



**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, 16 Tachwedd 2023

**Amser:** 10.00 am

**Cadeirydd:** Cynghorydd Rob Stewart

**Aelodaeth:**

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

**Gwyllo ar-lein:** <http://tiny.cc/CA1611>

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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, fel cofnod cywir, gofnodion y cyfarfod blaenorol.

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 - 11
8. Awdurdodiad ar gyfer y Rhaglen Gyfalaf i neilltuo'r cyllid grant cyfalaf a ddyfarnwyd i gefnogi dysgwyr ag anghenion dysgu ychwanegol. 12 - 19
9. Gwahardd y cyhoedd: - 20 - 23
10. Hawl i holi cynghorwyr.
11. Prydlesu eiddo yng nghanol y ddinas ar gyfer Llety â Chymorth Dros Dro. 24 - 46

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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, 21 Rhagfyr 2023 ar 10.00 am



**Huw Evans**  
**Pennaeth Gwasanaethau Democraidd**  
**Dydd Mercher, 8 Tachwedd 2023**

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

# Agenda Item 3.



City and County of Swansea

## Minutes of the **Cabinet**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

### Teams

Thursday, 19 October 2023 at 10.00 am

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

#### **Councillor(s)**

A Anthony  
H J Gwilliam  
A S Lewis

#### **Councillor(s)**

R Francis-Davies  
D H Hopkins  
R V Smith

#### **Councillor(s)**

L S Gibbard  
E J King  
A H Stevens

#### **Officer(s)**

Allison Lowe  
Martin Nicholls  
Ben Smith  
Debbie Smith  
Ness Young

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

#### **Also present**

Councillor(s): P M Black

#### **Apologies for Absence**

Councillor(s): C Anderson

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## 51. 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 60 "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 E J King declared a Personal & Prejudicial Interest in Minute 60 "Local Authority Governor Appointments" and left the meeting prior to the item being discussed.
- 3) Councillors R Francis-Davies, A S Lewis and R C Stewart declared a Personal Interest in Minute 60 "Local Authority Governor Appointments".

**52. Minutes.**

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

- 1) Cabinet held on 19 September 2023.

**53. Announcements of the Leader of the Council.**

The Leader of Council made no announcements.

**54. Public Question Time.**

No questions were asked.

**55. Councillors' Question Time.**

No questions were asked.

**56. Pre Decision Scrutiny Feedback - Oracle Project Closure Process and Transition to New Operating Model. (Verbal)**

Councillor P M Black presented the Pre-decision Scrutiny feedback.

**Resolved** that:

- 1) The pre-decision scrutiny feedback be noted.

**57. Oracle Project Closure Process and Transition to New Operating Model.\***

The Cabinet Member for Service Transformation presented an update on the end of the Oracle Fusion system implementation. The system is now live therefore the project will soon be closing and transitioning into the new Oracle operating model.

**Resolved** that:

- 1) the £500,000 contingency budget for the project to remain in the earmarked Oracle Reserve to be used for the pending change requests from services and any additional in-year licence costs following review be approved.
- 2) the Oracle activities transitioning from the project into the new permanent operating model be noted.

**58. Local Nature Recovery Action Plan for Swansea.**

The Cabinet Member for Corporate Services & Performance presented a report which sought Cabinet endorsement of the draft Local Nature Recovery Action Plan for Swansea.

**Resolved that:**

- 1) the Swansea Local Nature Recovery Action Plan (LNRAP) be approved and its importance as an overarching partnership framework to deliver on Nature Recovery be noted.

**59. Swansea Destination Management Plan 2023-2026.**

The Cabinet Member for Investment, Regeneration, Events & Tourism presented the Destination Management Plan (DMP) 2023-2026 for Swansea.

**Resolved that:**

- 1) Swansea Destination Management Plan be approved for the period 2023-2026.

