

# CITY & COUNTY OF SWANSEA

## CABINET

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**At:** Committee Room 1, Civic Centre, Swansea.

**On:** Tuesday, 21 October 2014

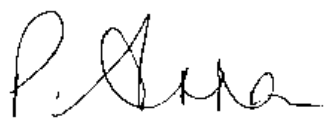
**Time:** 5.00 pm

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### AGENDA

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.** 1 - 2
3. **Minutes.** 3 - 9  
To approve and sign as a correct record the Minutes of the meeting of Cabinet held on 23 September 2014.
4. **Leader of the Council's Report(s).**
5. **Public Question Time.**
6. **Councillors' Question Time.**
7. **Scrutiny Report.**
- 7.a Scrutiny Inquiry into Public Engagement. 10 - 30
8. **Report(s) of the Cabinet Member for Communities and Housing: -**
- 8.a Reform of the Housing Revenue Account Subsidy System. 31 - 36
9. **Report(s) of the Cabinet Member for Education: -**
- 9.a Local Authority Governor Appointments. 37 - 38
10. **Report(s) of the Cabinet Member for Enterprise, Development and Regeneration: -**
- 10.a Boulevard and Waterfront Connections Public Art Projects. 39 - 50
11. **Report(s) of the Cabinet Member for Environment and Transportation: -**
- 11.a Permission to Apply for Planning Consent at Bailing Plant Waste Recycling Centres. 51 - 56
12. **Report(s) of the Cabinet Member for Finance and Strategy: -**
- 12.a ICT & Management Information Strategy 2014-2019. 57 - 74
- 12.b Mid Term Budget Statement. (To Follow)

- 13. Report(s) of the Cabinet Member for Services for Children and Young People: -**
- 13.a Children and Young People's Rights Scheme. **75 - 103**
  
- 14. Exclusion of the Public. 104 - 107**
  
- 15. Report(s) of the Cabinet Member for Enterprise, Development & Regeneration: -**
- 15.a Proposed Land Exchange at Parc Morfa, Landore, Swansea. **108 - 116**
  
- 16. Report(s) of the Cabinet Member for Environment and Transportation: -**
- 16.a Revised Waste Capital Programme. **117 - 119**



**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**Wednesday, 8 October 2014**

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**Contact: Democratic Services - 636016**

## CABINET (10)

### Labour Councillors:

Mark C Child	Clive Lloyd
William Evans	Jennifer A Raynor
Robert Francis-Davies	Christine Richards ( <b>Deputy Leader</b> )
Jane E C Harris	Rob C Stewart ( <b>Leader</b> )
David H Hopkins	Mark Thomas

### Officers:

Jack Straw	Chief Executive
Phil Roberts	Director of Place
Dean Taylor	Director of Corporate Services
Chris Sivers	Director of People
Arwyn Thomas	Chief Education Officer
Deborah Driffield	Chief Social Services Officer
Mike Hawes	Head of Financial Services
Lee Wenham	Head of Marketing, Communications & Scrutiny
Steve Rees	Head of Human Resources
Patrick Arran	Head of Legal, Democratic Services & Procurement – Electronic and hard copy
Tracey Meredith	Deputy Head of Legal, Democratic Services & Procurement - Electronic and hard copy
Huw Evans	Head of Democratic Services
Democratic Services	1 Copy
Patrick Fletcher	Communications
Scrutiny Team	1 Copy
Archives	1 Copy
CAC, Licensing & DMC Chairs	7 Copies
Various Councillors	10 Copies
All Other Councillors	Via e mail

### Total Copies Needed:

60 Full & 10 Public
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## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE CABINET

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON  
TUESDAY, 23 SEPTEMBER 2014 AT 5.00 PM

**PRESENT:** Councillor R C Stewart (Leader of Council) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
M C Child W Evans R Francis-Davies	D H Hopkins J A Raynor	C Richards M Thomas

72. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors J E C Harris and C E Lloyd.

73. **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

74. **MINUTES.**

**RESOLVED** that the Minutes of Meeting of Cabinet held on 26 August, 2014, be approved as a correct record.

75. **LEADER OF THE COUNCIL'S REPORT(S).**

The Leader of Council advised that an urgent exempt report would be considered in relation to the Elba Estate Gowerton Rent Review.

76. **PUBLIC QUESTION TIME.**

None.

77. **COUNCILLORS' QUESTION TIME.**

None.

78. **SCRUTINY REPORT(S): NONE.**

None.

79. **AUDIT OF FINANCIAL STATEMENTS PROGRESS REPORT - CITY AND COUNTY OF SWANSEA.**

K Williams on behalf of Wales Audit Office/PWC presented the Audit of Financial Statements Progress Report 2013-2014.

The report detailed the audit findings and indicated adjustments to the accounts as necessary.

**CABINET DECISION**

That the Audit of Financial Statements Progress Report 2013-2014 be noted.

80. **AUDIT OF FINANCIAL STATEMENTS REPORT - CITY & COUNTY OF SWANSEA PENSION FUND.**

R Nelson on behalf of Wales Audit Office/PWC presented the Audit of Financial Statements Report City and County of Swansea Pension Fund 2013-2014.

The report detailed the audit findings and indicated adjustments to the accounts as necessary.

**CABINET DECISION**

That the Audit of Financial Statements City and County of Swansea Pension Fund 2013-2014 be noted.

81. **CORPORATE COMPLAINTS ANNUAL REPORT, INCORPORATING: A) ADULT & DIRECTORATE SERVICES COMPLAINTS ANNUAL REPORT; B) CHILDREN'S SERVICES COMPLAINTS ANNUAL REPORT; C) FREEDOM OF INFORMATION (FOI) ANNUAL REPORT; D) REGULATION OF INVESTIGATORY POWERS (RIPA) ANNUAL REPORT.**

The Cabinet Member for Services for Children and Young People presented the for information report on the operation of the Corporate Complaints Team, highlighting the number, nature and outcome of complaints made against the Authority, together with details of lessons learned and service improvements.

**CABINET DECISION**

That the report be noted.

82. **QUARTER 1 2014/15 PERFORMANCE MONITORING REPORT.**

The Cabinet Member for Finance and Strategy reported the Corporate and Service Performance for the first quarter of 2014/2015.

**CABINET DECISION**

That performance be reviewed to help inform executive decisions on resource allocation and, where relevant, corrective actions to manage and improve performance and efficiency in delivering national and local priorities.

Policy Framework

'Standing Up for Swansea' Corporate Improvement Plan 2013/2017 updated for 2014/2015.

Reason for Decision

To receive and review the performance results for Quarter 1, 2014/2015.

Consultation

Legal, Finance, Access to Services.

83. **BUSINESS RATES - TEMPORARY RATE RELIEF SCHEMES (WALES).**

The Cabinet Member for Finance and Strategy provided information and sought consideration of adoption of two further new temporary relief schemes relating to Business Rates which have been introduced by Welsh Government for the current financial year. The schemes included the Wales Retail Relief and the Enhanced Local Need Relief.

**CABINET DECISION**

That:

1. The details of the two schemes in the report be noted; and
2. The two rate relief schemes outlined in the report be adopted.

Policy Framework

None.

Reason for Decision

Legislative requirement and Welsh Government grant funding condition.

Consultation

Legal, Finance, Access to Services.



84. **ANNUAL REVIEW OF PERFORMANCE 2013/14.**

The Cabinet Member for Finance and Strategy provided a review of progress made by the Council in meeting the priorities, actions and targets set out in the 'Standing up for Better Swansea' the Corporate Improvement Plan for 2013/17 as required by Part 1 of the Local Government (Wales) Measure 2009.

**CABINET DECISION**

That the Annual Review of Performance 2013/2014 be approved.

Policy Framework

Standing up for a Better Swansea Corporate Improvement Plan 2013/2017.

Reason for Decision

To comply with statutory guidance and to approve and publish the Annual Review of Performance 2013/2014.

Consultation

Legal, Finance, Access to Services and Cabinet Member.

85. **ANNUAL GOVERNANCE STATEMENT 2013/14.**

The Section 151 Officer reported the annual review of governance arrangements for 2013/14.

**CABINET DECISION**

That the Annual Governance Statement 2013/2014 be approved.

Policy Framework

None.

Reason for Decision

To comply with the Code of Practice on Local Authority Accounting in the United Kingdom 2013/2014.

Consultation

Executive Board, Legal, Finance, Access to Services.

86. **AMALGAMATION OF BRYNHYFRYD INFANT AND JUNIOR SCHOOLS.**

The Cabinet Member for Education reported the result of consultation and sought approval for the publication of a statutory notice on the proposal to close Brynhyfryd Infant and Brynhyfryd Junior Schools and establish a new all through primary school on the existing sites.

**CABINET DECISION**

That a statutory notice on the proposal to cease to maintain Brynhyfryd Infant and Brynhyfryd Junior Schools from 31 August 2015 and to establish a new all through Primary School from 1 September, 2015 on the existing Brynhyfryd sites be approved.

Policy Framework

QEd 2020 (strategic programme), Children and Young People Plan (priority 7).

Reason for Decision

Cabinet have previously approved that consultation could take place on this proposal. The consultation period has now ended and, following consideration of the points raised during consultation, it is recommended to move to the next stage of the statutory process – publication of a statutory notice. This proposal is consistent with existing Council policy to deliver, wherever possible, all through primary provision for pupils.

Consultation

Legal, Finance, Access to Services.

87. **VIBRANT AND VIABLE PLACES (V&VP) FPR7 - HOMES ABOVE SHOPS.**

The Cabinet Member for Enterprise, Development and Regeneration presented a report which sought to approve the Scheme and include the budget within the Capital Programme.

**CABINET DECISION**

That the:

1. Scheme as described be approved; and
2. The budget be committed to the Capital Programme for 2014/2015 – 2016/2017.

Policy Framework

City Centre Strategic Framework.

Reason for Decision

To comply with Financial Procedure Rule No 7 (Capital Programming and Appraisals) – to commit and authorise schemes as per the Capital Programme or to include new schemes in the Capital Programme.

Consultation

Legal, Finance, Economic Regeneration and Planning, Housing, Access to Services.

88. **FPR 7: WATERFRONT CITY PROGRAMME - INFRASTRUCTURE WORKS.**

The Cabinet Member for Enterprise, Development and Regeneration sought approval for the allocation of the outstanding Waterfront City Convergence Programme Public Realm budget.

**CABINET DECISION**

That:

1. The schemes as outlined, together with their financial implications be approved and added to the Capital Programme; and
2. Submission of any statutory applications (planning etc) necessary to allow scheme delivery be approved.

Policy Framework

City Centre Strategic Framework

Reason for Decision

To comply with Financial Procedure Rule No. 7 (Capital Programming and Appraisals) – to commit and authorise a new capital scheme in the capital programme.

Consultation

Legal, Finance, Access to Services.

89. **EXCLUSION OF THE PUBLIC.**

Cabinet were requested to exclude the public from the meeting during consideration of the item of business identified in the recommendations to the report on the grounds that 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.

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 of business.

### **CLOSED SESSION**

90. **URGENT ITEM.**

The Leader of Council stated that pursuant to paragraph 100B(4)(b) of the Local Government Act 1972, he considered that the report of the Cabinet Member for Finance and Strategy – Elba Estate Gowerton Rent Review should be considered at this meeting as a matter of urgency.

Reason for Urgency

To authorise Officers to commence negotiations in order to come to a conclusion in respect of a revised amount of rent for Elba residents.

91. **ELBA ESTATE GOWERTON RENT REVIEW.**

The Leader of Council provided Cabinet with a report which provided an update and options regarding the Elba Estate Rent Review. Cabinet then discussed the issue at length.

### **CABINET DECISION**

That the recommendations, as detailed in the report, be approved.

Policy Framework

None.

Reason for Decision

To update Cabinet Members and for Officers to obtain instructions regarding the future conduct of this issue.

Consultation

Legal, Finance, Access to Services.

The meeting ended at 6.10 p.m.

### **CHAIR**

# Agenda Item 7.a

## Report of the Public Engagement Scrutiny Inquiry Panel

Cabinet – 21 October 2014

### SCRUTINY INQUIRY INTO PUBLIC ENGAGEMENT

<b>Purpose:</b>	This report presents the findings, conclusions and recommendations resulting from the Panel's Inquiry into Public Engagement.
<b>Policy Framework:</b>	Council Constitution.
<b>Reason for Decision:</b>	To consider and action the recommendations made by the Scrutiny Inquiry Panel.
<b>Consultation:</b>	Legal, Finance
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet receives the report and tasks the relevant Cabinet Member to prepare a written response within three months for Cabinet decision on the scrutiny recommendations.
<b>Report Authors:</b>	Councillor Joe Hale (Panel Convener) Delyth Davies (Scrutiny Officer)
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Nigel Havard
<b>Access to Services Officer:</b>	Phil Couch

#### 1.0 Introduction

- 1.1 This report presents the findings, conclusions and recommendations resulting from the inquiry into public engagement. The Panel's final report, appended, requires a Cabinet decision.
- 1.2 In accordance with the Council Constitution reports from scrutiny to the Executive are presented to the first available Cabinet meeting. The convener of the Panel will present the report and accompanying recommendations.

#### 2.0 Scrutiny Programme Committee

- 2.1 On 29 September 2014 the Scrutiny Programme Committee discussed and agreed the report for submission to Cabinet. The Committee welcomed the report and emphasised the following issues:

- The importance of detailed analysis – to ensure that the information gained from data collected and messages give an accurate picture to inform service delivery, for example use of simple percentages do not take into account polarized views - certain groups of people having different opinions on a particular issue.
- The importance of evaluation – there must be evaluation mechanisms in place so that we can reflect on the value of engagement activities, what has worked, and what lesson can be learnt, This will provide more clarity about the impact of and outcomes from public engagement.
- The need to review Swansea Voices to ensure it is an effective consultation and engagement tool e.g. panel recruitment, social demographic make-up to ensure balanced representation, impact.

### **3.0 Cabinet Decision**

- 3.1 At this meeting the role of the Cabinet is to receive the report and task the relevant Cabinet Member to prepare a written response on behalf of Cabinet. The Cabinet Member's response report should be scheduled for a future Cabinet meeting **no later than three months** following formal receipt of the scrutiny report.
- 3.2 In their response report the Cabinet Member will recommend approval or rejection of each of the scrutiny recommendations together with an explanation. Within their report the Cabinet Member will also provide a proposed action plan to show what steps are being or will be taken to implement recommendations. Cabinet will then make a decision on the Cabinet Member's response report.

### **4.0 Follow Up**

- 4.1 The Panel will then schedule to follow up on progress with the implementation of the action plan agreed by Cabinet and report their views to the Scrutiny Programme Committee. The panel convener and the Scrutiny Officer should ensure that a review of progress against accepted recommendations is scheduled into future work programmes and a progress report is brought to the Panel 6 months after the action plan has been agreed by Cabinet.
- 4.2 If required by the Panel a second follow up will take place before monitoring of the inquiry would be concluded (typically 12 months after Cabinet decision).

### **5.0 Equality and Engagement Implications**

- 5.1 Equality and engagement issues were formally considered at the scoping stage of this inquiry and borne in mind by the panel throughout evidence gathering. The Cabinet Member will need to ensure that implications are considered via application of the

corporate Equality Impact Assessment process when considering the response to the recommendations.

**6.0 Legal Implications**

6.1 There are no specific legal implications at this stage.

**7.0 Financial Implications**

7.1 There are no financial implications to this report. Any potential implications will be outlined in the Cabinet response.

**Background Papers:** None.

**Appendices:** Appendix A – Final Inquiry Report.

# **Public Engagement**

## **How can the Council improve its engagement practices?**

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**An Inquiry by the Public Engagement Inquiry Panel  
City and County of Swansea - Dinas a Sir Abertawe**

June 2014





## Why This Matters

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**Convener**  
**Councillor Joe Hale**

Good Public engagement is fundamental to the success of any large organisation especially when there are severe economic pressures to contend with such as those affecting public spending at the moment.

This inquiry panel sought to take a fresh look at how the Council engages with communities and people at the forefront of delivering quality services for the residents of Swansea.

The panel believe that all engagement needs to be citizen centred, it needs to be genuine and not tokenistic. Our organisation needs to know who it needs to engage with, when that engagement should take place and why; more importantly it needs to be told the outcomes to those engagement exercises.

In order to bridge the gap in Health, Wealth and Education that exists in Swansea the panel felt that the Council needed an engagement strategy that was inclusive, with citizens being equal partners in delivery of services in a rapidly changing landscape. Only then will we be able to have equality in partnerships and decision making that affects our communities, our environment, where we live and where we work.

Throughout the inquiry the panel recognised the good public engagement that has taken place but we have also recognised where lessons have needed to be learnt.

The panel would like to thank everyone who contributed to the inquiry and it hopes the recommendations will be acted upon and will lead to a more inclusive engagement strategy.

## Summary

### 1. Aims of the Review

- How is the Council meeting the objectives within the Consultation and Involvement Strategy?
- How well is Swansea Voices and other consultation and engagement mechanisms used to engage the public in Council decision making?
- How will the current review of Corporate Culture improve the Council's engagement with staff?
- How does the Council promote engagement in the Local Service Board?
- How will budget cuts impact on the Council's ability to consult and engage its stakeholders?

### 2. Evidence Considered

- Briefing report - how the Council delivers its objectives under the Consultation and Engagement Strategy, provided by Head of Service for Communications and Consultation, Lee Wenham, and the Corporate Consultation Co-ordinator, Rhian Millar.
- Consultation and engagement good practice report – examples from within the Council
- National Principles for Public Engagement in Wales – Participation Cymru
- Verbal evidence on external examples provided by the Welsh Local Government Association, Clover Rodrigues
- Question and answer session with the Local Service Board lead officer, Dave Mckenna, and the Chair of the LSB engagement Group, Cllr Christine Richards
- Question and answer session with Corporate Services Director, Dean Taylor and Head of Service for Communications and Consultation, Lee Wenham
- Briefing report and question and answer session the review of corporate culture with Head of HR, Steve Rees

### 3. Conclusions

- 3.1 Swansea Voices is a significant corporate consultation and engagement tool used to understand the views and needs of residents but the social demographic make-up was unclear to the panel
- 3.2 There are excellent examples of consultation and engagement good practice identified across the Council and these should be shared
- 3.3 The Local Service Board is an important collaborative body and would benefit from greater public engagement and councillor involvement
- 3.4 The panel is supportive of the Cabinet Member's policy commitments which related to public and staff engagement
- 3.5 Effective staff engagement is important for continuous organisational improvement
- 3.6 Councillors are a useful source of information from their wards and communities and could be better engaged during consultations
- 3.7 The Council uses a variety of methods to communicate with residents of Swansea

## **4. Recommendations**

### **The Panel recommends to Cabinet that it:**

- 4.1 Provides information via a variety of media, including Swansea Voices, to councillors and residents on how to become a Swansea Voices panellist, how it functions, the social demographic profile of the panel, results and outcomes.
- 4.2 Reviews the social demographic make-up of Swansea Voices and takes any action required to ensure that the panel is representative of the communities of Swansea.
- 4.3 Reports to Council on how Swansea Voices influences policy development and Council decision making.
- 4.4 Ensures that all consultation and engagement is carried out in line with any the National Principles for Public Engagement in Wales, with a particular focus on participant feedback.
- 4.5 Senior managers must increase visibility to services users during public consultation and engagement events.
- 4.6 Increases community involvement in significant planning issues by setting up community planning groups, going beyond the statutory to notify residents.
- 4.7 Increases non-executive councillor engagement in the Local Service Board by holding open meetings and providing meeting details and minutes to all councillors.
- 4.8 Improves public engagement in the Local Service Board by making its meetings open and accessible to the public.
- 4.9 Works with the LSB to develop greater coordination of engagement between the LSB partners and develops the LSB Engagement Group as a group of experts providing advice to the wider LSB on consultation and engagement.
- 4.10 Implements a programme of regular and ongoing staff engagement which encourages openness and sharing of ideas and which has clear link to the Chief Executive (“golden thread”) by the end of the calendar year.
- 4.11 Keeps staff informed on a quarterly basis of changes within the organisation as a result of the review of corporate culture.
- 4.12 Includes in the Consultation and Engagement Strategy a method to inform councillors of consultation and engagement in their wards and to consult with them, where appropriate, as a stakeholder group.
- 4.13 Includes in the Consultation and Engagement Strategy clear processes to capture information from consultation and engagement; feed it into departments; communicate to participants the change and difference as a result of the consultation
- 4.14 Ensures that all relevant and public consultation and engagement opportunities continue to be posted in the “Have Your Say” section on the website and that this retains its visibility on the Council’s homepage.

