

# CITY & COUNTY OF SWANSEA

## CABINET

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**At:** Lord Mayors Reception Room - Guildhall, Swansea

**On:** Tuesday, 17 March 2015

**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 - 14  
To approve and sign as a correct record the Minutes of the meetings of Cabinet held on 10 and 17 February 2015.
4. **Leader of the Council's Report(s).**
5. **Public Question Time.**
6. **Councillors' Question Time.**
7. **Scrutiny Report(s): None.**
8. **Report(s) of the Cabinet Member for Communities & Housing.**
  - 8.a Transfer of Graigfelen Hall to Clydach Community Council. 15 - 17
  - 8.b Contract Award Report for Supply of Kitchen Units and Worktops. 18 - 22
9. **Report(s) of the Cabinet Member for Education.**
  - 9.a Local Authority Governor Appointments. 23 - 24
  - 9.b Admission Arrangements 2016/2017. 25 - 34
10. **Reports of the Cabinet Member for Enterprise, Development and Regeneration.**
  - 10.a Vetch Masterplan Review. 35 - 51
  - 10.b Vibrant and Viable Places (V&VP) - FPR7 - Property Enhancement / Development Fund. 52 - 54
11. **Report(s) of the Cabinet Member for Finance and Resources.**
  - 11.a Quarter 3 2014/15 Performance Monitoring Report. 55 - 58
12. **Report of the Cabinet Member for Transformation and Performance.**
  - 12.a Introduction of a New Social Services Complaints Policy. 59 - 70

<b>13. Report(s) within the Cabinet Member for Wellbeing &amp; Healthy City.</b>	
13.a Annual Equality and Diversity Review Report 2013-14.	<b>71 - 74</b>
<b>14. Exclusion of the Public.</b>	<b>75 - 78</b>
<b>15. Reports of the Cabinet Member for Enterprise, Development and Regeneration.</b>	
15.a Acquisition of Llys Dewi Sant and Disposal of Land at Vetch Field to Accommodate a Replacement Facility.	<b>79 - 92</b>
<b>16. Report(s) of the Cabinet Member for Finance and Resources.</b>	
16.a Elba Estate Gowerton - Rent Review.	<b>93 - 154</b>
<b>17. Report of the Cabinet Member for Wellbeing and Healthy City.</b>	
17.a Lease of Swansea Indoor Bowls Centre.	<b>155 - 177</b>



**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**Wednesday, 4 March 2015**

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**Contact: Democratic Services - 636820**

## 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:

57 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:



## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE SPECIAL CABINET

HELD AT THE CIVIC CENTRE, SWANSEA ON TUESDAY, 10  
FEBRUARY 2015 AT 5.00 PM

**PRESENT:** R C Stewart (Leader) Presided

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

162. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors M C Child and C Richards.

163. **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.

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

None

165. **PUBLIC QUESTION TIME.**

A question was asked by L Wilde in respect of Minute No.170 – Revenue Budget – Sale of School Land. The Cabinet Member for Education responded accordingly.

A question was asked by A Graves in respect of Minute No.170 – Revenue Budget 2015/16 – potential cuts to Education and Social Services budgets. The Leader responded accordingly.

A question was asked by D Whitland in respect of Minute No.170 – Revenue Budget 2015/16 regarding cuts to Leisure Centres and other services for young people. The Leader and Cabinet Member for Enterprise Development and Regeneration responded accordingly.

A question was asked by D Roberts in respect of Minute No.170 – Revenue Budget 2015/16 – Reduction on Schools delegated budget. The Cabinet Member for Education and The Leader responded accordingly.

A question was asked by P East in respect of Minute No.170 – Revenue Budget 2015/16 – Proposed Residential Parking Charges. The Leader responded accordingly.

166. **COUNCILLORS' QUESTION TIME.**

Councillors J C Bayliss and T M White asked questions in relation to Minute No. 170 Revenue Budget 2015/2016 – Proposed Residential Parking Charges. The Cabinet Member for Environment and Transportation and The Leader responded accordingly.

167. **SCRUTINY REPORT.**

The Leader invited Councillor M H Jones, Convenor of the Service Improvement and Finance Performance Panel to present their views on the budget proposals. Councillor M H Jones indicated that she had welcomed the Engagement with Scrutiny. She expressed the Panels concerns regarding the Schools Budget Forum, timing of reviews together with the Resource Gap and the proposal to cease production of the Swansea Leader. She referred to the public questions that had been received in respect of Libraries, main priorities of the Budget and Equality Impact Assessment.

The Leader thanked Councillor M H Jones for the Panels contribution on the Budget proposals and indicated that the Budget Equality Impact Assessments had been circulated to Cabinet Members.

168. **REVENUE AND CAPITAL BUDGET MONITORING 3RD QUARTER 2014/15.**

The Section 151 Officer presented a joint report regarding the financial monitoring of the 2014/15 Revenue and Capital Budgets.

**CABINET DECISION**

That the comments and variations in the report be noted and the actions in hand to address these are noted.

Policy Framework  
Budget 2014/15

Sustainable Swansea

Reason for Decision

To note any significant variations from the agreed budget 2014/15 and actions planned to achieve a balanced budget.

Consultation

Cabinet Members, Corporate Management Team, Legal and Corporate Equalities Unit.

169. **MEDIUM TERM FINANCIAL PLANNING 2016/17 - 2018/19.**

The Section 151 Officer submitted a report which set out the rationale and purpose of the Medium Term Financial Plan and detailed the major funding assumptions for the period and proposed a strategy to maintain a balanced budget.

**CABINET DECISION**

That the Medium Term Financial Plan 2016/17 to 2018/19 be noted and recommended to Council as the basis for future service financial planning.

Policy Framework

Sustainable Swansea – Fit for the Future

Reason for Decision

To agree a strategic framework for future service planning.

Consultation

Legal, Access to Services, Cabinet Members and Executive Board

170. **REVENUE BUDGET 2015/16.**

The Section 151 Officer presented a joint report which proposed a Revenue Budget and Council Tax Levy for 2014/15 and detailed:

- Financial Monitoring 2014/15
- The Local Government Finance Settlement 2015/16
- Budget Forecast 2015/16
- Specific Saving Proposals
- Outcome of Budget Consultation
- Staffing Implications
- Reserves and Contingency Fund Requirements
- The Budget Requirement and Council Tax 2015/16
- Summary of funding proposals
- Risks and uncertainties

The Leader proposed the undermentioned reductions in respect of the savings identified in respect of the Revenue Budget 2015/16:

<b>PROPOSAL</b>	<b>£000</b>	<b>RATIONALE</b>
Music Service Removal of remaining Council contribution	75	Following further consideration of the proposals and the views we have received, it is proposed to reduce the saving in 2015/16 from £150k to £75k
West Glamorgan County Youth Theatre	23	Following the views received during consultation we have decided to allow a further year for alternative funding to be found for the Youth theatre. As part of a transitional arrangement we will reduce the Council's contribution by only 20% in 2015/16, saving £5k



Minutes of the Cabinet (10.02.2015)  
Cont'd

LGBT Youth Club	20	In the light of the response to consultation we propose to retain funding for the LGBT youth club, but we still intend to discontinue the £10k payment to Stonewall
Satellite Youth Clubs	50	In the light of the response to consultation we have decided not to implement the proposals to remove funding from satellite youth clubs in Clydach, Gendros, Pontarddulais, St Thomas, Rhossili and Morriston
Welsh Joint Education Committee	57	Following further consideration we have decided to reduce the Council's £79k contribution to WJEC by £22k next year, rather than to cut it altogether. We will reduce our contribution by a further £6k for each of the next two years to give a total of £34k by year 3.
Cease operations at Pontarddulais (evening sports facilities)	20	We have decided to defer implementation of this proposal until 2016/17 to allow further time for transfer to the community
Charging for Residents Parking (2014/15 RAG)	95	On balance we have decided to defer this proposal for the time being  There will be a full review of the Council's car parking policy, charging and enforcement, which will report in the Spring, when options will be reconsidered
Cease producing the Swansea Leader	60	There was support for this proposal during consultation and we do propose to make this change in the future  But we will defer implementation until 2016/17 to enable further work to take place on the alternative communication channels
Car park income	66	Reduction in projected income, pending a full review of the Council's car parking policy, charging and enforcement, which will report in the Spring, when options will be reconsidered
<b>Total</b>	<b>466</b>	

## 2016/17 BUDGET PROPOSALS

Waste	Waste is one of the Council's Commissioning Reviews for 2015, due to be completed in November 2015
Public Toilets	Taking account of the views from public consultation and from community councils and others local groups, we propose to undertake a full review of the proposals relating to public toilets and the scope for community transfer and other options  The review will be concluded in June 2015

### **CABINET DECISION**

That

- 1) Cabinet noted the outcome of the formal consultation exercise and agreed changes to the Savings Proposals in Appendix D, together with the position regarding delegated budgets as set out in section 4.9 of the report.
- 2) Cabinet noted the current Resource Gap identified in Section 10.1 of this report and in line with the potential actions identified in Section 9.4 of this report agreed a course of action to achieve a balanced Revenue Budget for 2015/16.
- 3) In addition to a review of current savings proposals Cabinet reviewed and approved the reserve transfers as set out in the report.
- 4) Agreed the proposed changes as moved by The Leader above to be recommended to Council.
- 5) Agreed a proposed increase of 4.8% increase in the level of Council Tax for 2015/16 to be recommended to Council.
- 6) Subject to these changes, Cabinet recommends to Council for approval:-
  - a) A Revenue Budget for 2015/16
  - b) A Budget Requirement and Council Tax levy for 2015/16

### **Policy Framework**

Sustainable Swansea – Fit for the Future

### **Reason for Decision**

To agree a Revenue Budget and Council Tax levy for 2015/16 to be recommended to Council for approval.

### **Consultation**

Cabinet Members and Executive Board

171. **CAPITAL BUDGET & PROGRAMME 2014/15 - 2018/19.**

The Section 151 Officer submitted a joint report which proposed a revised Capital Budget for 2014/15 and a Capital Budget for 2015/16 – 2018/19.

**CABINET DECISION**

That the revised Capital Budget for 2014/15 and a Capital Budget for 2015/16 – 2018/19 as detailed in Appendices A, B, C, D, E and F of the report be recommended to Council for approval.

Policy Framework

None

Reason for Decision

To agree a revised Budget for 2014/15 and a Budget for 2015/16 – 2018/19 to be presented to Council for approval.

Consultation

Cabinet Members and Executive Board

172. **HOUSING REVENUE ACCOUNT (HRA) REVENUE BUDGET 2015/16.**

The Section 151 Officer submitted a joint report which proposed a Revenue Budget for 2015/16 and a rent increase for properties within the HRA.

**CABINET DECISION**

The following budget proposals be endorsed and recommended to Council for approval:

- 1) Rents be increased in line with the Welsh Government new rent setting policy as detailed in Section 4 of the report.
- 2) Fees, charges and allowances be approved as outlined in Section 4 of the report.
- 3) The Revenue Budget Proposals as detailed in Section 4 of the Report.

Policy Framework

None

Reason for Decision

To agree a Revenue Budget as indicated and a rent increase for 2015/16.

Consultation

Cabinet Members, Finance and Legal

173. **HOUSING REVENUE ACCOUNT CAPITAL BUDGET AND PROGRAMME 2015/16 - 2018/19.**

The Section 151 Officer submitted a joint report which proposed a Capital Budget for 2015/16 – 2018/19.

**CABINET DECISION**

The following budget proposals be endorsed and recommended to Council for approval:

- 1) The transfers between schemes and the revised budgets for schemes in 2014/15.
- 2) The budget proposals for 2015/16 - 2018/19.
- 3) That where individual schemes as shown in Appendix B of the report are programmed over 2,3 or 4 years then these are committed and approved and that their financial implications for funding over subsequent years.
- 4) Authorisation be granted to officers to submit planning applications in relation to capital repair schemes of Council owned land where planning permission is considered necessary.

Policy Framework

None

Reason for Decision

To agree a revised budget for 2014/15 and a budget for 2015/16 – 2018/19.

Consultation

Legal, Finance and Access to Services

174. **TREASURY MANAGEMENT STRATEGY, PRUDENTIAL INDICATORS, INVESTMENT STRATEGY AND MINIMUM REVENUE PROVISION POLICY STATEMENT 2015/16.**

The Section 151 Officer submitted a report which recommended the Treasury Management Strategy Statement, Prudential Indicators, Investment Strategy and Minimum Revenue Provision Policy Statement for 2015/16.

**CABINET DECISION**

That the following budget proposals be recommended to Council for approval:

- (1) Treasury Management Strategy and Prudential Indicators (Sections 2 – 7 of the report); and
- (2) Investment Strategy (Section 8 of the report);and
- (3) Minimum Revenue Provision (MRP) Statement (Section 9 of the report).

