagency cooperation, involvement of children and young people, special educational needs, disabilities and inclusion. Adult learning.</p>	<p>Cllr Chris Towe</p>
<p>Adult Social Care</p> <p><i>People know what makes them healthy and they are encouraged to get support when they need it</i></p> <p>Care services for older people and people with learning disabilities, people with physical disabilities and people with mental health needs, health partnership, commissioning and CCG/health interface lead supporting people, protection for vulnerable adults, transition arrangements between Children’s and Adult Social Care.</p>	<p>Cllr Rose Martin</p>
<p>Clean and Green</p> <p><i>People are proud of their vibrant town, districts and communities</i></p> <p>Gateways and corridors, pollution control, waste strategy, refuse collection, recycling, street cleaning, parks (maintenance) and the Council’s vehicle fleet. Healthy spaces.</p>	<p>Cllr Oliver Butler</p>

<p>Children's</p> <p><i>Children thrive emotionally, physically, mentally and feel they are achieving their potential</i></p> <p>Statutory role as Lead Member for Children's Services</p> <p>Services for children in need of help and protection, children looked after and care leavers, early help, involvement of children and young people, transition arrangements between Children's and Adult Social Care and Walsall children's Safeguarding board, Chair of Corporate Parenting Board</p>	<p>Cllr Tim Wilson</p>
<p>Internal Services</p> <p><i>Internal services deliver quality and adapt to meet the needs of customer facing services</i></p> <p>HR, Organisation Development. Learning and development, equalities, procurement, Corporate Landlord including facilities and general asset management, , catering, cleaning, caretaking. Admin and Business Support. Workforce.</p>	<p>Cllr Mark Statham</p>
<p>Health and Wellbeing</p> <p><i>People live a good quality of life and feel they belong</i></p> <p>Public Health commissioned services including: Healthy Lifestyles – tobacco control /smoking cessation, physical activity, healthy weight and healthy eating; Healthy Child programme for 0-19 year olds including school nursing, health visiting, teenage pregnancy, breastfeeding, infant mortality and smoking in pregnancy; Sexual Health services; Integrated Drug & Alcohol Services .</p> <p>Public Health functions and activities including the prevention of long term conditions through NHS Health Checks; oral health interventions;</p>	<p>Cllr Stephen Craddock</p>

<p>health and housing; suicide prevention and mental /emotional wellbeing; health at work.</p> <p>In-house Health Protection team providing local outbreak management, screening and immunisation, infection prevention and control, disease and injury prevention.</p>	
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11. **Constitution and timetable of meetings 2021/22**

The report was submitted.

It was **moved** by Councillor Bird, seconded by Councillor Andrew and:

Resolved that:

1. the amendments to the Constitution as set out in appendix 1 to the report be approved:
2. the timetable of meetings for the municipal year 2021/2022 as set out in **Appendix 2** to the report be approved.

12. **Appointments to Committees**

A list of nominations from the political groups was circulated.

The Leader confirmed that Councillor Murphy would serve on the Education Scrutiny Committee rather than Councillor Sears.

The list, with the amendment above, was **moved** by Councillor Bird, seconded by Councillor Andrew and:

Resolved

That the following members be appointed to Committees for the municipal year 2021/22:

Audit Committee

Councillors Chattha, Flint, James, Johal, Pedley, Robertson, Smith,
3 Independent members

Corporate Parenting Board

Councillors Ferguson, Hicken, M Nazir, Mazhar, Murphy, Wilson, Worrall

Health and Wellbeing Board

Councillors Craddock, Martin, Robertson, Wilson.

Licensing and Safety Committee

Councillors C. Bott, Cooper, S. Ditta, Ferguson, Gandham, Hicken, K Hussain, Kaur, Nawaz, Samra, Sarohi, Sears, Smith, Waters

Personnel Committee

Councillors Andrew, Bird, Elson, Gultasib, Harris, K Hussain, Nawaz, Samra, Waters

Planning Committee

Ward:

Ald. Central & S.	Murray
Ald. Nrth & W.W.	Harris
Bentley & Darl N.	Underhill
Birchills-Leamore	Ali
Blakenall	Robertson
Bloxwich East	M Statham
Bloxwich West	Allen
Brownhills	Craddock
Darlaston South	P. Bott
Paddock	Rasab
Palfrey	M. Nazir
Pelsall	Perry
Pheasey P. Farm	Bird
Pleck	Sarohi
Rushall-Shelfield	Waters
Short Heath	Cooper
St. Matthews	Nawaz
Streetly	Samra
Willenhall North	Hicken
Willenhall South	Creaney

Standards Committee

Councillors Allen, Andrew, Burley, Follows, Lee, Rasab, Samra, Sarohi, Underhill, Young.

Scrutiny Overview and Scrutiny Committee

Councillors Ali, P Bott, Harrison, Hicken, K Hussain, Jeavons, Murray, Nawaz, Rasab, Samra, Sohal

Children's Services Overview and Scrutiny Committee

Councillors Bashir, Flint, A. Hussain, Hicken, Kaur, Mazhar, Murphy, Nawaz, A Nazir, Rattigan, C Statham.

Education Overview and Scrutiny Committee

Councillors Burley, Ditta, Elson, Ferguson, Jeavons, Johal, Kaur, Lee, Murphy, Nasreen, Rattigan.

Economy and Environment Overview and Scrutiny Committee

Councillors Allen, P. Bott, S Coughlan, Follows, Jeavons, Harrison, Kaur, Lee, Singh Sohal, Whitehouse, Worrall.

Social Care and Health Overview and Scrutiny Committee

Councillors Allen, Cooper, D Coughlan, Ditta, Gandham, Johal, K Hussain, Murphy, Pedley, Sarohi, Waters.

13. **Appointment of Chairmen and Vice-Chairmen**

It was **moved** by Councillor Bird, seconded by Councillor Andrew and:

Resolved

That the following members be appointed Chairmen and Vice-Chairmen of Committees for 2021/22:

Committee	Chair	Vice-Chair
Audit	Independent Person	Councillor Johal
Corporate Parenting Board	Councillor Wilson <i>(Portfolio Holder for Children's Services)</i>	Councillor Worrall
Health and Wellbeing Board	Councillor Craddock	<i>To be appointed by Health and Wellbeing Board</i>
Licensing and Safety	Councillor Waters	Councillor Kaur
Personnel	Councillor Bird	Councillor Andrew
Planning	Councillor Bird	Councillor Perry
Standards	Councillor Rasab	Councillor Underhill
Scrutiny Overview	Councillor Murray	Councillor Nawaz

Children's Services Overview and Scrutiny	Councillor Hicken	Councillor Mazhar
Education Overview and Scrutiny	Councillor Jeavons	Councillor Murphy
Economy and Environment Overview and Scrutiny	Councillor Harrison	Councillor Follows
Social Care and Health Overview and Scrutiny	Councillor K. Hussain	Councillor Cooper

14. **Appointment of representatives to outside bodies and charities**

It was **moved** by Councillor Bird, seconded by Councillor xxxx and:

Resolved

That the following members be appointed to the undermentioned bodies for the municipal year 2021/22 (unless otherwise stated):

(a) Outside bodies

Birmingham Airport Consultative Committee

Councillor Chattha
Councillor Waters (substitute)

Birmingham Airport Holdings Ltd.

Councillor Bird

Black Country Cluster Board (NHS)

Councillor Pedley

Black Country Commonwealth Games 2022 Steering Group

Councillor Perry

Black Country Consortium

Councillor Bird

Black Country Partnership NHS Foundation Trust

Councillor Robertson

Bus Lane Adjudication Service Joint Committee

Councillor Waters,
Councillor Worall (Deputy)

Dudley and Walsall Mental Health Partnership Trust

Councillor Craddock

Forest of Mercia Advisory Group

Councillors Follows, Harrison, Nawaz

Investigation of Air Pollution Standing Conference

Councillor Hicken

Joint Committee for Civil Parking Enforcement of Parking and Traffic Regulations

Councillor Ali, K.
Councillor Hussain (Deputy)

Local Government Association – General Assembly

Councillors Hicken (2 votes), Nawaz, K. Hussain

Project WR2 Contract Management Board

Councillor Butler

River Trent Regional Flood and Coastal Committee

Councillor Butler,
Councillor Harrison (Deputy)

Steps to Work (Walsall) Limited

Councillor Statham

Walsall Citizens Advice Bureau

Councillors Chattha, Johal

Walsall Museum and Art Galleries Development Trust

Councillor Follows

Walsall Society for the Blind

Councillors Harrison, Johal

West Midlands Combined Authority Board

Councillors Andrew, Bird

Councillors Samra, Towe (substitutes)

West Midlands Combined Authority – Overview and Scrutiny Committee

Councillor Waters

Councillor Samra (Substitute)

West Midlands Combined Authority – Audit, Risk and Assurance Committee

Councillor Flint

Councillor Pedley (Substitute)

West Midlands Combined Authority – Transport Delivery Committee

Councillors Andrew, Worrall

WMCA Investments Board

Councillor Bird

WMCA Public Service Perform Board

Councillor Craddock

WMCA Strategic Economic Development Board

Councillor Andrew

WMCA Wellbeing Board

Councillor Craddock

WMCA Environment & Energy Board

Councillor Butler

WMCA Transport Scrutiny Sub-Committee

Councillor Hicken

West Midlands Fire and Rescue Authority

Councillors Ferguson (to answer questions), Young

West Midlands Pension Fund Committee

Councillor Waters

West Midlands Police and Crime Panel

Councillor Samra

West Midlands Shareholders Airport Committee

Councillor Martin

Councillors Waters, Kaur (Observers)

West Midlands Strategic Migration Partnership Board

Councillor Rasab

West Midlands Superannuation Committee, Investment Advisory Sub-Committee and Joint Consultative Panel

Councillor Waters

Councillor Harris (Substitute)

(b) Charities

Barr Beacon Trust

Councillors Andrew, Bird, Keir Pedley, Johal, Murray, Kaur, Samra, Towe, Wilson, Butler

Blanch Woollaston Charity

Councillors Flint, Nawaz

Catherine Walker Charity

Councillor Sears

C.C. Walker Charity

Councillors Flint, Mazhar

Harper, Marsh and Crumps Almshouses

Councillor A. Hussain

Henry Boys Almshouses

Councillor Nawaz

Merrions Wood

Councillors Rasab, Sohal

Roger Hinton's Charity

Councillors Burley, Clarke, Sarohi

School Holiday Camp Fund of Walsall (Bryntysilio)

Councillors Towe, Worrall

Sheffield Playing Fields

Councillors Rattigan, Waters

Walsall Wood Allotment Charity

Councillor Bird

W.J. Croft Charity

Councillor Nawaz

(c) Advisory and statutory bodies

Fostering Panel

Murphy

Standing Advisory Council for Religious Education

Councillors Hussain, K. Hussain, Johal, Nasreen, Pedley, Robertson, Sohal

Walsall Admission Forum

Councillors Nawaz, Rasab

15. Recommendations of Cabinet

(a) Youth Justice Annual Strategic Plan

The report to Cabinet on 21st April, 2021 was submitted.

Councillor Wilson moved the approval of the recommendation, which was seconded by Councillor Andrew.

The motion was put to the vote by way of a roll-call of members and subsequently declared carried and it was:

Resolved

1. That Walsall's Youth Justice Annual Strategic plan be approved.
2. That the Executive Director Children's Services, in consultation with the portfolio holder be authorised to make any future minor amendments to the plan if and when required.

16. **Extension of Term of Office – Independent Person – Audit and Standards Committee**

It was **moved** by Councillor Bird, seconded by Councillor Andrew and:

Resolved

That Mr Andrew Greens term of office as an Independent Person on the Council's Audit and Standards Committees be extended for a period of 4 years.

The meeting terminated at 7.56 p.m.

Cabinet – 21 July 2021

Treasury Management Annual Report 2020/21

Portfolio: Councillor Bird, Leader of the Council

Related portfolios: N/A

Service: Finance

Wards: All

Key decision: No

Forward plan: Yes

1. Aim

- 1.1 The council is required through regulations issued under the Local Government Act 2003 to produce a year end position statement reviewing treasury management activities and prudential and treasury indicator performance. The Treasury Management year end position statement at Appendix A provides Cabinet with these details, and meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.2 The council is required to note the TM Annual Report is presented to provide assurance that TM performance is in line with budgeted expectations and within the above regulations and Codes that the authority is required to comply with.

2. Summary

- 2.1 This report sets out the council's 2020/21 year end position for treasury management activities (Appendix A).
- 2.2 Despite difficult market conditions and historically low interest rates following the reduction of the Bank Of England base rate down to 0.10% in March 2020 the council achieved an average interest rate across all investments of 1.01% compared to budget of 1.59%. In monetary terms this equated to a budgetary pressure of £0.199m.
- 2.3 This has taken considerable effort and negotiation from the treasury team to secure favourable rates when considering investment options, and through the review and identification of new opportunities for investment.
- 2.4 Capital expenditure for 2020/21 was £102.837m of which £21.006m will be funded from approved borrowing (Table 2, Appendix A).

- 2.5 The actual debt position for the Council as at 31 March 2021 is £351.454m, which is within both the operational and authorised limits for external debt agreed at council on 27/02/20.

3. Recommendations

- 3.1 To note and forward to Council, for consideration and noting (in line with the requirements of the Treasury Management Code of Practice (2017)), the annual position statement for treasury management activities 2020/21 including prudential and local indicators (Appendix A).

4. Report detail - know

Context

- 4.1 The Treasury Management annual report at Appendix A provides Cabinet with these details, and meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

The following key points of interest have been extracted from the report:

- The annual report meets the requirement of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities.
- Capital expenditure was £102.837m of which £21.006m will be funded from approved borrowing (Table 2, Appendix A).
- The banking environment has continued to be one of the low interest returns. The Bank of England base rate decreased from 0.75% to 0.25% on 11th March 2020 and then reduced further to 0.10% on 19th March 2020, due to the onset of the global Covid-19 pandemic.
- Despite the situation of low interest returns throughout the financial year, the authority has continued to identify appropriate new areas of investment opportunity, reviewed counterparties and limits to reduce exposure to counterparty risk. Together these actions mitigated the budgetary pressure on investment income levels to £0.199m for the 2020/21 financial year.
- To note within the local indicators (Table 11) that the net borrowing cost as a percentage of net council tax requirement 7.02% (3a) and the net borrowing cost as percentage of tax revenue 4.44% (3b) are both within their target upper limits of 20% and 12.50%.

Council Corporate Plan priorities

- 4.2 Sound financial management of the council's cash balances supports the delivery of council priorities within council's available resources.

Risk management

- 4.3 Treasury management activity takes place within a robust risk management environment, which enables the council to effectively maximise investment income and minimise interest payments without undue or inappropriate exposure to financial risk. It is recognised that the management of risk is as important as maximisation of performance and it is essential that the council has the right balance of risk and reward when making investment decisions. This is supported by treasury management policies which seek to manage the risk of adverse fluctuations in interest rates and safeguard the financial interests of the council.
- 4.4 The United Kingdom formally left the European Union on 31 January 2020 with a transition period that lasted until 31 December 2020 to enable both parties to negotiate their future relationship. These negotiations resulted in a trade agreement with the EU for goods only with negotiations continuing with respects to services. At present it is hard to quantify what the impact has been to the council due to the impact Covid-19 has had on the UK economy potentially masking any Brexit consequences. The Council has responded to these risks by reviewing counterparties for investments to minimise the risk to any one counter party or class of counter party.

Financial implications

- 4.5 Treasury management activity forms part of the council's financial framework and supports delivery of the medium term financial strategy. The review of treasury management performance and activity is reviewed through both the treasury management annual report and the mid-year performance review report.

Legal implications

- 4.6 The council is required to have regard to the Prudential Code under the duties outlined by the Local Government Act 2003. One requirement of the Prudential Code is that the council should comply with the CIPFA Code of Practice for Treasury Management. The council adopted the original treasury management code in 1992 and further revisions to the Code in 2002, 2010 and 2017.

Procurement Implications/Social Value

- 4.7 None directly relating to this report.

Property implications

- 4.8 None directly relating to this report.

Health and wellbeing implications

- 4.9 None directly relating to this report.

Staffing implications

4.10 None directly relating to this report.

Reducing Inequalities

4.11 None directly relating to this report.

Climate Change

4.12 None directly relating to this report.

Consultation

4.13 The report has been approved by the finance treasury management panel, an internal governance arrangement comprising the S151 Officer, Head of Finance and Deputy Head of Finance - Corporate.

5. Decide

5.1 In line with the Treasury Management Code of Practice (2017) there are a number of reports that are required to be produced and reported publicly each year. The Treasury Management Annual Report forms one of these requirements and as such is being reported to Cabinet for noting and forwarding onto Council for consideration.

6. Respond

6.1 This report is not seeking approval of a decision, in line with the Treasury Management Code of Practice (2017) it is required to be reported for noting and forwarding to Council for consideration.

7. Review

7.1 In line with Treasury Management Code of Practice (2017) this is a backward looking document looking at performance over the previous.

Background papers

Various financial working papers.

Corporate budget plan and treasury management and investment strategy 2020/21 – Council 27/02/20.

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21 July 2021

Signed:



Councillor M Bird
Leader of the Council

21 July 2021

Appendix A

Annual Treasury Management Report 2020/21

Walsall Council
June 2021

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Annual Treasury Management Report 2020/21

Purpose

This council is required through regulations issued under the Local Government Act 2003 to produce an annual treasury report reviewing treasury management activities and prudential and treasury indicator performance. This document therefore reports this position for the 2020/21 financial year. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2020/21 the following reports were produced:

- an annual treasury strategy in advance of the year (Council 27/02/2020)
- a mid-year (minimum) treasury update report (Cabinet 09/12/2020)
- an annual review of treasury management policies (Council 25/02/2021)
- an annual report following the year describing the activity compared to the strategy (this report to Cabinet)

In addition, this council's treasury management panel has received regular treasury management update reports throughout 2020/21.

The regulatory environment places an onus on members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the council's policies previously approved by members.

This council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by Cabinet before they were reported to the full Council. In order to support members' scrutiny role member training on treasury management issues has been available to all members via the e-Learning platform throughout 2020/21 and the Council's external Treasury Management Advisors Link provided a member training session in March 2021.

Summary

During 2020/21, the council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

Table 1 Actual prudential and treasury indicators	2019/20 Actual £m	2020/21 Original £m	2020/21 Revised £m	2020/21 Actual £m
Capital expenditure	69.780	98.360	217.180	102.837
Capital Financing Requirement:				
Including PFI and finance leases	357.159			370.107
Excluding PFI and finance leases	350.430			364.336
External Borrowing	307.612			347.366
Investments	214.485			219.860
Net borrowing	93.127			127.506

Other prudential and treasury indicators are to be found in the main body of this report. The Executive Director of Resources & Transformation (S151 Officer) confirms that borrowing was only undertaken for capital purposes or to support required in year cash-flow requirements.

The challenging environment of low investment returns and uncertainty of counterparty risk has continued in 2020/21. The Bank Of England base rate was reduced to 0.10% in March 2020 due to the effects of Covid-19, which would not have been accounted for in the budget set in February 2020, and therefore added a forecast pressure to investment income immediately at the beginning of the financial year. Counterparty risk has been continually reviewed throughout the financial year to ensure credit ratings exceed the minimum requirements set in Treasury Management policies, and cash was invested primarily in At-Call and Short Term accounts to ensure the council was able to meet unknown levels of expenditure resulting from Covid-19.

The original capital expenditure target of £98.360m for 2020/21 is based on the figure for the 2020/21 capital programme reported in the budget report presented to full Council on the 27th February 2020. This was revised within the financial year to a £217.180m target. The actual spend for 2020/21 is lower than the target due to slippage from 19/20, and amendments to the original capital programme agreed during the year, of which spend will now be incurred in 2021/22.

1. Introduction and background

To set the context of the treasury management environment it is first necessary to provide a review of the economy and interest rates.

2020/21 continued with a challenging investment environment since the reduction of the Bank of England base rate down to 0.10% in March 2020, with namely low investment returns, although levels of counterparty risk have continued to subside. The interest rate forecast at the start of the year was that the low interest rate environment would continue throughout 2020/21. An economic summary is given at the beginning of the borrowing and investment sections.

2. The Council's Capital Expenditure and Financing 2020/21

The council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc., which has no resultant impact on the council's borrowing need); or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed. The amount to be funded from borrowing for 2020/21 will be £21.006m. It shows an increase in capital expenditure funded from grants mainly due to Growth Fund Projects, for which Walsall is the accountable body for all the Black Country Districts.

Table 2	2019/20 Actual £m	2020/21 Original £m	2020/21 Actual £m
Total capital expenditure	69.780	98.360	102.837
Resourced by:			
· Capital receipts	2.781	5.650	2.268
· Capital grants	53.057	67.040	77.648
· Capital Reserves and Revenue	1.592	0.040	1.915
· Approved Borrowing	12.350	25.630	21.006
	69.780	98.360	102.837

3. The Council's Overall Borrowing Need

The council's underlying need to borrow for capital expenditure is termed the capital financing requirement (CFR). This figure is a gauge of the council's debt position. The CFR results from the capital activity of the council and which resources have been used to pay for the capital spend. It represents the 2020/21 capital expenditure funded by borrowing (see table 2), and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.

Part of the council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the council's cash position to ensure sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies (such as the Government, through the Public Works Loan Board [PWLB] or the money markets), or utilising temporary cash resources within the council.

Reducing the CFR – the council's underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The council is required to make an annual revenue charge, called the minimum revenue provision (MRP) to reduce the CFR. This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

The total CFR can be reduced by:

- the application of additional capital financing resources (such as unapplied capital receipts); or
- charging more than the statutory revenue charge (MRP) each year through a voluntary revenue provision (VRP).

The Minimum Revenue Provision (MRP) Policy applied from 2015/16 until 2019/20 was as follows:

Under the Local Authorities (Capital Finance and Accounting) (Amendment) (England) Regulations 2010, local authorities have a duty to produce an annual statement on its policy for making a minimum revenue provision (MRP).

For the financial years **2008/09** onwards the authority will be adopting the following policies in determining the MRP:

1. For any capital expenditure carried out prior to 31 March 2008 or financed by supported borrowing capital expenditure, the authority will be charging MRP at 2% of the balance at 31 March 2013 (which has been adjusted as per the 2003 regulations, i.e. net of Adjustment A), fixed at the same cash value so that the whole debt is repaid after 50 years.
2. For any capital expenditure carried out after 1 April 2008 being financed by borrowing the authority will be adopting the asset life method (option 3). This is where MRP will be based on the capital expenditure divided by a determined asset life or

profile of benefits to give annual instalments. The annual instalment may be calculated by the equal instalment method, annuity method or other methods as justified by the circumstances of the case at the discretion of the S151 Officer.

3. The authority will treat the asset life as commencing in the year in which the asset first becomes operationally available. Noting that in accordance with the regulations the authority may postpone the beginning of the associated MRP until the financial year following the one in which the asset becomes operational, there will be an annual adjustment for Assets Under Construction.

4. In all years, the CFR for the purposes of the MRP calculation will be adjusted for other local authority transferred debt.

5. The Section 151 officer shall on an annual basis review the level of MRP to be charged, as calculated as per paragraphs 1, 2 and 3 above to determine if this is at a level, which is considered prudent. Dependant on this review the Section 151 officer shall be able to adjust the MRP charge (the total cumulative adjustment will never exceed the calculated CFR variance of £24.6m identified when reviewing the current MRP policy during 2015/16). The amount of MRP charged shall not be less than zero in any financial year.

It is proposed that the Minimum Revenue Provision from 2020/21 onwards will be:

Under the Local Authorities (Capital Finance and Accounting) (Amendment) (England) Regulations 2018, local authorities have a duty to produce an annual statement on its policy for making a minimum revenue provision (MRP).

For the financial years **2020/21** onwards the authority will be adopting the following policies in determining the MRP:

1. For all existing capital expenditure balances within the Capital Financing Requirement (CFR) held as at 1 April 2020 MRP will be applied on an annuity basis with the write down period determined by asset lives up to the maximum allowable by the regulations set out above.

2. For all capital expenditure incurred from 1 April 2020 MRP will be applied on an annuity basis with the write down period determined by asset lives up to the maximum allowable by the regulations set out above.

3. The authority will treat the asset life as commencing in the year in which the asset first becomes operationally available. Noting that in accordance with the regulations the authority may postpone the beginning of the associated MRP until the financial year following the one in which the asset becomes operational, there will be an annual adjustment for Assets Under Construction.

4. If determined by the S151 Officer the annual instalment may be calculated by the equal instalment method or other appropriate methods dependant up on the nature of the capital expenditure.

5. In all years, the CFR for the purposes of the MRP calculation will be adjusted for other local authority transferred debt, finance lease and Private Finance Initiative (PFI).

6. The S151 officer shall on an annual basis review the level of MRP to be charged, as calculated as per paragraphs 1, 2 and 3 above to determine if this is at a level, which is considered prudent. The amount of MRP charged shall not be less than zero in any financial year.

The council's CFR for the year 2020/21 is shown below in Table 3, and represents a key prudential indicator (PrI4). It includes Private Finance Initiative (PFI) and leasing schemes from the balance sheet which increase the council's borrowing need – although no borrowing is normally required against these schemes as a borrowing facility is included in the contract (if applicable). It shows that in 2020/21 the council's CFR has increased by £12.949m from £357.159m to £370.108m.

Table 3 CFR (£m)	31 March 2020 Actual £m	31 March 2021 Actual £m
Opening balance	357.673	357.159
Add capital expenditure funded from approved borrowing (as above)	12.350	21.006
Less MRP	-12.864	-8.057
Closing balance	357.159	370.108

The borrowing activity is constrained by prudential indicators for net borrowing and the CFR, and by the authorised limit.

Gross borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term the council's external borrowing, net of investments, must only be for a capital purpose, or to fund expected in year cash-flow requirements. This essentially means that the council is not borrowing to support revenue expenditure. Net borrowing should not therefore, except in the short term, have exceeded the CFR. Table 4 below highlights the council's net borrowing position (£127.506m) against the CFR excluding PFIs and Finance leases (£364.336m) because the debt liability for these are not in the net borrowing position of the council. The council has complied with this prudential indicator.

Table 4 Gross borrowing and the CFR (£m)	31 March 2020 Actual £m	31 March 2021 Actual £m
Gross Borrowing	312.330	351.454
Net borrowing position	93.127	127.506
CFR – excluding PFIs and Finance Leases	350.430	364.336
Long term Assets	574.650	617.858
Net Borrowing % of Long term Assets	16.21%	20.64%

Another measure of prudence is the proportion of net to fixed assets. Table 4 shows that the net borrowing position of the council as at 31/03/21 is £127.506m which represents 20.64% of the value of the council's long term assets which are valued on the council's balance sheet at that date.

Other key Prudential Indicators are shown in Table 5 below:

Table 5 Prudential and Borrowing Limits	31 March 2020 Actual £m	31 March 2021 Actual £m
1. Authorised limit	458.391	472.173
2. Maximum gross borrowing in year	307.568	351.454
3. Operational boundary	416.719	429.248
4. Average gross borrowing	310.182	327.489
5. Financing costs as proportion of net revenue stream	4.31%	5.17%

1. **The authorised limit** - the authorised limit is the “affordable borrowing limit” set by the council as required by section 3 of the Local Government Act 2003. The council does not have the power to borrow above this level without the prior approval of full Council. Table 5 demonstrates that during 2020/21 the council's maximum gross borrowing was within its authorised limit.
2. **Maximum Gross borrowing** – is the peak level of borrowing in year.
3. **The operational boundary** – the operational boundary is the expected borrowing position of the council during the year. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached. In 2020/21 the council's average borrowing position was less than the operational boundary.
4. **Average Gross Borrowing** – is an estimate of the borrowing level in the year see Table 7 for analysis of Borrowing.
5. **Actual financing costs as a proportion of net revenue stream** - this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream. Net revenue stream is defined as Net Council Tax Requirement plus Standard Spending Assessment (previously Formula Grant).

4. Prudential Indicators

The following tables show performance against statutorily required prudential and local indicators.

Table 6 – Prudential Indicators		Actual 2019/20	Target 2020/21	Position 31-Mar-21	Variance to target	
		£m	£m	£m	£m	%
Prl 1	Capital Expenditure	69.780	217.180	102.837	(114.343)	(53%)
Prl 2	Ratio of financing costs to net revenue stream	4.31%	3.78%	5.17%	1.39%	37%
Prl 3	Estimates of the incremental impact of new capital investment decisions on Council Tax	£15.36	£28.49	£28.49	0.00	0%
Prl 4	Capital Financing Requirement	381.564	380.886	380.886	0.000	0%
Prl 5	Authorised Limit for external debt	458.391	472.173	472.173	0.000	0%
Prl 6	Operational Limit for external debt	416.719	429.248	429.248	0.000	0%
Ref	Prudential Indicator	Actual 2019-20 £m	Target 2020/21 £m	Position 31-Mar-21 £m		
Prl 7	Gross Borrowing exceeds capital financing requirement	No	No	No		
Prl 8	Authority has adopted CIPFA Code of Practice for Treasury Management	Yes	Yes	Yes		
Prl 9	Total principle sums invested for longer than 365 days must not exceed	15.0	25.0	15.0		
Ref	Prudential Indicator	Upper Limit	Lower Limit	Actual 2020/21	Position 31-Mar-21	
Prl 10	Fixed Interest Rate Exposure	95%	40%	95%	94%	
Prl 11	Variable Interest Rate Exposure	45%	0%	5%	6%	
Prl 12	Maturity Structure of Borrowing:					
	Under 12 months	25%	0%	7%	10%	
	12 months and within 24 months	25%	0%	7%	22%	
	24 months and within 5 years	40%	0%	32%	20%	
	5 years and within 10 years	50%	5%	2%	1%	
	10 years and above	85%	30%	53%	47%	

PRL 5 (authorised limit for external debt) and PRL 6 (operational limit for external debt) were approved by Council on the 27 February 2020 and the CIPFA Code of Practice only allows these limits to be changed by Council and therefore the actual limit and the target remain the same. The actual debt position for the Council as at 31 March 2021 is £351.454m.

Key variances are because of the following reasons:-

Prl 1 Total capital expenditure - variation of £114.343m

The original £98.360m target for 2020/21 is based on the figure for the 2020/21 capital programme reported in the budget report presented to full Council on the 27th February 2020. This was revised within the financial year to a £217.180m target. The actual spend for 2020/21 is lower than the target due to slippage from 19/20, and amendments to the original capital programme agreed during the year, of which spend will now be incurred in 2021/22.

Prl 12 Maturity Structure of Borrowing

For the purpose of the maturity profile indicator the next call date on a LOBO loan is assumed; as it is the right of the lender to require repayment. However due to the low interest rate environment it is unlikely that in the medium term that any of the LOBO's will be called.

5. Treasury Position at 31st March 2021

The council's debt and investment position is organised by the treasury management team in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through Member reporting detailed in the summary, and through officer activity detailed in the council's treasury management practices. At the beginning and the end of 2020/21 the council's treasury position was as shown below in **Table 7**:

Table 7 Loans and Investments	Opening Balance £m	Average Rate At 31/03/20 %	Movement in Year £m	Closing Balance £m	Average Rate At 31/03/21 %
PWLB loans	195.571	3.38%	0.042	195.613	3.38%
Market Loans	95.000	4.49%	0.000	95.000	4.49%
Total Borrowing over 12 months excluding WMCC debt	290.571	3.74%	0.042	290.613	3.74%
Temporary Loans	6.961	0.87%	41.000	47.961	0.87%
Total borrowing excluding WMCC debt	297.532	3.68%	41.043	338.575	3.34%
WMCC Debt	14.798	6.50%	-1.918	12.880	6.50%
Gross Borrowing	312.330	3.81%	39.124	351.454	3.45%
Waste Disposal & Cannock Chase Debtor	-4.718	6.50%	0.630	-4.088	6.50%
Borrowing	307.612	3.77%	39.754	347.366	3.42%
CFR less PFI finance & leases	350.430		13.906	364.336	
Under/(Over) Borrowing	42.818		53.660	16.970	
Debt as % of CFR	88%			95%	
Call Accounts	46.485	0.63%	-10.125	36.360	0.10%
Short Term Investments	124.000	1.24%	14.500	138.500	0.68%
Long Term Investments	44.000	1.65%	1.000	45.000	1.57%
Total Investments	214.485	1.50%	5.375	219.860	0.59%
Net Borrowing Position	93.127		34.379	127.506	

The under borrowing position the council has represents additional external borrowing the council could choose to take if required, however this has currently been financed by internal borrowing – utilising the Council's accumulated cash reserves rather than taking out new external borrowing. This position will continue to be monitored and additional external borrowing may be undertaken if required for cash flow purposes.