- 4.15 Reviews the use, format and focus of the Swansea Leader through engagement with readers and cross-party, non-executive councillors to ensure that it is relevant, provides value for money and is used to its full potential.
- 4.16 In the face of growing demand from the public, maintains provision for face to face contact for residents wishing to engage with the Council in this way.

## Full Report

### 1. Aim of the Inquiry

- 1.1 The aim of the Inquiry was to examine how well the Council engages the public, staff and external stakeholders and how it can improve its engagement practices

### 2. Evidence Considered

- 2.1 The inquiry was carried out in by the Public Engagement Scrutiny Inquiry Panel over a period of 7 months. The panel held 7 evidence gathering session and 2 additional sessions to write the final report.
- 2.2 The following evidence was considered by the Inquiry Panel between September 2013 and April 2014

Date	Meeting	Evidence considered
11/9/13		Inquiry pre-briefing
28/10/13		Consultation & Engagement Strategy Consultation & engagement good practice
3/12/13		Engagement in the Local Service Board
16/12/13		Cabinet Member's policy commitments
20/1/14		Consultation & engagement good practice and the national perspective
24/2/14		Budget cuts and the Council's ability to consult and engage stakeholders
24/3/14		Corporate culture and staff engagement

## 3. Conclusions

### 3.1 Swansea Voices is a significant corporate consultation and engagement but the demographic make-up of it was unclear to the panel

3.1.1 The Council has a duty to consult and engage with residents it provides services for. It does this to:

- Plan services and make them more cost effective
- Provide Citizen Centred Service Delivery
- Develop new ideas
- Improve local democracy and feelings of involvement
- Develop better policies and priorities
- Undertake scrutiny, review and performance.
- Promote community cohesion, inclusion and participation

3.1.2 The Council uses a variety of methods to consult and engage including research activities, information giving, consulting on opinions, direct involvement of stakeholders in service development, collaboration and partnership working in decisions and empowerment of stakeholders to make decisions.

3.1.3 One of the methods used is Swansea Voices Citizens' Panel. The panel consists of a representative sample of 1,250 residents who are regularly consulted by the Council about its services and local issues. The panel has been in operation since 1999. Its membership is regularly refreshed to ensure the Panel continues to be representative of the County's population and to give as many people as possible the opportunity to take part.

3.1.4 The panel was informed that Swansea Voices is one of the main corporate consultation mechanisms used by the Council to ascertain views and opinions of the public on Council service issues, policies and developments. It learned that the majority of the corporate consultation budget was spent on Swansea Voices. Recent areas of consultation have covered subjects such as views of the local neighbourhood and the City Centre; perceptions of safety and security; use of Council services and priorities for the Council's budget.

3.1.5 The panel welcomed the variety of consultation and engagement methods including Swansea Voices. The panel agreed that Swansea Voices could be effectively used for Council policy development but it was not clear how departments used the results and analysis of Swansea Voices. The panel felt that councillors needed to be better informed about Swansea Voices including the results and outcomes of the surveys, how it functioned, the demographic make-up of it and how residents could become a member of Swansea Voices.

3.1.6 The panel concluded that Swansea Voices was a significant and important corporate consultation tool. More needed to be done to understand how the data and analysis was used to influence policy decisions and changes to service

delivery. The panel also concluded that it was of the utmost importance that Swansea Voices was truly representative of the communities within Swansea. The panel therefore recommends that Cabinet:

Provides information via a variety of media, including Swansea Voices, to councillors and residents on how to become a Swansea Voices panellist, how it functions, the social demographic profile of the panel, results and outcomes.

Reviews the social demographic make-up of Swansea Voices and takes any action required to ensure that the panel is representative of the communities of Swansea.

Reports to Council on how Swansea Voices influences policy development and Council decision making.

### **3.2 There are excellent examples of consultation and engagement good practice identified across the Council and these should be shared**

- 3.2.1 Service areas across the Council have developed successful and effective processes for consulting and engaging their stakeholders. The WLGA attended the evidence gathering session which considered good practice and the organisation said that “Swansea is ahead of the game in terms of its consultation practise: it consults in a real and effective way using many different processes”.
- 3.2.2 The panel found evidence of this when it invited representatives from the Children and Young People Participation Team, Community Regeneration Team and the Planning Team to talk to the panel about their consultation practices. The panel was impressed by the scope and extent of recent consultations on the Local Development Plan, Target Area consultation and engagement to tackle poverty and consultation with young people and the Swansea Safeguarding Children Board (SSCB).
- 3.2.3 Each of these consultations were well thought out and scoped, aims and objectives were agreed, a range of methods were used including questionnaires, workshops, interviewer completed questionnaires, social media, online consultation pages, public consultation events and innovative practice was encouraged.
- 3.2.4 The panel found evidence of innovative practice during each of the consultation and engagement good practice examples. During the Swansea Safeguarding Children Board consultation 30 young people and the members of the Board were brought together in one event to make the SSCB more accessible to the young people. The panel heard that Target Areas each had their own engagement officers whose role it was to encourage greater direct community involvement in developing an approach to tackle poverty in Target Areas. To stimulate greater public involvement and engagement in the Local Development Plan the team adopted creative and new approaches to ensure that the consultation was more inclusive and that the resulting policy making was more transparent. This was achieved by a multi-faceted media, public relations and information campaign to raise the profile, providing accessible information for the different types of consultees and undertaking a range of consultation and

engagement activities to ensure as many people as possible were able to contribute.

3.2.5 A common theme that the panel found was that the consultation and engagement activities were taken to the stakeholders so that their involvement was made as easy as possible. The panel also noted that each of these consultations and the innovative practice were all carried out within existing resources, each drew on internal support and support from partners, officers were visible and a good range of engagement methods were used.

3.2.6 In conclusion the panel felt that there were some excellent examples of good practice consultation within the Council and the panel welcomed the WLGA's opinion on consultation in Swansea and felt that this and good practice should be shared throughout the organisation. The panel therefore recommends to Cabinet that it:

Ensures that all consultation and engagement is properly scoped and carried out in line with the National Principles for Public Engagement in Wales, with particular focus on participant feedback.

Senior managers must increase their visibility to services users during public consultation and engagement events.

Increases community involvement in significant planning issues by setting up community planning groups, going beyond the statutory to notify residents.

### **3.3 The Local Service Board is an important collaborative body and would benefit from greater public engagement through councillor involvement**

3.3.1 The Local Service Board had recently undergone a structural change to improve the way it works to provide better support to frontline work. A new Engagement Group was established to support the Local Service Board in effective engagement with the public and professionals.

3.3.2 The panel recognised the importance of the Local Service Board as a collaborative body that works across service delivery organisations and partnerships to identify and improve the key health, social and economic challenges in Swansea.

3.3.3 At the time of the inquiry the panel found that engagement in the Local Service Board had been limited to organisations that were members of the it, councillor engagement had been limited and public engagement in the LSB had primarily been associated with the consultation for the One Swansea Plan.

3.3.4 The panel felt that greater public engagement in the Local Service Board could help improve the outcomes of the Local Service Board and through its discussions, identified a number of ways in which greater public involvement could be achieved.

- Educate the public: Give the Local Service Board a public face through communication channels to promote why the Local Service Board exists, what it does, what it's achieved and what it hopes to achieve.



- Make the Local Service Board relevant: Narrow the focus of the consultation to stimulate engagement from particular groups that have something to contribute on a specific issue - if an issue affects people they have an incentive to get involved. Not all issues are suited to public engagement.
- Make it accessible - make it easy for people to be involved and to contribute to consultations, engagement exercises, community events. Don't reinvent the wheel, use existing networks, mechanisms to provide ways for people to be involved
- Acknowledge that not everyone has the desire to be involved and that participation might be limited to small numbers.

3.3.5 In conclusion the panel felt that Swansea's Local Service Board would benefit from increased public engagement. The panel therefore recommends to Cabinet that it:

Works with the LSB to develop greater coordination of engagement between the LSB partners and develops the LSB Engagement Group as a group of experts providing advice to the wider LSB on consultation and engagement.

Increases non-executive councillor engagement in the Local Service Board by holding open meetings and providing meeting details and minutes to all councillors.

Improves public engagement in the Local Service Board by holding open meetings

### **3.4 The panel is supportive of the Cabinet Member's policy commitments which related to public and staff engagement**

3.4.1 The Cabinet Member's policy commitments in this area are:

- Collaboration and a "Team Swansea" approach
- Improving citizen engagement
- Improving staff consultation and engagement and encourage the sharing of ideas
- Reviewing the Corporate Culture of the Council

3.4.2 The panel welcomed the Cabinet Member's commitment to collaboration and agreed that working in an outward facing collaborative way with regional bodies such as the Western Bay in Health and Social Care and the Regional Consortia in Education would produce benefits for the Council.

3.4.3 The Cabinet Member considered that the engagement with young people on the budget proposals was an effective consultation and was keen to use the model in other consultations. The panel welcomed the review of Corporate Culture and agreed that genuine staff engagement was vital to the corporate health of the Council.

3.4.5 The panel felt that these policy commitments would help the Council improve its engagement with the public, staff and external stakeholders and its engagement

practices. The panel therefore endorses and supports the Cabinet Member's policy commitments in this area.

### **3.5 Effective staff engagement is important for continuous organisational improvement**

- 3.5.1 The Cabinet Member is committed to improving staff consultation and engagement and to encouraging the sharing of ideas. The last council-wide staff survey was in 2008 and 1.5k responses were received. The panel learned that staff surveys have been carried out since 2008 but more often on particular issues and conducted online. It concerned the panel that there were still many council employees who were not office based and therefore did not have IT access to contribute their views to online staff surveys. The panel welcomed the new strategy that would focus on staff without IT access to ensure that they had the opportunity to contribute their opinions and ideas.
- 3.5.2 The panel learned about the establishment of the staff survey group that was set up to look at employee engagement and good practice in this area. The group will also help develop the staff survey that will be available to staff to complete later in the summer. The panel welcomed this and agreed that this would help the Council understand how staff want to be engaged and the issues they want to be engaged on.
- 3.5.3 The panel was pleased to hear that staff engagement does not incur high expenditure costs but rather it is time costly when it comes to analysing and reporting on the results; with staff reductions this could pose a risk to the achievement of greater staff engagement.
- 3.5.4 The panel felt that significant consultation such as the Council-wide survey needed involvement and visibility of Cabinet Members and senior officers to demonstrate the importance of the survey and the importance of staff to be involved and contribute their ideas.
- 3.5.5 The panel felt that there were a number of good communication tools that were used to communicate with staff – for example Jack's weekly blog and StaffNet. The panel agreed they were good information sharing tools but that on big corporate issues it would be good practice to have an engagement plan with different types of engagement activities which enabled the involvement of as many people as possible.
- 3.5.6 In conclusion the panel felt that staff engagement needed to be regular, feedback provided in a timely fashion which clearly demonstrated how staff views had impacted on changes. The panel felt it important that staff were encouraged to be open and honest when providing their views and that engagement should be regular and ongoing. The panel was supportive of the Council-wide staff survey and felt that the staff survey group was a positive development. The panel therefore recommends to Cabinet that it:

Implements a programme of regular and ongoing staff engagement which encourages openness and sharing of ideas and which has a clear link to the Chief Executive (the "golden thread") by the end of the calendar year.

Keeps staff informed on a quarterly basis of changes within the organisation as a result of the review of corporate culture.

### **3.6 Councillors are a useful source of information from their wards and communities and could be better engaged during consultations**

3.6.1 It was acknowledged during the evidence gathering sessions that councillors are useful source of information from their wards and that they could be much better engaged during consultations. It was also acknowledged that capturing information from councillors is a challenge. The panel felt that councillors were key stakeholders of the Council, were valid consultees and they were a good way into communities for departments undertaking consultation and engagement activities.

3.6.2 Effective consultation and engagement brings extensive benefits to the citizens and agencies involved, including knowledge of local issues which allows service providers to reach a better understanding of their communities and be more in tune with needs or problems as they arise. Councillors, in their role as the community voice are well placed to help achieve this benefit.

3.6.3 The current consultation and engagement strategy is undergoing a revision. The panel felt that this was an opportune time to include within the framework practice that improves involvement of councillors in corporate and service delivery consultations.

3.6.4 In conclusion the panel felt that Councillors offered valuable and unique perspectives and needed to be an integral part of consultation and engagement practices. The panel therefore recommends to Cabinet that it:

Includes in the Consultation and Engagement Strategy a method to inform councillors of consultation and engagement in their wards and to consult with them, where appropriate, as a stakeholder group.

Includes in the Consultation and Engagement Strategy clear processes to capture information from consultation and engagement; feed it into departments; communicate to participants the change and difference as a result of the consultation.

### **3.7 The Council uses a variety of corporate communication methods to engage with residents of Swansea**

3.7.1 It was found that the Council, within departments as evidenced in previous sections of this report, and corporately used a wide variety of methods to communicate with residents of Swansea, keep them informed of developments & important issues and enable residents to conduct their business with the Council. The panel welcomed this and agreed that a wide variety of communication methods was important to ensure that all residents had the ability to engage with the Council.

3.7.2 The panel was pleased to hear that the corporate consultation budget had not

been reduced in the last budget and that capacity within this service area was not affected. The panel learned that the Council's role to consult and engage with the public and stakeholders would be developed rather than be reduced. The recent budget consultation moved away from the traditional type of consultation which has asked residents to rate services. Rather, it tried to engage residents in a conversation about how they felt about services and how they would like to see services provided. The panel learned that this was the direction that the Council wanted to move in but that this type of consultation takes time to develop.

- 3.7.3 As well as Swansea Voices which has been addressed in previous sections of this report, the council uses a number of other corporate consultation methods. The Swansea Leader is delivered to 105,000 homes in Swansea, six times per year and costs £74,000 per year to print and deliver. The Swansea Leader offers the Council an opportunity to reduce advertising costs in other media and it is a proven way to disseminate information directly to residents. The effectiveness of the Swansea Leader is regularly tested via Swansea Voices and in the last survey it was ranked 2<sup>nd</sup> behind the Evening Post as a source of council information. The panel was supportive of the Swansea Leader but felt that now was an appropriate time to review the use of the Leader to ensure that it represented value for money
- 3.7.4 The Council also has the website as a means of communication with the public. There is a "Have your Say" section on the front page of the website which invites visitors to the website to take part in current consultations. The number of visits to the Council's website has increased year on year from 2.5million visits in 2011, 3 million in 2012 and 3.2 million in 2013. The panel learned that the use of social media within the Council as a means of communication, consultation and engagement is in development and will be part of a package of tools used by the Council. There were 29 Twitter accounts and 27 Facebook accounts across the Council in regular use. The Council will need to develop skills within the organisation to use social media to the greatest effect.
- 3.7.5 A very visible and valued method of communication was the contact centre. The panel felt that this was an important service that provided the opportunity of face to face or telephone contact for residents of Swansea. The panel acknowledged that many residents value the importance of being able to speak directly to an officer within the Council to help them resolve an issue or provide them with information or advice. The Contact Centre, along with the wide variety of print, written, social media and electronic communication and engagement methods ensures that all residents have the opportunity to transact business with the Council, receive and share information and to take part in consultation and engagement activities.
- 3.7.6 The panel felt that corporate communications had a role within the Council to help services and departments improve their consultation and engagement practices. There were a number of recent examples of consultations where lessons needed to be learned, for example the EMLAS, care homes and respite consultations. A number of lessons could be taken from these and shared, such as, consultation proposals and information provided were not specific enough, lack of communication between departments and corporate consultation and the

location of consultation events. Given that the Council will continue to feel budget pressures and there will be less resource available for expenditure on consultation, departments and the corporate consultation service will need to strengthen their working relationships to ensure that departments' consultation and engagement exercises are successful and provide value for money

- 3.7.7 In conclusion the panel felt that smarter use of existing consultation, engagement and information tools and improved working between service department and the corporate consultation unit will help to offset the effects of reduced resources and budget pressures. The panel saw the value of electronic communication and social media but felt that maintaining a face to face option of communication for residents in the form of the contact centre was important. This would ensure that a wide variety of methods were available to all residents of Swansea. The Swansea Leader is a valued communication tool but the authority must continue to ensure that it represents value for money. The panel therefore recommends to Cabinet that it:

Ensures that all relevant and public consultation and engagement opportunities continue to be posted in the "Have Your Say" section on the website and that this retains its visibility on the Council's homepage.

Reviews the use, format and focus of the Swansea Leader through engagement with readers and cross-party, non-executive councillors to ensure that it provides value for money and is used to its full potential.

In the face of growing demand from the public, maintains provision for face to face contact for residents who wish to engage with the Council in this way.

## 4. Recommendations

*The Board commends Cabinet to consider all issues and ideas raised by this inquiry and, in particular, the recommendations set out below.*

The Board recognises that the Authority

- (a) will need to ensure that any subsequent actions are legal and meet the requirements of any relevant legislation;
- (b) has a responsibility to make the best use of limited resources and that any additional costs will need to be considered carefully as part of the annual budget setting process.

The Board has kept these principles in mind in the course of its investigations.

### **The Board recommends to Cabinet that it:**

- 4.1 Provides information via a variety of media, including the Swansea Leader, to councillors and residents on how to become a Swansea Voices panellist, how it functions, the social demographic profile of the panel, results and outcomes.
- 4.2 Reviews the social demographic make-up of Swansea Voices and takes any action required to ensure that the panel is representative of the communities of Swansea.
- 4.3 Reports to Council on how Swansea Voices influences policy development and Council decision making.
- 4.4 Ensures that all consultation and engagement is carried out in line with any the National Principles for Public Engagement in Wales, with a particular focus on participant feedback.
- 4.5 Senior managers must increase visibility to services users during public consultation and engagement events.
- 4.6 Increases community involvement in significant planning issues by setting up community planning groups, going beyond the statutory to notify residents.
- 4.7 Increases non-executive councillor engagement in the Local Service Board by holding open meetings and providing meeting details and minutes to all councillors.
- 4.8 Improves public engagement in the Local Service Board by making its meetings open and accessible to the public.