Policy Framework

None.

Reason for Decision

To allow for the proper management of the Council's borrowing and investments, to comply with statute and the adopted CIPFA Prudential Code for Capital Finance in Local Authorities and the Revised CIPFA Treasury Management Code of Practice.

Consultation

Legal, Finance and Access to Services

The meeting ended at 6.00p.m

Published 12 February 2015

**CHAIR**

# **CITY AND COUNTY OF SWANSEA**

## **MINUTES OF THE CABINET**

**HELD AT CIVIC CENTRE ON TUESDAY, 17 FEBRUARY 2015**  
**AT 5.00 PM**

**PRESENT:** R C Stewart (Leader) Presided

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

175. **APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor C Richards.

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

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

Councillor C E Lloyd – personal – Minute No.181 – Local Authority Governor Appointments – Chair of Governors – Danygraig School.

177. **MINUTES.**

**RESOLVED** that the Minutes of the meeting held on 20 January 2015 be approved as a correct record.

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

None.

179. **PUBLIC QUESTION TIME.**

No questions were asked.

180. **COUNCILLORS' QUESTION TIME.**

No questions were asked.

181. **LOCAL AUTHORITY GOVERNOR APPOINTMENTS.**

The Cabinet Member for Education presented a report which sought approval of the nomination submitted to fill LA Governor vacancies on School Governing Bodies.

## **CABINET DECISION**

That the following nominations be approved as recommended by the LA Governor Appointment Panel:

Danygraig Primary School - Reverend Steven Bunting

Llanrhidian Primary School - Mrs Felicity Parrott

Pengelli Primary School - Mrs Elaine Thomas

Pontybrenin Primary School - Mr Jeff Lewis

Olchfa Comprehensive School - Miss Emily Gaffney

YGG Bryntawe - Mr Dewi Geraint Morris

### **Policy Framework**

Policy and Procedure for Appointment of L. A. Governors as amended by Council on 23 October 2008.

### **Reason for Decision**

To ensure vacancies are to be filled expeditiously

### **Consultation**

Education, Legal, Finance

## 182. **REQUEST FOR CABINET APPROVAL FOR SUBMISSION OF PLANNING PERMISSION IN RESPECT OF THE TRALLWN PRIMARY SCHOOL FENCING SCHEME.**

The Cabinet Member for Education submitted a report which sought approval to apply for planning permission to carry out the proposed installation of 2.0m high security fencing around the perimeter of the School attached to existing 2.0m fencing.

## **CABINET DECISION**

That approval be granted to submit the necessary planning application to erect fencing with 2 gates at Trallwn Primary School.

### **Policy Framework**

Council Constitution

### Reason for Decision

The constitution requires that Cabinet authority is given for the submission of planning applications by department of this Council on Council owned land.

### Consultation

Education, Legal, Finance, Access to Services

## 183. **WLGA PEER REVIEW REPORT AND ACTION PLAN.**

The Chief Executive presented a report which advised Cabinet of the Welsh Local Government Association (WLGA) Peer Review report and outlined the action being taken in response to the report's recommendations.

### **CABINET DECISION**

That:

- 1) the WLGA Peer Review report contained in Appendix A be noted.
- 2) the action being taken in response to the Peer Review be noted and a further report be brought to Cabinet shortly.
- 3) the Peer Review Report be submitted to Council.

### Policy Framework

Corporate Plan

### Reason for Decision

To update Cabinet on the finding of the Peer Review and to publish the report, which will form part of the Council's overall improvement plans.

### Consultation

Cabinet Members, Executive Board, Legal, Finance, Access to Services

## 184. **IMPLEMENTATION OF A SINGLE YOUTH OFFENDING SERVICE ACROSS WESTERN BAY.**

The Leader presented the report of the Cabinet Member for Services for Children & Young People which provided an update regarding the progress made to create the Western Bay Youth Justice and Early Intervention Service.



## **CABINET DECISION**

That:

- 1) the arrangements for Youth Offending Services as set out in the report, in particular in paragraph 2.7 be approved.
- 2) review of the arrangements in October 2015 which is half – way through the next financial year be agreed.

### **Policy Framework**

Sustainable Social Services for Wales: A Framework for Action

### **Reason for Decision**

To endorse the arrangements for Youth Offending Services as outlined in the report.

### **Consultation**

Legal, Finance and Access to Services

## 185. **RESPONSE TO THE REPORT OF THE PUBLIC ENGAGEMENT SCRUTINY INQUIRY PANEL: HOW CAN THE COUNCIL IMPROVE ITS ENGAGEMENT PRACTICES?**

The Cabinet Member for Transformation and Performance submitted a report which outlined the response to the scrutiny recommendations and presented an action plan for agreement.

## **CABINET DECISION**

That the response as outlined in the report and related action plan be agreed.

### **Policy Framework**

None.

### **Reason for Decision**

To comply with the requirements of the Council Constitution.

### **Consultation**

Legal, Finance, Access to Services

The meeting ended at 5.15 p.m.

**CHAIR**

## Report of the Cabinet Member for Communities and Housing

Cabinet – 17 March 2015

### TRANSFER OF GRAIGFELEN HALL TO CLYDACH COMMUNITY COUNCIL

<b>Purpose:</b>	To obtain Cabinet approval to grant Clydach Community Council a (99 year) lease on Graigfelen Hall for a peppercorn rent under the Authority's Wellbeing Powers.
<b>Policy Framework:</b>	Sustainable Swansea – Fit for the Future.
<b>Reason for Decision:</b>	Because the land to be disposed of is going to be on terms of less than best value, Cabinet authority needs to be obtained to approve terms of a Lease to be granted by the Council of Graigfelen Hall.
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet authorises the grant of a Lease to Clydach Community Council on the terms set out in this report
<b>Report Author</b>	Polly Gordon
<b>Finance Officer:</b>	Kathryn Boyle
<b>Legal Officer:</b>	Wendy Parkin
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1.0 Introduction

- 1.1 The Cwmni Clydach Development Trust (CCDT) obtained grant funding to build Graigfelen Hall on land leased from City & County of Swansea (CCOS). The CCDT, along with a local residents group, directly managed the hall and employed a caretaker to undertake premises duties.
- 1.2 The Trust went into administration on 25th September 2013 as it had a number of creditors which it was unable to pay. The Council immediately took over the temporary running of Graigfelen Hall, to ensure the facility remained in community use.

- 1.3 The Council paid a total of £12,500 to the administrators for Graigfelen Hall and the assets within Forge Fach on 29<sup>th</sup> November 2013. This was funded from the Community Regeneration Capital budget. The lease in favour of CCDT for the Hall and Forge Fach was surrendered by operation of law.

## **2.0 Future Management**

- 2.1 Expressions of interest were invited by the Council on 13<sup>th</sup> February 2014 for the future management of Graigfelen Hall. Two parties formally expressed an interest in taking over the management of the building and following an evaluation process it was agreed that Clydach Community Council should be awarded the lease, and this recommendation was subsequently approved by the Head of Poverty & Prevention, the Chief Operating Officer and the Director of People, through delegated powers.

- 2.2 It is proposed that Clydach Community Council are granted a 99 year lease at a peppercorn rent under our wellbeing powers as this contributes to the promotion and improvement of the economic, social and environmental wellbeing of the area. Social factors will be addressed such as the encouragement of the voluntary sector, access to leisure and education opportunities, looking after the needs of children and young people and promotion of safe communities.

## **3.0 Equality and Engagement Implications**

- 3.1 An EIA Screening has been undertaken with the results that a full EIA report is not required as this report refers to the process undertaken to transfer the asset and any accessibility issues will be covered within the lease.

## **4.0 Financial Implications**

- 4.1 The building costs the Council approximately £10,000 per annum to run. The costs are being charged to the Poverty and Prevention Service; however there is no set budget provision, therefore this is putting significant financial pressure on the service.
- 4.2 It is proposed that the lease will be granted on a peppercorn rent as the Community Council will be fully responsible for the running and maintenance costs of the building.

## **5.0 Property Implications**

- 5.1 The property was not advertised for sale or to let on the open market. However expressions of interest were invited by the Council for an operator who would use the property to reach some of the Council's operational goals.

- 5.2 The proposal is to grant to the Community Council a 99 year lease at a peppercorn rent. Therefore less than best consideration is being obtained on a lease for more than seven years; therefore the Council will need to rely upon the General Disposal Consent.
- 5.3 The market value of the property as at February 2015 to let for a term of 99 years at a peppercorn rent is estimated to be in the region of **£70,000 - £80,000**.

## **6.0 Legal Implications**

- 6.1 It is proposed that a 99 year lease is granted to the Community Council at a peppercorn rent under the Authority's Wellbeing Powers. Under S.123 of the Local Government Act 1972, the Council is under a duty to obtain the best consideration reasonably obtainable on a disposal. Therefore, the proposed terms are a prima facie breach of that statutory duty. However the Council may utilise the General Disposal Consent (Wales) order 2003 to dispose at undervalue if it is in the interest of economic, social or environmental wellbeing of part of its area and is within certain financial limits. The Council will have to report to its external auditors within 28 days of the decision to dispose.
- 6.2 The European Commission's State Aid Rules must be complied with as effectively granting a lease at undervalue will mean that the Council is giving public assistance to an undertaking. However, the Head of Legal does not consider that the Community Council would be considered to be a business obtaining an advantage which has the potential to distort competition between member states and is not ultimately dealing with an activity traded between member states.

**Background Papers:** None

**Appendices:** None

# Agenda Item 8.b

## Report of the Cabinet Member for Communities and Housing

Cabinet – 17 March 2015

### CONTRACT AWARD REPORT FOR SUPPLY OF KITCHEN UNITS AND WORKTOPS

<b>Purpose:</b>	The purpose of this report is to obtain approval to utilise the London Housing Consortium (LHC) K5 Framework agreement for the supply of Kitchen Units and Worktops. A mini competition with capable suppliers was run. The result of this competition will allow for direct orders and stock maintenance projects in line with WHQS.
<b>Policy Framework:</b>	Council Constitution.
<b>Reason for Decision:</b>	To comply with Contract Procedure Rule 13, as set out in the Council Constitution.
<b>Consultation:</b>	Legal, Democratic Services and Procurement, Finance, Access to Services.
<b>Recommendation(s):</b>	<ol style="list-style-type: none"><li>1) Cabinet authorises the award of the contract, as recommended in this report to supplier B.</li><li>2) Cabinet authorises the Head of Legal, Democratic Services and Procurement to enter into a contract as a result of a mini competition under the framework without the need for further approval from Cabinet.</li></ol>
<b>Report Author:</b>	Mark O'Neill/Maz Ward
<b>Finance Officer:</b>	Jayne James
<b>Legal Officer:</b>	Deborah Howell
<b>Access to Services Officer:</b>	Phil Couch

#### 1.0 Introduction

- 1.1 As part of the Council's objectives to achieve the Welsh Housing Quality Standard, provision has been made within the forward Business Plan for the renewal of kitchens to all relevant houses within the HRA portfolio.

Following the completion of a series of pilot schemes, the Council has reviewed the various options for procurement and established the most efficient and effective way for delivering this element is by utilising an existing purchasing consortium to procure the supply of the kitchens. The installation will be undertaken on a “labour only” basis via a separate completion to ensure consistency of product and maximising the opportunities for local contractors to deliver part of the works.

After reviewing the various exiting consortia the decision was to proceed to the LHC as outlined in this report.

- 1.2 The LHC’s Kitchen Cabinets, Worktops and Associated Products framework (K5) arrangement provides public sector organisations easy access to a complete range of kitchen cabinets and worktops. The framework is for four years, with an option to review at two years.
- 1.3 The potential use of the LHC’s K5 framework following the results of the mini competition will be for direct orders for WHQS works and stock maintenance projects.

**2.0 Tender Process**

- 2.1 The mini competition was conducted by Officers from Procurement and Corporate Building and Property Services. Invitations to tender were issued on 5<sup>th</sup> December 2014 with a return date of 2<sup>nd</sup> January 2015.
- 2.2 Invitations to tender were issued to five suppliers under the mini competition:

- Supplier A
- Supplier B
- Supplier C
- Supplier D
- Supplier E

**3.0 Scoring Matrix**

- 3.1 Tenders were evaluated using a matrix based on:

<b>Award Criteria</b>	<b>Weighting %</b>
Beyond Bricks and Mortar	10%
Waste Management	5%
Resource Efficiency	5%
Design Service	10%
Management of Information	10%
Price	60%

- 3.2 Tenders from each supplier were scored as shown in **Appendix A**.