**60. 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 & Learning be approved:

|                                   |                                 |
|-----------------------------------|---------------------------------|
| 1. Gors Primary School            | Cllr Elliot King                |
| 2. Grange Primary School          | Mr Mark Child                   |
| 3. Pontlliw Primary School        | Mr David Mathias                |
| 4. Seaview Primary School         | Mrs Sue James                   |
| 5. St Helen's Primary School      | Mrs Susan Davey                 |
| 6. Whitestone Primary School      | Mrs Charlotte Stillwell         |
| 7. YGG Tan Y Lan                  | Reverend Hugh Lervy             |
| 8. YGG Tirdeunaw                  | Mrs Jodie Jones                 |
| 9. Morryston Comprehensive School | Mr Paul Relf<br>Cllr Ceri Evans |

**61. Disposal of Sporting and Leisure Facilities under the Community Asset Transfer Policy.**

The Cabinet Members for Investment, Regeneration, Events & Tourism and Corporate Services & Performance presented a report which sought to approve, in principle the transfer of assets of Sporting and Leisure facilities, including more broadly any recreational land and associated buildings to community organisations, clubs and associations in accordance with the Councils Community Asset Transfer Policy, at less than best value in order to enable investment, improvement and long-term sustainability

**Resolved** that:

- 1) the proposed transfers of the plots listed in 2.4 -Table 1 under the Council's Community Asset Transfer Policy 2021 be approved in principle.
- 2) Authority be delegated to the Director of Place to grant long leases for appropriate duration in line with the principles set out in paragraph 2.3, (in relation to the plots listed in 2.4 -Table 1) to the proposed leaseholders for the intended reasons as indicated in the table, providing that the Head of Property Services has considered each of the proposed transfers under the Council's Land Transaction Procedure Rules and recommends approval of each transfer. The leases to be granted at less than best consideration in accordance with the Councils Community Asset Transfer Policy
- 3) Authority be delegated to the relevant Director in consultation with Head of Property Services and Cabinet Member to determine the appropriate reporting route to fully consider any objections received through the Open Space Disposal Notice, in line with section 6 of this report.
- 4) Authority be delegated to the Head of Property Services to negotiate and settle the terms of the proposed leases (and thereafter any required Deeds of Variation) and authority is delegated to the Chief Legal Officer to finalise and enter into the legal documentation necessary to protect the Council's interests.

**62. Revenue and Capital Budget Monitoring 1st Quarter 2023/24.**

The Section 151 Officer reported on the financial monitoring of the 2023/24 revenue and capital budgets, including the delivery of budget savings.

**Resolved** that:

- 1) the comments and variations, including the heightened material uncertainties, set out in the report and the actions in hand to seek to address these be noted.
- 2) the virements and the use of the Contingency fund as set out in 3.2 and the Inflation provision as set out in 4.3 subject to any further advice from the S.151 officer during the year be approved.

- 3) the need for all Directors to continue to minimise service spending in year, recognising that the budget overall is currently balanced only by relying on future likely (but far from wholly assured) reimbursement from Welsh Government, centrally held contingency budgets and reserves be reinforced.
- 4) the indicative overspend in 6.1 with further actions to be confirmed in subsequent quarters once it is clearer as to the likely final cost of the pay award pending be noted.

**63. Public Services Ombudsman of Wales Annual Letter 2022-23.**

The Cabinet Member for Service Transformation presented the Public Services Ombudsman of Wales Annual Letter 2022-23 for Swansea Council, for information.

**64. Additional Revenue Provision for Parking Offers 2023/2024.**

The Cabinet Members for Economy, Finance & Strategy and Environment & Infrastructure presented a report which sought approval for additional funds to continue the current parking offer (1,2,3,4,5) for a limited period up to 31<sup>st</sup> March 2024.

**Resolved that:**

- 1) The additional one-off funds of £850,000 to continue the current parking offer (1,2,3,4,5) for a limited period up to 31<sup>st</sup> March 2024 be approved and the attendant risks highlighted specifically by the S151 Officer be noted.

The meeting ended at 11.14 am

**Chair**

| <b>Call In Procedure – Relevant Dates</b>                        |                          |
|--|--------------------------|
| Minutes Published:   | 19 October 2023          |
| Call In Period Expires (3 Clear Working Days after Publication): | 23.59 on 24 October 2023 |
| Decision Comes into force:                                       | 25 October 2023          |

# Agenda Item 7.



## Report of the Local Authority Governor Appointment Group

Cabinet – 16 November 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:<br><br>1) The nominations recommended by the Director of Education in conjunction with the Cabinet Member for Education & Learning be approved. |
| <b>Report Author:</b>              | Agnes Majewska  |
| <b>Finance Officer:</b>            | Aimee Dyer  |
| <b>Legal Officers:</b>             | Stephen Holland   |
| <b>Access to Services Officer:</b> | Rhian Millar  |