The true under borrowed position at the beginning of the year was £49.779m, and at the end of the year was £64.931m. This is because the under/(over) positions in the table above include temporary loans taken to fund upfront pension payments made in April 2020 for the following 3 financial years, which should be removed to show the true under borrowed position.

6. The Borrowing Strategy for 2020/21 and Economic Context

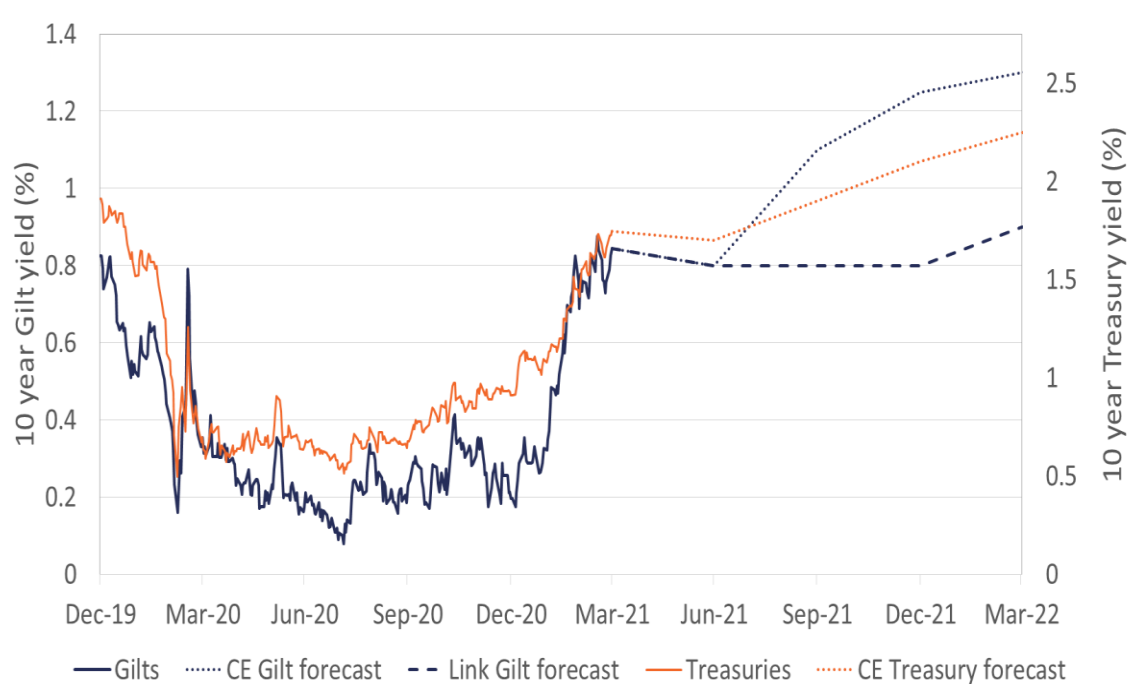
During 2020-21, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.

Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2020/21 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period.

7. Borrowing Outturn for 2020/21

PWLB rates are based on, and are determined by, gilt (UK Government bonds) yields through H.M.Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields. Inflation targeting by the major central banks has been successful over the last 30 years in lowering inflation and the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing by consumers: this means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. This has pulled down the overall level of interest rates and bond yields in financial markets over the last 30 years. We have seen over the last two years, many bond yields up to 10 years in the Eurozone turn negative on expectations that the EU would struggle to get growth rates and inflation up from low levels. In addition, there has, at times, been an inversion of bond yields in the US whereby 10 year yields have fallen below shorter term yields. In the past, this has been a precursor of a recession.

Graph of UK gilt yields v. US treasury yields



Gilt yields fell sharply from the start of 2020 and then spiked up during a financial markets melt down in March caused by the Covid-19 pandemic hitting western countries; this was rapidly countered by central banks flooding the markets with liquidity. While US treasury yields do exert influence on UK gilt yields so that the two often move in tandem, they have diverged during the first three quarters of 2020/21 but then converged in the final quarter. Expectations of economic recovery started earlier in the US than the UK but once the UK vaccination programme started making rapid progress in the new year of 2021, gilt yields and gilt yields and PWLB rates started rising sharply as confidence in economic recovery rebounded. Financial markets also expected Bank Rate to rise quicker than in the forecast tables in this report.

At the close of the day on 31 March 2021, all gilt yields from 1 to 5 years were between 0.19 – 0.58% while the 10-year and 25-year yields were at 1.11% and 1.59%.

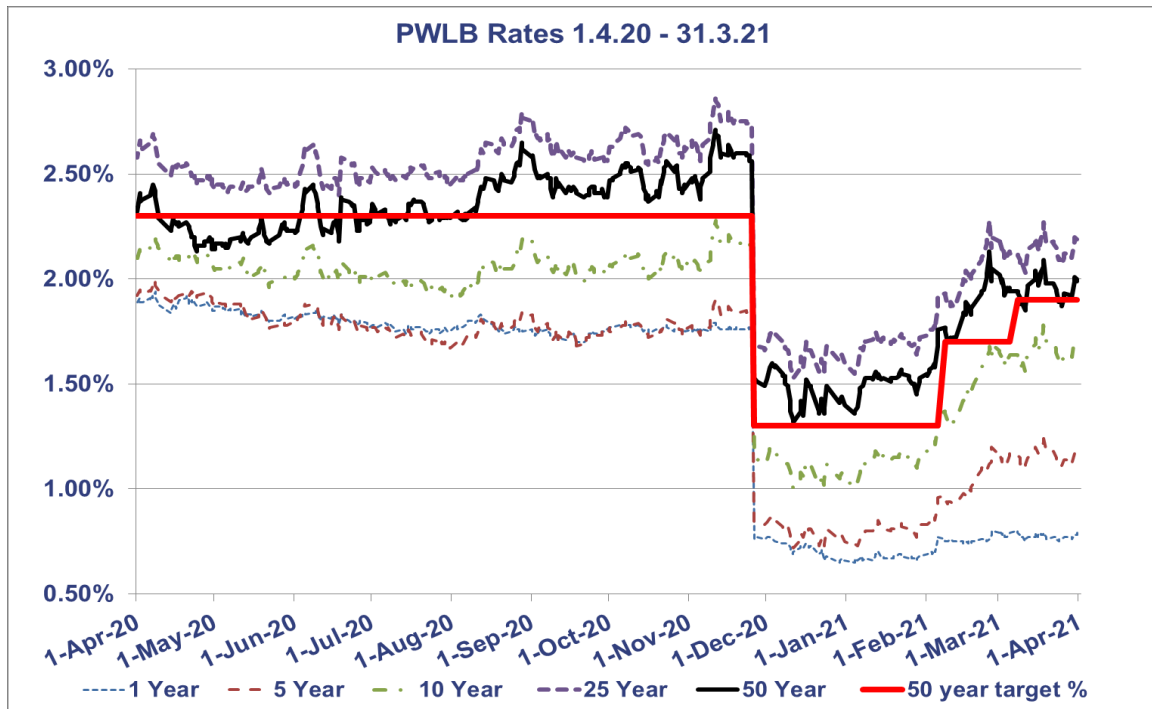
HM Treasury imposed two changes of margins over gilt yields for PWLB rates in 2019/20 without any prior warning. The first took place on 9th October 2019, adding an additional 1% margin over gilts to all PWLB period rates. That increase was then, at least partially, reversed for some forms of borrowing on 11th March 2020, but not for mainstream non-HRA capital schemes. A consultation was then held with local authorities and on 25th November 2020, the Chancellor announced the conclusion to the review of margins over gilt yields for PWLB rates; the standard and certainty margins were reduced by 1% but a prohibition was introduced to deny access to borrowing from the PWLB for any local authority which had purchase of assets for yield in its three year capital programme. The new margins over gilt yields are as follows: -.

PWLB Standard Rate is gilt plus 100 basis points (G+100bps)

PWLB Certainty Rate is gilt plus 80 basis points (G+80bps)

Local Infrastructure Rate is gilt plus 60bps (G+60bps)

There is likely to be only a gentle rise in gilt yields and PWLB rates over the next three years as Bank Rate is not forecast to rise from 0.10% by March 2024 as the Bank of England has clearly stated that it will not raise rates until inflation is sustainably above its target of 2%; this sets a high bar for Bank Rate to start rising.



8. Investments in 2020/21 and Economic Context

Investment returns which had been low during 2019/20, plunged during 2020/21 to near zero or even into negative territory. Most local authority lending managed to avoid negative rates and one feature of the year was the growth of inter local authority lending. The expectation for interest rates within the treasury management strategy for 2020/21 was that Bank Rate would continue at the start of the year at 0.75 % before rising to end 2022/23 at 1.25%. This forecast was invalidated by the Covid-19 pandemic bursting onto the scene in March 2020 which caused the Monetary Policy Committee to cut Bank Rate in March, first to 0.25% and then to 0.10%, in order to counter the hugely negative impact of the national lockdown on large swathes of the economy. The Bank of England and the Government also introduced new programmes of supplying the banking system and the economy with massive amounts of cheap credit so that banks could help cash-starved businesses to survive the lockdown. The Government also supplied huge amounts of finance to local authorities to pass on to businesses. This meant that for most of the year there was much more liquidity in financial markets than there was demand to borrow, with the consequent effect that investment earnings rates plummeted.

While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates in the current climate.

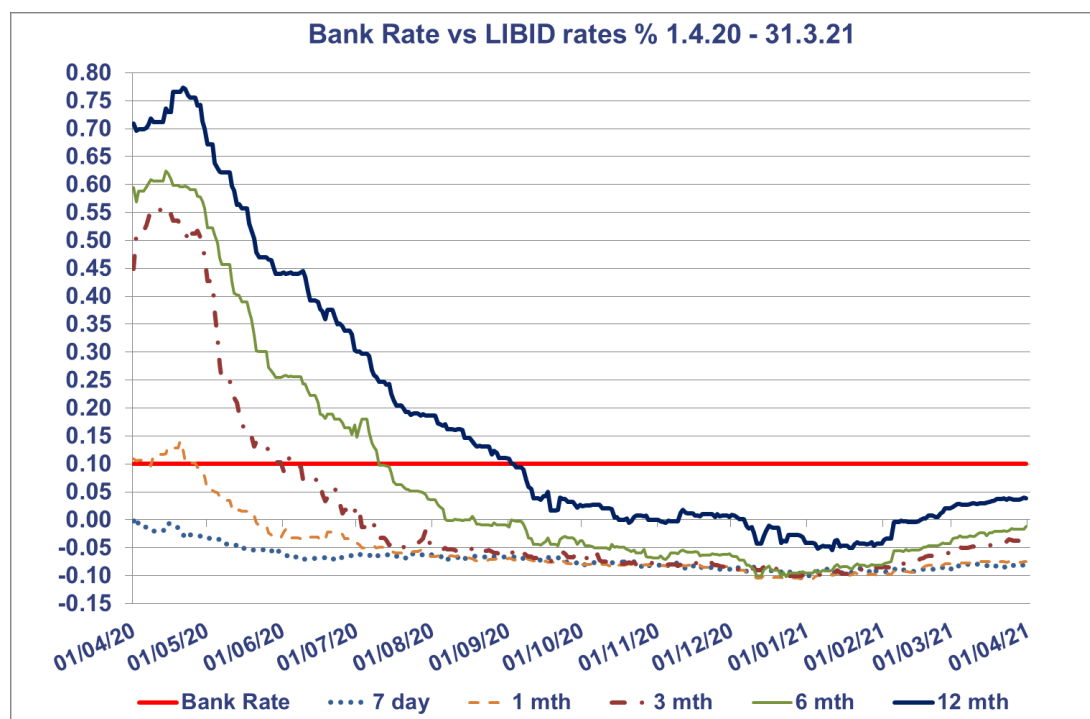


Table 9 within the report details the authority's investments by call, short and long term. The 7 day rate above (average of -0.05% across the year) is a fair comparator for at-call and the 12 month LIBID (average of 0.05% across the year) for short term investments.

Resources – the council's longer term cash balances comprise, primarily, revenue and capital resources, although these will be influenced by cash flow considerations.

Investment Policy – the council's investment policy is governed by central Government guidance, which was implemented in the Annual Investment Strategy approved by Council on 27th February 2020. This policy set out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by KPMG survey of Building Societies and an analysis of Common Equity Tier (CET1) levels. The investment activity during the year conformed to the approved Strategy, and the council had no liquidity difficulties.

At the end of 2020/21 Walsall's investment balance was £5.375m higher than that at the start of the year. **Table 8** below shows an age profile of the investments.

Table 8: Changes in Investments during 2020/21	Opening Balance £m	Closing Balance £m	Movement in Year £m
At Call accounts	46.485	36.360	-10.125
Between 31 days and 365 days	124.000	138.500	14.500
Over 365 days	44.000	45.000	1.000
Total	214.485	219.860	5.375

Investments held by the council - the council maintained an average balance of £221m of internally managed funds. The internally managed funds earned an average rate of return of 0.59%.

Recognising the continuation of the stresses on the world banking system, enhanced priority has continued to be given to security and liquidity. To reduce counterparty risk to the maximum possible extent the investment portfolio was spread across a range of appropriately credit rated / analysed institutions. **Table 9** shows the outturn on investment income in 2020/21.

Table 9 Investments Interest – Gross Income	2020/21 Approved Cash Limit £m	Outturn at 31 March 2021 £m	Over /(under) achieved cash limit £m	% Target Rate	% Average Rate achieved
Call Account investments	0.090	0.072	(0.018)	0.60%	0.10%
Short Term Investments	1.230	1.092	(0.138)	1.10%	0.68%
Long Term Investments	0.248	0.143	(0.105)	1.65%	1.57%
Property Fund	1.169	1.231	0.062	3.90%	4.10%
Total	2.737	2.538	(0.199)	1.59%	1.01%

9. Performance Measurement

One of the key requirements in the CIPFA Code of Practice on Treasury Management is the formal introduction of performance measurements relating to investments, debt and capital financing activities. **Table 10** below shows that Walsall has consistently achieved a higher average return on its investments and has reduced its average rate it pays for its borrowing. The figures for 2011/12 to 2014/15 are derived from the the CIPFA treasury management benchmarking club. For 2015/16 onwards, as a number of authorities no longer participate in this benchmarking exercise, the figures set out are based on a review of reports issued by the authorities statistical neighbours. Comparative figures for 2020/21 are not yet available.

Table 10 Comparison of Walsall with other councils Average Interest Rates	Walsall Rate Received %	Average Rate Received %	Walsall Rate Paid %	Average Rate Paid %
2011/12	1.80	1.20	4.53	4.53
2012/13	2.14	1.11	4.47	4.52
2013/14	1.29	0.85	4.51	4.26
2014/15	1.09	0.77	4.61	4.14
2015/16	1.08	0.76	4.54	4.18
2016/17	0.86	0.76	3.99	4.34
2017/18	1.32	0.73	3.42	4.06
2018/19	1.37	1.10	3.83	4.15
2019/20	1.50	1.00	3.34	4.05
2020/21	0.59		3.42	

Council approved the following local performance indicators, the majority of which were complied with during the year, **Table 11** provides the indicators for March 2021.

Table 11 - Local Indicators		Actual 2019/20	Target 2020/21	Position 31-Mar-21	Variance to target	
		£m	£m	£m	value	%
L1	Full compliance with Prudential Code.	YES	YES	YES	N/A	N/A
L2	Average length of debt. (Years)	19.05	Lower Limit 15 Years, Upper Limit 25 Years	16.23	N/A	N/A
L3a	Net borrowing costs as % of net council tax requirement.	6.06%	20.00%	7.02%	(12.98%)	(64.92%)
3b	Net borrowing costs as % of Tax Revenue.	3.78%	12.50%	4.44%	(8.06%)	(64.51%)
L4	Net actual debt vs. operational debt.	73.82%	85.00%	80.92%	(4.08%)	(4.80%)

L5	Average interest rate of external debt outstanding excluding OLA.	3.69%	3.35%	3.46%	0.11%	3.15%
L6	Average interest rate of external debt outstanding including OLA.	3.86%	3.53%	3.54%	0.01%	0.17%
L7	Gearing effect of 1% increase in interest rate.	3.92%	5.00%	3.58%	(1.42%)	(28.40%)
L8	Average interest rate received on STI vs. At Call rate	n/a	50.00%	580.00%	530.00%	1060.00%
L9	Average interest rate received:					
L9a	At Call investments.	0.63%	0.60%	0.10%	(0.50%)	(83.33%)
L9b	Short Term Investments.	1.24%	1.10%	0.68%	(0.42%)	(38.18%)
L9c	Long Term Investments.	1.65%	1.65%	1.57%	(0.08%)	(4.85%)
L9d	Property Fund Investments	4.16%	3.90%	4.10%	0.20%	5.25%
L10	Average interest rate on all ST investments (ST and At Call).	1.11%	1.04%	0.46%	(0.58%)	(55.57%)
L11a	Average rate on all investments (excluding property fund)	1.20%	1.11%	0.59%	(0.52%)	(46.65%)
L11b	Average Rate on all investments (including property fund)	1.50%	1.59%	1.01%	(0.44%)	(30.34%)
L12	% daily bank balances within target range.	100%	99%	100%	1.00%	1.01%

Key variances are because of the following reasons:-

L3a - Net borrowing costs as % of net council tax requirement (variance of -64.92%). The target figure of 20.00% represents an upper limit of affordable net borrowing costs as a percentage of the net council tax requirement for the authority. The actual level of net borrowing costs is currently less than the upper limit, which in the main is linked to the work undertaken by the service to seek to secure favourable rates on investments and reduced costs on borrowing, thus reducing the overall net borrowing costs.

L3b - Net borrowing costs as % of Tax Revenue (variance of -64.51%). The target figure of 12.50% represents an upper limit of affordable net borrowing costs as a percentage of tax revenues for the authority. The actual level of net borrowing costs is currently less than the upper limit, which in the main is linked to the work undertaken by the service to seek to secure favourable rates on investments and reduced costs on borrowing, thus reducing the overall net borrowing costs.

L5 & L6 – The targets set at the beginning of the year factored in borrowing at lower rates for capital expenditure. This borrowing was not required to be taken out during this financial year which has impacted upon this variance adversely as the rate for this year would have included the new borrowing at lower rates.

L8 – Average rate achieved on Short Term Interest vs At Call Rate – The target is to achieve a 50% better rate on short term investments vs the current At Call rate (i.e. do nothing other than leave all cash in overnight At Call accounts). Due to historic low interest rates on At-Call investments the percentage variances as a consequence are very high, yet favourable. The average At Call rate was 0.10%, creating a 50% above target of 0.15%. The short term interest rate achieved was actually 0.68%, which results in a 530% favourable variance above the At Call rate. Due to historic low interest rates on At-Call investments the percentage variances as a consequence are very high, yet favourable.

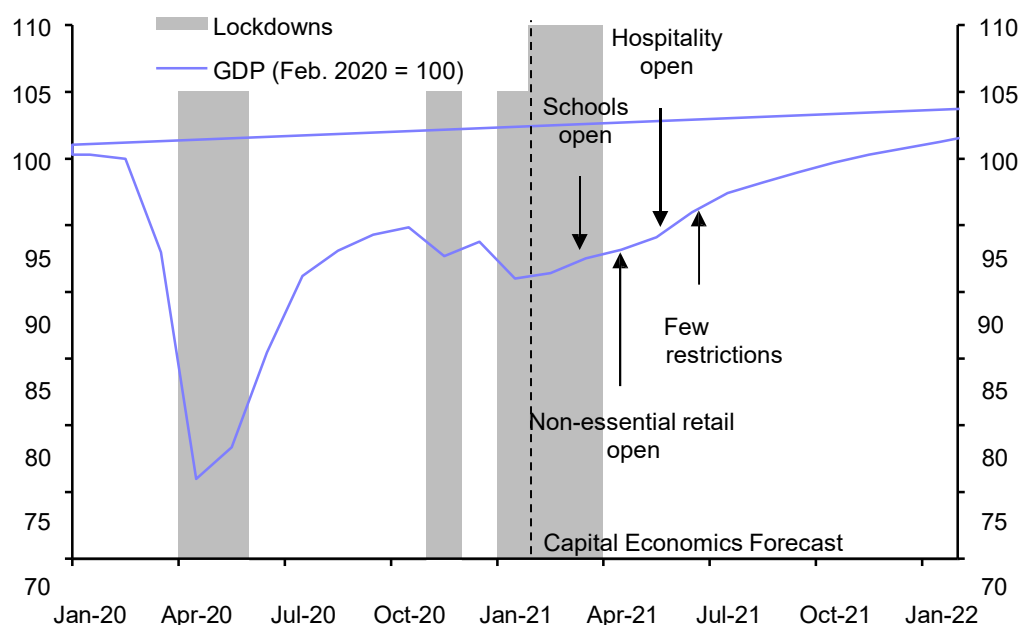
L9a-9d –At Call, Short Term, Long Term, Property Fund investment rates – The bank of England base rate was cut twice in March 2020 due to Covid-19, which has had a significant impact on all rates for the foreseeable future. The Treasury service do seek to minimise this impact by securing favourable rates on the property fund, which is currently exceeding the set target as well as seeking the most competitive rates available on all other investments.

L10 – Average interest rate on all ST investments (ST & At Call) – The authority's short term investment rate is now below target as the previously favourable short term rates within the financial year have now expired and due to Covid-19 it has been difficult to secure favourable rates again. At call rates were consistently poor throughout the year due to the rate cuts in March 2020. Overall, the combined rate achieved is 0.46% vs a target of 1.04%.

L11 & 11a – These two average rate indicators across all investments are below target similarly to above due to the base rate cuts in March 2020.

10. The Economy and Interest Rates

UK. Coronavirus. The financial year 2020/21 will go down in history as being the year of the pandemic. The first national lockdown in late March 2020 did huge damage to an economy that was unprepared for such an eventuality. This caused an economic downturn that exceeded the one caused by the financial crisis of 2008/09. A short second lockdown in November did relatively little damage but by the time of the third lockdown in January 2021, businesses and individuals had become more resilient in adapting to working in new ways during a three month lockdown so much less damage than was caused than in the first one. The advent of vaccines starting in November 2020, were a game changer. The way in which the UK and US have led the world in implementing a fast programme of vaccination which promises to lead to a return to something approaching normal life during the second half of 2021, has been instrumental in speeding economic recovery and the reopening of the economy. In addition, the household saving rate has been exceptionally high since the first lockdown in March 2020 and so there is plenty of pent-up demand and purchasing power stored up for services in the still-depressed sectors like restaurants, travel and hotels as soon as they reopen. It is therefore expected that the UK economy could recover its pre-pandemic level of economic activity during quarter 1 of 2022.



Both the Government and the Bank of England took rapid action in March 2020 at the height of the crisis to provide support to financial markets to ensure their proper functioning, and to support the economy and to protect jobs.

The Monetary Policy Committee (MPC) cut Bank Rate from 0.75% to 0.25% and then to 0.10% in March 2020 and embarked on a £200bn programme of quantitative easing (QE) (purchase of gilts so as to reduce borrowing costs throughout the economy by lowering gilt yields). The MPC increased then QE by £100bn in June and by £150bn in November to a total of £895bn. While Bank Rate remained unchanged for the rest of the year, financial

markets were concerned that the MPC could cut Bank Rate to a negative rate; this was firmly discounted at the February 2021 MPC meeting when it was established that commercial banks would be unable to implement negative rates for at least six months – by which time the economy was expected to be making a strong recovery and negative rates would no longer be needed.

Average inflation targeting. This was the major change adopted by the Bank of England in terms of implementing its inflation target of 2%. The key addition to the Bank's forward guidance in August was a new phrase in the policy statement, namely that "it does not intend to tighten monetary policy until there is clear evidence that significant progress is being made in eliminating spare capacity and *achieving the 2% target sustainably*". That seems designed to say, in effect, that even if inflation rises to 2% in a couple of years' time, do not expect any action from the MPC to raise Bank Rate – until they can clearly see that level of inflation is going to be persistently above target if it takes no action to raise Bank Rate. This sets a high bar for raising Bank Rate and no increase is expected by March 2024, and possibly for as long as five years. Inflation has been well under 2% during 2020/21; it is expected to briefly peak at just over 2% towards the end of 2021, but this is a temporary short lived factor and so not a concern to the MPC.

Government support. The Chancellor has implemented repeated rounds of support to businesses by way of cheap loans and other measures, and has protected jobs by paying for workers to be placed on furlough. This support has come at a huge cost in terms of the Government's budget deficit ballooning in 20/21 and 21/22 so that the Debt to GDP ratio reaches around 100%. The Budget on 3rd March 2021 increased fiscal support to the economy and employment during 2021 and 2022 followed by substantial tax rises in the following three years to help to pay the cost for the pandemic. This will help further to strengthen the economic recovery from the pandemic and to return the government's finances to a balanced budget on a current expenditure and income basis in 2025/26. This will stop the Debt to GDP ratio rising further from 100%. An area of concern, though, is that the government's debt is now twice as sensitive to interest rate rises as before the pandemic due to QE operations substituting fixed long-term debt for floating rate debt; there is, therefore, much incentive for the Government to promote Bank Rate staying low e.g. by using fiscal policy in conjunction with the monetary policy action by the Bank of England to keep inflation from rising too high, and / or by amending the Bank's policy mandate to allow for a higher target for inflation.

BREXIT. The final agreement on 24th December 2020 eliminated a significant downside risk for the UK economy. The initial agreement only covered trade so there is further work to be done on the services sector where temporary equivalence has been granted in both directions between the UK and EU; that now needs to be formalised on a permanent basis. There was much disruption to trade in January as form filling has proved to be a formidable barrier to trade. This appears to have eased somewhat since then but is an area that needs further work to ease difficulties, which are still acute in some areas.

USA. The US economy did not suffer as much damage as the UK economy due to the pandemic. The Democrats won the presidential election in November 2020 and have control of both Congress and the Senate, although power is more limited in the latter. This enabled the Democrats to pass a \$1.9trn (8.8% of GDP) stimulus package in March on top of the \$900bn fiscal stimulus deal passed by Congress in late December. These, together with the vaccine rollout proceeding swiftly to hit the target of giving a first jab to over half of the population within the President's first 100 days, will promote a rapid easing

of restrictions and strong economic recovery during 2021. The Democrats are also planning to pass a \$2trn fiscal stimulus package aimed at renewing infrastructure over the next decade. Although this package is longer-term, if passed, it would also help economic recovery in the near-term.

After Chair Jerome Powell spoke on the Fed's adoption of a flexible average inflation target in his Jackson Hole speech in late August 2020, the mid-September meeting of the Fed agreed a new inflation target - that *"it would likely be appropriate to maintain the current target range until labour market conditions were judged to be consistent with the Committee's assessments of maximum employment and inflation had risen to 2% and was on track to moderately exceed 2% for some time."* This change was aimed to provide more stimulus for economic growth and higher levels of employment and to avoid the danger of getting caught in a deflationary "trap" like Japan. It is to be noted that inflation has actually been under-shooting the 2% target significantly for most of the last decade, (and this year), so financial markets took note that higher levels of inflation are likely to be in the pipeline; long-term bond yields duly rose after the meeting. There is now some expectation that where the Fed has led in changing its policy towards implementing its inflation and full employment mandate, other major central banks will follow, as indeed the Bank of England has done so already. The Fed expects strong economic growth during 2021 to have only a transitory impact on inflation, which explains why the majority of Fed officials project US interest rates to remain near-zero through to the end of 2023. The key message is still that policy will remain unusually accommodative – with near-zero rates and asset purchases – continuing for several more years. This is likely to result in keeping treasury yields at historically low levels. However, financial markets in 2021 have been concerned that the sheer amount of fiscal stimulus, on top of highly accommodative monetary policy, could be over-kill leading to a rapid elimination of spare capacity in the economy and generating higher inflation much quicker than the Fed expects. They have also been concerned as to how and when the Fed will eventually wind down its programme of monthly QE purchases of treasuries. These concerns have pushed treasury yields sharply up in the US in 2021 and is likely to have also exerted some upward pressure on gilt yields in the UK.

EU. Both the roll out and take up of vaccines has been disappointingly slow in the EU in 2021, at a time when many countries are experiencing a sharp rise in cases which are threatening to overwhelm hospitals in some major countries; this has led to renewed severe restrictions or lockdowns during March. This will inevitably put back economic recovery after the economy had staged a rapid rebound from the first lockdowns in Q3 of 2020 but contracted slightly in Q4 to end 2020 only 4.9% below its pre-pandemic level. Recovery will now be delayed until Q3 of 2021 and a return to pre-pandemic levels is expected in the second half of 2022.

Inflation was well under 2% during 2020/21. The ECB did not cut its main rate of -0.5% further into negative territory during 2020/21. It embarked on a major expansion of its QE operations (PEPP) in March 2020 and added further to that in its December 2020 meeting when it also greatly expanded its programme of providing cheap loans to banks. The total PEPP scheme of €1,850bn is providing protection to the sovereign bond yields of weaker countries like Italy. There is, therefore, unlikely to be a euro crisis while the ECB is able to maintain this level of support.

China. After a concerted effort to get on top of the virus outbreak in Q1 of 2020, economic recovery was strong in the rest of the year; this has enabled China to

recover all of the contraction in Q1. Policy makers have both quashed the virus and implemented a programme of monetary and fiscal support that has been particularly effective at stimulating short-term growth.

Japan. Three rounds of government fiscal support in 2020 together with Japan's relative success in containing the virus without draconian measures so far, and the roll out of vaccines gathering momentum in 2021, should help to ensure a strong recovery in 2021 and to get back to pre-virus levels by Q3.

World growth. World growth was in recession in 2020. Inflation is unlikely to be a problem in most countries for some years due to the creation of excess production capacity and depressed demand caused by the coronavirus crisis.

Deglobalisation. Until recent years, world growth has been boosted by increasing globalisation i.e. countries specialising in producing goods and commodities in which they have an economic advantage and which they then trade with the rest of the world. This has boosted worldwide productivity and growth, and, by lowering costs, has also depressed inflation. However, the rise of China as an economic superpower over the last 30 years, which now accounts for nearly 20% of total world GDP, has unbalanced the world economy. In March 2021, western democracies implemented limited sanctions against a few officials in charge of government policy on the Uighurs in Xinjiang; this led to a much bigger retaliation by China and is likely to mean that the China / EU investment deal then being negotiated, will be torn up. After the pandemic exposed how frail extended supply lines were around the world, both factors are now likely to lead to a sharp retrenchment of economies into two blocs of western democracies v. autocracies. It is, therefore, likely that we are heading into a period where there will be a reversal of world globalisation and a decoupling of western countries from dependence on China to supply products and vice versa. This is likely to reduce world growth rates.

Central banks' monetary policy. During the pandemic, the governments of western countries have provided massive fiscal support to their economies which has resulted in a big increase in total government debt in each country. It is therefore very important that bond yields stay low while debt to GDP ratios slowly subside under the impact of economic growth. This provides governments with a good reason to amend the mandates given to central banks to allow higher average levels of inflation than we have generally seen over the last couple of decades. Both the Fed and Bank of England have already changed their policy towards implementing their existing mandates on inflation, (and full employment), to hitting an average level of inflation. Greater emphasis could also be placed on hitting subsidiary targets e.g. full employment before raising rates. Higher average rates of inflation would also help to erode the real value of government debt more quickly.

Standards Committee – 12th July 2021

Code of Conduct for Elected Members

Summary of report:

This report is recommending changes to the Council’s existing Code of Conduct for Elected Members based upon the publication of a National Code of Conduct for Councillors in December 2020.

Background papers:

1. Code of Conduct for Councillors
2. Draft Declaration of Interest Form
3. Guidance on Declaring Disclosable Pecuniary Interests and Other Interests
4. Table of Disclosable Pecuniary Interests and Other Pecuniary Interests

Recommendation:

1. That the Committee approves the Code of Conduct for Councillors and recommends that Council approves the same.

1.0 Background

- 1.1 There is a requirement for Councils to promote and maintain high standards of behaviour by its Members and Co-Opted Members whenever they are acting in the capacity of Councillor. The Code of Conduct should be based upon the “Nolan” principles of standards in public life. These are selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. There is an element of discretion however as to what is in the Code of Conduct and the Arrangements for investigating complaints.
- 1.2 The Council’s previously amended its Code of Conduct for Elected Members on 23rd May 2018. In January 2019 the Committee for Standards in Public Life produced a report entitled Local Government Ethical Standards. A series of recommendations were made in that report which included recommendations to Councils nationally that they make changes to their Codes of Conduct for Elected Members taking into account these recommendations. In December 2020 the LGA published a National Code of Conduct for Elected Members to assist councils in maintaining high standards by its Members and Co-opted Members, and provide consistency in standards nationally.
- 1.3 The report was taken to Standards Committee on 22 February 2021 Recommending that a Working Party of Elected Members be established to

work with the Monitoring Officer to consider whether or not to adopt the LGA Model Code of Conduct. A working group was established comprising of Councillors Rasab (Chair of Standards Committee), Samra, Hicken, Burley, Underhill, and Statham. Andrew Green, Independent Person also sat on the working group.