3.3 A summary of scores indicating the recommended supplier for award are detailed in **Appendix B**.

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

4.1 An EIA screening form was completed and the agreed outcome was no full EIA is required. There are no Equality implications involved in this process, the process will take into account disabled people and young children. The procurement process to residents, whatever contractor is chosen, would have the same outcome.

#### **5.0 Financial Implications**

5.1 The budget for the works is included within the HRA and fully funded accordingly.

#### **6.0 Legal Implications**

6.1 The Responsible Officer is satisfied that the tender process has been undertaken in accordance with Contract Procedure Rules and recommends approval in accordance with those Rules.

6.2 The Council were named in the Contract Notice as a Contracting Authority having the ability to call off from the framework.

6.3 The contract will be awarded applying the Terms and Conditions of the LHC Framework Agreement.

**Background Papers:** None.

#### **Appendices:**

Appendix A: Scoring matrix

Appendix B: Scoring Summary

**Contract for Supply of Kitchen Units and Worktops**

**Tender Evaluation Matrix**

**CCS/14/12 -LHC K5**

DATA IN THESE ROWS SHOULD NOT BE DELETED OR ALTERED. ROWS CAN BE HIDDEN FOR PURPOSES OF PRINTING OR PRESENTATION.

Lowest Price  
£1,717,380.55

Method Statement Scores

Criteria	Question No.	Weight (%)	Supplier A			Supplier B			Supplier C			Supplier D			Supplier E		
			Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score	Score/Price	Comments	Weighted Score
<b>Quality Scores</b>																	
1. Beyond Bricks and Mortar	1	10.0%	3	Supplier demonstrates an acceptable understanding of the requirement	6.0%	3	Supplier demonstrates an acceptable understanding of the requirement	6.0%	4	Supplier demonstrates a good understanding of the requirement	8.0%	3	Supplier demonstrates an acceptable understanding of the requirement	6.0%	3	Supplier demonstrates an acceptable understanding of the requirement	6.0%
2. Waste Management	2	5.0%	4	Some good examples of waste management principles given at operational and manufacturing stages and some general examples of good practice which demonstrates a good understanding of requirements	4.0%	5	Some good examples of waste management principles given at operational, design and manufacturing stages in addition to some general examples of good practice at other levels within the organisation to demonstrate their commitment to reducing waste to landfill which demonstrates a very good understanding of requirements	5.0%	4	Some good examples of waste management principles given at operational, manufacturing stages and some general examples of good practice which demonstrates a good understanding of requirements	4.0%	3	Some good examples of waste management principles given at operational, manufacturing stages and in general to demonstrate their commitment to minimising the impact of their activities on the environment	3.0%	4	Some good examples of waste management principles given at operational, manufacturing and some general examples of good practice which demonstrates a good understanding of requirements	4.0%
3. Resource Efficiency	2	5.0%	4	This company has given good examples of responsible sourcing and sustainable processes used by the company and in doing so have demonstrated a good understanding of requirements	4.0%	5	This company has given good examples of responsible sourcing, techniques used, materials they use from sustainable sources and with recycled content which demonstrates a very good understanding of requirements	5.0%	4	This company has given good examples of responsible sourcing, sustainable processes and utilising products with recycled content used by the company and in doing so have demonstrated a good understanding of requirements	4.0%	4	This company has given good examples of responsible sourcing, sustainable processes and utilising products with recycled content used by the company and in doing so have demonstrated a good understanding of requirements	4.0%	4	This company has given good examples of responsible sourcing and sustainable processes used by the company and in doing so have demonstrated a good understanding of requirements	4.0%
4. Design Service	3	10.0%	5	Very good response supplier fully understands the requirement. Some good ideas on how to improve.	10.0%	4	Good understanding, of the requirement	8.0%	4	Good understanding, of the requirement	8.0%	5	Good understanding, of the requirement, supplier understands the importance of this part of the process	10.0%	4	Good understanding, of the requirement	8.0%
5. Management of Information	4	10.0%	5	Very good response supplier fully understands the requirement	10.0%	5	Very good response supplier fully understands the requirement	10.0%	3	Supplier understands the requirement, but to date has no actual system in place	6.0%	5	Very good response supplier fully understands the requirement	10.0%	4	Good understanding, of the requirement	8.0%
<b>Total</b>		<b>40%</b>			<b>34.0%</b>			<b>34.0%</b>			<b>30.0%</b>			<b>33.0%</b>			<b>30.0%</b>
<b>Price Scores</b>																	
		60%	£1,870,101.17		55.1%	£1,717,380.55		60.0%	£1,777,159.16		58.0%	£2,651,236.07		38.9%	£2,000,309.73		51.5%
<b>Total</b>		<b>60%</b>			<b>55.1%</b>			<b>60.0%</b>			<b>58.0%</b>			<b>38.9%</b>			<b>51.5%</b>
<b>Overall Scores</b>																	
<b>Overall Score</b>		<b>100%</b>			<b>89.1%</b>			<b>94.0%</b>			<b>88.0%</b>			<b>71.9%</b>			<b>81.5%</b>
<b>Rank</b>					<b>2</b>			<b>1</b>			<b>3</b>			<b>5</b>			<b>4</b>

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**Appendix B - Summary of Tender Scores**

<b>Supplier</b>	<b>Score</b>	<b>Ranking</b>
Supplier B	94.00%	1
Supplier A	89.10%	2
Supplier C	88.00%	3
Supplier E	81.50%	4
Supplier D	71.90%	5

## Report of the Cabinet Member for Education

Cabinet – 17 March 2015

### 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 27<sup>th</sup> February 2015, nominations were recommended for approval as follows:

1. Cadle Primary School	Miss Laura Murton
2. Glyncollen Primary School	Mr Ceri Evans

3. Parkland Primary School	Mrs Eira Wyn Davies
	Mrs Sylvia Wilks
4. Pennard Primary School	Miss Eleanor Treen
5. St Thomas Community Primary School	Rev. Steven Bunting
6. YGG Gellionnen	Mrs Helen Margaret Jones
7. YGG Llwynderw	Mr Meirion Howells
8. YGG Y Login Fach	Mrs Caryl George
9. Bishopston Comprehensive School	Mr Adrian Clive Novis

## 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 Education

Cabinet – 17 March 2015

### ADMISSION ARRANGEMENTS 2016/2017

<b>Purpose:</b>	To determine the Admission Arrangements for maintained schools for the academic year 2016/2017.
<b>Policy Framework:</b>	The Admission Arrangements to Schools Policy.
<b>Reason for Decision:</b>	There is a duty on the Local Authority (LA) to determine its admission arrangements annually.
<b>Consultation:</b>	Education; Legal, Finance; all Headteachers and Governing Bodies including Voluntary Aided schools; neighbouring admission authorities; the Admissions Forum.
<b>Recommendation(s):</b>	Cabinet is requested to recommend to Council that; <ol style="list-style-type: none"><li>1) The proposed Admission Arrangements for 2016/2017 for Nursery Classes as set out in Appendix A are approved.</li><li>2) The proposed Admission Arrangements for 2016/2017 for Primary Schools as set out in Appendix B are approved.</li><li>3) The proposed Admission Arrangements for 2016/2017 for Secondary Schools as set out in Appendix B are approved.</li><li>4) The proposed Admission Arrangements/Criteria for Entry for 2016/2017 for Sixth Forms set in Appendix B are approved.</li><li>5) The Schedule of Events at Appendix C is approved.</li><li>6) The Admission Numbers for primary and secondary schools are noted, as set out in Appendix D.</li></ol>
<b>Report Author:</b>	Melissa Taylor
<b>Finance Officer:</b>	Ben Smith
<b>Legal Officer:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Sherill Hopkins

## **1.0 Introduction**

- 1.1 By virtue of Section 89 of the School Standards & Framework Act (1998) the Authority is responsible for determining the admission arrangements for County maintained schools. In accordance with the Education (Determinations of Admission Arrangements) (Wales) Regulations 2006 the Council has a duty to review the Admissions to Schools Policy and to consult Governing Bodies of voluntary aided schools on their admission arrangements.
- 1.2 The Welsh Government in July 2013 issued the School Admissions Code and the School Admission Appeals Code in December 2013. The School Admissions Code applies to arrangements made for the 2016/2017 academic year and covers admissions to primary and secondary schools.
- 1.3 Copies of the proposed Admission Arrangements for Nursery Classes are attached at Appendix A.
- 1.4 Copies of the proposed Admission Arrangements for Primary and Secondary Schools are attached at Appendix B.
- 1.5 Copies of the proposed Admission Arrangements for Secondary Schools are attached at Appendix B
- 1.6 Copies of the proposed Admission Arrangements and criteria for entry for Sixth Forms are attached at Appendix B.
- 1.7 The proposed Schedule of Events for the admission process is shown at Appendix C.
- 1.8 The Admission Numbers (ANs) for Primary and Secondary schools are shown at Appendix D.

## **2.0 Admission Limits**

### **Primary**

- 2.1 The capacity of each Primary school including its nursery classes has been calculated using the Welsh Government formula and from this an Admission Number (AN) has been set. The Admission Numbers for primary schools are shown in Appendix D.

All schools must admit up to their AN in the year of entry i.e. Reception in Primary schools. In the year of entry, and in all other year groups, a child will be refused a place by the LA once the AN is reached.

- 2.2 The School Standards and Framework Act 1998, Education (Infant Class Size) (Wales) Regulations 1998 and Education (Infant Class Size) (Wales) (Amendment) Regulations 2009, restricts infant class sizes to a maximum of 30 ie, Reception, Year 1 and Year 2. Welsh Government has also introduced a recommended limit of 30 for KS2 class sizes.

### **Secondary**

- 2.3 The Admission Numbers (ANs) shown at Appendix D are the limits for each year group.
- 2.4 Schools must not exceed their AN in the year of entry i.e. Year 7 for secondary admissions or in any other year group.

### **Nursery, Primary and Secondary**

- 2.5 Even if parents living within the catchment area of a school apply for a place before the parental deadline, there is no guarantee of a catchment place if the AN has been reached.

### **Sixth Forms**

- 2.6 Criteria for entry and admission arrangements for Sixth Forms, including admission limits, are outlined in Appendix B.

For schools with a Sixth Form, Admission Numbers will be the same for Years 12 and 13 as they are for Years 7 to 11.

## **3.0 Admissions Criteria**

- 3.1 The Education (Admission of Looked After Children) (Wales) Regulations 2009 places a duty on admission authorities in Wales to admit children looked after by a local authority in Wales where an application for admission is made even if the AN has been reached. Should an admission authority wish to refuse an admission application then they must refer the matter to the Welsh Ministers within 7 days of receiving the application for decision. The decision of the Welsh Ministers is binding. Previously looked after children (looked after children who cease to be so because they were adopted or became subject to a residence order, or special guardianship order immediately following having been looked after), are also included in this criteria under the Welsh Government's School Admissions Code.

- 3.2 Pupils with a statement of Special Educational Needs do need to be included and accounted for when places are allocated and schools are informed of this.

### 3.3 Oversubscription

Where more applications are received for a particular school than places available, places will be awarded using the admissions criteria set out in the Admission Arrangements (see Appendix B).

### 3.4 Results of the Consultation

#### Response 1

- The Headteacher wished to highlight that if schools are to have severe budget reductions then there is a possibility that ANs may need to be revised.

LA Response:

The Admission Number is determined by a Welsh Government formula and is based on the available class/teaching areas at each individual school. Therefore, there will not be opportunity to revise these numbers as a response to the financial projections and anticipated knock on effect of increased class sizes.

The School and Governor Unit is aware of the plight facing schools in relation to financial projections and we will do all we can to work with schools regarding admissions etc. However, we are governed by the Welsh Government Admissions Code and have to adhere to the criteria within the Guidance document. The Local Authority will be raising these concerns with colleagues at the Welsh Government at every opportunity as we anticipate that class sizes will increase as numbers of staff are anticipated to reduce overall given the funding constraints.

#### Response 2

- The Chair of Governors believed it was a fair way to proceed with admissions.

#### Response 3

- The Head Teacher confirmed the Governors had been consulted and had no further comments to make.

#### Response 4

- In the current version (Appendix A) no mention is made to Flying Start children who already attend sessions within the school. Flying Start staff work extremely closely with school staff to ensure smooth transition into nursery and I feel that this needs to be addressed. The admission criteria should take into account children who access Flying Start, and I feel these children should be given priority for a nursery place. It would not make sense for a child to attend Flying Start to attend weekly transition visits into

Nursery, and then be refused a place at that Nursery. This has been discussed with the head teacher and the Governing Body who all agree that this could impact on children moving from Flying Start into Nursery provision. With the ongoing expansion of Flying Start, this will become an issue for more primary schools over the next few years and an addition now would prevent gaps in services that could affect our most vulnerable families.

