



**Dinas a Sir Abertawe**

**Hysbysiad o Gyfarfod**

Fe'ch gwahoddir i gyfarfod

## **Y Cabinet**

**Lleoliad:** Cyfarfod Aml-Leoliad - Ystafell Gloucester, Neuadd y Ddinas / MS Teams

**Dyddiad:** Dydd Iau, 21 Medi 2023

**Amser:** 10.00 am

**Cadeirydd:** Cynghorydd Rob Stewart

**Aelodaeth:**

Cynghorwyr: C Anderson, R Francis-Davies, L S Gibbard, H J Gwilliam, D H Hopkins, E J King, A S Lewis, A Pugh, R V Smith a/ac A H Stevens

**Gwyllo ar-lein:** <https://bit.ly/3P7lwBD>

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**Gweddarlledu:** Gellir ffilmio'r cyfarfod hwn i'w ddarlledu'n fyw neu'n ddiweddarach drwy wefan y cyngor. Drwy gymryd rhan, rydych yn cytuno i gael eich ffilmio ac i'r delweddau a'r recordiadau sain hynny gael eu defnyddio at ddibenion gweddarlledu a/neu hyfforddiant o bosib.

**Mae croeso i chi siarad Cymraeg yn y cyfarfod.**

Dywedwch wrthym erbyn canol dydd, ddeuddydd cyn y cyfarfod.

### **Agenda**

**Rhif y Dudalen.**

**1. Ymddiheuriadau am absenoldeb.**

**2. Datgeliadau o fuddiannau personol a rhagfarnol.**

[www.abertawe.gov.uk/DatgeluCysylltiadau](http://www.abertawe.gov.uk/DatgeluCysylltiadau)

**3. Cofnodion.**

Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir.

**1 - 5**

**4. Cyhoeddiadau Arweinydd y Cyngor.**

**5. Cwestiynau gan y cyhoedd.**

Gellir cyflwyno cwestiynau'n ysgrifenedig i'r Gwasanaethau Democratiaid [Democratiaeth@abertawe.gov.uk](mailto:Democratiaeth@abertawe.gov.uk) hyd at ganol dydd y diwrnod cyn y cyfarfod. Bydd cwestiynau ysgrifenedig yn cael eu blaenoriaethu. Gall y cyhoedd ddod a gofyn cwestiynau'n uniongyrchol os bydd amser. Rhaid i gwestiynau fod yn berthnasol i'r eitemau ar ran agored yr agenda ac ymdrinnir â nhw o fewn cyfnod o 10 munud.

6.	Hawl i holi cynghorwyr.	
7.	Penodiadau Llywodraethwyr yr Awdurdod Lleol.	6 - 10
8.	Adroddiad Monitro Perfformiad ar gyfer Chwarter 1 2023/24.	11 - 58
9.	Capital Outturn and Financing 2022/23.	59 - 66
10.	Rhaglen Grant Cyfleusterau i'r Anabl a'r Grant Gwella 2023/24 - trosglwyddo'r gyllideb.	67 - 74
11.	Trefniant pensiwn Cyfraniad Gwirfoddol Ychwanegol (CGY) cost a rennir ar gyfer aelodau'r CPLIL.	75 - 111
12.	Cynlluniau ar gyfer Ysgolion Arbennig Abertawe yn y dyfodol.	112 - 151
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14.	Cronfa Pontio Bysiau Llywodraeth Cymru.	163 - 169
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17.	Hawl i holi cynghorwyr.	
18.	Bwriad i werthu rhydd-ddaliad neu ailstrwythuro prydles 254-260 Stryd Rhydychen er mwyn hwyluso adnewyddu unedau masnachol llawr gwaelod ac ailwrpasu'r llety ar y lloriau uchaf yn unedau preswyl.	184 - 233
19.	Gwaredu Tir yng Ngham 1 Abertawe Ganolog.	234 - 251

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*\* **Gweithdrefn Galw i Mewn - Testun Craffu cyn Penderfynu:** Mae'r penderfyniad hwn yn rhydd o Weithdrefn Galw i Mewn yr awdurdod gan fod "y penderfyniad wedi bod yn destun Craffu Cyn Penderfynu ac ni fu unrhyw newid pwysig i wybodaeth/dystiolaeth berthnasol".*

*\*\* **Gweithdrefn Galw i Mewn - Brys:** Mae'r penderfyniad hwn yn rhydd o Weithdrefn Galw i Mewn yr awdurdod gan fod "naill ai Pennaeth y Gwasanaeth Cyflogedig, y Swyddog Adran 151 neu'r Swyddog Monitro'n ardystio y gallai unrhyw oedi sy'n debygol o gael ei achosi gan y weithdrefn galw i mewn wneud niwed i'r cyngor neu fudd y cyhoedd, gan gynnwys methu cydymffurfio â gofynion statudol".*

**Cyfarfod Nesaf:** Dydd Iau, 19 Hydref 2023 ar 10.00 am

*Huw Evans*

**Huw Evans**

**Pennaeth Gwasanaethau Democrataidd**

**Dydd Mawrth, 12 Medi 2023**

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**Cyswllt: Gwasanaethau Democrataidd - Ffon: (01792) 636923**

# Agenda Item 3.



City and County of Swansea

## Minutes of the **Cabinet**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Thursday, 20 July 2023 at 10.00 am

**Present:** Councillor R C Stewart (Chair) Presided

### **Councillor(s)**

C Anderson  
H J Gwilliam  
A S Lewis  
A H Stevens

### **Councillor(s)**

R Francis-Davies  
D H Hopkins  
A Pugh

### **Councillor(s)**

L S Gibbard  
E J King  
R V Smith

### **Officer(s)**

Huw Evans  
Martin Nicholls  
Ben Smith  
Debbie Smith  
Ness Young

Head of Democratic Services  
Chief Executive  
Director of Finance / Section 151 Officer  
Deputy Chief Legal Officer  
Interim Director of Corporate Services

### **Also present**

Councillor(s): M Durke, T M White

### **Apologies for Absence**

Councillor(s): - None.

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## 17. Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

- 1) Councillor R V Smith declared a Personal & Prejudicial Interest in Minute 23 "Local Authority Governor Appointments" and stated that he had dispensation from the Standards Committee to Stay, Speak but Not Vote on matters relating to the Appointment of Local Authority Governors.
- 2) Councillor A S Lewis declared a Personal & Prejudicial Interest in Minute 23 "Local Authority Governor Appointments" and withdrew from the meeting prior to its consideration".
- 3) Councillors R Francis-Davies, A S Lewis & R C Stewart declared a Personal Interest in Minute 28 "Tabernacle Morrison Community Resilience Hub".



**18. Minutes.**

**Resolved** that the Minutes of the meeting(s) listed below be approved and signed as a correct record:

- 1) Cabinet held on 15 June 2023.

**19. Announcements of the Leader of the Council.**

The Leader of Council made no announcements.

**20. Public Question Time.**

No questions were asked.

**21. Councillors' Question Time.**

No questions were asked.

**22. Leadership, Inclusion and Governance: Building Excellence in Swansea Schools. (Report of the Education & Skills Corporate Delivery Committee)**

The Cabinet Member for Education & Learning submitted a report that sought approval of the handbook, policy and strategy developed following the work of the Education & Skills Corporate Delivery Committee in 2022-2023.

**Resolved** that:

- 1) The new Headteacher and Senior Leader Handbook attached in Appendix A of the report be approved.
- 2) A new Swansea Attendance Policy to underpin the work of the attendance objective of the Inclusion Strategy attached in Appendix B of the report be approved.
- 3) A Governing Body Support Strategy and School Governance Development Action Plan to support the recruitment and retention of school governors attached in Appendix C and Appendix D of the report be approved.

**23. Local Authority Governor Appointments.**

The Local Authority Governors Appointment Group submitted a report, which sought approval of the nominations submitted to fill Local Authority (LA) Governor vacancies on School Governing Bodies.

**Resolved** that:

- 1) The following nominations recommended by the Director of Education in conjunction with the Cabinet Member for Education Improvement, Learning & Skills be approved:

1)	Mayals Primary School	Dr Felicity Padley
2)	Pentrechwyth Primary School	Julie Buck
3)	Pentre'r Graig Primary School	Cllr Andrea Lewis
4)	Waun Wen Primary School	Helen Jones

**24. Annual Performance Monitoring Report 2022/23.**

The Cabinet Member for Corporate Services & Performance submitted a report that outlined the corporate performance for the end of year 2022/2023.

**Resolved** that:

- 1) The Council's performance achieving the Council's wellbeing objectives in 2022/23 be noted.
- 2) The use of this information be endorsed to inform executive decisions on resource allocation and, where relevant, corrective actions to manage and improve performance and efficiency in delivering national and local priorities.

**25. Revenue Financial Outturn 2022/23.**

The Cabinet Member for Economy, Finance & Strategy submitted a report that detailed the Revenue Financial Outturn for 2022/2023.

**Resolved** that:

- 1) The comments and variations in the report be noted and the proposed reserve transfers detailed in Sections 6.3, 6.4 and 6.5 of the report be approved.

**26. Revenue Outturn 2022/23 – Housing Revenue Account (HRA).**

The Cabinet Member for Economy, Finance & Strategy submitted a report that detailed the City and County of Swansea's HRA outturn compared with the approved revenue budget for 2022/2023.

**Resolved** that:

- 1) The comments and variations in the report be noted and the proposed reserve transfers of £5.169m detailed in Section 2.1 of the report be approved.

**27. Grant Giving Policy and Process.**

The Cabinet Member for Well-being submitted a report that provided a template and guidance for grant giving within Swansea Council.

**Resolved** that:

- 1) The Grant Giving Policy & Procedure be endorsed.

**28. Tabernacle Morriston Community Resilience Hub.**

The Cabinet Member for Investment, Regeneration, Events & Tourism submitted a report that sought to assist the Tabernacle Morriston Congregation Charitable Incorporated Organisation, in a capital scheme for the Grade 1 listed Tabernacle Chapel, Morriston. The building is a Third Sector asset, and the scheme includes renovation & improvements, to widen community / business usage. The Council's role will be purely to manage the capital construction project and associated funding sources.

**Resolved** that:

- 1) The Council be authorised to enter into a Collaboration Agreement with Tabernacle Morriston Congregation Charitable Incorporated Organisation.
- 2) Authority be delegated to the Director of Place and the Chief Legal Officer to finalise the terms of the draft Collaboration Agreement attached at Appendix A in the report and to enter into any relevant documentation to protect the Council's interests.
- 3) The Council be authorised to receive grant monies on behalf of Tabernacle Morriston Congregation Charitable Incorporated Organisation, oversee payment of invoices and assist with grant claims.

**29. Exclusion of the Public.**

Cabinet were requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendations to the report(s) on the grounds that it / they involve the likely disclosure of exempt information as set out in the exclusion paragraph of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 relevant to the items of business set out in the report(s).

Cabinet considered the Public Interest Test in deciding whether to exclude the public from the meeting for the item of business where the Public Interest Test was relevant as set out in the report.

**Resolved** that the public be excluded for the following item(s) of business.

**(Closed Session)**

**30. Councillors' Question Time.**

No questions were asked.

**31. Pre-Decision Scrutiny Feedback - FPR7 Redevelopment of 277-278 Oxford Street -Community Hub Project. (verbal)**

Councillor T M White provided Pre-Decision Scrutiny Feedback.

**32. FPR7 Redevelopment of 277-278 Oxford Street - Community Hub Project. \***

**Call In Procedure - Subject to Pre-Decision Scrutiny:** *This decision is exempt from the Authority's Call In Procedure as "the decision has been subject to Pre-Decision Scrutiny and there is no material change in relevant information / evidence".*

The Cabinet Member for Corporate Services & Performance and the Cabinet Member for Culture, Human Rights & Equalities submitted a report that sought to comply with Financial Procedure Rule 7 to commit and authorise the addition of new schemes to the capital programme.

**Resolved** that the recommendations outlined in the report be approved.

The meeting ended at 11.20 am

**Chair**

<b>Call In Procedure – Relevant Dates</b>	
Minutes Published:	<b>20 July 2023</b>
Call In Period Expires (3 Clear Working Days after Publication):	23.59 on 25 July 2023
Decision Comes into force:	26 July 2023

# Agenda Item 7.



## Report of the Local Authority Governor Appointment Group

Cabinet – 21 September 2023

### Local Authority Governor Appointments

<b>Purpose:</b>	To approve the nominations submitted to fill Local Authority Governor vacancies in School Governing Bodies
<b>Policy Framework:</b>	Local Authority (LA) Governor Appointments Procedure (Adopted by Council on 26 October 2017)
<b>Consultation:</b>	Access to Services, Finance, Legal
<b>Recommendation(s):</b>	It is recommended that:  1) The nominations recommended by the Director of Education in conjunction with the Cabinet Member for Education & Learning be approved.
<b>Report Author:</b>	Gemma Wynne
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officers:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Catherine Window

#### 1.0 The nominations referred for approval

1.1 The nominations are recommended for approval as follows:

1. Gwrosydd Primary School	Reverend Ben Smith
2. Parkland Primary School	Mrs Lydia Fasham
3. Pontybrenin Primary School	Mr Lloyd Selby
4. Dylan Thomas Community School	Mrs Sybil Smith

#### 2.0 Financial Implications

2.1 There are no financial implications for the appointments; all costs will be met from existing budgets.

### **3.0 Legal Implications**

3.1 There are no legal implications associated with this report.

### **4.0 Integrated Assessment Implications**

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.2 Following the completion of the IIA process it has been identified there are no negative impacts and a full IIA is not required.

4.3 There is no need for mitigation as impacts that have been identified are not negative impacts. The panel choose Governors, no public consultation is required. In order for schools to run effectively they need to have effective Governing Bodies, this appointment supports this.

**Background papers:** None

**Appendices:**

Appendix A - Integrated Impact Assessment Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

**Which service area and directorate are you from?**

Service Area: Achievement and Partnership

Directorate: Education

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

**(b) Please name and fully describe initiative here:**

Appointing Local Authority governors to schools in Swansea

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?  
Please provide details below – either of your activities or your reasons for not undertaking involvement**

This activity does not require consultation

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?  
Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
Yes  No
- c) Does the initiative apply each of the five ways of working?  
Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
Yes  No

**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes  No **If yes, please provide details below**

**Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?**  
*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

In order for schools to run effectively they need to have effective Governing Bodies.



**Outcome of Screening**

**Q8 Please describe the outcome of your screening below:**

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

We have identified high impact on children and young people because it is in school environment and Governors are appointed to those school. Race, Religion and Welsh language have been also identified as high impact because we have some religious and welsh language schools. There is no need for mitigation as impacts that have been identified are not negative impacts The panel choose Governors ,no public consultation required. In order for schools to run effectively they need to have effective Governing Bodies, this appointment supports this..

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name: Gemma Wynne</b>
<b>Job title: Governor Support Officer</b>
<b>Date: 08/09/23</b>
<b>Approval by Head of Service:</b>
<b>Name: Rhodri Jones</b>
<b>Position: Head of Achievement and Partnership</b>
<b>Date: 08/09/23</b>

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)

# Agenda Item 8.



## Report of the Cabinet Member for Corporate Services & Performance

Cabinet - 21 September 2023

### Quarter 1 2023/24 Performance Monitoring Report

<b>Purpose:</b>	To report corporate performance for Quarter 1 2023/24.
<b>Policy Framework:</b>	<i>Delivering a Successful &amp; Sustainable Swansea Corporate Plan 2023/28</i>
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Notes the Council's performance achieving the Council's wellbeing objectives in Q1 2023/24;  2) Endorses the use of this information to inform executive decisions on resource allocation and, where relevant, corrective actions to manage and improve performance and efficiency in delivering national and local priorities.
<b>Report Author:</b>	Richard Rowlands
<b>Finance Officer:</b>	Paul Roach
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1.0 Introduction

1.1 This report presents an update on the performance in respect of delivering the Council's Well-being Objectives (priorities) set out in the Corporate Plan 2023/28 *Delivering a Successful & Sustainable Swansea*:

- Safeguarding people from harm.
- Improving Education & Skills.
- Transforming our Economy & Infrastructure.
- Tackling Poverty & Enabling Communities.
- Delivering on Nature Recovery and Climate Change.
- Transformation and financial resilience.

## **2.0 Council Performance: Corporate Plan Delivery Performance Q1 2023/24**

2.1 In 2022/23, the Council has sought during the development of its new Corporate Plan 2023/28 to identify performance measures for each well-being objective that would allow progress to be measured (Appendix B). The data reported at Q1 2023/24 (Appendix A) are measures that can provide regular, robust and consistent data. Work continues to find appropriate and robust indicators to help measure, or to act as proxies to help measure, the progress towards meeting steps to deliver the Corporate Plan.

2.2 Trends and targets are not provided where their use is not appropriate or meaningful, e.g., where there are new indicators and targets or trends are not available or indicators where trends do not show any meaningful information; this is still a work in progress and any further updates will be provided at Q2.

2.3 At Q1, 19 indicators that had targets met or bettered those targets. These include:

- Exceeding the target to increase the percentage of residential reablement stays completed during the year where the need for support was mitigated or reduced;
- Surpassing the target to improve the percentage of enquiries completed within 7 working days from the receipt of the reported alleged abuse;
- Bettering the target to reduce the rate of looked after children (LAC) per 10,000 of the 0-17 Swansea population at end of the period (excluding asylum seekers).
- Topping the target to make improvements to reduce the number of Children / Young People Supported by Child and Family Services at the end of the period;
- Improving on the target to increase the number of children / young people / families supported by the Early Help Hubs;
- Beating the target to reduce the number of children on the Child Protection Register;
- Improving performance and exceeding the targets to improve attendance at both primary and secondary schools;
- Surpassing the target to increase the number of projects with social benefit clauses and BBM in their contracts;
- Approving 100% of all major planning applications that had an economic imperative;
- Improving and beating the target to reduce the average turnaround time for Land Charges;
- Exceeding the target to reduce the average time taken to process new Housing Benefit claims;
- Beating the target to reduce the average time taken to process Council Tax notification of changes in circumstances;

- Bettering the target to increase the amount of welfare benefits raised through securing rights and entitlements by the Welfare Rights Team.
- Beating the targets to increase the number of people gaining employment through Employability Support and the number of accredited qualifications achieved by adults with local Authority support respectively;
- Topping the value of grants received by the Tackling Poverty Development Team to support organisations and services to tackle poverty;
- Surpassed the targets and increased the number of online payments received via City and County of Swansea websites.

#### 2.4 Of the other comparable indicators:

- 3 missed their targets; but all within 5% of the previous comparable result or the target respectively. These include: the percentage of identified carers who have been offered an assessment at the point of assessment of the 'cared for'; the percentage of pupil attendance in the Pupil Referral Unit and in Special Schools.
- 6 indicators that had targets missed those that had been set for Q1. For example:
  - The percentage of care and support plans for adults that were due to be reviewed and were reviewed at least once during the collection period. This data performance was expected as caring responsibilities transfer to the cared for Care and Support Plan.
  - The percentage of contacts received by statutory children's social services where a decision was made by the end of the next working day. On deeper analysis of the data, it is apparent that decision making is happening within one working day; however it is the recording of these decisions on the system that is bringing the overall percentage figure below 100%.
  - The percentage of visits to children on the Child Protection Register, which were not overdue. In April 2023, the local authority launched a new Statutory Visit form. This form has caused some issues with reporting, with visits being completed but not captured on the report due to worker error when completing the form. Data cleansing is underway and therefore the 84% is not an accurate value due to this.
  - The average time for processing new Council Tax reduction claims. A small reduction in processing times since the last quarter is pleasing and hopefully indicative of further progress to come. However, priority is being given to Housing Benefit claims at present and resources must be managed between the two benefits.
  - The number of working days/shifts per full time equivalent lost due to sickness absence. The number of days lost to sickness absence in Q1 is just short of target for this point in the year but is an improvement on the same period last year. Projecting to the end of Q4 would give an

outturn of 11.04 days per FTE. This would show a continuing improvement from 12.66 days in 2021/22 and 12.28 days in 2022/23.

- 2.5 There were 5 indicators that had no targets set for Q1; 4 indicators were new for 2023/24 reporting and 1 indicator (FINA16 – percentage of invoices and payment documents paid within 30 days) where performance data will not be available until Q2.

### **3.0 Policy Commitments**

- 3.1 A further update on the Policy Commitments will be reported to Council on 5<sup>th</sup> October 2023.

### **4.0 Integrated Assessment Implications**

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 4.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental, and cultural well-being of Wales by acting, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals.

- 4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also considers other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 4.4 This report is on performance during Q1 2023/24 in delivering the Council's key priorities as set out in the Corporate Plan, so there is no direct impact on people or communities.

## **5.0 Financial Implications**

5.1 In the current and anticipated financial environment further discussion and consideration will be required around priorities and target setting for performance improvement.

## **6.0 Legal Implications**

6.1 There are no legal implications associated with this report.

**Background Papers:** None.

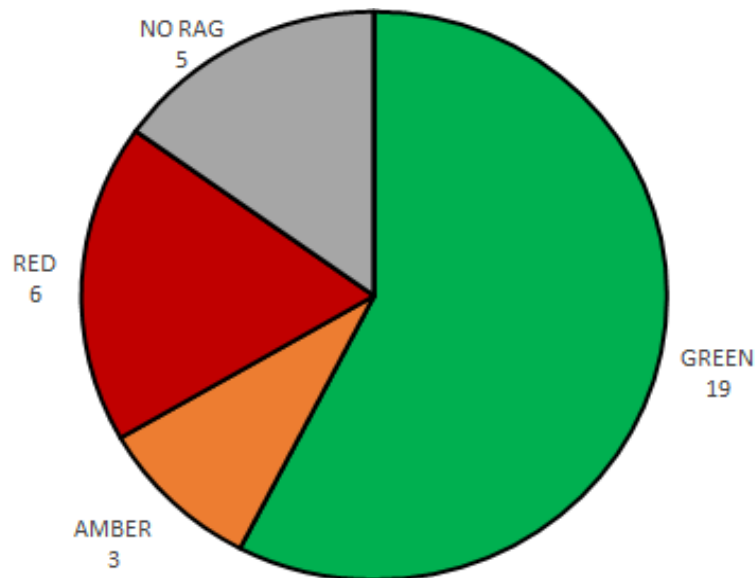
### **Appendices:**

**Appendix A** Q1 2023/24 Performance Monitoring Report  
**Appendix B** Corporate Performance Indicators 2023/24  
**Appendix C** IIA screening form

## Corporate Performance Management Report Q1 2023/2024

### Performance against Target - Overall Council Summary

2023/2024 Quarter 1



#### Performance against the target:

- GREEN** Met or exceeded target
- AMBER** Missed target (less than 5%)
- RED** Missed target (more than 5%)
- NO RAG** No target set

Despite significant workforce challenges, our strategy to prioritise early intervention and prevention continues to help support safe and effective arrangements in children services despite that children are presenting with more complex needs post covid and families remain under considerable stress in the context of the cost of living crisis.

The number of children requiring statutory intervention remains stable across all indicators and as a result the number of children supported to remain living safely at home is high. The rate of looked after children remains stable and at a level that bucks the upward trend across many areas of Wales.

However there is a continued concern that the number of foster carers needed to provide care for those children who do need to be looked after isn't sufficient. This is compounding the difficulties associated with a lack of placement sufficiency in childrens residential care. The local authority has plans to significantly expand both in house fostering capacity and residential care but these plans will take 18 months to 2 years to come to fruition. We continue to have some difficulties with some performance reporting processes and as a result some manual assurance activity is having to take place where reported performance may indicate an area of concern. The Director of social services has reviewed this additional manual assurance information and is satisfied that overall assurance of safe and effective practice across children services remains high.

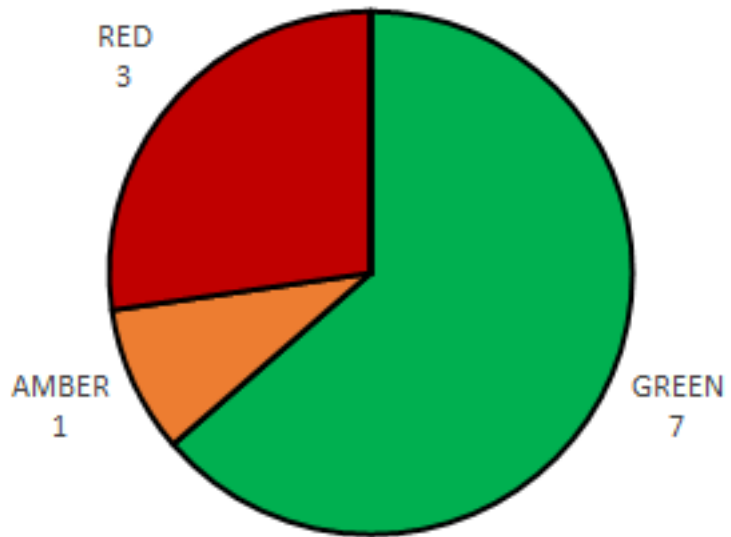
The most significant area of concern in adult services post covid has been in relation to domiciliary care capacity. Waiting lists for domiciliary care in Swansea are now at historic lows. This is a good proxy indicator that the multi-faceted strategy to deliver a sustainable model of adult services is starting to pay dividends.

The effectiveness of our integrated reablement services is a significant contributing factor and in particular the Council's sector leading residential reablement service. Less obvious but no less important is the pilot of an approach to commissioning an outcome focussed model of domiciliary care in the Gower, the development of a growing number of hyper local micro enterprises providing care and support and the investment in strengths based approaches to early intervention and prevention such as local area coordination.

Despite this improvement in one part of the health/ care system there remain significant pressures overall. Demand for health and care services continues to exceed our capacity both within the local authority, our integrated services and across health. Addressing these challenges remain the focus of our regional health and care improvement programme and are reflected in the Council's refreshed transformation programme for social care.



Performance against Target  
2023/2024 Quarter 1



# Safeguarding people from harm 2023-28

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
<p>AD011e <a href="#">↑</a></p> <p>The percentage of residential reablement stays completed during the year where the need for support was mitigated or reduced</p>	<p>RAG</p> <p>Result</p> <p>Target</p> <p>Trend</p> <p>Num</p> <p>Den</p>		No Data	<p>GREEN</p> <p>94.64%</p> <p>60.00%</p> <p>Trend not displayed</p> <p>53</p> <p>56</p>	The service continues to have a high rate of people returning home with a reduced POC or no POC. A small number of individuals admitted to the service continue to be unwell and have to return to hospital. There is an increasing trend of people returning home within the 42 days assessment period.
<p>AD011f <a href="#">↑</a></p> <p>The percentage of community reablement packages of care completed during the year where the need for support was mitigated or reduced</p>	<p>RAG</p> <p>Result</p> <p>Target</p> <p>Trend</p> <p>Num</p> <p>Den</p>		No Data	<p>GREEN</p> <p>64.00%</p> <p>60.00%</p> <p>Trend not displayed</p> <p>64.</p> <p>100</p>	It is pleasing to note that our performance is going in the right direction. This is due to a reduction in the number of complex referrals admitted into the Reablement service, which have a greater chance of rehabilitation success.

Safeguarding people from harm 2023-28

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
AD017i <a href="#">↑</a> The percentage of Care and Support plans for adults that were due to be reviewed during the collection period which were reviewed at least once during the collection period  NO GRAPH DISPLAYED Second quarter of reporting	RAG		No Data	RED	We continue to progress system recording and reporting processes to ensure that all review activity is captured. Current reported performance under represents the full extent of review activity underway across the service.
	Result			52.30%	
	Target			60.00%	
	Trend			No Data	
	Num			545	
	Den			1042	
AD024i <a href="#">↑</a> The percentage of enquiries completed within 7 working days from the receipt of the reported alleged abuse.  	RAG		No Data	GREEN	
	Result			87.35%	
	Target			70.00%	
	Trend			Trend not displayed	
	Num			145.	
	Den			166.	

# Safeguarding people from harm 2023-28

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024														
<p>AS13b <a href="#">↑</a></p> <p>The percentage of identified carers who have been offered an assessment at the point of assessment of the 'cared for'</p> <table border="1"> <caption>AS13b Performance Data</caption> <thead> <tr> <th>Year/Quarter</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>2022/23 Qtr1</td> <td>No Data</td> </tr> <tr> <td>2022/23 Qtr2</td> <td>85%</td> </tr> <tr> <td>2022/23 Qtr3</td> <td>88%</td> </tr> <tr> <td>2022/23 Qtr4</td> <td>85%</td> </tr> <tr> <td>2023/24 Qtr1</td> <td>89.94%</td> </tr> <tr> <td>Target</td> <td>90.00%</td> </tr> </tbody> </table>	Year/Quarter	Percentage	2022/23 Qtr1	No Data	2022/23 Qtr2	85%	2022/23 Qtr3	88%	2022/23 Qtr4	85%	2023/24 Qtr1	89.94%	Target	90.00%	RAG		No Data	AMBER	Positive data growth even if at a slower pace than preferred.
	Year/Quarter	Percentage																	
	2022/23 Qtr1	No Data																	
	2022/23 Qtr2	85%																	
	2022/23 Qtr3	88%																	
	2022/23 Qtr4	85%																	
	2023/24 Qtr1	89.94%																	
Target	90.00%																		
Result		89.94%																	
Target		90.00%																	
Trend		No Data																	
Num		322																	
Den		358																	
<p>CFS14a <a href="#">↑</a></p> <p>The percentage of contacts received by statutory children's social services during the period where a decision was made by the end of the next working day</p> <p>NO GRAPH DISPLAYED Second quarter of reporting</p>	RAG		No Data	RED	On deeper analysis of the data, it is apparent that decision making is happening within one working day, however it is the recording of these decisions on the system that is bringing the overall percentage figure below 100%														
	Result			83.75%															
	Target			100.00%															
	Trend			No Data															
	Num			1747															
	Den			2086															

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# Safeguarding people from harm 2023-28

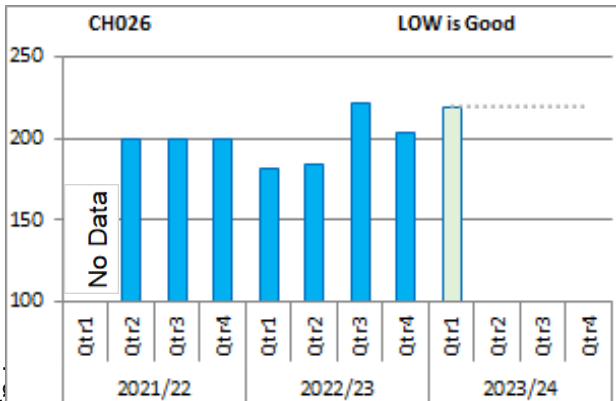
Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
<b>CFS18a</b> <span style="color: red;">↘</span> The rate of looked after children (LAC) per 10,000 of the 0-17 Swansea population at end of the period (excluding asylum seekers)	RAG			<b>GREEN</b>	Sitting under the target value of 105, the LA's LAC population sits within the predicted range. Ongoing strategies are in place to support children to remain in their families safely which includes new models and practice, such as Born into Care
	Result		No Data	103.4	
	Target			105	
	Trend			No Data	
	Num			473	
	Den			45746	
<b>CFS19a</b> <span style="color: red;">↑</span> The percentage of visits to children on the Child Protection Register (CPR) which were not overdue.	RAG			<b>RED</b>	In April 2023 the LA launched a new Statutory visit form. This form has caused some issues with reporting, with visits being completed but not being captured on the report due to worker error in completing the form. Data cleansing is underway and therefore the 84% is not an accurate value due to this.
	Result	No Data	93.16%	84.02%	
	Target			90.00%	
	Trend		No Data	<b>DECLINING</b>	
	Num		177	184	
	Den		190	219	

# Safeguarding people from harm 2023-28

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
<p>CFS24 <span style="color:red">⬇</span></p> <p>The number of Children / Young People Supported by Child and Family Services at the end of the period</p>	<p>RAG</p> <p>Result</p> <p>Target</p> <p>Trend</p> <p>Num</p> <p>Den</p>	No Data	1242	<p><b>GREEN</b></p> <p>1244</p> <p>1400</p> <p>Trend not displayed</p> <p>1242</p> <p>1244</p>	Although this figure is below that of 2022 it falls within the predicted range of 1100-1400 and therefore the current demand is within the services capacity
<p>CFS25i <span style="color:red">⬆</span></p> <p>The number of Children / Young People / Families supported by the Early Help Hubs at the end of the period</p>	<p>RAG</p> <p>Result</p> <p>Target</p> <p>Trend</p> <p>Num</p> <p>Den</p>	No Data	No Data	<p><b>GREEN</b></p> <p>1131</p> <p>1000</p> <p>No Data</p> <p>1131</p>	The number of children/ young people and families supported by the EHH in Q1 is higher than that of the target. Work is underway to understand the demand and capacity as the number of cases is above that of the target. EHH are also developing a QA framework to identify case throughput and areas of improvement in the service. Demand is currently exceeding capacity

# Safeguarding people from harm 2023-28

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
CH026 <span style="color:red">⬇</span> The number of children on the Local Authority's Child Protection Register (CPR) at end of the period.	RAG			<b>GREEN</b>	The number of children and young people on the CPR as at 30th June 2023 is the highest of Q1. 219 is at the top of the predicated range but falls within it. The recent increase in CP registrations will be considered by the safeguarding weekly review to ensure the decision making is proportionate across the services.
	Result	No Data	181	219	
	Target			220	
	Trend		No Data	Trend not displayed	
	Num		181	219	
	Den				



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During the first quarter of financial year 2023-2024, Swansea schools have seen general improvement in the rate of attendance in both primary and secondary schools. The development of fresh policy and strategies to support better attendance in schools is starting to take positive effect. A new inclusion strategy has been approved by Cabinet indicating the need to refresh the attendance policy. The new attendance policy is due for Cabinet approval in the second quarter of the year.