- 1.4 At its first meeting on the 13th April 2021 the working group decided not to implement the LGA Model Code of Conduct in its entirety instead favouring amending the council's current Elected Member Code of Conduct to combine the best features of the model code of conduct with the council's existing code. In particular the working group did not like the guidance element that prevailed throughout the LGA Model Code. The working group met on two further occasions on the 20th, 27th April 2021 and agreed on the Councillor Code of Conduct, and Disclosable Pecuniary Interest that comprise the background papers to this report.
- 1.5 The working group felt it was important for a report be submitted to Standards Committee with recommendations to Full Council to adopt the amended Councillor Code of Conduct.
- 1.6 The main changes proposed to the Councillor Code of Conduct are as follows:
- The Nolan principles have been retained and there is now an explanation setting out the background to the establishment of the Nolan Principles.
 - There is a new section explaining when the Council Code of Conduct will apply to councillors which will assist them to the public in bringing complaints and councillors themselves.
 - There is an updated requirement in relation to the confidentiality of information at 1.3 of the new code.
 - The new code includes a requirement not to compromise or attempt to compromise impartiality of council officers.
 - 1.6,1.7,1.8 - provide greater clarity around requirements in relation to behaviour that could amount to bullying, harassment, discrimination. This accords with the recommendations made by the committee for standards in public life.
 - The new code contains a requirement for councillors to cooperate with standards investigations and any sanctions applied.
 - The new code contains more detailed information regarding gifts and hospitality. The limit on registration of gifts and hospitality is £50. There was not unanimity on this level and this question will be referred to council to determine.

2.0 Resource and legal considerations:

- 2.1 The local authority must adopt a Code of Conduct governing elected and co-opted members' conduct when acting in that capacity. (s28 Localism Act 2011). The Code of Conduct must when viewed as a whole be consistent with the Nolan Committee's seven principles of public life: selflessness, integrity,

objectivity, accountability, openness, honesty, leadership. The authority has a discretion as to what it includes within its Code of Conduct, provided that it is consistent with these seven principles. The authority's Code of Conduct must also contain appropriate requirements for the registration (and disclosure) of pecuniary interests and non-pecuniary interests (see below). There is no longer a centrally determined Model Code. Instead, councils have to determine whether they want to amend or replace the existing Code of Conduct and how they fulfil the duty in LA 2011 of promoting and maintaining high standards of conduct. All local authorities (other than parish councils) must put in place 'arrangements' that set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a member or co-opted member who is found to have failed to comply with the relevant Code of Conduct.

3.0 Performance and Risk Management issues:

3.1 Performance and risk management are a feature of all council functions.

3.2 In terms of performance it is important that Elected Members have a clear framework of standards to follow in delivering services to the community. These frameworks provide accountability and transparency in respect of the way in which the council delivers services. It is also important that Elected Member conduct can be held to account against a clear and transparent Code of Conduct.

4.0 Reducing Inequalities:

4.1 In maintaining up to date policies and procedures the council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes that elected members and officers observe equalities. It is important that complaints are dealt with in a fair and transparent manner.

4.2 There is more detailed provision in the proposed Councillor Code of Conduct in relation to the definition of harassment and discrimination.

5.0 Consultation:

5.1 The Director of Governance has consulted with the group leaders in relation to the amended Councillor Code of Conduct.

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Councillor Code of Conduct

Purpose of Code of Conduct

The purpose of this code is to set out the principles and associated standards of behaviour expected of Councillors when undertaking their public duties.

Background

In 1994, the UK Government established the Committee on Standards in Public Life to advise on how it might improve the conduct of people in publicly funded roles and agreed to adopt its recommendation to establish “The Seven Principles of Public Life”, that subsequently became known as “The Nolan Principles”.

The Nolan Principles outline the standards of behaviour expected of those who work as a public office holder, including those who are either elected or appointed to a role.

All councils are legally required to have a Code of Conduct for their Councillors, which must be aligned to the Nolan Principles.

Definitions of terms used in this Code

For the purposes of this Code of Conduct:

“Councillor” means a person who:

- is elected as a councillor; or
- is co-opted as a member of the Council, a “co-opted member”. (A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who a) is a member of any committee or sub-committee of the authority, or; b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.); or
- is elected as mayor.

“Council” means Walsall Council.

The Nolan Principles

The seven Nolan principles as defined are listed below.

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Application of the Code of Conduct

This Code of Conduct applies:

- as soon as a Councillor signs a declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member and continues to apply until they cease to be a Councillor.
- when acting in their capacity as a Councillor which may include when:
 - they misuse their position as a Councillor; or
 - their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they were acting as a Councillor;
- to all forms of communication and interaction, including:
 - at face-to-face meetings
 - at online or telephone meetings
 - in written communication
 - in verbal communication
 - in non-verbal communication such behaviour for example could include rolling of the eyes disdainfully, or other aspects of body language that could be interpreted as being disrespectful
 - in electronic and social media communication, posts, statements and comments.

The Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and should be contacted for advice on any matters that may relate to the Code of Conduct.

Allegations of a failure to comply with the Councillor Code of Conduct will be considered in accordance with the arrangements for dealing with such complaints as agreed by Council.

Standards of Councillor Conduct

This section sets out the obligations, which are the minimum standards of conduct required of Councillors.

Councillors should behave in accordance with the Nolan principles by:

- 1.1 Using their position as a Councillor in the public interest and not for personal advantage, or disadvantage of someone else.
- 1.2 Dealing with all matters fairly, appropriately and impartially, and in accordance with the law and the Council's Constitution, policies and procedures.
- 1.3 Respecting the confidentiality of information which they receive as a Councillor, and not disclosing the same unless:
 - i) They have received the consent of the person authorised to give it; or
 - ii) Are required to do so by law; or
 - iii) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agree not to disclose the information to any other person; or
 - iv) The disclosure is a) reasonable and in the public interest; and b) made in good faith and in compliance with the reasonable requirements of the local authority.
- 1.4 Not obstructing or preventing anyone obtaining information to which they are entitled by law.
- 1.5 Complying with the Council's rules on the use of public resources for private and political purposes, and not acting in a manner that compromises or attempts to compromise the impartiality of anyone who works for, or on behalf of, the Council.

1.6 Not bullying any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others. This is the standard against which such behaviour will be judged.

1.7 Not harassing any person

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person. This is the standard against which such behaviour will be judged.

1.8 Not unlawfully discriminating against any person

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services. This is the standard against which such behaviour will be judged.

1.9 Not conducting themselves in a manner as a Councillor that is likely to bring the Council into disrepute.

1.10 Not treating other councillors and members of the public with disrespect, nor local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Complying with the Code of Conduct

A: Declaration

Councillors are required to declare they will:

- Undertake Code of Conduct training provided by the Council, and in addition will endeavour to attend a minimum of 12 hours training each municipal year. This includes mandatory training in respect of Licensing, Employment Appeal, and Planning matters which has to be undertaken prior to a Councillor sitting on the relevant committee.
- Cooperate fully with any Code of Conduct investigation and/or determination.
- Not intimidate or attempt to intimidate any person who is likely to be involved in any investigation or proceedings in relation to the application of the Code of Conduct.
- Comply with any sanction imposed following a finding that there has been a breach of the Code of Conduct.

B: Registration of Interests

Councillors will register and disclose interests in accordance with legislative requirements and the requirements of this Code. The detailed requirements of registration and disclosure are set out in Appendix A of this Code.

C: Gifts and hospitality

Councillors should exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered to them because they are a Councillor. However, there may be times when such a refusal may be difficult, or it may be seen as rude not to accept. It is also acknowledged that it is appropriate to accept normal expenses and hospitality associated with duties as a Councillor.

The presumption should always be not to accept "significant" gifts or hospitality. For the purposes of this Code of Conduct the Council has determined "significant" as £50.00 (fifty pounds).

Councillors should be particularly cautious about accepting multiple gifts or hospitality from the same individual or company even where such gifts or hospitality do not exceed the £50.00 limit.

However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. If you are unsure, do contact your Monitoring Officer for guidance.

In complying with this Code of Conduct, Councillors:

- should not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on part of themselves to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage; and

- must register, in accordance with guidance issued by the Monitoring Officer or her/his office, any single or gift or hospitality with an estimated value of £50 or more within 28 days of its receipt; and

- must register, in accordance with guidance issued by the Monitoring Officer or her/his office, any single or multiple gift or hospitality that have been offered but have been refused.

APPENDIX A – REGISTRATION AND DISCLOSURE OF INTERESTS

Register of Interests

1. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Councillors.
2. Within 28 days of election and re-election or appointment and re-appointment Councillors must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. Councillors should also register details of their other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.
3. Councillors must register their interests so that the public, Council employees and fellow Councillors know which interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects Councillors by allowing them to demonstrate openness and a willingness to be held accountable. Councillors are personally responsible for deciding whether or not to disclose an interest in a meeting, but it can be helpful for them to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.
4. Councillors should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.
5. **“Disclosable Pecuniary Interest”** means an interest of a Councillor, or of their partner if they are aware of their partner’s interest, within the descriptions set out in Table 1 below.
6. **“Partner”** means a spouse or civil partner, or a person with whom the Councillor is living as husband or wife, or as a civil partner.
7. Councillors must ensure that their register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
8. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
9. Where a Councillor has a ‘sensitive interest’ she/he must notify the Monitoring Officer with the reasons why they believe it is a sensitive interest. If the Monitoring Officer agrees she/he will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

10. Where a matter arises at a meeting which directly relates to a Disclosable Pecuniary Interests as set out in **Table 1**, Councillors must:

- disclose the interest; and

- not participate in any discussion or vote on the matter; and

- not remain in the room unless they have been granted a dispensation. Dispensation may be granted in limited circumstances, to enable Councillors to participate and vote on a matter in which they have a disclosable pecuniary interest.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

11. Where a Councillor has a disclosable pecuniary interest on a matter to be considered or is being considered by them as a Cabinet member in exercise of their executive function, they must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

12. Where a matter arises at a meeting which **directly relates** to an Other Registerable Interests (as set out in **Table 2**), Councillors must disclose the interest.

Councillors may speak on the that matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

Disclosure of Non-Registerable Interests

13. Where a matter arises at a meeting which **directly relates** to a Councillor's financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, the Councillor must disclose the interest.

The Councillor may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise they must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

14. Where a matter arises at a meeting which **affects** –

a: the financial interest or well-being of a Councillor; or

b: a financial interest or well-being of a relative, or close associate of a Councillor; or

c: a financial interest or well-being of a body included in those to be disclosed under Other Registrable Interests as set out in **Table 2**; then

the Councillor must disclose the interest.

15. In order to determine whether a Councillor can remain in the meeting after disclosing an interest (as per paragraph 14 above) the following test will be applied by the Councillor, who may seek advice from the Chair of the meeting, and/or any legal or democratic services officer present in the meeting.

a: to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and

b: a reasonable member of the public knowing all the facts would believe that it would affect the Councillor's view of the wider public interest, or be perceived as a conflict of interest; then

c: the Councillor may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise they must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

16. Where a Councillor has a personal interest in any business of the Council and has made an executive decision in relation to that business, he/she must make sure that any written statement of that decision records the existence and nature of that interest.

Disclosure of Interests at Overview and Scrutiny Meetings

17. If a Councillor you is the Chair of an Overview and Scrutiny meeting they should not preside over the scrutiny of a relative. Section 28(10) Localism Act 2011 defines a relative as: a) a spouse or civil partner, b) someone they are living with as husband and wife or as if they were civil partners, c) a grandparent d) a lineal descendant of grandparent, e) a parent, sibling or child of a person within paragraph a) or b), f) the spouse or civil partner of a person within paragraph c),d),e), or g) living with a person within paragraph c), d), or e) as husband and wife or as if they were civil partners.

18. Scrutiny has a role to play in holding decision-makers accountable therefore if a Councillor was previously a Cabinet Member they should not scrutinise decisions that were taken when they were a part of the Cabinet. This means they should leave the room during the discussion of the item. This is particularly pertinent upon the initial changing of roles but, depending on the issue, can still have significance after a substantial period of time. A discussion with the Monitoring Officer should be sought if there is an item on an agenda that Councillors think they may have an interest in.



Notification of Disclosable Pecuniary Interests and Other Registrable Interests

NAME

A member of

WALSALL METROPOLITAN BOROUGH COUNCIL

Important notes

- (1) The requirement to notify the Monitoring Officer of a disclosable pecuniary interest applies not only to your own interests but also those of your husband/wife/civil partner, or a person with whom you are living as husband/wife or as if you are civil partners, where you are aware that the other person has the interest.

The term “relevant person” therefore means you and any other person referred to above.

- (2) Details of your notified interests will appear in the members’ register of interests and will be published on the Council’s website, and open to public inspection.
- (3) If you consider that the disclosure of the details of any of your interests could lead to you, or a person connected with you, being subject to violence or intimidation, and you would like to withhold these details from the register of interests, please provide this information to the Monitoring Officer and explain your concerns regarding the disclosure of the sensitive information, including why it is likely to create such a risk. If the Monitoring Officer agrees, the information will not be included in copies of the register made available for inspection, or any published version of the register.
- (4) Please state “none” where appropriate.

Further explanatory notes are included at the end of this notification.

Part A: Employment

Any employment, office, trade profession or vocation carried on for profit or gain:

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part B: Sponsorship

Any payment or provision of any other financial benefit other than Walsall Metropolitan Borough Council made or provided within the relevant period* in respect of expenses incurred by you in carrying out duties as a member, or towards the election expenses of yourself. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

* "relevant period " means the period of 12 months ending with the day on which you gave a notification for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Localism Act 2011.

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Part C: Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest*) and Walsall Council:

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

* "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.

"director" includes a member of the committee of management of an industrial and provident society.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part D: Land

Any beneficial interest in land* which is within the area of Walsall Metropolitan Borough Council.

* "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part E: Licences

Any licence (alone or jointly with others) to occupy land* in the area of the relevant authority for a month or longer.

*“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part F Corporate tenancies

Any tenancy where, to your knowledge:

- (a) the tenant is Walsall Metropolitan Borough Council; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

* “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.

“director” includes a member of the committee of management of an industrial and provident society.

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description other than money deposited with a building society.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part G: Securities

Any beneficial interest in securities* of a body where:

- (a) that body (to your knowledge) has a place of business or land in the area of the Walsall Metropolitan Borough Council; and
- (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 (face value) or one hundredth (1/100th) of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part H: Other Registerable Interests

Any interest in any activity which is or could be related to the business of the Council. These include:

- a) any position (for example, as trustee, governor, or unpaid director) that may have influence in any charitable or voluntary organisation, including:
- b) any to which you are nominated or appointed by the Council; and
- c) any position of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Part I: Declarations

Important: It is a criminal offence to fail to notify the Monitoring Officer of any disclosable pecuniary interest (DPIs). This requirement arises in each of the following circumstances:

- (a) before the end of 28 days beginning with the day on which you become a member or co-opted member of the authority (s30(1) Localism Act 2011);
- (b) where the DPI is not entered in the authority's register and is not the subject of a pending notification, but is disclosed at a meeting of the authority (or any committee, sub-committee, joint committee or joint sub-committee) as required by s31(2) of the Localism Act, within 28 days beginning with the date of the disclosure (s31(3) Localism Act 2011);
- (c) where the DPI is not entered in the authority's register and is not the subject of a pending notification, with 28 days beginning with the date when you become aware that you have a DPI in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging of a function of the authority (s31(7) Localism Act 2011).

It is also a criminal offence to knowingly provide information that is false or misleading (or being reckless as to whether the information is true and not misleading).

In addition to the above, the Walsall Metropolitan Borough Council has adopted a Code of Conduct for members which requires you to notify the Monitoring Officer of any DPs before the end of 28 days beginning with the day on which the code takes effect. Failure to comply with this requirement would not in itself be a criminal offence, but could render you liable to action being taken against you under the Code.

To the best of my knowledge, the information given in this form is complete and correct.

Name:	Signed:
	Date:

This form is to be returned direct to the Monitoring Officer.

This declaration has been registered by me:	
Monitoring Officer	Date:

Disclosable Pecuniary Interests and Other Registrable Interests

FAQ's

1. Where do I find a copy of the 'Notification of Disclosable Pecuniary Interests and Other Interests' form?

The 'Notification of Disclosable Pecuniary Interests and Other Interests' form can be downloaded from the intranet or requested from Sarah.read@walsall.gov.uk

2. Do I have to register my interests?

Yes. The Localism Act is law and states that Members must declare their interests in line with the Councillor Code of Conduct. The requirement to disclose pecuniary interests (DPI's) also applies to co-opted Members.

3. What will happen if I do not register my interests?

If a Member has not registered their interests they are not complying with the Code of Conduct or the [Localism Act 2011](#). If a Member then participates in any discussion relating to an interest that they have not declared then they are at risk of either failing to comply with the Council's Councillor Code of Conduct or in the case of Disclosable Pecuniary Interests, at risk of being charged with committing an offence.

Failure to declare Disclosable Pecuniary Interest will be an offence and dealt with by the Police. If found guilty, a Member will be liable for:

- a fine up to Level 5 of standard scale (currently £5,000); and
- disqualification from being a member of any local authority for a period not exceeding 5 years.

If you have not declared any interests other than Disclosable Pecuniary Interest as detailed in the Council's Code of Conduct, then this could be the subject of a complaint where you may be found to have failed to comply with the Councillor Code of Conduct. Such a complaint will be dealt with under the Members Standards Arrangements.

4. Does the Council have to publish the Register of Interests on its website?

The Council must publish its Register of Members Interests on its website.

5. Will my signature be included in the Register of Interests published on the website?

No. The Council will hold the original signed copy of your Register of Councillors Interests form, which must be made available for viewing. However, when your form is scanned and uploaded to the Council's website, your signature will be redacted in the interests of security.

6. What happens if I realise I have an interest in a meeting that I have not previously registered?

If you are in a meeting and realise that you have an interest that you had not previously registered, you must declare that interest at the start of the meeting (or immediately before the relevant item is discussed) and if it relates to a Disclosable Pecuniary Interest, you must not take part in any discussion of the matter at the meeting and you must not vote on the matter. You need not withdraw from the meeting, but participation by yourself at the meeting in respect of the matter in which you have a pecuniary interest is a criminal offence. You will then have 28 days from the date of the meeting to update your Register of Councillors Interests form and submit it to the Council's Monitoring Officer.

7. What if I am at risk of abuse or intimidation due to interests I register which are available on the register?

A Member may, on written request, ask the Monitoring Officer for their interest to be classed as a 'sensitive interest' if they consider that disclosure of that interest could lead to the Member, or co-opted member or a person connected with them could be subjected to violence or intimidation.

8. I am a Member of more than one local authority, do I need to fill out more than one Register of Councillors Interests form?

Yes. You will be required to complete a separate Register of Councillors Interests form for each authority at which you are a Member. This is because each may have a different Member Code of Conduct, so requiring different interests to be registered.

8. Do I have to include my house/property in the register of interests form?

Yes. The definition of Disclosable Pecuniary Interests (DPI's) includes the requirement to register any property or land that you or your spouse /partner have an interest in. This includes the land occupied by any property that you own, lease or rent including the property you reside at.

9. Do I have to fill out a separate Register of Councillors Interests form for my spouse/partner?

No. As a Member you only need to complete one form and detail all the interests that are relevant to both you as a Member and your spouse/partner.

10. What happens if my interests change, for example I buy or sell a piece of land?

If your interests change at any time during your term of office, you can update your interests by updating your Register of Councillors Interests form and resubmitting it to the Council's Monitoring Officer. Please ensure the form is personally signed and dated again when resubmitted.

11. I have lots of different pieces of land. Can I include a map with my Register of Councillor Interests form?

Yes. If you have a number of pieces of land that you have a beneficial interest in, then you can, for example, attach a map to your Register of Councillors Interests form. Please sign and date each page of attachments so that we can be sure that if it changes we have the right version. Also, Members are advised not to use maps that are covered by copyright as they will be published on the internet.

12. What 'other registrable interests' might I have to include on my Register of Councillors Interests form?

'Other registrable interests' that would need to be included on your Register of Interests form are non-pecuniary interests i.e., any organisation/outside body and to which you are appointed or nominated by the Council. Other interests also include the register of gifts or hospitality (form can be downloaded) from the intranet or requested from Sarah.Read@walsall.gov.uk).

13. Can Members email a copy of their Register of Councillors of Interests form to the Monitoring Officer?

Yes, your signed copy of the Register of Interests form can either be emailed directly to the monitoring officer Anthony.Cox@walsall.gov.uk or to Sarah.Read@walsall.gov.uk Following receipt of the form it will be published to the Council website.

14. Do I have to declare any income for any pension(s) I receive?

Receipt of a pension by you is a pecuniary interest and should be disclosed as part of your Register of Councillors Interests form.

15. Do I have to declare I am Member of a Pensions Committee?

Yes. Please disclose as a non-pecuniary interest.

16. Do I have to declare I am a Member of a Trade Union?

Yes. Membership of a trade union body is to be declared as a non-pecuniary interest. If you also receive sponsorship from that trade union body, this should be declared separately as a disclosable pecuniary interest (DPI).

17. What does the 'Personal Wellbeing interest' mean?

The requirement is set out in the Councillor Code of Conduct Appendix A. If a meeting you attend concerns Council business that affects your personal wellbeing or financial position or that your spouse/partner more than it would the majority of the residents in your Ward then this is to be declared as a 'personal wellbeing'. Examples of this are

– where you live next to or close by to an ‘off licence’ that is having its alcohol licence application considered by the Council.

18. Do I have to declare a Disclosable Pecuniary Interest that is outside my Ward or Council boundary?

Some DPI's are geographically bound and some are not.

Those DPI's that are not bound by geography/a boundary, are:

- employment, office, trade, profession or vocation; and
- sponsorship - this includes any payment or financial benefit from a trade union

Those DPI's that are bound by geography/a boundary, are:

- **contracts** – this means, only contracts within the area of the Council;
- **land** – this means, any interest in land held by you, spouse/partner which is within the area of the Council;
- **licence(s)** – this means, alone or jointly with others (spouse/partner) to occupy land in Walsall for a month or longer;
- **corporate tenancies** – this means, any tenancy with you/your spouse/partner where the landlord is the Council; and
- **securities** – this means, any interest in which you, spouse/partner has securities in a body where a) that body is within the area of the Council; and b) either i) the value of the that security exceeds £25,000 or one hundredth of the total issued share capital; or ii) if the total share you, spouse/partner hold exceeds one hundredth of the total share capital of that class. NB - if you have any specific queries in relation to ‘securities’, please contact the Monitoring Officer.

19. If needed, in what circumstances could I obtain a dispensation for having a disclosable pecuniary interest?

The Monitoring Officer, may grant a dispensation to a Member in the following circumstances:

- where a meeting would be inquorate where the Members of that committee have a disclosable pecuniary interest;
- to ensure balanced political representation on decision making committee;
- where it is judged to be in the interests of the residents of Birmingham for a dispensation to be granted; or
- otherwise considered appropriate.

The Monitoring Officer will keep a written record of any dispensations granted in the above circumstances alongside the Register of Interests.

20. Do I need to declare every organisation that I am a member?

No, you do not need to declare every organisation that you are a member, unless you receive a payment or funding linked to Walsall MBC or it includes membership of a body whose principal purposes include the influence of public policy, including party associations, trade union or professional associations, or it is an appointment by Walsall Metropolitan Borough Council.

If you hold any positions of general control or management, in any Public authority or body exercising functions of a public nature; or Company, industrial and provident society, charity, or body directed to charitable purposes, you should also declare these.

21. I am a co-opted (non-elected) member of a committee does this apply to me?

Yes, the requirements are the same for Councillors and Co-opted (non-elected) members.

21 April 2021

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.

Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Table 2: Other Registerable Interests

Any interest in any activity which is or could be related to the business of the Council. These include:

- any position (for example, as trustee, governor, or unpaid director) that may have influence in any charitable or voluntary organisation, including:
 - any to which you are nominated or appointed by the Council; and
 - any position of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



**REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES TO THE
LICENSING AND SAFETY COMMITTEE**

25 August 2021

LICENSING ACT 2003

WALSALL COUNCIL STATEMENT OF LICENSING POLICY 2021

1.0 Summary of report

- 1.1 The Licensing Act 2003 (s5) (LA03) requires Licensing Authorities within each five-year period to determine their policy with respect to the exercise of its licensing functions, and publish a statement of that policy.
- 1.2 This report informs the Licensing and Safety Committee of a review that has taken place of Walsall Council's Statement of Licensing Policy and the results of the public consultation undertaken from the 1st June 2021 to 1st August 2021.
- 1.3 Alongside the Statement of Licensing Policy review a Cumulative Impact Assessment (CIA) has been undertaken. These assessments are carried out where in the Licensing Authorities view the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty to promote the licensing objectives. The CIA ought to be reviewed at least every three years, set out the evidence as to why it is needed, be consulted upon and published (s5A LA 03).
- 1.4 The report sets out evidence received from responsible authorities that has been used to inform the draft Statement of Licensing Policy and the Cumulative Impact Assessment and also includes responses received from the public during the consultation period.
- 1.5 As part of the consultation in relation to the CIA the authority received responses to the proposal to extend the criteria to include sale of alcohol for consumption off the premises and late night refreshment.

2.0 Recommendations

- 2.1 The committee is asked to consider the results of the public consultation and if satisfied with the process that has been followed and the outcomes of the consultation approve the proposed Statement of Licensing Policy and CIA before sending to a meeting of the full Council for final adoption. The results of the consultation are included within the report. A copy of the proposed policy is attached as **Appendix 1**.

3.0 Background information

- 3.1 Walsall Council is a licensing authority in accordance with section 3(1) of the Licensing Act 2003 and pursuant to section 5(1) of that same act the Council is required to determine and publish a Statement of Licensing Policy at least every five years.
- 3.2 The draft Statement of Licensing was put before members on the 31st March 2021 for consideration. Members noted the evidence provided within the report and gave approval for the draft policy to go out to public consultation.

Consultation Time Line

- 3.3 27th May 2021

All current premises licence holders & club premises certificate holders were written to by the Licensing Authority informing them of the council's review of the Policy, where they could view the current and proposed policy and how they could put forward their comments. A copy of the letter is attached as **Appendix 2**.

- 3.4 1st June 2021

The consultation commenced and the council's web page was uploaded with the appropriate documents together with an online link to respond to the consultation. The last date to make comments on the policy was the 1st August 2021.

Details of the consultation were sent by email to all agents and solicitors who have submitted Licensing Act 2003 applications in Walsall and who may therefore have an interest in this consultation.

The consultation was sent by email to elected members, the Chair of Licensing and Safety Committee and the Director of Resilient Communities.

All Responsible Authorities received an email inviting them to take part in the consultation as required by the Licensing Act 2003 and as set out in section 4.5 below.

- 3.5 11th June 2021

The policy was promoted by sending a link to the consultation via text message to licence holders for whom we held relevant contact details.

3.6 16th June 2021

Locality Managers sent the link to the consultation in their newsletter.

3.7 23rd June 2021

Consultation was promoted with elected members whose Wards were affected by the CIA.

3.8 6th July 2021

The Consultation was promoted with Walsall Pub Watch.

3.9 8 July 2021.

The consultation was emailed again to relevant agents and solicitors.

The Regulatory Services Manager promoted the Consultation at the Walsall Safeguarding Partnership Exploitation Sub Group.

3.10 12th July 2021

The Regulatory Services Manager promoted the policy at the Councils Town Centre Board meeting.

3.11 The Corporate Communications Team helped promote the consultation by posting the details on the Our Walsall Facebook page on the 14 June, 9th July, 22nd July and the 30th July. The Facebook site has over 16,000 followers.

The Consultation was also promoted through the corporate Twitter feed on the 14 June, 9th July, 22nd July and the 30th July. The corporate Twitter feed has over 34,000 followers.

Social media posts can be seen at **Appendix 5**

Consultation Outcome

3.12 During the consultation period, there were 14 responses made to the draft policy. The responses clarified that 64% (9) of respondents were in support of the policy, 14% (2) not in support and 21% (3) who don't know. **Appendix 3** is a summary of the responses received together with any comments made.

3.13 The data collected also shows that 71% (10) of respondents strongly

agree that Walsall should have a Cumulative Impact Policy (CIP) in place.

- 3.14 The proposed CIP policy has been extended to include streets that fall in the WS1 postcode area and specific streets that were mentioned in the Cumulative Impact Assessment (**Appendix 4**). The consultation shows that 64% (9) of the respondents strongly agree for the CIP area to be extended and to include all streets that fall within the WS1 postcode area.
- 3.15 The consultation results showed that 36% (5) of respondents suggested that other areas of the Borough should also be included within the CIP. In response to this suggestion it should be noted that the evidence used by Responsible Authorities including the Police and Local Authority process during the CIA does not show that there is a current need in the areas identified in the consultation for example Bloxwich, Blakenall, Paddock, Darlaston, Willenhall and Aldridge. The CIA will be reviewed every 3 years and data will be collected from Responsible Authorities to see if there is still a need to have a CIP and also to extend this in to other areas of Walsall where necessary.
- 3.16 The consultation was also promoted using the council's social media channels. **Appendix 5** is a copy of the social media posts.

Cumulative Impact Assessment (CIA)

- 3.17 Paragraph 14.26 of the section 182 Guidance (Licensing Act 2003) states:
- “The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority’s duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion”.*
- 3.19 As with a CIP, a CIA may be published by a licensing authority to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems, which are undermining the licensing objectives.
- CIA's relate to applications for new premises licences, new club premises certificates, and the variation of existing premises licences and club premises certificates in the affected CIP area.
- 3.20 Guidance states that as CIPs were not part of the original 2003 Act, there are no transitional provisions that apply to CIPs pre-dating 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the current legislation.

- 3.21 It is recommended that the review should take place within three years of the commencement of the legislation that introduced CIAs or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs now adhere to the principles in the legislation.
- 3.22 The change from a CIP to a CIA has no practical effect in respect of how applications may be dealt with when they are received. The differences are:
- the requirement that the Council must review the CIA every 3 years; and
 - there must be a full consultation before a CIA can be implemented.
- 3.23 Walsall Council's current CIP was introduced by the Council on the 8 September 2008, based on evidence provided by West Midlands Police. This evidence demonstrated that part of Walsall (namely the Town Centre) was being adversely affected by levels of crime, disorder and antisocial behaviour, specifically linked to the large number of licensed premises concentrated in the area.
- 3.24 As part of the current review of the CIP, it has been recognised that the cumulative impact of a number of late night refreshment premises (including cafes) in some areas may result in an increase of people either walking through, or congregating in, streets during the night.
- This may in turn have a number of undesirable consequences, for example;
- an increase in crime against property and/or person;
 - an increase in noise causing disturbance to residents;
 - traffic congestion and/or parking problems; (impact of the parking and it resulting in to a nuisance); and
 - littering and fouling.
- 3.25 These undesirable consequences may result in the amenity of local residents being placed under pressure, as it will not always be possible to attribute a particular problem to customers of particular premises. This means that, whilst enforcement action may be taken to ensure conditions are complied with at individual premises, this may not resolve all the problems being encountered.
- 3.26 It is proposed that the new CIP also takes into account the impact of the sale of alcohol for consumption 'off the premises' and the provision of 'late night refreshment' in the WS1 area when determining applications etc.
- 3.27 The report takes in to consideration data from responsible authorities from April 2017 – March 2020. The CIP will be relied upon in cases where, for applications relating to premises located within the CIP area

under the Licensing Act 2003, the applicant has failed to include sufficient measures for mitigating the potential impact of the grant of the licence undermining the licensing objectives, in line with the policy.

3.28 The use of the CIA will also depend upon the recovery of the economy and the level of activity in Walsall. Therefore, in determining the validity of representations the representation must be justified and include clear evidence and reasoning, which will stand up to scrutiny at a hearing, should one be required, and be relied upon in defending any subsequent decisions for example at Magistrates Court.

3.29 The primary evidence in Walsall Councils CIA (**Appendix 4**) relates to

- Statistics relating to Crime and Disorder including anti-social behaviour submitted by West Midlands Police.
- Statistics in relation to criminal activity around illicit tobacco in licensed premises submitted by the Chief Inspector of Weights and Measures (Trading Standards).
- Statistics related to littering issues provided by Clean and Green.
- Statistics relating to admissions to hospital relating to alcohol related harm submitted by the Director of Public Health.