#### LA Response:

The Local Authority is the Admissions Authority for all Swansea schools. The Admissions Criteria are drawn up in accordance with Guidance from Welsh Government. The Welsh Government Admissions Code requires Admission Authorities to draw up Admissions Criteria in accordance with the Code. The Code does not permit the Admission Authority to prioritise children who have attended a Flying Start setting for admission to the school at the time each individual pupil will apply for a place at a Nursery or Reception class.

Whilst the points are considered valid, it will not be possible to prioritise pupils who have attended a Flying Start setting to be admitted to a nursery or reception class at the appropriate time of application. Children are prioritised on the basis of catchment location and pupils who live within a specified catchment area for a school are prioritised for admission to that school. The admission criteria outlining the priorities for admissions are included in the published consultation.

Where a pupil attends a Flying Start setting who does not live within the specified catchment area, if the admission number has not been reached for the year group it is possible to admit the pupil to the school. However, where an admission number has been reached pupils will be offered an alternative place at another Swansea school which will usually be relative to the catchment area for their home address.

The Welsh Government Guidance on Admissions does not permit Local Authorities as the Admission Authority to prioritise admissions to a school on the basis of the pre-school setting the child has attended.

#### Response 5

- The Chair of Governors raised that Welsh-medium schools are full to capacity and there are more pupils than the official admission numbers. When a pupil requests a place in a Welsh-medium school, the Welsh-medium school often has to admit more pupils than the admission number.
- In the case of nursery classes, curtailing the numbers a Welsh-medium school can admit means that a parent cannot give his/her child an education in the language of his/her choice. Children are then refused a Welsh-medium education, or parents choose not to



give their child a Welsh-medium education as they become aware that Welsh-medium schools are full.

- With reception classes, it has become a common experience that some schools have to admit more pupils than the admission number because neighbouring Welsh-medium schools are full. As a result of this, specific and different consideration needs to be given to Welsh-medium schools. It needs to be made clear that no child will be refused a Welsh-medium nursery, primary or secondary education, and that the county should have appropriate arrangements in place to ensure this. This would free schools and parents from experiencing the painful process of being refused/having to refuse a place and then having to admit on appeal, a process that can have a negative effect on a parent's wish to give their child a Welsh-medium education.

LA Response:

The Local Authority is aware of the current situation regarding demand for Welsh medium places at Swansea Welsh medium schools and is working towards increasing school places accordingly. As you are aware, the current financial situation is having serious impact upon the level and timeframe of support the Local Authority is able to devote to address these concerns.

You have indicated that nursery classes have to curtail the numbers of pupils they admit and this has impact upon parental choice in relation to Welsh medium education options. Nursery places are for part time provision only and on this basis many schools – both English and Welsh medium, offer morning and afternoon sessions. The Authority is not aware that any Swansea school is therefore in a position of having to refuse a nursery class place for a child.

You have also stated that schools have to admit more pupils in reception classes above their Admission Number due to the fact that neighbouring Welsh medium schools are also full. The Local Authority is aware of this difficulty and is working to ensure that the longer term planning for Welsh medium places is increased in line with demand. As indicated above, current financial constraints are having an impact and have delayed the planned approach of the Local Authority to secure additional provision.

The Local Authority policy is to offer an alternative place at a Welsh medium school if a place is unavailable at the school of choice. The only exception to this policy is where parents/carers have indicated on the application form that the second choice school is an English medium school. There are occasions when a pupil cannot be admitted to the school of choice, however, an alternative Welsh medium place is offered along with an opportunity to meet with an Independent Appeal Panel to hear the case. (This situation also applies to applications for English medium school places.) Where any child is refused a place at

a Welsh medium school of choice they are always offered an alternative place at another Swansea Welsh medium school. No pupil is refused a Welsh medium place at a Swansea school.

#### Response 6

- The Governor raised that the Admission to Nursery section is confusing – ‘All schools must admit up to their Admission Number in the year of entry. In the year of entry a child will normally be refused a place once the Admission Number has been reached. There is no right of appeal following the refusal of an application for a place in a nursery class.’ Then it goes on to say, “The number of nursery places available may differ to the Admission Number for the rest of the year groups within a school (Reception – Year 6).” There is no separate Admission Number in the document. Should the Admission Number for Reception be used?

#### LA Response:

The Local Authority will recommend that schools use the Admission Number as a guide for admissions to nursery classes.

#### Response 7

- The Clerk to Governors confirmed that the Governing body found the arrangements acceptable.

#### Response 8

The Chair of Governors wished to highlight:

- ‘The LA will not provide transport or make any contribution towards transport costs for children admitted from outside the school’s defined catchment area. However, if the catchment area is full in the year group, transport will be provided to the next nearest school with room if that school is more than 3 miles walking distance from home’ - Whilst we recognise that this point appears to be incontestable we feel the need to point out that we draw children in from some of the most disadvantaged areas of Swansea for whom the cost of transport is yet another disincentive for parents, for whom, maybe, education is not top of their list of priorities. Every pound to them is precious, a recent case from such an area highlighted that it was costing £22 a week to get the children to school. If we, as a school are to meet the increasing attendance levels demanded by the Welsh Assembly and also to "close the gap" between FSM and non FSM results then we need to clear the barriers to attending school. Foremost amongst these, for the affected pupils, is the prohibitive cost of transport. Without the children in school we cannot educate them.

#### LA Response:

The Local Authority Home to School Transport Policy advises that free transport will only be provided for secondary aged pupils if they live

more than 3 miles from their catchment school or as you have pointed out 'if the catchment area is full in the year group, transport will be provided to the next nearest school with room if that school is more than 3 miles walking distance from home'. This Policy is based on Welsh Government guidelines.

The Transport Policy does not make provision for pupils who live in deprived and disadvantaged areas to be allocated free transport if they live under the 3 mile stipulated distance. The Local Authority is aware of the difficulties that schools face in trying to improve educational outcomes for pupils – particularly pupils who are on free school meals and live in the more deprived and disadvantaged areas. In light of the current financial situation and proposed cuts and restrictions, a review of the Transport Policy to reduce the stipulated distance for eligibility for free transport, is not something the Local Authority anticipates being in a position to pursue at any time in the future

#### Response 9

- The Head Teacher confirmed the Governing body had accepted the arrangements. It also noted that any proposed changes to catchment areas would be strongly opposed.

#### Response 10

- The Chair of Governors confirmed that the Governing body found the arrangements acceptable.

#### Response 11

The Clerk to Governors confirmed the Governing body had made the following observations:

- The deadline of 27<sup>th</sup> November 2015 would leave a lengthy period of time until 1<sup>st</sup> March 2016, when parents were informed of whether they had a place or not, at the school of their choice. This timescale was thought to be too long and unnecessary.
- There appears to be confusion regarding parents having to provide proof of address. It was thought the LEA could refer to its own Council Tax records held electronically to ascertain or verify proof of address with parents who have been raising queries or providing evidence direct to the school.

#### LA Response:

The dates outlined comply with Welsh Government requirements. Welsh Government have recently changed this and previously Local Authorities were able to set their own dates but 2016-17 will be the first time that we will all have to comply with Welsh Government notification date of 1<sup>st</sup> March. The reason for the delay is that we will have to run two separate admissions – one for Year 7 and one for Reception both having the same notification day which will apply across Wales.

Council Tax – the Local Authority is now utilising the Electoral Role for these checking purposes but where there is a discrepancy with information on the ER we will be asking parents to provide alternative proof. These could be perfectly valid reasons – eg moved house after the electoral role form submitted or could lead to further investigation because a false address e.g. family, has been used.

### **Admission Forum**

Following due consideration the Forum agreed that their recommendation would be that the Admission Arrangements 2016/17 be approved in their current format. The decision was made for the following reasons:

- The number of responses are low in relation to the number of pupils being educated in Swansea, and there is no common theme, therefore any change would not be wholly representative of the majority of parents who could respond.
- In accordance with the School Admissions Code the LA is responsible for deciding admissions to nursery classes in community schools and as a result will continue to implement the arrangements which relate to nursery admissions.

Correspondence will be sent to all governing bodies and headteachers who responded to the consultation advising them of the recommendations made by the Admissions Forum.

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

A full EIA Report was completed for Admission Arrangements in 2014, with no adverse impacts identified. The EIA has been reviewed for the 2016/2017 Arrangements, with no further changes required.

### **5.0 Financial Implications**

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**

Section 89 of the School Standards and Framework Act 1998 and Regulation 4 of the Education (Determination of Admission Arrangements) (Wales) Regulations 2006 require Admission Authorities to consult and determine school admission arrangements annually. The Regulations set requirements for consultation and determinations of admission arrangements. The Welsh Government has issued a guidance circular 'Measuring the Capacity of Schools in Wales', which sets out methodology for Local Authorities to follow when determining their admission arrangements. There is also a requirement to consider the guidelines contained in the Welsh Government School Admissions Code.

### **Background Papers:**

- Education (Determination of Admission Arrangements) (Wales) Regulations 2006
- Welsh Government (WG) guidance document 'Measuring the Capacity of Schools in Wales'.
- School Admissions Code, School Admission Appeals Code. WG July 2013 & December 2013.
- EIA Screening Form
- EIA Report

### **Appendices:**

Appendix A - Admission Arrangements 2016/2017 Nursery Classes

Appendix B – Admission Arrangements 2016/2017 Primary Schools

Appendix B – Admission Arrangements 2016/2017 Secondary Schools

Appendix B – Admission Arrangements/Criteria for Entry 2016/2017 Sixth Forms

Appendix C - Schedule of Events

Appendix D – Admission Numbers for Primary and Secondary Schools

## Reports of the Cabinet Member for Enterprise, Development and Regeneration

Cabinet – 17 March 2015

### VETCH MASTERPLAN REVIEW

<b>Purpose:</b>	To seek endorsement of the Vetch Field Masterplan Review and approval to refer the Revised Masterplan to Planning Committee for adoption as Supplementary Planning Guidance
<b>Policy Framework:</b>	City and County of Swansea Unitary Development Plan Adopted 2008 CCS Asset Management Plan One Swansea Plan 2013 Corporate Improvement Plan 2013-17 CCS Sustainable Development Policy
<b>Reason for Decision:</b>	The adopted Masterplan will provide Supplementary Planning Guidance to inform future development and use of the site and to inform site marketing.
<b>Consultation:</b>	Legal, Finance, Planning, Corporate Building and Property Services, Community Recreation, Housing
<b>Recommendation:</b>	It is recommended that Cabinet: -  1) Endorses the Revised Masterplan resulting from the Vetch Field Masterplan Review and agrees that it be referred to the Planning Committee for adoption as Supplementary Planning Guidance
<b>Report Author:</b>	Gordon Allison
<b>Finance Officer:</b>	Jeffrey Dong
<b>Legal Officer:</b>	Christopher Allingham
<b>Access to Services Officer:</b>	Sherill Hopkins

## 1.0 Introduction

- 1.1 The Draft Vetch Masterplan Review was approved by Cabinet on 11<sup>th</sup> February 2014 as the basis for a public consultation exercise prior to a report back seeking adoption of the final Revised Masterplan as Supplementary Planning Guidance (SPG).
- 1.2 The Consultation Draft outlined revised draft proposals to the adopted Masterplan which limited the development to the northern area of the site in order to retain some of the existing green space and the popular 'Vetch Veg' community garden.
- 1.3 The stadium buildings were demolished in 2011 and a landscaping scheme was undertaken as a temporary measure whilst proposals to develop the site were identified and realised. As a result the current use of the site was designed to minimise wasted costs and was engineered assuming that development would be forthcoming in the short term. The current situation cannot continue indefinitely without significant capital investment being undertaken to address the issues below:
- The existing bund on the site of the former North Bank adjacent to Madoc Street acts as a shield for antisocial behaviour and ideally needs to be removed. Underneath this bund is demolition spoil that was left on site and covered to be reused as appropriate in the development. Furthermore only a minimal amount of topsoil cover was incorporated into the grassed area over the bund due to the anticipated life of the site. In the medium term hazardous chemicals from contaminated material under this layer may leach into the top soil, therefore further cover to these hazardous areas will be needed until the site is developed
  - The remaining gates and boundary walls will require attention/demolition due to disrepair or to enhance visibility, security and amenity.
  - The water supply to the 'Vetch Veg' community garden is via a temporary insulated hose from the mains, and to be sustainable requires the installation of an underground system.
  - Some of the footpath areas have started to lift and will require replacement in the short term
- 1.4 Should the site be retained as a park, it has been estimated that, between £270k and £400k would have to be spent, depending upon the level of improvements carried out. No budget is currently identified to meet this requirement and external grant opportunities are limited and, in any event, would require an element of CCS match funding
- 1.5 If the site is developed in accordance with the Revised Masterplan proposals then this cost is unlikely to apply as the works would either be unnecessary due to the development, or alternatively any cost is likely to be borne by a developer.