- 4.9 Works with the LSB to develop greater coordination of engagement between the LSB partners and develops the LSB Engagement Group as a group of experts providing advice to the wider LSB on consultation and engagement.
- 4.10 Implements a programme of regular and ongoing staff engagement which encourages openness and sharing of ideas and which has clear link to the Chief Executive (“golden thread”) by the end of the calendar year.
- 4.11 Keeps staff informed on a quarterly basis of changes within the organisation as a result of the review of corporate culture.
- 4.12 Includes in the Consultation and Engagement Strategy a method to inform councillors of consultation and engagement in their wards and to consult with them, where appropriate, as a stakeholder group.
- 4.13 Includes in the Consultation and Engagement Strategy clear processes to capture information from consultation and engagement; feed it into departments; communicate to participants the change and difference as a result of the consultation.
- 4.14 Ensures that all relevant and public consultation and engagement opportunities continue to be posted in the “Have Your Say” section on the website and that this retains its visibility on the Council’s homepage.
- 4.15 Reviews the use, format and focus of the Swansea Leader through engagement with readers and cross-party, non-executive councillors to ensure that it is relevant, provides value for money and is used to its full potential.
- 4.16 In the face of growing demand from the public, maintains provision for face to face contact for residents wishing to engage with the Council in this way.

## Acknowledgements

The Board is very grateful to the following people for their participation and contribution to the review:

Amanda Williams, Manager, Participation Cymru

Rhian Millar, Corporate Consultation Co-ordinator, CCS

Euros Owens, Manager, Access to Services, CCS

Lee Wenham, Head of Service, Communications and Consultation

Councillor Christine Richards, Cabinet Member, Citizen & Community Engagement & Democracy, CCS

Steve Rees, Head of Human Resources, CCS

Daniel Jones, Welsh Government

Julie Gosney, Children's Rights & Participation Manager, CCS

Katie Spendiff, Children & Young People's Participation Officer, CCS

Anthony Richards, Communities First Collaborative Working Connections Officer, CCS

Rachel Davies, Planning Officer, CCS

Clover Rodrigues, Policy Officer Improvement & Governance, Welsh Local Government Association,



## **About the Public Engagement Scrutiny Inquiry Panel**

The **Public Engagement Scrutiny Inquiry Panel** is a body of Councillors who are not members of the Cabinet. Their role is to scrutinise the performance of Council services and to make recommendations about how services can be improved.

### **Members of the Panel**

**Joe Hale**  
**Ann Cook**  
**Fiona Gordon**  
**Terry Hennegan**  
**Yvonne Jardine**  
**Andrea Lewis**  
**Lesley Walton**  
**Mary Jones**  
**Susan Jones**

### **Co-opted Members**

**Amanda Williams**

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## Report of the Cabinet Member for Communities & Housing

Corporate Briefing – 21 October 2014

### REFORM OF THE HOUSING REVENUE ACCOUNT SUBSIDY SYSTEM

**Purpose:** To set out the planned reform of the Housing Revenue Account Subsidy system (HRAS) in Wales, the implications for the Council and the key actions required by the Council to implement the changes.

**Policy Framework:** Local Housing Strategy

**Reason for Decision:** To ensure all necessary preparations and key decisions have been made to implement the changes.

**Consultation:** Legal, Finance & Access to Services

**Recommendation(s):** It is recommended that:

- 1) The Council enters into the Voluntary Agreement to exit the Housing Revenue Account Subsidy system along the lines set out in this report and to undertake sufficient borrowing to meet its share of the settlement.
- 2) Authority is delegated to the Director of Place and the Head of Finance to enter into the Voluntary Agreement and to determine the accounting and debt management policy of legacy and additional borrowing.

**Report Author:** David Evans

**Finance Officer:** Kim Lawrence

**Legal Officer:** Sandie Richards

**Access to Services Officer** Phil Couch

#### 1.0 Introduction

1.1 The Welsh Government (WG) have set out their planned reform of the Housing Revenue Account Subsidy system (HRAS) in Wales which will take effect from the 1<sup>st</sup> April 2015.

1.2 This will have a significant and lasting impact for Council housing and will provide opportunities for increasing investment. The purpose of this report is to set out the planned reforms, their implications for the Council, the opportunities and risks, the key stages and the decisions and actions the Council will need to take in the period leading up to implementation.

## 2.0 The Planned Reforms and their Impact

- 2.1 The HRAS is an extremely complex and bureaucratic system which currently results in the 11 Welsh Councils with a housing stock paying a combined total of around £73m in negative subsidy payments each year to the Government. The reforms aim to replace this with a system of 'self – financing' which would allow each individual Local Housing Authority (LHA) the freedom to retain the rent income in full and use it to fund their priorities for the existing Council housing stock and the provision of new housing.
- 2.2 In July 2013, the WG and HM Treasury (HMT) reached agreement on a 'buy out' figure that will allow LA's to exit the HRAS by March 2015. The key elements of the agreement for the 11 Welsh Councils as a whole are that:
- LHA's will need to buy themselves out of the HRAS.
  - The £73m of annual negative subsidy payments will be replaced by interest payments of approximately £40m. Councils will also have to provide for repayment of the extra debt, which at the current rate of 2% per year will equate to £18.4m per annum.
  - The £40m annual interest payments will be converted to a lump sum settlement value shortly before the agreed implementation date. The precise amount will depend on the interest rate prevailing at the time of the transaction although the current estimate is £919m
  - HMT will require LHA's to borrow from the Public Works Loan Board (PWLB).
  - The Treasury requires a housing related borrowing cap to be imposed on each LHA in order to control public sector borrowing.
- 2.3 HMT also agreed that as the timescales for the necessary UK legislation to enable the reforms to take place are unclear, they could be implemented by way of a Voluntary Agreement with each LHA.
- 2.4 It is essential that all eleven stock owning LHA's agree and sign the Voluntary Agreement as failure to do so will result in the HRAS remaining in place until the appropriate UK legislation is passed. This means that the £73m paid to the Treasury will continue.
- 2.5 For Wales as a whole, the cost of the agreed buy out between the WG and HMT is based on £40m of annual interest payments which will be converted to a lump sum (settlement value) a short period before the 1<sup>st</sup> April 2015. The estimated settlement value is considered to be in the region of £919.5m. The £40m of interest payments will be shared between all stock owning Welsh Councils and distributed according to the payment made by each Council as negative subsidy under the HRAS. Under this arrangement, each LA would pay 45.12% less than they currently pay in negative subsidy payments.
- 2.6 For Swansea, this would mean interest payments of £3.29m each year instead of the current negative subsidy amount of £5.79m (i.e. a difference of £2.5m each year). However, after taking into account potential debt repayments of around £1.5m per year, the net benefit would reduce to £1m per year.

- 2.7 In terms of the cap on overall borrowing by Welsh LHA's, this is estimated to be £1.85bn based on the following:
- Borrowing to fund the estimated settlement figure of £919.5m.
  - Existing borrowing by Welsh LHA's which is estimated to be £459.4m
  - Borrowing needed by some Welsh LHA's to fund the improvement of the existing stock up to the Welsh Housing Quality Standard (WHQS) by 2020 which is estimated to be £358.1m.
- 2.8 This adds up to a total borrowing of £1.737bn leaving 'headroom' below the overall cap limit of £113m for further distribution. The WG have adopted a method for distribution which allows those Welsh LHA's with firm plans for new build to receive 50% of their requested share and the remainder will be allocated to all LHA's on an indicative basis using a formula.
- 2.9 Although precise figures will not be known until closer to the settlement date, Swansea's share of the additional headroom is likely to be £6.8m which if added to the indicative borrowing needed to achieve WHQS of £74m, provides an initial cap for new borrowing of £80.8m.
- 2.10 The HRA Business Plan demonstrates that this level of additional borrowing is affordable over the longer term and headroom will continue to be available as repayment of the debt is made. Whether borrowing in the future will be affordable will depend on other factors in the HRA Business Plan such as rental income, interest payments and other expenditure. However, the available headroom below the cap coupled with revenue contributions could lead to significant sums being available for future spending and for the first time in a generation, allow the Council to consider building new housing.
- 2.11 This introduces a new dimension for the Council in terms of reducing the shortage of affordable accommodation in Swansea. Preliminary work has already started on a feasibility study for new build which will address in detail the funding issues together with measures that would need to be introduced to support an initial and continuing programme of new build.
- 2.12 This will take time to finalise but in order to secure the full distribution, it will be necessary to reflect a level of anticipated borrowing in an interim HRA Business Plan which will be used by the WG as the basis of the legally binding Voluntary Agreement.

### **3.0 Key Stages in the HRAS Reform Timetable**

- 3.1 The WG also plan to introduce a reform of the way social rents are set in Wales from April 2015 which will replace the current process of Welsh Ministers setting guideline rents each year. The new policy will introduce a rent formula that will establish rent bands for each social housing provider. This change will be the subject of a more detailed report in due course. However, in the meantime, the WG required an interim HRA Business Plan to be provided from each authority by September 2014 setting out the long term financial effect following exit from

the HRAS to include assumptions on rental income. The key assumptions made in the interim plan have been as follows:

- Rent increases at a level that is at the mid point anticipated to be set under the new policy.
- Investment of £275m at current prices by 2020 to achieve the WHQS.
- Additional settlement debt of £73m charged to the HRA at the projected interest rate of 4.5%, with annual principal repayments of 2%;
- Continuation of the £9m per year major repairs allowance (MRA) from WG;
- Borrowing of £74m in the years to 2020 to fund the achievement of WHQS;
- Full use of forecasted borrowing headroom to enable a new build programme;
- Inflation on management and maintenance costs of 2% per year as prescribed by the WG, offset by assumed efficiency savings of 1% per year;
- Expenditure on responsive and cyclical repairs is assumed to remain constant over time subject to reductions for changes in stock numbers;
- Void and bad debts at 4% of the rental income due.
- No receipts from the sale of council houses have been assumed on the basis that a suspension of RTB will be granted
- Capital income of £200,000 income per year up to 2020 has been included to come from capital receipts from the sale of HRA land and capital grants (e.g. from eco schemes);

3.2 These financial projections indicate that significant surpluses will be made on the revenue account after 2020, particularly as a result of a significant reduction in annual spending on WHQS items after achievement. These surpluses are likely to be used to fund new housing but the extent and timing of this has not yet been included in the Plan.

3.3 At the time of writing, the WG were still considering the options for calculating the settlement amount for exiting the HRAS. One option is to set the interest payments at the end of December 2014 so there is certainty on the amount each authority will need to pay. However, the amount of the settlement may vary to reflect interest rates at the point of transaction (April 2015). The alternative option is to set the settlement figure itself prior to the transaction to give certainty on the total to be repaid. However, the interest payments will need to reflect the interest rates at the point of the transaction (April 2015) and therefore may be higher or lower than estimated as part of the settlement distribution.

3.4 Whichever option is eventually chosen will need to be reflected in the Voluntary Agreement (VA) which each individual authority will need to enter into. It is likely that such an agreement will need to be signed by the end of January 2015 in order to enable the exit from the HRAS to go ahead. Guidance is also being developed by the WG with options for Councils in how they manage and account for both the legacy and future HRA borrowing.

3.5 The WG will require the final 30 year HRA Business Plan in January 2015 which will also be used as the application for MRA.

#### 4.0 Equality and Engagement Implications

- 4.1 An EIA screening form has been undertaken and concluded that a full EIA report will not be required at this time. Any specific matters / opportunities that arise in the future as a result of the reforms (directly or indirectly) will be considered at the time and will be subject to a separate screening..

#### 5.0 Financial Implications

- 5.1 Where applicable, the anticipated financial implications of the proposed reforms are set out in the report but will result in a significant increase in the liabilities of the Authority in respect of the HRA. However, in summary, the ending of the subsidy system will mean an increase in the surplus in the Housing Revenue Account and greater freedom and flexibility for the Council in determining future housing provision.
- 5.2 Failure to enter into the Voluntary Agreement will result in the HRAS remaining in place and the continuation of negative subsidy payments by the Council which are significantly more than the anticipated share of the interest and debt payments of the settlement.
- 5.3 The proposals as recommended will result in significant additional borrowing (and hence debt) for the Council as follows:-

	£m
Swansea's estimated share of the settlement value	73.0
Additional debt re Headroom	6.8
Additional debt to achieve WHQS	74.0
<hr/>	
<b>Total additional debt</b>	<b>153.8</b>

As stated within the report the cost of financing and repayment of this additional borrowing falls entirely to the HRA and will not impact on Council Tax Payers as part of the General Fund of the Council.

Repayment of debt in line with normal practice together with interest financing costs can be met from within the projected HRA Business Plan.

- 5.4 However, this additional debt will appear as such on the annual Balance sheet of the Council and, as such, it is important that Members are aware of the reasoning behind the increase.
- 5.5 In terms of the additional headroom borrowing, commitment has to be given at an early stage in respect of the use if these funds for additional provision of Social Housing. However, the precise use of that borrowing will have to be the subject of further reports in terms of options to deliver best outcomes.

## **6.0 Legal Implications**

- 6.1 The Housing (Wales) Bill will allow the Welsh Government to repeal the relevant sections of the primary legislation that sets the framework for the HRAS system in Wales. However, the Bill has not yet received Royal Assent.
- 6.2 As an interim measure the provisions of Section 80B of the Local Government and Housing Act 1989 will be used for a Voluntary Agreement to be made between the Welsh Ministers and the Local Housing Authorities.
- 6.3 At the appropriate time, the Voluntary Agreement which will set out the financial implications for the authority in terms of exiting the HRAS will need to be signed and delegated authority is sought for this to occur. Separate legal advice will be necessary on the terms of the Voluntary Agreement.
- 6.4 Failure to enter into the Voluntary Agreement means that for all 11 Welsh Council's with a housing stock, there will be a delay in benefiting from the considerable opportunities that leaving the HRAS will bring and put at risk the reputation of the Council as a partner to the other authorities.

**Background Papers:** Equality Impact Assessment Screening Form

**Appendices:** None

## Report of the Cabinet Member for Education

Cabinet – 21 October 2014

### LOCAL AUTHORITY GOVERNOR APPOINTMENTS

<b>Purpose of Report:</b>	To approve the nominations submitted to fill L. A. Governor vacancies in School Governing Bodies.
<b>Policy Framework:</b>	Policy and Procedure for Appointment of L. A. Governors as amended by Council on 23 October 2008.
<b>Reason for Decision:</b>	To ensure vacancies are to be filled expeditiously.
<b>Consultation:</b>	Education, Legal, Finance.
<b>Recommendation:</b>	It is recommended that: -  1. The nominations be approved, as recommended by the LA Governor Appointment Panel.
<b>Report Author:</b>	Allison Gough
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1.0 The nominations referred for approval

1.1 At the meeting of the L.A. Governor Appointment Panel held on 2<sup>nd</sup> October 2014, nominations were recommended for approval as follows:

1. Clase Primary School	Mrs Lesley Evans
2. Pennard Primary School	Councillor Desmond Thomas



## **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 Equality and Engagement implications**

4.1 There are no equality and engagement implications associated with this report.

**Background papers:** None

**Appendices:** None

## Report of the Cabinet Member for Enterprise, Development & Regeneration

Cabinet – 21 October 2014

### BOULEVARD AND WATERFRONT CONNECTIONS PUBLIC ART PROJECTS

<b>Purpose:</b>	To present the proposals for public art projects.
<b>Policy Framework:</b>	City Centre Strategic Framework
<b>Reason for Decision:</b>	To provide awareness of the public art proposals prior to formal planning applications being submitted.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet note the public art proposals for the Boulevard and Waterfront Connections areas as outlined in this report  2) Cabinet authorises the Director of Place in consultation with the Cabinet Member for Enterprise Development & Regeneration to finalise the public art feature in the Museum Green area.  3) Cabinet authorises the Director of Place in conjunction with the Chief Operating Officer and the Head of Legal and Democratic Services and Procurement to negotiate and finalise the terms of any legal document including Variation of Leases necessary to progress the Projects
<b>Report Author:</b>	Steve Smith
<b>Finance Officer:</b>	Steve Mathews
<b>Legal Officer:</b>	Nigel Havard
<b>Access to Services Officer:</b>	Kirsty Roderick

#### 1.0 Introduction

- 1.1 A Public Art Framework was developed to identify potential locations for public art along the Boulevard corridor and was reported to Cabinet 09/08/2012. The Framework was refined through the appointment of public

art consultants Addo and was the subject of public and stakeholder discussions.

1.2 The Public Art Framework formed the basis of a successful bid to the Arts Council for Wales. This secured an Arts Council grant of £150k which was matched by £50k s106 funding from the Meridian Quay development and £100k from the Waterfront ERDF programme, giving an overall fund of £300k for public art features.

1.3 To oversee the development of the proposals, an advisory Steering Group was set up (see Cabinet report on the public art delivery 09/08/2012). The members of the Steering Group are as follows:

- § Councillor Phillips
- § Councillor Crouch
- § Arts Council for Wales representatives
- § Mission Gallery Director
- § Community representative

1.4 With the involvement of the Steering Group and public art consultants Addo, specific public art commissions were defined within public art zones as follows:

**Wind Street Crossing zone** – commission for residency project and lighting feature in the crossing/ Museum Green area

**Princessway Crossing zone** – commission for public art on the LC (as always intended) and separate commission or screen/ gates between the LC service yard and Museum Park

**Waterfront Connections zone** – linked commission for public art in both the marina area and the Paxton Street tunnel

1.5 The public art commissions were widely advertised and a number of strong tenders were received. The tenders were assessed and interviews carried out by Officers with the Arts Council for Wales observing. The Steering Group supported all the recommended appointments and the artists were engaged in January 2014. Their designs have now been finalised, they were presented to Regeneration Programme Board on 8<sup>th</sup> September and the proposals are outlined on the following pages.

## 2.0 Public art proposals

### LC Climbing Wall - Assemble

2.1 London based artistic collective Assemble were appointed to undertake this commission on the basis of their track record of delivering innovative artworks in the public realm and the participatory and people-centred nature of their approach.

- 2.2 The past refurbishment of the LC created an area for public art on the north elevation facing Princessway. This public art area is apparent in the rendered panels between the buttresses as opposed to the timber cladding on the rest of the building. The artistic concept is now to add a large-scale three-dimensional graphic of a mountain (see appendix 1) to create a striking feature in the city that communicates the function of the LC. This mountain graphic is split into seven vertical panels by the existing buttresses and these vertical panels are proposed to be equipped with climbing equipment to make this public art feature interactive. The artists have liaised with experienced climbing organisations such as Dynamic Rock in Clydach. The graphic is designed to be aesthetically pleasing when not being climbed. Features to deter out of hours climbing will be incorporated and the detail of these will need to be agreed with the LC Management.
- 2.3 The artists have met with the LC Management and Board on a number of occasions. The LC is supportive of the proposals as it would expand the activities on offer and increase the profile of the building. It is proposed that the management and operation of the climbing wall will be the responsibility of the LC and a legal agreement will need to be drawn up to underpin this. Discussions about the details of the project and the legal agreement is ongoing with the LC management.

#### **Museum Green Screen/ Gates - Freshwest**

- 2.4 Tenby based artists Freshwest were selected for this project due to their strong track record in product design which crosses over into the design of street furniture.
- 2.5 The position and size of the 2m high screen/ gates that divide the service area of the LC from Museum Green is determined by practical requirements. The artists are proposing aluminium sand cast gates with a repeating design (see appendix 2) that incorporates elements from a beach casting community day. The gates would be kept locked most of the time and would be manually opened to allow vehicle access to Museum Park.

#### **Waterfront Connections - William Dennisuk**

- 2.6 Finnish based artist William Dennisuk was selected for this commission on the basis of his calm and thoughtful past works which was considered necessary due to the close proximity to people's homes.
- 2.7 The proposal for the Paxton Street Tunnel which is a grade II listed structure of national historic importance is a lighting feature attached to the underside of the tunnel ceiling. This will provide basic safety lighting whilst casting light ripples onto the floor. The feature lighting will be computer controlled and the ripples will lead towards the marina and could be supplemented by a low key sound installation. The lighting unit would use standard internal fittings with a shell that is finished in corten steel.