3.30 The conclusion of the CIA states that

25 *'statistics show a decline in reported crime over the three-year period following the last review, which is positive. The number of offences is still at a high level and it is believed that the retention of the CIP along with the proposed changes will reduce that figure further, take strain off Police resources and make the areas identified safer for residents and legitimate business.*

26. *Removing the CIP may have the opposite effect and lead to a deterioration in standards. It should be noted 2020 will be an unusual year for statistics due to the various 'lockdowns' and restricted trading that have occurred as a consequence of Covid 19.*

30 *Based on the statistical data evidence above from responsible authorities, the Council has determined that the Council should amend the current Cumulative Impact Policy area and expand this to include WS1 and also Wednesbury Road & Wallows Lane. The council has also resolved that there is also a need to expand the CIP to include Late Night Refreshments & Sale of Alcohol off the premises within the policy.*

4.0 Resource considerations

4.1 **Financial:** The costs involved in carrying out the consultation has been met from existing budgets held by the licensing service.

4.2 **Legal:** Members of the public, the trade or responsible authorities can

judicially review the policy.

- 4.3 The Council has a statutory duty to publish a Statement of Licensing Policy. It is important that the Statement of Licensing Policy provides an open and transparent policy regarding the Council's functions under the Licensing Act 2003. The Statement of Licensing Policy forms an essential part of the decision making process for licensing applications.
- 4.4 The Act also requires that the Statement of Licensing Policy should be kept under review and must be re-published at least every five years.
- 4.5 When revising its Statement of Licensing Policy, the Council is required to consult with:
- the chief officer of police for the authority's area;
 - the fire and rescue authority for that area;
 - each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area;
 - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority;
 - such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
 - such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 4.6 The consultation has been made available for comment via the Council's website and publicised via social media and also through the local press. The consultation will take place over a period of 9 weeks.
- 4.7 There must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police, may hold relevant information, which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions;

- environmental health complaints, particularly in relation to litter and noise;
 - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
 - residents' questionnaires;
 - evidence from local and parish councillors; and
 - evidence obtained through local consultation.
- 4.8 When publishing a CIA, a licensing authority is required to provide evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described. The evidence must justify the statement in the CIA that it is likely that granting further premises licences and/or club premises certificates in that area (limited to a kind described in the assessment), would be inconsistent with the authority's duty to promote the licensing objectives.
- 4.9 To remove any confusion about the difference between the "need" for premises and the "cumulative impact" of a premises on the licensing objectives, "need" concerns the commercial demand for another business or premises and is a matter for the planning authority and the market. Government guidance makes clear that 'need' is not, and never can be, a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.
- 4.10 In publishing a CIP, a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described.

Having published a CIP a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right.

However, the CIP will not fundamentally change how licensing decisions are made. The licensing authority may grant an application where it considers it is appropriate and where, based on the information provided by the applicant in the operating schedule, the applicant has sufficient measures in place to minimise the likelihood of the activities at their premises adding to the cumulative impact.

Applications in areas covered by a CIP should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with

reasons for granting the application and this should include any reasons for departing from their own policy.

- 4.11 A CIP may never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be carefully considered and applications considered to be unlikely to add to the cumulative impact on the licensing objectives, to be granted. After receiving relevant representations in relation to a new application for, or a variation of, a premises licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIP in the light of the individual circumstances of the case.

The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it must demonstrate why it considers that the grant of the application would be likely to undermine the promotion of one or more of the licensing objectives and that the addition of conditions would likely be ineffective in preventing the problems involved.

- 4.12 Failure to publish a new Statement of Licensing Policy would be a failure of the Council to comply with its duties as a licensing authority under the provisions of the Licensing Act 2003.

5.0 Staffing:

- 5.1 Nothing arising from this report.

6.0 Citizen Impact

- 6.1 The implementation of this proposed Statement of Licensing Policy and CIP will affect the way in which Walsall Council administers the licensing regime in the Borough in such a way that affords greater protection to its residents.

7.0 Community Safety

- 7.1 The introduction of the policy is for the benefit of the community and people of Walsall. It is a key policy for the Council and partners in protecting the communities of Walsall from harm that can be caused by licensed premises or as a consequence of having licensed premises in any given area.

8.0 Environmental Impact

- 8.1 Discussions with other services and partners could lead to Policy decisions being made that have a positive effect on litter control and, waste disposal.

8.2 In areas where Cumulative Impact Policies or Assessments have been introduced there is a possibility that businesses looking to invest may be deterred from doing so, due to perceived additional burdens being placed upon them.

8.3 This is balanced against impact of new and current business undertaking licensable activities in a particular area and the social and economic benefits of those businesses against the potential adverse environmental implications, such as public nuisance, crime and disorder and antisocial behaviour.

9.0 Performance and Risk Management Issues

9.1 As stated the impact of Covid 19 has meant the drafting and consultation of this Statement of Licensing Policy and CIP have been delayed and will therefore go beyond the five-year period that such matters are usually expected to be delivered by. Government is aware of the national impact Covid 19 has had on updating Policy's such as this.

10.0 Equality Implications

10.1 The Licensing and Safety Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity. Groups that have knowledge and experience of equality related issues will be included in all consultation that takes place.

11.0 Consultation

11.1 The Policy went through a 9-week consultation from the 1st June 2021 to the 1st August 2021. Further details are contained in the background section of the report.

12.0 Appendices

- **Appendix 1** Proposed Policy
- **Appendix 2** Letter to Licence Holders
- **Appendix 3** Consultation Response Summary
- **Appendix 4** Cumulative Impact Assessment

13.0 Contact Officer:

13.1 Sayful Alom – Licensing Team Leader Sayful.alom@walsall.gov.uk



Licensing Act 2003

Draft Statement of Licensing Policy.

Consultation Period: ???

2020



Walsall Council

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Version	Effective Date	Reason	Summary
1.1	01/01/2021	5 Year Review	Update Policy to include changes to legislation, changes to Cumulative Impact Policy following CIA

IMPORTANT NOTE

Where this policy refers to information, legislation, policy or guidance produced by other governing bodies or regulatory agencies, please note that the requirement detailed within this this policy will be subject to any amendments thereof.

Walsall Metropolitan Borough Council

Draft Statement of Licensing Policy

1 Introduction

- 1.1 Section 5 of the Licensing Act 2003 requires each Licensing Authority to publish a Statement of its Licensing Policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the licensing objectives are being met.
- 1.2 This document is Walsall Council's (Walsall MBC) Statement of Licensing Policy, which will come into force on once members have approved the consulted version. The policy will be updated and modified as and when the Council considers appropriate.
- 1.3 Walsall MBC is located in the West Midlands; an area comprising seven Metropolitan Councils in total. The Walsall Council covers 40.2 square miles of which 24.83 square miles are predominantly urban development. With an estimated population of 293,378 (2018) it is the fourth largest area in the County, in terms of population.
- 1.4 The towns of Willenhall and Darlaston, to the west of the M6, contrast with the eastern parts of the borough, which are more residential and, in parts, agricultural in character. Traditional and growth industries are spread throughout the borough. Walsall benefits from its position at the cross-roads of the motorway network and communications have been improved further by the M6 Toll Road.
- 1.5 Birmingham airport and the Genting Arena Complex are within easy reach and frequent trains to Birmingham provide links to the national network. Regeneration projects focussing on Walsall town centre, local centres, the wider borough, and key transport corridors continue to transform the borough's new economic well-being.
- 1.6 Through its statement of licensing policy, the Licensing Authority strives to sustain core values of Honesty and Integrity, Fairness and Equality, Value for Money, Innovation and Collaboration and Listening and Responding.

2 Licensing Act 2003

- 2.1 This Licensing Statement of Policy is intended to meet Walsall Councils obligations under Section 5 of the Licensing Act 2003 (“the Act”).
- 2.2 The Licensing Authority (“the Authority”) will carry out the licensing functions of Walsall MBC with a view to promoting the four licensing objectives contained in the Act. These are –
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 2.3 Each objective is treated as having equal importance.

3 Scope of the Policy

- 3.1 Section 5 of the Act requires a Licensing Authority to prepare and publish a statement of its licensing policy at least every five years.
- 3.2 The revised statement of licensing policy will take effect from the following consultation and approval by members.
- 3.3 The policy will be reviewed at appropriate intervals and Walsall Council will make such revisions to the policy as it considers appropriate. Where revisions to the policy are made they will be in accordance with statutory requirements and, following any amendment, a statement of such revisions, or a revised licensing policy statement will be published.
- 3.4 The main purpose of this policy is to provide clarity to applicants, interested parties, and Responsible Authorities, in relation to how Walsall Council will determine applications for the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. It will also provide a basis for all licensing decisions taken by Walsall Council and will inform Councillors of the parameters within which licensing decisions should be made.
- 3.5 In carrying out its functions, the Authority will not only have regard to this policy but also any guidance issued from time to time by the Home Office under Section 182 of the Act (referred to as ‘the guidance’,)
- 3.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation

concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

- 3.7 However, licence holders are expected to take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance in the immediate vicinity of their premises.
- 3.8 Licensing will be one of the key contributory factors in the overall management of the evening and night time economy, particularly in relation to town centres and other 'high risk' areas, working in partnership with the police and other responsible authorities.
- 3.9 In relation to the prevention of crime and disorder, Walsall Council recognises its duty under Section 17 of the Crime and Disorder Act 1998. It will continue to work in partnership with the police, responsible authorities defined in the Act, local businesses, local people and other interested parties, in the promotion of all the licensing objectives.

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.

- 3.10 In conducting the review of its policy statement, Walsall Council will consult in accordance with the statutory provisions of the Act and will also seek to integrate these requirements with local policies for crime prevention, community safety, planning, transport, tourism and child protection procedures.
- 3.11 This policy acknowledges the importance of the role of partnership working, with the police, local businesses, performers and local people, in how the Council fulfils its licensing responsibilities.
- 3.12 In regulating licensable activities, the aim of the Walsall Council licensing process is to promote well-managed premises, where licence holders are aware of, and sensitive to, the impact of their premises on local residents. Walsall Council wishes to encourage licensees to provide a wide range of entertainment activities during their opening hours, promoting the provision of live music, dance, theatre etc., for wider cultural benefit. These activities are considered to be key factors in maintaining a thriving and sustainable community. A fair balance will be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives. Walsall Council is conscious that licensing policy may inadvertently deter live music by imposing indirect costs of a disproportionate nature, for example a blanket policy that any pub providing live music entertainment must have door supervisors.

3.13 Walsall Council has a duty to protect the amenity of the borough, which is a mixed commercial and residential area. The Authority wishes to promote safer and stronger communities, ensuring all persons are as safe and secure as possible. Where an application is likely to increase the concentration of entertainment uses and/or lengthen hours of operation in a way that would materially impact on the local area, these factors will be taken into account.

3.14 This policy statement sets out the general approach the council will take when fulfilling its responsibility in determining applications made under the Licensing Act 2003. It will observe the right of any individual to apply for a variety of permissions and to have each application considered on its own merits. It will transparently protect the right, where provided in the Act, of any 'other person' to make representations in support or in opposition to an application, or to seek a review of licence where provision has been made for them to do so.

3.15 The policy relates to all 'licensable activities' as defined by the Act, namely:-

- the retail sale of alcohol.
- the supply of alcohol to club members.
- the provision of 'regulated entertainment' – to the public, to club members or with a view to profit including the following:
 - the performance of a play.
 - the exhibition of a film.
 - any indoor sporting event.
 - the provision of boxing or wrestling entertainment.
 - a performance of live music.
 - any playing of recorded music.
 - a performance of dance.
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- the supply of hot food and/or hot drink from any premises between 11pm and 5am.

3.16 Each application for the grant, variation or review of a licence will be considered and determined on its individual merits. When making a decision, Walsall Council will operate in accordance with this licensing policy and the statutory guidance; however, if the Authority considers it appropriate to depart from either of those, full reasons will be provided as to why the departure was necessary, appropriate and justified.

3.17 In addition, the Act also regulates:

- The licensing of individuals for the sale or supply of alcohol ('Personal Licences');
- The authorisation of certain licensable activities on a temporary basis ('Temporary Event Notices').

4 Duplication

4.1 Walsall Council recognises that the licensing process should not duplicate powers, provisions, or restrictions enshrined in other primary legislation. Therefore, in so far as possible, it will avoid duplication of this kind. Legislation that may be relevant is set out below:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- Anti-Social Behaviour, Crime & Policing Act 2014
- The Regulatory Reform (Fire Safety) Order 2005
- Health and Safety (First-Aid) Regulations 1981
- The Equality Act 2010

Walsall Council is committed to avoiding attaching conditions that duplicate other regulatory regimes as far as possible as set out in Chapter 10 of the s182 Guidance in force when this statement was made.

5 Partnership Working and Integrating Strategies

5.1 Walsall Council acknowledges the importance of integrating its policies with local crime prevention strategies, as well as public health, planning, transport, tourism, equality schemes and cultural strategies.

5.2 The Government recommends that licensing authorities should establish and set out joint enforcement protocols with the local police and the other authorities and describe them in their statement of policy. This will clarify the division of responsibilities for licence holders and applicants, and assists enforcement and other authorities to deploy resources more efficiently.

5.3 In particular, these protocols should also provide for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. In some local authority areas, the limited validity of public entertainment, theatre, cinema, night café and late night refreshment

house licences has in the past led to a culture of annual inspections regardless of whether the assessed risks make such inspections necessary. The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. Principles of risk assessment and targeted inspection (in line with the Regulators' Code) should prevail and, for example, inspections should not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are used efficiently and for example, are more effectively concentrated on problem premises. Licensing authorities should also remind operators of licensed premises that it is incumbent on them to provide appropriate training for their staff to ensure the promotion the licensing objectives.

While many strategies may not appear directly related to the promotion of the licensing objectives, they may affect them and therefore such strategies are important for the Authority to consider

The Need for Licensed Premises

- 5.4 There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority.

6 Licensing Process

- 6.1 Walsall Council's licensing responsibilities are executed by the Licensing and Safety Committee, supported by licensing sub-committees, and by one or more officers acting under delegated authority. Please see the delegations set out at Part 26.
- 6.2 Where applications are not contentious, the licensing functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part be carried out by officers. As part of the application process, applicants are expected to address each of the licensing objectives in their operational schedules having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community
- 6.3 If a lawful application for a premises licence or club premises certificate is received, and no relevant representations are submitted by responsible authorities or other persons, the Licensing Authority must grant the application, subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions.

- 6.4 When setting out the steps they propose to take to promote the licensing objectives, applicants are also encouraged to make themselves aware of, and be able to demonstrate that they understand the layout of the local area. This should include the physical environment and any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies, which may help to mitigate potential risks.
- 6.5 Any responsible authority, and/or any other person, may make representations to the Licensing Authority in relation to any application for the grant, variation, minor variation or review of premises licences and club premises certificates; the grant of a provisional statement. This right is not dependent upon their geographic proximity to the premises.
- 6.6 'Other person' is defined as any individual, body or business including a member of the relevant Licensing Authority.
- 6.7 Representations are not limited to objections, but may also be made in support of an application. However, a representation expressing support for an application will be subject to the same criteria under the Licensing Act.
- 6.8 Ordinarily, representations are invalid if they are made anonymously. However, if a person believes there are exceptional circumstances relating to the disclosure of their identity, they are advised to contact the Licensing Service for advice.
- 6.9 The Licensing and Safety Sub-Committee will determine any application for the grant of a new premises licence, where a relevant representation(s) objecting to the grant of the licence is received, and all applications for the review of a premises licence.
- 6.10 In accordance with the guidance, a representation is 'relevant' if it relates to the likely effect of the grant or variation of the licence on the promotion of at least one of the licensing objectives.
- 6.11 The outcome of any hearing before a Licensing and Safety Sub-Committee will be delivered to all parties verbally at the hearing and in writing as soon as practicable thereafter.
- 6.12 The Act requires the Authority to suspend a premises licence or club premises certificate if the annual fee remains unpaid by the due date (i.e. on or by, the anniversary of grant of the original licence). The Act provides a grace period of 21 days in cases where the non-payment is due to an administrative error or where there is a dispute over liability for the fee, after which the licence/certificate will be suspended.
- 6.13 The Authority is required to give a minimum 2 days' notice of the suspension of the licence/certificate, if payment is not made, however Walsall Council considers that 7 days' notice is more appropriate.

7 Review of Licences

7.1 Walsall Council may refuse to review licences if it considers

- a) that the representations are not relevant to any of the licensing objectives; or
- b) in the case of a representation made by any other person, that the representation is frivolous, vexatious or a repeat of a representation already made at the time of the licence application or previous application for review.

7.2 Anyone may appoint a representative to make representations on their behalf, including a ward councillor. However, it will be expected that any councillor who is also a member of the licensing committee and who is making such representations on behalf of another person will disqualify him or herself from any involvement in the decision making process affecting the application in question.

7.3 As elected members, and regardless of whether they live or run a business in the vicinity of those premises, Councillors may also apply for the review or submit representations in their own right if they have concerns about any premises.

7.4 Where possible though, Walsall Council will attempt to give licence holders early warning of any problems or concerns raised about the operation of licensed premises, and the need for improvement. It may be possible for an agreement to be reached between the authority, the licence holder, the relevant responsible authorities, or other persons, in respect of relevant representations.

7.5 Walsall Council will attempt to encourage a dialogue, and mediate between the relevant parties if necessary, to achieve a satisfactory solution without the need for a review of the premises licence.

7.6 In the first instance Walsall Council will decide whether any complaint or representation is relevant, vexatious, frivolous, or repetitious. This will be determined on the facts of each individual case and should be supported by evidence. This decision will be taken by officers under delegated powers.

7.7 Walsall Council will not allow more than one application for the review of any premises licence, originating from other persons, within a period of twelve months on similar grounds, save in exceptional and compelling circumstances or where it arises from a closure order.

7.8 Where Walsall Council conducts a review of a premises licence, the hearing will follow the process prescribed in the regulations. The Authority will ensure that all the parties to a review will receive a fair hearing. In particular, the licence holder will be made fully aware of the allegations

made in respect of their licence, and any evidence supporting the allegations or representations, in order that they or their legal representatives have the opportunity of robustly answering allegations and defending their premises licence.

7.9 When determining a review application, the Act provides a wide range of powers when considering what action may be proportionate and necessary for the promotion of the licensing objectives.

7.10 In deciding which of these powers to invoke, wherever possible, Walsall Council will seek to establish the cause or causes of the problem, substantiated by the evidence before them. Remedial action may then be directed at identified causes.

The options available to the Sub-Committee include:

- Taking no action;
- Issuing an informal written warning to the licence holder and/or recommending an improvement within a specified period of time;
- Attaching conditions to the licence either temporarily, for a period of up to three months or permanently;
- The exclusion of a licensable activity from the scope of the licence, either temporarily, for a period of up to three months or permanently;
- The removal of the designated premises supervisor if applicable;
- The revocation of licence

7.11 Where representations are received and subsequently withdrawn, or agreement is reached prior to hearing (by all parties concerned), Walsall Council may determine the application, and only impose such conditions that

- will promote the licensing objectives;
- are consistent with the operating schedule; and/or
- are required by statute.

7.12 Walsall Council will give comprehensive written reasons for any decision taken.

7.13 The written reasons will be provided to all relevant parties attending a review hearing, in accordance with the timescales provided by statute or regulation, or within a reasonable time taking into account the parties' right to lodge an appeal with the Magistrates Court under Schedule 5 of the 2003 Act.

Summary (Expedited) Licence Reviews

- 7.14 The Summary Review procedure was effected by Section 53A-C of the Licensing Act 2003, inserted by section 21 of the Violent Crime Reduction Act 2006. This allows an expedient process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
- 7.15 The Licensing Sub Committee shall determine, by email, telephone (or in such other manner as may be deemed appropriate by the Regulatory Services Manager or by the Solicitor to the Council), whether it is necessary to take interim steps pending the determination of the premises licence the subject of an application and a certificate issued by a Senior Police Officer stating that in his/her opinion named premises are associated with serious crime or serious disorder (or both) (the requirements of the Local Government Act 1972 concerning the giving of notice of meetings will not apply).
- 7.16 Following a determination of interim steps, the licence will be subject to review, which will be heard in the usual manner.

8 Responsible Authorities and Other Persons

- 8.1 Any responsible authority and/or other person(s) who live or are involved in a business and are likely to be affected by the premises, may make representations about an application, variation, minor variation or review of a premises licence or club premises certificate or grant of a provisional statement.
- 8.2 The main responsible authorities relevant to Walsall Council are set out below and a full list of all responsible authorities is published on the Council's website.
- 8.3 The Authority will determine when it is appropriate to act in its capacity as a responsible authority, in accordance with its duties under section 4 of the Act, namely with a view to promoting the licensing objectives and with regard to its licensing policy and the statutory guidance
- 8.4 The Authority will not normally make representations or request a review of a licence when it is more appropriate for other responsible authorities to intervene, or when the basis for intervention falls within their remit. Licensing Authorities are not normally expected to act as a responsible authority on behalf of other parties such as local residents, local councillors or community groups.

8.5 **West Midlands Police**

Applicants are advised to include in their operating schedules any steps being taken to:-

- prevent disorder on the premises;
- prevent drunkenness in premises selling alcohol;
- prevent under age sales of alcohol;
- ensure customers enter and leave in an orderly manner;
- exclude illegal drugs; and
- exclude offensive weapons.

8.6 The police may consider the past history of a premises or an individual and may account decisions of the Magistrates' Courts when considering applications. Prior to submitting a representations, they may suggest that conditions be voluntarily added to a licence. However, with consideration to the specific location and style of a particular venue and the activities carried on there, the police may require applicants, or existing licence holders, to formalise extra measures in their operating schedule, in cases where it may be appropriate and proportionate to do so to promote public safety or prevent crime and disorder.

8.7 Any incidents of crime or disorder, which occur at, or can be linked to, a particular premises may lead to an application for review of the licence. Equally, any incidents which give cause for concern that the premises are not being properly managed, failure to comply with the operating schedule or conditions of licence, or where there are repeated complaints from the public, may also lead to a licence or club premises certificate being reviewed.

8.6 The police are expected to be Walsall Council main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

8.7 Any current arrangements for the exchange of information between the police and other enforcement agencies will continue.

West Midlands Fire and Rescue Authority

8.8 From the 1st October 2006, the Regulatory Reform (Fire Safety) Order 2005 ('The Fire Safety Order') replaced previous fire safety legislation.

8.9 As such, any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect. The Authority notes that under Article 43 of the Fire Safety Order any conditions imposed by the Authority that relate to any requirements or prohibitions that are, or could be, imposed by the Order automatically cease to have effect, without the need to vary the

licence or certificate. This means that the Authority will not seek to impose fire safety conditions where the Order applies.

- 8.10 The Fire Safety Order covers 'general fire precautions' and other fire safety duties, which have the effect of protecting 'relevant persons' in case of fire in, and around, 'most premises'. The Fire Safety Order requires fire precautions to be in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.
- 8.11 Responsibility for complying with the Fire Safety Order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment, which must focus on the safety in case of fire for all relevant persons. The fire risk assessment must identify risks that can be removed or reduced and establish the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.
- 8.12 The Local Fire and Rescue Authority will enforce the Fire Safety Order in most premises and have the power to inspect the premises to check the responsible person is complying with the responsibilities imposed upon them. They will look for evidence that the responsible person has carried out a suitable fire risk assessment and acted upon the significant findings of that assessment.
- 8.13 In accordance with the guidance, 'safe capacities' should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. If a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence.
- 8.14 However, if no safe capacity has been imposed through other legislation, the Fire Authority may consider it appropriate for a new capacity to be attached to the premises licence, which would apply at any material time when the licensable activities are taking place and could make representations to that effect.

Director of Public Health

- 8.15 Health Bodies have been responsible authorities under the Act since April 2012 and health functions are now exercised by local authorities via the Director of Public Health. Although 'health' is not currently a licensing objective under the Act, health bodies hold certain information which other responsible authorities do not, but which may assist the authority in carrying out its licensing functions, especially in relation to the public safety or crime and disorder objectives.
- 8.16 The Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers.

- 8.17 Where a responsible authority, or other person, presents evidence to Walsall Council that links a specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence will be considered and appropriate action will be taken to ensure this licensing objective is effectively enforced.
- 8.18 In relation to applications for the grant of a premises licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18 Walsall Council will consider what conditions may be appropriate to ensure that this objective is promoted effectively.
- 8.19 Evidence relating to alcohol-related emergency department attendance of under 18s, hospital admissions, and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide important supporting data/evidence, to lead or support representations, in relation to this objective.
- 8.20 In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) to suggest or support measures which retailers could impose to protect themselves against selling alcohol to adults who may be buying on behalf of persons aged under 18.
- 8.21 Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 8.22 There will need to be consideration as to how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact area). The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and specific location of the assault – i.e. the name of the pub, club or street where the incident occurred.
- 8.23 Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

Trading Standards

- 8.24 The sale of age-restricted products, in this case alcohol, remains a priority for Trading Standards. The service recognises the priorities of Walsall Council and partners, such as Police, Licensing, Public Health and the Community Alcohol Partnership, and will assist them in achieving their aims and objectives.
- 8.25 Trading Standards will help ensure that;
1. owners of licensed premises, premises licence holders and designated premises supervisors are aware of their obligations in law and those associated with the licensing policy;
 2. non-compliant licensed premises are helped to achieve compliance; and
 3. there is restricted access to cheap alcohol by removing from sale counterfeit, illicit and non-duty paid alcohol.
- 8.26 In 2014, the 'Better Regulation Delivery Office' published their Code of Practice for the enforcement of legislation relating to age restricted products, including test purchasing. Whilst not legally binding the document is persuasive and places some new requirements on Trading Standards.
- 8.27 It sets out a way of working that is rooted in the statutory principles of good regulation: that regulation should be proportionate, consistent, accountable, transparent and targeted. It applies the requirements of the statutory Regulators' Compliance Code, which promotes 'a positive and proactive approach towards ensuring compliance by: helping and encouraging regulated entities to understand and meet regulatory requirements more easily; and, responding proportionately to regulatory breaches'.
- 8.28 Trading Standards will in appropriate circumstances provide advice to licensed premises regarding the steps to be taken in order to avoid selling alcohol to children.
- 8.29 Trading Standards will ensure that any conditions requested as part of a licence review are appropriate and necessary.
- 8.30 Trading Standards are aware that the sale of counterfeit and non-duty paid alcohol and tobacco products is having a serious impact on the local economy. Legitimate retailers are struggling to compete with the small minority of dishonest traders who operate within the shadow economy.
- 8.31 These dishonest traders are making large profits by selling cheap counterfeit products, or evading duty on genuine products and selling

these at the full retail price, or even discounted rates, to unsuspecting consumers.

- 8.32 Consumption of illicitly produced alcohol could have additional negative health consequences due to a higher ethanol content and potential contamination with toxic substances, such as methanol.
- 8.33 Licence holders found to be selling illicit alcohol or tobacco will be liable to prosecution and, whether convicted or not, risk having their premises licence reviewed by the Licensing and Safety Committee or one of its sub committees.

Health and Safety

- 8.34 The main objective is to ensure the health, safety and welfare of employers, employees and members of the public working at, or attending licensed premises. Applicants applying for a premises licence or club premises certificate should therefore be able to demonstrate a safe environment.
- 8.35 Although existing health and safety legislation will primarily be used, it may be appropriate to apply for the review of a licence in the following circumstances:-
- serious or regular contraventions of health and safety legislation.
 - failure to comply with improvement or prohibition notices.
 - service of a prohibition notice where a significant risk to public safety exists.
 - prosecution for failure to comply with health and safety legislation.
- 8.36 The Council and the Health and Safety Executive are jointly responsible for enforcing health and safety. As a general rule, the Council is responsible for the majority of premises but the Health and Safety Executive are responsible in the case of Council-owned premises, manufacturers or transport depots.

Environmental Health

- 8.37 Operating schedules should contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem. Applicants should also provide details of any proposed noise control measures intended to be put in place, particularly for premises in largely residential areas where regulated entertainment is being applied for outside the hours of 8am to 11pm.
- 8.38 When preparing operating schedules applicants should note that stricter measures for controlling noise may be sought, either through operating schedules or by imposing conditions, in the case of premises situated in largely residential areas. This is especially relevant where there is a history of problems associated with a particular premises.

- 8.39 If licence conditions are to be imposed, they must be specific to the premises in question and must relate to the type of licensable activity proposed.

Planning

- 8.40 The Authority recognises that planning permission, building control approval and licensing regimes should be properly separated to avoid duplication and inefficiency.
- 8.41 Licensing applications may not be used to affect a re-run of the planning application process; the licensing committee will not be bound by decisions of the planning committee, and vice versa.
- 8.42 There are circumstances when, as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission are liable to prosecution under the planning legislative regime.
- 8.43 The Planning Authority may make representations in respect of an application (as a responsible authority under the Act) for a premises licence or club premises certificate as long as it relates to the licensing objectives. The granting of a licence, certificate or provisional statement will not override any requirement of the planning regime.

Children's Services

- 8.44 The Local Safeguarding Children's Board is the body recognised as being competent to advise on matters relating to the protection of children from harm, they are a responsible authority and are therefore, entitled to make representations.
- 8.45 In certain circumstances, where children will be present at a licensed premises, the Council expects responsible adults to be present to ensure their safety. Where relevant and appropriate, applicants must demonstrate how they will reasonably protect children from harm, not just by preventing underage sales but also how they will ensure that, whilst on the premises, children are not involved in crime and disorder, drugs or drug taking, entertainment of an adult nature or any other activity that may cause them harm.
- 8.46 The Council will expect cinemas to stipulate that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. Similarly, theatre productions should be suitable for the audience present with consideration given in advance to the content and nature of the production.

8.47 In recent years, incidents of child sexual exploitation (CSE) and child criminal exploitation (CCE) taking place in or around licensed premises have been of particular concern across the country. Whilst there has been no specific intelligence suggesting incidents have taken place in Walsall, the Council will work via existing partnerships, including the licensed trade, to ensure that any concerns in relation to CSE and CCE can be tackled and addressed appropriately.

8.48 A resource that applicants should consider in the preparation of their applications, risk assessments and operating schedules are the materials produced by the Home Office on CSE and CCE, including its Child Exploitation Disruption Kit. Further advice and training materials for licence applicants can be accessed via Walsall Safeguarding Children Board's 'Virtual College' facility

Licensing Authority as a responsible authority

8.49 The Act enables the council to function as both a 'licensing authority' and to act as 'responsible authority' in its own right. These powers have been delegated to officers within the Council's licensing service. Officers may choose to intervene where they consider it appropriate for the promotion of the licensing objectives without having to wait for representations from other responsible authorities.

8.50 For example, where an application is in a cumulative impact area and officers have concerns about additional harm, they may make a representations to that effect. Also, where an application is received in respect of a premises which has a history of complaints which mean that additional activity may undermine the licensing objectives.

8.51 The Council's licensing service has taken steps to achieve a line of separation between those officers processing applications and those making representations. The officer presenting any application to a Licensing Sub-Committee will also be different from the officer acting as the responsible authority.

9 Licensing Hours

- 9.1 Walsall Council wishes to emphasise that consideration will always be given to the individual merits of any application. However, it is clear that in some circumstances adopting more flexible licensing hours, in relation to the sale of alcohol, may be an important factor in avoiding a concentration of customers leaving premises simultaneously and generally lead to a slower dispersal of people from licensed premises. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which can be hot spots for disorder and disturbance.
- 9.2 Walsall Council recognises that providing consumers with greater choice and flexibility is an important consideration when it comes to developing thriving night-time local economies, which are equally important for local investment and employment. That said, economic considerations must always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents.
- 9.3 Each application will always be considered on its own individual merits, however, it should be recognised that restricting the hours of operation in some cases can play an important role in preventing public nuisance, especially in residential areas where there is a history of noise complaints relating to a particular premises from those living within the vicinity.
- 9.4 In accordance with 'the guidance', retail premises (e.g. shops, stores and supermarkets) will generally be permitted to sell alcohol for consumption off the premises during the normal hours they are open for shopping purposes.
- 9.5 However, in the case of individual premises known to be a focus of disorder and disturbance, then, subject to relevant representations, some limitation on licensing hours may be appropriate.

10 Temporary Event Notices (TEN)

- 10.1 There are two types of temporary event notice (TEN) which can be given to the Authority, standard and late.

Standard TEN

Anyone wishing to submit a standard TEN to the Licensing Authority must do so at least 10 clear working days prior to the event in question; not including the day the notice is submitted or the first day the event is due to take place.

Late TEN

If it is not possible to give 10 working days' notice, then a late TEN may be submitted providing there are at least 5 working days' notice given, again, not including the day of submission or the first day the event is due to take place.