## **2.0 The Public Consultation process**

2.1 A community consultation exercise was held from 30<sup>th</sup> June to 11<sup>th</sup> August 2014 (in excess of the 6 week standard period for draft SPG consultation) and included:-

- Press release and publicity in July 2014
- A manned exhibition at the Sandfields' Community Fayre on 9<sup>th</sup> August, 2014
- Notices were displayed at the Vetch site on the 'Vetch Veg' notice board during July 2014
- A display was sited in Central Library between 30<sup>th</sup> June and 11<sup>th</sup> August 2014
- A presentation was given by officers to the Sandfields' Community Association on 4<sup>th</sup> August 2014.
- The CCS website displayed information and the ability to comment on-line between 30<sup>th</sup> June and 11<sup>th</sup> August 2014.

2.2 A total number of 112 comment forms and 3 e-mails were received by the end of the consultation process in August 2014.

## **3.0 Community response to the draft amended masterplan**

3.1 Approximately half of respondents stated via the comment forms that they were happy or fairly happy with the revised Masterplan proposals.

3.2 There was support from almost 95% and 87% of respondents respectively for Masterplan proposals to retain the 'Vetch Veg' Community Garden and for the provision of more green space. Of those who were not happy with the full Masterplan proposals, concerns generally related to excluding or restricting residential development and maximising greening at the site

3.3 Whilst about a third of respondents were unhappy with the proposed public routes throughout the site, this was largely due to concerns about traffic on the proposed access road to the front of the proposed houses on the Vetch site. However, the Revised Masterplan advocates Home Zone principles for any new streets in the area which should address these concerns.

3.4 In conclusion, the majority of respondents were supportive of large elements of the draft Masterplan Review and half of respondents were fully supportive. The detailed responses received via the comment forms are attached in Appendix 1.



## **4.0 Responses from Organisations**

### **Swansea Civic Society**

- 4.1 Swansea Civic Society challenged the justification for the proposed reduction in residential units from the 120 in the Original Masterplan to 50 in the context of the aspirations of the Local Development Plan process and concluded that the revised proposals “represent half a scheme, are too idealistic for the realities of the current and longer term economic climate”.

## **5.0 Housing Land Requirement**

- 5.1 CCS is required to maintain a 5 year housing land supply at all times. The current supply has dropped to 2.9 years and there is a need to bring forward additional housing land in all areas as a matter of urgency
- 5.2 The Local Housing Market Assessment shows a need to supply 3100 homes within the Central Area (which includes the Vetch site) by 2025, of which 58% could be affordable units. The Vetch is an existing allocation and provides a significant contribution to this supply and if the level of units is reduced then provision will have to be made elsewhere and there are limited opportunities for this within the Central area.

## **6.0 Response to Consultation Feedback**

- 6.1 Half of respondents were happy or fairly happy with the proposals and nearly all respondents supported retention of Vetch Veg and the greening proposals.
- 6.2 To maintain the existing uses at the site would require significant unidentified capital investment and also a revenue budget.
- 6.3 The loss of new housing units at the site would have serious implications for the ability to maintain a 5 year land supply for the area and is not a viable option.
- 6.4 Open space needs for the area are a consideration and it is acknowledged through an Open Space Assessment carried out to inform the LDP process that provision in Castle Ward is deficient. However, the Sandfields does have the best provision within the ward specifically for children and teenagers, albeit provision is significantly less than within adjoining wards. Retention of Vetch Veg and the greening proposed will help address this and provides for a broad spectrum of residents.
- 6.5 In conclusion, no material changes are proposed to the Vetchfield Masterplan Review proposals following the consultation process and accordingly the Revised Masterplan document (which can be accessed via the following link <http://staffnet/index.cfm?articleid=59193> ) is recommended for adoption as Supplementary Planning Guidance.

## **7.0 Equality and Engagement Implications**

An EIA screening has been carried out and it is considered that a full EIA report is not needed in this instance. At this stage only a framework for the development of the site is being proposed and this has been the subject of a consultation exercise from which no equality issues have arisen. Any future development of the site must comply with statutory requirements and will follow the submission of a planning application which will be subject to public consultation.

## **8.0 Financial Implications**

8.1 The current estimated capital receipt for the site is £700k. The Sports Council of Wales (SCW) has a charge on the Vetch property/land together with 2 other sites which will require CCS to pay over any capital receipt up to the value of £2.9m received for these sites.

8.2 Also, CCS is obliged to repay a Welsh Government (WG) grant of approximately £550k for the demolition of the Vetch. However, it is likely that after the SCW has been repaid there will be nothing remaining from any capital receipt to repay WG). The repayment terms for both grants are contradictory as they require all capital receipts to be paid to both parties. In order to rectify this anomaly, WG has asked that CCS formally request permission for any proposed disposals to, detailing the proposed financial terms and request that any capital receipt be foregone by WG in lieu of the SCW charge. Should permission not be given on this basis then as there are no other allocated funds available to pay WG, proposed sales will not proceed.

8.3 As stated earlier, in paragraph 1.5 the current Capital Programme has not allocated any budget towards any possible Capital scheme arising from this Masterplan review. CCS will therefore have to rely on seeking grant and contributions from external funders to meet any capital costs.

8.4 There is no current Revenue budget for ongoing maintenance works and the works referred to in paragraph 1.4.

## **9.0 Legal Implications**

9.1 The Revised Masterplan is proposed to be referred to the Planning Committee as per the Scheme of Delegation (or, if deemed necessary, to Council) for adoption as SPG to policies EV1, EV2, EV3, EV4, HC1(62), HC2, HC3, HC23, HC24, AS2 of the adopted City and County of Swansea Unitary Development Plan and future policies that will be drafted as part of the emerging Local Development Plan.

9.2 The terms of the Revised Masterplan will then form a material planning consideration in the determination of any planning application which may be made.

9.3 SPG should be reviewed regularly to ensure that it reflects current development plan policies.

## **10. Conclusion**

10.1 The Revised Masterplan proposals are broadly supported although there was an element of respondents who wanted no development at the site. Leaving the site as it is will not be an option as improvements will be necessary for which no funding has currently been allocated.

10.2 The level of housing proposed in the Revised Masterplan will go some way to meeting CCS's statutory obligations and furthermore the adoption of the Revised Masterplan as planning guidance will not prevent a further review in the future should development plan policies require consideration as to whether further residential development is needed.

10.3 The Revised Masterplan proposals if adopted will provide developers with more certainty about the acceptability of development proposals and will therefore allow appropriate parts of the site to be marketed at the earliest opportunity.

**Background Papers:** None.

**Appendices:** Appendix 1 – Proposed Indicative Layout  
Appendix 2 - Detailed Consultation Responses

## Appendix 1 – Proposed Indicative Layout



The key features of the indicative layout are:-

- 0.7ha Public Open Space comprising (as numbered and annotated on the layout drawing):
  1. Vetch Veg area fully retained
  2. Potential additional growing area for the Vetch Veg in the short term with capability to site a future community centre subject to funding becoming available.
  3. Wild flower meadow on centre circle
  4. Community orchard and informal open space and potential for natural play. (Whilst this area is currently grassed, much of the foundations of the former football stand remain, so it may be necessary to explore the growing of orchard trees in planters rather than into the ground).
  5. Informal open space
- 40 new homes arranged as short terraces
- A care home or flats on the corner of Madoc Place and William Street which could incorporate shared community facilities.
- Direct natural surveillance of the open space from the new homes
- Direct and well connected street network which is well overlooked. This could be a HomeZone type design as proposed by the Original Masterplan.
- One car parking space per home and significant space for street planting
- The potential to still reinstate gardens which have been reduced to the construction of the football stands, and to integrate developable spaces adjoining the Vetch Field as proposed by the Original Masterplan.

## Vetch Masterplan- Consultation

A revised masterplan for the Vetch Field has been drafted by the Council and we wish to seek your thoughts and comments on the future development of the site.

If you have any questions or would like to receive this information in an alternative format e.g. large print, braille, another language etc. please contact [Craig.Fisher@swansea.gov.uk](mailto:Craig.Fisher@swansea.gov.uk) or telephone 637266

### 1. About You

Name	112 (100.0%)
Address	112 (100.0%)
Email	112 (100.0%)

### 2. Tell us what you think of the updated plans....?

17 (17.0%)	I am very happy with the updated plans
31 (31.0%)	I am fairly happy with the updated plans
17 (17.0%)	I am fairly unhappy with the updated plans
35 (35.0%)	I am very unhappy with the updated plans

### 3. We have proposed the retention of some green space. Do you think this is a good idea?

96 (87.3%)	Yes	13 (11.8%)	No	1 (0.9%)	Not sure
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### 4. If not, what would you like to see?

39 (100.0%)

Affordable housing, childrens playarea, community centre
Affordable housing. Park for children. New community centre.
All green space
All green space. no property development on site
All of it. No more housing in Sandfields
Area for children, picnic tables, community centre.
Building houses and a road would take away the community vibe that is currently present. Sandfields is very residential and if anything needs more green space such as the veg community and childrens park.
But no development on this green space!
Could do with more green space as play/sports area for the children
Critical to have green space especially as there is little in urban areas.
Essential to maintain the current community use.
Green space and allotmetns
I am little happy because we want children play area please and more veg garden
I like see more garden other space because lots of awaiting at the moment and we want some children play area as well
I like to see more veg garden and childrens playarea. I see every day children playing so happily and also gardeners doing garden and lots of people waiting for space.
I rather the existing plans to stay as it is, as the vetch is a national treasure and this should be an open space for all the community. If developers builds on the open space then the other developers will follow.



I rather the existing plans to stay as it is, as the vetch is a national treasure, and this should be an open green for the community> If a developer builds on the green space, then the other developers will follow.
I strongly believe that all the green place should be kept and no extra houses.
I strongly believe that all the green places shold be kept and no extra houses
I think the all green space should stay. Houses and a road is definately not a good idea. The safety of the local children is at stake with this, as so many families use this space.
I wonder why there has to be houses built here? The city center is so built up and this green space is so needed in the area, the area is widely used for a space to go and kick a football, have a picnic, play on the grass.
I would like the green space to remain, as it is the only green space in the area and the community enjoy and use it.
I would like to see more garden space, on waiting list at the moment, we want childrens play area as well.
I would like to see the area remain a green space. More space offered as allotments and maybe a small five a side style football pitch in the are of the North Bank to cement the historic nature of the site.
I would like to see the small area and green area where they build the houses to stay as it is as my boys come and play football everyday also I would like to see children play park area as well
I would like to see the whole of the vetch field retained for community use, definately no housing. We don't need it, we do need green open space. This community has suffered for many years from lack of space to play and relax. So many people are enjoying the space - please leave it be. Can we have an open air lido, great for families and safe for children.
Its ok but I want this site more garden and more children area
Keep it has it is now the road will stop the children playing their and dangerous
Keep the grass areas
Leave it as it is.
More affordable homes for our children and further generations
More green play areas
More green playareas
Most important is the Direct link from Richardson St to Madoc Place and the town centre, THe building of homes over that whole area would be a retrograde step given the development of Vetch Veg. Thta movement line will greatly influence housebuildign proposals.
Nothing just keep it has it is as it be dangerous if you put roads through it when you have children around there playing.
Retention of open green space for play and relaxation. The Madoc Street play area s officially designated as an urban playground. Some of us parents fought hard for it. It is the only open play area in Sandfields how can you think of taking it away and add even more houses taking away half the vetch where are our children going to play?
This is a bit of a closed question. In my opinion the entire area should remain a green space. No new buildings should be erected at all and the land should remain in the hands of the County
We want more greenspace not anymore developments
Would like all green space.

**5. We have proposed the keeping of the Vetch Veg Community Garden. Do you think this is a good idea?**

105 Yes (94.6%)                      3 (2.7%) No                      3 (2.7%) Not Sure

**6. If not, what would you like to see?**

14 (100.0%)

a play area
Excellent use of space. Has really brought the community together.
I would like to see this extended
If not, what would you like to see?
Just the vetch veg community garden as it is
Most definately to be a permanate feature of the community.
n/a
n/a

Of course. Do you expect other answers?
Plans that reflect the history of Swansea thereby,pleasing to the eye and therefore also attracting visitors.I would suggest that you plans could include amodel of the townin all its glory,prior to the blitz.
please, please, please no houses
Please, please, please no houses.
The Vetch Veg Community Garden should be kept, for sure, but it should not be allowed to extend to the detriment of space that can be used by members of the Sandfields community who aren't interested in allotment use (e.g. children playing, walkers, sitters, readers, etc.). The current space is adequate enough, I feel. However, I am not suggesting that the space afforded to Vetch Veg should be reduced in any way, just that it should not become the focal point of the space.
This has proven to be a very successful project and removing it would not be acceptable
This is a unique place for a very deprived community to come together to show off their strengths of growing and talking to each other and celebrating sustainability.