Although attendance in Swansea schools remains lower than pre-pandemic times, there are signs that absenteeism is dropping in the majority of schools. Currently, attendance rates in both primary and secondary sectors are approximately four percentage points lower than they were three years ago. The difference between highest and lowest attendance rate in secondary schools is around five percentage points. In primary schools the range in attendance is wider, at around seven percentage points. Schools in challenging contexts continue to have lower attendance compared to schools in less deprived areas of Swansea. However, a small few schools have shown good rates of improvement in attendance nearing 95% during this reporting period.

Similar rates of lower attendance have been seen in local authorities across Wales. However, the rate of improvement appears faster in other local authorities with Swansea falling in rank order. The numbers of learners being excluded on a fixed term basis continue to grow within this reporting period. However, the number of permanent exclusions has dropped in comparison to the same reporting period last year. Resources to support parental engagement in schools have been shared universally across all clusters of schools with the addition of targeted resource to support schools who need to improve attendance the most.

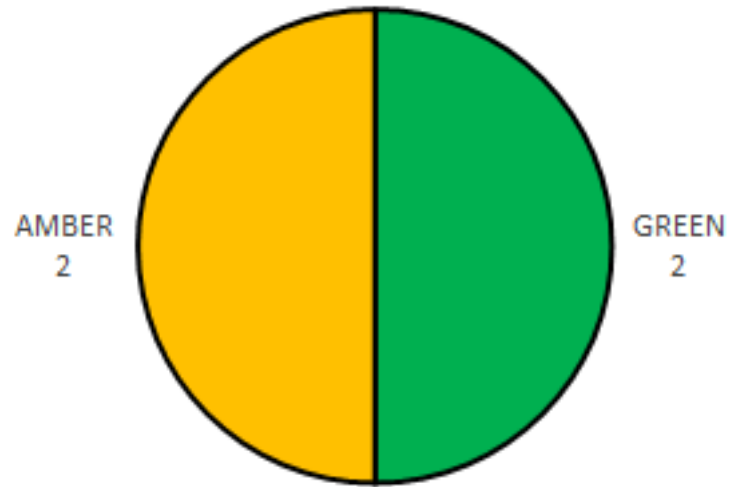
Attendance at the pupil referral unit remains below 60% at 58%, while attendance across both special schools at 85% is below the average for secondary schools at 89% and primary schools at nearly 92%.



School attendance is a key indicator in supporting an excellent education in Swansea, as part of the corporate plan, and is crucial for learner well-being. In order to improve performance further, the Education Directorate will continue to work with schools and their families through the pupil support team to support readiness to learn, behaviour strategies and family liaison.

Wider indicators of success in education are being developed to take account of key strategies such as the Welsh in Education Strategic Plan (WESP) where the annual report is due in the next reporting quarter. Importantly, the take up of universal free school meals in primary schools is now in excess of 95,000 meals during the reporting period and is almost 20,000 more meals than the previous quarter. Currently, the school admissions service is reporting 100% success in responding to mid-year transfer requests within statutory timescales. With numbers of requests rising, performance in this area may decline without sufficient staffing resources in place.





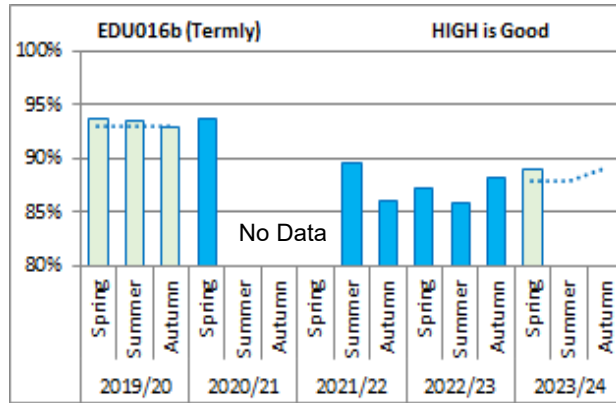
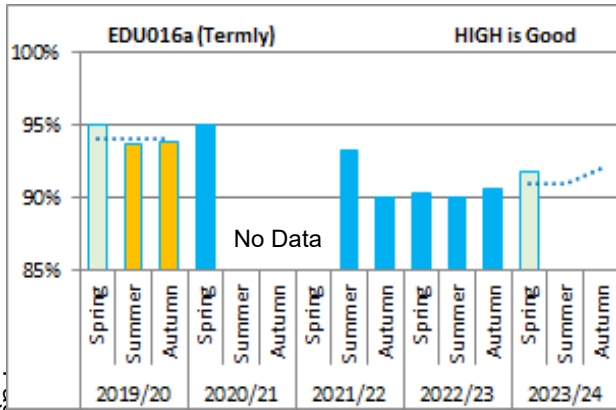
Performance against Target  
2023/2024 Quarter 1



Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
EDCP42  Percentage of pupil attendance in the Pupil Referral Unit  NO GRAPH DISPLAYED First Year of Reporting	RAG			AMBER	A new attendance policy has been developed and will be shared with Cabinet in July 2023 to continue the work to improve attendance in all settings
	Result		No Data	58.15%	
	Target			59.00%	
	Trend			No Data	
	Num			7623	
	Den			13110	
EDCP43  Percentage of pupil attendance in special schools  NO GRAPH DISPLAYED First Year of Reporting	RAG			AMBER	A new attendance policy has been developed and will be shared with Cabinet in July 2023 to continue the work to improve attendance in all settings
	Result		No Data	85.37%	
	Target			88.00%	
	Trend			No Data	
	Num			13090	
	Den			15334	

# Improving Education and Skills 2023-28

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
EDU016a  Percentage of pupil attendance in primary schools	RAG			<b>GREEN</b>	A new attendance policy has been developed and will be shared with Cabinet in July 2023 to continue the work to improve attendance in all settings
	Result	No Data	90.28%	<b>91.83%</b>	
	Target			91.00%	
	Trend		No Data	<b>IMPROVING</b>	
	Num		1701052	1530153	
	Den		1884279	1666273	
EDU016b  Percentage of pupil attendance in secondary schools	RAG			<b>GREEN</b>	A new attendance policy has been developed and will be shared with Cabinet in July 2023 to continue the work to improve attendance in all settings
	Result	No Data	87.27%	<b>89.02%</b>	
	Target			88.00%	
	Trend		No Data	<b>IMPROVING</b>	
	Num		1342275	1235073	
	Den		1538004	1387451	



Performance for this priority is on target. As reported in previous updates, the effects of cost price inflation on the construction sector continues to have an impact on our regeneration programme delivery. Skilled and unskilled labour shortages, together with supply issues for some construction materials have continued to affect programme and construction costs.

Delivery of the Shared Prosperity Fund investment plan is now well underway with project funding awards issued and spending commenced. Approved schemes are in line with the key themes of the Regional Investment Plan for South West Wales. These include improving urban and rural communities, and supporting small businesses. Funding bids will not duplicate the following anchor projects that the council has already announced as part of the overall funding package, which is worth £38.4m to the city.

The delivery of actions within the Swansea Economic Recovery Action Plan also continues, utilising funding from the Economic Recovery Fund. The action plan, that was prepared in partnership with key stakeholders, includes a range of initiatives to stimulate economic activity and resilience within Swansea's local economy. In addition, work has now commenced on a Local Economic Delivery Plan for Swansea. A workshop has been held with partners and a draft strategy will be presented to Service Transformation Committee in July and Cabinet later in the year.

Design work has now commenced on the Council's £20m Levelling-Up project that will improve parts of Hafod-Morfa Copperworks, The Strand and Swansea Museum, and will be worth an estimated £9.4m a year to the city's economy. The Lower Swansea Valley improvement project is also expected to create 69 new jobs while helping support more than 100 existing jobs.

Progress at the Copr Bay has continued. New figures show that more than a quarter of a million visits have been made to Swansea Arena since it first opened last year. Over 261,000 people have already enjoyed ticketed events, conferences, exhibitions, banquets, graduations and creative learning events at the venue. The long term strategic regeneration partnership with Urban Splash continues to make good progress. Master planning design work has advanced on the initial schemes, which include Copr Bay Phase 2, the Civic Centre site and St Thomas site. A meeting has been held with Design Commission for Wales and work is being carried out to bid into LUF round 3 when bids are invited later this year. The acquisition of the former Debenhams store has now been completed and discussions are underway with potential future occupiers to bring the building back into beneficial use. Progress also continues on the new Castle Square Gardens project. A procurement exercise has resulted in tenders being received with a start on site envisaged in the Autumn. The project will include new Water fountain/jets, the addition of green space and a range of new cafes and restaurants overlooking the square.

As previously reported, the new Community Hub project at the former BHS building has had planning permission approved and RIBA stage 4 is complete. A contractor has also been successfully appointed and a new project cost plan which takes into account programme revisions and survey findings has been prepared.

Construction at 71/72 Kingsway is advancing. Four storeys above street level have now been constructed as building work continues on a major new development in Swansea city centre. With construction earmarked for completion in early 2024, the office development at 71/72 Kingsway will provide space for 600 workers in sectors like tech and digital once it's up and running. As well as 114,000 square feet of commercial floor space featuring flexible co-working and networking opportunities, a new link between Oxford Street and The Kingsway is also being constructed. Plenty of new greenery will be introduced as part of that link.

The Hafod Copperworks Powerhouse project has made considerable progress with a formal opening to be held in July. Refurbishment works also continue at the historic and derelict Palace Theatre, which was acquired by the Council both saving a part of Swansea's heritage and acting as a regeneration catalyst for the Upper High Street. The progress to date means that the Palace has now been removed from the Theatre Trust's risk register. The finished scheme will be completed by the end of 2023 and will deliver an innovative digital workspace, offering a home for growing businesses in the tech, digital and creative sectors.

1544m2 of floor space will be refurbished to create a quality office space that offers the prospect of providing accommodation for multiple SMEs.

Work has also continued with Skyline Enterprises who have carried out a number of public consultation exercises, sharing details of their proposal to create a gondola attraction with luge tracks, zip lines and visitor facilities on Kilvey Hill. Land assembly discussions to facilitate the scheme are now well advanced and technical survey work is underway. A planning application is expected to be submitted in quarter 2.

### Special Events

Quarter 1 was arguably the busiest that this period has been in a number of years, demonstrating that the industry is now back up and running. Community and family friendly events included Swansea Street Food Festival and the hosting of a large circus village and event by No Fit State Circus, on the seafront and Recreation Ground. Swansea welcomed around 200 UK circus artists for a programme of collaborative and professional development and the month-long Circus Village saw participants live, work and create together, in a purpose-built site with three Big Tops; culminating in a public celebration and 3-day Circus Festival over the Easter holidays.

April also welcomed a bigger, better and more colourful Swansea Pride. This free event once again included a march through the city centre - evidently the biggest yet. Another collaboration, with Swansea Jazz Club, continued with the team continuing with the running of the Swansea International Jazz Festival for the second year running. Sport featured heavily during the quarter also, with 4,000 athletes participating in the annual Swansea Half Marathon, along with the Swansea Triathlon, paving the way for the summer of sport that followed. These family friendly, mass participation events gave the city centre a much needed visitor boost pre-summer, and further helped to raise the positive profile of Swansea. Successful results from funding applications include a positive green light to deliver the Culture and Tourism Anchor for the Shared Prosperity Fund and a successful bid to Welsh Government's Brilliant Basics Fund. Delivery of these will see much-needed development of some of the city's most used event spaces at Singleton Park, Museum Park and the Amphitheatre.

### Destination Marketing and Management Team

The Destination Management & Marketing Team (DM&M) continues to support local businesses, encouraging both residents and visitors to fully utilise the Enjoy! events programme, attractions, and local tourism & hospitality operators. The Visit Swansea Bay Marketing Partner Package remains free at entry level and in the first three months of 23/24 an additional 10 new Partners joined, including the new Penderyn Swansea Copperworks Distillery, bringing the partnership to 216 members. Partners are also encouraged to purchase additional paid-for marketing opportunities and at the end of June, partnership income stood at £3.6k. Engagement with Enjoy! and Visit Swansea Bay platforms is increasing, demonstrating that our key campaign messages are reaching both our existing and new audiences. Total page views for the [visitswanseabay.com](https://visitswanseabay.com) website increased to 791,570, up 35% on the same period last year and the second highest first quarter on record. The 'Make Swansea Bay your Happy Place' visitor campaign continues to achieve good engagement and a new campaign theme has been introduced for 23/24 - 'Swansea Bay Trails'. The 'Trails' campaign launched in April with a new Swansea Bay Trails section of [visitswanseabay.com](https://visitswanseabay.com) and the release of a new video featuring the range of trails available in the destination. In May, a second City Trails video was released and the Nature & Wildlife themed videos, featuring wildlife presenter Iolo Williams, were also re-released as Wildlife Trails. Video views on the Visit Swansea Bay YouTube channel increased to 119.9k views during Q1 as compared to 27.6k for the same period in 2022 and video views across both YouTube and Visit Swansea Bay social media platforms was in excess of 300,000k. Visitor facing social media platforms continue to reach a wider audience, with 130,881 engagements on Facebook during this quarter, up 185% on the same period in 2022. Total reach was up by 73% and overall impressions up by 65%. Instagram received 126,647 impressions and a reach of 90,945 this quarter.

The new 23/24 PR contract and campaign was secured, with a range of journalists (national and key regionals), bloggers and social media influencers engaged. An influencer was immediately secured for the weekend of the Wales Airshow with Facebook and Instagram posts, stories and reels appearing throughout the weekend, showcasing both the event and local tourism & hospitality businesses. New videography contract was also procured to deliver eight new Swansea Bay Trails videos covering a wide range of themes across the destination including Beaches, Walking, Food & Drink, Arts & Culture, Heritage and Wellbeing as part of our Enjoy campaign. The videos will feature Partners (local businesses) and be released over the course of the year, with the launch of 'A Summer to Enjoy' taking place in Quarter 1. In addition, 25k brochures promoting events, attractions and venues in Swansea were produced and distributed across key leisure and tourist locations throughout Swansea and to areas up to a 30-minute drive time. A competition was also run to encourage email subscribers, the closing date being 31 August, to build further on the current number of 13k. The activity has contributed to the 24,467 page views to the 'What's On' section of the website, which is the

most popular section on the website for this quarter, and to the £211,291.13 of event ticket sales, the highest 1st quarter on record; having generated more ticket sales than the whole of 2022 combined. All of this activity contributed to the 241,234 website page views for Q1, which is up 5% on Q1 in 2022. The forthcoming Events programme continues to be marketed in advance of the events taking place, along with marketing partner packages for our internal and partner organisations' needs. Examples include the new Sport and Health activities, Oystermouth Castle, Outdoor Attractions, cultural venues and concerts in the Park.

With a dedicated Film Officer within the DM&M Team, filming in the South Wales region continues to thrive, and Swansea is seeing some of the benefits with productions choosing to film in the area. During this quarter, the service facilitated filming for World Productions (ITV) at several locations, for a true-crime drama set in 1990s London. Whilst low-budget, unscripted productions continue to dominate enquiries received, we have recently helped to facilitate filming for Urban Myth Films' production of Paris Has Fallen (Netflix) at Swansea Airport and have assisted with scouting for a BBC adaptation of The Famous Five. Screened this quarter was Steeltown Murders (BBC One/iPlayer) which filmed at Kardomah and Guildhall last year.

#### Arts and Cultural Development

As part of our ambition for more street and public arts, we collaborated with Air Ambulance Wales (AAW) to offer advice and guidance on sites, permissions and insurances required for the 'Castles in the Sky' sculpture trail, which was due to take place August-September 2023. AAW took the decision to postpone the project to summer 2024 with a planned teaser trail planned for late August 2023.

The street arts infrastructure consultancy, commissioned with Economic Recovery Funding, has resulted in four city-centre gateway sites being identified for large scale commissions. Work is ongoing to establish feasibility, artworks, permissions and costings for these sites.

Supporting colleagues to commission creative skills and artworks is a key part of the role of the Cultural Strategy & Partnership Officer and this has included securing an artist for the Mumbles Sea Defence Wall project. Swansea-based artist Catrin Jones was selected to work with the design team to produce features of local ecology, industry and heritage as part of this scheme. Advice and support has been given to Ward Members regarding artworks on utility boxes. In response to this work, commissioning guidelines are in production for all Members wishing to produce similar work in their wards.

Our Fusion programme (tackling poverty through culture) has also focused on building new and strengthening existing partnerships to provide and develop opportunities that contribute to health and well-being, skills, employability, digital inclusion and the tackling poverty agenda. A new offer of digital art and creativity workshops has been developed with community workshops forming part of an optional course, where individuals can undertake a digital learning accreditation. This work has evolved as a strong collaboration between our cultural officers, Libraries, Digital Communities Wales and the Council's Lifelong Learning Service. Another area the Fusion Programme has focused on is that of support for volunteers and, working with Libraries and Itec-digital training, a new volunteer opportunity has been developed. Young people will be able to gain work related skills learnt through creative experiences such as film making, photography and the creation of digital information and learning materials. An exciting new offer has also been developed to provide an accredited opportunity to increase inclusion for those with additional learning needs. Working closely with the Dylan Thomas Service, 'Your Voice Advocacy' and with additional support from Lifelong Learning, a pilot course has been created. This will offer people the chance to undertake an accredited museum, heritage, and cultural activity. The Dylan Thomas Exhibition has also continued with its writing workshops for young people, refugees and asylum seekers and work on dementia friendly activity, and has recently been shortlisted for the Kids in Museums Family Friendly Museum Award. The collaborative nature of 'Fusion' also facilitated input to a refugee week event, working with Libraries and the Community Cohesion team. It meant that children and parents/guardians were able to take part in an introductory animation session, as part of a wider compassion related theme, during the event. Creative workshops with young carers, working in partnership with the YMCA and Ways of Working, also saw young people take part in creative experiences around themes of climate, community and well-being. Within these sessions young people had a chance to work with both digital and print art methods to express themselves and develop new creative skills.

#### Glynn Vivian Art Gallery

Since April the Gallery has seen a 61% increase in visitors as compared to the same period last year - a positive sign that audiences are beginning to feel more confident in returning to cultural venues and events. In May, the Gallery opened 2 new exhibitions - On Animals, a selection of over 130 works from the Gallery's

permanent collection which explore our unique relationships with animals - rural life, domestic environments, to myths and legends. Our exhibition of props, costumes, artworks from the award-winning TV series His Dark Materials entitled World Building in Wales in partnership with Bad Wolf, has been extended and will continue throughout the summer.

The Gallery was successful with its application for an Arts Council of Wales CREATE fund for our learning workshops and outreach activity which focusses on working with under-represented communities across Swansea. Learning programmes were delivered across the venue in April (Easter) and June half term, plus, free family trails and self-led activities on offer. We were successful in our partnership with GS Artists (Swansea) for an ACW Connect and Flourish Grant to enable a Deaf artist network to be established across both organisations over the next two years, creating new ways for Deaf audiences to access the Gallery. The Gallery has been shortlisted as one of nine satellite galleries across Wales that will form part of the National Contemporary Art Gallery Wales dispersed 'satellite' model. At its core, this partnership will give us unique access to National Gallery Wales's permanent collection, allowing us to loan works from 1945 onwards. A press release is imminent announcing the final venues who will form part of this network. Other projects include attending and delivering a badge making workshop at Swansea Pride as a community partner.

#### Swansea Grand Theatre and Brangwyn Hall

The range of product on offer to both venues has seen a marked decline in variety and affordability mainly due to the effect of price rises on tour costs however a full programme of events has been secured, for coming seasons and will see the return of Welsh National Opera to the Grand in 2025 and an additional season of concerts being planned to include Brangwyn Hall.

#### Sports and Health

The aspiration for an International Sports Village also moved forward to realisation, with the work to determine a long term sustainable operating model for Wales National Pool and the wider Sports Park. The engagement of a specialist for this work, forms part of a PIN notice which will determine future options and viability of operating models for the site, including third party contractors. 10 potential operators attended a session to hear more about the opportunity and took a tour of the facilities. The PIN will run for 30 days from June 12, and the partners will share the findings from the responses with its respective organisations in early September.

The new skate park at West Cross, facilitated as a partnership with Mumbles Community Council was formally opened on June 10 by Mumbles Community Council, who in association with the Council, held a Skate Jam to officially launch the facility. The event was a great success, attracting a few thousand throughout the day to enjoy free skating, community competitions from young children to adults with lots of prizes and amazing skills on display.

In May, all Four Council owned 'Award' Beaches retained their Internationally recognised status (3 Blue Flag, 1 Green Coast), with key departments from across the Council working together to deliver a Beaches Management Plan, to improve the facilities and management arrangements to maintain these prestigious awards. Additionally, two new Changing Places units have been installed, at Knab Rock and at Rhossili, which will be in use in the coming weeks.

The Welsh Housing Quality Standard (WHQS) is a long term programme to improve the condition, thermal performance, security and affordability of social housing owned by the Council in Swansea.

The HRA Capital Programme for 2023/24 has been set at a total of £45.798m. WHQS repair, maintenance and improvement investment of the existing stock of approximately 13,700 dwellings is £37.701m and £8.097 allocated for More Homes new build and acquisitions. The main element of the WHQS programme will remain as previous years, concentrating investment on the replacement of external elements of building fabric and improving the thermal performance of dwellings to achieve a minimum EPC Band C rating. In addition to this established programme, renewables will be integrated into the enveloping programme to include solar PV and battery energy storage for the benefit of residents to help with affordable energy and achieve EPC rating of Band B. In rural off grid properties, heat pumps will be fitted to provide low carbon electric heating solutions to replace existing fossil fuel systems. It's anticipated 10 individual enveloping with integrated renewable contracts in all geographic districts of Swansea where there are social housing estates

In the 1st Quarter of 2023/24, WHQS work completed to individual council owned dwellings (unless otherwise stated) is as follows:

- Roofing 14
- Chimney 34
- Complete External Fabric Renewal & Upgrade 17
- Kitchens 45
- Bathrooms 32
- Electrical Rewiring 29
- Electrical tests 291
- Smoke Alarms 27
- Gardens 304
- Voice Entry 52
- Internal Painting 32
- Balconies 40
- Windows 12

WHQS programme planning and delivery remains challenging due to difficulty recruiting technical staff to design and procure projects, together with lack of contractor capacity. This further exacerbated by a shortage of skills in the sector, especially around new specialist programmes connected to renewable design and installation. Contractor capacity and skill shortages are all contributing to building inflation which is well above normal inflation rates.

Welsh Government has consulted with social housing providers in Wales about a new standard they intend to introduce which is now planned for the latter part of 2023. The new Standard, WHQS2023, will build on the achievements of the earlier standards with a major policy objective of making all social housing in Wales net zero carbon by the mid 2030's. Large scale investment programmes will be required to meet the future statutory duties that will also increase fire and safety standards and environmental improvements and water saving measures.

The Council's More Homes Programme, focussed on providing new build Council housing, is looking to a 10-year delivery ambition of 1000 new affordable homes. New build homes are built to the Swansea Standard, providing high levels of insulation and thermal comfort and including renewable technologies, i.e. solar panels, batteries, ground source heat pumps etc., delivering Homes as Power Stations.

Overall, the More Homes programme has delivered the following:

- Completed to date = 222
- New build/conversion= 97
- Acquisitions = 125
- Conversions under construction = 12 completing in summer 2023

Plans are in development to deliver the following (including the specific schemes outlined above):

- Pipeline to start in 4-year programme = 534
- New build = 321
- Acquisitions = 213
- Pipeline to start in 10-year programme = 263

Overall total 10 years = 1,029



A scheme of six new bungalows was completed in West Cross in March 2023. This scheme was awarded £1.5m of Innovative Housing Programme (IHP) funding to fund the renewable technologies to continue the Homes as Power Stations theme. Work has also completed to convert a former social services property in Gorseinon into 2 x 3 bedroom homes, which will be ready to let from May 2023. The former Education site at Brondeg House has also been acquired to develop for affordable housing, and the existing building has now been demolished to make way for approximately 14 units of new affordable housing. Site surveys to inform the detailed design work is underway and a planning application is targeted for submission by August 2023.

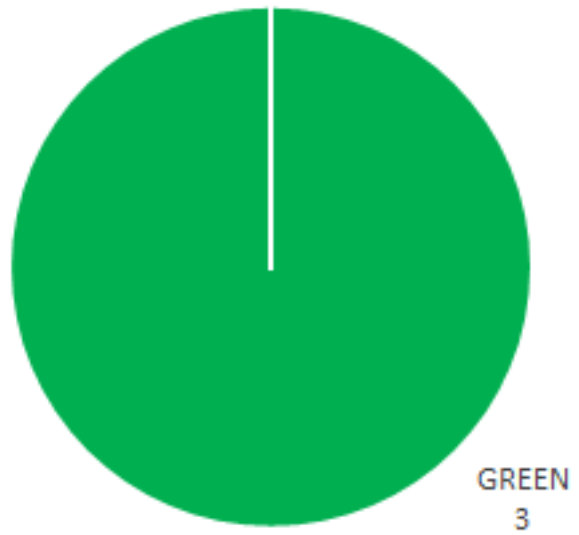
The demolition of the former Clase DHO has now been completed, as part of the Creswell Road development of 9 new homes. The planning application has been submitted and is due for decision in the summer. Detailed design is also underway for Heol Dynys, which will accommodate 20 homes, with a planning application expected to be submitted during 2023. A masterplan is being developed with a multi-disciplinary team for 4 x sites in Bonymaen providing 160 new homes, with a planning application expected to be submitted in June 2023. A public consultation event has been held with residents to provide them with an opportunity to give their views on the proposals and influence the final design.


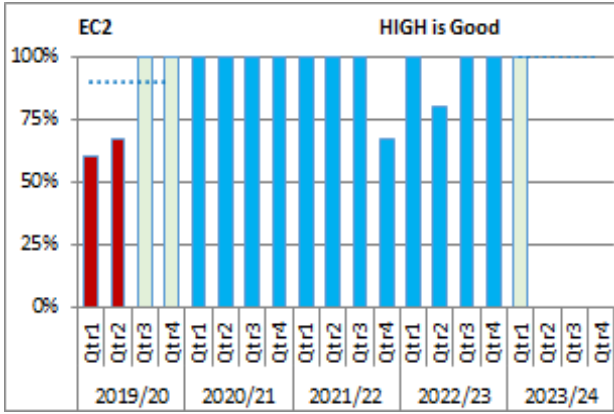

The Council is also progressing the procurement of a development partner to deliver mixed tenure housing on 2 Council owned sites in Penderry, whilst maximising the delivery of affordable housing to meet local need. The Council has also procured a multi-disciplinary team to deliver a masterplan for the enhanced refurbishment of a large Housing owned site in Penlan, which also contains an element of new build. Public consultation events have been held with the residents to gauge their views on the proposals. Plans are now being developed to deliver the improvements. Demolition work commenced in March 2023 in Gorseinon Business Park (GBP - one of the 9 sites) to make way for development of around 30 new affordable homes. GBP, along with two other sites, Gower Road Sketty and Penrhos Place Gendros, have been selected to be packaged into a commission for an architectural led, multi-disciplinary team to design and submit planning applications. This will expand the resources available to enable the More Homes Programme to actively develop a pipeline of sites to bring forward as funding becomes available.


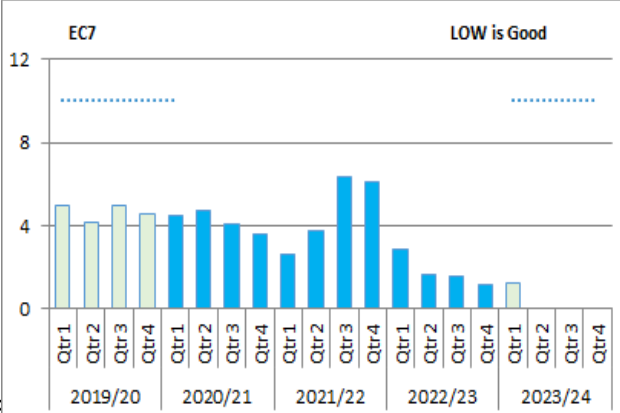
The Council has successfully bid for Welsh Government Transitional Accommodation Capital Programme (TACP) funding for works to 36 void properties, increasing the overall number of properties being prepared for letting over the next 6 months, this approach would also lead to normal voids being turned around more quickly; as the in-house team would not be undertaking major capital work. The bid also included a request to fund the remodelling and conversion of 2 former District Housing Offices. The former Penlan DHO will be converted into 6 x 2 bedroom flats, with 2 ground floor flats which will be accessible. The former Eastside DHO will be converted into 4 x 1 bed flats, and again the 2 ground floor flats will be accessible. Work commenced in January 2023 and is due for completion by July 2023.

TACP funding has also been secured for the purchase of 15 ex-council properties on the open market for completion by March 2023 to supplement the Council's on-going acquisition programme, which has brought a combined total of 53 ex-local authority properties, previously bought via the right to buy properties, back into the social housing stock during 22/23, with over 123 acquired since the programme commenced in 2018.

Performance against Target  
2023/2024 Quarter 1



Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
BBMA5 <span style="color: red;">↑</span> Number of contracts started with Beyond Bricks & Mortar Community Benefit clauses in their contracts.  NO GRAPH DISPLAYED First Year of Reporting	RAG			GREEN	6 contracts awarded and started on site which include BBM community benefit clauses.
	Result			6 	
	Target			5	
	Trend			Trend not displayed	
	Num			6	
	Den				
EC2 <span style="color: red;">↑</span> The Percentage of all major applications with an economic imperative that are approved  	RAG			GREEN	
	Result	100.00%	100.00%	100.00% 	
	Target			100.00%	
	Trend	STATIC	STATIC	Trend not displayed	
	Num	3	5	6	
	Den	3	5	6	

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
EC7 	RAG			<b>GREEN</b>	
Average Turnaround Time for Land Charge Searches completed in the period	Result	2.61	2.88	<b>1.22</b>	
 <p>EC7 LOW is Good</p>	Target			10	
	Trend	<b>IMPROVING</b>	<b>DECLINING</b>	<b>IMPROVING</b>	
	Num	2.61	2.88	1.22	
	Den				

23 6

The corporate plan sets out the council's commitment to tackle poverty to ensure that every person in Swansea can achieve their potential. To meet this commitment, the corporate Tackling Poverty Strategy ensures that tackling poverty is everybody's business.

### 1. Cost of Living Impact

The economic impacts of the COVID-19 pandemic and the cost-of-living crisis continue to have a significant impact on those already experiencing poverty and is driving those at risk of poverty, into poverty. The Bevan Foundation 'Snapshot of Poverty in Winter 2023' report highlights that more in one in eight Welsh households (14%) either sometimes, often or always do not have enough for all the basics. Large numbers of people are going without essentials including four in ten going without heating in their home and one in four eating smaller meals or skipping meals in their entirety. The report also highlights that debt is a significant problem with 28% of people borrowing money between October 2022 and January 2023 and 13% being in arrears on at least one bill. The report finds that the cost-of-living crisis is not affecting everyone in Wales equally. Among the groups that are being most significantly affected are:

- People in receipt of benefits - people on Universal Credit are five times more likely to report that they sometimes, often or always struggle to afford the basics as the general population.
- Disabled people whose condition limits them a lot - over half (52%) have gone without heating in their home over the past three months.
- Social renters - nearly half (46%) report that they have had to cut back on food for themselves or skip meals in the three months to January 2023.
- Households with children - around twice as likely to be in debt as a result of the cost of living crisis as households with no children.
- Adults under the age of 65 - twice as likely to report that their household sometimes, often or always struggled to afford the basics as households over 65 years old.
- Unpaid carers - significantly more likely to have borrowed money between October and January than people who are not carers.

The number of food parcels distributed by the Trussell Trust in Swansea continues to increase. In 2022/23, 14,028 parcels were distributed rising from 11,462 in 2021/22. This is an indicator of continued increasing demand.

The nature of the Cost of Living crisis continues to evolve, whilst there is some decrease in the cost of energy, the UK now has the highest food prices in Europe. Furthermore, actions taken by the Bank of England to control rising inflation is adversely impacting mortgage interest rates. We therefore expect further increased financial pressures on mortgage holders including private sector landlords and their tenants over the coming months and beyond.

A new Cost of Living webpage was launched in September 2022 [www.swansea.gov.uk/costoflivinghelp](http://www.swansea.gov.uk/costoflivinghelp) with over 99,000 page views by the end of June 2023.

### 2. Welfare Benefits

The number of people on Universal Credit in Swansea (Swansea East, Swansea West and Gower) is 69,138 (DWP, February 2023). The number of people on legacy benefits in Swansea is 11,299 (DWP November 2022).

The Department for Work and Pensions (DWP) intends to move all tax credits only claimants onto Universal Credit during this reporting year. This includes changes to in-work conditionality to require people earning the equivalent of over 15 hours per week at National Living Wage, but less than full time hours to look for more work or better paid work; these changes are due to come into effect in September. People on legacy benefits (Child Tax Credit / Housing Benefit / Income Support / Income-based Jobseekers Allowance / Income-related Employment and Support Allowance / Working Tax Credit) will migrate to Universal Credit by late 2026.

The amount of benefits secured during the first quarter of 23/24 was £406,978. The value of the debt addressed by the Welfare Rights and Financial Inclusion

team was £57,949.55. The team responded to 244 benefit enquires and trained 34 support workers this quarter.

### 3. Employability Support

The number of people gaining employment through Employability Support from April 2023 to end of June is 210. This covers the outcomes achieved by the Communities for Work Plus (170), Workways and Steps programmes (40). The teams have exceeded the target for the period; this is also with a reduced team by 4 Employment Mentors.

Support through these programmes result in help for residents aged 16+ to access employment, education and training, as well as help for people to overcome their barriers to employment through co-ordinated, person-centred employability support. Since April, 568 residents have enrolled onto the CFW+ programme, 485 citizens have accessed employment support via a single access point and signposted to appropriate support and 240 vacancies were offered.

The ICT Chromebook Scheme continues to offer support to participants, for training, job searching, etc. 112 participants have used the Chromebooks to-date, with 56 individuals reported to have found employment.

### 4. Council Tax Reduction (CTR) and Housing Benefit (HB)

In comparison to Q1 of 22/23, new claims for Council Tax Reduction (CTR) are taking longer to process although there has been a small reduction compared to Quarter 4 of 22/23. This continues to reflect the increasing demands on the section caused by the general move to Universal Credit (UC) in the area which results in significantly more frequent recalculations of CTR and leaves the most complex applications for financial assistance with rent payments with the Authority, in the form of Housing Benefit (HB). Changes in circumstances in respect of CTR continue to be dealt with very rapidly in less than 3 days.