- 10.2 The significant difference between a Standard and Late TEN is the loss of the notifier's right of appeal. If a relevant authority objects to a Standard TEN by way of submitting a counter notice, the applicant has a right of appeal. If the authority wishes to impose conditions on the notice and all parties agree, then a hearing is not necessary and the Authority will not normally hold a hearing.
- 10.3 Where all parties, including the applicant, fail to agree, the matter may be determined at a hearing of the Licensing and Safety Sub-Committee.
- 10.4 However, if a counter notice is submitted in relation to a late TEN, no right of appeal exists and the licensable activities may not go ahead.
- 10.5 Regulations control the number of TENs that may be held at any premises in a calendar year.

11 Adult Entertainment

- 11.1 An applicant wishing to provide adult entertainment should specify in the operating schedule what sort of adult entertainment they intend to provide and how frequently it will be provided. If sexual entertainment is to be provided, for example lap dancing, striptease etc. then a separate sexual entertainment licence may also be required.

Sexual Entertainment Venues (S.E.V)

- 11.2 Walsall Council has adopted a formal policy in relation to these types of premises under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. Standard conditions are attached to such licences. Where there are similar conditions attached to the 2003 licence for the premises, the more onerous will apply.

- 11.3 Under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, premises that provide sexual entertainment on no more than 11 times per year and no more frequently than once per calendar month are exempt. For further information on SEVs please contact Walsall Council Licensing Unit.

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12 Cumulative Impact Policy

- 12.0 These have undoubtedly helped licensing authorities to limit the number or type of licence applications granted in areas where the number of licensed premises is causing problems. Such problems have typically included crime and disorder or public nuisance caused by large numbers of drinkers being concentrated in one area.
- 12.1 Under the Home Office Guidance, issued under section 182 of the Licensing Act 2003, the definition of Cumulative Impact is:
- “Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area”
- 12.2 The cumulative impact policy was initially introduced on the 8 September 2008 and reaffirmed on the 7 January 2011.
- 12.3 As part of the 2020 review of the Statement of Licensing Policy Responsible authorities provided evidence that the WS1 post code area for Walsall were saturated with licensed premises (‘on/off licences’ and late night refreshment) and the level of saturation was having a significant cumulative effect, which undermined the licensing objectives.
- 12.4 The review showed the defined area where the cumulative impact was most demonstrable was under the WS1 post code including the town centre (Appendix 2).
- 12.5 Having regard to the statutory guidance issued under the Licensing Act 2003, the Council consulted on the issues, took into account the views of respondents, and considered all the evidence presented to it.
- 12.6 In light of the findings, the Authority, proposed a cumulative impact policy (amended in 2021) in respect of applications relating to the sale or supply of alcohol for consumption ‘on and off’ the premises’ and for the provisions of late night refreshment in a defined area of Walsall.
- 12.7 In this area applicants will be required to demonstrate how the granting of their licence will not have a cumulative impact on the licensing objectives. Where relevant representations are received to the application, the matter will be referred to the Licensing Sub-Committee to make a decision on the application.
- 12.8 Walsall Council recognises that any special policy regarding cumulative impact is not absolute and where licence applications will not add to cumulative impact and no relevant representations received, the licence/certificate will be granted as applied for.

12.9 The presumption contained in respect of this policy, does not relieve responsible authorities or other persons of the need to make relevant representations. If there are no relevant representations, Walsall Council must grant the application on the terms that are consistent with the application.

12.10 In determining an application, Walsall Council will have particular regard to the licensing objectives, the cumulative effect, and any adverse impact that may arise from the saturation of premises in the defined area.

12.11 The cumulative impact policy will not be used to revoke existing licences or certificates. However, such a policy may be a justification to refuse an application to vary a licence or certificate in circumstances where the variation is directly relevant to the policy and the refusal is strictly necessary for the promotion of the licensing objectives, each case must be treated on its own merits.

12.12 Walsall Council recognises the difference between cumulative impact and the commercial need for premises in an area. Need and market forces are not matters for the Authority to consider as part of its licensing function.

12.13 Walsall Council will not operate a quota of any description. Each application must always be considered on its merits.

13 Late Night Levy

13.1 Walsall Council has considered the parameters for the introduction of such a levy but has resolved that it not be implemented at this time. The Council reserves its right to introduce such a levy, but will only do so after ensuring it has gone through the statutory consultation process and a formal decision has been made in respect of all evidence and comments received.

14 Early Morning Restriction Orders (EMRO)

14.1 Walsall Council has considered the parameters of such orders, but has resolved that none be implemented at this time. The Council reserves its right to introduce such orders, but will only do so after ensuring it has gone through the statutory consultation process and a formal decision has been made in respect of all evidence and comments received.

15 Children

- 15.1 Walsall Council recognises the great variety of premises for which licences and certificates may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, food take-away premises, community halls, church halls and schools. However, in the case of premises used exclusively, or primarily, for the supply and consumption of alcohol on the premises, it is an offence to allow anyone under the age of 16, unaccompanied by an adult, to be present on such premises.
- 15.2 Where the consumption of alcohol takes place but is not the exclusive or primary activity at a particular venue, such as a hotel or cinema for example, it is an offence for, those under 16 to be unaccompanied between 12 midnight and 5am.
- 15.3 Other than these two restrictions there is no presumption in favour of giving access to children under 18 generally, or indeed, preventing their access. Each application and the circumstances prevailing at each individual premises must be considered on its own merits and admission will always be at the discretion of those managing the premises.
- 15.4 Walsall Council, in its own right, will not seek to limit the access of children to any premises unless it receives representations to that effect based on the prevention of physical, moral or psychological harm to children. Applicants seeking premises licences and club premises certificates should include in their operating schedule any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 15.5 Examples of areas which may give rise to concern in respect of children include premises –
- where nudity or entertainment of an adult or sexual nature is provided
 - where there is a strong element of gambling taking place
 - with a known association with drug taking or dealing
 - where there have been convictions for serving alcohol to those under 18
 - with a reputation for underage drinking
 - where the premises have been linked to child sexual exploitation.
- 15.6 In the case of premises used for film exhibitions, applicants should include in their operating schedule any specific arrangements for restricting access to children to ensure they meet the required age limit in line with any certification granted by the British Board of Film Classification.
- 15.7 Where a large number of children are likely to be present on any licensed premises, for example at a children's show or pantomime, then applicants

may need to demonstrate that measures are in place to ensure an appropriate number of adults are present in order to satisfy the licensing objectives.

- 15.8 In cases where it is considered necessary, options available for limiting access by children could include –
- a limit on the hours when children may be present
 - a limitation or exclusion on the presence of children when certain activities are taking place
 - the requirement to be accompanied by an adult
 - access being limited to parts of the premises only
 - an age limitation (for under 18s)
- 15.9 For premises where the sale or supply of alcohol takes place as a licensable activity, the Authority recommends that applicants adopt The Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years of age or over. The premises should also comply with the Committee of Advertising Practice in relation to advertisements and promotions, particularly those provisions relating to the sale and promotion of alcohol.
- 15.10 The Authority also recognises the Guide to Responsible Alcohol Retailing jointly produced by The Association of Convenience Stores, The British Retail Consortium and The Wine and Spirits Trade Association, which covers key areas of under age sales, proof of age cards, staff training and alcohol promotions.

16 Live Music and Regulated Entertainment

- 16.1 Walsall Council is aware of the need to encourage and promote a broad range of entertainment, particularly live music and dancing as well as a range of traditional theatre performances for the wider cultural benefit of communities generally.
- 16.2 In determining what conditions maybe attached for the appropriate promotion of the licensing objectives, care will be taken to avoid measures which might deter live music dancing and theatre by imposing indirect costs of a disproportionate nature.
- 16.3 As a result of deregulatory changes that have subsequently amended the 2003 Act, there are a number of exemptions that now apply to the provision of all categories of regulated entertainment. Applicants/licence holders should ensure that they are fully aware of the current Section.182 guidance issued by the Home Office.
- 16.4 It is still possible however, for a premises licence or club premises certificate to be reviewed if appropriate grounds to do so exist. In determining a review application, the Authority is allowed, if it is considered appropriate, to lift the suspension of such restrictions or conditions that apply to such venues/times and give renewed effect to an existing condition.
- 16.5 Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.
- 16.6 The 2014 Order deregulated entertainment licensing in the following ways:
- The provision of regulated entertainment, by or on behalf of local authorities, health care providers, or schools on their own defined premises, between 08.00 - 23.00hrs on the same day, with no audience limit.
 - The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00 - 23.00hrs on the same day was raised from 200 to 500.
 - Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08.00 - 23.00hrs on the same day for audiences of up to 500.
 - Community premises, not licensed to supply alcohol, are now exempt from entertainment licensing requirements for live and recorded music between 08.00 - 23.00hrs on the same day for audiences of up to 500.
 - Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a

film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08.00 - 23.00hrs on the same day, with no audience limit.

- Greco-Roman and freestyle wrestling are now deregulated between 08.00 - 23.00hrs for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.
- The exhibition of films in community premises has also been deregulated under section 76 of the Deregulation Act 2015 and no licence is required for an exhibition of film on community premises between 08.00 - 23.00hrs on any day provided that:
 - the film entertainment is not provided with a view to profit;
 - the film entertainment is in the presence of an audience of no more than 500 people;
 - the admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant Licensing Authority regarding the admission of children; and
 - a person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

17 Late Night Refreshment

- 17.1 Local Powers to Deregulate 26.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.
- 17.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.
- 17.3 The powers allow a relevant Licensing Authority to exempt the supply of late night refreshment if it takes place:
- on or from premises wholly situated in a designated area;
 - on or from premises which are of a designated description; or
 - during a designated period (beginning no earlier than 23.00hrs and ending no later than 05.00hrs).
- 17.4 Walsall Council does not currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.
- 17.5 If the Authority reviews this decision and considers exercising the powers in the future, it will only do so having carefully considered the risks to the promotion of the licensing objectives and having carried out a comprehensive consultation exercise with relevant stakeholders.

18 Licence Conditions

- 18.1 The Authority may only impose conditions (other than mandatory conditions) on a premises licence or club premises certificate (and in certain circumstances Temporary Event Notices) where they form part of an applicant's operating schedule or following a decision of the licensing sub-committee at a formal hearing. However this may include the voluntary addition, by the applicant, of conditions following mediation in response to the submission of a relevant representation,
- 18.2 Any conditions attached to licences, certificates and other authorisations must be tailored to the individual style and characteristics of the premises and events concerned and will reflect, as far as possible, local crime prevention strategies.
- 18.3 The Authority will not attempt to impose any 'blanket' conditions which apply to all premises, but the applicant's operating schedule, which forms part of the application should include sufficient information to enable a responsible authority or other person to assess whether the steps being taken to promote the licensing objectives are satisfactory or not.

18.4 The Council, therefore, expects all licence holders to set out, in their operating schedule, the measures and management controls they will have in place to: prevent alcohol being sold or served to children (other than in the limited circumstances permitted under the Act), demonstrate all reasonable precautions, and due diligence intended to prevent sales to under age persons whilst trading.

18.5 The Council considers that when effectively applied, 'Challenge 25' policies, where the individual attempting to purchase alcohol must prove they are 18 or over if they look as if they could be under 25, are an effective measure in preventing the sale of alcohol to children.

18.6 The Council expects licensed premises to embrace the 'Challenge 25' initiative. Premises licensed for the sale or supply of alcohol, particularly off-sales, are expected to display clear and prominent signage informing customers that it is an offence to:

- a) sell, or allow the sale of, alcohol to children;
- b) allow an adult to buy, or attempt to buy, alcohol on a child's behalf; and/or
- c) for a child to buy, or attempt to buy, alcohol themselves.

18.7 Where the Council is required to review a licence due to the sale of alcohol to children, the presumption will be for the licensee to demonstrate what measures and controls they had in place to prevent the situation arising.

18.8 When submitting an operating schedule, applicants are required by the Act to outline the measures and controls they commit to complying with in place in order to meet the licensing objectives. These measures will likely form the basis of conditions attached to the premises licence or club premises certificate if/when it is granted. However, only conditions considered appropriate and necessary, for the promotion of the licensing objectives, will be imposed and any breaches of conditions will, in most cases, be dealt with primarily through the review process.

18.9 The responsible authorities identified in this statement may also propose conditions of their own by making representations in relation to an application for the grant or variation of a premises licence. However, these must not be over burdensome or disproportionate and will only be imposed by the Authority in cases where it is considered appropriate and necessary to meet the licensing objectives.

18.10 In such cases, any conditions proposed by a responsible authority, and subsequently agreed by an applicant, can be attached to the premises licence without the need for a formal hearing. This is achieved either by the applicant agreeing to amend their operating schedule to include any condition(s) agreed between the parties, or if all parties agree that a hearing is not necessary.

18.11 As far as possible, duplication with other statutory or regulatory regimes will be avoided. However, in circumstances where existing primary legislation already effectively promotes the licensing objectives it is likely that no additional conditions will be necessary. For this purpose each case will be assessed on its own individual merits.

19 Removal of the requirement for a DPS at Community Premises

- 19.1 Instead of being required to appoint an individual as a designated premises supervisor (DPS), by way of a mandatory condition, volunteer committees managing community premises are may decide to take joint responsibility for the sale of alcohol on or from a community premises.
- 19.2 Management Committees wishing to apply for the removal of the mandatory condition requiring a DPS at community premises will need to demonstrate clearly to the Authority how they operate and that there will be appropriate supervision of all alcohol sales at different types of events.
- 19.3 Community premises will include church halls, chapels, community and village halls and similar buildings. If there is any doubt as to whether a building constitutes a community premises, the Authority will deal with such matters on a case by case basis with the main consideration being the primary use of the premises, for example;
- a. is it genuinely made available for community benefit most of the time?
 - b. is it accessible by a broad range of persons and sectors of the local community?
 - c. is it being used for purposes which are beneficial to the community as a whole?
- 19.4 Applicants will be required to set out exactly how the premises is managed, its committee structure and how alcohol sales are to be properly supervised within the committee/management structure.

20 Black Country Regulators Operating Framework

20.1 Walsall Council embraces the Department for Business Innovation and Skills 'Regulators Code', which came into force on the 6 April 2014. Its standards have been integrated into our regulatory culture and processes and the authority supports the principles of better regulation to promote efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens on business.

20.2 Bearing in mind the principle of transparency, Walsall Council joined together with its Black Country neighbours and produced the Black

Country Regulators Operating Framework. This framework is available upon request to: Licensing , Walsall Council, Civic Centre, Darwall Street, Walsall, WS1 1TP. E-mail Licensing@walsall.gov.uk, Website www.walsall.gov.uk

In general, action will be taken against 'problem' premises through the review process. In cases where more formal action, such as prosecution is considered to be appropriate, the key principles of consistency, transparency and proportionality will be maintained.

21 Equal Opportunities

21.1 The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relation, between persons with different protected characteristics, for example age, disability, race and religion.

21.2 The Council recognises the right to freedom of speech (Human Rights Article 10) and will not intervene in this matter, when discharging its licensing functions, unless to do so would be appropriate to promote one or all of the licensing objectives. Holders of premises, club or personal licences/certificates should be aware of the potential for some organisations to have an influence on or advocate illegal activity that would be in direct contradiction of the spirit of the licensing objectives.

21.3 The Council may, based on evidence and on receipt of written representations from responsible authorities or other persons, seek to prohibit certain types of meetings or gatherings at licensed premises or clubs by attaching conditions in order to promote the licensing objectives, in particular the prevention of crime and disorder and the promotion of public safety.

22 Delegations

- 22.1 The Act provides that the functions of the authority must be carried out by the Licensing and Safety Committee. The Licensing and Safety Committee delegates certain individual powers, where it is appropriate to do so, via the Council's scheme of delegation.
- 22.2 The Scheme of Delegation, below, sets out the types of decisions that have been delegated to officers and the circumstances within which they can be used:

Delegation of Powers:

Matter to be Dealt with	Full Committee	Sub Committee	Officers
Review of Licensing Statement of Policy	All Cases		
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises		All cases	

licence/club premises certificate			
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

22.3 A licensing sub-committee of three councillors will sit to hear applications where relevant representations have been received from responsible authorities and/or other persons.

23 Public Register

- 23.1 The Licensing Authority will keep a register in the prescribed form containing:-
- a record of each premises licence, club premises certificate and personal licence issued by it,
 - a record of each temporary event notice received by it,
 - matters mentioned in Schedule 3 of the 2003 Licensing Act
 - such other information that may be prescribed.
- 23.2 The licensing register will be available for inspection during office hours by any person without payment.
- 23.3 If requested to do so the Authority will supply any person with a copy of information contained in any entry, for which a fee will be charged. This may assist people in making representations to the Licensing Authority.

24 Personal Licence – New Applications

- 24.1 A personal licence, issued under Section 117 of the Licensing Act 2003, authorises an individual to make, or authorise, the sale of alcohol in accordance with a premises licence.
- 24.2 Every premises licence that authorises the sale of alcohol must specify the named individual, appointed onto the licence, who acts as the designated premises supervisor (DPS). Only the holder of a Personal Licence can be appointed into the position of DPS.
- 24.3 Applications for personal licences must be made to the Licensing Authority of the area where the applicant is ordinarily resident at the time they make their application.
- 24.4 The applicant must:
- a. be aged 18 or over
 - b. be entitled to work in the United Kingdom
 - c. possess a licensing qualification or is a person of a prescribed description
 - d. have not forfeited a personal licence in the five year period prior to their application being made
 - e. must be free of any conviction for any relevant offence or any foreign offence or required to pay an immigration penalty
- 24.5 Walsall Council will reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above.

- 24.6 Where the applicant meets the requirements in (a) to (e) but does not meet the requirements of (e), Walsall Council will give the Chief Officer of Police for its area a notice to this effect. Having received such a notice, if the Chief Officer of Police is satisfied that the granting of the application would undermine the crime prevention objective, within 14 days he must within give Walsall Council a notice to that effect.
- 24.7 Where the applicant fails to meet the requirements of (e), as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, Walsall Council will give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.
- 24.8 Where an objection to the grant of a personal licence is received from either the Chief Officer of Police or the Home Office, the applicant will be entitled to a hearing. If no objections are received, Walsall Council will grant the application.
- 24.9 At a hearing to determine a personal licence application, to which the Chief Officer of Police or Home Office have objected, Walsall Council will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
 - The duty to promote the crime prevention objective
 - The objection notice given by the Police or Home Office
 - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
 - The seriousness of the relevant offence
 - The sentence or penalty imposed on the applicant for the relevant offence
 - Any representations made by the applicant
 - Any other evidence as to the previous character of the applicant
- 24.10 If, having considered all of the circumstances, Walsall Council considers that it is appropriate for, either, the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.
- 24.11 If an application is refused, the applicant has a right of appeal against the decision. Similarly, if the application is granted, despite a police objection notice or an objection from the Home Office, the Chief Officer of Police or Home Office has a right of appeal against the Authority's determination. Walsall Council will therefore record in full the reasons for any decision.

25 Personal Licences – Suspensions and Revocations

- 25.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and granted Licensing Authorities the power to suspend or revoke personal licences issued by it, with effect from 6 April 2017.
- 25.2 When Walsall Council becomes aware that a person, to whom it has granted a personal licence, has been convicted of a relevant offence, convicted of a foreign offence, or has been required to pay an immigration penalty, it will consider whether to revoke the licence or suspend the licence for a period of up to six months.
- 25.3 This applies to convictions and civil immigration penalties imposed upon the licence holder at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017; or if the requirement to pay the civil penalty arose after 6 April 2017. Only a Magistrates' Court has the power to order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.
- 25.4 The prescribed process for the suspension or revocation of a personal licence by the Authority is set out at Section 132a of the Licensing Act. Only the Licensing and Safety Committee or Sub-Committee have the power to revoke or suspend a personal licence; however, a Licensing Officer may make the actions preceding a final decision.
- 25.5 Walsall Council will not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where no appeal is made, the Authority will not take action until the time limit for making an appeal has expired.
- 25.6 If Walsall Council is considering revoking or suspending a personal licence, it will give notice to the licence holder. This notice must inform the licence holder of their right to submit representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.
- 25.7 The licence holder must be given 28 days in which to make a representation, beginning on the day the notice was issued. The Authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence, the Authority will consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which Authority is aware, and any other information the Authority considers relevant.
- 25.8 Walsall Council may not be aware of whether the court previously considered the possible revocation or suspension of, and there is no obligation on it to find this out before making a decision.

- 25.9 Where the court has considered the personal licence and decided not to take action, this does not prevent the Authority from deciding to take action. Licensing Authorities have different aims to courts and must fulfil their primary statutory duty, the promotion of the licensing objectives. Therefore, it is appropriate for Walsall Council to follow due process and reach its own independent decision in respect of the licence holder's suitability to hold a personal licence.
- 25.10 If Walsall Council has considered the possibility of suspension and/or revocation, together with all relevant information available at the time, and proposes not to revoke the licence it will give notice to the Chief Officer of Police, and invite the Chief Officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime.
- 25.11 The Chief Officer may make representations within the period of 14 days from the day they receive the notice from the Authority.
- 25.12 Any representations made by the Chief Officer of Police will be taken into account by the Authority in deciding whether to suspend or revoke the licence.
- 25.13 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the issuing authority, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the Licensing Authority area, because it is the local Chief Officer who must provide representations if the Licensing Authority proposes not to revoke the licence.
- 25.14 Where the licence holder is convicted of immigration offences, or has been required to pay a civil penalty for immigration matters, Walsall Council will notify the Home Office Immigration Enforcement service and allow representations to be made in the same way.
- 25.15 In deciding whether to suspend or revoke a personal licence, Walsall Council will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
 - The duty to promote the licensing objectives
 - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
 - The seriousness of the relevant offence
 - The sentence or penalty imposed on the licence holder for the relevant offence
 - Any representations made by the Police or Home Office Immigration Enforcement

- Any representations made by the licence holder
- Any evidence as to the previous character of the holder of the licence.

25.16 Walsall Council will notify the licence holder and the Chief Officer of Police of the decision made (even if the police did not make representations). The licence holder may appeal the Authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

25.17 If the personal licence holder is a DPS, the will notify the premises licence holder once the decision is made to revoke or suspend the licence, if it becomes necessary to do so in order for the Authority to be able to carry out its functions.

25.18 The Licensing Authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act, if it becomes necessary to do so in order for the Licensing Authority to be able to carry out its functions.

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26 Immigration Act 2016 – Entitlement to Work

26.1 Section 36 of Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003, thereby introducing immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

26.2 The licensing objective of 'prevention of crime and disorder' includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) and Police, in respect of these matters.

26.3 Section 36 of and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

- Premises licenced to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- Licences issued to those with limited permission to be in the UK automatically lapse upon the expiry of their right to remain or work in the UK.
- Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was appointed a responsible authorities under the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences), applications to transfer premises licences, and, in some limited circumstances, personal licence applications. As a responsible authority the Home Secretary (Home Office (Immigration Enforcement)) to make appropriate representations and objections to the grant of licences; and
- Immigration officers have a right of entry to premises they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- The Licensing Authority must have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.
- The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and West Midlands Police, with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

27 Appendix 1 - Definitions

- 28.1 In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.
- 28.2 **‘Appeals’**
Appeals against decisions of the Licensing Authority are to the magistrates’ court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the licensing authorities’ decision. On appeal a magistrates’ court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.
- 28.3 **‘Authorised Persons’**
“Authorised Persons” are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing officers, police, fire, health & safety, environmental health.
- 28.4 **‘Responsible Authorities’**
“Responsible Authorities” include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection and other specified authorities. Only these groups can make representations about an application for a premises licence.
- 28.5 **‘Closure Order’**
Powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to serve court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.
- 28.6 **‘Club Premises Certificate’**
A certificate which licenses a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. Club premises certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

28.7 **'Conditions'**

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities.

There is no power to impose conditions on a personal licence. The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives.

Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder. Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

28.8 **'Designated Premises Supervisor'**

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the premises licence. They must also be a personal licence holder.

28.9 **'Late Night Refreshment'**

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am.

28.10 **'Licensable Activities'**

- The sale by retail of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
- The provision of Regulated Entertainment.
- The provision of Late Night Refreshment.

28.11 **'Licensing Authority or Authority'**

Walsall Metropolitan Borough Council

28.12 **'Licensing Objectives'**

The objectives, as set out in the Act, are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

28.13 'Licensed Premises'

Includes club premises and events unless the context otherwise requires.

28.14 'Mandatory Conditions'

Conditions that the Act requires are imposed on a premises licence, club premises certificate or personal licence.

28.15 'Objection Notice'

A procedure whereby the police can object to the grant of a personal licence on the grounds there where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

28.16 'Operating Schedule'

A document (this is in effect the completed application form) containing a statement of the following matters (and any others that may be prescribed):-

- Steps taken by the licence holder to tackle the four licensing objectives.
- The licensable activities to be conducted on the premises.
- The times during which the licensable activities are to take place and any other times when premises are open to the public.
- Where the licence is required only for a limited period, that period.
- Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor.

28.17 Other Persons

Person(s) who live or are involved in a business and are likely to be affected by the premises.

28.18 'Personal Licence'

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence has no expiry. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned do not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence.

28.19 'Premises Licence'

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

28.20 'Provisional Statement'

A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

28.21 'Qualifying Club'

Club Premises Certificates will be issued to Qualifying Clubs. To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests.

Qualifying conditions are specified in Section 61 of the Act and the council must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

28.22 'Regulated Entertainment'

- A performance of a film.
- An exhibition of a film.
- An indoor sporting event.
- A boxing or wrestling entertainment (indoor or outdoor).
- A performance of live music.
- Any playing of recorded music.
- A performance of dance.
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

28.23 'Relevant Representations'

The 2003 Act does not use the term "objections". Instead interested parties and responsible authorities may be able to make relevant representations about an application for a licence. Representations must

relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages the licensing authorities discretion to take “steps” consistent with the licensing objectives when considering the application.

28.24 **‘Review of Licence’**

Where a premises licence is in force any interested party or responsible authority may apply to the council for it to be reviewed. The council must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to three months; or the revocation of the licence.

28.25 **‘Responsible Authority’**

- The Chief Officer of Police in the area where the premises are situated.
- The Fire Authority in the area where the premises are situated.
- The Licensing Authority.
- The local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health.
- The body representing matters relating to the protection of children from harm.
- The enforcing authority for Health and Safety at Work.
- The local Planning Authority.
- Trading Standards, local weights and measures.
- Director of Public Health.
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board

28.26 **‘Statement of Licensing Policy’**

Each Licensing Authority must every five years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

28.27 **‘Temporary Event Notice’**

A permitted temporary activity involving one or more licensable activities subject to various conditions and limitations.

28.28 'Transfer'

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application should be made to transfer the premises licence to the new owner (subject to any outstanding annual fee payments).

28 Comments

28.1 The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Licensing Unit
Walsall M.B.C
Civic Centre
Darwall Street
Walsall
WS1 1TP

Telephone Number: 01922 653050
Fax Number: 01922 653070
e-mail: licensing@walsall.gov.uk
website : www.walsall.gov.uk

29 **Appendix 2 – Cumulative Impact Zone**





Walsall Council

LICENSING UNIT

Name
Address
Address
Address
Postcode

Your Ref:
Our Ref:
Date: 27th May 2021
Pease Ask For Officer
Email: licensing@walsall.gov.uk
Tel: 01922 XXXXXX

Dear [Insert Licence Holder],

Licensing Act 2003 – Review of the Council’s statement of Licensing Policy and Cumulative Impact Policy.

The licensing authority is required under section 5 of the Licensing Act 2003 to review its policy every 5 years. As a licensed premises under the Act the authority is looking to consult with yourself.

The policy has been amended to include extracts from the guidance and other relevant legislation to ensure members of the public and trade understand their responsibilities.

As part of the policy, the authority are also looking to review the Cumulative Impact Policy (CIP). Following consultation with responsible authorities under the act, reports have identified the need to include Sale of alcohol (for consumption off the premises) and Late Night Refreshment within the CIP policy.

Evidence also shows that there is also a need to extend the area that is covered by the CIP. Following this review, the authority are looking to include all streets that fall within the WS1 post code area (also Wednesbury Road & Wallows Lane) to form part of the CIP.

You are asked to complete an online questionnaire to ensure that you have been able to comment on the review of the policy.

Please visit: [WEB ADDRESS](#) to complete the consultation. The last date to complete the consultation is [LAST DATE FOR CONSULTATION](#).

Yours sincerely,

Sayful Alom
Licensing Team Leader

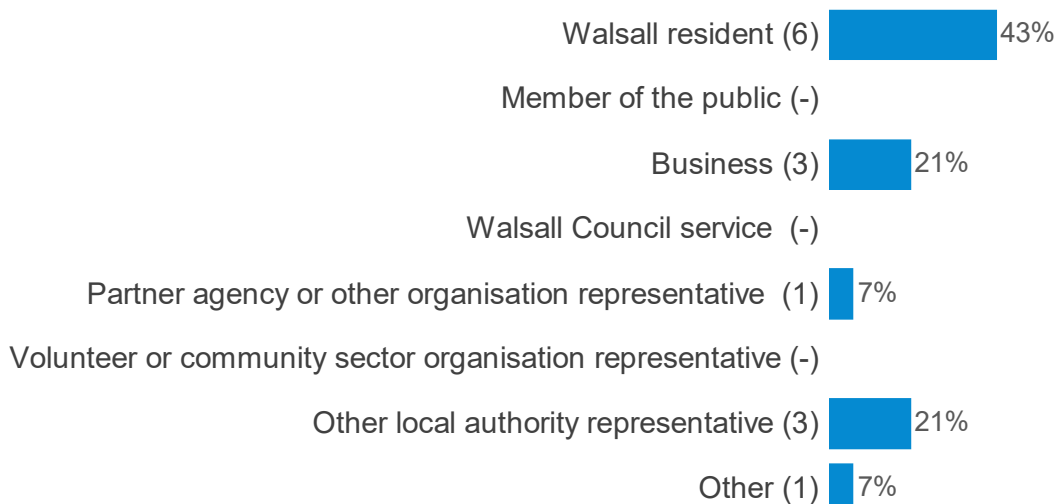
Summary report: Statement of Licensing 2021

Statement of Licensing Consultation 2021

This report was generated on 03/08/21, giving the results for 14 respondents.
A filter of 'All Respondents' has been applied to the data.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 217 rows.

Which of the following best applies to you? Tick one only.



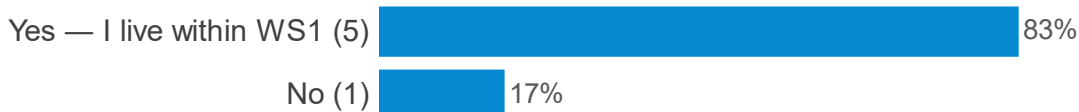
If other, please specify:

Licensing Consultant

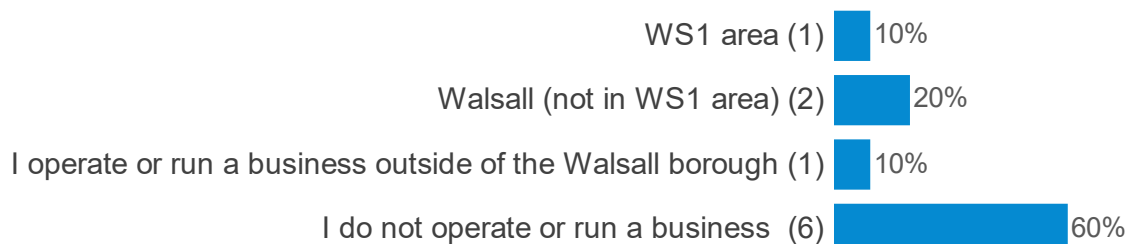
If you are representing an agency or organisation, please tell us the name of the agency /organisation:

Local community

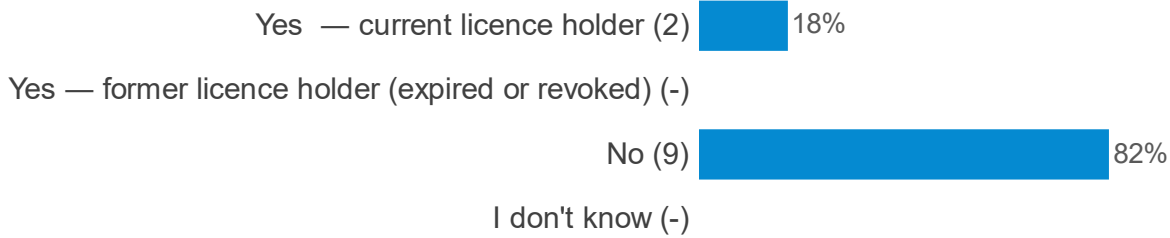
Do you live in the WS1 postcode area of Walsall?



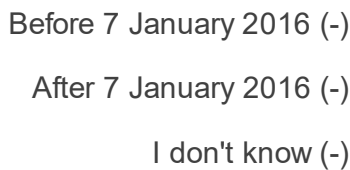
Do you operate or run a business in any of the following areas? Please tick all that apply.