**7. We have proposed a number of public routes through the sites...**

	Yes	No	Not sure
I am happy with the proposed routes	44 (44.4%)	33 (33.3%)	22 (22.2%)
These routes will help to connect and integrate the adjoining streets	26 (40.6%)	22 (34.4%)	16 (25.0%)

**8. After looking at the new plans, is there anything we haven't thought about or any opportunities we have missed?**

48 (100.0%)

(Madoc Place) The electric sub station is an eyesore and I have concern that it will continue to be a dumping ground. Parking is another issue in the area.
A balanced scheme
A small cafe or restaurant
Add a lido like Blackpill. The vetch is the only safe place that children can run around without the fear of being knocked down by traffic.
After looking at the new plans, is there anything we have...
Based on what has been set out in the plans, this site obviously has an exciting future, but the Swansea community should not be allowed to forget the significance of its past. I was therefore very glad to see that public art is mentioned in relation to the history of the site in the plans you have set out. I recently noticed that a blue plaque has been unveiled in Cwmdonkin Park for the actual physical location, rather than in memory of a person, and I think this is the bare minimum that should be done to commemorate the former home of our city's football club. Relevant street names are a must (perhaps more relevant than Sunderland's ?~Promotion Close?T, however ?" let?Ts make sure we retain that Vetch Field flavour with streets called ?~The North Bank?T, ?~The East Terrace?T, ?~The Centre Stand?T and ?~The Double Decker?T, or similar). If budget allows (and I think that it should), a collaborative effort between artists, poets, historians and local residents would ensure that the memory of the Vetch lives on. The chorus of Roger Evans?T ?~Swansea City?T could, for example, be cast in stone around the perimeter of the old centre circle, and the names of each player who pulled on the black and white shirt of Swansea and ran out at the Vetch Field could be chiselled into the stone of one of the Vetch?Ts former turnstile walls. Murals and sculptures could depict the stories of the Vetch Field, with new words written by local poets to explore the transition from football ground to community space. In addition to these possible public art ventures, a scheme similar to the newly-laid medieval landmark pavement markers on High Street would allow a free walking tour of the site for local people and visitors interested in a more detailed history of the Vetch (with markers for the dugout, the tunnel, the player?Ts entrance, the approximate position on the field where the ball left James Thomas?T foot for that glorious hat-trick goal against Hull, etc.). These are just a few ideas that I believe would enhance the experience of visiting the Vetch, as both an important historical location and a vibrant and contemporary community space. If you would like further clarification of anything that I have mentioned here, please do not hesitate to contact me: rhysoainwilliams@hotmail.co.uk. As a former Sandfields resident, a local artist who has contributed to public art schemes, and a lifelong supporter of Swansea City, I would be more than happy to conduct a more considered discussion on the points I have raised.

Children safety
childrens play area such as a small park.
Childrens play area.
Childrens playground at (2) fencing to protect garden and from cars
Coffee Shop
Do not build here - restore unused buildings instead. 1 car park per house I am sure is not enough. Have 2 per house and no street parking so there is space to play. or no gardens and only 1 bed appartments so more green space is left for the community.
Give the space permantely to people who have been squashed in with no greenery for years there are a few old commercial spaces that could be built on the bus garage, clarence terrace, vetch car sales; leonard charles warehouse etc etc. I though children's needs had to be considered by law these days.
How about developing the palace theatre instead? Why dont we attempt to develop the old neglected buildings within Swansea. Perhaps instead of chasing droams of "exampelar developments" lets put what we have at present first. Just keep it green!
I think more emphasis should be placed on tailoring the green spaces, including Vetch Veg, towards children.
I think you h ave covered everything exceptional well and catered for everyne any age. Well done to the Planning Department
I would like a private development to take the project forward with private housing 2 storey, and more use of open areas as the sandfields is a large concentrated urban housing area and more recreational areas are needed, the area could involve a football pitch as it is the old vetch football site! and a large playground/ play area for younger kids. The area has a very high concentration of rented accommodation, and social housing which probably far exceeds the legislation for required percentage of social/rented properties so private housing would be my choice, with a larger area of social play areas for the residents in the area.
In my view, you haven't given enough consideration to the needs of the people who live in the community of the Sandfields. We live in a densely populated area which has a high volume of traffic. There is no safe place to play in the community. There are two primary schools within our community which only have hard areas to play on so here is an opportunity to provide us with a much needed green space. The Vetch Community Garden has been a great success in enabling people to grow their own food and to come together socially. It has also put Sandfields on the map, attracting interest and visitors from the UK and abroad. Since the Vetch has become a 'park', it is being used daily by many people. Youngsters play football regularly there, families and friends enjoy meeting up People walk to school and work through the Vetch and many people just sit and enjoy the surroundings.. St Helen's Primary has held sports there and various community groups carry out activities there. Yesterday, the second Summer Fair was held at the Vetch, organised by the Sandfields Community Association. The day was a great success and one of the most important factors was the coming together of people from the many different cultures within our community. Everyone was able to enjoy the activities and entertainment together and get to know each other, sharing cultures and experiences. The Vetch has offered us a unique opportunity to do this in the heart of our community. I urge you to consider a way that we can retain enough green space at the Vetch to continue to develop these opportunities and enable us to grow as a community and ensure the well being of everyone in the Sandfields.
It wont be safe for the children to play if there is a road built.
Keep all green space and wait for T.A. Centre to move and build there.
keeping the Vetch Field as a green space in the city. It attracts new and past visitors daily of the old vetch site. It is also a place for the local children to go and play safely.
Kids play areas
Making new house in this area will damage Sandfields
Making new house in this area will damage Sandfields.
more allotments, me and my family use the open space a lot and it would be a shame to add buildings to the site, its peaceful and tranquil in the town centre.
More open space
no
No not sure
Not happy with the road going through.
Not much if anything seems to acknowledge and commemorate the old Vetch Field aside from a wildflower meadow where the centre circle used to be. I would, as a Swans fan who spent many a year growing up watching the Swans at the Vetch, like to see some form of permanent reminder and a memorial to the many fans etc who attended matches, or whose ashes were even scattered on the site.
Not sure
Overall I am happy with the proposal. I think the veg patch should be expanded to include area 2, the proposed area



for the community centre.
Play area for the children, toilet facilities, bandstands open air concerts, local coolery and farm activities.
Play area for the children, toilet facilities, sandstands - open air concerts, local cookery and farm activities.
Play area where children and young could come and play and green area for older children. Parents have picnic and other school activities gets taken on the green area.
Public space is poor; backs of Williams Street homes still facing park. 'Bombs' is unfinished. MAke that row of houses complete. The 'potential care home, exposes backs and parking to the new space. The arrangement of space is very poor. The backs of Williams street.
renewable utilities and pooled supply, cheaper costs for all tenants, not sure about the care home, why not a better mix of people and places, small block of flats, detached houses , semi detached suitable for both young families and more mature residents giving a better mix of people benefiting from the site
Safety
Safety aspect of the site is an issue as a lot of undesirables come in during the day/night before the gates are locked.
Small 5 a side football pitch along side North Bank. CCTV to stop antisocial issues.
The community
To put some play equipment in for the children.
We were told a new community centre would be built on site. It seems that housing has taken priority over everything else.
Would be missing an opportunity to build on the success of vetch community garden by building on the vetch.
yes children play area
Yes it is a green space for children and the people of the Sandfields not for cars racing through dont you ever think of the people and what they want.
Yes plenty
Yes,you appear to want to copy other areas in England instead of composing your own individual and unique plans.Swansea is a beautiful city and planning should be of a far more sensitive nature.
You have missed the opportunity to keep this as a total greenspace for children and the community.

**9. If you would like to make any specific comments on any of the aspects of the updated plan please specify below:**

41 (100.0%)

Please avoid building on this green space - renovate unused buildings with the money instead. Imagine is you lived on a nearby street - please do not take this amazing space away from the people who live there
Business over community - not good.
Definitely we need keep green area in the centre and also this community garden gives a great opportunity to many people to contact and increase social life as nowadays it is very important.
Definitely we need keep green area in the centre and also this community garden gives a great opportunity to many people to contact and increase social life as nowadays it is very important.
Expand the veg community garden. Kee p the space for the community to come together and socialise and for picnics etc.
I fully support the continuation of the Vetch Community Garden, the wildflower meadow, the orchard and the bee hives. I think it would be possible to provide a care home/sheltered housing and a future community centre and still have enough green space to enable us to have our green space. I do not support the building of any other housing on the site, nor any roads through the site.
I hope that the plan layout (1) (2) (3) (4) will retain and tidy looking fence for the vetch Veg
I like growing my chinese vegetable at the vetch. Please dont change anything.
I think the community garden should stay as it is
I think the vetch is best left alone. Its perfect the way it is now as a park
I'm sorry. This is the first time I have seen the plan. Thought I had better comment. Too much to say now. Our work with the community back in mid 2000s has been largely ignored. I am really very sorry to be so negative. I would be happy to discuss further. The plan could be so much better. For housing - key is rear of Madoc Street, the 'Bombs' and the backs of Williams Street. Key route I have mentioned - makes the whole space work on a much wider basis. HTere is no scope for future possibilites. THE residual space is poor. And the criteria we set out in the earlier report are simple and so important. Ahh sorry again.

It is unlikely you will get a 3 or 4 storey housing built without it over shading the neighboring properties. It should be maintained at a 1 or 2 storey building. The area for the care home/flats and the plot above it should be on a 20/30 year lease as a care home then flats afterwards.
Its healthier to eat fresh grow vegetables
Keep the green space
Keep the vetch field as it is, solar panel lights, street pavements, local community events.
Keep the vetch field as it is, solar panel rights, street pavements, local community events.
no
not happy with the planned road!
Please leave this greenspace alone and let it develop into a tranquil place for children to play without any worry.
Road through vetch means grass area will be fenced off to stop children getting run over.
The access road through the vetch field needs to be rerouted or the areas 1-2 and 4 should be fenced off. A larger play area should be available for kids to have a more open space.
The access road through the vetch field needs to be rerouted or the areas 1-2 and 4 should be fenced off. A larger play area should be available for kids to have a more open space.
The green space adds social value and enhances an otherwise drab space in the city centre which risks falling into an HMO sink hole.
The road is of concern. There should be plenty of green space, as it is being well used. Is there going to be any fencing between the road and the green area making it a safe area for children to play away from the cars.
the Sandfields deserves its green space after putting up with us football fans for decades!
The Sandfields is already an over-built up area. The last thing that is needed is social housing. Swansea is an area that is over-subscribed by social housing.
There are also areas of anti-social behavior in the area ie the vetch mound, that needs addressing. This involves drug use by users, and needles being discarded in the area and surrounding streets, so the scheme must try to eradicate this growing threat.
There is some old commercial sites that could be regenerated into housing without building on the only green space in the sandfields area.
There seems to be a false claim that by developing the site, crime will be reduced? This seems irrelevant considering other open spaces exist (Singleton, Brynmill, Cwmdonkin etc) - hardly hotbeds of crime> I'd like to see the statistics. How much would these houses cost? Who would buy them? Would they only be of interest to housing associations.
This looks like a great design, utilising the space efficiently, retaining a great community aspect, green space which is important and retaining the Vetch Veg plot. A great amendment to the plans over all.
We really don't need any more housing in Sandfields. We do need open space. Many family sized homes will be released for rent/purchase when students start moving away to new SA1 location.
We would like to keep the vetch as the same as it is.
We would like to keep the vetch as the way it is.
With the sites mentioned above and more why does the Council think we need even more houses and every less space.
Would be nice if any planting in green space is of native species instead of the usual amenity planting which does not appeal to wildlife. Will the community centre be replacing St Phillips Community Centre by bus garage.
would like to keep green space.
Would like to keep the community garden as it is
Would like to keep the community garden as it is.
would not like to see houses OR a nursing home on the site why not build on the old VOSA building at parc tawe instead!
Would rather just have green space and no houses.
You should not build any houses on this important green space

**Tell us a little about you: We will use this information to see if we have gathered a range of view across the city and to find out if any proposal impacts on one group of people more than another. You do not have to answer these you don't want to.**