There has been a marked decrease in processing times for new HB applications (around 15 days) since February 2023 arising from procedural changes and the prioritisation of that work category. Although this was the aim, the overall impact on other work remains to be seen over the coming months as the service must overall work within available resources.

Of serious future concern is the potential impact of the DWP managed migration from legacy benefits to Universal Credit due to start in September 2023. This will definitely increase the workload of the service in the short term and will also no doubt create a greater draw on Discretionary Housing Payments (DHP) which the Benefits service manages (this is reflected in point 1 of this report on the Cost of Living Impact). DWP have confirmed there will be no additional funding for the DHP 'pot' as a result of managed migration.

### 5. Housing

The Council is focused on offering more energy efficient and affordable homes to help minimise household costs, as well as increasing the availability and quality of social housing, to help more people access accommodation that is suitable for their needs. New build schemes are progressing at various stages of design, procurement and site delivery to maximise spend of capital budget. Funding for a 4 year programme is in place and our ex-council 'buy back' acquisition programme continues. More Homes Budget review is underway as part of HRA capital budget review to assess resources available. To date, 222 additional council properties have been added to the housing stock including: 97 new build/conversions and 125 Acquisitions.

The Council, along with partners in the housing sector and support charities, continues to address homelessness in Swansea. There has been a key focus on the need to deliver on the rapid rehousing strategic priority and creating more affordable temporary and permanent accommodation. We are continuing to work closely with our partners to provide temporary accommodation to any person that requires it under the legislation. Due to the lack of move-on accommodation we are seeing a high levels of households in temporary accommodation and these numbers are slowly rising.

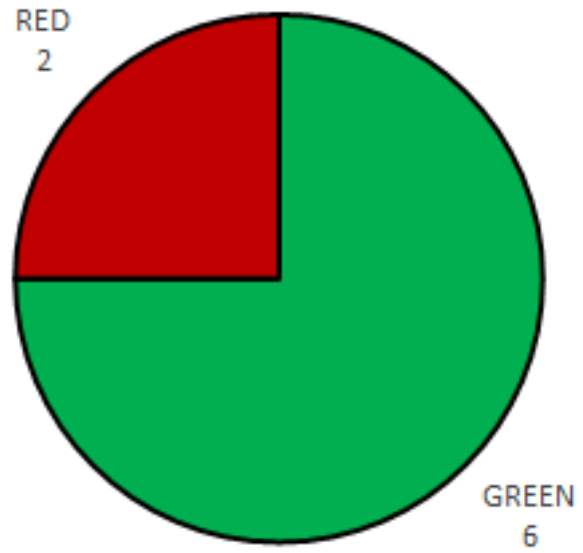
## 6. Skills & Qualifications

The number of accreditations achieved for this quarter is at 59, based on the academic term progressing to July. This includes Partnership working between Lifelong Learning, Employability programmes and partners continues to offer participants accredited training and qualifications to meet employment opportunities. 83 courses were delivered last term. To date for this academic year 1030 learners have enrolled on classes. Lifelong Learning Service and the Employability Team have been working closely to deliver a Self-Employment Academy for all residents of Swansea, this will be delivered during the Autumn term.

## 7. Partnership Working

The Swansea Council Poverty Forum, Swansea Poverty Partnership Forum, Financial Inclusion Steering Group and Swansea Food Poverty Network continue to meet regularly. These networks provide opportunities for sharing good practice, information, trends, changes to services and new opportunities, encouraging collaboration and partnership working. The Swansea Poverty Truth Commission launch took place in October 2022 and Commission meetings are continuing. During quarter 1, £211,853 Period Dignity funding was secured to make period products available through schools and in communities. £87,850 Direct Food Support funding was also secured to help tackle food poverty and food insecurity. The Swansea Spaces directory, originally created to promote Swansea's Warm Hub provision during Winter 2022/23, remains with may space coordinators continuing with an offer.

Performance against Target  
2023/2024 Quarter 1





# Tackling poverty and enabling communities 2023-28

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
HBCT01a ↴ Housing Benefit Speed of Processing: Average time for processing new claims.	RAG			GREEN	
	Result	20.01	32.19	22.33	
	Target			28	
	Trend	IMPROVING	DECLINING	Trend not displayed	
	Num	8883	17610.	14450	
	Den	444	547	647.	
<p><b>HBCT01a</b> LOW is Good</p>					
HBCT01b ↴ Housing Benefit Speed of Processing: Average time for processing notifications of change in circumstances.	RAG			RED	
	Result	4.26	4.55	9.09	Housing Benefit Changes of circumstance have taken longer to process this quarter as resources have been concentrated on reducing the time taken to process new claims which has as a result dropped by 18 days. Also, during this quarter, a higher number of DWP changes in circumstance notifications are received due to the annual uprating of UC and other benefits which also has impacted on processing times.
	Target			6	
	Trend	IMPROVING	DECLINING	Trend not displayed	
	Num	21422	20305.	39715	
	Den	5034.	4462.	4369.	
<p><b>HBCT01b</b> LOW is Good</p>					

# Tackling poverty and enabling communities 2023-28

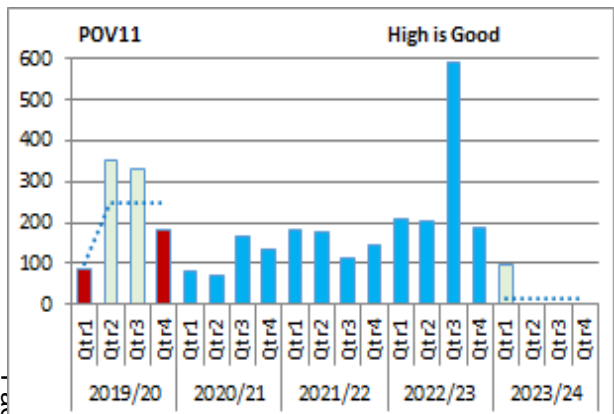
Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
HBCT02a <span style="color: red;">⬇</span> Council Tax Reduction Speed of Processing: Average time for processing new claims.	RAG			RED	A small reduction in processing times since the last quarter is pleasing AND hopefully indicative of further progress to come. However, priority is being given to Housing Benefit claims at present and resources must be managed between the two benefits.
	Result		31.90	39.16	
	Target			31	
	Trend	IMPROVING	DECLINING	Trend not displayed	
	Num	43782	52420	75425	
	Den	1661	1641	1926	
HBCT02b <span style="color: red;">⬇</span> Council Tax Reduction Speed of Processing: Average time for processing notifications of change in circumstances.	RAG			GREEN	An average processing time of 2.5 days is well within acceptable limits
	Result		1.90	2.53	
	Target			5	
	Trend	IMPROVING	IMPROVING	Trend not displayed	
	Num	167371	43179	50549	
	Den	20789	22780	19989	

# Tackling poverty and enabling communities 2023-28

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
POV05 <p>The amount of welfare benefits raised through securing rights and entitlements by the Welfare Rights Team (Â£)</p>	RAG			GREEN	The team are experiencing delays in arrears of payments following successful appeals - these will be added at a later date.
	Result	211047.86	203913.75	425538.00	
	Target			187500.00	
	Trend	DECLINING	DECLINING	IMPROVING	
	Num	211047.86	203913.75	425538.00	
	Den				
<p>POV05 High is Good</p>					
POV10 <p>Number of people gaining employment through Employability Support</p>	RAG			GREEN	The new development work around ways of working with employers implemented over the last 6 months to a year have had a positive impact on assisting people into employment. Linking people to vacancies and the more personal approach with employers has has a positive effect. Mentoring is of a high level and working with all teams to ensure a coordinated approach to employment has led to an excellent quarter 1 performance
	Result	134	122	210	
	Target			133.75	
	Trend	IMPROVING	DECLINING	IMPROVING	
	Num	134.	122.	210	
	Den				
<p>POV10 High is Good</p>					

# Tackling poverty and enabling communities 2023-28

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
POV11 <a href="#">↑</a> Number of accredited qualifications achieved by adults with local Authority support	RAG			GREEN	A reduced training offer to partners has meant starting the training offer in June which has meant lower numbers than this time last year having not offered any training in April or May. This will increase as the training offers are now in place.
	Result	182	210.	97	
	Target			12.50	
	Trend	IMPROVING	IMPROVING	DECLINING	
	Num	182	210.	97	
	Den				
POV12 <a href="#">↑</a> Value of grants received by the Tackling Poverty Development Team to support organisations and services to tackle poverty  NO GRAPH DISPLAYED First Year of reporting	RAG		No Data	GREEN	Welsh Government grants received Qtr 1: Direct Food Support Grant (£87,850), Period Dignity in Communities (£83,240). Note: The Period Dignity Grant also includes funding for schools (£128,613) not included in this PI.
	Result			171090	
	Target			100000	
	Trend			No Data	
	Num			171090	
	Den				



## Swansea Council Net Zero 2030

Much work has been undertaken to reduce emissions and encourage behaviour change across the organisation during 2022-23 and into the first quarter of 2023/24:

- Phase 2 of the retrofit programme has commenced.
- Emissions data being collated for 22-23 with focus on fleet and building re:fits to ensure the greatest impact on delivery.
- Delivery plan in place but risk lack of funds to deliver full plan
- Premise Management toolkits have been developed and piloted to encourage further energy savings through behaviour change, improved monitoring of controls etc.
- The introduction of the Energy Sparks programme across all school premises to reduce energy consumption and encourage behaviour change.
- Appointment of a Project Manager for Carbon Reduction
- Developed and launched two internal e-learning training modules and three front line tool box talks, which have been shared with regional councils too. Some face to face training currently being piloted.
- Set up a communication group to share best practice and cascading of key messages.
- Worked with Procurement to pilot the embedding of sustainability questions into the tendering process.
- Started work on an internal Sustainable Food Policy
- Continued work on the Healthy Travel Charter commitment
- Work has been undertaken to understand more on delivering Staff Travel Plans.
- 85% street lights now LED, 1,438 fitted during 22-23, 13% total in Co2 emissions compared to 21-22.
- Approx. 100 ULEV vehicles and supporting charge points introduced. Alternative fuel trial being scoped (HVO) and fleet utilisation review commencing to understand fleet demand/need for potential efficiencies. Next phase of charge point installations being planned to enable renewing next tranche of vehicles (subject to being financially viable).
- Wider EV strategy work continued. Capital grant funding secured for the delivery of 'fast' and 'rapid' publicly available EV charge points in 2023/24, from the Welsh Government's Ultra Low Emission Vehicle Transformation Fund. No funding beyond March 2024 secured to date.

## Swansea Net Zero 2050

Momentum was gained on working collaboratively across the county on the wider agenda during 2022-23.

- The formation of a Climate Signatories cross sector group to support the ambition of a Net Zero Swansea by 2050
- Awarded SPF grant to deliver an Adaptation and Mitigation Plan for Swansea, in collaboration with the Climate Signatories group and the PSB.
- Delivered 8 Swansea wide projects from the environmental partners framework. Two commissioned for first quarter of 23-24.
- The continued delivery of the councils Waste Strategy 2022-25, already implementing all actions within the Strategy. These actions must be maintained to ensure increases in performance are sustained. In 2023/24 the service area will be working on: modelling for future waste strategies; preparing for/implementing changes required by new WG non-domestic waste legislation and developing an action plan to mitigate unfunded budget pressures. Budget pressures will undoubtedly present the biggest challenge as budget setting for 24/25 begins towards the end of the year.
- The energy team have been working with City Science on a Welsh Government commissioned project - developing a Local Area Energy Plan (LAEP). Work is due to completed in March 24. Relationships have been built with regional councils during this project. Currently at modelling stage.

- A working group has been established to support the delivery of the external Lagoon project. Cabinet report approved May 23.
- Tir John Solar Farm - Planning now approved.
- Active Travel routes - Capital grant funding secured for the delivery of 'fast' and 'rapid' publicly available EV chargepoints in 2023/24, from the Welsh Government's Ultra Low Emission Vehicle Transformation Fund. No funding beyond March 2024 secured to date.

## Nature Recovery

- Tree canopy coverage and planting opportunity map due to be completed July 2023
- Wild About your Ward greening opportunities identified for 4 wards and opportunity mapping will continue to be rolled out across wards until at least March 2025
- Section 6 Duty reported to Welsh Government Jan 2023 Preparation of the next Council report to 2025 will follow on from adoption of the Local Nature Recovery Action Plan late 2023
- LNRAP drafted due for adoption late 2023. Presented to STC in July. County wide GI strategy to be produced jointly with NRW to be held in abeyance until 2024/25
- Work to improve the ecosystem resilience of Council owned Sites of Special Scientific Interest (SSSI), Local Nature Reserves (LNR), Sites of Importance for Nature Conservation (SINCs) and greenspaces is ongoing across many council owned protected sites, nature reserves and SINCs but is dependent upon grant funding.
- Continued to deliver a programme of wildflower planting and management and take actions that help to control invasive non-native species. 12 sites trial covering approximately 15.2 ha of parks, amenity grasslands and road verges being managed as species rich wildflower meadows. Five 'cut and collect' machines purchased to enable this work. too early to assess outcomes. Sites are also being planted up with native local provenance wildflowers. INNS have been mapped and subject to an ongoing programme of treatment focusing on nature reserves and Council Housing land.
- Engagement with local communities has continued with significant volunteer engagement following appointment of grant funded volunteer coordinator in June 22. Temporary contract extended until March 2025.
- Air Quality Annual Progress Reports have been submitted and approved by Welsh Government. Next report to be submitted 20th sept 2023. Bathing Water Model continues to predict hourly concentrations at Swansea Bay DSP. Officer involvement with contaminated land and planning applications continues.

No quarterly PI's to report

In the first quarter of 2023-24, Council approved the Medium Term Financial Plan 2024-25 to 2025-26, the Revenue Budget for 2023-24 and the Budget Requirement and Council Tax Levy for 2023-24. Council also approved a revised Capital Budget for 2022-23 and the Capital Budget for 2023-24 to 2027-28.

During this quarter work on preparing for the implementation of the Corporate Transformation Programme began to take shape. The Corporate Transformation plan, Workforce OD Programme and the Digital Strategy 2023-38 and Transformation Programme were approved by the relevant governance boards and Cabinet in April 2023.

In terms of the council's digital agenda, the Oracle Fusion project progressed and on 31 March 2023 the system was ready to go live the following day, in line with the project plan.

In this quarter the number of online payments received via the council's website followed the regular seasonal pattern of being significantly higher than the previous quarter (i.e. 4,134 more payments).

The number of forms completed on line for fully automated processes was 191,097. This indicator now included all processes which are connected into back office systems therefore there is no comparative historical data for the same quarter in the previous year. It is anticipated that this figure will increase once the new customer account is added and new processes are added. The number of active Swansea account holders is a new indicator and is 341 for this quarter. It is anticipated that the number of users will increase once the new customers account has been integrated into the website.

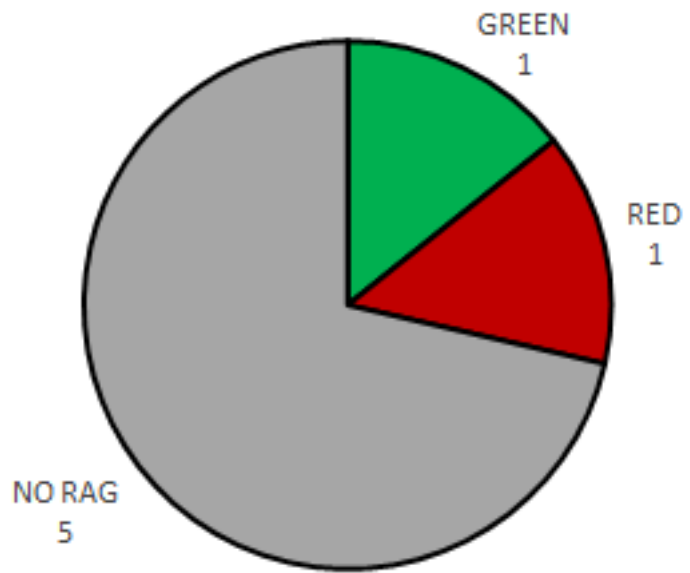
There were no serious data breaches during the quarter as the risk to the data subjects were low.

The target for the percentage of invoices to be paid within a 30 day period has been set at 95%. Due to Fusion reporting not yet being complete the performance data is not expected to be available until the end of Q2.

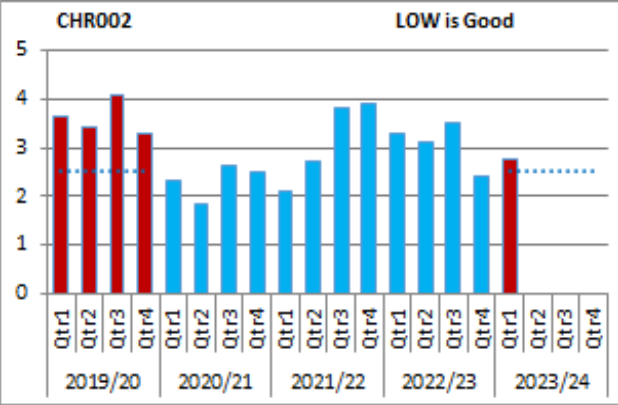
At the end of March 2023, the total number of working days/shifts per full time equivalent lost due to sickness absence was 12.28 days, which was above our target of 10 days, but an improved on the 12.66 days lost per FTE in 2021-22. This is to be expected as we emerge from the pandemic and see lower levels of absence attributed to Covid-19. Work has commenced on a review of our approach to managing absence and occupational health provision which aims to explore ways to further reduce levels of absence towards our target of 10 days per FTE.

60% of corporate complaints were closed within 10 working days and 17% were closed just out of the time scale. 29% were still open as they were complicated matters to resolve. We anticipate an improvement with the introduction of a new complaints system to be introduced in July 2023.



Performance against Target  
2023/2024 Quarter 1






Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
CHR002 ↓ The number of working days/shifts per full time equivalent lost due to sickness absence  	RAG			RED	Note from Performance Team - Data quality under review. The number of days lost to sickness absence in Q1 is just short of target for this point in the year but is an improvement on the same period last year. Projecting to the end of Q4 would give an outturn of 11.04 days per FTE. This would show a continuing improvement from 12.66 days in 2021/22 and 12.28 days in 22/23.
	Result	2.09	3.27	2.76	
	Target			2.50	
	Trend	IMPROVING	DECLINING	IMPROVING	
	Num	19045.76	30841.14	26051.83	
	Den	9093.07	9445.78	9444.92	
CUST12 ↑ Percentage of corporate stage 1 complaints closed within 10 working days  NO GRAPH DISPLAYED First Year of reporting	RAG				268 were answered within the deadline, 55 were slightly outside the timescale and 132 are still open. Some of the complaints are complicated and can take time to resolve. Overall this is likely to improve with the new complaints system which went live on the 1st July.
	Result		No Data	83.00%	
	Target				
	Trend			Trend not displayed	
	Num			268	
	Den			323	

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
CUST13 <span style="color:red">↑</span> Number of Swansea Account holders active during the period  NO GRAPH DISPLAYED First Year of reporting	RAG				This is a new indicator. The number of users will increase once the new customer account has been added as an integration into the council's website.
	Result		No Data	341	
	Target				
	Trend			Trend not displayed	
	Num			341	
	Den				
CUST2a <span style="color:red">↑</span> Number of online payments received via City and County of Swansea websites	RAG			GREEN	
	Result	30406	29819	33953	
	Target			32500	
	Trend	IMPROVING	DECLINING	IMPROVING	
	Num	30406	29819	33953	
	Den				

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
CUST2c  Number of forms completed online for fully automated processes.  NO GRAPH DISPLAYED First Year of reporting	RAG		No Data	191097	This indicator now includes all processes which are connected into the back office systems. Previously some processes brought in during Covid were not included, to keep consistency in measurement before and after the pandemic. The numbers will increase once the new customer account has been added and new processes are added.
	Result				
	Target				
	Trend			Trend not displayed	
	Num			191097	
	Den				
FINA16  Percentage of invoices and payment documents paid within 30 days.	RAG		No Data		Target is set at 95% of all invoices to be paid within a 30 day period. Due to Fusion reporting not yet being complete the performance is not expected to be available until the end of Q2.
	Result				
	Target				
	Trend				
	Num				
	Den				

Performance Indicator	KEY	2021/2022 Quarter 1	2022/2023 Quarter 1	2023/2024 Quarter 1	Comment-2023/2024
PROC12  Number of data breaches which has resulted in an enforcement or monetary penalty notice being issued by the Information Commissioners Office (ICO)	RAG				
	Result	0	0	0	
	Target				
	Trend	STATIC	STATIC	Trend not displayed	
	Num	0	0	0	
	Den				
NO GRAPH DISPLAYED All result are zero					

PI Ref	Direction of Travel	PI Description	Appendix B
Quarterly		<b>1. Safeguarding</b>	
AD011e	↑	The percentage of residential reablement stays completed during the year where the need for support was mitigated or reduced	
AD011f	↑	The percentage of community reablement packages completed during the year where the need for support was mitigated or reduced	
AD017i	↑	The percentage of Care and Support plans for adults that were due to be reviewed during the collection period which were reviewed at least once during the collection period (NEW)	
AD024i	↑	The percentage of enquiries completed within 7 working days from the receipt of the reported alleged abuse.	
AS13b	↑	The percentage of carers identified and offered an assessment during the period	
CFS14a	↑	The percentage of contacts received by statutory children's social services during the period where a decision was made by the end of the next working day	
CFS18a	↓	The rate of looked after children (LAC) per 10,000 of the 0-17 Swansea population at end of the period (excluding asylum seekers)	
CFS19a	↑	The percentage of visits to children on the CPR which were not overdue.	
CFS24	↓	The number of Children / Young People Supported by Child and Family Services at the end of the period	
CFS25i	↑	The number of Children / Young People supported by the Early Help Hubs at the end of the period	
CHQ26	↓	The total number of children on the child protection register at end of the Period	
		<b>2. Education and Skills</b>	
EDU016a	↑	Percentage of pupil attendance in primary schools	
EDU016b	↑	Percentage of pupil attendance in secondary schools	
EDCP42	↑	Percentage of pupil attendance in the Pupil Referral Unit (NEW)	
EDCP43	↑	Percentage of pupil attendance in special schools (NEW)	
EDCP18d	↑	Young people known to be NOT in Education, Employment and Training (EET) [at 16, on leaving formal education]	
EDCP44	↑	Percentage take-up of Universal Free School Meals (within WG offer) (NEW)	
EDW001	↑	Number of learners assessed for Year 11 qualifications through the medium of Welsh (NEW)	
EDW002	↑	Learners educated through the medium of Welsh at Nursery and Reception Ages (NEW)	
EDW003	↑	Learners remaining in Welsh-medium provision when transferring from one key stage to another (NEW)	
	↑	Leaders on MLDP/SLDP/Aspiring Headteacher & NPQH qualifications (tbc)	
	↑	Number of Schools whose DEC rating is either an A or improves by at least one grade during the year (tbc)	
	↑	Number of Schools that are rated net zero operational carbon (tbc)	

PI Ref	Direction of Travel	PI Description	Appendix B
<b>3. Economy and Infrastructure</b>			
BBMA5	↑	Number of contracts started with Beyond Bricks & Mortar Community Benefit clauses in their contracts. <b>(revised PI)</b>	
EC2	↑	The percentage of all major applications with an economic imperative that are approved	
EC7	↓	Average Turnaround Time for Land Charge Searches completed in the period	
EP28a	↑	The percentage of all planning applications determined within agreed timescales (NEW)	
CTT4	↑	Tourism - The amount of money spent by visitors attracted to Swansea (£m)	
EC6	↑	Number of new housing units created in Transforming Towns target areas as a result of Transforming Towns Programme funding.	
ESD1	↑	Value of inward investment related to property-based projects where the authority owns some of or all the land (or adjoining land which facilitates the development)	
	↑	Number of jobs created by Swansea Council commercial developments <b>(tbc)</b>	
	↑	Amount of floorspace created by Swansea Council (measured by sq m) to accommodate job creation <b>(tbc)</b>	
<b>4. Tackling Poverty &amp; enabling communities</b>			
HBCT01a	↓	Housing Benefit Speed of Processing: a) Average time for processing new claims.	
HBCT01b	↓	Housing Benefit Speed of Processing: b) Average time for processing notifications of change in circumstances.	
HBCT02a	↓	Council Tax Reduction Speed of Processing: a) Average time for processing new claims.	
HBCT02b	↓	Council Tax Reduction Speed of Processing: b) Average time for processing notifications of change in circumstances	
POV05	↑	The amount of welfare benefits raised through securing rights and entitlements by the Welfare Rights Team	
POV10	↑	Number of people gaining employment through Employability Support	
POV11	↑	Number of accredited qualifications achieved by adults with local Authority support	
POV12	↑	Value of grants received by the Tackling Poverty Development Team to support organisations and services to tackle poverty <b>(NEW)</b>	
HSG16a	↑	Total number of additional affordable housing units delivered per year by the Local Authority.	
HSG16b	↑	Total number of additional affordable housing units delivered per year by Registered Social Landlords.	
HSG16c	↑	Total number of additional affordable housing units delivered per year through Section 106 Agreements/other sources.	
<b>5. Nature Recovery &amp; Climate Change</b>			
CCNR1	↑	Numbers of trees planted during the year across the council <b>(NEW)</b>	
CCNR2	↑	The increase in number of council locations with renewable energy sources <b>(NEW)</b>	

PI Ref	Direction of Travel	PI Description	Appendix B
CCNR3	↑	Number of Members and officers that have completed Climate Change and Nature Recovery Training <b>(NEW)</b>	
CCNR4	↑	Number of projects delivered through the Environmental Partners Framework to support ambition of Swansea Net Zero 2050. <b>(NEW)</b>	
CCNR5	↑	Percentage of the Council fleet which are Ultra Low Emission Vehicles (ULEVs) <b>(NEW)</b>	
WMT009b	↑	The percentage of Municipal Waste collected by local authorities and prepared for reuse and/or recycled, including source segregated biowastes that are composted or treated biologically in another way..	
<b>6. Transformation &amp; Financial Resilience</b>			
CHR002	↓	The no. of working days / shifts per full time equivalent (FTE) local authority employee lost due to sickness absence	
PROC12	↓	Number of data breaches which have resulted in a reprimand, enforcement or monetary penalty notice being issued by the Information Commissioners Office (ICO)	
CUST12	↑	Percentage of corporate stage 1 complaints closed within 10 working days <b>(NEW)</b>	
CUST13	↑	Number of Swansea Account Holders active during the period <b>(NEW)</b>	
CUST2a	↑	Number of online payments received via City & County of Swansea websites	
CUST2c	↑	Number of forms completed online for fully automated processes	
FINA16	↑	Percentage of invoices and payment documents paid within 30 days. <b>(NEW)</b>	

KEY

KPIs shaded yellow are reported quarterly - otherwise reporting is annual.

## Capital Projects Underspent in excess of £500k

Project	£'000	Comments
<b>Education</b>		
3G Pitch Olcfa Comprehensive	1,039	The tendering of this project was dependent upon the completion of a land sale at the school, which took place in January 2023. This project is now in construction phase and is due to be completed by September 2023.
<b>Culture &amp; Tourism</b>		
Cefn Hengoed Community Hub	1,607	The scheme is well underway, and expected to be completed in the Autumn 2023. Currently the funding profile is showing circa £100k left in contingency on the project. There will be a retention held on the contract works, but we will identify that exactly once the works is completed.
<b>Corporate Property</b>		
Reloc Ferryboat Close Acquisition	726	Project requires rescoping to inform options to be report back to Cabinet in the Autumn.
Acquisition of Quay West Office	736	As per original Cabinet report capital sum for the amount of £736k has been retained in relation Quay West in order to facilitate & enable a lease restructure with the primary tenant which will significantly enhance the occupation of the building. Negotiations being finalised.
<b>Highways</b>		
Active Travel strategic and local schemes (highways)	758	Underspend primarily related to land issues associated with common land designation. Delays due to Welsh Government review process. Funding body was informed of potential underspend and further funding has been allocated for financial year 23-24
Seawall repairs Mumbles	1,418	Programme continues into 23-24 financial year and budget allocation is extended to ensure full spend can be achieved
Vehicle replacement programme Total	792	This a rolling programme of vehicle replacements. In year expenditure is planned to match departmental needs and remaining service potential of existing vehicles
<b>Economic Regeneration &amp; Planning</b>		
71-72 Kingsway Offices	6,766	There have been construction delays and this will be completed in March 24
Castle Square regeneration Total	971	Construction tenders received and being analysed
Community hub (former BHS)	1,633	Currently underspent but Final FPR7 report to be presented to Cabinet with revised, increased Capital budget following tender process of all work packages.
Swansea Central Phase 1 construction (Arena and associated schemes)	7,221	Discussions continue with the Contractor on rectifying any remaining project defects
Economic Stimulus Outlying Comm	1,774	Underspend has been assigned to Palace Theatre project as part of Feb-23 FPR7 and will be utilised in 23/24 FY.
City Centre Re-purposing strategy	500	underspend to be allocate to the City Centre Strategy
<b>HRA and Housing GF</b>		
Disabled Facilities Grant	538	Underspend of £538k as a result of contractor capacity issues with existing framework of contractors unable to deliver the number of schemes needed to commit and spend budget. A new framework of contractors has been procured and commenced in January 2023 with increased capacity to ensure demand can be delivered and budget fully spent. Demand for DFGs increased in 2022-23 to levels above pre-covid years indicating existing DFG capital budget figures are needed in future.
<b>Total underspends greater than £500k 2022/23</b>	<b>26,479</b>	



Capital Projects Underspent in excess of £500k		Appendix C
Project	£'000	Comments
<b>Education</b>		
Bishopston Comprehensive (Band B)	1,240	The extension of the construction phase has resulted in the profile spend not being achieved during the 2021/22 financial year.
YG Gwyr Secondary (Band B)	1,017	The bond held by the authority on behalf of Kier has not been released and elements of construction work have been delayed which has resulted in the profile spend not being achieved during the 2021/22 financial year.
YG Tan-y-Lan (Band B)	657	The revaluation and agreement of the value for the HRA land have only recently been concluded, and delays in the Highways works has resulted in the profile spend not being achieved during the 2021/22 financial year.
<b>Digital</b>		
Agile IT	721	The underspend is because of delays in the supply of goods.
<b>Finance</b>		
Finance contingency fund	1,952	The unspent balance will be carried forward into 2022/23
<b>Highways</b>		
Local Transport Fund Baldwins Bridge Interchange	973	Ongoing land negotiations.
Seawall repairs Mumbles	997	Budget allocation set aside for construction phase, scheduled to commence from summer 2022
Morfa Colvert	500	Design development ongoing with works restricted due to seasonal working restrictions within the river
<b>Corporate Property</b>		
Pipehouse Wharf relocation	768	This year has focussed on the necessary design and preparatory works, including site clearance. Significant spend and progress expected during 2022/23.
Members Community capital scheme (Play)	730	The budget is fully committed and will be delivered during 2022/23.
Town centre regeneration schemes (commercial)	736	Expected capital required to facilitate Ministry of Justice (MOJ) lease regear on Quay West. Monies to be used as capital contribution towards fit out costs to enable occupation which will generate additional revenue & enhance security for the authority.
<b>Economic Regeneration &amp; Planning</b>		
Swansea Central Phase 1 construction (Arena and associated schemes)	13,469	Practical completion has been obtained on a number of sections within the coprbay project but not all. The church hall, café, residential accommodation, public realm together with a long snagging list and completion of the North block MSCP will extend the programme into the final quarter of this calendar year.
71-72 Kingsway Offices	4,825	Delay in contract award. Also, delay incurred following award of contract in May, aligning contractual matters, complicated by Covid restrictions.
Community Hub (former BHS)	1,429	Due to the delay in a decision from Welsh Government regarding funding the project was effectively on hold for a couple of months, so not progressed as anticipated. WG funding has now been approved but has extended the programme, however completion is still due in 2023/24
Transforming Towns - Placemaking	615	Several 3rd party property grants will have payments that will now fall into 2022/23 financial year. Council owned property enhanced by the Placemaking grant programme such as the Market enhancements, Dyfatty shops and Strand tunnels have recorded cost against their respective individual project budget codes.
Palace Theatre	902	A delay with the contract award meant the contractor started later in the year than anticipated.
Powerhouse scheme at Copperworks	984	Significant programme delays have been faced extending the project by a further circa 9/10 months, this has had an impact on the financial profiling set.
Kingsway renovation - Former Barclays scheme	608	The project is being re-tendered which will determine future programme
City Centre Re-purposing strategy	500	Budget allocated to smaller scale interventions that are currently at feasibility stage, with delivery and spend scheduled to commence 2022/23
<b>HRA and Housing GF</b>		
Disability Facilities grants	1,326	Slippage in programme due to delays in schemes from Covid outbreaks / isolation periods and the impact on construction industry
More Homes programme - Hillview / Baysview	842	Scheme delays caused by shortage of materials, issues with Welsh Water and a requirement to divert a sewer.
HRA General Environment schemes	543	A shortage of contractors has led to a number of tenders with poor or no returns, delaying the commencement of schemes.
HRA High-rise flats Croft Street	536	Delay in fee recharges being received from consultants.
<b>Total underspends greater than £500k 2021/22</b>	<b>36,870</b>	

# Agenda Item 9.



## Report of the Director of Finance and Section 151 Officer

Cabinet – 21 September 2023

### Capital Outturn and Financing 2022/23

<b>Purpose:</b>	This report details capital outturn and financing for the year ended 31 March 2023.
<b>Policy Framework:</b>	Budget Plan 2022/23.
<b>Consultation:</b>	Cabinet Members, Corporate Management Team, Legal and Access to Services
<b>Recommendation(s):</b>	It is recommended that:  1) The net underspend of the increased capital budget of £28.8m is carried forward to 2023/24
<b>Report Author:</b>	Ben Smith
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Background

- 1.1 The original capital budget approved by Council in February 2022 for 2022/23 totalled £144,561m (excluding the waste provision). During 2022/23 this figure was increased by £14.8m to give a revised budget of £159.4m.