- 2.8 The artist has selected the northwest corner of the marina as the location for a water sculpture taking inspiration from ripples. This is an un-used corner of the marina and the location has been agreed in principle with the Marina Management Team. The proposed circular sculpture would be in the region of 5.5m high (from water level) and some 2.5m higher than the surface of the dockside walkway. It would be constructed from a series of marine grade stainless steel rings to create a circular vase like form that is see through. The design has to strike a balance between making an impact in the public realm and the relationship to the apartments nearby.

### **Museum Green**

- 2.9 London base artists Abberant were appointed on the basis of their strong track record of public engagement and contemporary legacy features. The artist David Chambers is originally from Clydach and has made connections with his former Primary School (Ynys Tawe) as part of this project. This commission has two elements; residency and legacy feature.
- 2.10 The residency element had been ongoing for the past 6 months hosted by the Mission Gallery on Gloucester Place. The artist has been working with local individuals and organisations to design 'Swansea Coins'. These take inspiration from the copper coins used locally in the 1800s.
- 2.11 The legacy proposal was a 3.7m high sculpture in Museum Green which made reference to the international nature of the copper industry. It was also proposed that the sculpture could be opened up to allow small-scale cultural events to take place. However this feature was not supported by Regeneration Programme Board and the artist has been asked to redesign a new feature this in the Museum Green area. Given the limited time available, it is recommended that Cabinet authorises the Director of Place in consultation with the Cabinet Member for Enterprise Development & Regeneration to finalise the public art feature in this area.

### **3.0 General Issues**

- 3.1 The proposals as outlined above have been developed by the artists with the full involvement of the Steering Group via a programme of meetings. The artists have contacted many council departments such as Highway Engineers, Street lighting, Landscape Design, Marina Management. The Climbing wall proposals have been developed in discussion with the LC management and the LC Trust. The water sculpture in the marina has been discussed with the Meridian Quay representative as this is part funded from the S106 contribution by this development. All proposals have been discussed with the Police via their Secure by Design specialist.
- 3.2 All the public art features will require planning consent. Works associated with the Boulevard are covered by a blanket Cabinet minute with regard to the planning submissions. Briefings have been held with the Development Control Officer from the City and Bay Team so they are aware of the proposals and the timescales involved.

## **Maintenance**

- 3.3 The artist contracts state that the features should be designed to last 20/25 years, whilst the WEFO guidelines stipulates a minimum life span of 5 years. The artists have all confirmed that they are designing to the 20/25 year period. The features are designed to be robust in the public realm. They are all designed to discourage inappropriate use, but this cannot be completely designed out.
- 3.4 With the exception of the Museum Park Screen/gates all the art features include an element of feature lighting. The artists have been in discussion with the Councils Street Lighting Team about the lighting specifications and the ongoing energy costs will be confirmed for the Corporate Briefing meeting on 23<sup>rd</sup> September.

## **Management**

### **Climbing Wall**

- 3.5 Interactivity is key to this public art project. It has been designed to be aesthetically pleasing when not 'in use', but the whole point is that the mountain graphic is climbable to communicate the leisure function of the LC. Clearly this will require a high degree of management and it is intended that complete responsibility will be passed to the LC for the management of this feature by varying the existing lease for the main building, this will include:
- § Ensuring that the climbing wall is unclimbable when not in use.
  - § Inspecting the climbing wall and equipment at the required intervals to accord with the safety and insurance requirements
  - § Programming times that the climbing wall can be used and ensuring that appropriately trained staff are present.
  - § Setting up the climbing wall and associated barriers
  - § Programming deliveries and servicing around the use of the climbing wall
  - § Ensuring no conflict with the fire strategy
  - § Ensuring that the necessary certifications and insurances are in place
  - § Providing times of concessionary charges for use by residents in Target Wards
  - § Undertaking future maintenance as required

### **Waterfront Connections**

- 3.6 The two features (marina sculpture and tunnel lighting) do not require any management. They are not intended to be interactive. The only requirement will be occasional inspection (as per all public art) to check if any reactive maintenance is required.

## **Museum Park Screen**

- 3.7 Again the screen/ gate is not intended to be interactive. It will be kept locked in the closed position and can be manually swung inwards towards the LC to provide vehicle access to Museum Park for events. It will not affect servicing of the LC. The only requirement will be occasional inspection (as per all public art) to check if any reactive maintenance is required.

## **Museum Green**

- 3.8 The instruction from Regeneration Programme Board is that the revised Museum Green feature should not require additional management.

## **Programme**

- 3.9 As the project is part funded by WEFO, this imposes a target of the end of March 2015 for the completion of fabrication and installation. The public art projects were conceived a completion target of around January 2015, but the contingency has been eroded significantly due to resourcing issues. Therefore there is a risk that some (or all) of the public art projects may not be completed by the end of March 2015.

- 3.10 At present the programme is as follows:

23 <sup>rd</sup> September	Report to Corporate Briefing
21 <sup>st</sup> October	Report to Cabinet (deadline 6 <sup>th</sup> October)
End October – End December (8 weeks)	Planning application process
November	Public engagement alongside formal planning process ('meet the artists event')
End December	Receive planning consents
Jan 2015 – March 2015 (3 months)	Fabrication and installation on site
April 2015 onward	Contingency and defects

## **4.0 Equality and Engagement Implications**

- 4.1 An Equality Impact Assessment (EIA) Screening Form has been completed for this project. This indicates that a full EIA report will not be necessary at this stage, but each individual aspect will require a separate screening to ensure access, Welsh language and any other equalities considerations are taken into account.
- 4.2 The detailed consideration of access for all to the public art features will be explained and justified in the Design and Access Statement as part of the formal planning application.

## 5.0 Financial Implications

### Capital

- 5.1 Funding of £110k is allocated to the public art projects through the Waterfront City Programme. Match funding has been identified from a confirmed Section 106 agreement at Meridian Quay (£50k), and grants which have been secured for expenditure in 2014/15 from the Arts Council for Wales (£100k for Boulevard and £50k for Waterfront Connections). This adds up to a total public art investment of £300k. The S106 funding is the only source of funding that could meet the costs of initiating a £30k Public Art Maintenance Fund which leads to a £280k capital budget that is divided amongst the projects as detailed below. At present all projects are in the design stage and they will only progress to the implementation stage if the necessary consents are secured.

	<b>Artist design fee</b>	<b>Implementation budget</b>
LC Climbing Wall	£5k	£60k
Museum Park Screen/ gate	£5k	£35k
Waterfront Connections	£10k	£90k (for tunnel lighting and water sculpture)
Museum Green feature	Artists residency and design fee £15k	£60k

- 5.2 The Waterfront City Centre project is mainly funded by WEFO Convergence grant. In order to claim this grant spend must be claimed by 30 June 2015 or will be lost.

### Revenue

- 5.3 In the past, maintenance costs arising from investment in public art has not been properly resourced. Therefore a Public Art Maintenance Fund has been established for the Boulevard and waterfront Connections projects outlined above. This is an allocation of £30k that will be held within an ongoing cost centre, under the control of the Head of Economic Regeneration and Planning.
- 5.4 No additional revenue resources have been allocated to meet future maintenance costs.

## 6.0 Legal Implications

- 6.1 The terms of the funding/ grants as set out in paragraph 1.2 are likely to be legally binding and the Director of Place should ensure that the Council is able to comply with the requirements.
- 6.2 It is probable that various legal agreements including Deeds of Variation and access agreements and Licences may be required to progress the



Projects with Bay Leisure and other land owners and advice should be sought from the Chief Operating Officer and the Head of Legal and Democratic Services and Procurement. Consideration should be given to entering into legally binding agreements with the various artists and again advice should be sought.

**Background Papers:**

City Centre Strategic Framework

Boulevard and Waterfront Connections Public Art Framework

**Appendices:**

1. LC climbing wall
2. Museum Park screen/ gates
3. Paxton Street tunnel lighting feature
4. Marina water sculpture

## Appendix 1: LC climbing wall

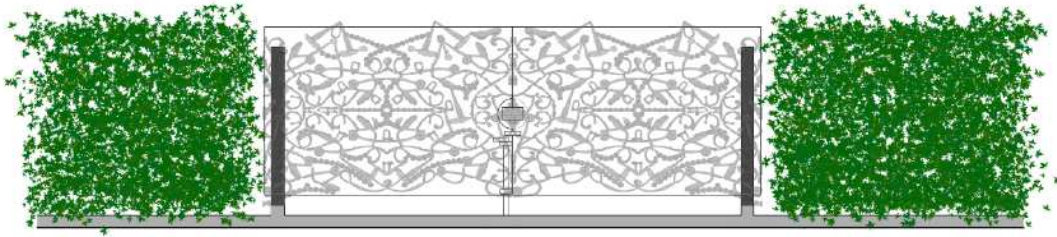


Proposal for three dimensional mountain graphic



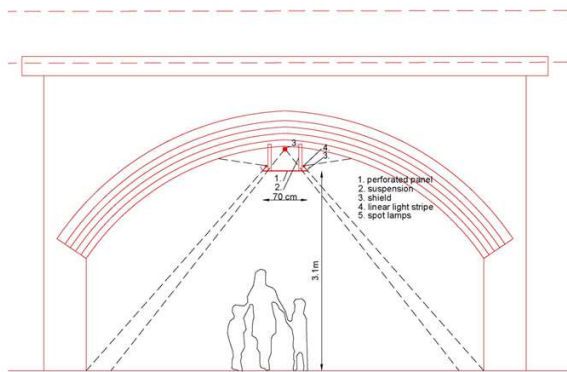
Image showing how the climbing wall could appear when in use

## Appendix 2: Museum Park screen/ gates



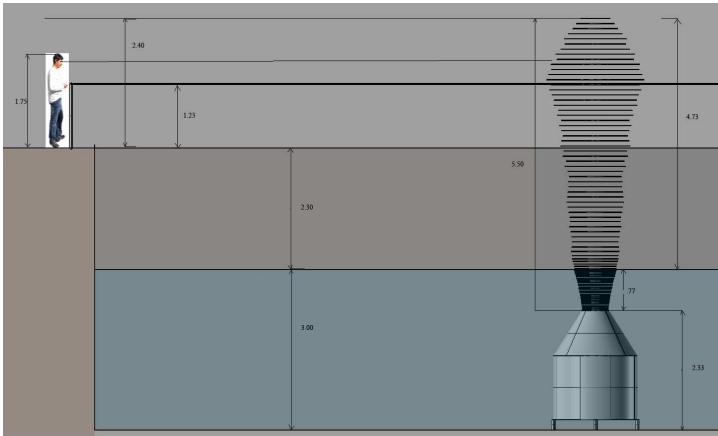
## Museum Green Screen/ gate design

### Appendix 3: Paxton Street tunnel lighting feature



Paxton Tunnel lighting feature

#### Appendix 4: Marina water sculpture



Section drawing showing dockside walkway and proposed water sculpture with underwater base.



Image of water sculpture

## Report of the Cabinet Member for Environment and Transportation

Cabinet – 21 October 2014

### PERMISSION TO APPLY FOR PLANNING CONSENT AT BAILING PLANT WASTE RECYCLING CENTRES

<b>Purpose:</b>	To seek approval to apply for planning to improve the recycling facilities at the Authority's Baling Plant and Garngoch and Penlan Household Waste Recycling Facilities (HWRC's).
<b>Policy Framework:</b>	Waste Strategy.
<b>Reason for Decision:</b>	Corporate Improvement Plan Objective 4.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation:</b>	It is recommended that Cabinet:
1)	Approves the submission of planning applications in respect of the following: <ul style="list-style-type: none"><li>• To provide a purpose built facility for the storage, testing, repair and sale of discarded Waste Electronic and Electrical Equipment (WEEE) and other general waste for the purpose of Recycling/ reuse. A canteen/ cafe facility is also to be incorporated.</li><li>• To extend both the Garngoch and Penlan Household Waste Recycling Centres in order to provide improved recycling facilities for residents in order to improve recycling performance.</li></ul>
<b>Report Author:</b>	Wynn Lawrence
<b>Finance Officer:</b>	Kim Lawrence
<b>Legal Officer:</b>	Nigel Havard
<b>Access to Services Officer:</b>	Phil Couch

#### 1. Introduction

1.1 The National Waste Strategy 'Towards Zero Waste' sets out sustainable waste management and waste reduction targets up to 2025

1.2 The current statutory target for recycling is 52% and will rise to 58% in 2015/16. If this is not achieved then fines of £200 for every tonne of

material outside the target could be imposed on the Authority.

- 1.3 In July 2012 Council adopted the Municipal Waste Management Strategy 2011-16 and this Strategy is currently being implemented. This strategy includes a five year service improvement plan to achieve recycling, composting and landfill targets up to the year 2016.
- 1.4 Our current projected recycling rate for 14/15 is 55% - 56%. However, this can be affected by seasonal variations such as garden waste collected. We need to further improve if we are to sustain this level for the full year.
- 1.5 A number of improvement initiatives are being progressed to increase our recycling performance and to improve efficiencies, including:
  1. Improving the capacity of the Re-use Shop to divert more goods from landfill or recycling into re-use.
  2. The proposed expansions of two of our Household Waste Recycling Centres (HWRC's) in order to further improve recycling opportunities for the local communities whilst enabling us to achieve our recycling targets.

## **2.0 Objectives & Proposals.**

- 2.1 In order to achieve the necessary changes to the improvements in para 1.5, the following improvement works are necessary:
  - The current reuse shop has outgrown its existing temporary buildings and is in of a purpose built facility. This will allow for greater opportunities to test, repair, and sell goods at low cost whilst ensuring all associated costs are covered. This will also provide opportunities for Social Services to further develop and expand the current partnership with Waste Management. A canteen/cafe facility will also be incorporated into this building. The new structure is planned to go on the existing shop site at the Baling Plant. The reuse of waste in this way further assists with a reduction in landfill and associated costs.
  - The current HWRC's at both Penlan and Garngoch are no longer fit for purpose are they are simply too small and do allow sufficient opportunities for the public to easily recycle items that have either missed the collection day or are simply not able to be collected at the kerbside. The proposed expansions will deal with this issue and will also help the authority maintain and improve upon its current recycling rates. The expansion of the two recycling centres will further assist with a reduction in landfill and associated costs.
- 2.2 Private funding is available for the recycling and reuse shop through the authority's partnership with our Waste Electrical and Electronic Equipment (WEEE) Producer Compliance Scheme.
- 2.3 External funding would need to be sought for the expansion of the two HWRC's, which will be made far easier if planning permissions are in place for the proposals.

2.4 In order to achieve these improvements, planning permission is required for:

- The construction of a proposed purpose built facility for the repair, recycling and sale of goods at low cost whilst ensuring all associated costs in connection with the new facility are covered.
- Proposed extension to the Penlan and Garngoch HWRC's.

2.5 Appendix 1, 1a and 1b highlights the locations of the above proposed facilities at the Baling Plant, Penlan and Garngoch.

### **3.0 Equality & Engagement Implications.**

3.1 A full EIA Report is not required.

### **4.0 Financial Implications**

4.1 Private funding is available for the construction of the new WEEE reuse facility through the authority's partnership with our Waste Electrical and Electronic Equipment (WEEE) Producer Compliance Scheme. The exact financial implications of these proposals will be fully assessed when the requirements of the planning application have been determined, and approval sought through FPR6 and FPR7 reports as appropriate.

4.2 External funding would need to be sought for the expansion of the two HWRC's, which will be made far easier if planning permissions are in place for the proposals. Financial approvals will be sought through FPR6 and FPR7 reports as appropriate.

### **5.0 Legal Implications**

5.1 The Constitution requires that Cabinet approves the submission of any application by the Council for planning consent on Council owned land.

**Background Papers:** None

**Appendices:** 1, 1a and 1b: Site location plans



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Title  
**Bailing Plant, Ferry Boat Close, Swansea.**  
**Proposed 2 New Buildings.**  
 LOCATION PLAN.

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**Phil Roberts**  
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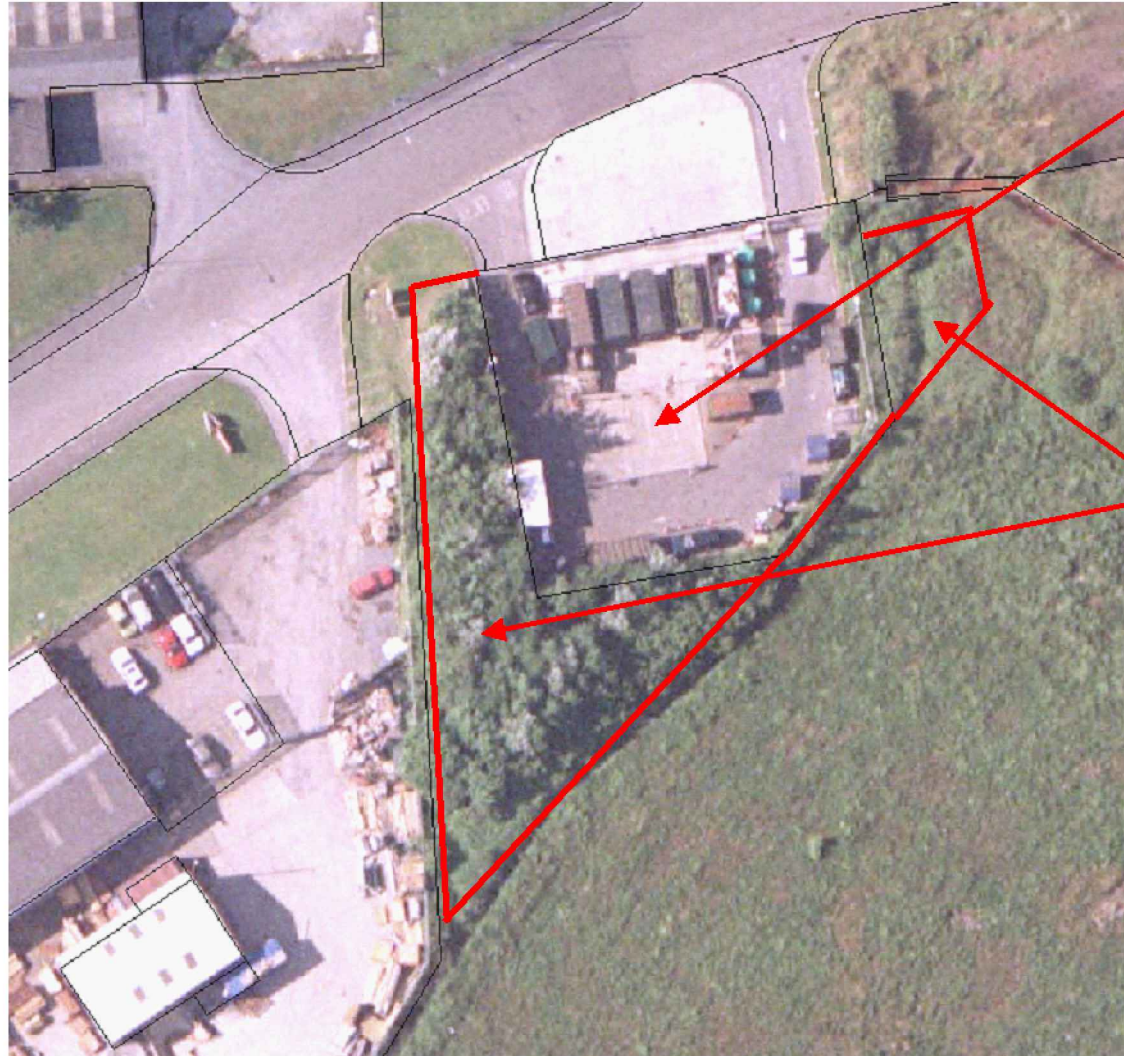
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 Checked / Archwylwyd gan X  
 Scale / Graddfa NTS.