- 10. Are you ..**  
 43 (41.3%) Male  
 61 (58.7%) Female
- 11. Is your gender identity the same as you were assigned at birth(if.e.g.. born male and currently living as a man or born female and currently living as a woman)?**  
 92 (94.8%) Yes  
 5 (5.2%) No
- 12. How old are you...**
- |            |          |            |         |
|------------|----------|------------|---------|
| 0 (0.0%)   | Under 16 | 18 (17.5%) | 46-55   |
| 0 (0.0%)   | 16-25    | 20 (19.4%) | 56-65   |
| 17 (16.5%) | 26-35    | 16 (15.5%) | 66-75   |
| 24 (23.3%) | 36-45    | 8 (7.8%)   | Over 75 |
- 13. What is your sexual orientation?**  
 2 (2.1%) Bisexual  
 5 (5.3%)  
 79 (83.2%) Heterosexual / Straight  
 8 (8.4%) Prefer not to say  
 1 (1.1%) Other ( please write in)  
 1 (100.0%)

**Tell us a little about you: We will use this information to see if we have gathered a range of view across the city and to find out if any proposal impacts on one group of people more than another. You do not have to answer these you don't want to.**

- 14. What is your ethnic group? ( please cross one box)**  
 80 (76.2%) White - British, any other White background  
 3 (2.9%) Mixed - White & Black Caribbean, White and Black African, White & Asian, any other Mixed background  
 15 (14.3%) Asian or Asian British- Indian, Pakistani, Bangladeshi, any other Asian Background  
 1 (1.0%) Black or Black British - Caribbean, African, any other Black background  
 6 (5.7%) Chinese or Other ethnic group
- 15. What is your religion or ( non) belief, even if you are not currently practising? ( Please cross one box or write in)**
- |            |  |          |        |
|------------|--|----------|--------|
| 37 (37.0%) | No religion / belief   | 1 (1.0%) | Jewish |
| 45 (45.0%) | Christian (including Church of England, Catholic Protestant and all other Christian denominations) | 9 (9.0%) | Muslim |
| 2 (2.0%)   | Buddhist   | 0 (0.0%) | Sikh   |

1 (1.0%) Hindu  
Any other religion/ belief system (please write in) 6 (100.0%)  
5 (5.0%) Prefer not to say

**16. Can you understand, speak, read or write Welsh? (Please cross all that apply)**

11 (10.5%) Understand spoken Welsh  
5 (4.8%) Speak Welsh  
9 (8.6%) Read Welsh  
4 (3.8%) Write Welsh  
18 (17.1%) Learning Welsh  
68 (64.8%) None of these  
3 (2.9%) Prefer not to say

**17. Which languages do you use from day to day? (Please cross all that apply)**

100 (100.0%) English  
2 (2.0%) Welsh  
0 (0.0%) British Sign Language  
Other (please write in) 10 (100.0%)

**18. Do you have any long-standing illness, disability or infirmity? By long-standing we mean anything that has troubled you over a period of time or that is likely to affect you over time. This could also be defined Under the Equality Act 2010 as: "Having a physical or mental impairment which has a substantial and long term adverse effect on your ability to carry out normal day to day activities."**

19 (18.6%) Yes  
83 (81.4%) No



President - Professor Prys Morgan, Vice President - Professor David Herbert, Chair of the Executive - John Steevens, Treasurer - Tony Lamb, Secretary - Eileen Walton, Membership Secretary - Audrey Tribe, Newsletter & Website Manager - Margaret Lamb

10<sup>th</sup>. August 2014

### Vetch Masterplan Review Consultation

In view of the site's prominence both as a part of the City centre and as the home of Swansea's football, we have given careful consideration to the revised Masterplan as briefly set out in the documentation available.

The proposals do give rise to some serious concerns and also to a number of strategic contradictions, when viewed against other actions currently being discussed across the city. In brief the following summarises our concerns.

#### Timeline

The original Masterplan for the Vetch, of 2007 was arrived at following a similar consultation process. Why was this not implemented once the demolition was completed? A slow economic climate is no reason to spend further time and money on a further process.

#### Amendments to the 2007 Masterplan

The original proposals included:

- a. 120 No. 2, 3 & 4 storey family housing and flats (reduced to 50 No.)
- b. A landmark community centre (only a special provision is mentioned)
- c. Reinstatement of gardens compulsorily acquired for extended football stands (omitted)

In our view the new Masterplan fails to justify these significant changes and departure from the City's original commitments to the local community.

#### The Vetch Veg. Project

This has been widely acclaimed as a successful community project with a number of awards to its name. There have also been a number of highly flattering photo opportunities as a result.

The success of this project is to be commended and should be allowed to continue, however there does need to be a "reality check" on what is identified as a "temporary community garden".

An on-line check has failed to locate a planning consent for the current arrangement, which is no longer technically temporary and included structures that should be subject to a consent. Any visitor to the Vetch from October to March would be met with a site of abandoned desolation, poly-tunnels and recycled pallets. Surely this landscape is not compatible with the stated objective of "high quality buildings and spaces".

#### Current Financial Constraints

We have been repeatedly informed of the hard choices to be made across the City in order to meet the spending shortfall for this and future years which is reported as £45m rising to £75m. If this is

truly the future for Swansea, this revised Masterplan appears to fail to recognise it and does little to maximise the economic potential of the site.

### The Contradictions

We believe that answers need to be provided to justify the significant contradictions between this Masterplan and the actions of the Authority elsewhere.

- a. If the policy is to re-populate the city centre, a reduction from 120 to 50 units cannot be supported.
- b. The LDP sets out to maximise the use of “brown field sites” to meet the required increase in housing stock, a reduction from 120 to 50 units is contrary to this policy.
- c. The administration has to maximise it’s available resources to reduce the impending deficit. While selling off school grounds is deemed a necessity, surely under-utilising the value that the Vetch represents cannot be justified.
- d. The Masterplan states that “The City and County of Swansea is committed to developing spaces and buildings ..... and open “play spaces” for young and old alike”. A commendable sentiment, but not when viewed against the City’s legal challenge to the local communities efforts to preserve the existing Recreation Ground at St. Helens. It is indefensible to allocate over 50% of the Vetch Field site to a “Community Orchard”, an “Informal open space alongside Madoc Place” and the Vetch Veg community project as is and extended when actively removing similar existing amenities elsewhere in the city.

### Conclusion

It is our considered opinion that the current proposals represent half a scheme, are too idealistic for the realities of the current and longer term economic climate.

It has taken seven years and no doubt, significant resources to arrive at a watered down proposal for this key city centre site.

We would welcome the opportunity to discuss the Masterplan in more detail with the appropriate Council officers and would be pleased to hear from them in the near future.

In the interim, we would request an acknowledgment of the receipt of this consultation response together with responses to the key issues raised.

Yours sincerely,

*John Steevens*

(Chair to the Executive)

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e-mail. [john@steevens.co.uk](mailto:john@steevens.co.uk)

# Agenda Item 10.b

## Cabinet Member for Enterprise, Regeneration and Development

Cabinet - 17 March 2015

### VIBRANT AND VIABLE PLACES (V&VP) FPR7 – PROPERTY ENHANCEMENT / DEVELOPMENT FUND

<b>Purpose:</b>	To approve the scheme and include the budget within the Capital Programme
<b>Policy Framework:</b>	City Centre Strategic Framework.
<b>Reason for Decision:</b>	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.
<b>Consultation:</b>	Legal, Finance, Access to Services.
<b>Recommendation(s):</b>	It is recommended that Cabinet:  1) Approve the scheme as described; 2) Commit the budget to the Capital Programme for 14/15-16/17.
<b>Report Author:</b>	Craig Fisher
<b>Finance Officer:</b>	Jayne James
<b>Legal Officer:</b>	Nigel Havard
<b>Access to Services Officer:</b>	Phil Couch

## 1. Background

- 1.1 Welsh Government (WG) in a letter dated 17<sup>th</sup> June 2014 advised that £8.394m V&VP funding had been awarded to support the schedule of projects submitted to WG on behalf of the Swansea Economic Regeneration Partnership in March 2014. All of the successful schemes will be reported individually for Cabinet approval to comply with Financial Procedure Rule 7.

## **2. Property Enhancement/Development Fund**

- 2.1 The scheme will support the development (including acquisition/ demolition) and/or enhancement of commercial property in support of the implementation of proposals emanating from the Swansea City Centre Strategic Framework Review. The objective of this scheme is to support property development and improvement and to stimulate private sector investment and create jobs.
- 2.2 It will build upon the successful Building Enhancement/Property Development fund programme currently funded under the European Convergence programme as part of the Waterfront City initiative. Schemes will be required to provide social benefits from the investment in conjunction with the Council's Beyond Bricks and Mortar initiative.
- 2.3 Individual grant applications will be reported for approval in accord with the Council's Constitution.

## **3. Financial Implications**

- 3.1 Appendix A details the financial implications. The V&VP budget totals £2,040k over the 3 year funding period 2014/15 – 2016/17. V&VP funding must be defrayed in the year allocated or the funding will be lost. There is no provision for carry forward.

## **4. Legal Implications**

- 4.1 The Council will need to comply with the terms and conditions attached to any grant funding. All contracts for works, goods and services necessary to deliver the projects must be procured in accordance with the Council's Contract Procedure Rules and the relevant EU Regulations as appropriate.
- 4.2 All statutory consents will be the responsibility of the applicant.
- 4.3 Grant applicants must either be the freeholder or have a minimum 5 year leasehold interest remaining on the property. A legal charge will be placed on the property prior to grant funding being released and this will be the subject of a clawback requirement if the property is sold within a 5 year period based on a reducing sliding scale basis.

## **5. Equality and Engagement Implications**

- 5.1 An initial Equalities Impact Assessment Screening has been undertaken and this indicates an Equalities Impact Assessment will be required to inform the development of scheme guidance.



## **FINANCIAL IMPLICATIONS : SUMMARY**

Portfolio: REGENERATION  
 Service : CITY CENTRE  
 Scheme : PROPERTY ENHANCEMENT/DEVELOPMENT FUND

<b><u>1. CAPITAL COSTS</u></b>	<b>2013/14 £'000</b>	<b>2014/15 £'000</b>	<b>2015/16 £'000</b>	<b>2016/17 £'000</b>	<b>TOTAL £'000</b>
<u>Expenditure</u>					
Capital works		36	974	1030	2,040
<b>EXPENDITURE</b>		<b>36</b>	<b>974</b>	<b>1030</b>	<b>2,040</b>
<u>Financing</u>					
WG V&VP grant		36	974	1030	2,040
<b>FINANCING</b>		<b>36</b>	<b>974</b>	<b>1030</b>	<b>2,040</b>
<b><u>2. REVENUE COSTS</u></b>	<b>2013/14 £'000</b>	<b>2014/15 £'000</b>	<b>2015/16 £'000</b>	<b>2016/17 £'000</b>	<b>FULL YEAR £'000</b>
<u>Service Controlled - Expenditure</u>					
Employees )					0
Maintenance )					0
Equipment )					0
Administration )					0
<b>NET EXPENDITURE</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>0</b>

## Report of the Cabinet Member for Finance and Resources

Cabinet – 17 March 2015

### QUARTER 3 2014/15 PERFORMANCE MONITORING REPORT

<b>Purpose:</b>	To report Corporate and Service Performance for the third quarter of 2014/15
<b>Policy Framework:</b>	' <i>Standing Up for Swansea</i> ' Corporate Improvement Plan 2013/17 updated for 2014/15
<b>Reason for Decision:</b>	To receive and review the performance results for Quarter 3 2014/15
<b>Consultation:</b>	Legal, Finance, Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) Performance is 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
<b>Report Author:</b>	Richard Rowlands
<b>Finance Officer:</b>	Paul Cridland
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1.0 Introduction

- 1.1 This report presents performance results for the third quarter of 2014/15. The report also provides an update in relation to progress delivering the Policy Commitments since 2013/14.
- 1.2 The outturn presented in the performance tables (Appendix A) and Policy Commitments Tracker (Appendix B) needs to be considered alongside the current financial situation of the Council. The financial resources required to achieve the specified performance levels in 2014/15 have been provided in the approved budget. As part of the work on *Sustainable Swansea – Fit for the future* there will be an increased focus on understanding the level of activity and outcomes that are achieved for the budget allocated so that choices can be made about relative priorities.

## 2.0 Summary of Quarter 3 2014/15 Performance

2.1 When making comparisons between previous years and 2014/15, the following should be considered:

2.1.1 The nature and number of performance indicators (PIs) has changed between these two periods and therefore direct comparisons may not always be appropriate.

2.1.2 The results do not always account for changes in resources and workload during that period (although details can be seen in the numerator and denominator information and in the comments column of the data tables attached to this report).

2.1.3 There may be changes to the numerator and denominator information which may affect the trends by showing a decline while the volume of work has increased.

2.1.4 Comparisons and references made to previous performance results and longer term trends go back as far as 2008/09 where available, although some performance indicators may have older data.