The net increase in the capital budget was the result of:

1. The addition of both grant funded and Council funded schemes after Council approved the original programme,
2. Delayed or reprofiled spending from 2021/22 carried forward into 2022/23.

## 2. Outturn 2022/2023

- 2.1 Capital outturn in 2021/22 on the approved budget was £121.1m, which is a significant level of spend across all service areas. There was an under spend on the approved and reprofiled budget of £28.8m which is detailed in Appendix A. Apart from a small number of exceptions, the under spends in the capital budget represent delayed or reprofiled spend on approved schemes. As such, the unspent budget will need to be carried forward to 2023/24 in order to complete schemes in progress.
- 2.2 It should be recognised that capital schemes are complex projects which are often faced with a host of issues including legal (planning, procurement etc.) and operational (budget, ground conditions, weather), which can offer challenges to the delivery timetable.
- 2.3 Underspends in excess of £0.5m are set out in Appendix C with accompanying comments.
- 2.4 Appendix A shows the breakdown of Capital Expenditure and variances in respect of individual Directorates and highlights the sum of £40.2m spent on HRA properties during the year.
- 2.5 Notwithstanding the under spending mentioned above, the capital outturn represents significant expenditure on a number of major projects. Appendix B lists projects with expenditure in excess of £0.5m.

## 3. Financial Implications

- 3.1 2022/2023 capital expenditure has been financed as follows:

<b>Financing Requirement</b>	<b>£'000</b>
Unfinanced sundry creditors 2021/22	7,626
<b>2022/23 ledger capital spend</b>	<b>122,184</b>
To be financed sundry creditors 2022/23	-6,136
<b>Spend to be funded in 2022/23</b>	<b>123,674</b>

<b>Financing 2022/23</b>	<b>£'000</b>
Supported Borrowing	6,347
Unsupported Borrowing (GF plus HRA)	14,051
Grants and Contributions	67,702
Revenue contributions to capital	28,400
Capital receipts	7,175
<b>Total financing 2022/23</b>	<b>123,674</b>

#### **4. Legal Implications**

4.1 There are no legal implications.

#### **5. Integrated Assessment Implications**

5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

5.2 There are no implications arising from this report. A full analysis of equalities implications is carried out as part of the annual budget process and any expenditure detailed in this report is on approved schemes. Individual capital schemes approved will be subject to IIA process.

**Background Papers:** None

#### **Appendices:**

- |            |  |
|------------|--|
| Appendix A | Capital Programme Outturn Summary              |
| Appendix B | Capital Projects with spend in excess of £500k |
| Appendix C | Capital Projects underspend in excess of £500k |

Directorate Comparison	Original Budget 2022/23 £'000	Revised Budget 2022/23 £'000	Outturn 2022/23 £'000	Net Over / (Under) spending £'000
Finance	1,750	985	0	(985)
Digital Services and Customer Services	2,418	2,315	1,641	(674)
Education	5,155	13,372	10,167	(3,205)
Social Services	1,500	851	780	(71)
Place	133,478	139,798	108,480	(31,318)
<b>Total</b>	<b>144,301</b>	<b>157,321</b>	<b>121,068</b>	<b>(36,253)</b>

Budget Book Comparison	Original Budget 2022/23 £'000	Revised Budget 2022/23 £'000	Outturn 2022/23 £'000	Net Over / (Under) spending £'000
Education (including 21st Century Schools)	5,155	13,372	10,167	(3,205)
General Fund Services	80,994	106,903	70,732	(36,171)
HRA	58,152	37,046	40,169	3,123
<b>Total</b>	<b>144,301</b>	<b>157,321</b>	<b>121,068</b>	<b>(36,253)</b>

<b>Capital Projects with spend in excess of £500k</b>	<b>Appendix B</b>
<b>General Fund Schemes</b>	<b>£'000</b>
20mph National Rollout Programme Total	573
Active Travel strategic and local schemes (highways) Total	6,272
Bridges and Retaining Walls Total	750
Carriageway resurfacing and footways (including Highways Invest to save schemes and Patch schemes) Total	4,208
Highways Drainage works Total Total	453
LTF schemes including South Wales Metro, Dyfatty interchange, sustainable transport improvements and Baldwins bridge Total	2,789
Seawall repairs Mumbles Total	1,502
Street Lighting Conversion to LED Total	855
Vehicle replacement programme Total Total	323
Agile and Mobile IT equipment Total	615
Cefn Hengoed Community Hub Total	3,280
71-72 Kingsway Offices Total	10,120
Castle Square regeneration Total Total	309
Community hub (former BHS) Total	2,037
Copper Powerhouse Total	3,095
Debenhams Acquisition Total	2,690
Kingsway Infrastructure Total	1,242
Palace Theatre Total	3,600
Swansea Central Phase 1 construction (Arena and associated schemes) Total	1,769
Transforming Towns Placemaking schemes Total	1,724
Wind Street reimaged scheme Total Total	146
Bishopston Comprehensive school refurbishment Total	3,661
Free School Meals Total	1,385
YG Gwyr Secondary school extension Total	1,219
YGG Tan y Lan new build primary school Total	541
YGG Tirdeunaw new build primary school Total Total	260
Buildings capital maintenance (non-schools) Total	1,699
Schools building capital maintenance Total	6,220
Community Play Schemes Total	1,009

Housing Disabled Facilities Grants and MAGs Total	4,767
<b><i>HRA: various schemes</i></b>	
HRA Chimney repairs Total	789
HRA Energy Efficiency (including Boiler Replacements) Total	1,962
HRA External facilities Total	5,833
HRA Fire and Gas Safety improvements Total	2,148
HRA More Homes programme Total	10,911
HRA Refurbishment (mainly Kitchens & Bathrooms) Total	2,441
HRA Tenant Adaptations Programme Total	2,904
HRA Wind & Weatherproofing (including Hi-rise flats) Total	9,423
<b>Total of schemes in excess of £0.5m</b>	<b>105,528</b>

## Capital Projects Underspent in excess of £500k

Project	£'000	Comments
<b>Education</b>		
3G Pitch Olcfa Comprehensive	1,039	The tendering of this project was dependent upon the completion of a land sale at the school, which took place in January 2023. This project is now in construction phase and is due to be completed by September 2023.
<b>Culture &amp; Tourism</b>		
Cefn Hengoed Community Hub	1,607	The scheme is well underway, and expected to be completed in the Autumn 2023. Currently the funding profile is showing circa £100k left in contingency on the project. There will be a retention held on the contract works, but we will identify that exactly once the works is completed.
<b>Corporate Property</b>		
Reloc Ferryboat Close Acquisition	726	Project requires rescoping to inform options to be report back to Cabinet in the Autumn.
Acquisition of Quay West Office	736	As per original Cabinet report capital sum for the amount of £736k has been retained in relation Quay West in order to facilitate & enable a lease restructure with the primary tenant which will significantly enhance the occupation of the building. Negotiations being finalised.
<b>Highways</b>		
Active Travel strategic and local schemes (highways)	758	Underspend primarily related to land issues associated with common land designation. Delays due to Welsh Government review process. Funding body was informed of potential underspend and further funding has been allocated for financial year 23-24
Seawall repairs Mumbles	1,418	Programme continues into 23-24 financial year and budget allocation is extended to ensure full spend can be achieved
Vehicle replacement programme Total	792	This a rolling programme of vehicle replacements. In year expenditure is planned to match departmental needs and remaining service potential of existing vehicles
<b>Economic Regeneration &amp; Planning</b>		
71-72 Kingsway Offices	6,766	There have been construction delays and this will be completed in March 24
Castle Square regeneration Total	971	Construction tenders received and being analysed
Community hub (former BHS)	1,633	Currently underspent but Final FPR7 report to be presented to Cabinet with revised, increased Capital budget following tender process of all work packages.
Swansea Central Phase 1 construction (Arena and associated schemes)	7,221	Discussions continue with the Contractor on rectifying any remaining project defects
Economic Stimulus Outlying Comm	1,774	Underspend has been assigned to Palace Theatre project as part of Feb-23 FPR7 and will be utilised in 23/24 FY.
City Centre Re-purposing strategy	500	underspend to be allocate to the City Centre Strategy
<b>HRA and Housing GF</b>		
Disabled Facilities Grant	538	Underspend of £538k as a result of contractor capacity issues with existing framework of contractors unable to deliver the number of schemes needed to commit and spend budget. A new framework of contractors has been procured and commenced in January 2023 with increased capacity to ensure demand can be delivered and budget fully spent. Demand for DFGs increased in 2022-23 to levels above pre-covid years indicating existing DFG capital budget figures are needed in future.
<b>Total underspends greater than £500k 2022/23</b>	<b>26,479</b>	



Capital Projects Underspent in excess of £500k		Appendix C
Project	£'000	Comments
<b>Education</b>		
Bishopston Comprehensive (Band B)	1,240	The extension of the construction phase has resulted in the profile spend not being achieved during the 2021/22 financial year.
YG Gwyr Secondary (Band B)	1,017	The bond held by the authority on behalf of Kier has not been released and elements of construction work have been delayed which has resulted in the profile spend not being achieved during the 2021/22 financial year.
YG Tan-y-Lan (Band B)	657	The revaluation and agreement of the value for the HRA land have only recently been concluded, and delays in the Highways works has resulted in the profile spend not being achieved during the 2021/22 financial year.
<b>Digital</b>		
Agile IT	721	The underspend is because of delays in the supply of goods.
<b>Finance</b>		
Finance contingency fund	1,952	The unspent balance will be carried forward into 2022/23
<b>Highways</b>		
Local Transport Fund Baldwins Bridge Interchange	973	Ongoing land negotiations.
Seawall repairs Mumbles	997	Budget allocation set aside for construction phase, scheduled to commence from summer 2022
Morfa Colvert	500	Design development ongoing with works restricted due to seasonal working restrictions within the river
<b>Corporate Property</b>		
Pipehouse Wharf relocation	768	This year has focussed on the necessary design and preparatory works, including site clearance. Significant spend and progress expected during 2022/23.
Members Community capital scheme (Play)	730	The budget is fully committed and will be delivered during 2022/23.
Town centre regeneration schemes (commercial)	736	Expected capital required to facilitate Ministry of Justice (MOJ) lease regear on Quay West. Monies to be used as capital contribution towards fit out costs to enable occupation which will generate additional revenue & enhance security for the authority.
<b>Economic Regeneration &amp; Planning</b>		
Swansea Central Phase 1 construction (Arena and associated schemes)	13,469	Practical completion has been obtained on a number of sections within the coprbay project but not all. The church hall, café, residential accommodation, public realm together with a long snagging list and completion of the North block MSCP will extend the programme into the final quarter of this calendar year.
71-72 Kingsway Offices	4,825	Delay in contract award. Also, delay incurred following award of contract in May, aligning contractual matters, complicated by Covid restrictions.
Community Hub (former BHS)	1,429	Due to the delay in a decision from Welsh Government regarding funding the project was effectively on hold for a couple of months, so not progressed as anticipated. WG funding has now been approved but has extended the programme, however completion is still due in 2023/24
Transforming Towns - Placemaking	615	Several 3rd party property grants will have payments that will now fall into 2022/23 financial year. Council owned property enhanced by the Placemaking grant programme such as the Market enhancements, Dyfatty shops and Strand tunnels have recorded cost against their respective individual project budget codes.
Palace Theatre	902	A delay with the contract award meant the contractor started later in the year than anticipated.
Powerhouse scheme at Copperworks	984	Significant programme delays have been faced extending the project by a further circa 9/10 months, this has had an impact on the financial profiling set.
Kingsway renovation - Former Barclays scheme	608	The project is being re-tendered which will determine future programme
City Centre Re-purposing strategy	500	Budget allocated to smaller scale interventions that are currently at feasibility stage, with delivery and spend scheduled to commence 2022/23
<b>HRA and Housing GF</b>		
Disability Facilities grants	1,326	Slippage in programme due to delays in schemes from Covid outbreaks / isolation periods and the impact on construction industry
More Homes programme - Hillview / Baysview	842	Scheme delays caused by shortage of materials, issues with Welsh Water and a requirement to divert a sewer.
HRA General Environment schemes	543	A shortage of contractors has led to a number of tenders with poor or no returns, delaying the commencement of schemes.
HRA High-rise flats Croft Street	536	Delay in fee recharges being received from consultants.
<b>Total underspends greater than £500k 2021/22</b>	<b>36,870</b>	

# Agenda Item 10.



## Report of Cabinet Member for Service Transformation

Cabinet – 21 September 2023

### Disabled Facilities & Improvement Grant Programme 2023/24 – Transfer of Budget

<b>Purpose:</b>	To provide details of Disabled Facilities & Improvement Grant Programme in 2023-24 and to seek approval to return unused funding from Disabled Facilities Grants (DFG) and Homefix loans budgets to the Corporate Centre. To comply with Financial Procedure Rule No.7 (Capital Programming and Appraisals) - to commit and authorise schemes as per the Capital Programme.
<b>Policy Framework:</b>	1. Local Housing Strategy. 2. Private Sector Housing Renewal and Disabled Adaptations: Policy to Provide Assistance 2022-2027.
<b>Consultation:</b>	Legal, Finance, Access to Services.
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1. Approve the transfer of £460,519 from DFG budget and £712,556 from Homefix loans budget to the Corporate Centre.
<b>Report Author:</b>	Darren Williams
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Catherine Window

## **1.0 Introduction**

- 1.1 The current Private Sector Housing Renewal and Disabled Adaptations Policy was approved by Council on 27th January 2022.

## **2.0 Capital Programme Process**

- 2.1 The initial Disabled Facilities Grants and Improvement Grant Budget for 2023-24 of £5.2 million was agreed by Cabinet on 23<sup>rd</sup> March 2023. A further £1.401million was carried forward at the mid-point of 2022-23 due to delays in the capital programme resulting from lack of contractor capacity issues. From the £5.2 million budget, £4.3million was allocated to DFGs, £370,000 was allocated to Minor Adaptations Grants (MAGs) and £500,000 was allocated to Homefix property appreciation loans.
- 2.2 At the end of 2022-23 there was a further £1,010,416 capital budget underspend that is to be carried forward to 2023-24.

## **3.0 DFG Underspend**

- 3.1 The initial budget allocation of £4.3 million for DFGs in 2023-24 will be fully committed for spend during 2023-24. The current levels of base budget will continue to be needed in future to service the ongoing demand for DFGs.
- 3.2 Officers are monitoring the demand for DFGs carefully following removal of means test contributions for medium adaptation DFGs. DFG funding of £1.025 million was carried forward from 2021-22 into 2022-23 as a contingency in case of increased demand following the removal of the means test. There is now evidence of this increase in demand with a marked increase in grant applications to date in 2023-24 compared to pre-covid years levels. However, not all of the contingency will be required and it is forecasted that a budget of £5 million in 2023-24 will be sufficient to meet this in year demand. It is proposed the remaining £460,519 is returned to the Corporate Centre for future allocation to other capital projects.

## **4.0 Homefix loans.**

- 4.1 There continues to be a reduced demand for Homefix property appreciation loans from elderly and disabled applicants to carry out urgent and emergency repairs to their homes compared to pre-covid levels. At this stage it is anticipated a budget of £400,000 will be sufficient to meet current demand levels. It is proposed that £712,556 of the Homefix loan budget is returned to the Corporate Centre for future allocation to other capital projects.
- 4.2 The proposal to return Homefix loan budget to Council's Capital General Fund will not negatively impact the elderly and disabled client group as it is forecast there is sufficient funds in the capital programme to meet demand for these loans.

4.3 The proposed virements are detailed below :

<b>Fund</b>	<b>Original Funding 2023-24</b>	<b>Carry Forwards 2022-23</b>	<b>Budget 2023-24</b>	<b>Virement figure</b>	<b>Proposed Revised Funding 2023-24</b>
<b>DFG</b>	£5,325,000	£135,519	£5,460,519	-£460,519	£5,000,000
<b>Homefix loans</b>	£876,000	£236,556	£1,112,556	-£712,556	£400,000

## 5.0 Integrated Assessment Implications

5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

5.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.

5.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

5.2 An IIA Screening Form was completed for the Disabled Facilities & Improvement Grant programme FPR report agreed by Cabinet on 23<sup>rd</sup> March 2023 and a full IIA report was not required at this stage. The screening form confirmed the grant programme does not negatively impact on any protected characteristic groups, with a number benefitting from the forms of assistance provided.

5.3 The proposal to transfer DFG budget to other programmes will not negatively impact disabled clients as it is forecast there is sufficient funds in the capital programme for 2023-24 to meet the demand for DFGs.

## **6.0 Financial Implications**

6.1 This reports seeks approval to move a total of £1,173,075 from the Disabled Facilities Grant budget (DFG) (£460,519) and the Homefix Loans budget (£712,556) to the Corporate Centre.

## **7.0 Legal Implications**

7.1 The schemes detailed are in line with local authority powers to provide assistance, contained in the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and the Council's published Policy.

**Background Papers:** None

**Appendices:**

Appendix A - IIA screening form.

# Appendix A - Integrated Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

## Which service area and directorate are you from?

Service Area: Housing Renewal and Adaptations

Directorate: Place

### Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

### (b) Please name and fully describe initiative here:

**FPR 7 DISABLED FACILITIES & IMPROVEMENT GRANT PROGRAMME 2023/24**

### Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix A - Integrated Impact Assessment Screening Form

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?**

**Please provide details below – either of your activities or your reasons for not undertaking involvement**

Engagement has taken place with Western Bay Care and Repair who confirm there is an ongoing demand from elderly / disabled clients in need of minor adaptations and repairs quickly resulting in MAG and CSS schemes being funded in the programme in 23/24.

Current demand for DFGs remain constant , back to pre Covid levels, existing budget of £4.3 million will meet this demand.

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?

Yes  No

b) Does the initiative consider maximising contribution to each of the seven national well-being goals?

Yes  No

c) Does the initiative apply each of the five ways of working?

Yes  No

d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?

Yes  No

---

**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk

---

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes  No **If yes, please provide details below**

Will impact support services within the Council that assist us in delivering the programme including legal services and Financial services.

---

**Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?**

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

Positive impact on elderly and disabled clients requiring adaptations or urgent repairs in 23-24 to help them to remain living independently at home. Page 72

## Appendix A - Integrated Impact Assessment Screening Form

Positive impact on elderly / disabled clients requiring minor adaptations or repairs quickly through MAG and CSS programmes.

Homefix loans will continue to assist the elderly, disabled on low income in funding much needed essential repairs to their homes.

The Welsh Government loans will continue to assist those households who cannot obtain private finance to fund much needed repairs, an interest free loan repaid in monthly instalments.



# Appendix A - Integrated Impact Assessment Screening Form

## Outcome of Screening

**Q8 Please describe the outcome of your screening below:**

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

This proposal will have a low impact with no mitigation required. See Q7 response above.

The proposal is low risk.

The proposal supports the Well-being of Future Generations Act (Wales) 2015.

The funding proposal will have a positive impact by providing financial assistance for older and disabled people to receive repairs to remain living independently, those in poverty / social exclusion by targeting assistance at households on low income, and community cohesion by bringing problematic empty properties back into use and creating additional affordable housing in local areas.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name:</b> Darren Williams
<b>Job title:</b> Programme Planning and Delivery Manager – Renewal and Adaptations
<b>Date:</b> 18.1.23
<b>Approval by Head of Service:</b>
<b>Name:</b>
<b>Position:</b>
<b>Date:</b>

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)

# Agenda Item 11.



## Report of the Cabinet Member for Corporate Services and Performance

Cabinet – 21 September 2023

### Shared Cost AVC Pension Arrangement for LGPS Members

<b>Purpose:</b>	To seek Cabinet approval to introduce a shared cost AVC pension arrangement to LGPS members
<b>Policy Framework:</b>	Workforce Strategy
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Approve the introduction of a shared cost AVC pension arrangement for LGPS members  2) Approve that earnings related payments such as overtime, pay increases, contractual allowances, occupational maternity pay, occupational sickness pay and redundancy are calculated on the notional salary before applying the salary sacrifice reduction.  3) Approve the inclusion of a new discretion in the Council's LGPS Employer's Pension Discretionary Policy to permit LGPS members to participate in a Shared Cost AVC scheme  4) Approve partnering with an external provider to deliver a fully managed service covering Shared Cost AVCs
<b>Report Author:</b>	Rachael Davies
<b>Finance Officer:</b>	Jeff Dong
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 This report seeks approval to implement a salary sacrifice Shared Cost Additional Voluntary Contribution (Shared Cost AVC) pension arrangement for Local Government Pension Scheme (LGPS) members. Shared Cost AVC

schemes have been widely adopted across the LGPS in the UK with over 100 councils already delivering this key staff benefit.

- 1.2 LGPS members are currently permitted to contribute to a standard Additional Voluntary Contribution scheme (AVC) and receive income tax relief on their contributions through their payslip. AVCs are a long-term pension savings plan that runs alongside the main LGPS scheme that allows a member to build up a capital sum. On retirement, they can access the benefits through a range of options including the ability to receive the capital sum 100% tax free in most cases.
- 1.3 AVC contributions are paid across to a partnering responsible financial organisation who manage the plan and investments. Whilst Swansea Council is an employer within the LGPS, Swansea Council is also The LGPS Administering Authority of The City & County of Swansea Pension Fund which is responsible for appointing the external AVC provider (currently Prudential), and this arrangement would not change with the introduction of a salary sacrifice Shared Cost AVC scheme. The recommendations within this report apply to Swansea Council as an employer only.
- 1.4 The LGPS and HMRC regulations provide the necessary authority for employers to introduce a Shared Cost AVC scheme. The advantages of implementing this new Shared Cost AVC arrangement over the current standard AVC scheme is that in addition to the income tax relief that staff currently received, they will in addition receive national insurance contribution relief too. The Council will also make savings, through a reduction in the employer national insurance contributions and the apprenticeship levy.
- 1.5 To ensure that the Shared Cost AVC arrangement is compliant with the LGPS/HMRC regulations, the scheme must be set up as a 'shared cost' scheme which requires both the employee and employer to contribute to the Shared Cost AVC. Although this suggests that the Council will pay a financial contribution towards the Shared Cost AVC plan, this is not the case. How it works in practice is that the employee accepts a contractual reduction in remuneration (a salary sacrifice), equivalent to the amount they would like to pay into the scheme, and the employer pays this amount into the Shared Cost AVC plan on their behalf. To meet the 'shared cost' arrangement the employee is then required to pay a nominal £1 each month into the Shared Cost AVC through a payslip deduction. Appendix 1 of this report provides an example of the comparative savings of the current AVC scheme and new Shared Cost AVC scheme.
- 1.6 Recommendation 2 above covers the treatment of earnings-related payments for staff who opt for Shared Cost AVCs. It is critical that the Shared Cost AVC scheme does not affect future earnings because of the salary sacrifice reduction, as this would be counter-productive to implementing a scheme. To ensure that the scheme is effective, any contractual earnings such as overtime, pay increases, contractual allowances, occupational maternity pay, occupational sickness pay, and redundancy must continue to be calculated on the notional salary **before** the salary sacrifice is applied. If contractual pay is calculated on the salary after the salary sacrifice, this will result in a reduction in pay on earnings related payments. Without this

approach there will be little incentive for staff to commence Shared Cost AVCs and we will not deliver either an improved pension outcome for staff and/or employer savings. This approach is consistent with all other public sector employers who have introduced Shared Cost AVCs.

## 2. Implications

- 2.1 Recommendation 3 above covers the requirement to make amendments to and publish the council's Employers Pensions Discretionary Policy, the current version of which is included as Appendix A. The Policy currently states:

Shared Cost Additional Voluntary Contributions		
Whether, how much and what circumstances to contribute to a Shared Cost AVC scheme	R17 (1) and R15 (1) (d)	Swansea Council

The proposed new discretion is shown in the table below:

Shared Cost Additional Voluntary Contributions		
Whether, how much and what circumstances to contribute to a Shared Cost AVC scheme	R17 (1) and R15 (1) (d)	Swansea Council will pay shared cost AVCs where an employee has elected to pay AVCs by salary sacrifice. The amount of these employer Shared Cost AVCs will not exceed the amount of salary sacrificed by the employee. This discretion is subject to the employee meeting the conditions for acceptance into the salary sacrifice Shared Cost AVC scheme and may be withdrawn or changed at any time.

- 2.2 It is important to note that Shared Cost AVCs will not affect the main LGPS scheme benefits provided that the employer specifies in the supporting documentation that the Shared Cost AVC contribution the employer makes to the Shared Cost AVC will be a pensionable emolument (in accordance with the LGPS regulations (Regulation 20(1)(b) of the 2013 Regulations). This will be included in the Shared Cost AVC scheme documentation.
- 2.3 Recommendation 4 above, advises that the council engages with an external provider to deliver Shared Cost AVCs for several important reasons, shown in the table below:

It provides a guarantee to the council that the scheme will be legislatively compliant with HMRC and LGPS Regulations.
It delivers an efficient automated processing platform with workflow to administer Shared Cost AVC applications and scheme amendments including National Living Wage/Minimum National Wage compliance checks.
It provides accurate calculators to help staff understand the benefits of saving towards their retirement.
It delivers a comprehensive range of pension webinars to enable staff to be better informed and educated about their LGPS pension and Shared Cost AVCs.

It provides the launch and ongoing communication collateral to make staff aware of the scheme.
It provides a full audit trail of all transactional activity including embedding electronic contractual change documentation to eliminate internal HR resource.
It provides several help options to support staff (telephone helplines, webchat, webinars, 1 to 1 meetings).
It improves the processing of Shared Cost AVCs through a direct link to the AVC providers
It includes a continual review process to ensure that all supporting scheme documentation is up to date and relevant (FAQs, videos, Knowledge Hub guidance, retirement projection calculators etc.)
It will deliver additional savings to the council through better communication of the Shared Cost AVC scheme

2.4 The main advantages of implementing a Shared Cost AVC scheme are:

- Staff will have access to a new financial well-being benefit that provides significantly improved retirement benefit outcomes
- Staff who contribute to a Shared Cost AVC scheme will pay lower national insurance contributions (NICs) and this saving will automatically be passed into the AVC. For most staff this will result in a saving of 13.25%
- Staff will continue to receive income tax relief on their Shared Cost AVC contributions
- The combined tax and NIC saving equates to a growth/yield rate of over 49% for basic rate taxpayers and over 76% for higher rate taxpayers through the payslip
- The introduction of a Shared Cost AVC will have no effect on the main LGPS benefits
- The council will make savings in employer NICs and Apprenticeship Levy of £80,223 in year 1. It is anticipated that savings could grow to £198,603 by year 3
- Staff will have access to a wide range of pension webinars and the option of individual pension meetings

### 3. Savings

The estimated savings are calculated using the following data but it must be noted that any savings are dependent upon LGPS members choosing to pay into a Shared Cost AVC which can alter at any time.

Assuming that 90% of the 510 current AVC scheme members will switch to the shared cost arrangement, the following table shows the expected amounts paid in contributions with anticipated growth of 1% per year:

	Year 1	Year 3
Total LGPS members	12643	12643
Estimated LGPS members paying into SCAVCs	510	885
Total estimated SCAVCs paid per month	£80,381	£221,250
Total estimated SCAVCs paid per year	£964,580	£1,673,712
Average AVC per month	£157.60	£250.00
% take up	3.96%	7%

Total Niable SCAVCs (i.e., less £1 personal contribution)	£958,460	£1,663,092
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	Standard AVC Year 1	Standard AVC Year 3	Year 1 Shared Cost AVC	Year 3 Shared Cost AVC
Estimated gross employer NIC and apprenticeship levy savings (14.3%)	Nil	Nil	£123,354	£305,378
Less FMS fees (5%)	Nil	Nil	£43,131	£106,775
Estimated net savings (9.3%)	Nil	Nil	£80,223	£198,603

Whilst there are no savings to be made with the existing AVC arrangement, moving to a shared cost arrangement could generate an employer saving of up to £198,603 within a 3 year period.

The table below shows the savings that an average employee would make by opting into a shared cost AVC arrangement:

The average AVC contribution that LGPS members pay in the UK amounts to £250 per month. The savings illustration below is based on this monthly contribution		
<u>Basic Rate Taxpayer</u>	<u>Standard AVC</u>	<u>Shared Cost AVC</u>
Monthly contribution	£250.00	£250.00
Tax saving	£50.00	£50.00
National Insurance Saving	NIL	£32.99
Total Tax/NIC Saving	£50.00	£82.99
Net Cost to employee	£200.00	£167.01
% yield/growth on every £1 saved	25%	49%
AVC saved after 12 months	£3,000.00	£3,000.00
Net cost to save £3,000.00	£2,400.00	£2,004.12
Tax/NIC saving after 12 months	£600.00	£995.88

#### 4. Implementation considerations

- 4.1 The recommendation to deliver the service through an external provider will require the procurement options to be considered. A detailed requirements specification has been drawn up to ensure that the service provider delivers a comprehensive inclusive service that requires minimal support from council officers. This specification includes requirements to deliver a platform to process AVCs for new and existing AVC payers, a range of calculators to help staff understand the financial cost of AVCs, full communication collateral to support the roll out and ongoing scheme publicity, employee helplines, the option for staff to book individual meetings and a comprehensive range of staff webinars covering a wide range of LGPS topics.
- 4.2 To safeguard any future compliance issues, the Shared Cost AVC scheme will require HMRC approval prior to launch. Other Councils have achieved this requirement and this work is included in the specification to be

delivered by the successful external provider. In addition, the Council will be required to carry out some routine checks to ensure that any applications comply with the National Living Wage/National Minimum Wage rules and again this has been included in the requirements to ensure that the checks can be made within the external provider platform.

## **5. Integrated Assessment Implications**

5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs

5.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

5.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

5.4 An IIA Screening Form has been completed with the outcome that a full IIA report is not required: The summary of impacts has been categorised as low, but with a positive impact as opposed to a negative.

## **6. Financial Implications**

The estimated employer NIC savings based on the estimated take up of staff that transfer from the existing AVC arrangement to a Shared Cost AVC is expected to be £80,223 in Year 1. This saving could grow to £198,603 by Year 3 because of widespread communication of this new staff pension benefit facilitated by the external provider. The procurement of an external provider, who has a track record of delivering Shared Cost AVC services to councils will provide the necessary safeguards that the scheme is compliant

with employment and tax law. It also removes the risk of the council having to fund back-office resource to deliver a skilled complex service. The external providers who deliver this type of service normally charge fees based on the member take up of AVCs. This is commonly around 5% of the employer NIC savings and there are normally no set up fees.

## **7. Legal Implications**

There are a number of legal issues that require action prior to the implementation of a Shared Cost AVC scheme:

- The Shared Cost AVC scheme information pack and frequently asked questions must explain the scheme in sufficient depth to enable staff to understand the implications of becoming a Shared Cost AVC member.
- The employee will be required to sign a salary sacrifice agreement to vary the contract of employment to accept the contractual reduction in remuneration.
- The Shared Cost AVC scheme will need to be approved by HMRC.
- The council's Pension Discretions Policy will need to be amended and published to provide the authority to enable staff to pay into Shared Cost AVCs as one of our discretions.
- The scheme documentation will need to state that the Shared Cost AVCs are to be treated as a pensionable emolument in accordance with the LGPS regulations (Regulation 20(1)(b) of the 2013 Regulations), to ensure that a member's main scheme benefits are not reduced.

The report clearly identifies and addresses the risks and makes the appropriate recommendations to avoid any potential loss to contributors regarding the LGPS and seeks to maximise tax efficiencies to be delivered to both the employee and employer. This comment is set against the additional reassurance that all current AVC holders will receive a full briefing on Shared Cost AVCs and that the scheme will be approved by HMRC before implementation.

The procurement of an external provider of the managed service will need to comply with the Public Contracts Regulations 2015 and any other relevant legislation.

**Background Papers:** None

### **Appendices**

Appendix A: Pension Discretions Policy

Appendix B: IIA Screening





## Employer's Pensions Discretions Policy 2021

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## 1.0 Policy Statement

### 1.1 SWANSEA COUNCIL EMPLOYER'S PENSIONS DISCRETIONS: 2020 UPDATE

Under regulation 60 of the Local Government Pension Scheme (LGPS) Regulations 2013, employers participating in the pension scheme are required to formulate, publish and keep under review a statement of policy on all mandatory discretions and are recommended to also keep under review all non-mandatory discretions that they may exercise in relation to members of the scheme.

#### 1.2 Scheme employers must also formulate, publish and keep under review all mandatory discretions in accordance with:

Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 [SI 2006/2914]

Regulation 26 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 [SI 2000/1410]

#### 1.3 And all mandatory discretions related to injury allowances in accordance with: Regulation 14 of the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 [SI 2011/2954]

#### 1.4 Also, there is a recommendation that the employer (the Council) formulate, publish and keep under review a statement of policy which relate to injury allowances in respect of leavers, deaths, and reduction in pay that occurred before 16 January 2021; and which relate to gratuities in respect of leavers and deaths that occurred before 16 January 2021, Local Government (Discretionary Payments) Regulations 1996 [SI 1996/1680].

## 2.0 Pensions Regulations

### 2.1 The LGPS Regulations require employers who participate in the Scheme to draw up and publish a discretions policy and to keep it under review. Discretions are powers that enable employers to choose how to apply the scheme in respect of certain provisions. Discretions only apply at the time of application and are subject to change. When the Council sets and reviews these employer discretions, consideration is given to:

- Cost – discretionary powers come with a cost attached - policies mustn't lead to a loss of confidence in public services, therefore have to be affordable
- Basis on which decisions are made – policies should not be so rigid or restrictive as to prevent flexibility where a possibly unanticipated situation requires it

- Equality – criteria that do not discriminate and where decisions are objectively justified
- 2.2 The Council has limited resources and needs to maintain a balanced budget. Any exercise of discretion and must be contained within existing service budgets, therefore discretions are only exercised in exceptional circumstances.
- 2.3 There are many employer discretions in the current Scheme regulations and several more still existing from previous Schemes; however only a relatively small number of employer discretions have to be published.
- 2.4 The LGPS Employer Discretions Policy is therefore the Council's written policy statement detailing all mandatory employer discretions, plus a number of non-mandatory employer discretions the LGPS recommend employers also publish.