#### 1.0 The nominations referred for approval

1.1 The nominations are recommended for approval as follows:

|                       |                        |
|-----------------------|------------------------|
| 1. Birchgrove Primary | Mrs Jade Evans         |
| 2. Clydach Primary    | Mrs Rachel Brimble     |
| 3. Craigfelen Primary | Mr Andrew Penalula     |
| 4. Gorseinon Primary  | Councillor Adam Davies |



|                             |                          |
|-----------------------------|--------------------------|
| 5. Hendrefoilan Primary     | Cllr Mary Jones          |
| 6. Newton primary           | Dr Julia Platts          |
| 7. YGG Login Fach           | Dr Robert Hobbs          |
| 8. Bishopston Comprehensive | Mrs Emily Davies         |
| 9. Bishopston comprehensive | Mr John Olukoya Babalola |

## **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

# Integrated Impact Assessment Screening Form – Appendix A

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"/>    |

## Integrated Impact Assessment Screening Form – Appendix A

- 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.

# Integrated Impact Assessment Screening Form – Appendix A

## 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 positive. The panel choose governors and no public consultation is required. In order for schools to run effectively they need to have effective governing bodies, this appointment process 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 Education & Learning

Cabinet – 16 November 2023

### Capital Programme Authorisation for the Commitment of Capital Grant Funding Awarded to Support Learners with Additional Learning Needs

|                                    |   |
|------------------------------------|---|
| <b>Purpose:</b>                    | To comply with Financial Procedure Rule No 7 (Capital Programming and Appraisals) to commit and authorise schemes in the Capital programme.   |
| <b>Policy Framework:</b>           | Financial Procedure Rules   |
| <b>Consultation:</b>               | Finance, Legal, Access to Services  |
| <b>Recommendation(s):</b>          | It is recommended that:<br><br>1) The capital scheme in the sum of £1,458,714 to support learners with additional learning needs is approved and included in the capital programme for 2023/24. |
| <b>Report Author:</b>              | Louise Herbert-Evans  |
| <b>Finance Officer:</b>            | Ben Smith   |
| <b>Legal Officer:</b>              | Caritas Adere   |
| <b>Access to Services Officer:</b> | Rhian Millar  |

#### 1. Introduction

- 1.1 Welsh Government has made an award of capital funding to Swansea Council of £1,458,714.00 to support learners with additional learning needs.
- 1.2 The aim of the grant is to optimise pre-16 learning environments for those with Additional learning Needs (ALN) and increase accessibility to promote inclusive practice, support learning and pupil wellbeing. This will support the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018, and Curriculum for Wales in school settings.

Eligible expenditure includes the following capital costs:

- Upgrading facilities, learning environments, equipment, and physical resources,
- Purchasing new equipment or physical resources,
- Works to improve inclusivity of facilities and learning environments.

## **2. Description of project**

### **Overview**

- 2.1 The grant must be spent by the 31 March 2024.
- 2.2 A review is being undertaken to identify options deliverable within the tight timescale, that are a strategic fit, eligible and which provide the greatest benefit.
- 2.3 These are summarised below:
- ALN equipment expenditure
  - Support any ALN upgrade works for the pilot Specialist Teaching Facility (STF) projects
  - ALN home to school transport pilot
  - To develop a practical workshop at Maes Derw to support on site learning.

### **ALN equipment expenditure - £120,000**

- 2.4 This can be used to offset current and planned spend that will provide a revenue saving.

### **Pilot Specialist teaching Facilities - £838,714**

- 2.5 As part of the design phase for the project to support sufficient specialist places in Swansea, various Schools will receive capital grant funding to undertake various ALN upgrade works to improve facilities and inclusivity in schools across the local authority area as identified in line with strategic priorities.
- 2.6 This is complex work and there is no additional funding so the opportunity provided by this grant is welcomed to support the development clusters. The development process will focus on putting in to practice the vision of the STF review working party. It is likely that some capital investment will be required to make improvements within existing facilities to allow for the flexible approach advocated. This work is identified as a key priority and allocating funding to these clusters will positively increase the pace of change. If clusters are not able to spend the money in the time frames, then it can be allocated as an addition to the ALN equipment provision and to further support any ALN upgrade works.