Drawing No / Rhif Cynllun **P/L749/13/R.Loc.**  
 CITY AND COUNTY OF SWANSEA - DINAS A SIR ABERTAW



APPENDIX 1 a.

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**EXISTING  
HWRC**

**PROPOSED  
INCREASE OF  
SITE AREA**

O/S Ref: SS 6098

Page 55

Aerial View of Site: (2005)

Title Council Household Waste Recycling Centre.  
Phoenix Way, Garngoch Industrial Estate, Gorseinon.  
Proposed Location Plan.

**Phil Roberts**  
Corporate Director Regeneration and Housing  
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Date / Dyddiad SEPTEMBER 2014  
Drawn By / Dylunwyd gan AJP  
Checked / Archwylwyd gan X  
Scale / Graddfa NTS.

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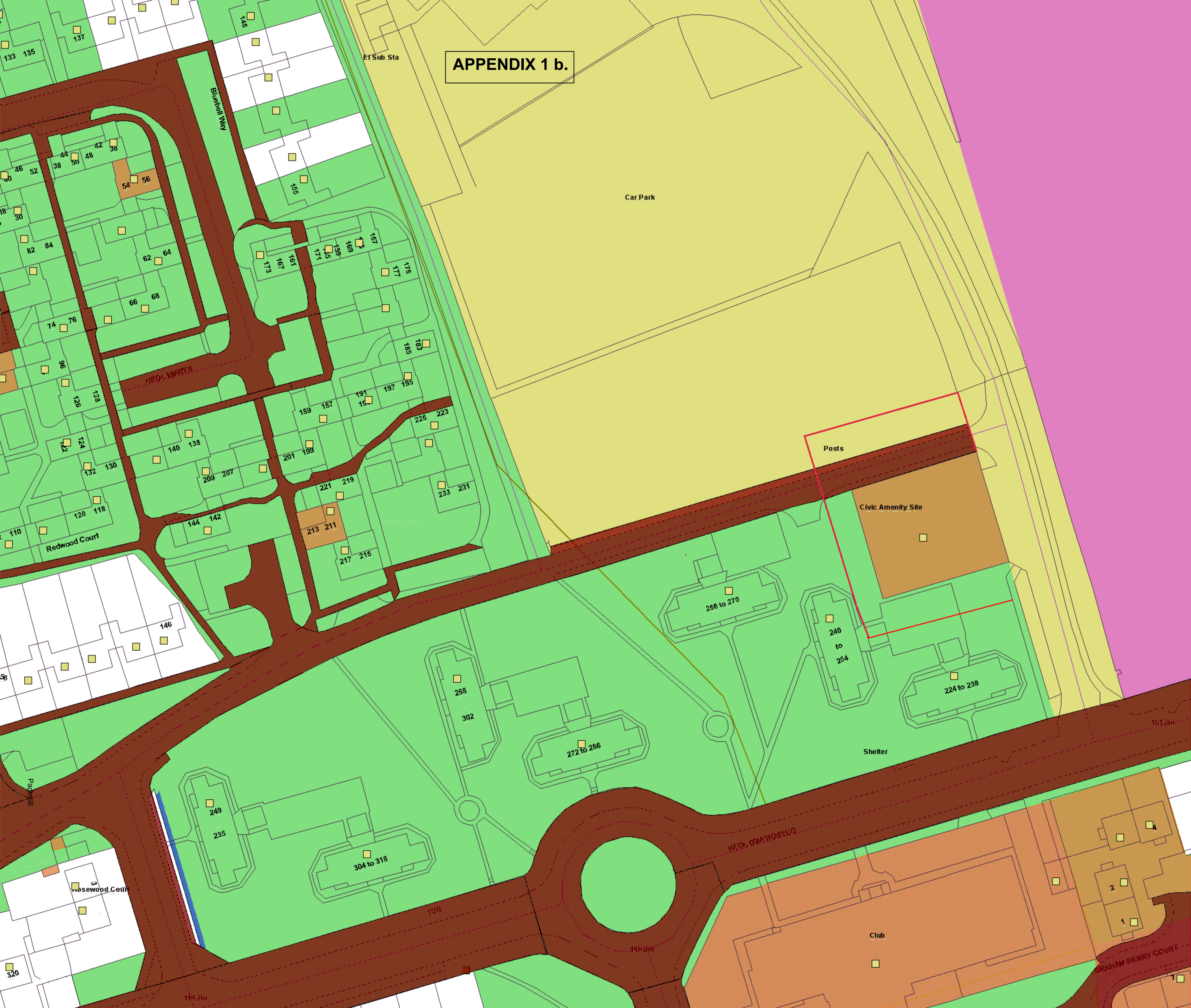
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<http://www.swansea.gov.uk>

APPENDIX 1 b.



## Report of the Cabinet Member for Transformation & Performance

Cabinet – 21 October 2014

### ICT & Information Management Strategy 2014-2019

<b>Purpose:</b>	To provide Cabinet with an initial strategy to approve.
<b>Policy Framework:</b>	None
<b>Reason for Decision:</b>	To endorse the strategy
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Endorse the ICT and Information Management Strategy
<b>Report Author:</b>	Sarah Caulkin
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Patrick Arran
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1. Background

- 1.1 The Council has not had an updated ICT strategy for many years and particularly not an approach which included information management.
- 1.2 The strategy attached at Appendix A provides an initial direction of travel identifying the key objectives and priorities for the next three to five years. If approved by Cabinet, the strategy will be updated in December to incorporate:
  - § The future ICT in-house operating model
  - § Cap Gemini exit arrangements
  - § Strategy and plans to improve information management
  - § Implementation plans, including more detail on where and how the Council will develop and use ICT to improve outcomes for residents.
- 1.3 A Member Reference Group will support the strategy and planning work. Scrutiny Members will provide oversight and challenge, particularly around the exit arrangements to an in-house managed ICT service.

## 2. ICT and Information Management Strategy

- 2.1 In recent years the Council has invested £3m to upgrade areas of infrastructure and introduce WiFi in its public buildings. These developments are just coming on stream now. However, there has not been a significant or cohesive drive around systems development for many years. Services have therefore implemented independent solutions in order to move forward, resulting in a degree of fragmentation.
- 2.2 The strategy draws on internal feedback and plans, alongside analysis of the external environment. It outlines a route-map, identifying key objectives and priorities to improve ICT and information management over the next three to five years, including:
- § The need for greater **cost transparency**, demonstrating value for money and reducing ICT running costs
  - § Maximising the **impact** ICT can have on the residents of Swansea
  - § Working in **partnership**, internally and externally
  - § Providing a focus for key areas of **delivery**, e.g. The move to an in-house managed service, mobile working for staff and Members, security, new cost effective applications, alignment / rationalisation of existing systems, etc
  - § Developing **information** to inform decisions and improve outcomes for the people of Swansea
  - § Creating a workforce with **competencies** in ICT innovation, improvement, and change
  - § Improving **ICT governance**, so that technology investment is aligned with Council needs and goals
  - § Transparent **performance** metrics.

## 4. Equality and Engagement Implications

- 4.1 After consultation with the Access to Services officers, it is confirmed that a full EIA is not needed at this early stage, as the strategy is a direction of travel. The need for a full EIA will be reviewed again in December when specifics around the implementation plan are known.

## 5. Legal Implications

- 5.1 There are no specific legal implications arising from this report.

## 6. Financial Implications

- 6.1 The service has savings targets identified in the medium term financial plan. Transitional costs of moving to an in-house managed service and any other investment discussions are being undertaken with the Section 151 Officer and Cabinet will be updated in due course.

### Background papers:

None

### Appendices:

Appendix A: ICT and Information Management Strategy 2014-2019



**Appendix A:  
ICT and Information Management Strategy  
2014 – 2019**

**Head of Information and Business Change – Sarah Caulkin  
October 2014  
Version 1.1 – Final**



### Version Control:

Date	Version	Author	Comments
04/08/14	0.1	Jo Harley	First draft
18/08/14	0.2	Jo Harley	Second draft following review by Gartner Inc.
22/08/14	1.0	Sarah Caulkin	Final version for discussion at Executive Board
01/09/14	1.1	Sarah Caulkin	Updates / changes incorporating feedback from Executive Board

### Approvals process:

Executive Board	27 <sup>th</sup> August 2014
Cabinet	21 <sup>st</sup> October 2014

### Reviewers:

- § Top Managers
- § Gartner Inc

### Distribution:

- § Intranet
- § External partners (summary)
- § Suppliers (summary)



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## 1.0 Purpose

This document describes the direction of travel for ICT and information management at City and County of Swansea (CCS) over the next five years. It sets out the current environment, ICT objectives and priorities, and next steps.

The strategy process has followed best practice guidance supported by templates, research, and advice from Gartner Inc. Workshops have been undertaken with key stakeholders to gain input to this document, which has also been informed by:

- § Internally: The Corporate Improvement Plan, Sustainable Swansea – Fit for the Future, Schools ICT Strategy, Medium Term Financial Plan, service business plans, and associated Directorate programmes, e.g. Poverty Strategy.
- § Externally: Partnerships and One Swansea plan, digital by default<sup>1</sup>, local government in the digital age<sup>2</sup>, Delivering a Digital Wales<sup>3</sup>, and partner ICT / information strategies (e.g. Neath Port Talbot, Swansea University).

The goals of the strategy are to ensure that:

- § ICT investments are determined corporately by Council strategy and the Schools ICT Strategy
- § **Information management** principles and governance underpin all operations and decisions
- § ICT services reflect business / service **demand**, i.e. what should ICT work on and in what order?
- § The ICT functions **supply** quality services, i.e. how should ICT deliver its primary responsibility

The Council has not agreed an updated ICT strategy for many years particularly not an approach which included information management. This document outlines an initial direction of travel, and will be updated in December, in order to incorporate the future ICT Operating Model and reflect the Cap Gemini exit arrangements. The strategy will then be reviewed annually and delivered through a three year planning cycle.

---

<sup>1</sup> Government Digital Strategy, Cabinet Office, (Dec 2013)

<https://www.gov.uk/government/publications/government-digital-strategy>

<sup>2</sup> Transforming Local Public Services – Using technology and digital tools and approaches, LGA, (Jun 2014)

<http://www.local.gov.uk/documents/10180/11553/Transforming+public+services+using+technology+and+digital+approaches/ab9af2bd-9b68-4473-ac17-bbdf2adec05>

<sup>3</sup> Welsh Government, Delivering a Digital Wales

<http://wales.gov.uk/topics/businessandconomy/digitalwales/?lang=en>

## 2.0 Context of 2014 ICT Position

An ICT outsourcing framework agreement has been in place since 2005 which comes to an end in December 2015. Feedback via customer surveys and the strategy workshops indicates a high level of satisfaction with network and desktop support through the contract. However there has been an increasing level of dissatisfaction with the lack of ICT development possible within that agreement. This has resulted in Services pursuing their own ICT procurements and developments in order to move forward and meet their responsibilities / obligations. Therefore the Council now has many different silo systems in operation – some of which are not known to the ICT department, information is not joined-up around the needs of customers, and in some cases systems are duplicated.

In the past two months a new Information and Business Change service has been created and a new management team appointed. A transition programme has begun for the in-sourcing of ICT Services by January 2016. The Exit Plan for this will be completed by the end of October. However the Head of Service is currently re-structuring to enable some ICT development and innovation immediately, to support the corporate transformation programme and growing needs of services and schools.

CCS uses an Oracle platform for its major back office systems, which is due for upgrade in 2016. Strategic options are being reviewed and will be incorporated into the implementation plan, budget and business plan.

Many schools have voiced dissatisfaction with the lack of development, poor resilience, and connection speeds. A review is underway of the Schools Service Level Agreement (SLA) and an improvement programme is in design to address the issues through the autumn term.

Services and Members have also expressed dissatisfaction in the flexibility and resilience of ICT, and the urgent need for more mobile working. The Council has invested £3m to upgrade areas of infrastructure and introduce WiFi, these developments are just coming on stream now.

In addition ICT governance arrangements require review and development to ensure:

- § ICT priorities reflect the needs of CCS and schools (demand), and are planned, implemented, managed, and monitored corporately not just by ICT
- § Effective use of financial and human resources

- § Robust information management
- § Robust ICT management (supply) including security.

### 3.0 Demand – The needs of the business / services

#### 3.1 Business Context

Situated in the middle of the South Wales coast, Swansea is the second largest city in Wales and the regional centre for South West Wales and the Swansea Bay City Region. The population of the City & County reached 240,300 by 2013, an increase of 14,000 (+6%) over the previous ten years. In line with elsewhere, population growth has been higher in the upper age groups; increasing by 19% (+4,400 people) amongst those aged 60-69 (coinciding with the post-war baby-boom), with further significant growth in people aged 85 and over (+1,200 or 25%). The latest Welsh Government population projections suggest these trends will continue, with Swansea's population projected to edge towards 270,000 by 2036. As a consequence of these demographic trends, together with the Council's policy aspirations, the **Local Development Plan (LDP) Preferred Strategy** states a need to provide for about 17,000 new dwellings and 14,000 new jobs over the plan period to 2025.

The Council faces **significant challenges and radical change** to how services will be delivered and accessed in the future, including the shape and future of local government in Wales as a result of the report from the Commission on Public Service Governance and Delivery<sup>4</sup>. Unprecedented levels of budgetary constraints, the need to deliver more for less, the need for closer collaboration from different agencies to deliver better public services, and new legislation requirements are all aspects which need to be considered.

There are also great advances in technology fuelling an enhanced 24/7 personalised customer experience in other sectors and this challenges the current models of delivery. The **technology development cycle is becoming increasingly shorter**, raising customer expectation of the art of the possible using technology. In addition **social media** is rapidly becoming the main way that people communicate, with some public and third sector organisations deploying **crowdsourcing** as a key strand of their customer insight, consultation, disaster recovery, and engagement work.

There is an evolution of the **Smart City**, urban areas where sectors cooperate to achieve sustainable outcomes through the analysis of contextual real-time

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<sup>4</sup> Commission on Public Service Governance and Delivery, Summary Report (Jan 2014)  
<http://wales.gov.uk/docs/dpsp/publications/psgd/140120-psgd-summary-report-en.pdf>

information, shared among sector-specific information and operational technology systems.

In Great Britain **84% of households are now using the internet** in 2014 and 92% own some form of mobile device. **Over 40% of people aged 65 or older use the internet on a daily basis** and this is set to increase as the population changes over the next 10-20 years<sup>5</sup>. At a more local level, **77% of households in Swansea had internet access in 2013-2014, the 8<sup>th</sup> highest of the 22 authorities in Wales** – just above the Welsh average of 75%<sup>6</sup>.

A Society of IT Managers (SocITM) study in 2012 estimated that the ‘**cost of contact**’ for face to face transactions averages £8.62, by telephone £2.83 and online £0.15. Equally **moving services online is more economic for the public and businesses**. Government estimates suggest, one hour spent interacting with government by other channels costs the average citizen £14.70<sup>7</sup>.

CCS is meeting these challenges in two ways: through the **Policy Commitments in the Corporate Improvement Plan**; and via the corporate transformation programme **Sustainable Swansea – Fit for the Future**. The ICT and Information Management Strategy will continually evolve in response to these priorities; informed by service plans and the medium term financial plan (see Figure 1). Partnership working will be a critical success factor to delivering efficient, effective, joined-up services. Key partnerships are identified through service plans and will inform ICT strategy implementation.

Sustainable Swansea – Fit for the Future has four key strands. ICT and business change projects form a key part of each strand:

- § **Efficiency** – Reducing waste in the current system, automating support processes where possible
- § **Prevention** – Early intervention and managing demand, using technology to help people make the best of their own resources, help the Council get upstream of issues, and to enable social change
- § **New models of delivery** – Changing the way services are delivered including self-service
- § **Stopping services** – Using technology to signpost people to information, advice, guidance, and partners

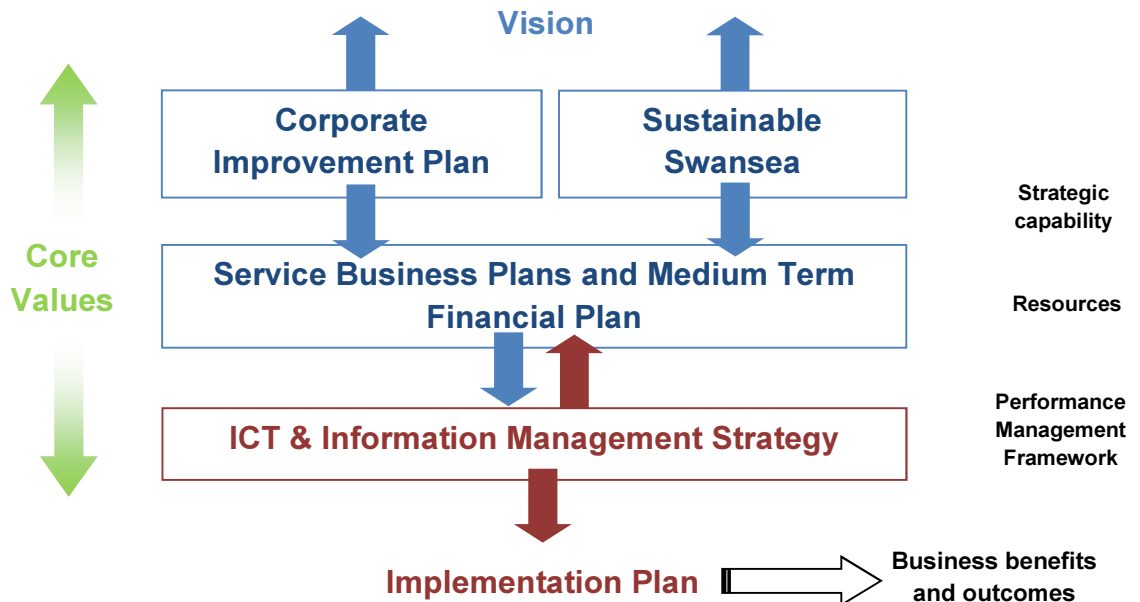
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<sup>5</sup> Office of National Statistics, Internet Access Households and Individuals 2014 (Aug 2014)  
[http://www.ons.gov.uk/ons/dcp171778\\_373584.pdf](http://www.ons.gov.uk/ons/dcp171778_373584.pdf)

<sup>6</sup> National Survey for Wales, 2013-14 results, Welsh Government (June 2014)  
<http://wales.gov.uk/statistics-and-research/national-survey/?lang=en>

<sup>7</sup> Digital Efficiency Report, Cabinet Office (Nov 2012)  
<https://www.gov.uk/government/publications/digital-efficiency-report/digital-efficiency-report>

Figure 1:



Despite the lack of applications development since 2005, there has been a drive for innovation from services, e.g. the legal portal accessed by local solicitors and barristers, and which may now be taken Wales-wide due to its success; in addition automation of processes in Revenues and Benefits has significantly increased self-service in that area.

Sustainable Swansea aims to build on this growing culture of innovation corporately, but needs to be supported by robust, resilient technology solutions within a business change framework.