### **3.0 Discretions – mandatory and non-mandatory**

- 3.1 There are 5 mandatory discretions and 8 non-mandatory discretions.
- 3.2 The mandatory discretions are:
- Whether to grant extra annual pension
  - Whether to share the cost of purchasing additional annual pension (SCAPC)
  - Whether to permit flexible retirement?
  - Whether to switch on the 85 year rule (excluding flexible retirement) upon the voluntary early payment of deferred benefits
  - Whether to waive, upon the voluntary early payment of benefits, any actuarial reduction on compassionate grounds or otherwise (excluding flexible retirement)
- 3.3 The non-mandatory discretions are:
- Whether to, how much, and in what circumstances to contribute to a shared cost Additional Voluntary Contribution (SCAVC) arrangement?
  - Whether to extend the time limit for a member to elect or purchase additional pension by way of a shared cost additional pension contribution (SCAPC) upon return from a period of absence?
  - Whether to extend the 12 month time limit for a member to elect to transfer pension rights from another registered pension scheme into the Scheme?
  - Whether to extend the 12 month time limit for a member to elect not to aggregate post 31 March 2014 (or combinations of pre April 2014 and post March 2014) deferred benefits
  - Whether to extend the 12 month time limit for a member to elect to aggregate pre April 2014 deferred benefits
  - How an employee's contribution band will be initially determined and thereafter reviewed?
  - Whether to include a regular lump sum payment when calculating assumed pensionable pay (APP)?

- Whether, subject to qualification, to substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP)?
- 3.4 Any change to the discretions exercised under the LGPS Regulations will take immediate effect from the date the changes to the policies are agreed. This policy will remain under review, and all updates will be added and published at the earliest opportunity, subject to consideration of regulations outlined in 3.5.
- 3.5 Any change to the discretions exercised under the Discretionary Compensation Regulations 2000, the Discretionary Compensation Regulations 2006 or the Injury Allowances Regulations 2011 cannot take effect until *one month after the date the statement of the amended policy is published*.
- 3.6 A copy of any revised policy will be sent to the City and County of Swansea Pension Fund within one month of its revision.
- 3.7 The following items highlighted in grey are the 2020 updates to the above, and outlines the Council's policy for each one. The items not greyed out are the existing discretions where no changes have been made.

## 4.0 Relevant Mandatory Discretions

### 4.1 Previous relevant mandatory discretions

LIST OF PENSIONS DISCRETIONS: 2018 update for check against info above

**SUMMARY OF THE KEY DISCRETIONS TO BE EXERCISED ON AND AFTER 1 APRIL 2014 (AS AT 14 MAY 2018) IN RELATION TO ACTIVE MEMBERS (EXCLUDING COUNCILLOR MEMBERS) AND MEMBERS (EXCLUDING COUNCILLOR MEMBERS), WHO CEASE ACTIVE MEMBERSHIP AFTER 31 MARCH 2014, BEING DISCRETIONS UNDER:**

- The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [prefix B]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [prefix TP]
- The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]
- The Local Government Pension Scheme Regulations 1997 [SI 1997/1612] (as amended) [prefix L]

**SUMMARY OF KEY DISCRETIONS TO BE EXERCISED ON AND AFTER 1 APRIL 2014. (AS AT 14 MAY 2018) IN RELATION TO ACTIVE MEMBERS (EXCLUDING COUNCILLOR MEMBERS) AND MEMBERS (EXCLUDING COUNCILLOR**

**MEMBERS), WHO CEASE ACTIVE MEMBERSHIP BETWEEN 1 APRIL 2008 AND 31 MARCH 2014:**

Mandatory

Whether to switch on the 85 year rule upon voluntary early payment of deferred benefits

Whether to switch on the 85 year rule upon voluntary early payment of a suspended tier 3 ill health pension

Whether to waive upon the voluntary early payment of deferred benefits any actuarial reduction on compassionate grounds

Whether to waive upon the voluntary early payment of a suspended tier 3 ill health pension any actuarial reduction on compassionate grounds

**SUMMARY OF THE DISCRETIONS TO BE EXERCISED ON AND AFTER 1 APRIL 2014. (AS AT 14 MAY 2018) IN RELATION TO ACTIVE MEMBERS (EXCLUDING COUNCILLOR MEMBERS) AND MEMBERS (EXCLUDING COUNCILLOR MEMBERS), WHO CEASED ACTIVE MEMBERSHIP BEFORE 1 APRIL 1998:**

Mandatory:

Whether to grant early payment of benefits on compassionate grounds?

**SUMMARY OF THE DISCRETIONS TO BE EXERCISED UNDER THE LOCAL GOVERNMENT (EARLY TERMINATION OF EMPLOYMENT) (DISCRETIONARY COMPENSATION) (ENGLAND AND WALES) REGULATIONS 2006:**

Mandatory:

Whether to base redundancy payments on an actual week's pay where this exceeds the statutory week's pay limit?

Whether to award a lump sum compensation up to 104 weeks' pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment?

**SUMMARY OF THE DISCRETIONS TO BE EXERCISED UNDER THE LOCAL GOVERNMENT (EARLY TERMINATION OF EMPLOYMENT) (DISCRETIONARY COMPENSATION) (ENGLAND AND WALES) REGULATIONS 2000:**

Mandatory:

To what extent to reduce or suspend a person's annual compensatory added year's payment during any period of re-employment in local government and thereafter?

How to apportion any surviving spouse's or civil partner's annual compensatory added years' payment?

Whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid following remarriage, commencement of a new civil partnership or cohabitation?

Whether the spouse's or civil partner's annual compensatory added years payments should be reinstated following cessation of a remarriage, a new civil partnership or cohabitation?

Whether to suspend the payment of annual compensatory added years where the spouse or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partner's annual CAY payment?

How to decide to whom any children's annual compensatory added years' payments are to be paid (and apportioned) where children's pensions are not payable under the LGPS?

**SUMMARY OF THE DISCRETIONS TO BE EXERCISED UNDER THE LOCAL GOVERNMENT (EARLY TERMINATION OF EMPLOYMENT (DISCRETIONARY PAYMENTS) (INJURY ALLOWANCES) REGULATIONS 2011:**

Mandatory:

Whether to pay an injury award and in what circumstances

How to determine the amount of an injury award and for how long it will be paid?

**The following outlines all current discretions and new requirements are included in greyed out sections of each table.**

**5.0 Discretions (as at 31 July 2021)**

**5.1 Section 1:**

- **LGPS Regulations 2013 [SI 2013/2356] [R]**
- **LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]**
- **LGPS (Administration) Regulations 2008 [SI 2008/239] [A]**
- **LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B]**
- **LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T]**
- **LGPS Regulations 1997 (as amended) [SI 1997/1612] [L]**

Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members):

<b>Regulation</b>	<b>Discretionary Power</b>	<b>Swansea Council Policy</b>
R16(2)(e) & R16(4)(d)	Whether, how much, and in what circumstances to contribute to a shared cost APC scheme.	<b>The Council has determined that it will not fund SCAPCs due to the increased costs associated</b>

R30(6) & TP11(2)	Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)	<b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
R30(8)	Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.	<b>This policy has been approved and published within the Retirement Policy</b>  <b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
R30(8)	Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31 March 2014 membership).	<b>This policy has been approved and published within the Retirement Policy</b>  <b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
TPSch 2, para 1(2) & 1(1)(c)	Whether to “switch on” the 85-year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement).	<b>This policy has been approved and published within the Retirement Policy</b>  <b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
TP3(1), TPsch 2, para 2(1), B30(5) & B30A(5)	Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1 April 2014 and post 31 March 2014 membership):	<b>This policy has been approved and published within the Retirement Policy</b>  <b>The Council will consider each case on its own merits</b>

	<p>a) on compassionate grounds (pre 1 April 2014 membership) and / or, in whole or in part on any grounds (post 31 March 2014 membership) if the member was not in the Scheme before 1 October 2006,</p> <p>b) on compassionate grounds (pre 1 April 2014 membership) and / or, in whole or in part on any grounds (post 31 March 2014 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will not attain 60 between 1 April 2016 and 31 March 2020 inclusive, TP3(1), TPSch 2, para 2(1), B30(5) &amp; B30A(5) Employer (or Admin. Council where Employer has become defunct)</p> <p>c) on compassionate grounds (pre 1 April 2016 membership) and / or, in whole or in part on any grounds (post 31 March 2016 membership) if the member was in the Scheme before 1 October 2006 and will be 60 by 31 March 2016,</p> <p>d) on compassionate grounds (pre 1 April 2020 membership) and / or, in whole or in part on any grounds (post 31 March 2020 membership) if the member was in the Scheme before 1 October 2006, will not be 60 by 31 March 2016 and will attain 60 between 1 April 2016 and 31 March 2020 inclusive.</p>	<p><b>and may only agree where there is a robust business case justifying the cost</b></p>
R31	<p>Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to <b>£6,500</b> p.a. on 1 April 2014 - this figure is inflation proofed annually)</p>	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
R9(1) & R9(3)	<p>Determine rate of employee contributions</p>	<p><b>All fixed, regular payments which are considered pensionable are taken into account. Regular reassessments and re-bandings will take place to take into account, for</b></p>



		<b>example, pay awards, increments and promotions</b>
R16(16)	Whether to extend the 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave)	<b>Extensions only to be allowed in exceptional circumstances and where the delay was outside of the member's control</b>
R17(1) & definition of SCAVC in RSch1	Whether, how much, and in what circumstances to contribute to shared cost AVC arrangements	<b>The Council does not offer shared cost AVC arrangements</b>
TP15(2A)(b), L66(8) & former L66(9)(b)	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership (where AVC arrangement was into before 13 November 2001)	<b>Extensions only to be allowed in exceptional circumstances and where the delay was outside of the member's control</b>
R19(2)	No right to return of contributions where a member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a total or partial refund is to be made.	<b>The Council will consider each case on its own merits</b>
R20(1)(b)	Specify in an employee's contract what other payments or benefits, other than those specified in R20(1)(a) and not otherwise precluded by R20(2), are to be pensionable	<b>All fixed, regular payments which are considered pensionable are taken into account. Regular reassessments and re-bandings will take place to take into account, for example, pay awards, increments and promotions</b>
R21(5)	In determining Assumed Pensionable Pay (APP), whether a lump sum payment made in the previous 12 months is a "regular lump sum"	<b>Generally a lump sum payment made in the previous 12 months will not be considered a "regular lump sum", however each case will be considered on its merits</b>
R21(5A) & R21(5B)	Where in the Employer's opinion, the pensionable pay received in relation to an employment (adjusted to reflect any lump	<b>The Council will consider each case on its own merits</b>

	sum payments) in the 3 months (or 12 weeks if not paid monthly) preceding the commencement of Assumed Pensionable Pay (APP), is materially lower than the level of pensionable pay the member would have normally received, decide whether to substitute a higher level of pensionable pay having had regard to the level of pensionable pay received by the member in the previous 12 months.	
R22(8)(b)	Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with a new employment.	<b>Extensions only to be allowed in exceptional circumstances and where the delay was outside of the member's control</b>
TP10(6)	Whether to extend the 12 month option period for a member (who did not become a member of the 2014 Scheme by virtue of TP5(1)) to elect that pre 1 April 2014 deferred benefits should be aggregated with a new employment.	<b>Extensions only to be allowed in exceptional circumstances and where the delay was outside of the member's control</b>
R22(7)(b)	Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with an ongoing concurrent employment	<b>Extensions only to be allowed in exceptional circumstances and where the delay was outside of the member's control</b>
TP12(6)	Whether to use a certificate produced by an IRMP under the 2008 Scheme for the purposes of making an ill health determination under the 2014 Scheme	<b>The Council will consider each case on its own merits</b>
R37(3)&(4)	Determine whether a person in receipt of Tier 3 ill health pension has started gainful employment	<b>The Council will determine eligibility in accordance with the LGPS regulations and will review after 18 months</b>
R37(3)	Whether to recover any overpaid Tier 3 pension following commencement of gainful employment	<b>The Council will determine eligibility in accordance with the LGPS regulations and will review after 18 months (depending on outcome of R37 (3)&amp;(4) above).</b>
R38(3)	Decide whether deferred beneficiary meets criteria of being permanently incapable of	<b>The Council will determine eligibility in</b>

	former job because of ill health and is unlikely to be capable of undertaking gainful employment before normal pension age or for at least three years, whichever is the sooner.	<b>accordance with the LGPS regulations and medical advice</b>
R38(6)	Decide whether a suspended ill health tier 3 member is unlikely to be capable of undertaking gainful employment before normal pension age because of ill health.	<b>The Council will determine eligibility in accordance with the LGPS regulations and medical advice</b>
R91(1)&(8)	Whether to apply to Secretary of State for a forfeiture certificate where member is convicted of a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person convicted is a member, and because of which the member left the employment).	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
R91(4)	Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited (other than rights to GMP – but see R95 below)	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
R92(1)&(2)	Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits.	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
R93(2)	Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than benefits from transferred in pension rights or APCs or AVCs or, subject to R95 below, in respect of any GMP) where the obligation was incurred as a result of a grave misconduct or a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment.	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
R95	Whether, if the member has committed treason or been imprisoned for at least 10 years for one or more offences under the Official Secrets Acts, forfeiture under R91 or recovery of a monetary obligation under R93 should deprive the member or the member's surviving spouse or civil partner of any GMP entitlement.	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
R98(1)(b)	Agree to bulk transfer payment.	<b>The Council will consider each case on its own merits</b>

R100(6)	Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS.	<b>The Council will consider each case on its own merits</b>
TP3(6), TP4(6)(c), TP8(4), TP10(2)(a), TP17(2)(b) & B11(2)	Whether to allow a member to select final pay period for fees to be any 3 consecutive years ending 31 March in the 10 years prior to leaving.	<b>The Council will consider each case on its own merits</b>
TP3(1)(a), TSch 1, L23(4)	Issue a certificate of protection of pension benefits where member fails to apply for one (pay cuts / restrictions occurring pre 1 April 2008)	<b>The Council will consider each case on its own merits</b>

## 5.2 Section 2

- **LGPS (Administration) Regulations 2008 [SI 2008/239] [A]**
- **LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) [SI 2007/1166] [B]**
- **LGPS (Transitional Provisions) Regulations 2008 [SI 2008/238] [T]**
- **LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]**
- **LGPS Regulations 2013 [SI 2013/2356] [R]**
- **LGPS 1997 (as amended) [1997/1612] [L]**

**Discretionary policies in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014**

Discretionary policies from 1 April 2014 in relation to post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members):

<b>Regulation</b>	<b>Discretionary Power</b>	<b>Swansea Council Policy</b>
TPSch 2, para 1(2) & 1(1)(c)	Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (excluding flexible retirement).	<b>This policy has been approved and published within the Retirement Policy</b>
B30(5), TPSch 2, para 2(1)	Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member).	<b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>

TPSch 2, para 1(2) & 1(1)(c)	Whether to “switch on” the 85 year rule for a pensioner member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60 (excluding flexible retirement).	<b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
B30A(5), TPsch 2, para 2(1)	Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A (pensioner member with deferred benefits).	<b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
TSch1, L66(8) & former L66(9)(b)	Allow late application to convert scheme AVCs into membership credit i.e. allow application more than 30 days after cessation of active membership.	<b>The Council will consider each case on its own merits</b>
A47(2)	No right to return of contributions where member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a total or partial refund is to be made.	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
A49(1) & (2)	Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund. Under revoked regulation 52(1) of the OPS (Contracting-out) Regulations 1996 [SI 1996/1172] and regulation 12 of the OPS (Schemes that were Contracted-out) (No.2) Regulations a CEP must have been paid to the commissioner within 6 months after the date of termination of contracted out employment, or one month after the Commissioner’s notifies the administering Council that a CEP is payable. Following the end of the contracted-out reconciliation exercise, this discretionary policy should be spent entirely as all premiums will have been paid and no further notifications will be issued by the commissioners	<b>The Council will consider each case on its own merits</b>
A72(1)&(6)	Whether to apply to Secretary of State for a forfeiture certificate where member is convicted of a relevant offence (a relevant offence is an offence committed in	<b>The Council will ordinarily apply this discretion, but reserves the right to consider</b>

	connection with an employment in which the person convicted is a member, and because of which the member left the employment)	<b>each case on its own merits.</b>
A72(3)	Where forfeiture certificate is issued, whether to direct that benefits are to be forfeited	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
A73(1) & (2)	Where forfeiture certificate is issued, whether to direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits.	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
A74(2)	Whether to recover from Fund any monetary obligation or, if less, the value of the member's benefits (other than transferred in pension rights or AVCs/SCAVCs) where the obligation was incurred as a result of a criminal, negligent or fraudulent act or omission in connection with the employment and as a result of which the person has left employment.	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
A76(2) & (3)	Whether to recover from Fund any financial loss caused by fraudulent offence or grave misconduct of employee (who has left employment because of that fraudulent offence or grave misconduct), or amount of refund if less.	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
B31(4)	Decide whether deferred beneficiary meets permanent ill health and reduced likelihood of gainful employment criteria.	<b>The Council will consider each case on its own merits</b>
B31(7)	Decide whether a suspended ill health tier 3 member is permanently incapable of undertaking any gainful employment.	<b>The Council will consider each case on its own merits</b>

### 5.3 Section 3

- **LGPS Regulations 1997 [SI 1997/1612]**
- **The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [SI 2008/238] [prefix T]**
- **The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]**
- **LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]**
- **The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]**

Discretionary policies in relation to:

Active Welsh councillor members, and councillor members who ceased active membership on or after 1 April 1998, and any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008:

<b>Regulation</b>	<b>Discretionary Power</b>	<b>Swansea Council Policy</b>
R31(2)	Grant application for early payment of deferred benefits on or after age 50 and before age 55.	<b>Generally, the Council will exercise its discretion not to allow such awards in all but very exceptional circumstances. Such cases would be subject to the submission of a robust business case, identifying the true costs of such an award</b>
TPSch 2, para 1(2) & 1(1)(f) & R60	Whether to “switch on” the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60.  Note: TPSch 2, para 2(2) does not reference para 1(1)(f) so strictly speaking there is no requirement to publish a policy under this regulation or R60. However, we understand that this is simply a regulatory omission and the appropriate party should publish a policy accordingly.	<b>This policy has been approved and published within the Retirement Policy</b>  <b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
31(5) & TPSch 2, para 2(1)	Waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early.	<b>This policy has been approved and published within the Retirement Policy</b>  <b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>

34(1)(b)	Decide, in the absence of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership.	<b>The Council will consider each case on its own merits</b>
71(7)(a)	Consent to a member's former employer assigning to the new employer rights under any SCAVC life assurance policy.	<b>The Council will consider each case on its own merits</b>
88(2)	No right to return of contributions where a member left their employment due to offence of a fraudulent character or grave misconduct in connection with that employment, unless employer directs a total or partial refund is to be made.	<b>The Council will consider each case on its own merits</b>
89(1)&(2)	Employer may deduct contributions from a councillor's pay or reserve forces pay.	<b>The Council will consider each case on its own merits</b>
92	Contribution Equivalent Premium (CEP) in excess of the Certified Amount (CA) recovered from a refund of contributions can be recovered from the Pension Fund. Under revoked regulation 52(1) of the OPS (Contracting-out) Regulations 1996 [SI 1996/1172] and regulation 12 of the OPS (Schemes that were Contracted-out) (No.2) Regulations a CEP must have been paid to the commissioner within 6 months after the date of termination of contracted-out employment, or one month after the Commissioner's notifies the administering Council that a CEP is payable. Following the end of the contracted-out reconciliation exercise, this discretionary policy should be spent entirely as all premiums will have been paid and no further notifications will be issued by the commissioners.	<b>The Council will consider each case on its own merits</b>
111(2)&(5)	Forfeiture of pension rights on issue of Secretary of State's certificate following a relevant offence (a relevant offence is an offence committed in connection with an employment in which the person	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>



	convicted is a member, and because of which the member left the employment).	
112(1)	Where forfeiture certificate is issued, direct interim payments out of Pension Fund until decision is taken to either apply the certificate or to pay benefits.	<b>The Council will ordinarily apply this discretion, but reserves the right to consider each case on its own merits.</b>
113(2)	Recovery from Fund of monetary obligation owed by former employee or, if less, the value of the member's benefits (other than transferred in pension rights).	<b>The Council will consider each case on its own merits</b>
115(2)&(3)	Recovery from Fund of financial loss caused by employee, or amount of refund if less.	<b>The Council will consider each case on its own merits</b>

#### 5.4 Section 4

- **LGPS Regulation 1995 [SI 1995/1019]**
- **The Local Government Pension Scheme (Transitional Provisions) Regulations 1997 [SI 1997/1613] [prefix TL]**
- **The Local Government Pension Scheme Regulations 1997 {SI 1997/1612} (as amended) [prefix L] • The Local Government Pension Scheme (Administration) Regulations 2008 [SI 2008/239] [prefix A]**
- **LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014 [SI 2014/525] [TP]**
- **The Local Government Pension Scheme Regulations 2013 [SI 2013/2356] [prefix R]**
- **The Local Government Pension Scheme Regulations 1995 [prefix D]**

Discretionary policies in relation to scheme members who ceased active membership before 1 April 1998:

<b>Regulation</b>	<b>Discretionary Power</b>	<b>Swansea Council Policy</b>
TP3(5A)(vi), TL4, L106(1) & D11(2)(c)	Grant application for early payment of deferred benefits on or after age 50 on compassionate grounds. Although the common provisions of the 1997 Transitional provisions regulations do not specify regulation D11(2)(c), the intention was that it should apply to this regulation.	<b>This policy has been approved and published within the Retirement Policy</b>  <b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>

D10	Decide, in the absence of an election from the member within 3 months of being able to elect, which benefit is to be paid where the member would be entitled to a pension or retirement grant under 2 or more regulations in respect of the same period of Scheme membership.	<b>The Council will consider each case on its own merits</b>
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## 5.5 Section 5

### • The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) [SI 2006/2914]

Discretionary policies in relation to employees of an employing Council that is defined under regulation 2 of The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended):

Regulation	Discretionary Power	Swansea Council Policy
5	To base redundancy payments on an actual week's pay where this exceeds the statutory week's pay limit.	<b>This policy has been approved and published within the Retirement Policy</b>  <b>The Council will pay according to actual pay.</b>
6	To award lump sum compensation of up to 104 week's pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.	<b>This policy has been approved and published within the Retirement Policy</b> <b>The Council will apply the statutory redundancy payment according to the regulatory calculator.</b>

## 5.6 Section 6

### • The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended) [SI 2000/1410]

Discretionary policies in relation to former employees of an employing Council that is a body that is a scheduled body, a designate body, or a body that is deemed to be a scheduled body under the LGPS Regulations 2013 and equivalent predecessor regulations (excluding admitted bodies):

<b>Regulation</b>	<b>Discretionary Power</b>	<b>Swansea Council Policy</b>
21 (4)	How to apportion any surviving spouses or civil partner's annual compensatory added years' payment where the deceased person is survived by more than one spouse or civil partner.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
25 (2)	How it will decide to whom any children's annual compensatory added years payments are to be paid where children's pensions are not payable under the LGPS (because the employee had not joined the LGPS) and, in such a case, how the annual added years will be apportioned amongst the eligible children.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
21 (7)	Whether, in respect of the spouse of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries, enters into a new civil partnership or cohabits after 1 April 1998, the normal pension suspension rules should be dis- applied i.e. whether the spouse's or civil partner's annual compensatory added years payments should continue to be paid.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
21 (5)	If, under the preceding decision, the Council's policy is to apply the normal suspension rules, whether the spouse's or civil partner's annual compensatory added years payment should be reinstated after the end of the remarriage, new civil partnership or cohabitation.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>

21(7)	Whether, in respect of the spouse or civil partner of a person who ceased employment before 1 April 1998 and where the spouse or civil partner remarries or cohabits or enters into a civil partnership on or after 1 April 1998 with another person who is also entitled to a spouse's or civil partners annual CAY payment, the normal rule requiring one of them to forego payment whilst the period of marriage, civil partnership or cohabitation lasts, should be dis-applied i.e. whether the spouses' or civil partners' annual CAY payments should continue to be paid to both of them.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
17	To what extent to reduce or suspend the member's annual compensatory added year's payment during any period of re-employment in local government.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>In general, the Council will suspend payment but the Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
19	How to reduce the member's annual compensatory added year's payment following the cessation of a period of re-employment in local government.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>

## 5.7 Section 7

### • The Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011 [SI 2011/2954]

Discretionary policies each employing Council may apply in the exercise of its discretionary powers to make any award in respect of leavers, deaths and reductions in pay that occurred post 15 January 2012:

<b>Regulation</b>	<b>Discretionary Power</b>	<b>Swansea Council Policy</b>
3 (1)	Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
3 (4) and 8	Mandatory written policy Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
3 (2)	Determine whether person continues to be entitled to an injury allowance awarded under regulation 3(1) (reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job).	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
4 (1)	Whether to grant an injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>

4 (3) and 8	Amount of injury allowance following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out duties of the job.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
4 (2)	Determine whether person continues to be entitled to an injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity).	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
4 (5)	Whether to suspend or discontinue injury allowance awarded under regulation 4(1) (loss of employment through permanent incapacity) if person secures paid employment for not less than 30 hours per week for a period of not less than 12 months.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
6 (1)	Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a regulation 3 payment (reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job) was being made at date of cessation of employment but regulation 4 (loss of employment through permanent incapacity) does not apply.	<p><b>This policy has been approved and published within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
6 (1)	Determine amount of any injury allowance to be paid under regulation 6(1) (payment	<p><b>This policy has been approved and published</b></p>

	of injury allowance following the cessation of employment).	<b>within the Retirement Policy</b>  <b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
6 (2)	Determine whether and when to cease payment of an injury allowance payable under regulation 6(1) (payment of injury allowance following the cessation of employment).	<b>This policy has been approved and published within the Retirement Policy.</b> <b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
7 (1)	Whether to grant an injury allowance to the spouse, civil partner, cohabiting partner (the requirement to nominate a co-habiting partner has ceased entirely under these regulations due to the outcome of the Elmes v Essex high court judgement) or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.	<b>This policy has been approved and published within the Retirement Policy</b> <b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
7 (2) and 8	Determine amount of any injury allowance to be paid to the spouse, civil partner, nominated co-habiting partner (for awards made on or after 1 April 2008 the requirement to nominate a co-habiting partner has ceased due to the outcome of the Elmes v Essex high court judgement) or dependent of an employee under regulation 7(1) (employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job).	<b>This policy has been approved and published within the Retirement Policy</b>  <b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b>
7 (3)	Determine whether and when to cease payment of an injury allowance payable under regulation 7(1) (employee who dies	<b>This policy has been approved and published</b>

	as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job).	<p><b>within the Retirement Policy</b></p> <p><b>The Council will consider each case on its own merits and may only agree where there is a robust business case justifying the cost</b></p>
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**5.8 Section 8  
The Local Government Discretionary Payments Regulations 1996 (as amended) [SI 1996/1680]**

Discretionary policies which relate to injury allowances, apply only in respect of leavers, deaths and reductions in pay that occurred before 16 January 2012; and which relate to gratuities, apply only in respect of leavers and deaths that occurred before 16 January 2012:

<b>Regulation</b>	<b>Discretionary Power</b>	<b>Swansea Council policy</b>
34(4)	Suspend or discontinue injury allowance if person becomes capable of working again.	<b>The Council will consider each case on its own merits</b>
35(3) &38	Amount of injury allowance following reduction in pay after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.	<b>The Council will consider each case on its own merits</b>
36	Amount and duration of injury allowance following cessation of employment where regulation 35 payment (injury allowance following reduction in pay after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job) was being made but regulation 34 (injury allowance following loss of employment through permanent incapacity after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job) does not apply.	<b>The Council will consider each case on its own merits</b>
37(3),37(6) & 38	Amount and duration of a dependant's, spouse's or civil partner's injury allowance following death of employee after sustaining an injury or contracting a disease as a result of anything required to do in carrying out duties of job.	<b>The Council will consider each case on its own merits</b>



37(4)	Reinstate spouse's or civil partner's injury allowance following earlier cessation due to cohabitation, remarriage or registration of a new civil partnership.	<b>The Council will consider each case on its own merits</b>
41(4)	Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of annuity payments fall short of their capital value at date of award. 41(4)	<b>The Council will consider each case on its own merits</b>
42(4)	Amount of gratuity payable to surviving dependant, spouse or civil partner where amount of redundancy annuity payments fall short of their capital value at date of award.	<b>The Council will consider each case on its own merits</b>
42(7)	Amount of gratuity payable to any other surviving dependant, spouse or civil partner where amount of annuity payments paid under 42(4) fall short of their capital value at date of award. 42(7)	<b>The Council will consider each case on its own merits</b>
46A	Formulate and keep under review the injury allowance and gratuity policies to be operated by the Council.	<b>The Council will consider each case on its own merits</b>

<b>Version Number</b>	<b>Details of Change</b>	<b>Date</b>
1.0	Full review and update of the Policy, including addition of all previous mandatory and non-mandatory discretions.	July 2021
EARLIEST REVIEW: This policy must remain under constant review due to frequent changes to technical guidance.		December 2021

## Appendix B - Integrated Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

### Which service area and directorate are you from?

Service Area: HR and Service Centre

Directorate: Corporate Services

### Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other

### (b) Please name and fully describe initiative here:

**Introducing a shared cost AVC arrangement to LGPS members as part of the employee benefits offer will enhance the Council's reputation as an employer of choice as highlighted in the Workforce Strategy 2022-2027.**

This report seeks approval to implement a salary sacrifice Shared Cost Additional Voluntary Contribution (Shared Cost AVC) pension arrangement for Local Government Pension Scheme (LGPS) members. Shared Cost AVC schemes have been widely adopted across the LGPS in the UK with over 100 councils already delivering this key staff benefit.

LGPS members are currently permitted to contribute to a standard Additional Voluntary Contribution scheme (AVC) and receive income tax relief on their contributions through their payslip. AVCs are a long-term pension savings plan that runs alongside the main LGPS scheme that allows a member to build up a capital sum. On retirement, they can access the benefits through a range of options including the ability to receive the capital sum 100% tax free in most cases.

AVC contributions are paid across to a partnering responsible financial organisation who manage the plan and investments. The LGPS Administering Authority (Swansea Pension Fund) is responsible for selecting the external provider (currently Prudential), and this arrangement would not change with the introduction of a salary sacrifice Shared Cost AVC scheme.

The LGPS and HMRC regulations provide the necessary authority for employers to introduce a Shared Cost AVC scheme. The advantages of implementing this new Shared Cost AVC arrangement over the current standard AVC scheme is that in addition to the income tax relief that staff currently received, they will in addition receive national insurance contribution relief too. The Council will also make savings, through a reduction in the employer national insurance contributions and the apprenticeship levy.

## Appendix B - Integrated Impact Assessment Screening Form

To ensure that the Shared Cost AVC arrangement is compliant with the LGPS/HMRC regulations, the scheme must be set up as a 'shared cost' scheme which requires both the employee and employer to contribute to the Shared Cost AVC. Although this suggests that the Council will pay a financial contribution towards the Shared Cost AVC plan, this is not the case. How it works in practice is that the employee accepts a contractual reduction in remuneration (a salary sacrifice), equivalent to the amount they would like to pay into the scheme, and the employer pays this amount into the Shared Cost AVC plan on their behalf. To meet the 'shared cost' arrangement the employee is then required to pay a nominal £1 each month into the Shared Cost AVC through a payslip deduction

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further Investigation	No Impact
	+	-	+	-	+	-		
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?**  
**Please provide details below – either of your activities or your reasons for not undertaking involvement**

Consultation and engagement has taken place with trade union representatives as per the Council's collective bargaining arrangements.

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?  
 Yes  No

## Appendix B - Integrated Impact Assessment Screening Form

- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
Yes  No
- c) Does the initiative apply each of the five ways of working?  
Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
Yes  No

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**Q5** What is the potential risk of the initiative? (*Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...*)

High risk

Medium risk

Low risk

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**Q6** Will this initiative have an impact (however minor) on any other Council service?

Yes

No

If yes, please provide details below

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**Q7** Will this initiative result in any changes needed to the external or internal website?

Yes

No

If yes, please provide details below

Promotion on the Council's internal website for staff to inform LGPS members about the option.

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**Q8** What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

This initiative will enable greater levels of long term saving towards retirement and encourage increased pension benefits, which contributes to reducing poverty in retirement particularly where low paid, part time employees receive lower value pension benefits.

### Outcome of Screening

**Q9** Please describe the outcome of your screening using the headings below:

- Summary of impacts identified and mitigation needed (Q2)
- Summary of involvement (Q3)
- WFG considerations (Q4)
- Any risks identified (Q5)
- Cumulative impact (Q7)

The initiative will generate positive impact upon most age groups and those at risk of poverty in retirement by encouraging long term financial savings through the LGPS pension scheme. Trade unions are supportive of the introduction of the offer as it will benefit both their members and the wider workforce who elect to contribute to a shared cost AVC arrangement. This is a voluntary election and as such will not impact or cause risk to those employees who do not opt to contribute to the arrangement. The impact will be felt upon retirement by those aged 55 and

## Appendix B - Integrated Impact Assessment Screening Form

over who access a greater total pension benefit than had they not contributed to a shared cost AVC arrangement.