Do you currently hold, or have you ever held, a licence in Walsall under the *Licensing Act 2003* (alcohol, entertainment or late night refreshment)?



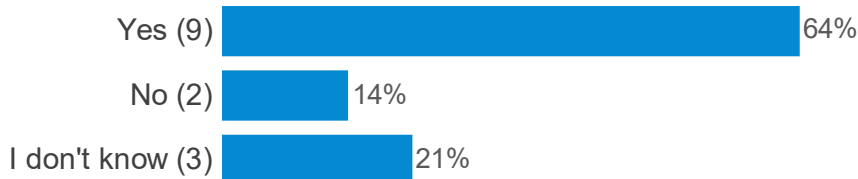
When did your licence expire or get revoked?



Which of the following licences do you hold or have you held? Tick all that apply.



Are you in support of the draft *Statement of Licensing Policy 2021*?



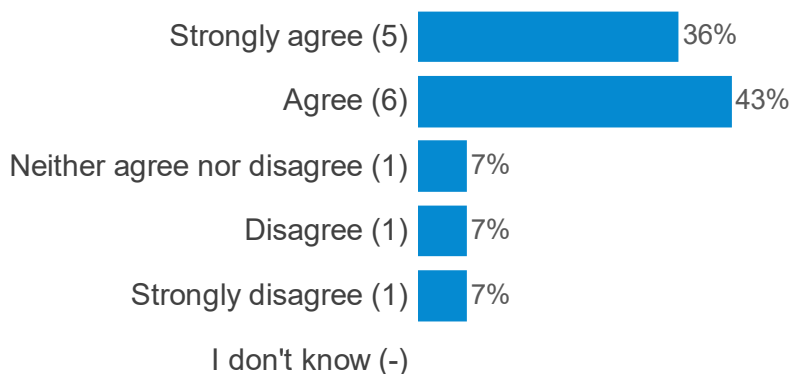
If you do not support the draft *Statement of Licensing Policy 2021*, or if you are unsure, please tell us why.

need to restrict sales in areas where we have drink related problem behaviour.

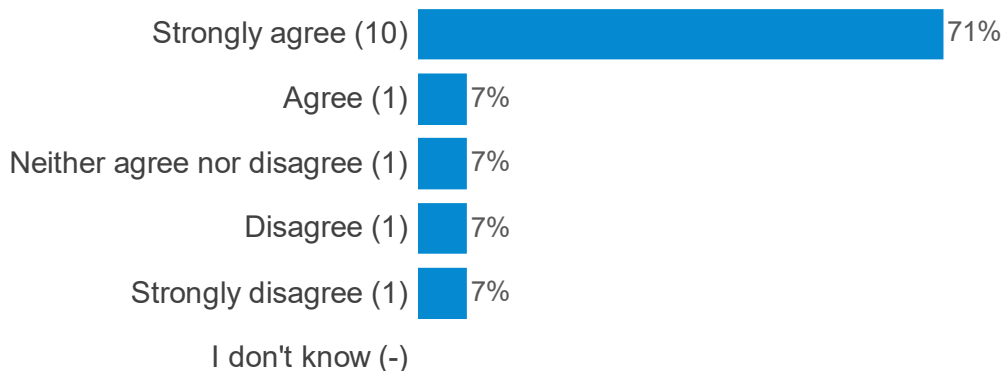
Still dont understand exactly what your amending or trying to achieve. Where is the evidence for this policy review and who undertook it as so often like Sandwell council, the people undertaking the review are too close to benefits, so i need to understand the source of the information first

Because it is so long that it's imposible remember all the points

To what extent do you agree or disagree with the current notice period of seven (7) days for the suspension of a premises licence or club premises certificate? Select one only.



To what extent do you agree or disagree that Walsall should have a cumulative impact policy that allows for the limiting of the number or type of licence applications granted in a given area or areas where the number of licensed premises is causing problems? Select one only.

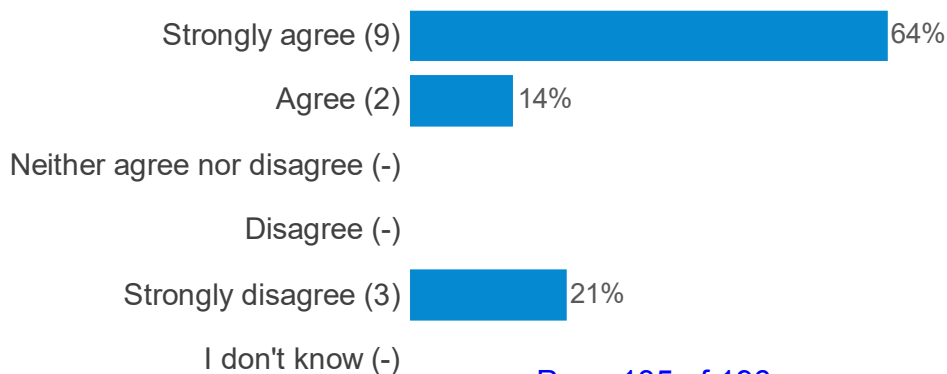


Please tell us why you say this.

<https://liverpool.gov.uk/media/9001/licensing-policy-statement-2021-26.pdf> - Page 27

Its my belief that this prevents businesses from opening new start ups in Walsall and therefore slows down the economy for the city. Many councils have suspended their CIZ's, specifically because of this reason.

To what extent do you agree or disagree with the proposal that the defined area under the CIP be extended beyond the Walsall town centre to include the whole of the WS1 postcode area? Select one only.



Please tell us why you say this.

as before.

As per previous answer

Surely it's easier if licensed premises are concentrated in a smaller area it's easier to police rather than allowing it to spread to the wider, more residential community.

Do you think any other areas in Walsall, in addition to the Walsall town centre and WS1 postcode area, should be included in the defined area under the CIP?



If yes, what areas should be included in the in the defined area under the CIP in addition to the WS1 postcode area? Please be as specific as possible (postcode area, street names).

palfrey and caldmore- dueto on street drink related problems

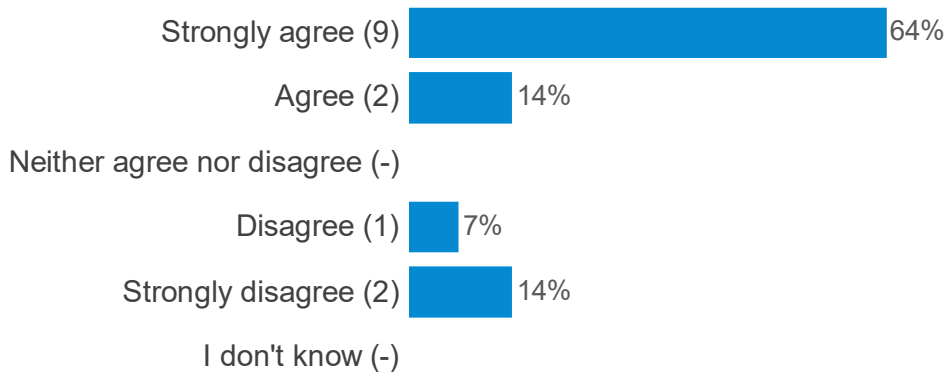
Definitely WS3 blakenall as so much trouble within this area

WS3 - Bloxwich High Street; Palfrey; Pleck; Paddock; Darlaston;

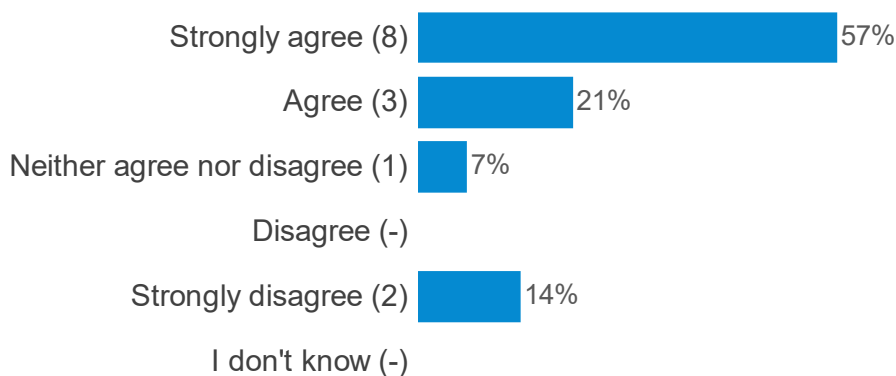
Ws2 ws5

Other town centres such as Bloxwich, Willenhall Aldridge etc.

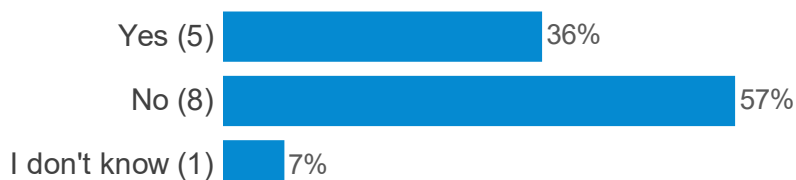
To what extent do you agree or disagree with the proposal to amend the cumulative impact policy to include premises selling alcohol for consumption off the premises? Select one only.



To what extent do you agree or disagree with the proposal to amend the cumulative impact policy to include late night refreshment (sale of hot food and drinks between 11pm and 5am)? Select one only.



Do you think there should be a late night levy introduced in Walsall?



If 'yes', please tell us why you say this.

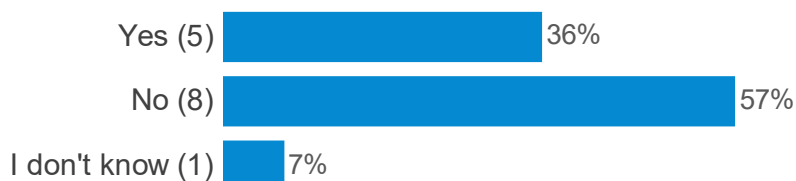
Alcohol consumption at night can cause violence so a levy to help police this will be very welcome

Prevent late night violence

we need to keep people safe and if they are making money from staying open late they should contribute towards the cost.

It would make owners think more responsibly

Do you think there should be an EMRO introduced in any area or areas of Walsall?



If 'yes', please tell us where and why you think an EMRO is necessary.

To stop exploitation and reduce risks to people locally

again, definitely WS1 and all of WS3 areas

Walsall Town Centre; to tackle antisocial behaviour

Do you agree with the designation of the Walsall Safeguarding Children's Board as the most appropriate competent authority to advise on the protection of children from harm?



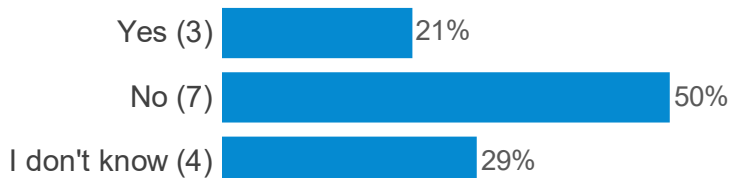
Do you think it is fair and reasonable to require licence applicants to demonstrate how they will reasonably protect children from harm while on the premises?



Please tell us why you say this.

It's impractical to impose such a responsibility on the proprietor when it should be the responsibility of the appropriate adult the child is with.

Regarding the draft *Statement of Licensing Policy 2021* overall, is there anything you think we should consider but haven't?



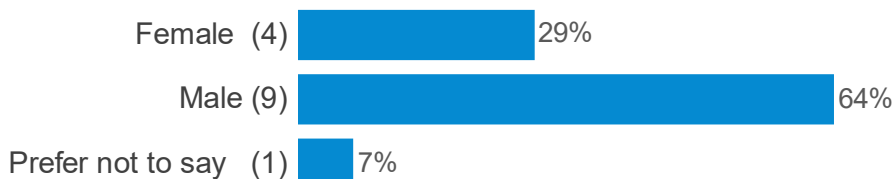
What else do you think we should have considered in the development of the draft *Statement of Licensing Policy 2021*?

If a business applies for an license such as alcahol or late night refreshment in a highly residential area, the residents views should be considered higher than those of the business.

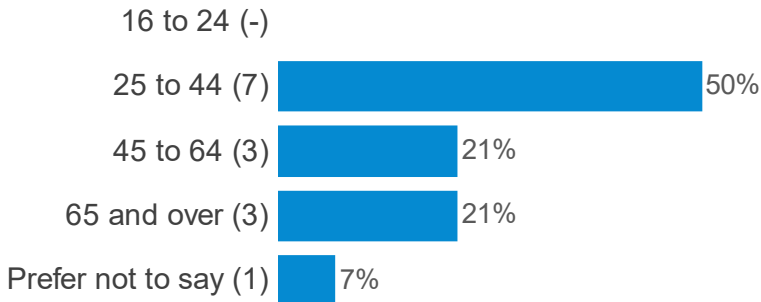
Shops that sell illegal goods must be permanently closed not just reopened under another member of the family name compounding the issue. I know may convenience stores selling out of date alcohol cheap and illegal cigarettes and nothing is done as the council is clearly not competent in this area

Other areas included to be in Policy

Are you...? Tick one only.



What is your age group? Tick one only.



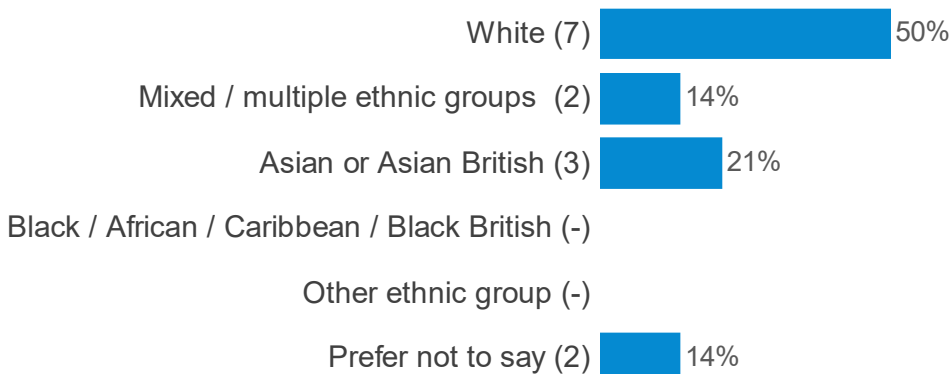
Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more? Tick one only.



If yes, does your condition or illness / do any of your conditions or illnesses reduce your ability to carry out day-to-day activities? Tick one only.

- Yes, a lot (-)
- Yes, a little (-)
- Not at all (-)
- Prefer not to say (-)

What is your ethnic group? Choose one option that best describes your ethnic group or background. (Ethnic background)



Are there any other equality aspects you feel should be taken into account when considering the Statement of Licensing Policy 2021?

(Protected equality characteristics include: age, gender, disability, ethnicity, religion, sexuality, gender reassignment and maternity.)

No

No

Not sure



Walsall Council

Cumulative Impact Assessment 2021

Licensing Act 2003

1. Cumulative impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Licensing Act 2003.
2. In April 2018 the Police and Crime Act 2017 introduced a new provision within the Licensing Act 2003, Section 5A. This provision provides that a licensing authority may, in appropriate circumstances, publish a document, cumulative impact assessment (Assessment), stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the Assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.
3. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
4. The Assessment must set out the evidence for the authority's opinion, must be consulted upon before it is published, it must be reviewed at least every three years to consider whether it remains of the opinion stated in the Assessment, a review must be consulted upon and any revisions must be published along with the evidence. Following the introduction of Section 5A of the Act, and in accordance with the Section 182 Statutory Guidance, the Council's previous approach and policies have been reviewed.
5. By publishing an Assessment the Council is setting down a strong statement of intent about its approach to considering applications for grant and variation of premises licences or club premises certificates in the area described. The Council must have regard to the Assessment when determining or revising the Statement of Licensing Policy. The Assessment does not change the fundamental way that a licensing decision is made, as each application will be considered on its own merits. It is open for the Council to grant an application where it is considered appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in the area covered by the Assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Council determines to grant an application reasons for granting the application will be given to the applicant, the Chief Officer of Police and all parties who made a relevant representation.
6. Where no relevant representations are received an application will be granted in terms consistent with the operating schedule.
7. An applicant wishing to obtain a new licence or vary a licence for premises, within the cumulative impact area, must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that

granting a new or varied licence will not add to the cumulative impact already being experienced.

8. The onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will not add to the cumulative impact. To assist this process the Council recommends early consultation with responsible authorities; this can be done directly, with those authorities, or through the Council's Licensing Section.
9. There are 876 licensed premises and club premises certificates issued under the Licensing Act 2003 for the Borough of Walsall. 118 of these premises are located within the current CIP area (**Appendix 3**). 20 of these premises provide late night refreshment, 51 of the premises provide alcohol (on and off sales), and 47 of the premises provide both alcohol (On and Off sales) and late night refreshment.
10. Between 2017 and 2019, 31 variation applications were received by the licensing authority for existing premises within the Borough. Sixteen related to premises situated within the current CIP area. The applications were primarily to extend the licensing hours for the sale of alcohol and late night refreshment.
11. The table below shows the number of new premises licence applications received for the past 3 years (2017 – 2020) for the licensable activities listed.

YEAR	Late Night Refreshment (LNR)	Alcohol	Both LNR & Alcohol
2017	8	12	9
2018	4	10	9
2019	3	11	6

12. This data shows that between January 2017 and December 2019 the licensing authority received 72 new premises licence applications. The data provides justification for keeping the current CIP in place. Nineteen out of the 72 (about 27%) new premises licence applications were received for the WS1 (part of current CIP) postcode area compared to fourteen for WS2 (Also partially part of current CIP) and thirty-nine for the rest of the borough.
13. **Appendix 1** is data from Walsall Council's Clean & Green which shows that there has been a rise in litter complaints between 2017 & 2019. The current CIP does not include Off sale of alcohol and Late Nigh Refreshment. However, the proposed CIP policy includes Sale of Alcohol Off the premises & Late Night Refreshments within the CIP. The CIP will be reviewed every 3 years and will be monitored.
14. Whilst consulting with responsible authorities under the Licensing Act 2003, Trading Standards provided the licensing authority with the following information:

Between 2013 and 2018, Walsall Council received 499 illicit tobacco complaints from traders and residents, and this trend has not abated.

The reporting rate has remained steady, however the number of retailers subject to these complaints has been increasing rapidly with new retail premises opening up, seemingly for the sole purpose of selling illicit tobacco.

A pattern has emerged, whereby the offending retailers are predominantly food and drink convenience stores, with a predominance of Eastern European themed shops being operated by males of Kurdish descent.

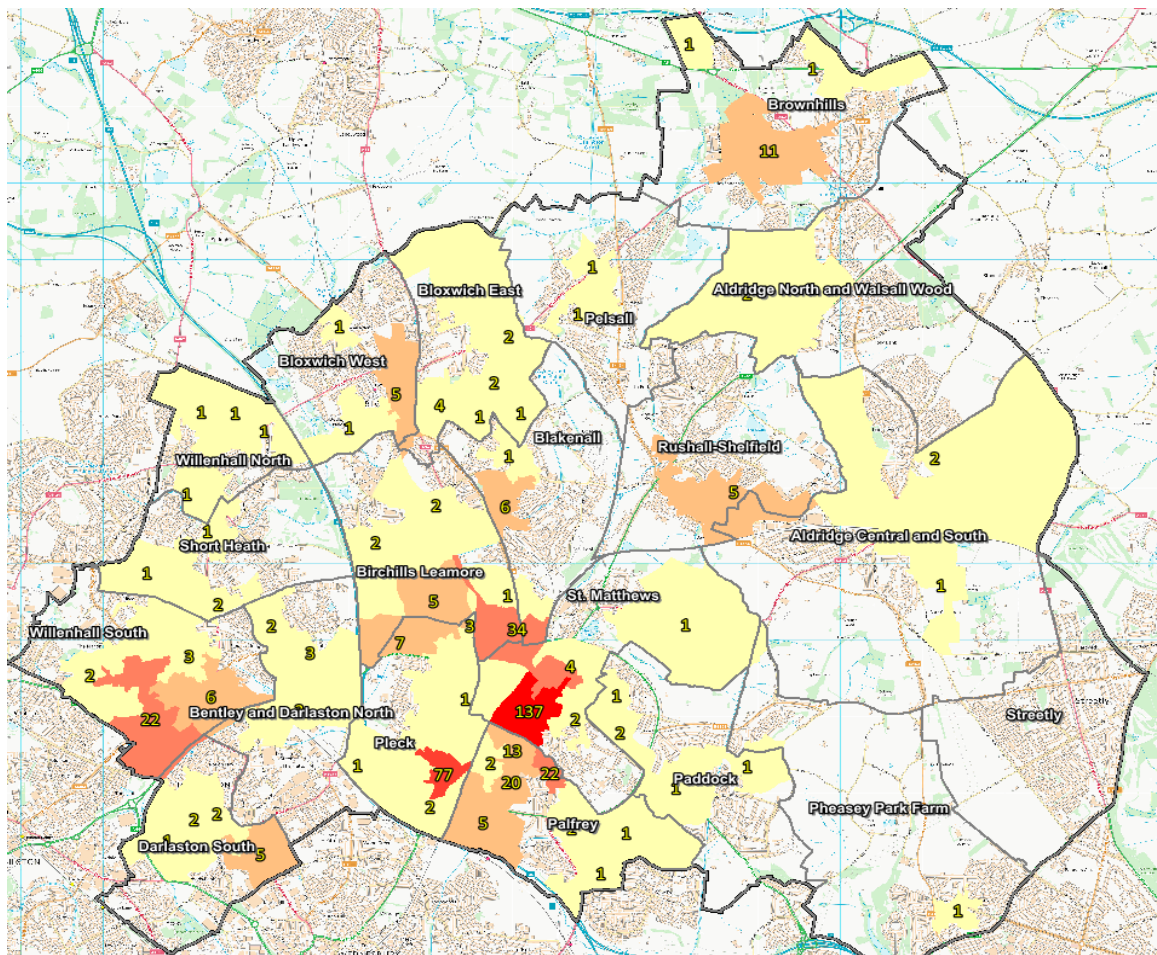
Takeaways, market stalls, car washes and even barber shops and ice cream vans have also been the subject of similar reports alleging their involvement in the sale of illicit tobacco.

So what do these business models have in common?

Their business activities rely heavily on cash transactions, mobility, and integration into remote areas and communities; this lends itself to operating outside the kind of scrutiny present in town centres and other retail areas.

The location of complaints is shown on the map below:

Heat map of illicit tobacco complaints reported to Trading Standards since 2013



The heat map highlights the hotspot areas of Caldmore and Pleck.

These areas also suffer from high levels of Anti-Social Behaviour (ASB), which are exacerbated by the regular influx of customers visiting the area to buy illicit tobacco – potentially engaging in other criminal activity at the same time.

Nationally, HMRC estimated that in in one year alone (2013/2014) tobacco smuggling cost the UK over £2.1 billion in lost revenue and while this is actually a decline from the estimate of £3.4 billion in 2001, in Walsall Trading Standards' figures do not follow this trend and neither does the number of illicit tobacco seizures.

To tackle the illicit epidemic in Walsall, in recent years Trading Standards has adopted a robust enforcement strategy. Operations targeting problem premises have been carried out in conjunction with the police, HMRC, Immigration and a specialist dog search team. Traders have been found to use increasingly sophisticated means of concealing illegal tobacco, thereby making it difficult to detect without a specialist 'sniffer' dog team. Concealments include illicit goods being hidden inside fridge workings, beneath floorboards and inside stairs.

In Walsall, partnership working, shared intelligence, and successful joint enforcement activity has revealed a clear relationship between licensed premises of a certain profile and geographical location, and other criminal activity.

Since 2013, a series of full-scale multi-agency enforcement operations have been conducted in Walsall and, while individual premises details cannot be disclosed here, in no less than 100% of cases a licensed premises was found to have been used as a shield for conducting illegal activity.

In addition to environmental and food-related offences (e.g. fly-tipping, pest-control, food and health & hygiene etc.) the enforcement operations resulted in the following:

- The seizure of:
 - 645,059 illicit cigarettes; and
 - 52.5kg / 4,388 packets of illicit/illegal hand-rolling tobacco;
Amounting to a lost retail value, for legitimate business in Walsall, of almost half a million pounds on tobacco products alone; and
 - 2,632.5 litres of illegal alcohol;
- The identification of specific modus operandi of offenders;
- The Identification of location/area of illegal activity;
- A clear pattern of criminal activity relating to licensed premises;

Date	Seizures		Alcohol (Litres)	Licensed Premises
	Cigarettes	Tobacco (kg)		
October 2013	✓	✓	X	✓
November 2013	✓	✓	X	✓
May 2014	✓	✓	X	✓
May 2014	✓	✓	X	✓
September 2015	✓	X	✓	✓
June 2016	✓	✓	X	✓
September 2017	✓	✓	X	✓
March 2018	✓	✓	X	✓
January 2020	✓	✓	X	✓

It cannot be overstated - that for a series of enforcement operations to provide a 100% success record, the seizures and activity summarised above represents the tip of the iceberg and there is much more work to be done in tackling the problem.

The evidence clearly shows that the scale and depth of the criminal network operating in the Caldmore area of Walsall relies upon licensed premises for its success and along with the opportunity to review the CIZ comes an opportunity to consider how we may use the provision to its greatest effect.

Therefore, recognising the Government’s recent amendment to the CIZ legislation, Walsall Council Regulatory Services propose embracing the changes and using them for the long-term improvement of the greatest areas of concern.

By extending the current Walsall CIZ area to include the problem areas identified during the last 3 years enforcement activity, the Council could subject all new premises licence applications within the area to greater scrutiny and establish a rigorous inspection programme of existing ones, where intelligence supported such a course of action.

This could aid the early identification of problem applicants and, potentially, premises fitting the problem profile and reduce the likelihood of further problem premises becoming licensed.

There are rarely quick fixes for complex social problems such as exist in this area, but the Council is duty-bound to use every tool at its disposal to tackle the issues and turn around the fortunes of such places.

In this respect, the CIZ is a mechanism for sending out a clear message that the Council is serious about tackling crime in the area, that the various enforcement agencies are applying partnership collaborative approaches to pool resources and share information, and are actively using all available intelligence to maximum effect.

15. West Midlands Police have provided evidence on total recorded crime within the current CIP area and also outside of the CIP.
16. The evidence for Total Recorded Crime (TRC), Violence, Theft/Robbery offences in the current CIP:

Year	Total Recorded Crime (TRC)			Violence				Theft / Robbery Offences			
	Within Cumulative Impact Zone (CIZ)	Within CIZ during Night Time Economy (NTE)	% within CIZ during NTE	Within Cumulative Impact Zone (CIZ)	% of TRC	Within CIZ during Night Time Economy (NTE)	% Within CIZ during NTE	Within Cumulative Impact Zone (CIZ)	% of TRC	Within CIZ during Night Time Economy (NTE)	% Within CIZ during NTE
1st July 2017 - 30th June 2018	2455	663	27%	752	31%	300	40%	1255	51%	199	16%
1st July 2018 - 30th June 2019	2414	682	28%	937	39%	355	38%	1046	43%	164	16%
1st July 2019 - 30th June 2020	2034	605	30%	849	42%	342	39%	838	41%	165	20%

17. The data above from the Police shows that TRC reported within the current CIP area has decreased from 1st July 2017 – 30th June 2020, however, there should be consideration given to the impact of COVID 19 which has led to the reduction of Crime following the first lockdown announced on 23rd March 2020. Night Time Economy (NTE) hours are between 20:00 – 05:00.
18. Total Recorded Crime (TRC), Violence, Theft/Robbery offences outside of the current CIP:

Year	Total Recorded Crime (TRC)			Violence			Theft / Robbery Offences		
	Outside CIZ	Outside CIZ During NTE	% outside CIZ during NTE	Outside CIZ	Outside CIZ During NTE	% outside CIZ during NTE	Outside CIZ	Outside CIZ During NTE	% outside CIZ during NTE
1st July 2017 - 30th June 2018	24, 742	8872	36%	5233	1840	35%	6830	2286	33%
1st July 2018 - 30th June 2019	26, 547	9852	37%	7029	2649	38%	6498	2123	33%
1st July 2019 - 30th June 2020	23, 738	9149	38.50%	8303	3355	40%	5083	1784	35%

19. From the data, the percentage of TRC taking place within the CIP is 9.2% (6903) compared to the total for outside the CIP (75,027) from the 1st July 2017 – 30th June 2020.
20. The table below shows the number of offences committed at different types of licensed premises. A total of 420 offences were committed at licensed premises within the CIP area between July 2017 – June 2020:

OFFENCES AT LICENSED PREMISES	TRC
July 2017 to June 2018	126
PUBLIC HOUSE - LICENSED PREMISES	72
NIGHTCLUB	35
NIGHTCLUB OUTSIDE ADDRESS	4
OUTSIDE ADDRESS NIGHTCLUB	3
CLUB - SOCIAL	2
SPORTS CLUB	2
NIGHTCLUB OUTSIDE ADDRESS ROAD	2
CAR PARK PUBLIC HOUSE - LICENSED PREMISES	1
NIGHTCLUB OUTSIDE ADDRESS BUS	1
PUBLIC HOUSE - LICENSED PREMISES REAR OF PREMISES GARDEN	1
OUTSIDE ADDRESS PUBLIC HOUSE - LICENSED PREMISES	1
OUTSIDE ADDRESS ROAD NIGHTCLUB	1
OFF LICENCE - LICENSED PREMISES	1
July 2018 to June 2019	176
PUBLIC HOUSE - LICENSED PREMISES	90
NIGHTCLUB	58
NIGHTCLUB OUTSIDE ADDRESS	7
PUBLIC HOUSE - LICENSED PREMISES OUTSIDE ADDRESS	5
OUTSIDE ADDRESS PUBLIC HOUSE - LICENSED PREMISES	3
SPORTS CLUB	2
OUTSIDE ADDRESS NIGHTCLUB	2
OUTSIDE ADDRESS PUBLIC FOOTPATH PUBLIC HOUSE - LICENSED PREMISES	2
NIGHTCLUB REAR OF PREMISES	1
PUBLIC HOUSE - LICENSED PREMISES OUTSIDE ADDRESS PUBLIC FOOTPATH	1
NIGHTCLUB ENTERTAINMENT INDOOR	1
OUTSIDE ADDRESS PUBLIC HOUSE - LICENSED PREMISES ROAD	1
CLUB - SOCIAL OTHER	1
OFF LICENCE - LICENSED PREMISES	1
PUBLIC HOUSE - LICENSED PREMISES ENTERTAINMENT OUTDOOR	1
July 2019 to June 2020	118
PUBLIC HOUSE - LICENSED PREMISES	52
NIGHTCLUB	46
NIGHTCLUB OUTSIDE ADDRESS	7
CLUB - SOCIAL	6
SPORTS CLUB	4
PUBLIC HOUSE - LICENSED PREMISES OUTSIDE ADDRESS	2
OFF LICENCE - LICENSED PREMISES	1
Grand Total	420

21. West Midlands Police also provided data on the number of calls received in relation to Anti Social behaviour & Public Safety Welfare within the current CIP area:

Year	Anti-Social Behaviour			Public Safety Welfare		
	Within Cumulative Impact Zone (CIZ)	Within CIZ during Night Time Economy (NTE)	% within CIZ during NTE	Within Cumulative Impact Zone (CIZ)	Within CIZ during Night Time Economy (NTE)	% Within CIZ during NTE
1st July 2017 - 30th June 2018	568	181	32%	2493	827	33%
1st July 2018 - 30th June 2019	310	90	29%	2334	806	36%
1st July 2019 - 30th June 2020	284	107	38%	2024	685	31%

22. The table above shows the figures for ASB and PSW within the CIZ area plus Night Time Economy for the 3 year period (2017 – 2020). It can be seen that there has been a reduction in both categories. The highest incident locations within the CIZ for ASB and PSW have not changed over the 3 year period; they are Bus Station St Pauls Street; McDonalds Park Street; Asda George Street; Bridge Street and Tesco Extra, mainly all within the WS1 post code area. During NTE hours PSW highest incident locations were Bridge Street, Bus Station, and Religion Utopia Nightclub. For ASB the highest incident locations were McDonalds Park Street and Asda George Street.

23. The main hotspot outside of the CIP area reported is Caldmore which falls within the WS1 post code area and has 1,680 offences reported in this area during the 3 year period compared to 967 offences reported (2nd highest reports of crime) in the Brownhills area. The following areas/streets accounted for the majority of the offences, Wednesbury Road (175), Sandwell Street (141), Caldmore Green (119), and the rest (1245) on Caldmore Road. These are offences outside of the current CIP and are streets all within WS1 post code area. Caldmore area is located within close proximity of the current CIP and within walking distance of Walsall's Night Time Economy area.