### 3.2 Business Success

Effective, efficient, and innovative delivery will improve outcomes for the citizens of Swansea. For many local authorities in England, **customer insight** has been a critical success factor to improving outcomes, engagement, income and savings, e.g. East Riding of Yorkshire Council used customer insight to:

- § Address specific issues around anti-social behaviour and identified where savings could be made
- § Re-design systems to increase free school meals and reduce child poverty

Darlington Borough Council used insight to gather information on families with multiple needs and take a whole Council response. London Borough of

Croydon was able to improve access to Council services for children and families as well as improving safety through street services. In addition both Portsmouth and Woking significantly increased traded income through innovative new services that met an identified community need.<sup>8</sup>

**For CCS, customer insight and access to joined-up information will be key to effective prioritisation, decision-making, and citizen engagement.**

**This will drive and inform the priorities for IT investment and development and provide focus for business change projects.**

## 4.0 Strategic Objectives and Priorities

The ICT and business change contribution draws on the business context outlined at section 3 and is built around **five strategic objectives**:

1. Maximise the direct impact ICT and business change has made to the delivery of Council services, support for schools, and outcomes for the public
2. Create cost transparency for the ICT and business change services provided, with the specific aim of demonstrating value for money and reducing ICT running costs
3. Support decision-making and service improvement based on customer insight and robust joined-up information management
4. Develop a partnership approach, both internally with colleagues across CCS, and externally with schools and other partners across sectors to drive ICT enabled services, business change and efficiencies
5. Create a workforce with competencies in ICT innovation, improvement, and business change.

These will be supported through a number of **principles**:

- § **A culture of 'Everyone's IT'**: ICT ownership and innovation within services and schools, governed by collective agreement of the way forward, while ensuring a corporate approach
- § **Leverage**: Wherever possible leveraging external partnerships for shared services, improvement and efficiencies
- § **A culture of continuous improvement**: Organisational capability should reflect a culture of continuous improvement supported by technology
- § **Digital First**: Digital by default, while being mindful of inclusion and changing demand for Council services

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<sup>8</sup> Local Government Association Knowledge Hub

### Priorities over the next three years:

1. ***In-house management of the ICT Service***: Develop an operating model, which is fit for the future while ensuring continuity, and incorporates the other nine priorities. Start developments now in the transition, without waiting for December 2015. This includes delivering robust **resilience, disaster recovery and business continuity arrangements**
2. ***Flexible, agile, and mobile working***: Roll out mobile working and move to cloud computing to deliver improved disaster recovery, increased storage, and reduce the current burden of upgrades. Become responsive to changes in services and the external environment by delivering within faster development cycles
3. ***Information Management***: Deliver a joined-up corporate approach to information management that effectively support CCS decision-making. This includes information sharing to improve service delivery
4. ***Balancing standards, security, and business needs***: Implement best practice data security protocols and standards, balanced against the needs of services and the public
5. ***Alignment***: Deliver a corporate approach to information management with systems joined-up around the customer. Avoid duplication of functionality by consolidating 3<sup>rd</sup> party systems, and ensure any integration is cost effective and sustainable
6. ***Transformation***: Support lead officers to deliver the Policy Commitments and Sustainable Swansea outcomes and deliverables, prioritising self-service areas and income over the next twelve months
7. ***Partnership***: Work in partnership with colleagues across the Council and schools to ensure ICT and business change proactively supports services and leads in achieving their objectives. Develop key strategic external partnerships that will maximise outcomes, efficiency, and information sharing, e.g. Developing an attractive regional business model that partners will want to buy into
8. ***A hybrid model of buy and open source build***: Consolidate the number of 3<sup>rd</sup> party systems, and in parallel build small, cost effective, open source solutions and web applications. This would enable a corporate view of customers, properties, and resources, therefore maximising information and increasing customer insight
9. ***Innovation***: Recognise new ICT trends and communicate these across the Council, schools, and regional clusters, e.g. Smart Cities, Swansea broadband
10. ***Develop and invest in staff***. Develop not only ICT staff skills and competencies, but also those of ICT and business change champions to drive the culture of Everyone's IT.

#### 4.1 Future ICT Operating Model

The Information and Business Change section is in the process of developing a new operating model for ICT services post December 2015. This forms part of the exit planning process, which is due to complete by the end of October.

The anticipated ICT portfolio of services will include:

- § Infrastructure Services
- § ICT Innovation Services
- § Operational Support Services
- § Client Services
- § ICT Security, Compliance & Risk Services
- § ICT Procurement & Contract Management Services
- § Regional Collaborative Services
- § ICT Project Services
- § ICT Self Service.

The ICT delivery model focuses on: how customers will access ICT services, the team structure and skills needed for the new model, current and predicted future demand - particularly as Sustainable Swansea begins to deliver intended outcomes, and finally a list of key IT champions out in Directorates.

The future operating model, enterprise architecture, and service catalogue will be incorporated into this strategy once approved as part of the Exit Plan. Benefits and intended outcomes of the new operating model will also be identified.

#### 4.2 Organisation and Resourcing

ICT aims to provide CCS and schools with a business focused service. To provide this level of service ICT will:

- § Engage formally and informally with ICT champions to understand the expectations, in business terms, of how ICT must efficiently and effectively support them
- § Focus on delivery of ICT services that support and enable successful business operations
- § Monitor, measure and manage the ICT service, in business terms
- § Work with suppliers to deliver reliable and cost effective services, based on business requirements
- § Deliver in partnership, sharing resources and information where appropriate
- § Invest in the ICT team to ensure they are appropriately equipped with leading best practices (e.g. Microsoft Certification, IT Service Management, Project Management) to deliver the agreed ICT services.



### 4.3 Information Management

A key factor in ensuring the investment in ICT delivers business value is to ensure an effective information management strategy is implemented. Therefore a corporate strategy for information will be developed, defining a common information structure to share across Council services and external partners.

Master Data Management will be a major component in achieving this. Processes, procedures and tools for handling master data will be defined and implemented, eventually enabling a single view of the customer and customer profiles. Business Intelligence and performance management solutions will be used operationally and strategically. Information for management will be provided through portal-based dashboard services, making the data easy to understand, breakdown and analyse.

The Information Strategy journey will start with understanding the Council's information assets, where they reside, how they are used and, importantly, which service, function and/or application owns them. The goal is to be able to utilise the information and data within (and beyond) the Council to improve services to customers. This will involve efficient and effective use of data assets, including the principle of capturing information once only.

A Data Warehouse will provide the Council with an enterprise wide repository of data and information, which can be managed and maintained to assure the highest levels of integrity and consistency while stored on a secure and trusted platform and not negatively impacting other operational systems.

## 5.0 ICT Control

The principle of 'Everyone's IT' aims to deliver the business and schools with flexibility while ensuring a joined-up, consistent approach. ICT controls facilitate this through a framework of guiding principles and robust corporate ICT governance processes.

### 5.1 Principles

The following proposed guiding principles will be used to determine the development of any future ICT solution:

- § Functionality – it is adaptable to future business needs
- § Scalability – can be rolled out quickly and cost effectively
- § Maintainability – stable, reliable, upgradeable, cost effective and the skills are easily available
- § Interoperability – integrates with CCS, schools and partner systems
- § Affordability – IT investment and benefits can be realised
- § Resilience and reliability – Always available, high speed

- § Capable of incorporating innovation and new developments.

## 5.2 Proposed Governance

ICT governance is defined as: “The process that ensures the effective and efficient use of IT in enabling an organisation to achieve its goals”. The proposed ICT governance model at Figure 2 will ensure:

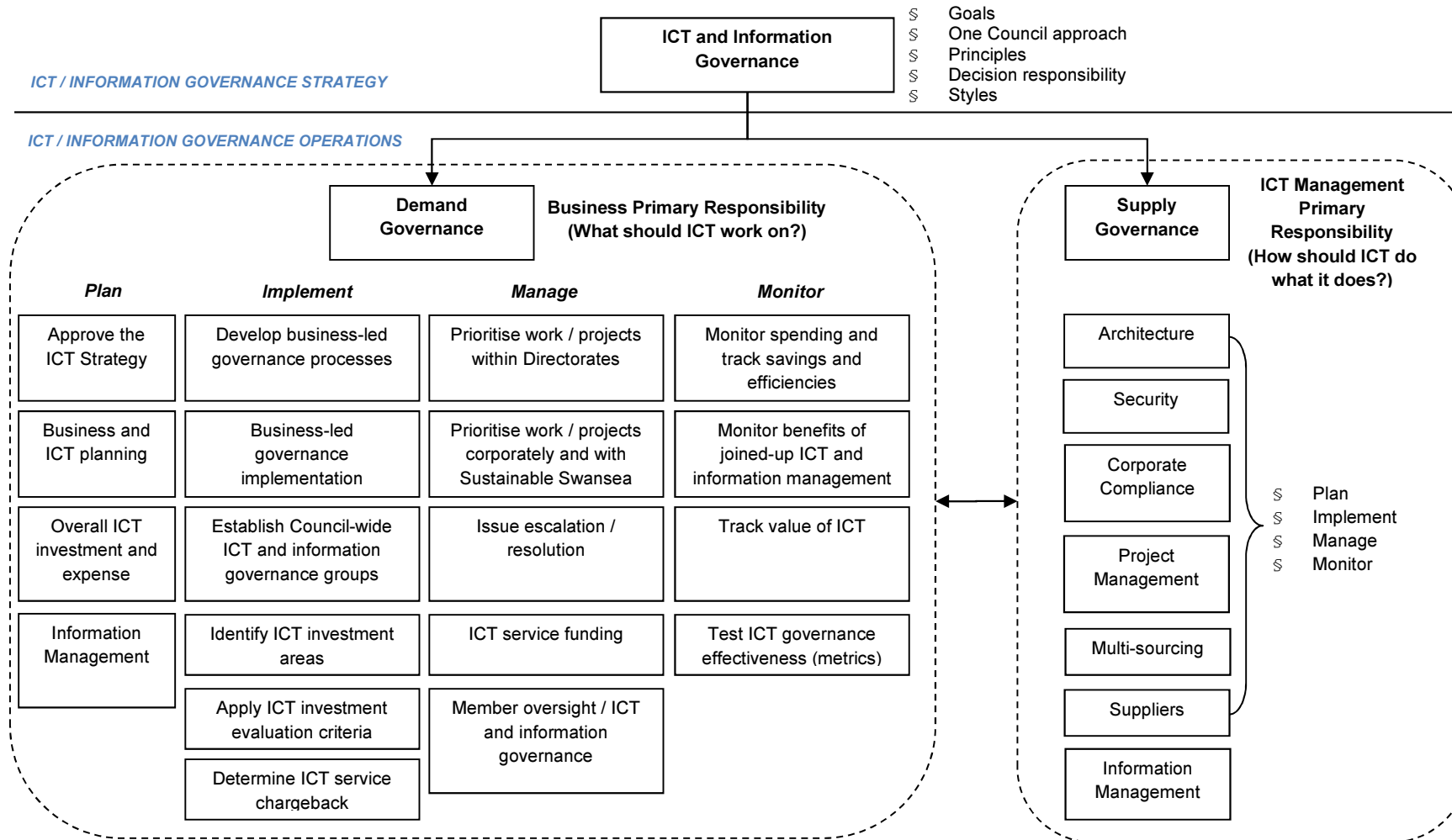
- § The correct prioritisation of business application developments
- § Robust information management
- § ICT investment is aligned with business needs
- § Buy-in at all levels and collective decision-making, not just seen as the responsibility of ICT
- § ICT Compliance with policies and standards. This will include external standards which are increasingly important, e.g. Public Service Network (PSN) compliance, IT Information Library standards (ITIL), ISO 27001.

## 5.3 Performance Metrics

Performance metrics will be developed which reflect:

- § Progress towards achieving the five strategic objectives identified in section 4, this includes:
  - Business outcomes: the direct impact ICT and business change has made for services and leads against the Policy Commitments, Sustainable Swansea, service plans, and the medium term financial plan
  - Financial metrics around value for money and demonstrating a reduction in running costs
  - Progress on deliverables which demonstrate improved information management and use of customer insight
  - Monitoring planned outcomes, deliverables, and feedback from a partnership approach, both internally and externally
  - Measuring workforce development around ICT and information management
- § Performance around the new ICT Service post December 2015, some of which are already effectively used within the Cap Gemini contract
- § Performance against the schools SLA including customer satisfaction
- § Key performance indicators which feed into the corporate dashboard and monitor the Council’s priorities

Figure2: Proposed Governance Model



## 6.0 Financial Resources

The budget for the service will be presented as part of the next iteration of this strategy in December, in order to incorporate transition costs agreed in the Exit Plan. The aims around managing financial resources moving forward are to:

- § Reduce the running costs of ICT corporately
- § Capture, manage, and plan corporate ICT spend
- § Plan ICT investment for the next 3-5 years based on: Council priorities; the needs of the business and services; and informed by robust information, data, and customer insight
- § Follow the ICT governance process to ensure ICT spend is agreed corporately, not only by the ICT service.

## 7.0 Next Steps

1. Engage Members in further development of this strategy, development of the new operating model, and exit plans. This includes establishing a Member Reference Group and engaging Scrutiny.
2. Present this interim direction of travel to Cabinet 21<sup>st</sup> October 2014
3. September – December deliver the following in parallel:
  - a. Develop the 3-5 year implementation plan from the objectives and priorities outlined at section 4 (begin quick wins immediately)
  - b. Complete the future ICT Operating Model
  - c. Agree the Exit Plan and transition costs to an in-house managed service
  - d. Establish the ICT governance arrangements and corporately agree the priorities for ICT investment
  - e. Develop the information management strategy
  - f. Define the operating budget
4. Present the updated strategy and plans to December 2014 Executive Board



## 8.0 Appendices

### 8.1 Appendix 1: Risk Register

Risk	Impact (L/M/H)	Probability (L/M/H)	Mitigating Actions
Lack of corporate approach to ICT investment could mean running costs do not reduce	H	L	<ul style="list-style-type: none"> <li>§ ICT governance arrangements will ensure priorities are agreed corporately</li> <li>§ Develop metrics to monitor on a monthly basis</li> </ul>
Lack of confidence in ICT due to past experiences could mean services are reluctant to engage	H	M	<ul style="list-style-type: none"> <li>§ Identify ICT champions early</li> <li>§ Deliver quick wins to build confidence</li> </ul>
Requests for financial investment in ICT could not be seen as a priority at this time	H	L	<ul style="list-style-type: none"> <li>§ Match ICT investment to business, service, schools and public outcomes / improvements</li> </ul>
The transition period to an in-house managed service could impact direction of travel	H	L	<ul style="list-style-type: none"> <li>§ Robust exit planning process and aligned with the proposed direction of travel</li> </ul>
Capabilities around ICT for the future will take time to develop, therefore benefits to the business and services could impact targets	M	M	<ul style="list-style-type: none"> <li>§ Develop skills and begin developments immediately, not waiting until Cap Gemini transfer in December 2015</li> </ul>
Developing / addressing too many areas at once	H	M	<ul style="list-style-type: none"> <li>§ Programme and resource planning alongside the business to ensure priorities are corporately agreed and understood</li> </ul>

## Report of the Director of People and Cabinet Member for Services for Children and Young People

Cabinet – 21 October 2014

### CHILDREN AND YOUNG PEOPLE'S RIGHTS SCHEME

<b>Purpose:</b>	The report presents the Children and Young People's Rights Scheme for Swansea and sets out arrangements to ensure compliance of the United Nations Convention on the Rights of the Child (1989) (UNCRC).
<b>Policy Framework:</b>	Children and Young People Charter (1999) Strategy for the Engagement of Children and Young People (2005) Children and Young People Plan (2011-2014)
<b>Reason for Decision:</b>	In September 2013 Council agreed to create a due regard duty and embed the United Nations Convention on the Rights of the Child (UNCRC) 1989 within the Authority's Policy Framework, and to mainstream positive approaches to the rights of children and young people within the policy and functions of the City and County of Swansea. The development of a Children & Young People's Rights Scheme implements this decision and agreement is sought from Cabinet for formal adoption of the Scheme and publication and launch on 20 <sup>th</sup> November 2014.
<b>Consultation:</b>	Legal, Finance and Access to Services, Executive Board.
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet agree that the Children and Young People's Rights Scheme is formally adopted and launched on 20 November 2014.
<b>Report Author:</b>	Jane Whitmore
<b>Finance Officer:</b>	Susan Rees
<b>Legal Officer:</b>	Janet Hooper
<b>Access to Services Officer:</b>	Sherill Hopkins

## **1.0 Introduction**

- 1.1 The background paper for this report is the Report of the Cabinet Members for Opportunities for Children and Young People and Learning and Skills presented at Council on 23<sup>rd</sup> September 2013 on 'Rights of Children and Young People: Creating a 'due regard' duty and embedding the United Nations Convention on the Rights of the Child (1989)'.
- 1.2 At that meeting it was agreed that the United Nations Convention on the Rights of the Child (1989) ('the UNCRC') be embedded and become part of the Council's Policy Framework and that a duty be placed on the Cabinet to have 'due regard' to the UNCRC when exercising its decision making functions in:
- The formulation of new policies or strategies for the Authority
  - The review or amendment of existing policies or strategies of the Authority
  - The development, confirmation, or amendment of operational decisions that rest within the remit of the Cabinet

## **2.0 Children and Young People's Rights Scheme**

- 2.1 The Children and Young People's Rights Scheme (Appendix A) sets out the arrangements the City and County of Swansea will put in place to ensure compliance with its duty to have due regard to the UNCRC. It provides transparency about the processes that will be followed to comply with the duty, and outlines monitoring procedures and expected outcomes.
- 2.2 The Scheme covers the following areas:
- What is a Children and Young people's Rights Scheme?
  - What is the UNCRC?
  - What is the duty on the local authority?
  - How will we make sure that we comply with the duty to have due regard to the UNCRC?
  - Who is involved in ensuring the local authority complies with this duty?
  - Promoting knowledge and understanding of the UNCRC
  - Accountability and compliance
  - Feedback and complaints

## **3.0 Consultation and Engagement arrangements:**

- 3.1 A consultation period from 1<sup>st</sup> August to 12<sup>th</sup> September 2014 has taken place and the consultation process included face to face consultation with children and young people and publication of an online consultation.
- 3.2 Overall responses to the consultation process have been very positive and supportive of the adoption of the Scheme. We have engaged with 52

children and young people and received 37 responses to the online consultation.

3.3 This was not a statutory consultation but followed the same process and will be publicised on the website including responses to suggestions of how the Scheme could be strengthened. These responses will be taken into consideration when developing the action plan that will sit alongside the scheme.

3.4 The outcomes of the engagement process have been used to inform the final Children and Young People's Rights Scheme to be considered by Cabinet for approval. The Scheme will be launched on 20<sup>th</sup> November 2014 which is universal Children's Rights Day and the 25<sup>th</sup> Anniversary of the UN Convention.

#### **4.0 Equality and Engagement Implications**

4.1 An EIA Screening Form was completed with the agreed outcome that a full EIA report would be required.

4.2 The EIA report is available as Appendix B. Section 3 of the draft EIA notes the possible positive impact of the Scheme and highlights the intrinsic links between the protected characteristics outlined in the Equality Act and the rights of children and young people. The due regard duty placed upon the Local Authority seeks to ensure that when decisions are made that affect children and young people, children's rights must be considered. The inclusion of the UNCRC within the EIA process is currently being piloted with certain service areas prior to implementation.