(NB: This summary paragraph should be used in the **'Integrated Assessment Implications'** section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name: Rachael Davies</b>
<b>Job title: Head of HR and Service Centre</b>
<b>Date: 15/08/2023</b>
<b>Approval by Head of Service:</b>
<b>Name: Rachael Davies</b>
<b>Position: Head of HR and Service Centre</b>
<b>Date: 15/08/2023</b>

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)

# Agenda Item 12.



## Report of the Cabinet Member for Education and Learning

Cabinet – 21 September 2023

### Future Plans for Special Schools in Swansea

<b>Purpose:</b>	To seek approval to consult on amalgamating Ysgol Pen-y-Bryn and Ysgol Crug Glas into one special school in September 2025 and relocate to a new purpose-built school whilst increasing capacity from April 2028.
<b>Policy Framework:</b>	Corporate priorities: <ul style="list-style-type: none"><li>• Improving education and skills</li></ul>
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that: <ol style="list-style-type: none"><li>1) Approval is given to consult on amalgamating Ysgol Pen-y-Bryn and Ysgol Crug Glas into one special school in September 2025 and relocate to a new purpose-built school whilst increasing capacity from April 2028.</li><li>2) Cabinet considers responses following the consultation period.</li></ol>
<b>Report Author:</b>	Michelle Thomas
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officer:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 Swansea Council is committed to providing the most suitable learning environments for the needs of all learners. Integration into mainstream schools may not be suitable for all learners, and specialist facilities in one place can often be more suitable. The Education Directorate will consult carefully with parents and carers when planning the most suitable learning environment for their child. Swansea has two special schools (Ysgol Pen-y-Bryn and Ysgol Crug Glas) providing education for a maximum of 250 pupils, aged between 3 and 19 years. Learners at the schools are those identified with the highest level of additional need (as identified in the Integrated Impact Assessment) that require a special school placement instead of a place in one of our specialist teaching facilities (STFs) in mainstream schools. In recent years the swelling demand for special school places in Swansea led to an increase in planned places available at Ysgol Pen-y-Bryn in Spring 2021. However, special school places in Swansea are continuing to run at maximum capacity and a further

increase in demand for places is projected for the future. A longer term, sustainable solution is now required; without this, the local authority will have no other option than to place pupils into independent and out-of-county schools.

- 1.2 It is proposed to amalgamate Ysgol Pen-y-Bryn and Ysgol Crug Glas from September 2025 on existing sites, following a period of consultation and Statutory Notice. To amalgamate schools the legal procedure requires the closing of the existing two special schools on 31 August 2025 and the establishment of a new special school on 1 September 2025. Also, part of this proposal is for a new purpose-built special school to be built to accommodate all pupils on one site; this will increase the number of planned places available (by 100) and it is proposed this building will be occupied by the new special school in April 2028.

## **2. Amalgamation of Schools**

- 2.1 School organisation proposals must adhere to the School Organisation Code and the School Standards and Organisation (Wales) Act 2013. A period of consultation must be undertaken with interested parties and relevant information must be provided in a consultation document. The Welsh Government and Estyn must be consulted at this stage of proposal. All views received during the consultation period will be collated into a further report for Cabinet who will then decide if the proposal should move to the next stage – a period of Statutory Notice. Formal objections can be lodged during the Statutory Notice period. If any objections are received, then a local determination will be needed on the outcome of the proposal.
- 2.2 Swansea Council has successfully amalgamated schools in recent years. The amalgamation of the two special schools will have the following benefits:
- Schools operate as one, sharing best practice and whole school ethos and shared philosophy.
  - A single set of policies and procedures.
  - One governing body would be required.
  - Greater opportunities for staff continuing professional development.
  - More opportunity to develop staff skill set and best use made of staff expertise for all pupils.
  - The facilities previously available to two separate schools could be available to all pupils in a combined school.
  - Economies of scale and the most effective use of resources, with the potential of reducing the number of senior leadership staff required.

## **3. New build special school with increased capacity**

- 3.1 Ysgol Crug Glas has 55 places for pupils with profound and multiple learning difficulties (PMLD), the school site consists of three blocks ranging in age from 1960s to post 2010. The buildings within this school have been categorised as Condition B. Ysgol Pen-y-Bryn has a total of 195 pupil places, 116 places for pupils with moderate to severe learning difficulties (M/SLD) and 79 places for pupils with severe autism. This school consists of several blocks on three different sites, ranging in age from 1960s to post 2010. The buildings within this school have been categorised as Condition C+.

- 3.2 Having a new purpose-built school on one site will allow the opportunity to increase the number of planned places available in the amalgamated special school. School organisation regulations require a statutory proposal to take place if a special school increases their planned places by more than 10% (or 20 places, whichever is the lesser). It is proposed to increase the number of planned places for the amalgamated school from 250 to 350 places when the school moves to the new site in April 2028. Therefore, a statutory proposal would be needed to add 80 planned places to the school (as 20 of the 100 extra places can be added without a proposal).
- 3.3 Increasing planned places at the amalgamated special school in April 2028 would enable the authority to better meet the needs of more pupils in local provision. Pupils could be offered places in this school as opposed to a provision in the independent sector or out of county. This would also alleviate pressure on mainstream schools and STFs that are struggling to cope with the demands of managing pupils with more severe learning difficulties.
- 3.4 Ysgol Pen-y-Bryn currently has a residential unit where some pupils aged 14-19 are offered overnight '24-hour' curriculum. It is not proposed to make any changes to the unit upon amalgamation of the two schools in September 2025 as the unit would continue to operate in its current form. Once the new build school is operational, the offer of '24-hour' curriculum will remain, and pupils aged 14-19 will continue to be identified to attend an overnight provision for 24-hour curriculum. This will continue to be available Monday-Thursday term time only for a maximum of 6 pupils per night.
- 3.5 Having a purpose-built special school on one site will have the following benefits:
- Increased places available for local pupils with complex and profound additional learning needs.
  - 21<sup>st</sup> Century School facilities to meet the needs of pupils with more complex and profound educational needs.
  - Improved quality of outdoor environment.
  - Hydro pool facility integrated within the school building.
  - New facilities with the required resources such as sensory rooms, specialist therapy rooms, therapeutic external learning environments etc.
  - More space and better provision for teaching young people life skills and vocational skills.
  - Flexibility to adapt to changing needs and increased demand.
  - Improved opportunities for multi-agency working as will no longer have separate school sites.
  - School's budget targeted more appropriately and effectively on pupils.
  - Reduced carbon emissions.
- 3.6 Approval is being sought to consult on a proposal to close Ysgol Pen-y-Bryn and Ysgol Crug Glas on 31 August 2025 and open a new special school (on existing sites) on 1 September 2025. Approval is also sought to build a purpose-built special school, on a site adjacent to the existing Ysgol Pen-y-Bryn at Mynydd Garnllwyd Road, Morrision, with the view to the school being occupied by the newly established special school with 350 planned places on 1 April 2028. If this report is approved by Cabinet, a statutory consultation will take place, and consultation papers will be issued to interested parties on 9 October



2023, with responses required by 24 November 2023. Documents will also be available on the council's website.

#### **4. Integrated Assessment Implications**

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.2 An IIA (Appendix A) has been produced and if Cabinet approval is received to consult, the IIA report will form part of the consultation papers. The IIA will be reviewed and updated following the consultation.

The impact of the scheme on the Children and Young People (0-18), Other Age Group and Disability will be positive in providing learners with complex and profound additional learning needs aged 3-19 with a designated space for their education whilst also ensuring that more learners can access this specialist provision within the boundaries of the city and county of Swansea.

4.3 A Community Impact Assessment has been undertaken and will form part of the consultation papers.

4.4 A Welsh-medium Impact Assessment has been completed and will form part of the consultation papers.

- 4.5 Swansea Council acts in accordance with the Well-being of Future Generations (Wales) Act in all that it does. Sustainable development has been a central organising principle since 2012 and each year the council aims to further embed and build on sustainable practice. An assessment against the Act will be included in the consultation papers, should this report be approved.
- 4.6 If this report is approved by Cabinet, a statutory consultation will take place.
- 4.7 Due regard should be paid to the United Nations Convention on the Rights of the Child at all times when developing proposals, and particularly in relation to proposals which directly impact upon young people.

## **5. Financial Implications**

### Capital

- 5.1 No capital funding is being sought for the amalgamation.
- 5.2 The new school build is to be financed through the Welsh Government's Sustainable Communities for Learning Programme. The investment will be funded (75% Welsh Government, 25% Local Authority) subject to business case approval by Welsh Government. If accepted, the overall projected capital cost will be £43,600,000 which has been accounted for in the capital programme.
- 5.3 The current school buildings' future use would be reviewed in line with the Local Authority's Asset Management Plan.

### Revenue

- 5.4 Schools are funded from an overall delegated budget – The Individual Schools Budget (ISB). There is a funding formula that allocates a budget share to each individual school from the ISB. The amalgamation will lead to a slight reduction in budget share initially (£43k based on FY2023-2024 values) and this will be released into the overall delegated budget for redistribution to other schools (see Appendix B).
- 5.5 Amalgamations of schools can lead to some initial increased costs, for example, if there are any employees that are not successful in securing a post in the new amalgamated school, then redundancy costs would be incurred, and these would be charged to central education budgets.
- 5.6 There can be some transitional and implementation costs with school organisation proposals. Further details are provided at Appendix B. These would be met from central Education budgets or the ISB.
- 5.7 The annual revenue costs for the 100 additional planned places at the new special school is £2,083,548 per annum once fully established (based on FY2023-2024 planned place funding). This should be considered in the context that a single pupil placed into the independent sector is costing the local authority more than £100,000 per annum. If all additional places are filled considerable savings can be made on out of county provision.

- 5.8 There could be some additional associated transport costs for the learners to attend the newly established special school, as per the Home to School Transport Policy; however, these will be lower costs than providing out of county placements in other specialist provision, as well as potential for reduced associated Social Services costs.

## **6. Legal Implications**

- 6.1 The reorganisation of school provision involving the establishment and discontinuance of community schools requires consultation and the publication of statutory notices in accordance with s44 of the School Standards and Organisation (Wales) Act 2013 (“the Act”) and the Welsh Government’s School Organisation Code 2018. Legally an amalgamation is the discontinuing of the two existing schools and establishing a new school.
- 6.2 The Code includes statutory guidance to which the Local Authority must have regard and sets out the policy context, general principles and factors that should be taken into account by those bringing forward proposals to reconfigure school provision and by those responsible for determining proposals.
- 6.3 Additional considerations are applicable when Additional Learning Needs (ALN) provision is being considered:

### Standards of provision

In addition to the usual considerations in relation to standards of provision, relevant bodies should consider:

- Whether proposals will improve standards of accommodation for pupils with ALN, including building accessibility;
- How proposals will address any health, safety and welfare issues;
- How proposals, where appropriate, will support increased inclusion;
- The impact of proposals on other ALN provision within the immediate and wider local authority area including out of county where appropriate;
- Need for places and the impact on accessibility of schools;
- Whether there is a need for a particular type of ALN provision in the area;
- Where there is a surplus ALN provision in the area;
- Whether ALN provision would be more effective or efficient if regional provision were made; and
- The impact of proposals on the transportation of learners with ALN.

### Other factors

Relevant bodies should consider:

- How changes to ALN provision in schools are likely to impact on all other services provided in an area for pupils with disabilities and/or ALN.

- 6.4 Before publishing any proposals the local authority (Proposer/s) is under a duty, by virtue of s48 of the Act, to consult on such proposals. The Code states that:
- a. At the start of the consultation period Proposers must provide the consultees listed in the Code with a detailed consultation document

following the requirements listed in the Code and give them at least 42 days in which to respond, with at least 20 of these being school days.

- b. Consultation comments must be collated and summarised by Proposers. This summary together with the responses to the comments must be published in a consultation report within three months of the end of the consultation period.
- c. A decision must be made by Proposers whether to proceed with changes within 6 months of the end of the consultation period.
- d. If a decision is made to proceed, a Statutory Notice is published providing a 28-day notice period for objections. The notice must be published on a school day and with 15 school days (not including the day of publication) in the notice period.
- e. If objections are received, an objection report must be published providing a summary of the objections with responses to them before the end of 7 days beginning with the day of the Proposers determination of the proposals.
- f. The Proposer must determine under s53 whether the proposals are to be implemented. Proposals must receive final determination within 16 weeks of the end of the objection period. Local determination is a requirement of the School Organisation Code, and The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013 allow for this local determination. The Welsh Ministers and Governing Bodies are to be notified of the decision within 7 days of the decision.
- g. If the Proposer determines to implement proposals, they should be implemented in accordance with the date given in the Statutory Notice, or any subsequent modified date.

- 6.5 Failure to comply with the statutory consultation requirements in the Act and Code will leave the Authority open to Judicial Review and the decision could be quashed by the Courts.

Case law has established that the consultation process should:

- be undertaken when proposals are still at a formative stage;
- include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
- provide adequate time for consideration and response; and
- ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.

### **Background papers:**

Welsh Government School Organisation Code

### **Appendices:**

**Appendix A** Integrated Impact Assessment

**Appendix B** Financial implications

## **Appendix A - Integrated Impact Assessment (IIA) Report**

This form should be completed when a screening form has indicated a full Integrated Impact Assessment is required and found to be relevant to Equality Act 2010, Socio-economic Duty and Well-being of Future Generations (Wales) Act 2015

Please refer to the 'IIA Report Form Guidance' while completing this form. If you need further support, please contact [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk).

### **Which service area and directorate are you from?**

Service Area: Planning and Resources

Directorate: Education

### **Q1(a) What are you assessing?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Boards which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

### **(b) Please name and fully describe initiative here:**

#### **New Build Special School Project**

Over the past five years the proportion of pupils with ALN has risen, driving an increasing demand for special school places within Swansea. Special school places in Swansea are running at maximum capacity, and increasing demand for places is projected for the future. The significant demand for places is leading the local authority to have no other option than to place pupils into independent and out-of-county schools. In response to this need, Swansea Council increased the planned places available at Ysgol Pen-y-Bryn in Spring 2021, by utilising a recently vacated Pupil Referral Unit. However, this provided a short-term solution, and a longer term, sustainable and flexible solution is now required to ensure that we continue to provide an excellent education for pupils in the coming years.

Swansea Council, as part of a wider review of specialist teaching provision across the local authority, is proposing the following changes to the current special school provision:

1. Amalgamate Ysgol Pen-y-Bryn and Ysgol Crug Glas from 1 September 2025 in order to facilitate the transition to one school when the build is completed
2. Build a new Special School for 350 pupils at Mynydd Garnllwyd Road which will be ready for occupation in April 2028

Swansea has two special schools (Ysgol Pen-y-Bryn and Ysgol Crug Glas) providing education for a maximum of 250 pupils, aged between 3 and 19 years. In recent years the swelling demand for special school places in Swansea led to an increase in planned places available at Ysgol Pen-y-Bryn in Spring 2021. However, special school places in Swansea are continuing to run at maximum capacity and a further increase in demand for places is projected for the future. A longer term, sustainable solution is now required, without this, the local authority will have no other option than to place pupils into independent and out-of-county schools.

It is proposed to amalgamate Ysgol Pen-y-Bryn and Ysgol Crug Glas from September 2025 on existing sites, following a period of consultation and Statutory Notice. To amalgamate schools the legal procedure requires the closing of the existing two special schools on 31 August 2025 and the establishment of a new special school on 1 September 2025. Also, part of this proposal is for a new purpose built special school to be built to accommodate all pupils on one site, this will increase the number of planned places available (by 100) and it is proposed this building will be occupied by the new special school in April 2028.

School organisation proposals must adhere to the School Organisation Code and the School Standards and Organisation (Wales) Act 2013. A period of consultation must be undertaken with interested parties and relevant information must be provided in a consultation document. The Welsh Government and Estyn must be consulted at this stage of proposal. All views received during the consultation period will be collated into a further report for Cabinet who will then decide if the proposal should move to the next stage – a period of Statutory Notice. Formal objections can be lodged during the Statutory Notice period. If any objections are received, then a local determination will be needed on the outcome of the proposal.

The Authority has successfully amalgamated schools in recent years. The amalgamation of the two special schools will have the following benefits:

- Schools operate as one, sharing best practice and whole school ethos and shared philosophy
- A single set of policies and procedures
- One governing body would be required
- Greater opportunities for staff continuing professional development
- More opportunity to develop staff skill set and best use made of staff expertise for all pupils
- The facilities previously available to two separate schools could be available to all pupils in a combined school
- Economies of scale and the most effective use of resources, with the potential of reducing the number of senior leadership required

## **New build special school with increased capacity**

Ysgol Crug Glas has 55 places for pupils with profound and multiple learning difficulties (PMLD), the school site consists of three blocks ranging in age from 1960s to post 2010. The buildings within this school have been categorised as Condition B. Ysgol Pen-y-Bryn has a total of 195 pupil places, 116 places for pupils with moderate to severe learning difficulties (M/SLD) and 79 places for pupils with severe autism. This school consists of several blocks on three different sites, ranging in age from 1960s to post 2010. The buildings within this school have been categorised as Condition C+.

Having a new purpose-built school on one site will allow the opportunity to increase the number of planned places available in the amalgamated special school. School organisation regulations require a statutory proposal to take place if a special school increases their planned places by more than 10% (or 20 places, whichever is the lesser). It is proposed to increase the number of planned places for the amalgamated school from 250 to 350 places when the school moves to the new site in April 2028. Therefore, a statutory proposal would be needed to add 80 planned places to the school (as 20 of the 100 extra places can be added without a proposal).

Increasing planned places at the amalgamated special school in April 2028 would enable the authority to better meet the needs of more pupils in local provision. Pupils could be offered places in this school as opposed to a provision in the independent sector or out of county, this would also alleviate pressure on mainstream schools and Specialist Teaching Facilities (STFs) that are struggling to cope with the demands of managing pupils with more severe learning difficulties.

Ysgol Pen-y-Bryn currently has a residential unit where some pupils aged 14-19 are offered overnight '24-hour' curriculum. It is not proposed to make any changes to the unit upon amalgamation of the two schools in September 2025 as the unit would continue to operate in its current form. Once the new build school is operational, the offer of '24-hour' curriculum will remain, and pupils aged 14-19 will continue to be identified to attend an overnight provision for 24-hour curriculum. This will continue to be available Monday-Thursday term time only for a maximum of 6 pupils per night (as is currently the case).

Having a purpose-built special school on one site will have the following benefits:

- Increase places available for local pupils with complex and profound additional learning needs
- 21<sup>st</sup> Century School facilities to meet the needs of pupils with more complex and profound educational needs
- Improved quality of outdoor environment
- Hydro pool facility integrated within the school building
- New facilities with the required resources such as sensory rooms, specialist therapy rooms, therapeutic external learning environments etc.
- More space and better provision for teaching young people life skills and vocational skills
- Flexibility to adapt to changing needs and increased demand
- Improved opportunities for multi-agency working as will no longer have separate school sites
- Schools budget targeted more appropriately and effectively on pupils
- Reduced carbon emissions.

(c) **It was initially screened for relevance on:** EIA screening initially completed in April 2019. Latest update August 2023.

(d) **Lead Officer**

**Name:** Michelle Thomas

**Job title:** Team Manager Funding and Information

**Date:** 16/08/23

(e) **Approved by Head of Service**

**Name:** Kelly Small

**Job title:** HOS, Education Planning and Resources

**Date:** 16/08/23



## Section 1 - Aims

### What are the aims of the initiative?

Increasing planned places and building a new school on a new site to enable the authority to better meet the needs of more pupils in local provision. Pupils requiring special school places could be offered places at the new build as opposed to provision in the independent sector or out of county, and it would also alleviate pressure on mainstream schools and STFs that are struggling to cope with the demands of managing pupils with more severe learning difficulties.

### Who has responsibility?

If approved, the overall responsibility would be with Swansea Council's Education Directorate.

### Who are the stakeholders?

Audience	Methods
Pupils	Face to face school visits, formal consultation
Parents	Letters, media, website, formal consultation, face to face
Governors	Face to face briefing, emails, formal consultation
Head and Management Team	Face to face briefing, emails, formal consultation
School Staff	Face to face, letter, Newsletter, media, website, formal consultation
All other schools	Letter, email, newsletter
CMT	Face to face briefing, newsletter, email, formal consultation
Cabinet	Face to face briefing, newsletter, email, formal consultation
Ward Members	Email, formal consultation
Trade Unions	Email, formal consultation
Press/Media	Press release
Welsh Government	Letter, local media, email, formal consultation
Estyn	Formal consultation

AMs/MPs	Formal consultation
Education SLB/EDSLT/DMT	Email, newsletter, face to face, formal consultation
SPP Chairs and V Chairs	Email, letter, formal consultation
Community groups	Formal consultation
All Council staff	Formal consultation
Swansea residents	Media, website, social media formal consultation
Neighbouring Local Authorities	Formal consultation

## Section 2 - Information about Service Users (See guidance)

In order to complete this section you will need to look to data such as Census data, research and performance management information, surveys, future trends, service user data, socio-economic data from recent consultations, engagement and research

- |   |                                     |                                      |                                     |
|---|-------------------------------------|--------------------------------------|-------------------------------------|
| Children/young people (0-18) .....        | <input checked="" type="checkbox"/> | Sexual orientation.....              | <input type="checkbox"/>            |
| Older people (50+).....                   | <input checked="" type="checkbox"/> | Gender reassignment.....             | <input type="checkbox"/>            |
| Any other age group .....                 | <input checked="" type="checkbox"/> | Welsh language.....                  | <input checked="" type="checkbox"/> |
| Future generations (yet to be born) ..... | <input checked="" type="checkbox"/> | Poverty/social exclusion .....       | <input checked="" type="checkbox"/> |
| Disability .....                          | <input checked="" type="checkbox"/> | Carers (including young carers)..... | <input checked="" type="checkbox"/> |
| Race (including refugees).....            | <input checked="" type="checkbox"/> | Community cohesion.....              | <input checked="" type="checkbox"/> |
| Asylum seekers .....                      | <input type="checkbox"/>            | Marriage & civil partnership .....   | <input type="checkbox"/>            |
| Gypsies & Travellers.....                 | <input type="checkbox"/>            | Pregnancy and maternity.....         | <input type="checkbox"/>            |
| Religion or (non-)belief.....             | <input type="checkbox"/>            |                                      |                                     |
| Sex .....                                 | <input checked="" type="checkbox"/> |                                      |                                     |

**Please provide details of the information you hold in relation to the groups above:**

The following information is collated as part of the annual pupil census that is carried out in January of each year. The below is from the January 2023 PLASC:

Number of pupils on roll:

School	N (R3)	N	R	Y 1	Y 2	Y 3	Y 4	Y 5	Y 6	Y 7	Y 8	Y 9	Y1 0	Y1 1	Y1 2	Y1 3	Y1 4	FT E	Full Time	Whole School
<b>TOTAL</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>5</b>	<b>15</b>	<b>7</b>	<b>28</b>	<b>18</b>	<b>22</b>	<b>24</b>	<b>16</b>	<b>26</b>	<b>26</b>	<b>20</b>	<b>231</b>	<b>229</b>	<b>233</b>
Ysgol Pen-y-bryn	0	0	0	0	3	1	4	9	5	25	17	20	20	15	21	23	17	180	180	180
Ysgol Crug Glas	0	4	6	4	3	5	1	6	2	3	1	2	4	1	5	3	3	51	49	53

### % Boys and Girls

School	Boys	Girls	Total	Boys %	Girls%
Penybryn	128	52	180	71.1	28.9
Crug Glas	29	24	53	54.7	45.3
Total	157	76	233	67.4	32.6

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	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Percentage of total pupils on roll living in areas classed in Welsh Index of Multiple Deprivation (WIMD) as being in the most deprived 30% of all areas	Crug Glas 32.7% Penybryn 48.1%	Crug Glas 25.0% Penybryn 49.6%	Crug Glas 30.8% Penybryn 47.9%	Crug Glas 28.3% Penybryn 44.0%	Crug Glas 30.8% Penybryn 47.3%	Crug Glas 25.0% Penybryn 48.9%
Percentage claiming Free School Meals	Crug Glas 35.1% Penybryn 40.2%	Crug Glas 44.7% Penybryn 44.6%	Crug Glas 45.5% Penybryn 41.0%	Crug Glas 40.5% Penybryn 43.4%	Crug Glas 47.1% Penybryn 46.8%	Crug Glas 40.6% Penybryn 47.1%

Percentage with Special Educational Needs (SEN)	100%	100%	100%	100%	100%	100%
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In January 2023 the breakdown for SEN was as follows (NB – pupils can have more than one need):

<i>Crug Glas</i>	School Action	School Action Plus	Statement	School IDP	LA IDP	Total
<i>Attention Deficit Hyperactivity Disorder</i>	0	0	0	0	0	0
<i>Autistic Spectrum Disorders</i>	0	0	4	0	0	4
<i>Behavioural, Emotional &amp; Social Difficulties</i>	0	0	0	0	0	0
<i>Dyscalculia</i>	0	0	0	0	0	0
<i>Dyslexia</i>	0	0	0	0	0	0
<i>Dyspraxia</i>	0	0	0	0	0	0
<i>General Learning Difficulties</i>	0	0	0	0	0	0
<i>Hearing Impairment</i>	0	0	0	0	0	0
<i>Moderate Learning Difficulties</i>	0	0	0	0	0	0
<i>Multi-Sensory Impairment</i>	0	0	0	0	0	0
<i>Physical and Medical Difficulties</i>	0	0	17	0	0	17
<i>Profound &amp; Multiple Learning Difficulties</i>	0	0	40	1	4	45
<i>Severe Learning Difficulties</i>	0	0	4	0	0	4
<i>Speech, Language and Communication Difficulties</i>	0	0	1	0	0	1
<i>Visual Impairment</i>	0	0	2	0	0	2
<b>Total</b>	<b>0</b>	<b>0</b>	<b>68</b>	<b>1</b>	<b>4</b>	<b>73</b>

<i>Pen-y-Bryn</i>	School Action	School Action Plus	Statement	School IDP	LA IDP	Total
<i>Attention Deficit Hyperactivity Disorder</i>	0	0	10	0	1	11
<i>Autistic Spectrum Disorders</i>	0	0	112	0	2	114
<i>Behavioural, Emotional &amp; Social Difficulties</i>	0	0	13	0	0	13
<i>Dyscalculia</i>	0	0	0	0	0	0
<i>Dyslexia</i>	0	0	0	0	0	0
<i>Dyspraxia</i>	0	0	1	0	0	1
<i>General Learning Difficulties</i>	0	0	0	0	0	0
<i>Hearing Impairment</i>	0	0	6	0	1	7
<i>Moderate Learning Difficulties</i>	0	0	81	0	0	81
<i>Multi-Sensory Impairment</i>	0	0	3	0	0	3
<i>Physical and Medical Difficulties</i>	0	0	32	0	0	32
<i>Profound &amp; Multiple Learning Difficulties</i>	0	0	4	0	0	4
<i>Severe Learning Difficulties</i>	0	0	39	0	1	40
<i>Speech, Language and Communication Difficulties</i>	0	0	34	0	0	34
<i>Visual Impairment</i>	0	0	5	0	0	5
<b>Total</b>	<b>0</b>	<b>0</b>	<b>340</b>	<b>0</b>	<b>5</b>	<b>345</b>

## Ethnic Background

<b>Crug Glas</b>	<b>N1</b>	<b>N2</b>	<b>R</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>Total</b>
WBRI - White - British	0	4	4	3	2	4	1	3	2	3	1	2	2	1	4	3	3	42
BAOF - Other Black African	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	2
MWBA - White and Black African	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	2
AIND - Indian	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
ASLT - Sri Lankan Tamil	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
BNGN - Nigerian	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
MWOE - White -And Any Other Ethnic Group	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
OKRD - Kurdish	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1

WHUN - Hungarian	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
WPOL - Polish	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
<b>Totals</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>53</b>

<b>Pen-y-Bryn</b>	<b>N1</b>	<b>N2</b>	<b>R</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>Total</b>
WBRI - White - British	0	0	0	0	2	1	2	7	3	20	16	15	18	14	19	19	14	150
ABAN - Bangladeshi	0	0	0	0	0	0	0	1	1	2	0	2	0	1	0	1	1	9
MAOE - Asian And Any Other Ethnic Group	0	0	0	0	0	0	1	0	1	0	0	0	1	0	0	1	0	4
AOPK - Other Pakistani	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	0	3
MOTM - Other Mixed Background	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	3
BNGN - Nigerian	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	2
AIND - Indian	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
BAOF - Other Black African	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
BSOM - Somali	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
MWCH - White And Chinese	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
REFU - Information refused	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
OARA - Arab	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
OIRQ - Iraqi	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
WGRE - Greek/Greek Cypriot	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
WRMA - Romanian	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>9</b>	<b>5</b>	<b>25</b>	<b>17</b>	<b>20</b>	<b>20</b>	<b>15</b>	<b>21</b>	<b>23</b>	<b>17</b>	<b>180</b>

**Any actions required, e.g. to fill information gaps (write below and add to action plan)?**

### Section 3 – Assessing the Impact (See guidance)

Please consider the possible impact on the different protected characteristics and statutory considerations:

	Potential Impacts	Positive / Negative/Neutral Impact/Needs further investigation
<b>Race</b>	Impact will be positive on minority or ethnic groups as it will be for all learners.	Positive
<b>Disability</b>	<p>The design, delivery and implementation of this project will take full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. The new build and the running of the school would continue to ensure that all pupils can make the most of their improved environment.</p> <p>The school will be designed so that the community and other schools can benefit from the specialist provision. This includes all groups listed in the right-hand column.</p>	Positive
<b>Carers</b>	<p>Parents, carers and families will benefit greatly as a result of the increased provision within the boundaries of the city and county of Swansea reducing the need for out of county provision that can put additional strains on families and carers.</p> <p>As well as providing an education the school will provide a wider support network for these families and carers.</p>	Positive
<b>Sex</b>	Impact will be positive for boys and girls as well as staff.	Positive
<b>Age</b>	(0-18) – Increasing planned places and providing a new school building would enable the authority to better meet the needs of more pupils in local provision. Pupils requiring special school places could be offered places at the new school, as opposed to provision in the	Positive

	<b>Potential Impacts</b>	<b>Positive / Negative/Neutral Impact/Needs further investigation</b>
	<p>independent sector or out of county. Remaining in their home City would allow them to be closer to their families and wider support network.</p> <p>(Older People 50+/Any other age group) – The staff, parents, carers and wider school community will benefit greatly from increasing the number of places and the improved school environment. The school will also cater for pupils up to and including the age of 19.</p>	
<b>Future generations (yet to be born)</b>	The project will ensure that all children and young people born and living in Swansea who require special school provision will have access to a modern learning environment that can deliver nearly all of their needs.	Positive
<b>Religion &amp; Belief</b>	This will be picked up as part of the consultation.	Needs further investigation
<b>Sexual Orientation</b>	This will be picked up as part of the consultation.	Needs further investigation
<b>Gender Reassignment</b>	This will be picked up as part of the consultation.	Needs further investigation
<b>Marriage &amp; Civil Partnership</b>	This will be picked up as part of the consultation.	Needs further investigation
<b>Pregnancy &amp; Maternity</b>	This will be picked up as part of the consultation.	Needs further investigation
<b>Welsh Language</b>	A full Welsh Medium impact Assessment has been undertaken, and the proposal will not have any detrimental impact on the ability of pupils and staff to use and learn the Welsh language.	Neutral



**Potential Impacts**

**Positive /  
Negative/Neutral  
Impact/Needs further  
investigation**

**Socio Economic  
Considerations**

Taking Wales Forward (**Programme for Government**) sets out how this Government will deliver more and better jobs through a stronger, fairer economy, improve and reform our public services, and build a united, connected and sustainable Wales. This project will support this commitment by delivering improved services for pupils requiring special school places in the right environment and within their local authority. The project will also support additional jobs within the local authority as increasing pupil places will require additional staff to support pupils. Keeping pupils local also supports sustainability.

Jobs and training opportunities will also be created through the school build.

The project will support WGs commitment to **tackle child poverty**. The 5 Strategic Objectives will be supported by this project.

1. To reduce the number of families living in workless households, as children living in workless households are particularly at risk of living in poverty and
2. To increase the skills of parents and young people living in low-income households so they can secure well-paid employment and in-work progression, as in-work poverty is a growing issue – additional jobs will be created throughout the build (including opportunities for those out of work through Beyond Bricks and Mortar) as well as a variety of jobs within the new build school at varying levels of skill.

Positive

	<p>3. To reduce the inequalities which exist in the health, education and economic outcomes of children and families by improving the outcomes of the poorest. Preventing poverty is fundamental to our long term vision for supporting low income households - Pupils and parents will have access to health and support services in the new school</p> <p>4. To use all available levers to create a strong economy and labour market which supports the tackling poverty agenda and reduces in-work poverty in Wales. – as above there will be opportunities for jobs during the build and on occupation of the new build</p> <p>5. To support families living in poverty to increase their household income through debt and financial advice, action to address the “poverty premium” (where low income households pay disproportionately more for goods and services) and action to mitigate the impacts of welfare reform. - as above there will be opportunities for jobs during the build and on occupation of the new build. Support services will be easier to access on one site.</p>	
<b>Human Rights</b>	<p>In Swansea a Children’s Rights Impact Assessment has been integrated into the legally binding Integrated Impact Assessment, meaning that when services and policies are amended and require an assessment, services making those decisions are required to evidence how they have engaged children and young people, if the decision they are making affects them.</p> <p>The Curriculum for Wales and associated professional standards is underpinned by the United Nations Convention Rights of the Child principles.</p>	Positive
<b>Intersectionality</b>	<p>The rights of disabled school pupils under the 2010 Act relating to disability discrimination in schools are enhanced with this proposal.</p> <p>Wider equalities work is being undertaken to develop an overall Equalities plan for schools. Peer-on-peer bullying and harassment work will be a key feature of the new Inclusion Strategy. The Vulnerability Assessment Profile (VAP) is a tool that provides data to inform LA and school support for vulnerable learners.</p> <p>Work with schools to focus on all areas of equalities.</p>	Positive
<b>Community Cohesion</b>	<p>These fully accessible and ALN specific facilities will be available for the wider pupil population and the population of Swansea and further afield. The design is likely to include a community café and it is hoped that this will facilitate community resilience and support tackling poverty. If pupils and adults have suitable and accessible facilities near by this can reduce the need for travel and also utilise facilities they may not have otherwise.</p> <p>ALN and DDA compliant facilities including hydrotherapy pool, rebound rooms will be available for community use, along with the accessible / wheel chair friendly external areas (All Weather Pitch and MUGA for example). General rooms and the hall will also be available for community use. These will be subject to booking and letting arrangements within the council.</p>	Positive

<b>Other (please state)</b>		
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<b>Human Rights Act 1998</b>		• Article 8	Respect for private life, family, home and correspondence
• Article 2	Right to life	• Article 9	Freedom of thought, belief and religion
• Article 3	Freedom from torture and inhuman or degrading treatment	• Article 10	Freedom of expression
• Article 4	Freedom from Slavery and forced labour	• Article 11	Freedom of Assembly and association
• Article 5	Right to liberty and security	• Article 12	Right to marry and start a family
• Article 6	Right to a fair trial	• Article 13	Right to access effective remedy if rights are violated
• Article 7	No punishment without law	• Article 14	Protection from discrimination

**If you have identified any areas which need further investigation, these will need to be added to your action plan**

## **Section 4 – Involvement**

**Please consider all of your involvement activities here, e.g. participation, consultation, engagement, co-productive approaches, etc.**

**What involvement has been undertaken to support your view? How did you ensure this was accessible to all?**

A full statutory consultation will be delivered as part of this project giving all stakeholders and opportunity to share their views and shape the design and delivery of the project.