- 2.7 The project is likely to include minor enhancements of spaces and equipment across the clusters.

### **ALN home to school transport pilot - £200,000**

- 2.8 It is proposed that we purchase new school minibuses to improve access to specialist teaching facilities for pupils with ALN in Swansea, to support inclusive learning and improve the long-term wellbeing of pupils accessing education that is wholly aligned with the Additional Learning Needs and Education Tribunal (Wales) Act 2018.
- 2.9 A memorandum of understanding will be agreed with the schools that will ensure use of the new facility is used to support objectives.
- 2.10 Aim: To optimise flexibility in home to school transport and improve access to specialist teaching facilities for pupils with significant learning difficulties.
- 2.11 Objectives: In supporting a more inclusive and holistic transport arrangement for pupils with ALN, we consider the objectives of the project to have a profound positive impact on overall pupil wellbeing:
- Improving equality, equity and inclusion within education for pupils with ALN.
  - Enhancing support and access to high quality localised provision by minimising difficult journeys and regulating more challenging behaviour
  - Encouraging positive wellbeing amongst children with learning difficulties in line with the LDSA 2022-2026.
  - To develop and enhance opportunities of joint working, co-production and collaboration with stakeholders and service providers including transition services (parent/school) across education.
  - Encouraging improved relationships between parents/carers and school staff.
  - Improve attendance and behaviour management.
  - Aiding independent travel skills and developing long-term life skills for future learning and work.
  - Improving accessibility to meet the needs of children and young people by recognising diverse needs.
  - Increase site safety and improve and develop the management of localised provision.
  - Reduce restrictive practice in school transport.
  - Benefit the environment by reducing carbon footprint.
- 2.12 This initiative will align with the following:
- Learning Disability Delivery and Implementation and Strategic Plans 2022-2026
  - Swansea Council's Corporate Plan 2023-2028
  - The Additional Learning Needs and Education Tribunal Act 2018
  - Learner Travel Wales Measure 2018
  - Well-being of Future Generations (Wales) Act 2015



- Learner Travel Statutory Provision and Operational Guidance 2014
- United Nations Convention on the Rights of the Child 2004

### **Inclusive improvements at Maes Derw - £300,000**

2.13 It is proposed to develop practical vocational workshop areas and facilities at Maes Derw to support on site learning and wellbeing for pupils with ALN.

2.14 Objectives:

- To improve outdoor learning facilities for wellbeing and to increase accessibility,
- To upgrade the vocational curriculum, offer for those with ALN
- To improve access for EOTAS pupils and all schools

### **3. Integrated Assessment Implications**

3.1 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.

3.2 The Well-being of Future Generations (WFG) (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development.

3.3 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'.

3.4 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.

- 3.5 An IIA screening has been undertaken and it has been determined that the project does not require a full IIA report. The project will have a positive impact on children, parents and poverty / exclusion with both Welsh-medium, English-medium and faith schools benefitting from the funding.
- 3.6 All key stakeholders will be communicated with throughout the project's delivery.

#### 4. Financial Implications

##### Capital

- 4.1 Welsh Government awarded £1,458,714 capital grant to the Council on 7 June 2023 to support learners with additional learning needs. The funding relates to eligible capital expenditure during the period 01 April 2023 to 31 March 2024 and was paid on the 18 September 2023.
- 4.2 The Council will be required to report at the end of the financial year on how the funding has been used in line with the terms of grant. A sustainability impact assessment may also need to be completed to demonstrate how sustainability has been considered as part of this grant.
- 4.3 An indicative breakdown of planned expenditure is below; this will be subject to ongoing refinement as the projects are developed and will be contained within the overall awarded £1,458,714 allocation:

|   | Indicative allocation | Capital / Revenue treatment |
|---|-----------------------|-----------------------------|
| ALN equipment   | £120,000              | Capital                     |
| Support for various school ALN upgrade works as part of the pilot Specialist Teaching Facility (STF) project        | £838,714              | Capital                     |
| ALN home to school transport pilot  | £200,000              | Capital                     |
| To develop vocational practical workshop at Maes Derw to support on site learning and wellbeing for pupils with ALN | £300,000              | Capital                     |
| <b>TOTAL</b>  | <b>£1,458,714</b>     |                             |

- 4.4 The authority is required to submit a monitoring form by the 30 May 2024 explaining the details of the expenditure.