#### **5.0 Financial Implications**

5.1 Whilst there are no immediate financial implications arising from this report, acceptance of this policy could result in additional expenditure at a future time. Acceptance of the policy does not mean that additional resources will be made available and it should be assumed that future spending needs will need to be contained within existing budget provision and have full and due regard to the budget principles set out in 'Sustainable Swansea – Fit for the Future' and the likely levels of future budgets having due regard to the budget and medium term financial plan

#### **6.0 Legal Implications**

6.1 The draft Children's and Young Person's Rights Scheme sets out the arrangements to be put in place to ensure the Council complies with the duty to have due regard to the UNCRC. The term due regard requires a balanced consideration of issues when making any decision, in this instance the articles of the UNCRC. This means that decision makers must think about how what they are doing relates to the rights and obligations in the UNCRC. In identifying any negative impact on children



and young people decision makers must consider how to avoid or minimise this impact. Decision makers must also consider how, by using their functions they can improve the way children and young people access their rights. Having considered this, the outcome needs to be given balanced consideration (due regard) against the other factors that decision makers must take into account in making a decision.

**Background Papers:** Council Report 'Rights of Children and Young People: Creating a 'due regard' duty and embedding the United Nations Convention on the Rights of the Child (1989)

**Appendices:**

Appendix A – Children and Young People's Rights Scheme.

Appendix B – EIA Report

# **City and County of Swansea**



## **Children and Young People's Rights Scheme**

**2014**

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## Introduction

In September 2013 it was agreed that the United Nations Convention on the Rights of the Child (1989) ('the UNCRC') be embedded and become part of the Council's Policy Framework and that a duty be placed on the Cabinet to have 'due regard' to the UNCRC when exercising its decision making functions in:

- The formulation of new policies or strategies for the Authority
- The review or amendment of existing policies or strategies of the Authority
- The development, confirmation, or amendment of operational decisions that rest within the remit of the Cabinet

## What is a Children and Young People's Rights Scheme?

The Children and Young People's Rights Scheme sets out the arrangements the City and County of Swansea have to ensure compliance with their duty to have due regard to the UNCRC.

It provides transparency about the processes that are being followed to comply with the duty, and outlines monitoring procedures and builds on existing work, such the Local Authority duties under the Children Act 1989.

To embed Children's Rights into policy and practice the Children and Young People's Rights Scheme cannot be a standalone document. It has very close links to a number of key Council strategies and plans, for example;

- Strategic Equality Plan
- Improvement Objectives
- One Swansea Plan
- Local Development Plan
- Consultation and Engagement Strategy
- Social Inclusion Strategy
- Community Cohesion
- Domestic Abuse Strategy
- Health, Social Care and Well Being Strategy
- Welsh Language Scheme
- Sustainable Swansea – Fit for the Future

The Sustainable Swansea: Fit for the Future Programme works with our communities to look at how we can change what we do to address our budget pressures and ensure we are doing the right things to have a positive impact on all our citizens including children and young people.

Children's Rights are a key theme throughout all of this work and in developing this Scheme we have engaged with colleagues to ensure we build on current and planned work where appropriate.

Engagement with children and young people has been sought and their views on what a Children and Young People's Rights Scheme in Swansea should look like has been incorporated.

The development and publication of a Children and Young People's Rights Scheme will ensure the effective monitoring and oversight of the implementation of the 'due regard' duty.

After publication of the first Scheme it may be revised as appropriate, or it may be republished without revision.

A phased approach to implementing and embedding the Scheme will be taken over the next 2 years.

## **What is the UNCRC?**

The UNCRC is an international convention setting out the human rights of children (i.e. those aged 17 and under). It includes civil, political, economic, social and cultural rights, as well as direction to government on how to safeguard the survival, well-being, and development of children.

The text of the Convention on the Rights of the Child was approved by the Member States of the United Nations on 20<sup>th</sup> November 1989. On the 16<sup>th</sup> December 1991, the Government of the United Kingdom of Great Britain and Northern Ireland ratified the UNCRC and it came into force in respect of the United Kingdom on 15<sup>th</sup> January 1992. Since that date it has been binding on the UK government. Although the Council is not under the same obligation as the UK government, it has made the decision to commit itself to embedding the Convention as part of its policy framework.

The approach adopted by the City and County of Swansea is consistent with that of the Welsh Government. The 'Rights of Children and Young Persons (Wales) Measure 2011', was passed by the National Assembly for Wales on 18<sup>th</sup> January 2011 and approved by Her Majesty in Council on 16<sup>th</sup> March 2011. The Measure embeds consideration of the United Nations Convention on the Rights of the Child (UNCRC), and the Optional Protocols, into Welsh law. This is the first time that any government in the United Kingdom has been under a duty to have due regard to Children's Rights.

## **What is the duty on the Local Authority?**

- (1) The Local Authority will incorporate and embed the UNCRC (1989) into the Council's Policy Framework and will have due regard to the requirements of –
  - (a) Part I of the Convention,

(b) Articles 1 to 7 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, except article 6(2), and

(c) Articles 1 to 10 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

- (2) The Cabinet will have 'due regard' to the UNCRC (1989)
- (3) The Council will publish a Children's Rights Scheme which may be revised from time to time; and will receive an Annual Report on the Children and Young People's Rights Scheme which will report on: [a] implementation of the due regard duty; and, [b] promoting children's rights in Swansea.

## **How will we make sure that we comply with the duty to have due regard to the UNCRC?**

Members and officers of the City & County of Swansea will ensure that they give due regard to the UNCRC when exercising their functions as laid out in this Scheme. This means ensuring that they give fair consideration to children's rights in all their work.

It is vital that the duty to have 'due regard' to the UNCRC is rooted alongside the wider arrangements of all impact assessments within the City and County of Swansea.

The UNCRC has been embedded within the existing Equality Impact Assessment (EIA) process. All reports presented to the Executive Group, Cabinet and Council undergo the Equality Impact Assessment process. This process is embedded into the corporate reporting protocol; therefore the most practicable way to embed the UNCRC (1989) due regard duty to ensure compliance with:

- The formulation of new policies or strategies for the Authority
- The review or amendment of existing policies or strategies for the Authority
- The development, confirmation, or amendment of operational decisions that rest within the remit of the Cabinet.

### **The Children and Young People's Rights Impact Assessment (CRIA)**

The existing EIA process is a legal requirement and there are clear links between the UNCRC and the Equality Act 2010. A robust infrastructure has been developed internally within the City and County of Swansea, which includes a clear and concise EIA process together with guidance, advice and support and quality assurance mechanisms.

The process is co-ordinated by Access to Services Team.

The existing Equality Impact Assessment Screening and Report Forms has been amended to include specific reference to the following:

- Specific age groups to identify whether any proposal will impact upon those under the age of 18
- A new section within the EIA report form, specifically asking for details of:
  - how the proposal might impact on children and young people
  - how the proposal is designed or planned in the best interest of children and young people
  - any actions which will be taken to mitigate impact or to address identified gaps in knowledge.
- New guidance on both the UNCRC and how to approach the new report section

A point of central co-ordination has been established to deal with matters relating to the UNCRC.

This unit will screen and monitor the number of Impact Assessments processed and the actions taken to mitigate or address identified gaps in knowledge by providing support and guidance for departments.

## **Who is involved in ensuring the Local Authority complies with this duty?**

In this section the specific arrangements to make sure that the Local Authority complies with the duty to have due regard to the UNCRC when exercising any of their functions, and the roles and responsibilities and set out below:

### ***Cabinet Members***

- They must have due regard to the UNCRC when exercising any of their functions and must be fully aware of the duty when they make their decisions; they are responsible for making sure that the City and County of Swansea comply with the duty
- They are responsible for the agreeing and monitoring the Children and Young People's Rights Scheme
- They will consider the progress made on the implementation of the Scheme as outlined in an annual progress report
- A Lead Member of the Cabinet has been identified who will exercise political leadership for the promotion of children and young people's rights under the UNCRC (1989)

### ***Executive Board***

- They must also have due regard to the UNCRC when exercising any of their functions and must be fully aware of the duty when they make their decisions; their work includes developing internal processes that will make sure staff comply with the duty
- This includes providing information and advice, developing tools and recording mechanisms to help staff to consider the UNCRC in their work and in their options and advice to Cabinet Members
- They will receive the annual progress report on the implementation of the Scheme and monitor progress as detailed in the action plan
- The Lead Director of People has been identified to work with the Lead Member to ensure that effective Member/Officer dialogue occurs to embed and promote children's rights and embed the UNCRC into policy and practice

### ***Heads of Service***

- Their responsibility includes ensuring that all staff, including themselves, have a suitable level of knowledge of the UNCRC and the implications of the Scheme on their area of work
- They will Act as 'Champions' of children's rights and to promote and raise awareness of the UNCRC in their service area to enhance rights based practice
- They will be responsible for ensuring that the options and advice that their staff include in the corporate reporting process is of good quality and has paid due regard to the UNCRC
- They will contribute to the annual progress report on the implementation of the Scheme and monitor progress as detailed in the action plan.

### ***Local Authority Staff***

- The City and County of Swansea staff support Cabinet and Council in having due regard to the UNCRC when make decisions, as they provide options and advice in relation to Council functions
- It is very important that staff give balanced consideration to the UNCRC, before they begin to develop policies or other pieces of work through the Equality Impact Assessment Process
- Training and awareness raising information will be given to staff to help them understand the UNCRC and how it impact upon their role



## **Promoting knowledge and understanding of the UNCRC**

The City & County of Swansea is committed to continuing to educate and train staff, Councilors and Cabinet Members along with partner stakeholders. We will use the resources that we have developed via a suite of training to provide colleagues with knowledge and understanding of the UNCRC. We will help them understand the process they need to follow to comply with the due regard duty and to raise awareness and promote children's rights.

### ***Raising Awareness and Training***

The corporate training and development team brings together the different training tools and methods, and prioritises groups of staff for the training. This will include;

- Online training for staff
- Face to face training
- Expert training for targeted staff
- Training and awareness raising for other stakeholders

The Corporate Training Programme has identified a need for a whole authority approach around Safeguarding Children and Young People training. As there is a cross over with the 'best interests' principle articles of the UNCRC this training programme has been developed to cross reference the safeguarding principles with these articles.

Alongside this a training programme will run for key members of staff looking at how to complete the revised Equality Impact Assessment forms and an update on the Equality Act 2010 as again there is a vast cross over with the 'non-discrimination' articles of the UNCRC.

A dedicated UNCRC web resource will be available on the intranet for colleagues to access; this includes Frequently Asked Questions (FAQs), information sheets, the full legislation documentation and the full articles of the UNCRC, alongside a variety of external children's rights websites.

Promotion and understanding of the UNCRC for children, young people and their parents/carers will be delivered through existing mechanisms such as the Big Conversation, Swansea's Youth Forum and the Rights Respecting Schools Award, Children and Young People's Disability Strategy group. This will include raising awareness of actions they can take if they think the City & County of Swansea has not paid due regard to the UNCRC and where they can go for help and support in such matters.

## **Accountability and Compliance**

To ensure the effective monitoring and oversight of the implementation of the 'due regard' duty, the development and publication of an annual progress report on the phased implementation of the Children and Young People's Rights Scheme is required, this will include an action plan outlining training and development activities for the year informed by the annual progress report.

A children and young people monitoring group will work with officers to produce the annual progress report looking at the activity that has been undertaken to ensure the Council pays due regard to the UNCRC.

The annual progress report will be submitted to Cabinet, the Programme Scrutiny Board, and Council prior to publication.

From an external perspective, a partnership between the City and County of Swansea and Wales Observatory has been established.

The remit of this external monitoring process has been developed and a protocol of understanding established to ensure that this relationship is based on mutual trust, co-operation and that of a 'constructive partner for change'.

The Observatory have a clear role in assessing the application of the UNCRC due regard duty within the City and County of Swansea and is able to make representation to relevant parties both within and outside the City & County of Swansea within this context.

### ***Reporting on Compliance with the duty***

Under the Scheme the Council is committed to publishing an annual progress report on Children and Young People's Rights outlining the following in two main sections:

- (A) Implementation of the Due Regard Duty - In this section progress of the implementation action plan shall be reported on including;
- Actions taken a political level to respond to the challenges of children and young people's rights in Swansea
  - Actions taken by Chief Officers to support their colleagues as they seek to ensure compliance with children and young people's rights, as set out in the Policy Framework
  - Reviews and revisions to existing policies and strategies to make them compliant with the provisions of the UNCRC (1989)
  - Outputs and outcomes of the Authority's efforts to develop more fully and promote the concept of children's and young people's rights and responsibilities
  - Development of relevant Officer structures to promote and embed children and young people's rights

- Examples of projects, programmes and initiatives which are promoting: participation; the engagement of children and young people in service development and delivery; and processes to enable children and young people to query the Authority should they consider that the rights to which they are entitled under the UNCRC (1989) are not being met

(B) Promoting Children and Young People's Rights in Swansea – In this section of the following shall be reported;

- Processes and actions which enable the Council to promote knowledge and understanding amongst children and young people, and the general public in Swansea, of the UNCRC (1989)
- Participation processes and structures that enable children and young people's voices to be heard by the Authority
- Educational and awareness raising initiatives focused upon developing and promoting children and young people's understanding of the relationships between rights and responsibilities
- Action taken within the Authority at Chief Officer, managerial, and operational levels to ensure that planning, policy development and service provision is compliant with the UNCRC (1989)
- Action taken to foster greater co-operation with agencies, partnerships and networks beyond the Authority to promote knowledge and understanding of the UNCRC (1989)
- Resources identified to support, and arrangements for the provision of a pan-Authority children and young people's rights awareness raising programme.

### ***Outcomes and Evidence***

Performance measures incorporating the points above have been developed, with key milestones identified that clearly identify progress targets, responsible Officers and Departments/Directorates which require further development to raise awareness of children and young people's rights in Swansea.

This will formulate the annual progress report on the due regard duty for embedding the UNCRC into the local authority policy framework and inform objectives which will be measured annually within the annual action plan.

Work will be evidenced by the introduction of new processes such as the Children's Rights Impact Assessment section within the Equalities Impact Assessment, for new policies and initiatives, but operational process will in most cases remain. Qualitative evidence in the form of case studies will be gathered from different areas across the council on the work they have carried out to embed the UNCRC. This will be reviewed on a rolling basis as it is not practical to apply this to all Council services at once, therefore a phased approach will be taken.

## Feedback and Complaints

### ***What can children and young people (or their representatives) do if they think the Local Authority has not paid due regard to the UNCRC?***

The City and County of Swansea recognises that in order to meet local needs and concerns the monitoring of complaints is a valuable resource in its requirement to continually improve services. Complaints arise for varying reasons; some simply require an explanation, others are keen to ensure that problems encountered are not repeated. Full details of the Complaints Policy and Procedure can be found at <http://www.swansea.gov.uk/complaints>

If children and young people feel that the City and County of Swansea has not considered children's rights when making decisions that affect their lives, they may, individually or in a group, wish to contact the City and County of Swansea to raise the issue.

### ***Support for children and young people who want to complain about or challenge the Local Authority***

When children and young people, as an individual or as a group, want to challenge the City & County of Swansea, they can be supported by:

- Any adult that they trust and who is able to spend time supporting them. This could be a relation, a friend or a professional who works with them
- One of the local advocacy providers who could provide support and advice to children and young people. In the main these tend to focus on providing information and advocacy for children and young people who are considered to be vulnerable
- The Children's Commissioner for Wales who can provide advice, representation and assistance to children and young people who may wish to challenge decisions. <http://www.childcom.org.uk/>
- CLIC, the National Information and Advice service for Young People (11-25) in Wales which is an online channel offering information, news and advice for all young people aged 11 to 25 <http://www.cliconline.co.uk/en/info/law-rights/your-rights/>
- Meic an Advocacy and Advice helpline for children and young people in Wales. <http://www.meiccymru.org/about.php>

## **Glossary of Terms**

**Advocacy** – Advocacy is speaking up for children and young people. Advocacy works by empowering children and young people to make sure that their rights are respected and their views and wishes heard at all times, representing the views, wishes and needs of children and young people to decision makers, and helping them navigate the system.

**Due Regard** - This means to give a fair consideration to and give sufficient attention to all of the facts.

### **Legislation – Laws**

**Optional Protocols** – These are called “optional” because it is optional for States who have agreed to be bound by the UNCRC to agree to be also bound by the rights and obligations in the Protocols. The first of these relates to the involvement of children in armed conflict, and the second relates to the sale of children, child prostitution and child pornography. The UK has agreed to be bound by both of these.

**Policy** – A plan or course of action intended to influence and determine decisions, actions, and other matters.

**Seven Core Aims** – The Welsh Government’s seven core aims for children and young people summarise the United Nations Convention on the Rights of the Child (UNCRC) and form the basis for decisions on priorities and objectives nationally. They should also form the basis for decisions on strategy and service provision locally. The seven core aims state that all children and young people:

- (1) Have a flying start in life;
- (2) Have a comprehensive range of education and learning opportunities;
- (3) Enjoy the best possible health and are free from abuse, victimisation and exploitation;
- (4) Have access to play, leisure, sporting and cultural activities;
- (5) Are listened to, treated with respect, and have their race and cultural identity recognised;
- (6) Have a safe home and a community which supports physical and emotional wellbeing;
- (7) Are not disadvantaged by poverty.

**UN Committee** – The Committee is established under article 43(1) of the Convention for the purpose of examining the progress made by State Parties towards its implementation. The Committee is composed of ten experts in the areas covered by the Convention, who are elected to the Committee by the States which are parties to the Convention.

**UNCRC** – **The United Nations Convention on the Rights of the Child** is an International Convention developed and agreed by the United Nations. 190 out of 192 states have ratified it, making it very important internationally. It has two Optional Protocols which have also been ratified by the UK. In the convention and the two protocols there are approximately 58 rights of children and obligations placed on Government and others. It recognises the development and vulnerabilities of children and places obligations on states and their agents to enable children to realise their rights. A full list of the articles is listed on page 13.

**Article 1** Everyone under 18 years of age has all the rights in this Convention.

**Article 2** The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

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

**Article 4** Governments should make these rights available to children.

**Article 5** Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

**Article 6** All children have the right of life. Governments should ensure that children survive and develop healthily.

**Article 7** All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

**Article 8** Governments should respect children's right to a name, a nationality and family ties.

**Article 9** Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

**Article 10** Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

**Article 11** Governments should take steps to stop children being taken out of their own country illegally.

**Article 12** Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

**Article 13** Children have the right to get and to share information as long as the information is not damaging to them or to others.

**Article 14** Children have the right to think and believe what they want and to practice their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

**Article 15** Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

**Article 16** Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

**Article 17** Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

**Article 18** Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

**Article 19** Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

**Article 20** Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

**Article 21** When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

**Article 22** Children who come into a country as refugees should have the same rights as children born in that country.

**Article 23** Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

**Article 24** Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

**Article 25** Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

**Article 26** The Government should provide extra money for the children of families in need.

**Article 27** Children have a right to a standard of living that is good enough to meet their physical and mental

needs. The Government should help families who cannot afford to provide this.

**Article 28** Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

**Article 29** Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures

**Article 30** Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

**Article 31** All children have a right to relax and play, and to join in a wide range of activities.

**Article 32** The Government should protect children from work that is dangerous or might harm their health or their education.

**Article 33** The Government should provide ways of protecting children from dangerous drugs.

**Article 34** The Government should protect children from sexual abuse.

**Article 35** The Government should make sure that children are not abducted or sold.

**Article 36** Children should be protected from any activities that could harm their development.

**Article 37** Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

**Article 38** Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

**Article 39** Children who have been neglected or abused should receive special help to restore their self respect.

**Article 40** Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

**Article 41** If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

**Article 42** The Government should make the Convention known to all parents and children.

## Equality Impact Assessment (EIA) Report

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to Equality and Diversity.