The current special schools have been involved in the shaping of the project to date and will continue to play a full and active role throughout the life of the project. Numerous internal partners including Child and Family Services, Building Services and Social Services are all key partners that are key stakeholders and involved in the project.

**What did your involvement activities tell you? What feedback have you received?**

Various workshops with key stakeholders helped determine the scope and service solution for the project to date. This section will be further updated after the statutory consultation.

**How have you changed your initiative as a result?**

Various workshops with key stakeholders helped determine the scope and service solution for the project to date. This section will be further updated after the statutory consultation.

**Any actions required (e.g. further engagement activities, mitigation to address any adverse impact, etc.)? (Add to action plan)**

Statutory consultation to be held.

## Section 5 – Duties (please see guidance)

**Please consider how the initiative might address the following issues. How will the initiative impact on the duties set out below? Think about what work you have already done to improve the outcomes.**

<b>Public Sector Duty – how will the initiative address the below?</b>	
Foster good relations between different groups	This increase to the provision and new school build would allow the wider support network of families to grow by bringing them in as part of the special school family within the city and county of Swansea. Wider equalities work is being undertaken to develop an overall Equalities plan for schools. The new curriculum will support mutual respect, tolerance and citizenship.
Elimination of discrimination, harassment and victimisation	<ul style="list-style-type: none"> <li>• This would mean that less families have to seek a specialist provision outside of the borders of the city and county of Swansea.</li> <li>• EYST are commissioned to provide support work for young people and their families from Black, Minority, Ethnic through the WG Families First Programme.</li> <li>• Show Racism the Red Card is commissioned to provide awareness raising sessions in schools.</li> <li>• The Education Welfare service provides advice and guidance on issues relating to bullying and any links to non-attendance.</li> <li>• Peer-on-Peer bullying and harassment is a key workstream within the new Inclusion Strategy that will be published shortly.</li> <li>• LGBT support is provided by the YMCA and Stonewall Cymru through a commissioned contract.</li> </ul>

	<ul style="list-style-type: none"> <li>The majority of schools have undertaken Prevent training and an online resource is made available.</li> </ul>
Advance equality of opportunity between different groups	This would provide greater access to a local school for more local families. Many workstreams within Education's work aim to provide equity for learners. There are many workstreams to provide additional support services for vulnerable learners so they may also access opportunities.
<b>Socio-economic Duty - Describe any issues identified as a result of the initiative for those people experiencing and living in poverty</b>	
a) Communities of place	The duty will not apply to schools. School Governing Bodies are created by section 19 of the Education Act 2002 and are statutory corporations. They therefore have a distinct legal identity from Local Authorities.
b) Communities of interest	The LA recognises that in Swansea, the effects of poverty on pupils can be profound and in schools with challenging contexts, teachers and leaders are often required to develop specific ways of working to mitigate against the risks of disaffection and disengagement of pupils. Effective use of the Pupil Development Grant is key. The LA will work with schools to support reduction of the impact of poverty for learners in Education.
<b>How does your proposal ensure that you are working in line with the requirements of the Welsh Language Standards (Welsh Language Measure (Wales) 2011)? (beyond providing services bilingually)</b>	
a) To ensure the Welsh language is not treated less favourably than the English language	<p>The local authority will continue to make reasonable adjustments within specialist provision to ensure that pupils are able to access their education in the medium of Welsh. Currently, where this is not possible the local authority will seek to secure Welsh medium specialist placements from neighbouring authorities.</p> <p>The new build will be designed flexibly so that it can facilitate the provision of a Welsh medium unit if required and support the linguistic continuum.</p>
b) That every opportunity is taken to promote the Welsh language	The new special school build is not proposed to be a Welsh medium school, however Welsh heritage and linguistic identity is a strong feature of the curriculum for Wales in our schools.
c) Increase opportunities to use and learn the language in the community	Support for the use of Welsh outside the classroom will be an integral part of strategic planning.
<b>United Nations Convention on the Rights of the Child (UNCRC): Many initiatives have an indirect impact on children and you need to consider whether the impact is positive or negative in relation to both children's rights and their best interests</b>	

**Will the initiative have any impact (direct or indirect) on children and young people (think about this age group holistically e.g. disabled children, those living in poverty or from BME communities)?**

There will be a positive impact on children and young people as the LA will be providing placements for special schools in a new purpose-built facility with all the benefits outlined above which should also reduce the need for pupils to be placed in specialist provision outside of the city and county of Swansea.

**All initiatives must be designed / planned in the best interests of children and young people.**

*Best interests of the child (Article 3): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.*

**Please explain how you meet this requirement:**

The initiative is planned to increase the number of places available in our local specialist provision and deliver that provision in a new purpose built environment thus giving children and young people the best opportunity of achieving to their full potential locally. The proposal relates to the following articles:

Article 3 - All organisations concerned with children should work towards what is best for each child.

Article 12 - Respect for the views of the child

Article 18 - Both parents share responsibility for bringing up their children. We should help parents by providing services to support them.

Article 23 - Disabled children have the right to enjoy a full life, with dignity, and to participate as far as possible in their community. The government should support disabled children and their families

Article 28 - Children have a right to an education. Discipline in schools should respect children's human dignity.

Article 29 - Education should develop each child's personality and talents to the full.

Article 30 - Children have a right to learn and use the language and customs of their families.

## Section 6 - Sustainable Development

The Well-being of Future Generations Act (Wales) 2015 places a well-being duty on Swansea Council to carry out sustainable development. This is in line with the Council's Sustainable Development Policy and our Corporate Plan's Well-being Objectives. We must work in a way that improves the economic, social, environmental and cultural well-being of Wales, by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

The sustainable development principle means we must act in a manner, which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. We do this by applying the five ways of working.

### 6a) The Sustainable Development Principle's Ways of Working

The Five Ways of Working	Examples or summary of how applied
<p><b>Long term</b> - The importance of balancing short-term needs while safeguarding the ability to also meet long-term needs</p>	<p>Building Bulletin (BB104) guidelines                      Use of existing assets where possible.                      Flexible design                      Long term provision to meet identified need and demand                      Sustainable building &amp; community use                      Parents, families, learners in LA where appropriate                      ALNET Act.                      Linking to local and national strategies - including WESP                      Statutory consultation to enlarge school and address inefficient number of SS places                      Proposal addresses business continuity risks in terms of space which if not acted upon could impact on standards of education and or lead to increased tribunals                      Employers requirements will be revised to be appropriate for specialist provision                      Pre-occupancy questionnaires and pupil and staff engagement.</p>
<p><b>Prevention</b> - Acting to prevent problems occurring or getting worse</p>	<p>The right school in the right location at right time.                      Increase in pupil places to support pupils being educated within Swansea with the right services.                      Working with the Funding and Information unit, School Support Unit, EIA and Access to Services, FIU and ALN Team to establish the need.                      Ensure project links to the Strategic Outline Programme                      Liaise with internal departments such as Legal Services, Planning, Housing and Estates.                      Measurable benefits identified and agreed by key stakeholders                      Employers Requirements reviewed, updated and applied                      Determine need for additional services, ALN, childcare, community use, flexible use                      Flexible design                      Parents, families, learners in LA where appropriate                      Implications of not acting will result in impact on pupils wellbeing, travel, opportunities, LAC                      Risk of tribunals etc., risk of not being able to meet the needs of vulnerable learners and families</p>

	<p>Maximise resources  Links with regional colleagues, cross boarder collaboration  Reducing LAC &amp; NEET  Health/education hub</p>
<p><b>Integration</b> -Considering impacts upon each of the well-being goals, well-being objectives, local well-being objectives, or on the objectives of other public bodies</p>	<p>Consideration of the Council corporate aims and objectives together with WBFGA and WG 21st century aims and objectives incorporating their terms and conditions as appropriate  Joint working with Health, Social Services, Education  Opportunity to support transformation agenda, standards, Changes in curriculum  Working with other LAs, providing opportunities for outreach, centres of excellence, shared good practice  EIA/IIA and WBFGA carried out  Considered and evaluate the impact on other schools in the locality  Considered and evaluate the impact on local services and the area as a whole  Considered and evaluate the impact on other LAs  Pre-occupancy questionnaires for pupil and staff engagement</p> <p>There will be an impact on third party provisions as we will be aiming to reduce the reliance on these businesses</p>
<p><b>Collaboration</b> - Acting together with other services or external organisation towards our well-being objectives</p>	<p>Working with the Funding and Information Team, Stakeholder and School Support Team, Pupil Support Team, Capital Team, Access to Services, FIU (Family Information Unit), Additional Learning Needs and Inclusion Team, Social Services and Health  Ensure project links to the Strategic Outline Programme and council priorities  Stakeholder engagement using stakeholder map and communications plan  Beyond Bricks and Mortar targets and Welsh Government objectives are agreed with relevant bodies.  Statutory consultation process carried out.  Consultation with all required departments to produce and ensure that Employers Requirements are updated and relevant.  Pre-occupancy questionnaire for pupil and staff engagement  Liaise with cabinet and local ward members  Liaise with other schools, colleges, universities, other LAs</p>



<p><b>Involvement</b> - Involving people with an interest in achieving the well-being goals (everybody), and ensuring that those people reflect the diversity of the area served</p>	<p>Working with the Funding and Information Team, Stakeholder and School Support Team, Pupil Support Team, Capital Team, Access to Services, FIU (Family Information Unit), Additional Learning Needs and Inclusion Team, Social Services and Health          Liaising with other partners including Social Services, Health          Ensure project links to the Strategic Outline Programme and Corporate Priorities          Stakeholder engagement using stakeholder map and communications plan          Beyond Bricks and Mortar targets and Welsh Government objectives are agreed with relevant bodies.          Statutory consultation process carried out          Consultation with all required departments to produce and ensure that Employers Requirements are updated and relevant.          Pre-occupancy questionnaire for pupil and staff engagement          Access to services          Parent/carer forum. Reflecting diversity of service users and need          Community involvement          Pupil voice, big conversation          Staff, parents, Social Services          Liaise with cabinet and local ward members          Statutory consultation will be carried out for the project.</p>
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### 6b) Contribution to Swansea Council's Well-being Objectives

Our Corporate Plan's Well-being objectives	Are directly supported by this initiative	Are not directly impacted by this initiative	May be in conflict or adversely impacted by this initiative
Safeguarding People from harm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improving Education and Skills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tackling Poverty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transforming our economy and infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintaining and enhancing Swansea's natural resources and biodiversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transformation and Future Council development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**6c) Thinking about your answers above, does the initiative support our Corporate Plan's Well-being Objectives when considered together?**

**Please consider the positives and negatives as a whole. This is an opportunity to analyse the global impact of the proposal where some objectives will be advanced whilst others may be impacted. Where there is a residual negative impact for one or more objectives please show that we have considered mitigation to ensure that negative impacts are lessened. Please detail any conflicts gaps and mitigation measures.**

The proposal supports all the Council's Well-being objectives.

**6d) How is contribution to the National Well-being Goals maximised? Where can you add value? Consider the full goal description not just the title.** Consider relevant [Journey Checkers](#). Complete the table below

Well-being Goal (click to view definition)	Primary Goals - tick if key	Any significant positive and/or negative impacts/contributions considered/mitigated
<p><a href="#">A Prosperous Wales:</a> An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work</p>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Transform the Special School provision and estate to meet demand</li> <li>• Improve outcomes for LAC children with specific ALN and families</li> <li>• Promote renewable energy – low carbon build and building</li> <li>• Improve education and skills for pupils with ALN</li> <li>• Build to BB104 requirements, so not imposing infrastructure that is not required</li> <li>• Right schools in the right places. Responding to change in ALN requirements. i.e. where this is a current and projected need.</li> <li>• Addresses the need to implement ALNET Act changes to curriculum and requirements for ALN (flexibility)</li> <li>• Long term provision to meet current and projected demand</li> <li>• Shared use of assets, maximising community use and flexibility of asset</li> <li>• Pupils can go to specialist provision within their LA allowing families to stay together</li> <li>• Encourage sustainable transport via School traffic management plans &amp; travel plans. less pupils will need to be transported out of county</li> <li>• BREEAM Excellent</li> <li>• EPC A</li> <li>• Reducing CO2 emissions</li> <li>• Utilising energy effectiveness tools within school buildings as teaching aids.</li> <li>• Beyond Bricks and Mortar targets and Welsh Government objectives are agreed with relevant bodies.</li> </ul>
<p><a href="#">A Resilient Wales:</a> A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).</p>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Use of Asset Review. Economically viable options thereby maximising assets</li> <li>• Provide a service that is sustainable and fit for the future</li> <li>• Beyond Bricks and Mortar targets and Welsh Government objectives are</li> </ul>

		<p>agreed with relevant bodies.</p> <ul style="list-style-type: none"> <li>• BREEAM as appropriate to size guidelines</li> <li>• EPC A</li> <li>• Reducing CO2 emissions – low carbon build / building</li> <li>• Utilising energy effectiveness tools within school buildings as teaching aids.</li> <li>• Site designed to incorporate green spaces and biodiversity</li> <li>• Development of outdoor learning areas maximise educational opportunities (habitat, growing, healthier choices)</li> <li>• Flexible design</li> <li>• Parents, families, learners stay in LA where appropriate</li> <li>• Implications of not acting will result in impact on pupils wellbeing, travel, opportunities, LAC risk of tribunals etc., risk of not being able to meet the needs of vulnerable learners and families</li> <li>• Maximise resources</li> <li>• Need to link with regional colleagues, cross border collaboration</li> <li>• Reducing LAC &amp; NEET with ALN</li> <li>• Health/education hub</li> </ul>
<p><a href="#">A Healthier Wales</a>  A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.</p>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Outdoor areas to include habitat areas and appropriate outdoor spaces and sports facilities in line with BB104 Guidelines</li> <li>• Appropriate school / amount of places for ALN in the most appropriate location. Responding to change in communities and upturn in ASD , provide a service that is sustainable and fit for the future</li> <li>• Development of outdoor learning areas maximise educational opportunities (habitat, growing, healthier choices)</li> <li>• Supports improved opportunities for pupil attainment in schools through improved learning environments</li> <li>• Improve social, cultural and environmental wellbeing of pupils with ALN</li> <li>• Reduce social isolation</li> <li>• Improve education and skills for pupils with ALN by meeting needs within LA where possible within a suitable learning environment</li> <li>• Provide timely and effective support within LA where possible</li> <li>• Access to health services</li> <li>• Supports enterprise opportunities for pupils</li> <li>• Working with the ALN team to establish the needs and promote inclusivity - site and school building fully accessible.</li> <li>• Early consultation with Cultural Services and Parks and that takes account of the needs and requirements of these services and of the community</li> </ul>

		<ul style="list-style-type: none"> <li>• Working with estates and planning to support regeneration of the area linked to LA pilot housing scheme/s</li> <li>• Joint working with Health, Social Services, Education - One stop shop</li> <li>• Opportunity to support transformation agenda, standards, changes in curriculum <ul style="list-style-type: none"> <li>• Working with other LAs, providing opportunities for outreach, centres of excellence, shared good practice <ul style="list-style-type: none"> <li>• more pupils remain in the local authority so less time travelling, pupils in a better frame of mind when arriving at school, improved wellbeing</li> </ul> </li> <li>• Active travel opportunities</li> <li>• Chances for parents, families to link, well being opportunities, support network <ul style="list-style-type: none"> <li>• more families can stay together supporting reduction in LAC for pupils with ALN</li> <li>• bespoke services / physical environment within the building will allow for better sports and general activities for pupils and the wider community, supporting wellbeing and having a positive impact on families, community and support curriculum changes and delivery</li> <li>• supports regeneration of area/s</li> </ul> </li> </ul> </li> </ul>
<p><a href="#">A More Equal Wales</a> A society that enables people to fulfil their potential no matter what their background or circumstances.</p>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Considered and evaluate the impact on other schools in the locality - neighbouring schools a key stakeholder</li> <li>• Consider and evaluate the impact on local services and the area as a whole</li> <li>• Working with the ALN team to establish the needs</li> <li>• Statutory consultation process carried out</li> <li>• Pre-occupancy questionnaire for pupil and staff engagement</li> <li>• working with housing and estates to support regeneration of the area (pilot housing scheme with estates)</li> <li>• Fully accessible, 21 century purpose built special school building</li> <li>• Pupils can stay within LA (there may be a small cohort that may still need to be educated elsewhere)</li> <li>• Reduce social isolation through increased community use</li> <li>• Building supports delivery of curriculum that fulfils pupils potential, supporting their wellbeing regardless of need</li> <li>• Inclusive for community and families</li> <li>• Distribute knowledge of expertise of staff with other schools/STFs</li> <li>• Opportunities for jobs during the build through BBM opportunities and in the</li> </ul>

		<p>new school build</p> <ul style="list-style-type: none"> <li>• Impact of services on one site</li> <li>• Enables pupils with effective use of curriculum and enterprise opportunities leads to pupils fulfilling potential</li> <li>• Access to appropriate outdoor areas and green space</li> <li>• More pupils remain in the local authority so more opportunities to participate in Swansea community</li> </ul>
<p><a href="#">A Wales of Cohesive Communities</a> Attractive, viable, safe and well-connected communities.</p>	☒	<ul style="list-style-type: none"> <li>• Statutory consultation process carried out</li> <li>• Shared use of assets, maximising community use and flexibility of asset</li> <li>• Secure by design</li> <li>• Insurance requirements adhered to</li> <li>• Working with housing to regenerate area</li> <li>• Community use of fully accessible services</li> <li>• Reduce social isolation through increased community use</li> <li>• Enterprise opportunities</li> <li>• Community of vulnerable learners where appropriate services are provided, curriculum opportunities</li> <li>• Bolster connection of families, form friendships, networks - resilience, more social connections leads to wellbeing improvements</li> <li>• Active travel opportunities</li> <li>• Opportunities for hub working, training, health, one stop shop</li> <li>• Flexible design of asset</li> <li>• Raises awareness of disabilities in the community, enhances inclusivity</li> <li>• DDA sports, Arts, Drama opportunities</li> <li>• Community engagement events</li> <li>• Community use of building</li> <li>• Multi agency working</li> <li>• More pupils remain in the local authority so more opportunities to participate in Swansea community</li> </ul>
<p><a href="#">A Wales of Vibrant Culture &amp; Thriving Welsh Language</a> A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, sports and recreation.</p>	☒	<ul style="list-style-type: none"> <li>• Further opportunities for DDA arts, sports, enterprise opportunities, social skills, etc.</li> <li>• Improvements in pupils attainment and wellbeing</li> <li>• Increased community involvement and use</li> </ul>

		<ul style="list-style-type: none"> <li>• The 10-year WESP has a clear aim to increase the use of the Welsh language for both learners and school staff. The curriculum supports engagement with Welsh and local culture.</li> <li>• The Welsh in Education Team support schools with training and resources to improve and increase the use of Welsh in schools.</li> <li>• Equality of opportunity</li> <li>• The project will be consistent with the aims of the WESP.</li> </ul>
<p><a href="#">A Globally Responsible Wales</a> A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Site selection considers the proximity and best use of natural habitats</li> <li>• Consideration of the Council corporate aims and objectives together with WBFGA and WG 21st century aims and objectives incorporating their terms and conditions as appropriate</li> <li>• Consider and evaluated the impact on other schools in the locality - neighbouring schools a key stakeholder</li> <li>• Consider and evaluate the impact on local services and the area as a whole - community engagement sessions</li> <li>• Cross boarder collaboration with other LAs and ALN teams</li> <li>• Schools work with partners in colleges, other schools, other LAs and countries</li> <li>• ABA provision development</li> <li>• Secondment opportunities</li> <li>• Consideration of corporate objectives</li> <li>• Globally responsible school</li> <li>• Opportunities to share expertise etc.</li> <li>• Health /education hub</li> <li>• BBM opportunities during build</li> <li>• Low carbon build / building</li> <li>• design to support biodiversity and outdoor learning opportunities</li> <li>• Stakeholder engagement, statutory consultation process</li> </ul>

## Section 7 - Cumulative Impact/Mitigation

**What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the IIA and any other key decisions affecting similar groups/ service users made by the organisation?**

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making/have made.

For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

### Any mitigation needed:

It is important that you record the mitigating actions you will take in developing your final initiative.

Record here what measures or changes you will introduce to the initiative in the final draft, which could:

- reduce or remove any unlawful or negative impact/ disadvantage
- improve equality of opportunity/introduce positive change
- support the Well-being of Future Generations Act (Wales) 2015
- reduce inequalities of outcome resulting from socio-economic disadvantage

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Unlawful or Negative Impact Identified	Mitigation / Positive Actions Taken in the initiative (add to action plan)
Some pupils may have to travel for longer to get to school and back if the new school building is further away from their home than that of their current school, however, some pupils will have a reduced journey time.	There is a legal obligation for the Local Authority to ensure suitable transport arrangements. Pupils will be supported with regards to any change in transport arrangements. Pupils will have the opportunity to 'trial run' the new journey prior to opening.
Amalgamating two schools and moving pupils onto a new site will inevitably cause some disruption and uncertainty for a period of time.	The LA will work closely with schools to ensure suitable transition arrangements are made with pupils to support them throughout this period. This will include visits to the school prior to opening to familiarise themselves with the new surroundings, and taster sessions. Pupils will have the opportunity to 'trial run' the new journey prior to opening. School staff will work closely with pupils to ensure any concerns are alleviated and all pupils are supported throughout the transition.



**Section 8 - Monitoring arrangements:** The IIA process is an ongoing one that does not end when the initiative is agreed and implemented. Please outline the monitoring arrangements and/or any additional data collection that will help you monitor any equality impacts, risks, sustainability of your initiative once implemented:

**Monitoring arrangements:**

The initiative will be closely monitored by the Education Directorate and the school by using well established project and programme management boards.

**Actions (add to action plan):**

## Section 9 – Outcomes:

Having completed sections 1-8, please indicate which of the outcomes listed below applies to your initiative (refer to the guidance for further information on this section).

- Outcome 1: Continue the initiative – no concern
- Outcome 2: Adjust the initiative – low level of concern
- Outcome 3: Justify the initiative – moderate level of concern
- Outcome 4: Stop and refer the initiative – high level of concern.

For outcome 3, please provide the justification below:

For outcome 4, detail the next steps / areas of concern below and refer to your Head of Service / Director for further advice:

## Section 10 - Publication arrangements:

On completion, please follow this 3-step procedure:

1. Send this IIA report and action plan to the Access to Services Team for feedback and approval – [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)
2. Make any necessary amendments/additions.
3. Provide the final version of this report to the team for publication, including email approval of the IIA from your Head of Service. The IIA will be published on the Council's website - this is a legal requirement.

**Action Plan:** Please outline below any actions identified throughout the assessment or any additional data collection that will help you monitor your initiative once it is implemented:

Action	Dates	Timeframe	Lead responsibility	Progress	Add to Service Plan
Note and take action (where necessary) following the completion of the statutory consultation	Consultation – 9 Oct 23 – 24 Nov 23	Oct 23 – Dec 23	Project Team	Ongoing	N/A
Ensure pupils will be supported with regards to any change in transport arrangements. Pupils to have the opportunity to ‘trial run’ the new journey prior to opening	Jan 2028 – April 2028	Jan 2028 – April 2028	Transport Team, School and Project Team	Ongoing	N/A
The LA to work closely with schools to ensure suitable transition arrangements are made with pupils to support them throughout the transition period. This will include visits to the school prior to opening to familiarise themselves with the new surroundings, and transition days. Pupils will have the opportunity to ‘trial run’ the new journey prior to	Jan 2028 – April 2028	Jan 2028 – April 2028	Transport Team, School and Project Team and Contract	Ongoing	N/A

<p><b>opening. School staff will work closely with pupils to ensure any concerns are alleviated and all pupils are supported throughout the transition.</b></p>					

**\* Please remember to be 'SMART' when completing your action plan (Specific, Measurable, Attainable, Relevant, Timely).**

**Amalgamate Ysgol Crug Glas and Ysgol Pen-y-Bryn on existing sites in September 2025 and move to new build April 2028**  
(Figures exclude any pupil roll change until April 2028)

**Appendix B**

Implement Proposal to amalgamate  
Sep-25

Move to new build  
Apr-28

	<b>Financial Year</b>					
<b>Revenue</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028/29</b>
Budget Shares:						
Ysgol Crug Glas	£1,999,824	£1,999,824	£833,260	£0	£0	£0
Ysgol Pen-y-Bryn	£4,615,241	£4,615,241	£1,923,017	£0	£0	£0
New Special School (1)			£3,833,405	£6,571,551	£6,571,551	£8,698,613
<b>Total</b>	<b>£6,615,065</b>	<b>£6,615,065</b>	<b>£6,589,682</b>	<b>£6,571,551</b>	<b>£6,571,551</b>	<b>£8,698,613</b>
Admin of Proposal:						
Public Notices (2)	£0	£0	£0	£0	£0	£0
Pre Appointment of Head (if necessary)	£0	£0	£72,895	£0	£0	£0
Clerk to Governors (3)	£0	£0	£0	£0	£0	£0
Advertisement Costs for Head (4)	£0	£500	£0	£0	£0	£0
Advertisement Costs for Deputy (4)	£0	£0	£0	£0	£0	£0
Transitional costs (5)	£0	£0	£0	£0	£0	£0
Transport: (6)						
Current	£1,568,000	£1,568,000	£1,568,000	£1,568,000	£1,568,000	£1,568,000
Additional estimated costs	£0	£0	£0	£0	£0	£627,200
Redundancy/ER Costs (Estimated): (7)						
Teaching - One-off	£0	£0	£0	£0	£0	£0
Teaching - Ongoing	£0	£0	£0	£0	£0	£0
Support Staff - One-off	£0	£0	£0	£0	£0	£0
Support Staff - Ongoing	£0	£0	£0	£0	£0	£0
<b>Total Revenue</b>	<b>£8,183,065</b>	<b>£8,183,565</b>	<b>£8,230,577</b>	<b>£8,139,551</b>	<b>£8,139,551</b>	<b>£10,893,813</b>
Difference from previous year		£500	£47,012	-£91,026	£0	£2,754,262
Cumulative Difference		£500	£47,512	-£43,514	-£43,514	£2,710,748

	<b>Financial Year</b>					
<b>Capital</b>	<b>up to 2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028/29</b>
Ysgol Crug Glas	£0	£0	£0	£0	£0	£0
Ysgol Pen-y-Bryn	£0	£0	£0	£0	£0	£0
New Special School (8)	£578,896	£1,660,000	£6,750,000	£16,125,000	£17,375,000	£1,111,104
<b>Total Capital</b>	<b>£578,896</b>	<b>£1,660,000</b>	<b>£6,750,000</b>	<b>£16,125,000</b>	<b>£17,375,000</b>	<b>£1,111,104</b>

**Notes:**

- (1) Assumes no additional teaching protections will apply at new school, although there potentially could be protected headteacher and deputy headteacher that would be funded from within the ISB
- (1) New School Funding will apply and is included
- (1) Budget Shares assume rateable values unchanged
- (2) Public Notices no longer need to be published in the local press. There will be some printing costs but these will be minimal.
- (3) Central staff would undertake this role for temp governing body
- (4) If required - Governors can agree to ringfence posts to existing Heads/Deputies and not go to advert
- (5) e.g. telephones, stationary etc. To be funded from New School Funding delegated to school
- (6) There could potentially be an increase in transportation costs due to change of routes but these could be offset against shorter routes for some pupils and a decrease in out of county transportation
- (7) It is not anticipated there will be any redundancies from teaching or support staff. However, the temporary governing body will determine if they ringfence leadership roles.
- (8) Estimated timing of expected capital costs

# Agenda Item 13.



## Report of the Cabinet Member for Education & Learning

Cabinet Briefing - 21 September 2023

### Quality In Education (Qed) / The Sustainable Communities for Learning Strategic Outline Programme - Band B

<b>Purpose:</b>	To provide an update on the progression of Band B of the Sustainable Communities for Learning Strategic Outline Programme, the financial and inflationary pressures impacting the remainder of the programme and endorse an uplift to the programme envelope.
<b>Policy Framework:</b>	Abertawe 2023 QEd/Sustainable Communities for Learning Programme
<b>Consultation:</b>	Finance, Legal, Access to Services
<b>Recommendation(s):</b>	It is recommended that: <ol style="list-style-type: none"><li>1) The remaining capital investment priorities for Band B of the QEd / Sustainable Communities for Learning Programme are noted.</li><li>2) The local funding contribution is increased by £9m to £46.7m, based on a solely capital contribution.</li><li>3) That either a change request is submitted to Welsh Government seeking an uplift in the Band B programme envelope to £176m or depending upon the timing and progression of business cases, this will form part of the revised Strategic Outline Programme submission.</li></ol>
<b>Report Author:</b>	Louise Herbert-Evans
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Catherine Window

## **1. Background and progress to date**

- 1.1 Welsh Government approved the Council's Strategic Outline Programme (SOP) for Band B in December 2017; the funding for Band B of the 21st Century Schools and Colleges Programme is being provided through £600m capital and £500m revenue funding for the whole of Wales.
- 1.2 The approval in principle of the SOP for Band B did not commit the Council to the funding contributions until the final approval of any capital allocation from the Welsh Government which is subject to the submission of further detailed business cases in respect of each specific scheme, and specific approvals in accordance with Financial Procedure Rules.
- 1.3 Since the initial approval there have been several changes within the programme. The Welsh Government capital grant intervention rate was set at 50% for Band B, but Welsh Government announced on 21 November 2018, that the Band B intervention rate for capital schemes would be increased to 65%, and for special schools and PRUs to 75%, and on 7 February 2019 that the intervention rate for Mutual Investment Model (MIM) schemes would increase from 75% to 81%. The intervention rate for voluntary aided schemes remained unchanged at 85%.
- 1.4 The Band B programme envelope is £149.5m (if the potential aided sector scheme is excluded this amounts to £141.3m). Of this total, £124m is being sought from traditional capital funding, requiring (after allowance for realisable capital and other receipts) a net local funding requirement of £34.5m from unsupported borrowing. The remaining £25.19m (or £16.975m if the potential aided sector scheme is excluded) was expected to be delivered through the Mutual Investment Model (MIM), which would require no local capital funding contribution but incur an annual charge once the accommodation and facilities are completed. An equivalent local share of the capital cost for the MIM scheme excluding the voluntary aided sector would be £3.225m although the 19% local contribution would apply to the annual revenue charge.
- 1.5 The programme included two authority and one voluntary aided scheme to be delivered under the MIM. In April, Welsh Government concluded its Education MIM Programme Review and the priority for support for the next schemes will be for Further Education (FE), as they are large scale schemes that are more likely to deliver better value for money using the MIM model, the MIM model aligns better with FE estate management, and is of greater benefit to colleges who do not have the same access as local authorities to long-term borrowing. Displaced priority schemes may switch to capital through either a variation or through submission of the new SOP. If authorities wish lower priority schemes to be considered for the MIM pipeline, then this may be done in the future. It is therefore proposed that the schemes previously identified to be delivered under MIM will be switched to capital.

- 1.6 The new builds for Education Other Than At School (EOTAS) at Cockett, known as Maes Derw, YGG Tan-y-lan and YGG Tirdeunaw, the extension to provide increased capacity for Ysgol Gyfun Gŵyr and replace sub-standard accommodation, and the extension, remodelling and refurbishment of Bishopston Comprehensive School, are all now completed and occupied by pupils.

## **2. The remainder of the Band B programme**

- 2.1 Welsh Government announced in November 2022 that the Sustainable Communities for Learning Programme will now transition away from fixed bands of funding to a more agile rolling programme. This will represent a nine-year capital programme, including an indicative funding forecast for the 9 years, in 3-year phases. At the latest, delivery partners must review and resubmit their Programme by March 2024, and it is anticipated that the remainder of Band B will form part of the first phase of the new rolling programme. A full report outlining the emerging proposals and investment priorities for the nine-year rolling Sustainable Communities for Learning Strategic Outline Programme will be presented to Cabinet in December 2023.

- 2.2 The next schemes which we are now developing as part of the remainder of Band B and expected to form part of the first phase of the nine-year rolling Sustainable Communities for Learning Strategic Outline Programme are:

- Part new build for Gowerton School, including replacing substandard demountables and addressing condition, suitability and accessibility.
- Part new build for Ysgol Gyfun Gymraeg Bryn Tawe to provide an additional 188 Welsh-medium secondary places, together with remodelled and refurbished areas to provide suitable teaching space in line with the curriculum analysis, reorganised spaces to provide improved faculty areas and suitable dining spaces. There is an approved Outline Business Case for this scheme, which will be delivered by way of a two-stage collaborative contract and is almost ready to go out to tender.
- A new special school build for pupils with Additional Learning Needs (ALN) for pupils with Profound and Multiple, and Moderate to Severe Learning Disabilities (PMLD, and M/SLD) and with Autistic Spectrum Disorder (ASD) that increases the number of planned places from 250 to 350. There is an approved Strategic Outline Business Case for this scheme, which will be delivered by way of a two-stage collaborative contract. This is subject to a statutory consultation process, and there is a separate report seeking approval to consult on amalgamating Ysgol Pen-y-Bryn and Ysgol Crug Glas into one special school in September 2025 and relocate to a new purpose-built school whilst increasing capacity from April 2028.