24. The top 2 streets for offences reported in the South for all TRC, outside of the CIZ were Wallows Road (473 offences) and Wednesbury Road (425). Cumulatively, 316 offences were reported on Caldmore Road, Caldmore Green, and Little Caldmore of which 123 offences were Violence related. The top 2 streets for offences reported during NTE hours were Wednesbury Road with 170 offences, followed by Birmingham Road with 162. Top 2 streets for violent offences were Wednesbury Road (54) and Sandwell Street (41). Cumulatively, 116 offences were reported on Caldmore Road, Caldmore Green and Little Caldmore, during NTE of which 49 were violent offences. Overall, top 2 repeat locations were Morrisons Petrol Station on Wallows Lane (271 crimes reported), the majority relate to Making off without Payment; followed by Co-Op on Broadway, Delves, at which top offence was Theft from Shop/Stall (TFSS).

25. These statistics show a decline in reported crime over the three-year period following the last review, which is positive. The number of offences is still at a high level and it is believed that the retention of the CIP along with the proposed changes will reduce that figure further, take strain off Police resources and make the areas identified safer for residents and legitimate business.

26. Removing the CIP may have the opposite effect and lead to a deterioration in standards. It should be noted 2020 will be an unusual year for statistics due to the various 'lockdowns' and restricted trading that have occurred as a consequence of Covid 19.
27. Assault occasioning Actual Bodily Harm (**ABH**) is the highest crime type for all 3 years accounting for 13% (85) of violent crime in 2017/18, 15% (103) in 2018/19 and 13.4% (81) in 2019/20. Including off sales of alcohol and Late Night Refreshment may help prevent the increase in violence within the CIP area.
28. **Appendix 2** is evidence from Public Health which outlines the number of Alcohol Related A&E Admissions in Walsall from 2014 – 2019. The report shows that there has been an increase in the number of alcohol related admissions to A&E between 2014 – 2019. St Matthews ward (Mainly WS1 post code area) currently has the second highest A&E admissions which are alcohol related.
29. The assessment has been carried out in accordance with Section 5(a) of the Licensing Act 2003. The licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.
30. Based on the statistical data evidence above from responsible authorities, the Council has determined that the Council should amend the current Cumulative Impact Policy area and expand this to include WS1 and also Wednesbury Road & wallows Lane. The council has also resolved that there is also a need to expand the CIP to include Late Night Refreshments & Sale of Alcohol off the premises within the policy.

Statement of Licensing Policy 2021 consultation — social media promotion

Twitter

 **Walsall Council**
@WalsallCouncil

Consultation open  We'd like to hear your views on our draft Statement of Licensing Policy 2021. You can [#HaveYourSay](#) whether you live in the borough or not, or if you are a Walsall licence holder, business, organisation or other interested party. More  [go.walsall.gov.uk/LicensingConsu...](https://www.walsall.gov.uk/LicensingConsu...)



Licensing Act 2003
Draft Statement of Licensing Policy.

Consultation Period: 1st June 2021 – 1st August 2021


 Walsall Business and 5 others

4:14 PM · Jun 14, 2021 · Twitter Web App

<https://twitter.com/WalsallCouncil/status/1404457311834357767>



Walsall Council
@WalsallCouncil



Our draft Statement of Licencing Policy is open for consultation. Licensable activities in the borough, inc the sale/supply of alcohol, provision of regulated entertainment & supply of late night refreshments (hot food/drink 11pm–5am). #HaveYourSay on the policy. Closes 1 Aug. [↓](#)



Walsall Council @WalsallCouncil · Jun 2

✓ #HaveYourSay: As a licensing authority, we're required to review our lic. policy every 5yrs. The current policy came into effect in 2016 & we'd like to hear from local residents, businesses & lic. holders on the draft Statement of Licensing Policy 2021 [↓](#) walsall.gov.uk/LicensingConsu...



Licensing Act 2003

Draft Statement of Licensing Policy.

ALT

3:17 PM · Jul 9, 2021 · Twitter Web App



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<https://twitter.com/WalsallCouncil/status/1413502544765235208>



Walsall Council
@WalsallCouncil



 Consultation closing! Just over 1 week left to share your views on our draft Statement of Licensing Policy 2021. If you are a Walsall resident, licence holder, business, organisation or other interested party, [#HaveYourSay](#) before 1 Aug 2021. More  [go.walsall.gov.uk/LicensingConsu...](https://www.walsall.gov.uk/LicensingConsu...)



Licensing Act 2003

Draft Statement of Licensing Policy.

Consultation Period: 1st June 2021 – 1st August 2021



 Walsall for All and 4 others

5:01 PM · Jul 22, 2021 · Twitter Web App

<https://twitter.com/WalsallCouncil/status/1418239788885417984>



Walsall Council
@WalsallCouncil



📣 Consultation closing: There are just 3 days left to [#HaveYourSay](#) on the council's draft Statement of Licencing Policy 2021, closing this Sunday 1 Aug 2021. To review the draft policy and take part in the consultation, please see [↓](#)
walsall.gov.uk/LicensingConsu...



Licensing Act 2003

Draft Statement of Licensing Policy.


Consultation Period: 1st June 2021 – 1st August 2021




8:44 AM · Jul 30, 2021 · Twitter Web App

<https://twitter.com/WalsallCouncil/status/1421013693014241293>

Facebook

 **Our Walsall**
Published by Saskia Lucy · June 14 · 🌐

Consultation open 🟢 We'd like to hear your views on our draft Statement of Licensing Policy 2021. You can #HaveYourSay whether you live in the borough or not, or if you are a Walsall licence holder, business, organisation or other interested party. More 📄
<https://go.walsall.gov.uk/LicensingConsultation2021>



Licensing Act 2003
Draft Statement of Licensing Policy.

Consultation Period: 1st June 2021 – 1st August 2021

Our Walsall
Published by Saskia Lucy · July 9 at 3:10 PM · 🌐


🟢 #HaveYourSay: The council's draft Statement of Licensing Policy 2021 is open for consultation.

📌 Walsall Council is the licensing authority for all licensable activities in the borough, as defined by the Licensing Act 2003 and operates under the council's Statement of Licensing Policy. Licensable activities under the Act include the sale or supply of alcohol, provision of regulated entertainment and the supply of late night refreshments (hot food or drink between 11pm and 5am).

📌 Key proposals of the draft include to extend the area covered by the current cumulative impact policy. CIPs allow licensing authorities to limit the number or type of licence applications granted in areas where the number of licensed premises is causing problems. Such problems have typically included crime and disorder or public nuisance caused by large numbers of drinkers being concentrated in one area. Currently, the defined area under the CIP is the Walsall town centre area only.

📌 Tell us what you think by taking part in the consultation. The short questionnaire should take no more than 10 minutes to complete and you can take part whether you live in the borough of Walsall or not, if you are a Walsall licence holder, or if you are a business, organisation or other interested party. Consultation closes 1 August 2021.
<http://walsall.gov.uk/LicensingConsultation2021>

Safe and Sound Around Town Walsall Trading Standards Savvy Shopper Walsall for All Walsall Bins and Things



Licensing Act 2003
Draft Statement of Licensing Policy

Our Walsall
 Published by Saskia Lutz · July 22 at 4:50 PM · 🌐

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Safe and Sound Around Town Walsall Trading Standards Savvy Shopper Walsall for All Walsall Bins and Things



Licensing Act 2003

Draft Statement of Licensing Policy.

Consultation Period: 1st June 2021 – 1st August 2021

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2,301 People Reached	21 Engagements	↓ -1.8x Lower Distribution Score	Boost Post
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 1  3 Shares



Our Walsall

Published by Senka Lucy · 4d

⚠️ **Consultation closing:** There are just three days left to #HaveYourSay on the council's draft Statement of Licensing Policy 2021, closing midnight Sunday 1 Aug 2021.

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<http://walsall.gov.uk/LicensingConsultation2021>



Licensing Act 2003

Draft Statement of Licensing Policy.

Consultation Period: 1st June 2021 – 1st August 2021

1,297

People Reached

3

Engagements

↓ -3.1x Lower

Distribution Score

Boost Post

8 July 2021

Annual Report of the Audit Committee 2020/21

Ward(s): All

Portfolios: All

Purpose: Approve

1. Aim

- 1.1 To provide Council with oversight of the work of the Audit Committee during 2020/21 in accordance with good practice.
- 1.2 To provide assurance that the Audit Committee continues to provide robust and effective challenge to the council's governance arrangements and internal control framework.
- 1.3 To provide an opportunity for Council members to provide feedback or query the work of the Committee.

2. Summary

- 2.1 This report presents the proposed Annual Report of the Audit Committee 2020/21 and seeks approval for the Vice Chair of Audit Committee to present this report to council.

3. Recommendations

- 3.1 That Audit Committee review and provide feedback on the proposed Annual Report.
- 3.2 That, subject to any changes arising from recommendation 3.1, the Annual Report of the Audit Committee 2020/21 be approved and that the Vice Chair of the Audit Committee during 2020/21 present the report to the next meeting of council.

4. Report detail – know

- 4.1 The Council is not obliged by law to appoint an Audit Committee, however this has been done in line with good governance practice and guidance from the Chartered Institute of Public Finance & Accountancy (Audit Committees: Practical Guidance for Local Authorities and Police).
- 4.2 Audit Committee's work is a major aspect of the council's corporate governance and internal control framework. Its wide-ranging remit includes providing independent assurance on the adequacy of the internal control environment. It provides an independent review of governance, risk management, financial reporting and other governance processes, as well as overseeing the work of internal and external audit. This provides assurance to local taxpayers and other stakeholders on the adequacy of the council's arrangements in these regards.

4.3 The production of an Annual Report to Council on Audit Committee's work strengthens assurance reporting and governance. This is further strengthened by the Vice-Chair of the Audit Committee reporting to Council on the activities of the Committee.

5. *Financial information*

5.1 Whilst there are no direct financial implications arising from this report, financial management is a key component of the council's governance arrangements. The Annual Governance Statement presented to Audit Committee in July 2021 included an assessment of the council's compliance with the CIPFA Code of Financial Management for which 2020/21 was a shadow year.

6. *Reducing Inequalities*

6.1 Effective governance arrangements ensure a focus on delivering of Corporate Plan objectives, a key driver of which is reducing inequalities.

7. *Decide*

7.1 The Committee can approve the Annual Report as set out or make suggestions for improvement.

8. *Respond*

8.1 Following consideration of this report, it will be presented to Council at the next available meeting.

9. *Review*

9.1 Any feedback received from Council members will be utilised in further Annual Reports going forward.

9.2 It is important that existing practices are regularly reviewed to continuously improve. Identifying areas of best practice in other authorities is a key component of this process. It has been recognised that a succinct guide to Audit Committee be produced and made available both to the public and members of the Council.

10. *Background papers*

10.1 Chartered Institute of Public Finance & Accountancy (Audit Committees: Practical Guidance for Local Authorities and).

10.2 Audit Committee agendas, minutes and reports for the municipal year 2020/21.

Author

Vicky Buckley, Head of Finance, ✉ vicky.buckley@walsall.gov.uk

15 June 2021

**Walsall Council
Annual Report of the Audit
Committee
Municipal Year 2020/21**

1. Introduction from the Chair of the Audit Committee

I am pleased to present the seventh Annual Report of the Audit Committee for the 2020/21 municipal year.

It is important that the Council continues to support the establishment of the Audit Committee, recognising the significance of the Committee's role and the positive contribution it makes to the Council's overall governance and accountability arrangements for the benefit of the residents of the borough, other stakeholders, and indeed the Council itself.

Audit Committee meetings are open to members of the public and it has been encouraging to see more of the public follow its meetings which have necessarily been conducted remotely during the COVID-19 pandemic; I hope that when it is deemed safe that residents might be able to attend the meetings in person.

Undoubtedly the past year was one of significant challenge for Walsall residents, service users, businesses, stakeholders, and the Council itself which had to introduce and accelerate new ways of working to safely comply with COVID-19 regulations whilst maintaining service delivery, and supporting employees and residents. Strong governance and internal controls during this period have been of vital importance.

Since March 2020 all Councils across the country have been operating in an unprecedented emergency response situation. The necessary imposition of Government restrictions and associated measures have had, and continue to have a significant impact on how and what services the Council provides to its residents and services users and has necessitated changes to the Council's governance arrangements. These changes have been reported in the Council's Annual Governance Statement (AGS), but it has been an additional role of the Audit Committee to seek assurance

as to the appropriateness and probity of the changes put in place.

Looking ahead to 2021/22 there is an extensive programme of work planned for the Committee. Over and above its normal activities, it is considered timely, in the context of the significant financial challenges facing the public sector, increasing demands and shrinking resources, for the Committee to seek assurance as to the adequacy and fitness for purpose of the overall Governance Framework of the Council.

In concluding my introduction I would like to take this opportunity to thank all those members and officers for their invaluable contributions to the work of the Audit Committee in the past year.

**Mr Andy Green,
Independent Chair of the Audit
Committee 2020/21**

8 July 2021

1. Terms of Reference

The terms of reference within which the Committee operated in the 2020/21 municipal year are detailed at the following link:

[Audit Committee Role and Remit 2020/21](#)

2. Member and Officer Attendance

The Audit Committee met 5 times during 2020/21.

Membership of the Audit Committee during 2020/21 and their attendance is detailed at Appendix A.

A number of Audit Committee members also sat on various other Committees and panels. There were no matters debated at Audit Committee during the year that created a conflict of interest and necessitated members absenting themselves from meetings.

In reviewing the effectiveness of the Audit Committee, members considered whether there was a conflict of interest by sitting on both a Scrutiny Committee and the Audit Committee. Members felt that the simple matter of exempting themselves from any item under discussion, which had or was being considered by a Scrutiny Committee of which they were a member, was sufficient to address any conflict.

The Audit Committee is intended to be a-political and members are expected to be independent in mind and thought when present. This concept is further strengthened by the inclusion of Independent Members on the Audit Committee, so it is pleasing that the Council appointed Ms Sureya Ajaz as a new Independent Member to the Committee.

Senior officers from the Council also attended the Audit Committee as required, including the Chief and Deputy Chief Finance Officers and Executive Directors. The Head of Internal Audit and External Auditor also attend each meeting and may be required to meet the Committee without other officers being present.

3. Training & Effectiveness

Members of the Audit Committee are provided with training appropriate to the role of the Committee. During the year training was made available in matters such as the function of internal audit; the nature of the internal control environment and assurance framework; risk management; counter fraud; and financial reporting. An induction session was also held for the new Independent member of the Committee.

Each year the Committee, with the support of officers, undertakes a review of its own effectiveness against the CIPFA Good Practice checklist. The overall assessment was positive, with the majority (22 of 25) of questions considered to be fully compliant, with 3

assessed as partly compliant. These were:

- Has the membership of the Committee been assessed against the core knowledge and skills framework and found to be satisfactory.
- Has the Committee obtained feedback on its performance from those interacting with the Committee or relying on its work.
- Has the Committee evaluated whether and how it is adding value to the organisation.

It was encouraging that in the latest review there was agreement that the Committee was operating effectively and efficiently. Whilst the Committee was satisfied it was meeting its objectives it recognised that further developments could be explored to strengthen existing good practice and to this end a report on [engagement and participation](#) was presented in April 2021.

Some improvements to the structure of reports submitted to Committee were agreed and these will be effective from the beginning of the new municipal year.

The Committee also recognised that there would be benefit in continuity of its membership, reflecting that the cycle of business for the Committee typically spans two municipal years.

4. Sources of Assurance during 2020/21

In fulfilling its terms of reference, the business conducted by the Audit Committee during 2020/21 is detailed at Appendix B, and covers the following themes:

- Internal Audit
- External Audit / Inspection
- Financial Management
- Risk Management
- Corporate Governance

These are discussed in more detail below:

4.1 Internal Audit

Internal Audit remains the prime source of assurance for the Committee.

In respect of the 2020/21 financial year, a positive Head of Internal Audit Opinion was given as follows:

*“On the basis of our audit work, our opinion on the Council’s framework of governance, risk management and internal control is **Substantial** in its overall adequacy and effectiveness.*

Certain weaknesses and exceptions were highlighted by our audit work, 9 of which were fundamental in nature, however, no limited assurances have been provided during the period.

These matters have been discussed with management, to whom we have made several recommendations. All of these have been, or are in the process of being addressed, as detailed in our individual reports.

In reaching this opinion the following factors were taken into particular consideration:

Corporate Governance and Risk Management

Governance arrangements have been considered and reported within the other reviews undertaken through the year and controls assurance work has been carried out to inform the Council’s Annual Governance Statement. Work to further embed risk management in the Council has continued, with regular progress reports to both CMT and the Audit Committee. There has been a strong commitment at Member and officer level to ensure the risk management framework continues to evolve and strengthen. There is a risk champion in place for each directorate who is committed to supporting robust risk management activity. The Director’s Group has recently taken on responsibility for reviewing both Directorate Risk Register and Strategic Risk Register

updates. The aim of this is to improve directorate engagement to support both the implementation of the Risk Management Strategy and provide greater assurance that mechanisms for management of risk are robust.

Internal Control

Of the 44 audits undertaken in the year where we provided a formal assurance level, six were given a ‘Good’ level of assurance, 29 a ‘Substantial’ level of assurance and nine a ‘Limited’ level of assurance. No audits were given ‘No’ level of assurance.

During the year, we have made 9 ‘Priority 1’ recommendations. 88 recommendations categorised as ‘Priority 2’ were also made.

In respect of follow up of recommendations, internal audit has an established process for tracking the implementation of recommendations raised and enabling Management to report on their status to each Audit Committee meeting. During the year, we reviewed the implementation of recommendations as they fell due and confirmed their implementation status.

All recommendations made during the year were accepted by Management.

Our annual internal audit opinion reflects the revised audit plan agreed and is not limited in scope, to the extent that the assurance provided by internal audit can only ever be reasonable, not absolute.”

During 2020/21, those internal audit reports that were afforded a limited assurance opinion were submitted to Audit Committee for consideration. Subsequently Audit Committee called those relevant accountable senior managers to provide re-assurance that actions were being taken to address the identified weaknesses in control.

Audit Committee received reports on the performance of the Internal Audit function during the year which indicated that the

service was performing well against most of its performance measures; notably all key financial systems and high priority audits were completed within the plan.

Council can be assured that no issues have been identified in the 2020/21 work completed which impacts materially on the overall system of internal control.

The Audit Committee also endorsed internal audit's work plan.

4.2 External Audit / Inspection

The main responsibility of the External Auditor is to obtain and report on whether the Council's financial statements have been properly prepared and are free from material misstatement, and whether the council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. Grant Thornton, the Council's Auditor reported on the 2019/20 accounts during the year and concluded that:

- the financial statements gave a true and fair view of the financial position of the Council as at 31 March 2020 and of its expenditure and income for the year then ended,
- the financial information in the Financial Report was consistent with the financial statements,
- the Council had put in place proper arrangements to secure value for money in their use of resources.

In addition, officers and Grant Thornton presented an update to the Committee on 12 April 2021 on the Redmond review: Sir Tony Redmond was asked by MHCLG to undertake an independent review of the effectiveness of local audit, the transparency of local authority financial reporting and to consider whether the current means of reporting the authority's annual accounts enables the public to understand this financial information and receive the appropriate assurance that the finances of the authority are sound. The Review into the Oversight of Local Audit and the Transparency of Local Authority Financial Reporting – "The Redmond Review" was published on 8th

September 2020. Key recommendations covered the following areas:

- 1) External audit regulation and market stability, including oversight of all aspects of local authority audit, scope to revise audit fees and changes to the deadline for publishing local authority audited accounts;
- 2) Improving the transparency of local authorities accounts including an audited standardised statement of service information and costs, and a review by CIPFA/LASAAC aimed at simplifying the presentation of the accounts;
- 3) Enhancing the function of local audit and governance – an annual report be submitted to Full Council by the external auditor, appointment of independent members to the Audit Committee, formalising arrangements for the statutory officers to meet with the external auditors.

The Government has accepted the recommendations in relation to 2) and 3) above and recommendations in relation to audit fees and publication of the accounts in 1). It published a further response on 19th May in respect of external audit regulation and intends to publish a further consultation document in the Summer.

A full update on the Government's consultation and response will be reported to Audit Committee once received.

4.3 Financial management

During 2020/21, the Committee scrutinised the 2019/20 statement of accounts and also received reports on accounting policies and any associated changes.

The Committee received a number of reports covering financial governance and internal controls in relation to 2020/21, including two specific audits which were carried out to provide assurance over controls that were put in place by the Council in response to the COVID-19 pandemic. These were Payments to

Suppliers which received a 'Good' audit assurance (the highest), and Review of COVID-19 Governance and Controls which received a 'Substantial' audit assurance.

Additionally, internal audits of the budgetary control system and medium term financial strategy both reported a Good level of assurance – the highest available.

The Annual Governance Statement includes commentary on the additional financial controls put in place in relation to Coronavirus to ensure appropriate management, monitoring and reporting of Covid-19 spend.

4.4 Risk management

A revised Risk Management Strategy was approved by Audit Committee in January 2018, and a revised Strategic Risk Register (SRR) implemented. A lessons learnt report was presented to Audit Committee in July 2020, recommending some changes to the approach including utilisation of the newly formed Directors Group to provide further strategic management oversight of risks. The next comprehensive review is due in 2022. Audit Committee received reports on risk management at its meetings in July 2020 and January 2021. The SRR was reviewed and updated for COVID-19 risks during May and was presented to Audit Committee in July 2020.

4.5 Corporate governance

The Annual Governance Statement (AGS) and review of effectiveness for the 2019/20 financial year concluded that the effectiveness of the system of internal control was adequate overall.

Reports were also considered on the External Auditors Annual Audit and Inspection Letter and on the Committee's oversight of the Council's governance arrangements to support the External Auditor's annual risk assessment.

A review of the adequacy of the Council's counter fraud arrangements was also undertaken and a work programme of activity agreed, which will be implemented and monitored during 2021/22. An updated Counter Fraud and Corruption Policy was also considered and this Policy has now been communicated through the organisation.

A Committee decision tracking report was again utilised in 2020/21 to track all of its decisions for which a follow-up is required, to enable members to monitor any outstanding actions and seek updates at future meetings where applicable.

5. Conclusion

The Committee has been able to confirm that there were no areas of significant duplication or omission in the systems of internal control in the authority that had come to the Committee's attention during 2020/21 that were not being adequately addressed.

Appendix A

Audit Committee Meetings and Member Attendance

	Cllr Gaz Ali	Cllr Sat Johal	Cllr Sally Neville	Cllr Fitzpatrick (First meeting 25.1.21)	Mr A Green Independent Member	Cllr Waheed Rasab	Cllr Ann Young	Cllr Ian Robertson	Sureya Ajaz Independent Member
27.07.2020	✓	✓	X	Not a Member	✓	✓	X	✓	Not a Member
23.11.2020	✓	✓	X	Not a Member	✓	X	✓	✓	Not a Member
25.01.2021	X	✓	X	✓	✓	✓	X	✓	Not a Member
23.03.21 (special)	✓	✓	X	✓	✓	✓	X	✓	✓
12.04.2021	X	✓	X	✓	✓	✓	✓	✓	X
% Attendance	60	100	0	100	100	80	40	100	50

Summary of Audit Committee Work Plan 2020/21

Meeting Date	Report Subject	Assurance Theme				
		Internal Audit	External Audit/Inspection	Financial Management	Risk Management	Corporate Governance
27 July 2020	Committee Decision Tracking Chart					✓
	Audit Committee role, remit and work programme 2020/21					✓
	Internal Audit Annual Report and Opinion for the year ending 31 March 2020	✓				✓
	Annual Governance Statement 2019/20 including Annual Review of Effectiveness of Internal Control			✓	✓	✓
	Accounting Policies 2019/20			✓		
	Audit Committee 2019/20 Annual Report to Council					✓
	Internal Audit Charter 2020/21	✓				
	Internal Audit Work Plan 2020/21	✓				
	Internal Audit Progress Report 2020/21	✓				
	Risk management Update including Risk Management Strategy Update and Covid-19 Strategy Risks			✓	✓	✓
	External Audit Plan 2019/20 (accounts)		✓			
	External Audit Progress 2019/20, Sector Update and Covid-19 Update		✓			
	OneSource Programme Update				✓	
P1 Recommendations (Private)	✓					

Meeting Date	Report Subject	Assurance Theme				
		Internal Audit	External Audit/Inspection	Financial Management	Risk Management	Corporate Governance
23 November 2020	Committee Decision Tracking Chart					✓
	Audit Committee Role, Remit and Revised Work Programme 2020/21					✓
	Post Audit Statement of Accounts 2019/20 and Audit Findings Report		✓	✓		
	Review of Effectiveness of the Audit Committee					✓
	Risk Management Update – Strategic Risk Register and Brexit Update				✓	
	Internal Audit Progress Report 2020/21	✓				
	P1 Recommendations (Private)	✓				
25 January 2021	Committee Decision Tracking Chart					✓
	Annual Audit Letter for the year ending 31 March 2020		✓			
	Risk Management Update – Strategic Risk Register				✓	
	Internal Audit Progress Report 2020/21	✓				
	P1 Recommendations (Private)	✓				
	Internal Audit Charter 2021/22	✓				
23 March 2021	Committee Decision Tracking Chart					✓
	Update on Internal Audit Actions including Audit of Covid-19 Governance and Controls	✓		✓		✓
	Internal Audit Work Plan 2021/22	✓				

Meeting Date	Report Subject	Assurance Theme				
		Internal Audit	External Audit/Inspection	Financial Management	Risk Management	Corporate Governance
23 March 2021	External Audit: Informing the Audit Risk Assessment (2020/21 accounts)	✓	✓	✓	✓	✓
	External Audit: Audit Planning for year ended 31 March 2021		✓			
	P1 Recommendations (Private)	✓				
	Saddlers Internal Audit (Private)			✓	✓	
12 April 2021	Committee Decision Tracking Chart					✓
	Participation and Engagement (Audit Committee Effectiveness)					✓
	Corporate Performance Management Framework			✓	✓	✓
	Internal Audit Progress Report 2020/21	✓				
	Counter Fraud and Corruption Policy and Response Plan			✓	✓	✓
	Accounting Policies 2020/21			✓		
	Audit Committee Year End Review of 2020/21 Work Programme (to inform Annual Report to Council and 2021/22 Work Programme)					✓
	Update on Redmond Review		✓			✓
	External Audit - Audit Planning Report for year ended 31 March 2021		✓			
	P1 Recommendations (Private)	✓				
	Internal Audit Report - Council Tax and NNDR including Covid -19 Grants Internal Controls			✓	✓	

Council – 20 September 2021

Annual Scrutiny Report – 2019-2021

Service: Legal and Democratic Services

Wards: All

1. Summary of report

This is the annual report to the Council outlining the work of the respective Overview and Scrutiny Committees during the period 2019 to 2021.

The report provides an analysis of the work undertaken by the Committees and their respective Working Groups during this period. Normally, the report would cover the activity that took place during a municipal year. However, owing to the Covid-19 pandemic, this report covers the period from May 2019 to April 2021.

A copy of the annual report is attached at Appendix 1 to this report.

2. Recommendations

That, subject to any comments Members may wish to make, the annual scrutiny report for 2019-2021 be noted.

3. Resource and legal considerations

Scrutiny is a key aspect of the governance framework and an integral part of how the Council makes effective decisions. Good scrutiny can help to inform policy making and help ensure that decisions taken by the Cabinet are effectively considered prior to implementation. The role of Scrutiny is defined in Article 6 of Walsall Council's Constitution.

4. Council Corporate Plan Priorities

This report reflects the Council's corporate priority on *Internal Focus – all Council services are efficient and effective* as reflection and evaluation on the previous year's scrutiny work enables lessons to be learned and taken forward.

Further to this the report is structured around the Council's five corporate plan priorities to demonstrate how scrutiny committees have contributed to the achievement of the organisations strategic plan.

5. Risk Management

The role of scrutiny is fundamental in ensuring that the most effective and informed decisions are taken whilst delivering value for money for residents.

This report provides an overview of the work undertaken by the overview and scrutiny committees, which helps to achieve these objectives.

Asking Members to recognise and review past achievements and consider the potential items to scrutinise helps to ensure that the overview and scrutiny committees focus their attention on the main issues that have strategic relevance and importance to the council as a whole. Incorporating an effective scoping process enables a risk based approach to be taken in the development of potential work programmes; focussing on the key issues that affect the performance of the Council, impact on service delivery or potentially result in service delivery that does not meet resident expectation or offer value for money. The Council's priorities and pledges are all considered when looking at potential work programmes for the following year and frequent performance monitoring reports are presented to individual overview and scrutiny committees.

6. Financial implications

Overview and scrutiny committees continually monitor the financial position of the Council and undertake an annual scrutiny process of draft budgets. There are no direct financial implications from this report.

7. Legal implications

Article 6 of the Walsall Council Constitution requires overview and scrutiny committees to report annually to the Council on their working and to make recommendations for future work programmes and amended working methods, if appropriate.

8. Property implications

There are no direct property implications from this report.

9. Health and wellbeing implications

Work and reviews undertaken by overview and scrutiny committees seeks to have a positive impact on resident's health and wellbeing through influencing the service provision of the Council and its partners. There are no direct health and wellbeing implications from this report.

10. Staffing implications

There are no direct staffing implications from this report.

11. Reducing inequality

This report details all of the work that has been done across the whole Borough. Scrutiny Members represent a number of wards across the Borough and actively work with residents to best represent their views at overview and scrutiny committees. This helps to ensure the delivery of the Council equality duties through promoting a thorough understanding of the needs of our diverse communities and supports the delivery of the Council's vision that: *Inequalities are reduced and all potential is maximised.*

12. Consultation

Individual committees have sought expert opinion and views from witnesses, where appropriate, to ensure that a balanced perspective is provided against any of the work topics under consideration. Evidence has been brought to the committees by officers, members of the public, officers from other authorities, partners and independent experts.

Author:

Dr Paul Fantom

Democratic Services Officer

☎ 01922 653484

✉ paul.fantom@walsall.gov.uk

Simon Neilson

Statutory Scrutiny Officer

Executive Director – Economy, Environment and Communities

09.09.21

Scrutiny Annual Report 2019/21



Walsall Council

Page 172 of 196

PROUD OF OUR PAST OUR PRESENT AND FOR OUR FUTURE

Foreword by Councillor John Murray, Chair of the Scrutiny Overview Committee

I am pleased to introduce to you the Scrutiny Annual Report for 2019-2021.

The report highlights the important work undertaken by scrutiny members during the extended municipal year, 2019-2021. It is not a comprehensive list of all the work undertaken by our five Overview and Scrutiny Committees; rather, it focuses on the priorities in the Council's Corporate Plan to demonstrate how scrutiny is contributing to its achievement. Further to this, the case studies are cross-referenced with the Centre for Public Scrutiny's four principles of good scrutiny.

Examples of the excellent scrutiny activities undertaken by Members of the Council include the Working Groups that have been established by the Children's Services, Economy and Environment and the Education Overview and Scrutiny Committees, respectively. These have carried out investigations in the areas of youth justice, unauthorised encampments, and access and inclusion in Walsall schools. All of these Groups have operated by reference to clear methodologies, have gathered information and met with the relevant officers, partner organisations and members of the public in order to achieve a clear understanding of the issues involved. This has enabled the Working Groups to produce reports that set out succinctly their findings, conclusions and recommendations for consideration by the Cabinet.

Finally, I would like to thank my fellow elected Members, Council officers, partners and members of the public who have participated in, or attended, an Overview and Scrutiny meeting during 2019 to 2021. This has been a challenging period for everyone due to the Covid-19 pandemic, and it has changed some aspects of the ways in which our Overview and Scrutiny Committees have operated, including via digital meetings. It is your efforts that have enabled us to carry on with this work and to recognise the successes that have been described in this annual report.

Councillor John Murray
Chair – Scrutiny Overview Committee

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Introduction from Simon Neilson, Statutory Scrutiny Officer

I am very pleased to introduce the scrutiny annual report for the extended municipal year, 2019-2021. The report provides the opportunity to review activity within overview and scrutiny and to highlight some of the key developments.

This report details the work of the Overview and Scrutiny Committees during the period from May 2019 to April 2021. It is not an exhaustive account of the work that Members have undertaken but it gives an overview of the wide variety of work that has taken place, and which is centred on the priorities of the Council's Corporate Plan. This demonstrates how the Council's Overview and Scrutiny Committees are contributing to the Authority's strategic direction by helping to create the golden thread from strategic plan into action. The priorities in the Corporate Plan are:

- Economic growth, for all people, communities and businesses
- People have increased independence, improved health and positively contribute to their communities
- Internal focus, all Council services are efficient and effective
- Children have the best possible start and are safe from harm, happy, healthy and learning well
- Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion

Following on from this the contributions of the Overview and Scrutiny Committees have been cross-referenced with the Centre for Public Scrutiny's four principles of good scrutiny. This helps to demonstrate the wider contribution that was made by Members.