**Please refer to the 'Equality Impact Assessment Guidance' while completing this form. If you would like further guidance please contact the Access to Services Team (see Guidance for details).**

<b>Where do you work?</b>
Service Area: Poverty and Prevention
Directorate: People

**(a) This EIA is being completed for a...**

Service/ Function	Policy/ Procedure <b>X</b>	Project <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>	Proposal <input type="checkbox"/>
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**(b) Please name and describe below...**

**City and County of Swansea Children and Young People's Rights Scheme**

This is the newly developed Children and Young People's Scheme which outlines the way in which the City and County of Swansea intend to implement and monitor its commitment to paying due regard to the United Nations Convention on the Rights of the Child (UNCRC).

In September 2013 it was agreed that the United Nation Convention of the Rights of the Child (1989) ('the UNCRC') be embedded and become part of the Council's Policy Framework and that a duty be placed on the Cabinet to have 'due regard' to the UNCRC when exercising its decision making functions in:

- The formulation of new policies or strategies for the Authority
- The review or amendment of existing policies or strategies of the Authority
- The development, confirmation, or amendment of operational decisions that rest within the remit of the Cabinet

The approach adopted by Swansea Council is consistent with that of the Welsh Government. The 'Rights of Children and Young Persons (Wales) Measure 2011', was passed by the National Assembly for Wales on 18<sup>th</sup> January 2011 and approved by Her Majesty in Council on 16<sup>th</sup> March 2011. The Measure embeds consideration of the United Nations Convention on the Rights of the Child (UNCRC), and the Optional Protocols, into Welsh law. This is the first time that any government in the United Kingdom has been under a duty to have due regard to Children's Rights.

**(c) It was initially screened for relevance to Equality and Diversity on...(13/06/2014)**

**(d) It was found to be relevant to...**

Children/young people (0-18).....	x	Religion or (non-)belief .....	x
Any other age group (18+) .....	x	Sex .....	x
Disability .....	x	Sexual orientation .....	x
Gender reassignment .....	x	Welsh language .....	x
Marriage & civil partnership.....		Poverty/social exclusion .....	x
Pregnancy and maternity .....	x	Carers (inc. young carers) .....	x
Race .....	x	Community cohesion .....	x

**(e) Lead Officer**

**Name:** Jane Whitmore

**Job title:** CYPSU Team Leader

**Date :** 19/06/2014

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

**Name:** Sarah Crawley

**Date:** 06/10/14



## Section 1 – Aims (See guidance):

Briefly describe the aims of the function, service, policy, procedure, strategy, plan, proposal or project:

### **What are the aims?**

The Children and Young People's Rights Scheme aims to ensure the effective monitoring and oversight of the of the implementation of the 'due regard' duty by:

- Setting out the arrangements the City and County of Swansea have to ensure compliance with their duty to have due regard to the UNCRC;
- Providing transparency about the processes that are being followed to comply with the duty;
- Outlining monitoring procedures via which Officers of the City and County of Swansea can evidence their compliance to the duty where appropriate and necessary.

### **Who has responsibility?**

The specific arrangements to make sure that the Local Authority complies with the duty to have due regard to the UNCRC when exercising any of their functions, and the roles and responsibilities and set out below:

#### ***Cabinet Members:***

- Must have due regard to the UNCRC when exercising any of their functions and must be fully aware of the duty when they make their decisions; they are responsible for making sure that the City & County of Swansea comply with the duty.
- Are responsible for the agreeing and monitoring the Children and Young People's Rights Scheme.
- Will consider the progress made on the implementation of the Scheme as outlined in an annual progress report.
- A Lead Member of the Cabinet has been identified who will exercise political leadership for the promotion of children and young people's rights under the UNCRC (1989).

#### ***Executive Board:***

- Must also have due regard to the UNCRC when exercising any of their functions and must be fully aware of the duty when they make their decisions; their work includes developing internal processes that will make sure staff comply with the duty.
- Includes providing information and advice, developing tools and recording mechanisms to help staff to consider the UNCRC in their work and in their options and advice to Cabinet Members.
- Will receive the annual progress report on the implementation of the Scheme and monitor progress as detailed in the action plan.
- The Lead Director of People has been identified to work with the Lead Member to ensure that effective Member/Officer dialogue occurs to embed and promote children's rights and embed the UNCRC into policy and practice.

#### ***Heads of Service:***

- Responsibility includes ensuring that all staff, including themselves, have a suitable level of knowledge of the UNCRC and the implications of the Scheme on their area of work
- Will act as 'Champions' of children's rights and to promote and raise awareness of the UNCRC in their service area to enhance rights based practice.
- Will be responsible for ensuring that the options and advice that their staff include in the corporate reporting process is of good quality and has paid due regard to the UNCRC.
- Will contribute to the annual progress report on the implementation of the Scheme and monitor progress as detailed in the action plan.

#### ***Local Authority Staff***

- The City & County of Swansea staff support Cabinet and Council in having due regard to the UNCRC when make decisions, as they provide options and advice in relation to Council functions.
- It is very important that staff give balanced consideration to the UNCRC, before they begin

to develop policies or other pieces of work through the Impact Assessment Process

- Training and awareness raising will be given to staff to help them understand the UNCRC and how it impact upon their role.

### Who are the stakeholders?

Stakeholders of this policy are Councillors, members, and officers within the City and County of Swansea, partner organisations whose work directly or indirectly impacts on children, children and young people themselves, families, carers, and wider members of the public in Swansea.

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

Please tick what information you know about your service users and provide details/ evidence of how this information is collected.

Children/young people (0-18).....	x	Carers (inc. young carers) .....	<input type="checkbox"/>
Any other age group (18+) .....	<input type="checkbox"/>	Race .....	<input type="checkbox"/>
Disability .....	<input type="checkbox"/>	Religion or (non-)belief .....	<input type="checkbox"/>
Gender reassignment .....	<input type="checkbox"/>	Sex .....	<input type="checkbox"/>
Marriage & civil partnership.....	<input type="checkbox"/>	Sexual orientation.....	<input type="checkbox"/>
Pregnancy and maternity .....	<input type="checkbox"/>	Welsh language.....	<input type="checkbox"/>

### What information do you know about your service users and how is this information collected?

In terms of the whole population of Swansea, the Council's Research and Information Unit keep colleagues up to date with statistical/data updates and have developed equality profiles by ward areas to inform service areas.

Customer monitoring across the Council varies by department – many undertake profiling to inform their services, and where necessary these processes are being updated to reflect the legislative changes contained within the Equality Act 2010.

The CYP Rights Scheme sets out the overarching framework by which decision makers can consider children's rights. Specific policy or service developments affected by the due regard duty, will themselves be subject to an Equality Impact Assessment and will outline information collected that is specific to that service or area under this section.

The latest estimate of the population of the City and County of Swansea stands at 240,000 (Mid-Year Estimate, 2013). Swansea now has the second highest population of the 22 Welsh Unitary Authorities, representing almost 8% of the total population of Wales (3,082,400). The estimated population of children and young people (aged 0 – 18) living in Swansea is **54,100**.

### Any Actions Required?

- Not applicable

### Section 3 - Impact on Protected Characteristics (See guidance):

Please consider the possible impact on the different protected characteristics. This could be based on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

	Positive	Negative	Neutral	Needs further investigation
Children/young people (0-18)	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group (18+)	➔ <input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Disability	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	➔ <input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Pregnancy and maternity	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh language	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Thinking about your answers above, please explain in detail why this is the case?**

Importantly, the Council recognises the intrinsic links between the protected characteristics outlined in the Equality Act and the rights of children and young people. The due regard duty placed upon the Local Authority seeks to ensure that when decisions are made that affect children and young people, children’s rights must be considered. As such the duty should positively impact on children and young people and any other protected characteristic they may possess by:-

- Promoting and raising awareness of the UNCRC including rights children and young people have that protect these characteristics e.g. the right to support if you are disabled, or the right to practice your own religion or belief.
- Enabling the development of a specific training plan that outlines how all staff within the authority will understand the UNCRC, the relationship between children’s rights and the protected characteristics and, the impact on both when children’s rights are not enjoyed.
- Providing an extended framework through which Council can make decisions that they can evidence to be in the best interests of children and young people and enable them to enjoy their rights that include expressing their beliefs and orientations that fall within the protected characteristics and wider.
- The work and actions outlined above contribute to an overarching implementation action plan that supports the CYP Rights Scheme.

**What consultation and engagement has been undertaken (e.g. with the public and/or members of protected groups) to support your view? Please provide details below.**

Prior to the development of the CYP Rights Scheme, children, young people and practitioners were involved in shaping what it could look like, based on their thoughts about Welsh Government’s scheme. Children and young people were supported to think about what Welsh Government were doing well and what they could improve to make informed decisions about what the best scheme in Swansea would look like. As a result, officers of the Authority have taken on board these views when developing the Children and Young People’s Rights Scheme, such as reporting timescales being annually and recommendations for a variety of training being made available.

The CYP Rights Scheme was available for public consultation from 01.08.2014 – 12.09.2014 (with special permission for it to be consulted upon with young people at the Big Conversation in mid-July). A timetable of events and sessions was developed to engage with children, young people and their families alongside a wider public consultation.

Overall responses to the consultation process have been very positive and supportive of the adoption of the Scheme. We have engaged with 52 children and young people and received 37 responses to the online consultation.

**Any actions required (to mitigate adverse impact or to address identified gaps in knowledge).**

- Not applicable
- 

**Section 4 - Other Impacts:**

Please consider how the initiative might address the following issues.

You could base this on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

<b>Foster good relations between different groups</b>	<b>Advance equality of opportunity between different groups</b>
<b>Elimination of discrimination, harassment and victimisation</b>	<b>Reduction of social exclusion and poverty</b>

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**(Please see guidance for definitions on the above)**

**Please explain any possible impact on each of the above.**

The UNCRC is underpinned by the principles outlined above. As a whole, the rights framework, if children and young people are able to enjoy their rights should contribute to all of the above, i.e. If decisions that are made that affect children and young people in Swansea are evidenced to have been made with consideration to the UNCRC, then in the relevant and appropriate areas all efforts should have been made to eliminate discrimination, harassment and victimisation, foster good relationships between different groups, advance equality of opportunity between different groups and contribute to the reduction of social exclusion and poverty.

Specifically the UNCRC contributes in the following ways: -

**Foster good relationships between different groups:**

Article 2 of the Convention applies to all children, whatever their race, religion or ability; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. The due regard policy in Swansea encompasses requirements to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between people of different racial groups in meeting Children's Rights as well as other legislation such as the Equality Act.

**Elimination of discrimination, harassment and victimisation**

Within the UNCRC specific rights are outlined that relate to the protection of children and young people from discrimination, harassment and victimisation:

Article 4 – the protection of rights by duty bearers;

Article 11 – protection from being taken out of the country illegally;

Article 16 - Children and young people have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes;

Article 19 – protection from all forms of violence i.e. being hurt or mistreated mentally or physically;

Article 20 – protection from deprivation of family environment, i.e. those children who cannot be looked after own family must be looked after properly by people who respect their ethnic group, religion, culture and language;

Article 21 – care and protection for children and young people in foster care;

Article 22 – care and protection for children and young people who are refugees;

Article 32 – protection from work that is dangerous and/or might harm a child or young person's health or education;

Article 33 – protection from the use of harmful drugs and from being used in the drug trade;

Article 34 – protection from all forms of sexual exploitation;

Article 35 – care and protection to prevent children and young people from being abducted, sold or trafficked;

Article 36 – protection from other forms of exploitation, i.e. any activity that takes advantage of children and young people or harms their welfare or development;

Article 37 – protection from being punished in cruel and harmful way. Children and young people who break the law should be treated fairly;

Article 38 – care and protection for children and young people who are affected by war. Children and young people under 15 years should not be forced or recruited to join in war or armed conflict;

Article 39 – special care for those who have been neglected, abused or exploited to physically and psychologically recover and reintegrate into society;

Article 40 – fair treatment of children and young people who are accused of breaking the law in a justice system that respects their rights;

Article 41 – protection of children's rights through law, i.e. If the country's laws provide

better protection of children's rights than the articles, those laws should apply, e.g. legal duties laid out in the Equality Act (201) that safeguard the protected characteristics of children and young people.

### **Advance equality of opportunity between different groups**

Article 23 (Children with disabilities): Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

Article 26 (Social security): Children – either through their guardians or directly – have the right to help from the government if they are poor or in need.

Article 29 (Goals of education): Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

Article 30 (Children of minorities/indigenous groups): Minority or indigenous children

### **Reduction of social exclusion and poverty**

Article 26 (Social security): Children – either through their guardians or directly – have the right to help from the government if they are poor or in need.

Article 27 (Adequate standard of living): Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing.

### **What work have you already done to improve any of the above?**

As above, see section 3.

### **Is the initiative likely to impact on Community Cohesion (see the guidance for more information)?**

The CYP Rights Scheme seeks to enhance community cohesion as outlined in point 1.

### **How will the initiative meet the needs of Welsh speakers and learners?**

The Scheme consultation was bilingual. The integration of the UNCRC into the corporate Equality Impact Assessment Process means that the convention will be considered in the same way as the Welsh language in terms of impact. The Scheme's implementation will include children and young people from Welsh and English medium schools.

### **Actions (to mitigate adverse impact or to address identified gaps in knowledge).**

- Not applicable
- 

## **Section 5 - United Nations Convention on the Rights of the Child (UNCRC):**

In this section, we need to consider whether the initiative has any direct or indirect impact on children. Many initiatives have an indirect impact on children and you will need to consider whether the impact is positive or negative in relation to both children's rights and their best interests

Click here ([add hyperlink](#)) to read the UNCRC guidance before completing this section.

**Will the initiative have any impact (direct or indirect) on children and young people? If not, please briefly explain your answer and proceed to Section 6.**

It is anticipated that the Children and Young People's Rights Scheme will have the following impact on children and young people: -

- Increased numbers of children and young people participating in engagement opportunities, including wider consultation opportunities;
- Increased numbers of children and young people participating in engagement opportunities which are driven and set by themselves on topics that are important to them, will increase;
- Policies and frameworks which have been through the corporate reporting process and their impact and consideration of children's rights will be closely monitored;
- The number of staff who have undergone children's rights training across the Local Authority and its wider partners will increase;
- The number of departments/service areas who have adopted rights based practice and embed it into their day to day work will increase;
- Attainment, attendance and well-being outcomes for children and young people in Swansea will be improved as a result of a rights based approach (this has already been demonstrated in schools who have adopted a rights based approach);
- Schools that have adopted a rights based approach have also reported:
  - children and young people having more confidence to speak out about child protection or welfare issues;
  - improved relationships and behaviour and engagement in learning with a reduction in bullying and exclusions and improved attendance;
  - Children and young peoples enhanced moral understanding and positive attitudes toward diversity in society and the reduction of prejudice;
  - Children and young people becoming more involved in decision making.

**Is the initiative designed / planned in the best interests of children and young people? Please explain your answer.**

The nature of the Children and Young People's Rights Scheme in itself has been designed and planned in the best interests of children and young people.

**Actions (to mitigate adverse impact or to address identified gaps in knowledge).**

- Not applicable
- 

## **Section 6 - Monitoring arrangements:**

**Please explain the arrangements in place (or those which will be put in place) to monitor this function, service, policy, procedure, strategy, plan or project:**

**Monitoring arrangements:** To ensure the effective monitoring and oversight of the implementation of the 'due regard' duty, the development and publication of an annual progress report on the implementation of the Children and Young People's Rights Scheme is required, this will include an action plan outlining training and development for the year informed by the annual progress report.

A children and young people monitoring group will be established to work with officers to produce the annual progress report looking at the activity that has been undertaken to ensure the Council pays due regard to the UNCRC.

The annual progress report will be submitted to Cabinet for consideration, the Programme Scrutiny Board, and Council prior to publication.

From an external perspective, a partnership between the City & County of Swansea and Wales Observatory has been established. Page 100

The remit of this external monitoring process has been developed and a protocol of understanding established to ensure that this relationship is based on mutual trust, co-operation and that of a 'constructive partner for change'.

The Observatory have a clear role in assessing the application of the UNCRC due regard duty within the City & County of Swansea and is able to make representation to relevant parties both within and outside the City & County of Swansea within the context of the due regard duty.

### ***Reporting on Compliance with the duty***

Under the Scheme the Council is committed to publishing an annual progress report on Children and Young People's Rights outlining the following in two main sections:

(A) Implementation of the Due Regard Duty - In this section progress of the implementation action plan shall be reported on including;

- Actions taken a political level to respond to the challenges of children and young people's rights in Swansea
- Actions taken by Chief Officers to support their Officers as they seek to ensure compliance with children and young people's rights, as set forth in the Policy Framework
- Reviews and revisions to existing policies and strategies to make them compliant with the provisions of the UNCRC (1989)
- Outputs and outcomes of the Authority's efforts to develop more fully and promote the concept of children's and young people's rights and responsibilities
- Development of relevant Officer structures to promote and embed children and young people's rights
- Examples of projects, programmes and initiatives which are promoting: participation; the engagement of children and young people in service development and delivery; and processes to enable children and young people to query the Authority should they consider that the rights to which they are entitled under the UNCRC (1989) are not being met

(B) Promoting Children and Young People's Rights in Swansea – In this section of the following shall be reported;

- Processes and actions which enable the Council to promote knowledge and understanding amongst children and young people, and the general public in Swansea, of the UNCRC (1989)
- Participation processes and structures that enable children and young people's voices to be heard by the Authority
- Educational and awareness raising initiatives focused upon developing and promoting children and young people's understanding of the relationships between rights and responsibilities
- Action taken within the Authority at Chief Officer, managerial, and operational levels to ensure that planning, policy development and service provision is compliant with the UNCRC (1989)
- Action taken to foster greater co-operation with agencies, partnerships and networks beyond the Authority to promote knowledge and understanding of the UNCRC (1989)
- Resources identified to support, and arrangements for the provision of a pan-Authority children and young people's rights awareness raising programme.

### ***Outcomes***

Performance measures incorporating the points above have been developed, with key milestones identified that clearly identify progress targets, responsible Officers and



Departments/ Directorates, and resources required to raise awareness of children and young people's rights in Swansea.

This will formulate the annual progress report on the due regard duty for embedding the UNCRC into the local authority policy framework and inform objectives which will be measured annually within the annual action plan.

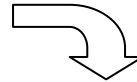
**Actions:** not applicable

## Section 7 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to guidance for further information on this section).

- Outcome 1: Continue the initiative...
- Outcome 2: Adjust the initiative...
- Outcome 3: Justify the initiative...
- Outcome 4: Stop and remove the initiative...

X



For outcome 3, detail the justification for proceeding here:

## Section 8 - Publication arrangements:

On completion, please follow this 3-step procedure:

1. Forward this EIA 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 EIA from your Head of Service. The EIA will be published on the Council's website - this is a legal requirement.

## Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress

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

# Agenda Item 14.

## Report of the Head of Legal, Democratic Services & Procurement

Cabinet – 21 October 2014

### 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>Reason for Decision:</b>	To comply with legislation.	
<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.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	15a	14
	16a	14
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Patrick Arran – Head of Legal, Democratic Services and Procurement (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. His 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 he 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. His 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 he 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. His view on the public interest test was that:</p> <ul style="list-style-type: none"> <li>a) Whilst he was 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 he 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. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was 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 he 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. His 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 he 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. His 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 he 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 15.a

By virtue of paragraph(s) 14 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

Document is Restricted

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