- In addition, work is progressing to consider options for the former Daniel James site. Given the current issues (increasing vandalism and anti-social behaviour) being encountered with the vacant building, and subject to an agreed way forward and approved business cases, efforts will be made to commence a scheme for this site, and demolition of the existing buildings as early as possible.

### **3. Financial pressures**

- 3.1 Swansea Council has been fortunate having already delivered a third of the Band B programme, as the significant inflation that has especially affected the construction industry, has impacted what can be delivered for the remainder of the Band B programme.
- 3.2 The Welsh Government cost and size standard published in June 2023 gave a rate of £3,559/m<sup>2</sup> as a basic benchmark cost in 2024 for a new build primary school, excluding fit out and abnormal costs; this compares to the published rate of £2,775/m<sup>2</sup> in 2019, which equates to an increase of £784/m<sup>2</sup> or 28.25%. The same benchmark rate for 2028 is £4,025/m<sup>2</sup>, which would equate to a forecast increase of 45% since 2019.
- 3.3 The switch to capital funding for the whole programme whilst likely to provide better value for money, means a change in the intervention rate for any MIM schemes from 81% to 65%.
- 3.4 In order to maintain the progression of the schemes planned as part of Band B and for delivery by 2028, this report is seeking an agreement in principle to increase the local capital funding contribution.
- 3.5 If this is agreed, then either a change request will be submitted to Welsh Government seeking an increase in the Band B programme envelope or depending upon the timing and progression of business cases, this will form part of the revised SOP submission.

### **4. Integrated Assessment Implications**

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
  - 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.
  - Deliver better outcomes for those people who experience socio-economic disadvantage.
  - Consider opportunities for people to use the Welsh language.
  - Treat the Welsh language no less favourably than English.

- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 4.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 4.4 An IIA screening has been completed for the programme. The programme is expected to have a positive impact on school and wider communities. However, each scheme is / will be subject to an individual IIA and is / will be subject to full engagement and in some cases statutory consultation with stakeholder groups.

## 5. Financial Implications

- 5.1 The local funding contribution reported at Cabinet on 16 February 2023 Capital Budget & Programme 2022/23- 2027/28, was £37.7m including an equivalent local share of the capital cost for the MIM schemes of £3.225m.
- 5.2 This report is seeking approval in principle for that to be increased by £9m to £46.7m, based on a solely capital contribution. The additional £9m would be unsupported borrowing and form part of the £50m nominal headroom for borrowing deferred, which will be funded from reserves in the short term.
- 5.3 The impact of the increase in contribution, based on the current budget costs and variable intervention rates on the programme envelope is summarised in the table below:

	<b>Capital Budget &amp; Programme 2022/23- 2027/28 - Cabinet 16 February 2023</b>	<b>Proposed Band B funding envelope</b>	<b>Change</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Traditional capital funding	34.50	46.70	12.20
Equivalent local share of MIM capital cost	3.23	0.00	-3.23
<b>Total local funding requirement</b>	<b>37.73</b>	<b>46.70</b>	<b>8.98</b>
<b>Total Envelope</b>	<b>149.50</b>	<b>176.00</b>	<b>26.50</b>

- 5.4 If this is agreed, then either a change request will be submitted to Welsh Government seeking an increase in the Band B programme envelope or depending upon the timing and progression of business cases, this will form part of the revised SOP submission.
- 5.5 The increased local contribution, based on the current cost planning for the remaining priority Band B schemes and their respective variable intervention rates would result in a revised Band B programme envelope of £176m.
- 5.6 The submission of a change request to Welsh Government seeking an increase in the Band B programme envelope or updated SOP does not commit the authority to the indicative local funding contribution set out above since the final approval of any capital allocation from the Welsh Government will be subject to the submission of further detailed business cases in respect of each specific scheme. If the change request / SOP is approved, the authority will then have a revised Band B approved funding envelope within which it can deliver its Band B strategy, subject to further Welsh Government approvals. Further reports will come to Cabinet at each stage of the process, which will include developed cost plans for each scheme following feasibility and detailed design.

## **6. Legal Implications**

- 6.1 Any offer of grant funding from the Welsh Government will be subject to terms and conditions which will be binding upon the authority.
- 6.2 The establishment, alteration or discontinuance of maintained schools requires consultation and the publication of statutory notices in accordance with Chapter 2 and Schedule 2, of the School Standards and Organisation (Wales) Act 2013 (“the Act”) and the Welsh Government’s School Organisation Code (Circular 006/2013) (the Code).
- 6.3 The Code provides statutory guidance a local authority must follow when seeking to make school organisation proposals to education provision within a local authority area.

### **Background Papers:**

Cabinet 20 July 2017 Quality in Education (QEd) – Emerging proposals and investment priorities for the next band of the 21st Century Schools’ Programme.

Cabinet 16 February 2023 Capital Budget & Programme 2022/23- 2027/28.

### **Appendices:**

Appendix A Integrated Impact Assessment (IIA) Screening

**Please ensure that you refer to the Screening Form Guidance while completing this form.**

**Which service area and directorate are you from?**

Service Area: Planning and Resources

Directorate: Education

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other

**(b) Please name and fully describe initiative here:**

**QEd / Sustainable Communities for Learning Programme (formerly known as the QEd / 21st Century Schools Programme)**

An Equality Impact Assessment Screening was undertaken in 2017, and this Integrated Impact Assessment Screening now supersedes that.

The Council's QEd / 21st Century Schools Band A Programme focused on;

- Learning environments for children and young people aged from 3 to 19 that will enable the successful implementation of strategies for school improvement and better educational outcome,
- Greater economy through better use of resources to improve the efficiency and cost-effectiveness of the education estate and public service provision; and,
- A sustainable education system with all schools meeting a 21st century schools standard and reducing the recurrent costs and carbon footprint.

The priority investment schemes were identified through the following range of complementary objective criteria:

- Standards (where there were specific concerns),
- risk,
- condition,
- specific suitability issues,
- landscape,

- basic need (where very clear shortfall in places such as Welsh Medium),
- sufficiency (surplus places),
- viability (size),
- sustainability (future demographic trends) and
- deliverability (how readily it could be achieved).

Band B of the programme reflects the natural development of the previously approved long term strategy but reflects further consideration of changes in demands and priorities. The detail of specific schemes within the programme will be further developed in the light of the level of Welsh Government funding available and more detailed discussions with schools and their governing bodies at that time.

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further Investigation	No Impact
	+	-	+	-	+	-		
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement**

Any project taken forwards as a result of the programme’s implementation will be subject to either statutory consultation or public consultation and engagement as and when required.

The programme to date has included engagement with governing bodies, teaching staff, pupils, parents, community groups and other interested stakeholders as applicable to each project.

Following engagement with the Parent Carer Forum with regard to the developing Accessibility Strategy it is proposed that for future projects there will be engagement with disability organisations, and more focused consultation around accessibility.

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**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?  
 Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
 Yes  No
- c) Does the initiative apply each of the five ways of working?  
 Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
 Yes  No

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**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk



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**Q6 Will this initiative have an impact (however minor) on any other Council service?**

 Yes No

If yes, please provide details below

The Programme could impact on a number of other council services as we develop school assets that might be used for other service needs. This impact will be determined as the individual projects are developed.

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**Q7 Will this initiative result in any changes needed to the external or internal website?**

 Yes No

If yes, please provide details below

For each project a webpage will be developed supporting engagement with stakeholders.

**Q8 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?**

The programme is to designed to address;

- Standards (where there were specific concerns),
- risk,
- condition,
- specific suitability issues,
- landscape,
- basic need (where very clear shortfall in places such as Welsh Medium),
- sufficiency (surplus places),
- viability (size), and
- sustainability

It also includes a focus on addressing accessibility issues, supporting the community use of our schools and improving family and community engagement and all projects will now be delivered to net zero operational carbon with reduced embodied carbon.

As such the programme is expected to have a positive impact on school and wider communities. However, each project will be subject to an individual Integrated Impact Assessment, and will be subject to full engagement and in some cases statutory consultation with stakeholder groups.

### **Outcome of Screening**

**Q9 Please describe the outcome of your screening using the headings below:**

- **Summary of impacts identified and mitigation needed (Q2)**

The programme is expected to have a positive impact on school and wider communities, and in particular on children and young people and their families, those with additional learning needs and / or a disability.

- **Summary of involvement (Q3)**

Any project taken forwards as a result of the programme's implementation will be subject to either statutory consultation or public consultation and engagement as and when required.

- **WFG considerations (Q4)**

The five ways of working and seven national well-being goals are embedded in project management practices.

- **Any risks identified (Q5)**

The programme is subject to some significant risks;

Financial – this is linked to the available local and Welsh Government funding, and this has increased since recent inflationary pressures, and hence the report to Cabinet of the 21 September 2023.

Political, media, public perception etc – the projects within the programme are of high interest to school and local communities. Before any project is committed this is subject to political support and engagement with interested stakeholders to help shape projects to best meet the needs of users and their communities.

- **Cumulative impact (Q7)**

The programme is expected to have a positive impact on school and wider communities. However, each project will be subject to an individual Integrated Impact Assessment, and will be subject to full engagement and in some cases statutory consultation with stakeholder groups.

(NB: This summary paragraph should be used in the ‘**Integrated Assessment Implications**’ section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name:</b> Louise Herbert-Evans
<b>Job title:</b> Capital Team Manager
<b>Date:</b> 20/07/2023
<b>Approval by Head of Service:</b>
<b>Name:</b> Kelly Small
<b>Position:</b> Head of Education Planning and Resources
<b>Date:</b> 24/07/23

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)



# Agenda Item 14.



## Report of the Cabinet Member for Environment & Infrastructure

Cabinet – 21 September 2023

### Welsh Government Bus Transition Fund

<b>Purpose:</b>	To note and approve in retrospect the Council entering into Welsh Government Bus Transition Fund agreements and the entering into agreements with multiple bus operators in the region.
<b>Policy Framework:</b>	None
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that Cabinet: <ol style="list-style-type: none"><li>1. Endorses and approves the decision of the Leader of the Council on 24<sup>th</sup> July 2023 authorising the Council to enter into the Welsh Government's Bus Transition Fund (BTF) agreements.</li><li>2. Notes that the Council as regional lead authority has entered into BTF agreements with relevant bus operators, to secure (conditional) financial support for the bus sector and to establish a relationship with their constituent local authorities that ensures that the ongoing funding meets those authorities' priorities and is delivered on their behalf.</li></ol>
<b>Report Author:</b>	Stuart Davies
<b>Finance Officer:</b>	Jeff Dong
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

#### 1. Introduction

- 1.1 Welsh Government has been taking action to help bus operators in Wales, get through the inevitable uncertainty of the COVID-19 affected operating conditions and the further impact of driver costs due to on-going driver shortages across the industry and significant increases in fuel costs. The provision of this support has enabled bus operators to retain customers and a network of services which may otherwise have been lost or reduced significantly.
- 1.2 Previous funding has been delivered via the Bus Emergency Schemes. Welsh Government wish to continue to provide funding to bus operators in Wales under a new scheme called the Bus Transition Fund.

- 1.3 A new funding agreement is required with the Council and bus operators which allows continued funding of services under the Bus Transition Fund (BTF) and a transition back to commercial and local authority supported operation of services no later than 1<sup>st</sup> April 2024.
- 1.4 The Bus Emergency Scheme funding expired on 24<sup>th</sup> July 2023. The Bus Transition Funding started on 25<sup>th</sup> July 2023 and will continue under the terms of a new funding agreement which will end on 31<sup>st</sup> March 2024.
- 1.5 There was a delay in the final agreements being received from Welsh Government to meet the deadline of 24<sup>th</sup> July 2023. Therefore, it was signed under Council Constitution Part 3.1 – Scheme of Delegation (Responsibility of Functions), which states that the Leader may exercise Executive Functions himself or may otherwise make arrangements to delegate responsibility for their discharge. On 24<sup>th</sup> July 2023 the Leader of the Council approved the BTF agreements and authorised the Chief Legal Officer to execute the agreements on behalf of the Council, but with the intention that Cabinet’s retrospective approval would be sought.

## **2. The Bus Transition Fund agreement**

- 2.1 The new BTF agreement with Welsh Government and bus operators places obligations on councils and bus operators to plan ahead for what services may look like in April 2024 when the Bus Transition Funding ends. There are specific obligations on bus operators to share information on services with financial penalties if they do not comply. Councils must set out an initial procurement programme for non-commercial services as soon as possible after Bus Transition Funding is introduced.
- 2.2 Swansea Council as a Lead Council for the region has signed 15 separate agreements i.e. one for each bus operator operating services in the region.
- 2.3 Welsh Government imposed a deadline for execution of the agreements of 24<sup>th</sup> July 2023 in readiness for the commencement of BTF funding on 25<sup>th</sup> July 2023. Each of the operators in the region has signed their individual agreements and these have been approved by the Council.
- 2.4 If the Council had not signed by the deadline, it could have jeopardised the release of funding to bus operators and councils in the region placing the Council at risk of claims for financial loss. There would also have been an adverse impact on the Council’s reputation.

## **3. Progress since signing the Bus Transition Fund agreement**

- 3.1 Officers and local bus operators have discussed the BTF funding levels, and the bus operators have been asked to examine their future funding requirements in the light of the reduced funding allocation from Welsh Government. It is apparent that to ensure that the funding is not exceeded, and in anticipation of revenues not increasing further, the bus companies will need to reduce their operating costs.

- 3.2 The Council will work with the bus operators to minimise the impact of the service reductions, and all have been receptive to the Council's requests to examine ways in which the impacts on communities can be reduced.

#### **4. Integrated Assessment Implications**

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
  - 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.
  - Deliver better outcomes for those people who experience socioeconomic disadvantage.
  - Consider opportunities for people to use the Welsh language.
  - Treat the Welsh language no less favourably than English.
  - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 4.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 4.4 The outcomes of the IIA Screening (Appendix B) demonstrates that the approval of the Welsh Government's Bus Transition Fund results in minimal impacts at this stage. The IIA will be reviewed once funding arrangements are put in place.

#### **5. Financial Implications**

- 5.1 Bus Services Support Grant continues to be paid to the Council as the lead authority for the Region and this is distributed between the four local authorities to subsidise bus and community transport services in their area, and also to make payments directly to bus operators for mileage that they operate in the region.

- 5.2 Each Council continues to receive funding from Welsh Government to reimburse operators for carrying concessionary bus pass holders free of charge in their areas.
- 5.3 The Council will remain responsible for those services which it currently contracts directly with bus operators. Welsh Government has indicated that local authorities will need to consider planning for contingencies, such as if the BTF agreement is not signed by a bus operator or if the level of funding for BTF is reduced during the period of the agreement.
- 5.4 Swansea Council has not been allocated a specific sum of funding with regards to BTF. Instead £42m has been allocated by the Welsh Government across all regions of Wales and all regions have been asked to spend funds conservatively. As a result, Swansea Council will not be receiving a grant award offer in respect of BTF.

## **6. Legal Implications**

- 6.1 The Council will need to comply with the terms and conditions contained within the Bus Transition Fund agreements entered into with Welsh Government and bus operators.

**Background Papers:** None

### **Appendices:**

Appendix A - Integrated Impact Assessment

Please ensure that you refer to the Screening Form Guidance while completing this form.

**Which service area and directorate are you from?**

Service Area: Highways & Transportation  
 Directorate: Place

**Q1 (a) What are you screening for relevance?**

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- X  Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other

**(b) Please name and fully describe initiative here:**

**Welsh Government’s Bus Transition Fund**

This is funding being provided to bus operators by Welsh Government to assist them with the financial impact of reduced revenues post Covid-19, and is effective from 25<sup>th</sup> July 2023. It replaces the similar Bus Emergency Scheme, which ended on 24<sup>th</sup> July 2023. Swansea Council is the lead authority in the South West Wales Region for financial matters, and it therefore receives the funding from the Welsh Government and distributes it to the bus operators.

The report seeks approval that the Welsh Government’s Bus Transition Fund (BTF) agreement is approved, and the Council as regional lead authority is authorised to enter into BTF agreements with relevant bus operators, to secure (conditional) financial support for the bus sector and to establish a relationship with their constituent local authorities that ensures that the ongoing funding meets those authorities’ priorities and is delivered on their behalf.

**Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)**

	High Impact		Medium Impact		Low Impact		Needs further Investigation	No Impact
	+	-	+	-	+	-		
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?**

**Please provide details below – either of your activities or your reasons for not undertaking involvement**

To date, consultations have taken place with bus operators in terms of funding levels, but for the reasons given above, there haven't been any consultations with other parties.

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?  
 Yes  No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
 Yes  No
- c) Does the initiative apply each of the five ways of working?  
 Yes  No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
 Yes  No

**Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)**

High risk

Medium risk

Low risk

**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes       No      If yes, please provide details below

**Q7 Will this initiative result in any changes needed to the external or internal website?**

Yes       No      If yes, please provide details below

**Q8 Does the initiative involve changes to the way you process the personal data of Council staff or service users, for example the purchase of new customer management software?**

Yes       No

If your answer is yes, you should also screen the initiative for any implications regarding privacy and other GDPR rights and consider whether you need to amend your entry in the Council’s Information Asset Register. Please use the following link to the online screening form for a Data Protection Impact Assessment <https://staffnet.swansea.gov.uk/dpiascreeing>  
For more about the Information Asset Register, please see <https://staffnet.swansea.gov.uk/informationassetregister>

**Q9 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?**

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

Minimal, provided that the Welsh Government’s funding is sufficient for the full financial year and therefore all local bus services can continue to operate.

**Outcome of Screening**

**Q9 Please describe the outcome of your screening using the headings below:**

- Summary of impacts identified and mitigation needed (Q2)
- Summary of involvement (Q3)
- WFG considerations (Q4)
- Any risks identified (Q5)
- Cumulative impact (Q9)

**The approval of the Welsh Government’s Bus Transition Fund results in minimal impacts at this stage. The IIA will be reviewed once funding arrangement have been put in place.**

(NB: This summary paragraph should be used in the ‘Integrated Assessment Implications’ section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name: Barrie Gilbert</b>
<b>Job title: Team Leader – Passenger Transport</b>
<b>Date: 17<sup>th</sup> August 2023</b>

<b>Approval by Head of Service:</b>
<b>Name: Stuart Davies</b>
<b>Position: Head of Highways &amp; Transportation</b>
<b>Date: 08/09/23</b>

# Agenda Item 15.



## Joint Report of the Cabinet Members for Corporate Services & Performance and Investment, Regeneration, Events & Tourism

Cabinet – 21 September 2023

### Proposed Freehold Sale or Lease Restructure of 254 – 260 Oxford Street, Swansea In Order to Facilitate Refurbishment of Ground Commercial Units and Repurposing of Upper Floor Accommodation Into Residential Units.

<b>Purpose:</b>	The report will present a number of landowner options to Cabinet regarding 254 – 260 Oxford Street in order to facilitate the redevelopment of the block, including the refurbishment of ground commercial units and repurposing of upper floor accommodation into residential units.
<b>Policy Framework:</b>	Asset Management Plan 2017 - 2021; Land Transaction Procedure Rules
<b>Consultation:</b>	Finance, Legal, Access to Services
<b>Recommendation(s):</b>	<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"><li>1. Consider whether the Council should deviate from the current policy of retaining freehold interests in the city centre and approve the disposal of the freehold interest.</li><li>2. If recommendation 1 is approved, authorise the section 151 officer to make an appropriate amendment to the revenue budget to offset the loss of annual income with this pressure reflected as part of the budget process in 2024/25.</li><li>3. Alternatively to consider whether to approve a leasehold re-gearing of the property which does not represent best consideration. .</li><li>4. Alternatively to authorise officers to progress with a re-gear of the property on market value terms.</li><li>5. requests that a further report is prepared for Cabinet consideration on the policy of freehold retentions/disposals in the City Centre</li><li>6. Confirms that no further freehold disposals will be considered until the policy review is presented in line with recommendation 5 alongside a future report on a review of the City Centre Strategy.</li></ol>



<b>Report Author:</b>	Geoff Bacon
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

## 1.0 Introduction

- 1.1 The Council currently own the freehold interest in 254 – 260 Oxford Street, subject to a number of long leasehold interests which are currently held by Kartay Holdings Limited ('The Tenant'). In total, the tenant holds six individual leases on broadly similar terms and durations with unexpired terms ranging between 85-100 years. The various leasehold agreements are set out within the main body of this report.
- 1.2 The Council own a number of other freehold interests within the City Centre and most of which are subject to long ground lease arrangements. In total, the Council own 101 properties within the City Centre which generates an annual income for the Council in the region of nearly £1m. Historically, the main reasons for the Council holding land & buildings is to generate revenue and to help influence future development. For example, the Council's ability to participate in the current redevelopment proposals for the City Centre derives largely from its freehold ownership of assets. Although disposal of City Centre premises could generate a significant capital sum it is suggested that the revenue and development benefits are overriding.
- 1.3 The Council has a long standing strategy, specifically stated within the adopted Asset Management Plan 2006-7 to retain its freehold ownership in the City Centre to support the Council's (at that time) Interim Retail Strategy. Aside from revenue generation, the principal reason for retaining freehold interests is to control redevelopment of specific areas through its land ownership and the Council, in its capacity as a landlord, can control uses. Having fragmented ownership creates its own challenges and minimising gaps in its ownership are considered important. There have though been occasions where freehold disposals have been considered and more generally within the same Asset Management Plan when relating to disposals that: "Cabinet will consider consent to a freehold disposal if it is felt that the overriding reasons may apply, particularly for development purposes"
- 1.4 Due to the regeneration of the City Centre a large number of leases were originally granted for 99 years from the 1950/1960s. These reducing terms are unattractive to investors and approaches are often made to the Council to reconsider the granting of long leases but at improved rental terms for the Council. It should be noted that many of the City Centre have now been restructured on commercial terms which are designed to produce

additional income for the Council (as opposed to invariably fixed ground rents at relatively low levels) and also help facilitate redevelopment and repurposing of upper floor accommodation. The leases which are subject to this report were restructured in the 1990's and are therefore granted on more commercial terms.

- 1.5 Under the terms of the long leases, the tenant pays the Council a collective ground rent of £88,250 p.a. but benefits from a hypothetical profit rent as it collect market rents from the various sub-tenants, albeit the block is currently subject to a number of voids and therefore a significant amount of income is not being realised at present.
- 1.6 The tenant is now looking to redevelop the whole block which will include the refurbishment of the ground floor units and the repurposing of the upper floors to accommodate residential apartments.
- 1.7 In order to invest further in the asset, the tenant has asked the Council whether it would be prepared to alter the ground rent received in the short to medium term or alternatively sell the freehold interest of the block as they are of the opinion the current lease structure is onerous, especially given the ground rent which is currently payable and would prevent them from proceeding with the redevelopment. Alternatively, whilst purchasing the freehold interest is their preferred option, the tenant would possibly be willing to agree revised lease terms but on favourable conditions. These option are summarised within the main body of the report.
- 1.8 Officers opinion is that only the Freehold disposal represents best consideration, however, as stated above in 1.3 Cabinet will be aware that the Council has an established strategy to retain its freehold interest wherever possible, especially on income producing assts. Therefore, a decision to sell the freehold interest would require a shift in its approach. In the event of a lease restructure, this decision would normally be dealt with via delegated powers under the Council's Land Transaction Procedure Rules although on this occasion, a number of the potential options including proposed terms of the lease restructure are at less than best consideration and would therefore require a Cabinet decision.

## **2.0 The Property**

- 2.1 The subject property comprises a three-storey building which currently provides a parade of six retail units at ground floor to Oxford Street with basement storage and rear access, and two storeys of ancillary accommodation above. Currently only two retail units are leased to the ground floor only. 256 Oxford Street is leased to HT Pawn Brokers and 257 Oxford Street is leased to Fraser Hart. The remainder of the ground floor units are empty along with all of the upper ancillary accommodation which has been empty for several years.

### **3.0 The Situation**

- 3.1 The property is located at the heart of the City Centre and any redevelopment should be actively encouraged and supported in order to facilitate the ongoing regeneration of the City Centre. The property is located in a hugely important strategic area and a redevelopment project of this nature would provide a hugely positive impact on the surrounding retailers and the footfall it would create.
- 3.2 The tenant has recently received planning permission in April 2023 (2023/0559/FUL) for the refurbishment of the ground floor and basement levels for commercial purposes and the conversion of upper floors to residential use, including an additional storey which will provide 33 no units in total.

### **4.0 Strategic Regeneration Context and Potential Economic Benefits**

- 4.1 The project aligns with a number of local, regional and national strategies that aim to stimulate economic regeneration and create sustainable employment and living opportunities within the City Centre. The development will support local business growth by repurposing outdated commercial buildings allowing them to be brought back into use. It will increase sustainable living and contribute towards a vibrant city centre community, helping people to live and work locally.
- 4.2 The buildings are in a prominent position within the city centre and of high importance in maintaining a strong city centre retail premises offer and improving the look and feel of this area.
- 4.3 The retail sector, both locally and nationally, is very fragile and is still recovering from the effects of the Covid Pandemic in addition to changing consumer behaviour such as increased on-line shopping. This has led to the decrease in the numbers of city centre retail operators, and continues to affect major national anchor stores such as Wilko leaving the market and Next closing city centre premises. Increased levels of home working have also lead to reduced city centre footfall on weekdays. The current cost of living crisis is also impacting on footfall and consumer spend.
- 4.4 The redevelopment of these buildings in the primary city centre area would lead to increased footfall and customer spending in the new retail units, boosting local business revenues and generating economic activity.
- 4.5 Job creation during the construction phase of the redevelopment project will create temporary jobs and once the building is operational, new retail shops and residential units will require staff, leading to further job creation in the retail, hospitality, and property management sectors.
- 4.6 An increase in property values not only for the redeveloped building but also for neighbouring properties will come about with the regeneration of

the area. As property values rise, business rates revenue can increase too.

- 4.7 The addition of residential apartments will attract more people to live at the heart of the city, in line with the Council's city centre living policy, leading to increased demand for goods and services. This population influx can support local businesses and contribute to a vibrant city centre. Residential Council Tax will be payable on the 33 new apartments proposed for the site which will bring in additional revenue.
- 4.8 Mixed-use developments that combine retail and residential spaces often create synergies between the two. Residents living above the retail spaces are likely to be frequent customers, which can help sustain local businesses. Similarly, the availability of retail options nearby can enhance the quality of life for residents.
- 4.9 Revitalising an underperforming building prevents it from becoming a vacant and blighted space. Vacant properties have a negative effect on the overall aesthetics, image and safety of an area, reducing footfall and potentially causing existing businesses to move elsewhere. Redevelopment helps eliminate these negative impacts and can also help draw in further investment to the surrounding area and city centre.
- 4.10 When new retail stores open, they directly employ staff but also support a supply chain of suppliers, vendors, and service providers. The employees and owners of these supporting businesses then spend their income within the local economy, creating a ripple or multiplier effect.
- 4.11 A revitalised building will assist the city centre with vibrant retail and residential spaces which can attract tourists and visitors, further boosting economic activity in the form of tourism-related spending, such as accommodation, dining and entertainment.
- 4.12 A redeveloped building could instil a sense of pride and attachment among local residents. A more appealing and thriving city centre can boost civic engagement and community involvement.
- 4.13 Four retail units, currently unoccupied, around 1000sq ft each will be brought back into use, creating an estimated 16 FTE jobs.

## **5.0 Legal Implications**

- 5.1 In accordance with the Scheme of Delegation as set out in Part 3.1 of the Constitution, and subject to paragraph 5.4 below, the authority for approving disposals, acquisitions and leases shall be vested in:
  - a) Responsible Officers in relation to:
    - o Acquisition of freehold or leasehold property (where a premium only is payable) up to £1,000,000;

- Acquisition of freehold or leasehold property where a rent is payable – up to £250,000 per annum;
- Disposal of freehold property or leasehold property (where a premium only is payable) up to £1,000,000;
- Disposal of leasehold property where a rent is payable – up to £250,000 per annum.

Therefore, if Cabinet are minded to consider the freehold sale, this will require Cabinet approval as it is beyond Officer delegated authority thresholds.

5.2 If Cabinet consider the incentivised lease restructure options more appropriate then it should be noted that some of these terms are deemed less than best consideration.

5.3 The general power of disposal contained within section 123 of the Local Government Act 1972 provides a local authority the power to dispose of land held by it in any manner it wishes provided that the local authority achieves the best consideration that can reasonably be obtained except where the disposal is for a short tenancy (the grant of a term not exceeding seven years or the assignment of a term which has not more than seven years to run) or the local authority has the consent of the Secretary of State or the Welsh Ministers.

5.3 The Secretary of State and the Welsh Ministers have issued a general consent for disposals (Inc long leases) of land under section 123 for less than best consideration. This allows a local authority to dispose of land for less than best consideration if it considers that the disposal will contribute to the promotion or improvement of the economic, social or environmental well-being of its area and the extent of the undervalue is no more than £2m.

5.4 All options contained within this report are within the above thresholds and Cabinet therefore has the ability to agree such terms on the basis it can demonstrate the economic, social or environmental benefits.

5.5 Cabinet approval would not be required (other than to agree with the direction of travel) if a decision is taken to proceed with a lease regear based on market terms which would meet best consideration requirements and would therefore fall under Officer delegated thresholds.

## **6.0 Integrated Assessment Implications**

6.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.

- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

6.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

6.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

6.2 An IIA screening form (**Appendix A**) has been completed with the outcome that a full IIA report will not be required as there is no disproportionate impact.

## **7.0 Financial Implications**

7.1 Depending on the decision taken by Cabinet, the Council's S.151 Officer will make an appropriate amendment to Property Services revenue budget to offset the loss of annual income with this pressure reflected as part of the budget process in 2024/25.

**Background Papers:** None

**Appendices:**

**Appendix A:** IIA Screening Form

# Appendix A - Integrated Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

## Which service area and directorate are you from?

Service Area: Property Services

Directorate: Place

### Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

### (b) Please name and fully describe initiative here:

Proposed freehold sale or lease restructure of 254 – 260 Oxford Street in order to facilitate refurbishment of ground commercial units and repurposing of upper floor accommodation into residential units. The Council currently own the freehold interest in 254 – 260 Oxford Street, subject to a long lease agreement. The existing tenant is now considering an extensive redevelopment & repurposing of the block and therefore requires a more secure interest in order to progress with the scheme. As such, the tenant is proposing to purchase the freehold ownership in the property or alternatively, restructure & extend the existing lease agreement.

The Council has an established strategy to retain its freehold interest wherever possible, especially on incoming producing assts. Therefore, a decision to sell the freehold interest would require a shift in its approach. In the event of a lease restructure, this decision would normally be dealt with via delegated powers under the Council’s Land Transaction Procedure Rules although on this occasion, the proposed terms of the lease restructure are at less than best consideration and will therefore require a Cabinet decision.

### Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Appendix A - Integrated Impact Assessment Screening Form

Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement**

The current tenant has the benefit of a secure tenure with approx. 90-100 years remaining and therefore the Council is not in a position to deal with any third parties. The development is a tenant initiative and will be solely delivered by them. The Council are being asked to either sell its current freehold interest (at market value) or agree a lease restructure which may or may not include financial support, depending on the range of options Cabinet has available.

It is understood the site now has planning permission and therefore consultation would have taken place during this process. As landlords, we are merely trying to protect the Council's financial position whilst trying to bring forward regeneration initiatives such as this.

**Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:**

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?  
 Yes       No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?  
 Yes       No
- c) Does the initiative apply each of the five ways of working?  
 Yes       No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?  
 Yes       No



## Appendix A - Integrated Impact Assessment Screening Form

**Q5** What is the potential risk of the initiative? (*Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...*)

High risk

Medium risk

Low risk

**Q6** Will this initiative have an impact (however minor) on any other Council service?

Yes

No (subject to recommendations being agreed)

If yes, please provide details below

**Q7** What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

*(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)*

The impact on people and communities is negligible. Irrespective of the Council's decision, the tenant is ultimately responsible for managing the property in question and any subsequent development. Our ability as a Council to control the development scheme sits within the planning process. If the development does happen, then it will likely have positive impact on the City Centre and wider community as it will enable a greater retailing experience whilst also providing much needed residential accommodation on the upper floors.

### Outcome of Screening

**Q8** Please describe the outcome of your screening below:

The report is seeking authority to proceed with either a freehold sale or the property or a lease restructure (based on a number of variations) and as the current tenant has long term security in the site, there is little the Council can do to control the development and its potential impact.

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

<b>Screening completed by:</b>
<b>Name:</b> Alex O'Brien
<b>Job title:</b> Property Manager
<b>Date:</b> 16/8/2023
<b>Approval by Head of Service:</b>
<b>Name:</b> Geoff Bacon
<b>Position:</b> Head of Property Services
<b>Date:</b> 16/8/2023

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# Agenda Item 16.



## Report of the Chief Legal Officer

Cabinet – 21 September 2023

### Exclusion of the Public

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	<b>Item No's.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	17-19	14
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Tracey Meredith – Chief Legal Officer (Monitoring Officer)	

#### 1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

## **2. Exclusion of the Public / Public Interest Test**

- 2.1 In order to comply with the above mentioned legislation, Cabinet will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.
- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

## **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

## **4. Legal Implications**

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
  - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
  - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
  - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

**Background Papers:** None.

**Appendices:** Appendix A – Public Interest Test.

## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. Their view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. Their view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. Their view on the public interest test was that:</p> <ul style="list-style-type: none"> <li>a) Whilst they were mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</li> <li>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</li> </ul> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

No.	Relevant Paragraphs in Schedule 12A
15	<p><b>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. Their view on the public interest test was that whilst they are mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them they were satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
16	<p><b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b></p>
	<p>No public interest test.</p>
17	<p><b>Information which reveals that the authority proposes:</b>  <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b>  <b>(b) To make an order or direction under any enactment.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	<p><b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

# Agenda Item 18.

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o Ddeddf Llywodraeth Leol 1972  
fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at  
Wybodaeth) (Amrywiad) (Cymru) 2007.

Document is Restricted

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