The four principles of good scrutiny are:

- Provides critical friend challenge to executive policy and decision makers
- Enables the voice and concerns of the public
- Carried out by independent minded councillors who lead and own the scrutiny process
- Drives improvement in public services

There are many other issues that have also been examined by the Committees but which have not been mentioned here due to the limitations of this report. However, further details of all of the Overview and Scrutiny meetings can be found on the Council's committee website.

Simon Neilson
Statutory Scrutiny Officer

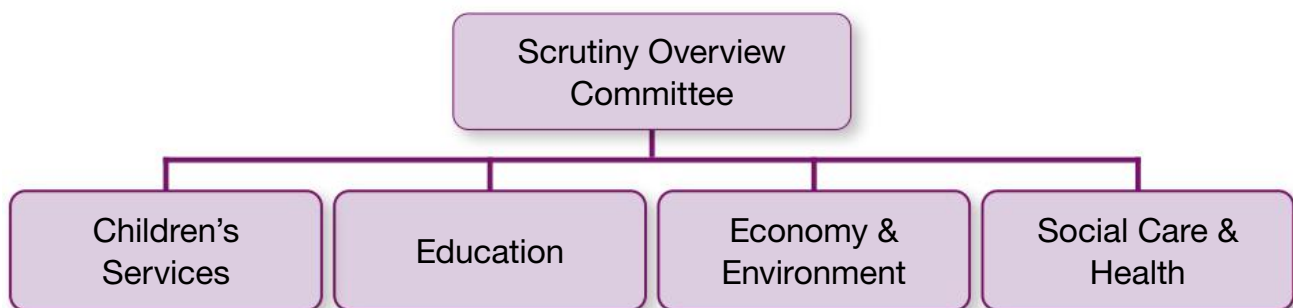
What is Overview and Scrutiny?

Overview and Scrutiny Committees are made up of non-executive Members from across all political parties and they exist to provide accountability to the Council and its partners. The Committees have four key roles:

- Holding the executive to account for their decisions;
- Scrutinising local partners (e.g. NHS Walsall);
- Reviewing and developing policies and making recommendations to Council and Cabinet on these; and
- Reviewing services to ensure they are providing value for money and meeting local needs.

Scrutiny also has a vital role in enabling the voice of local residents to be heard through community engagement. All meetings are open to the public to attend (except in exceptional circumstances where something has to be taken in private session). The public can also suggest items for the Committees to consider.

At its meeting in May 2017, the Council set the committee structure and remit for the year ahead, which included the following Committees:



More details on the role of scrutiny can be found on at www.walsall.gov.uk/scrutiny.

Economic growth, for all people, communities and businesses

1. M6 Junction 10

The Economy and Environment Overview and Scrutiny Committee received a progress update on M6 Junction 10 from Highways England and the contractor, SISK.

Due to the pandemic, SISK had carried out the necessary risk assessments to minimise and mitigate the risks associated with COVID-19 for all employees attending the site and other office staff. SISK and Highways England continue to work with the Council and Transport for West Midlands (TfWM) to promote alternative modes of transportation and to encourage people to work from home.

The Committee discussed a wide range of topics from the impact of disturbance on local residents to the economic benefits of the works on Walsall and the wider Black Country.

How did this item drive improvement?

The Committee scrutinised Highways England and SISK on the implementation of the upgrade works at Junction 10. The Committee resolved to receive a final update on the works that were due to be carried out before the project's completion.

2. A34 Sprint

The Economy and Environment Overview and Scrutiny Committee received an overview of the A34 Walsall to Birmingham SPRINT project, which aimed to connect people to a range of opportunities in the West Midlands, including events such as the Birmingham Commonwealth Games in 2022, and provide important regeneration to Walsall Town Centre.

Members were informed that total estimated capital cost for the Phase 1 works was £32.4m, which had been approved by West Midlands Combined Authority. It was noted that the Council was not liable for any funding to implement the scheme, as liability was held with the WMCA and TfWM.

How did this item drive improvement?

A discussion was held on the effectiveness of the A34 Sprint proposal and the community led concerns on the implementation of the project.

People have increased independence, improved health and positively contribute to their communities

1. Community Stroke Rehabilitation Services

Stroke services in Walsall were reconfigured to redirect all patients with signs and symptoms of acute stroke to the Royal Wolverhampton Trust for assessment and treatment with rehabilitation at Walsall Manor Hospital or at home. Extensive discussions were held to relocate stroke rehabilitation services from Walsall Manor Hospital to Holly Bank House. In the context of the Covid-19 pandemic, there was urgent need to create additional capacity on the acute hospital site. In response to this, Holly Bank House was operationalised and has been used as an inpatient unit for stroke rehabilitation patients since April 2020. Members were supportive of the relocation of stroke service rehabilitation to Holly Bank House and suggested that the patient experience should be sought.

Provides critical friend challenge to executive policy and decision makers

Members sought assurance that patient outcomes had improved because of the relocation. Officers reiterated the success of the move in terms of patient outcomes and experience but also in terms of value for money.

2. Outpatient Service redesign

At its meeting on 28 January 2021, the Social Care and Health Overview and Scrutiny Committee received an overview of the work undertaken to redesign the outpatient service and proposals for future outpatient service transformation.

A new operating model had been developed in response to the Covid-19 pandemic to enable the delivery of outpatient services and reduce face-to-face appointments by using virtual and telephone consultation methods. Members were informed that every medical speciality would be included in the review with a focus on key areas; to inform this a patient engagement exercise was planned.

Carried out by independent minded councillors who lead and own the scrutiny process

Members provided challenge to the proposals stating that older people and those with special needs may need to be provided with face-to-face consultations. Members were assured that this would be considered. Representatives were also asked by Committee Members to ensure that due consideration was given to those specialities that would be best suited to video technology. Assurance was provided that the CCG and Trust were working with national teams to build on good practice. Members also challenged whether the continuation of video and telephone appointments would result in less opportunistic diagnosis of health problems.

3. Health and Care Covid-19 response

A key issue for the Social Care and Health Overview and Scrutiny Committee was the health and care response to the Covid-19 pandemic. Representatives from Adult Social Care, Walsall Healthcare Trust and Walsall CCG attended to present an overview of the response. Members questioned the increased costs, because of the pandemic, for care homes, and were assured that additional funding had been provided to care providers in the Borough for infection control. In response to challenge from committee members,

were assured that there had been a continuous supply of PPE to care providers and care providers did not run out of stock at any point.

The Committee were informed of the benefits of the Walsall Together Partnership in providing a solid platform to provide health and care services to the population of Walsall during the Covid crisis. This work had been recognised as good practice nationally, and Walsall's approach to care homes which was cited in the Department for Social Care's 'Social Care Task Force Paper' as an area of best practice.

Carried out by independent minded councillors who lead and own the scrutiny process

In response to challenge from Members, it was stressed that lessons learnt had led to efficient care provision and that the transformation agenda had been accelerated during the pandemic and that this would have a positive impact on Walsall. Members also took the opportunity to thank the Walsall Together Partnership for their excellent work during the pandemic.

Walsall Together

Walsall Together is a formal partnership between Walsall Healthcare NHS Trust, Black Country Healthcare NHS Trust, Walsall Council (Adult Social Care, Children's Services and Public Health), Black Country and West Birmingham Clinical Commissioning Group (CCG), One Walsall (Council for Voluntary Services), Primary Care Networks, and Walsall Housing Group (representing the housing sector). The main purpose of the partnership is to integrate services within an evidence-based model that will help to reduce health inequalities and improve outcomes for the population of Walsall.

The partners work collaboratively to:

- Promote equality and reduce inequalities by focusing on the wider determinants of health.
- Provide high quality and accessible care for all who need it.
- Improve the health and wellbeing outcomes for the population of Walsall.
- Develop a skilled, motivated, and happy workforce.
- Make the best use of partnership resources.

Updates on the programme come to the Social Care and Health Committee on a regular basis to provide updates on its development.

Drives improvement in public services

Members discussed the successful vaccination programme that had been implemented by the Walsall Together Partnership, it was suggested that it should be branded as 'Walsall Together' to promote the good work in the Borough.

Challenge was provided from Members to suggest that housing partners should be included in the Walsall Together Partnership, to ensure that living standards were not adversely affecting individual's health. Representatives responded to recognise the vital contribution of housing partners and Members were assured that public health were able to provide advice on this area. The impact of housing on health was acknowledged.

Internal focus, all Council services are efficient

1. Council Carbon Neutral Strategy

The Economy and Environment Overview and Scrutiny Committee received an update on the Council's carbon neutral policy and emergency action plan.

It was noted that the Council had declared a climate emergency, which set forth a course of major changes to address climate change and decarbonise the Borough and the wider region. An internal working group was established to shape the action plans and engagement had taken place with a number of partners including the West Midlands Combined Authority.

In order to achieve carbon neutrality, the Council planned to create a fixed term position for a Climate Change Programme Manager as part of the wider Proud Transformation Programme. It was highlighted that by 2050, the Council would have achieved £6m per annum from energy saving initiatives.

How did this item drive improvement?

Members considered and noted the Council's Carbon Neutral Strategy. There was a discussion regarding the lack of electric vehicle charging points available in Walsall. The Committee agreed to receive regular updates on the implementation of the strategy, which would allow the Committee to effectively scrutinise the service delivery.



2. Scrutiny guidance implementation, benchmarking and good practice

During the extended municipal year, the Scrutiny Overview Committee has led on the implementation of the new Government guidance for overview and scrutiny and which all local councils must have regard to.

One of the key aspects of the guidance concerns creating a culture where scrutiny is owned and led by Members, and this has been a key driver in Walsall's response. For example, an all Member event took place to discuss the new guidance and how the Council could implement its various aspects and suggestions. This event created the framework for how the guidance was subsequently implemented. This led to the following changes being implemented:

- The drafting of a Scrutiny-Executive Protocol between the Chair and Vice-Chair of the SOC and the Leader and Deputy Leader of the Council;
- New guidance for officers on the writing of reports for scrutiny, with a focus on making the reports more succinct and with increased clarity;
- The Code of Conduct was amended to articulate:
 - a. That the Cabinet assistants do not sit on the Overview and Scrutiny Committees that relate to their portfolios;
 - b. That Scrutiny chairs do not preside over the scrutiny of their relatives;
 - c. How changes between executive and scrutiny roles can be managed, for example, when Members stand down from the executive and move to a scrutiny role and vice versa.
- The induction for new Members includes a greater focus on scrutiny;
- The majority view is not in favour of selecting scrutiny chairs by a secret ballot;
- External scrutiny training with the Local Government Association.

Carried out by independent minded councillors who lead and own the scrutiny process

The above achievements are an example of scrutiny *being carried out by independent minded members who lead and own the scrutiny process*. Further to the work described above the SOC quest for improvement continues into the current municipal year where an all Member survey of scrutiny is taking place with the intention of identifying local good practice and areas for improvement.

Children have the best possible start and are safe from harm, happy, healthy and learning well

1. Working Group on Access and Inclusion

At its meeting on 8 October 2019, the Education Overview and Scrutiny Committee established a working group to conduct an in-depth examination of the issues of affecting access to and inclusion in Walsall's schools. The areas for review were:

- The Local Authority's responsiveness to meeting the demands of schools and parents with reference to exclusions in Walsall.
- The effectiveness of the policies and procedures of schools and the Local Authority in relation to the issue of exclusions.
- Assessing the main reasons for the exclusion of children and young people from schools and the practice of 'off-rolling' being carried out in a minority of schools in Walsall.

How the Committee enabled the voice and concerns of the public and lead on and owned the scrutiny process?

Several meetings of the working group were held during the 2019/20 municipal year. Evidence was gathered and interviews conducted with head teachers from Walsall schools, officers from Children's Services and a number of parents/family members whose children had been excluded from school. The findings, conclusions and recommendations of the working group were set out in a report that was received and endorsed by the Committee on 20 September 2020 and then presented to the Cabinet on 28 October 2020.

A report to update the Education Overview and Scrutiny Committee on the progress to implement the working group's recommendations was made to the 11 March 2021 meeting and the key developments that had taken place were highlighted:

- Working with parents, carers and young people to review the local offer, comparing it with other similar offers and completing an audit to ensure statutory compliance.
- With input from head teachers, rewriting the secondary school Fair Access Protocol.
- The introduction of a new EHCP hub would allow the Authority to work more efficiently to produce education, health and care plans.
- Autism training in schools continued during the pandemic and a three-year programme agreed with the Autism Education Trust for the continuation of training.

2. The Jane Lane Special School

The Jane Lane School is a special school for children with moderate learning disabilities. In the light of an Ofsted inspection that had judged the school to be inadequate in all areas and with there being safeguarding issues requiring urgent attention, several reports were made to the Education Overview and Scrutiny Committee during 2019/20. These detailed how the Authority was working with the School's Interim Executive Board and its leadership team to address the issues that had been raised in the inspection report. As in all such cases, a Direct Academy Order was placed on the School by the Secretary of State requiring the Authority to work with the Regional Schools Commissioner to identify a potential academy sponsor and to support a smooth transition to academy status.

How the Committee enabled the voice and concerns of the public and drove improvement?

During discussion of the initial report on 26 March 2019, the Education Overview and Scrutiny Committee heard representations from members of the local community who were invited to address Members. The steps taken to implement the Written Statement of Action for the school, which had been approved by Ofsted, and the improvements being made were discussed and noted. On 3 September 2019, 13 February and 3 November 2020, update reports were made to the Committee. These provided summaries of the main points of the monitoring visits to the School that been undertaken by HMI, and outlined the arrangements and procedures which had been introduced to make the necessary progress for the School to be taken out of special measures.



3. SEND local area improvement programme and EHCPs

At its meeting on 8 October 2019, the Education Overview and Scrutiny Committee received a report on the local area improvement programme for SEND (special educational needs and disabilities) that had been formulated in response to the local area inspection carried out by Ofsted and the Care Quality Commission. Due to changes to the Code of Practice, additional responsibilities had been placed on local authorities in relation to the local offer and the production of EHCPs (education, health and care plans). The Authority was required to produce a Written Statement of Action to address nine significant areas of concern, which included compliance with the statutory twenty week timescale for EHCPs. The Committee was informed that working groups including parents, carers and external partner representatives were established and a SEND Improvement Board was created to drive forward the work on the actions contained in the Written Statement and the inspection process.

How independent minded councillors drove improvement?

The Education Overview and Scrutiny Committee requested regular reports to update Members on the progress being made to deliver on the improvements required by the Written Statement of Action. Reports were presented to the meetings held on 9 January and 10 September 2020, and on 5 January 2021.

A particular focus was given to improving the quality and timeliness of EHCPs and the reports outlined the steps being taken via the introduction of a new staffing structure and the recruitment of a full complement of staff in order to clear the backlog. Allowing for the difficulties and restrictions arising from the Covid-19 pandemic, the number of current assessments had reduced from 359 on 1 March 2020 to 253 by August 2020 and then to 170 by 5 January 2021, with the backlog of cases being eliminated. Feedback received from DfE and NHS advisers was positive and endorsed the robust action and monitoring undertaken by the Authority.

4. Education attainment and Ofsted inspections

At its meeting on 19 November 2019, the Education Overview and Scrutiny Committee received a report that set out the demographics of Walsall's child population and highlighted many of the key challenges being faced in relation to the provision of primary, secondary and special education in the Borough. The new framework for Ofsted inspections that had been introduced in September 2019 was also discussed by the Committee.

An update report was made to the Committee held on 3 November 2020. This was concerned with the position of Ofsted visits across the Borough and the current Ofsted outcomes for Walsall schools, with it being noted that routine inspections and monitoring inspections had been suspended in March 2020 owing to the effects and implications of the Covid-19 pandemic. However, interim visits had recommenced with the opening up of the schools from September 2020.

How did this drive improvement in public services and provide critical friend challenge to executive policy and decision makers?

The Committee was informed about the arrangements and procedures that were put into place to ascertain how schools were coping during the Covid-19 pandemic, for example, to support vulnerable learners and those children being taught remotely and making the transition back into full-time education.

5. Walsall Right for Children Transformation Programme

In September 2018, the Should read - Walsall Right for Children (WR4C) Transformation Programme was launched to drive forward the vision to ensure that the right children are in the right place with the right support for as long as it is needed to ensure that they are safe from harm, happy and learning well.

In March 2019, the Walsall Right for Children Big Conversation was held, including collaboration with children, young people and their families to further inform the programme's design. This included the realignment of resources to localities in order to target services to meet the needs of vulnerable children. During 2020 work was carried out on five areas of improvement:

- Understand and respond to the needs of children and families to enable sustainable change and create resilient communities.
- Develop an effective offer to support vulnerable adolescents.
- Reduce the number of exclusions from schools.
- Identify children with SEND and developing a local offer to meet their needs.
- Improve collaboration with children and families when developing services.

How did this provide critical friend challenge to executive policy and decision makers and drive improvement in public services?

Both the Education Overview and Scrutiny Committee and the Children's Services Overview and Scrutiny Committee have received regular reports on the WR4C Programme to enable Members to take stock of the achievements made, to review priorities and the activities planned for the next three years. Both Committees have reviewed and challenged the sustainability of the model; and officers have provided reassurance that the outcomes and benefits would be monitored to demonstrate the benefits of the model. Members have also stressed that transition between Children's Services and Adult Services should be made smoother in the future. In response, officers articulated elements of the plan that would focus on this.



6. Support to schools during the Covid-19 pandemic

At its meeting on 10 September 2020, the Education Overview and Scrutiny Committee received a report on the provision of support during the pandemic and since the re-opening of schools for core groups from 1 June 2020. Regular briefings have been organised enabling engagement with head teachers and school governors, together with the dissemination of information regarding the actions needing to be taken by schools. Liaison with Early Help and Public Health has ensured that robust arrangements were put in place to support children and ensure that they are educated and cared for. An example of this being that laptops and other devices have been distributed to disadvantaged children and young people in the Borough so that they can study from home when not able to attend school.

How independent minded councillors lead on and owned the scrutiny process?

At the request of Members, the Education Overview and Scrutiny Committee received an update report at its meeting on 11 March 2021. This focussed on the level of engagement with schools and the support being provided to schools, children and their parents, the latest guidance for schools concerning Covid-19 (and including schools testing), the attendance and opening of schools, and the availability of remote learning and digital devices.

7. Child exploitation

The Children's Services Overview and Scrutiny Committee received an overview of the issues relating to child exploitation, including Child Sexual Exploitation (CSE) and criminal exploitation, and children involved in the supply of drugs via "county lines". A wide range of partners attended the meeting to assist the Committee to understand and scrutinise the issue. These included representatives from West Midlands Police, Street Teams, the Mental Health Trust, the Violence Reduction Unit, and the Chair of the Independent Safeguarding Board.

Since the Committee's previous update, the partnership had developed an all age exploitation pathway and assessment tool. An all age exploitation strategy and a regional approach was also under development. The West Midlands Violence Reduction Unit had co-ordinated a regional county line awareness activity.

The impact of the Covid-19 pandemic on this area of work was acknowledged. Future activity would include the development of an exploitation hub that would build on the progress of exploitation triage and provide an integrated response to complex safeguarding concerns.

Provides critical friend challenge to executive policy and decision makers

The partnership was challenged on the action being taken to prevent exploitation of children in care. The Committee was assured that risk assessments were carried out to review how this vulnerable group of children could be safeguarded. In response to Member questions, the Committee was also assured of the strength and effectiveness of the partnership.

The West Midlands Police's representative was asked by Members to evidence that officers actively carried out disruption activity within the Borough. They were assured that information and intelligence was pulled together to map the threat and risk and this was used to disrupt exploitation.

8. Youth Justice Working Group

In April 2019, Walsall received a Her Majesty's Inspectorate of Prisons single inspection in youth offending and received a rating of 'requires improvement'. At its meeting on 24th September 2019, the Children's Services Overview and Scrutiny Committee agreed that a working group should be established to carry out an in-depth examination of the improvement plan.

The Working Group held six meetings during its investigations, taking into account the views of four witnesses. The Working Group considered progress being made regarding the implementation of the following two recommendations from HMIP. Firstly, 'Review the budget allocation to the Youth Justice Service to determine the correct level of resource that allows the service to undertake the function well'. Secondly, 'To make sure that all children and young people working with the youth justice system receive their full entitlement to education and that provision is tailored to their specific needs (post 16)'.

Carried out by independent minded councillors who lead and own the scrutiny process

The report identified that there is a dedicated workforce committed to improving the outcomes for children and young people known to the youth justice system. It concluded that the Youth Justice Service was in a strong position to deliver the recommendations of the inspection, as it is supported by a strong staff, governance arrangements, and is working closely with partnership agencies (both statutory and community organisations) to achieve these outcomes. A number of recommendations were made by the working group to support the achievement of HMIP's recommendations. These were forwarded to Cabinet.

9. Family Safeguarding Model

The Family Safeguarding Model was launched in Walsall on 1 September 2020 and brings a whole-system change approach in Children's Social Care to tackle the impact of the 'trio of vulnerabilities' (domestic abuse, substance misuse and mental ill-health) on children's lives. Adults and children's specialists work in a unified team to share information, to provide support, and to prevent families reaching crisis stage. This provides better outcomes for children by keeping families together, addressing root causes, promoting change and preventing children from entering the care system. The model is delivered with the use of motivational interviewing.

Drives improvement in public services

The Committee stressed that this should be focused on individual family needs. It was reassured that this was the case, and stressed that it was needs based and tailored to families.

Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion

1. Petitions

During the year, the Economy and Environment Overview and Scrutiny Committee had also been hearing the concerns of local people by considering high profile petitions about important issues, such as the following:

- Road Safety on Doe Bank Lane
- Road Safety on Barns Lane

With regard to 'Road Safety on Doe Bank Lane' petition, the Committee heard the views of local residents on need for traffic calming measures in the area. The wider area, including Doe Bank Lane and Bridle Lane, had been included as part of the Community Health and Safety Programme forming a part of the road safety review. After a lengthy discussion, the Committee welcomed the Council's commitment to install additional repeater signage and to consider further measures as part of a Borough's road safety review.

How has this item enabled the voice and concerns of the public?

Petitions enable residents and Councillors to present local concerns or issues to the Council for consideration and debate. The petition on 'Road Safety on Doe Bank' was considered by the Committee on 19 November 2020. It was resolved that the Council should consider further engineering works on Doe Bank Lane as part of the annual Borough wide safety review.

2. Unauthorised Encampments Working Group

The Economy and Environment Overview and Scrutiny Committee this year focused on examining the issues of unauthorised encampments (UEs) in the Borough.

The Working Group invited a number of representatives to understand the pretext for UEs and the impact they have on local communities. The Group found that in order to understand the issues around UE's and it needed to consider the concerns of Gypsy, Roma and Traveller Communities (GRT). Accordingly, the Group invited representatives from the National Federation of Gypsy Liaison Groups in order to gain a greater appreciation of the GRT and find a long-term approach that will lead to a reduction in the number of UEs.

The Group established that a UE's strategy should be produced as soon as possible and developed in line with partner organisations and applicable strategies, as outlined in this report, to achieve improved healthcare and educational outcomes for the GRT Communities. In addition to this, there was consensus that the Council should establish a transit site in the Borough to provide long term stability for those travellers coming into the Borough. A transit site would also enable West Midlands Police to utilise Section 62 powers, as and when appropriate.

In recognition of concerns regarding the locations of transit and permanent site(s), the Group felt that the importance of early communication and engagement with local communities, organisations of community importance and GRT Communities should not be overlooked. Therefore, the Council needed to engage with communities to identify site(s) that reduce tensions and promote peaceful community integration.

The Working Group identified and heard the following points:

- The Group established an 18 point site criteria to be used in conjunction with the UE strategy to identify an agreed transit site location.
- Promoting cohesion within communities is a critical part of a long term approach to UEs. The Group highlighted that one way to promote inclusion was through education.
- Key education support workers were recognised as providing a pivotal role in the development of relationships between schools, pupils and parents within the GRT Communities.
- To assist GRT Communities access primary health care providers, the Group felt that a Medical Record Book previously assisted GRT Communities to understand their medical rights and provide primary health providers with identifiable documentation.

Upon deliberation, the Committee resolved to recommend that the Cabinet consider recommendations made by the Working Group.

How has this item driven improvement?

The Working Group led an effective investigation into the causes of unauthorised encampments in the Borough and the Group invited a number of stakeholders to give evidence. The Group established a number of recommendations to support improvements. In particular, the Group recommended that the Council should develop an Unauthorised Encampments Strategy in accordance with the Group's agreed priorities.

3. Public Sector Equality Duty

The Scrutiny Overview Committee considered a report on the Public Sector Equality Duty, as it wished to understand how the Council sought a diverse workforce compared to the nine protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. As Walsall is an increasingly racially diverse Borough, the Committee was especially interested in understanding how this was reflected in the Council workforce.

Members learned that the 2011 Census highlighted a significant increase in the level of ethnic diversity in Walsall over the past decade. While 'White British' remains the largest single group at 76.9%, the number of residents from a minority ethnic group has risen to almost one in four, being 23.1%. The level of ethnic diversity in the current workforce was 22.41%, broadly similar to the 2011 Census. Members expressed an interest in understanding how representation from minority ethnic groups could be increased in senior management roles. The complexities of this area were recognised so the Committee resolved to establish a working group in the new municipal year.

How has this item driven improvement?

This is a good example of Members driving improvement in public services by looking at detailed information and seeking to understand complex areas. The working group was established by the Scrutiny Overview Committee in June 2021.



Resources and Transformation

Legal and Democratic Services

Walsall Council

Civic Centre

Darwall Street

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WS1 1TP

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Council – 20th September 2021

Adoption of the International Holocaust Remembrance Alliance definition of Anti-Semitism

1. Summary of report

- 1.1 That the Council considers adopting the IHRA definition of anti-semitism. All local authorities are being encouraged to adopt the definition as a clear message that anti-semitism will not be tolerated due to concern over a reported rise in anti-semitic incidents.

2. Recommendations

- 2.1 That Council adopts the International Holocaust Remembrance Alliance Working Definition on antisemitism for use across the Council, together with the worked definitions of anti-semitism.

3. Background

- 3.1 Antisemitism, alongside Islamophobia, racism, homophobia and other forms of discrimination, remain a significant national challenge, impacting upon cities and towns across the UK and our communities. The council, through its work on the equality, diversity, inclusion and the cohesion agenda is working to eradicate all forms of discrimination. Adopting the International Holocaust Remembrance Alliance (IHRA) definition on antisemitism is one important element in a much wider programme of work to do this.
- 3.2 A record number of anti-Semitic incidents were recorded in the UK for the first six months of 2019 by the Community Security Trust. There were 892 reported incidents between January and June 2019, a 10% increase on the same period of 2018 – which also had a record high. The number of violent anti-Semitic assaults rose from 62 in the first half of 2018 to 85 in the same period of 2019. There were 38 incidents of damage and desecration of Jewish property; 710 of abusive behaviour, including verbal abuse, graffiti, abuse via social media and one-off cases of hate mail; 49 direct threats; and 10 cases of mass-mailed leaflets or emails. Sixty-two public figures became targets, as well as 102 Jewish community organisations, events and commercial premises. The CST's figures reflect the Home Office official statistics from October 2019 which show that 18% of religiously motivated hatred is targeted at Jewish people – up from 12% in 2018 – and that, per capita, Jewish people were most likely to report experiencing hatred.
- 3.3 The International Holocaust Remembrance Alliance (IHRA), founded in 1998, is an inter-governmental body that unites governments and experts to strengthen, advance and promote Holocaust education, research and remembrance and to uphold the commitments to the 2000 Stockholm Declaration. The United Kingdom has been member of the IHRA since it was founded in 1998.

- 3.4 On 26 May 2016 in Bucharest, the Plenary of the International Holocaust Remembrance Alliance (IHRA) adopted the following non-legally binding working definition of antisemitism along with supporting examples that may serve as Illustrations:

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

“Manifestations of anti-Semitism might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as anti-Semitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.”

- 3.5 The IHRA definition specifies eleven ‘contemporary examples of antisemitism’ in public life, the media, schools, the workplace, and in the religious sphere which could, taking into account the overall context, include but are not limited to:

1. Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
2. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
3. Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
4. Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
5. Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
6. Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
7. Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
8. Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.

9. Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
 10. Drawing comparisons of contemporary Israeli policy to that of the Nazis.
 11. Holding Jews collectively responsible for actions of the state of Israel
- 3.6 In December 2016 the British Government adopted the IHRA definition and the then Home Secretary, Sajid Javid, wrote to all council Leaders in January 2017 requesting that the definition be adopted at a local authority level. In October 2019 a letter from the Secretary of State for Housing, Communities and Local Government was sent to all Councils encouraging them to take urgent action; to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism. “It is in this context that I write to you again, to strongly urge you to formally adopt the IHRA definition and use it on all appropriate occasions. The definition is not designed to be legally binding, but it is an invaluable tool for public bodies to understand how antisemitism manifests itself in the 21st century. It demonstrates a commitment to engaging with the experiences of Jewish communities and supporting them against the contemporary challenges they face... Eradicating antisemitism is not a task that the Government can achieve on our own. We need local authorities to show leadership, alongside our partners in civil society and community activists. The Government has adopted the IHRA definition of antisemitism, as we recognise this is one of the strongest signals we can give our Jewish communities. It demonstrates that we hear and understand their concerns and are ready and willing to act in response” Rt Hon Robert Jenrick MP.
- 3.7 Some groups have expressed concerns that the IHRA definition restricts freedom of speech by prohibiting legitimate criticism of Israeli government action in the Palestinian territories. The government, and other public bodies that have adopted the definition and its examples, believe that references within the definition stating that “criticism of Israel similar to that levelled against any other country cannot be regarded as anti-Semitic” are sufficient to ensure freedom of speech. It is worth noting that an earlier version of the definition is being used by the police and forms part of the National Police Chief’s Council Hate Crime Manual for officers. The Government believe that the definition is a useful tool for criminal justice agencies and other public bodies to use to understand how anti-Semitism manifests itself in the 21st century.
- 3.8 It is reported that as of January 2020 only 136 out of 343 councils had adopted the IHRA definition of anti-Semitism. This figure has increased to 260 councils which is about 75% of all local Authorities. The West Midlands Combined Authority, of which Walsall MBC is a constituent body adopted the definition on the 24th July 2020.
- 3.9 Walsall for All have commissioned a local partner to carry out some work relating to hate crime. This work includes:

- Training hate crime ambassadors.
- Review of hate crime reporting processes.
- Creation of a hate crime pledge for public sector partners.
- A restorative justice pilot.
- Some internally focused awareness building for Council staff.

This work is linked into the Community Safety Partnership through one of their six priorities - **Prevent Violent Extremism** - Increase ability to prevent and strengthen relationships with our communities and challenge hate crime. Anti-Semitism will be added to the commission and progress will be reported to the Community Safety Partnership on a quarterly basis. Our community partners organise annual events, such as the Holocaust Memorial Day, which could be used for raising awareness about anti-semitism. This event took place on 27 January 2020.

4. Risk Management

- 4.1 There is a potential for reputational risk if the council does not adopt the IHRA definition of anti-semitism. The MCHLG have suggested previously that they will publicise a list of those councils who have failed to adopt the IHRA definition.

5. Legal Implications

- 5.1 Whilst the IHRA definition of Anti-Semitism is not legally binding its adoption will support the Council's obligations under the Equality Act 2010, and its responsibilities under the Public Sector Equality Duty, to demonstrate due regard and to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not

- 5.2 Characteristics of (inter alia) race, religion and belief are protected characteristics under the legislation and duty.

- 5.3 The IHRA definition serves, therefore, as a complementary measure that addresses equalities issues though seeking to deepen the understanding of anti-Semitism.

- 5.4 The proposal does not constitute a law. Britain, is built on free speech. Therefore, the Council would always uphold the rights of citizens to engage in reasoned debate. Therefore, non-anti-Semitic criticism of the policies of the government of Israel is entirely legitimate, as is the case with any country's government. The right to express such criticism is not restricted by this proposal. Article 10 of the Human Rights Act provides that:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

6. Health and wellbeing implications

- 6.1 None directly relating to this report.

7. Staffing implications

- 7.1 The Council will need to review Employment Policy and Procedures if it decides to adopt this definition particularly in relation to the Code of Conduct for Employees, and the use of Social media policy.

8. How will this action reduce inequality?

- 8.1 As an equal opportunity employer the council should follow relevant legislation, and all its policies and procedures in employing people. The Council's Corporate Plan sets out the Council's purpose along with the priorities that we believe will help to reduce inequalities and maximise potential.

9. Consultation

- 9.1 The Council has consulted with the party group leaders.

Anthony Cox

Director of Governance

7th September 2021