- 4.5 It is proposed that the allocation of grant for the ALN Equipment spend can be used to offset current and planned spend that will provide a revenue saving.
- 4.6 Those schools that receive a grant will be requested to review and confirm the information at the end of the financial year that will need to detail spend;
- Equipment / Physical Resource Purchase
  - Equipment Upgrade
  - Upgrading existing ALN facilities
  - Works to improve inclusivity of facilities and learning environments
- 4.7 The authority will work with those schools identified during the design phase to refine the required scope of works and costs plans.
- 4.8 School projects identified to support sufficient specialist places in Swansea will receive capital grant funding to undertake various ALN upgrade works to improve facilities and inclusivity in schools across the Local Authority area as identified in line with strategic priorities. Any forecast underspend will be reallocated for ALN Equipment provision and further support any ALN upgrade works. There is the possibility that as the allocation of funding will vary slightly the capital revenue mix may similarly vary, however it is all funded from the grant.

## **Revenue**

- 4.9 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.
- 4.10 Any ongoing revenue costs, such as staffing costs, to support the STF provision and transport pilot will be funded from within the overall delegated budget share.

## **5. Legal Implications**

- 5.1 The Council will need to comply with the terms and conditions attached to any grant funding referred to in this report.
- 5.2 All contracts for works, goods and services necessary to deliver the projects must be procured in accordance with the Council's Contract Procedure Rules and the relevant EU Regulations as appropriate. The contractual liabilities/obligations of the Council and any appointed contractors will be covered by the individual contracts entered into.
- 5.3 Delivering this project will assist the Council in complying with its duties under the Additional Learning Needs and Education Tribunal (Wales) Act 2018 and the Well-being of Future Generations (WFG) (Wales) Act 2015.

**Background Papers:**

Report of the Cabinet Member for Education & Learning to Cabinet 15  
December 2022 Capital programme authorisation for the commitment of capital  
grant funding awarded to support learners with additional learning needs  
Report of the Director of Education, Education & Skills Service Transformation  
Committee 27 September 2023 for Supporting Sufficient Specialist Places

**Appendices:**

Appendix A Financial Implications Summary

FINANCIAL IMPLICATIONS SUMMARY

Portfolio: EDUCATION

Service: PRIMARY PROVISION

**Capital Programme authorisation to support learners with additional learning needs capital grant.**

| <u>1.1. CAPITAL COSTS</u>   | 2023/24<br>£'000 |  | TOTAL<br>£'000        |
|---|------------------|--|-----------------------|
| <u>Expenditure</u>  | 1,459,           |  | 1,459                 |
| EXPENDITURE   | 1,459            |  | 1,459                 |
| <u>Financing</u>  |                  |  |                       |
| Welsh Government Capital Funding Grant<br>learners with additional learning needs | 1,459            |  | 1,459                 |
| FINANCING   | 1,459            |  | 1,459                 |
|   |                  |  |                       |
| <u>1.2. REVENUE COSTS</u>   | 2023/24<br>£'000 |  | FULL<br>YEAR<br>£'000 |
| <u>Service Controlled - Expenditure</u>   |                  |  |                       |
| Employees )   |                  |  |                       |
| Maintenance )   |                  |  |                       |
| Vehicle running costs )   |                  |  |                       |
| NET EXPENDITURE   | 0                |  | 0                     |
| <u>Financing</u>  |                  |  |                       |
| Welsh Government Capital Funding Grant<br>learners with additional learning needs | 0                |  | 0                     |
| FINANCING   | 0                |  | 0                     |

# Agenda Item 9.



## Report of the Chief Legal Officer

Cabinet – 16 November 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> |
|                           | 10-11  | 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><br/> <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b><br/> <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 11.

Yn rhinwedd paragraff(au) 14 Atodlen 12A  
o Ddeddf Llywodraeth Leol 1972  
fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at  
Wybodaeth) (Amrywiad) (Cymru) 2007.

Document is Restricted

Yn rhinwedd paragraff(au) 14 Atodlen 12A  
o Ddeddf Llywodraeth Leol 1972  
fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at  
Wybodaeth) (Amrywiad) (Cymru) 2007.

Document is Restricted