2.1.5 In summary:

### Corporate PI Suite

Q3 14/15	Corporate	People	Place	Totals
Met Target	50%	56%	60%	57%
Met within 5% of Target	75%	76%	75%	76%
Improved, Maintained or At Best Performance	25%	64%	65%	61%

### Corporate Improvement Plan Only

Q3 14/15	People	Place	Totals
Met Target	73%	64%	68%
Met within 5% of Target	82%	82%	82%

2.1.6 Improvement compared to Quarter 3 2013/14 on the Corporate Improvement Plan measures cannot be shown in all cases since many were new and still being embedded at that point.

### **3.0 National and local performance indicators**

3.1 The Council is subject to the National Performance Improvement Framework and as such has to collect, monitor and report on a number of performance indicators that are set by the Welsh Government or Welsh Local Government to measure their shared priorities with Welsh Council's. National performance measures are referenced within the data tables attached to this report as follows:

- **NSI - National Strategic Indicators** – set by the Welsh Government to measure national priorities.
- **PAM - Public Accountability Measures** – set by Welsh Local Government to measure shared national priorities.
- **SID - Service Improvement Data** – national benchmarking data.

3.3 The Council also reports a small number of locally defined performance indicators. A comparison with 2013/14 national performance data published in September 2014 is included in the Appendix A where applicable.

### **4.0 Performance Targets**

4.1 Targets for Council priorities were discussed and agreed between Heads of Service and Cabinet Members so that they are stretching and challenging. Further discussion and consideration will be required as part of Sustainable Swansea debate around which areas are priorities and which are not and target setting for performance improvement.

### **5.0 Policy Commitments Tracker**

5.1 The Policy Commitments represent the Council's key priorities for delivery and were adopted by Council on 26<sup>th</sup> July 2012. Policy Commitments vary in their nature, some have specific in year outcomes, and others are targets to progress toward over 5 or more years.

5.2 The Policy Commitments Tracker at Appendix B monitors the Council's progress delivering the Policy Commitments.

5.3 Following Cabinet discussion, a Cabinet Member led task group was established to review the Tracker and to identify and prioritise a more focused number of key Policy Commitments for further discussion and progress reporting; a revised Tracker is attached to this report. Progress will continue to be monitored and reported to Cabinet in conjunction with the quarterly performance reports.

5.4 In summary:

### **Policy Commitments**

Progress delivering Policy Commitments at Quarter 1 2014/15	Total
<b>Blue</b> - complete	8%
<b>Green</b> – On track	80%
<b>Amber</b> – Progress delayed	11%
<b>Red</b> – significant delays / no progress	1%

### **7.0 Equality & Engagement Implications**

7.1 This report has no direct equality and engagement implications itself although the data reported may form part of the information that leads to a service screening for and undertaking an EIA as required.

### **8.0 Financial Implications**

8.1 In the current and anticipated financial environment further discussion and consideration will be required around priorities and target setting for performance improvement as part of *Sustainable Swansea – fit for the future*.

### **9.0 Legal Implications**

9.1 There are no legal implications associated with this report.

**Background Papers:** None.

**Appendices:**

Appendix A – Quarter 3 2014/15 Performance Data Tables;

Appendix B – Directors Overview.

Appendix C – Policy Commitments Tracker: Quarter 3 2014/15 update.

## Report of the Cabinet Member for Transformation and Performance

Cabinet – 17 March 2015

### INTRODUCTION OF A NEW SOCIAL SERVICES COMPLAINTS POLICY

<b>Purpose:</b>	To replace the existing Social Services Complaints Policy with a revised policy in line with new legislative requirements.
<b>Policy Framework:</b>	None
<b>Reason for Decision:</b>	To comply with legislative changes
<b>Consultation:</b>	Legal, Finance, Access to Services, Cabinet Member.
<b>Recommendation:</b>	It is recommended that: - <ol style="list-style-type: none"><li>1. The new Social Services Complaints Policy as set out in Appendix A be approved.</li><li>2. The new policy be adopted with immediate effect.</li></ol>
<b>Report Author:</b>	Andrew Taylor
<b>Finance Officer:</b>	Carl Billingsley
<b>Equalities Officer:</b>	Phil Couch
<b>Legal Officer:</b>	Janet Hooper

#### 1. Introduction

- 1.1 The Social Services and Well-being (Wales) Act ('the Act') received Royal Assent and became law on 1 May 2014. Part of this Act deals with how local authorities handle complaints and representations relating to social care and palliative care.
- 1.2 As a result of the Act, Council will need to revise its current Social Services Complaints Policy, aligning it to the *Welsh Government Model Concerns and Complaints Policy & Guidance* (which also covers Health & Local Authority Corporate complaints).
- 1.3 New regulations, issued mid July 2014, stated that the new Social Services Complaints Procedure would come into force on 1 August 2014. Although Social Services complaints have been administered in

line with the new regulations since 1 August 2014, due to the late publication of regulations there has been a delay in the drafting of a new policy, which was also subject to public consultation prior to completion.

- 1.4 A new CCS Social Services Complaints Policy has been drafted to reflect the new legislative requirements and is shown at **Appendix A**.

## **2. Consultation**

- 2.1 The appended Policy has been put out to public consultation and the feedback from that consultation has been analysed. Questions were asked as shown below and a summary of the results obtained are shown alongside in brackets:

Is the policy easy to read? (91% of people who responded to this question agreed it was)

Is the policy easy to understand? (80% of people who responded to this question agreed it was)

Is the policy well laid out? (92% of people who responded to this question agreed it was)

Is the policy an appropriate length? (82% of people who responded to this question agreed it was)

Is the policy informative? (91% of people who responded to this question agreed it was)

[n = 14]

- 2.2 It is considered that the response to all the questions asked in the consultation exercise was very positive.

- 2.3 An Equality Impact Assessment has also been conducted in order to ensure that individuals with protected characteristics are not disadvantaged by the introduction of the new policy.

## **3. Financial implications**

- 3.1 Administration of the Policy will be contained within existing budgets.

## **4. Legal Implications**

- 4.1 The new policy has been written to comply with all legislative requirements as set out in the Social Services Complaints Procedure (Wales) Regulations 2014 and the Representations Procedure (Wales) Regulations 2014.

**Background Papers:** Equality Impact Assessment Report  
completed 13 October 2014

**Appendices:** Appendix A – Social Services Complaints Policy

**City and County of Swansea  
Social Services Complaints Policy**

**1. Introduction**

- 1.1 The City and County of Swansea (the council) is committed to dealing effectively with any concerns or complaints about Social Services. In this document, the term 'complaint' refers to a concern, a representation or a complaint.
- 1.2 We aim to clarify any issues about which service users or complainants are not sure. We will aim to provide any service to which a person was entitled where we have failed to do so previously without good reason. We will apologise if we get something wrong, and where possible try to put things right. We also aim to learn from our mistakes and use the information we gain to improve our services.
- 1.3 This policy has been established in accordance with The Social Services Complaints Procedure (Wales) Regulations 2014 and The Representations Procedure (Wales) Regulations 2014. This policy takes effect from 1 August 2014 as prescribed.
- 1.4 The above regulations are made under the Social Services and Well-being (Wales) Act 2014. They bring the complaints handling process for Social Services in line with the *Welsh Government Model Concerns and Complaints Policy and Guidance*, and the NHS Complaints Procedure *Putting Things Right*.
- 1.5 This policy also encompasses the requirements of the Children Act 1989, the Adoption Of Children Act 2002, the Community Care Act 2014 and is in accordance with guidance issued under Section 7 of the Local Authority Social Services Act 1970.

**2. Our commitment**

- 2.1 The Social Services Directorate (Social Services) aims to provide high quality services to eligible residents of Swansea.
- 2.2 There will be times when people using or wanting to use its services will want to make comments or complaints about the service they receive. When we receive a complaint, we will usually respond in the way we explain below.
- 2.3 We have developed our Social Services complaints policy to ensure we resolve complaints quickly and effectively.
- 2.4 We recognise that a robust complaints framework allows service users to become empowered. Outcomes from complaints are used by Social Services to ensure that lessons are learned where things have gone wrong, in order that continuous improvement can be made to service delivery.
- 2.5 We will deal with complaints in an open and honest way.



- 2.6 We will make sure that complainants' dealings with us in the future do not suffer just because they have expressed a concern or made a complaint.
- 2.7 We would normally communicate with a complainant in the same way they have contacted us, unless they request we respond differently or we have good reason not to do so. Where a complainant has contacted us by email, we will ask for written consent to respond electronically. Should such consent not be given, outgoing correspondence will be sent by post.

### **3. Officer Roles**

- 3.1 The Director of Social Services should have formal oversight of the complaints process and should report annually on complaints in the Director's Annual Report. The Director of Social Services for these purposes is the Chief Social Services Officer.
- 3.2 The Authority must designate a Senior Officer responsible for ensuring compliance with the Authority's Social Services complaints and representations procedures. This function is designated to the Complaints Manager.
- 3.3 The Authority also has a Social Services Complaints Officer, responsible for managing the procedures for handling and considering complaints and representations.
- 3.4 The specific roles and duties of these officers are set out in the Welsh Government guidance document "A guide to handling complaints and representations by local authority social services" (2014).

### **4. Service Requests**

- 4.1 If a person is approaching the council for a service for the first time, this will be classified as a service request. In such cases this policy will not apply.

### **5. Use of this policy: Who can complain, and when can a complaint be made?**

- 5.1 This policy applies to both adults and children. A person may be eligible to make a complaint about Social Services under this policy, if they:
  - 5.1.1 Have received (or were entitled to receive) a service from Social Services and have suffered due to the inappropriate actions of Social Services.
  - 5.1.2 A complaint may be brought forward in respect of a child (i.e. a person under the age of 18):
    - (a) By a child either being looked after by Social Services, or not being looked after by them but is in need
    - (b) By a parent of such a child
    - (c) By a person with parental responsibility for such a child
    - (d) By a local authority foster carer

- (e) Where the council considers that the complainant has a sufficient interest in a person's welfare to warrant it considering their representations
- 5.2 Children in need, looked after children and care leavers have a right to receive assistance from an independent advocate to support them when making a complaint. In these circumstances, we will provide an advocate if asked to do so.
  - 5.3 If a person is unable to make a complaint or representation themselves, they can have someone (a representative) to make a complaint on their behalf.
  - 5.4 A representative may make a complaint on another person's behalf where that person:
    - is a child; or
    - has requested the representative to act for them; or
    - lacks capacity (within the meaning of the Mental Capacity Act 2005) to make their own complaint; or
    - has died.
  - 5.5 Any representative making a complaint on another person's behalf without their expressed permission must be considered to have sufficient interest in that person's welfare and be a suitable person. The Complaints Officer will determine the eligibility of a complainant.
  - 5.6 If an individual intends expressing a concern on behalf of another person who satisfies the criteria set out in paragraph 5.1, we may require confirmation of their agreement to that person acting on their behalf.
  - 5.7 Normally, we will only be able to look at complaints if we are told about them within 12 months. This is because it's better to look into complaints while the issues are still fresh in everyone's mind.
  - 5.8 In exceptional circumstances the council may be able to look at concerns which are brought to our attention later than this. However, we will need strong reasons why the matter has not been brought to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly.
  - 5.9 There may be reasons why the council will not, or cannot consider a complaint under this policy (e.g. if there are court proceedings, Care and Social Services Wales/police investigations in relation to those matters, or if the complaint identifies a safeguarding issue). If this is the case, the Complaints Officer will explain why the complaint cannot be considered and confirm the decision in writing.
  - 5.10 Furthermore, a complaint cannot be considered under this policy where:
    - a) The complaint relates to a matter that has previously been investigated under this or the former complaints procedure;
    - b) The complaint is being or has been investigated by the Public Services Ombudsman for Wales;
    - c) The matter relates to a Freedom of Information request;

- d) The complaint has previously been made orally, and resolved to the satisfaction of the person making complaint by the end of the working day following the day on which the complaint was made.

## **6. How to complain**

6.1 Complaints can be made in any of the ways below:

6.1.1 By contacting the Complaints Team by telephone on 01792 637345

6.1.2 Via our website at [www.swansea.gov.uk/complaints](http://www.swansea.gov.uk/complaints)

6.1.3 By e-mail at [complaints@swansea.gov.uk](mailto:complaints@swansea.gov.uk)

6.1.4 In writing, at the following address:

The Complaints Team  
Third Floor, Civic Centre  
Oystermouth Road  
Swansea SA1 3SN

6.2 We aim to have complaint information available at all of our service outlets and public areas and also at appropriate locations in the community (e.g. libraries and housing offices).

6.3 Copies of this policy and the complaint form can be made available in other formats if required (e.g. audio, large print etc).

## **7. Stage 1 of the complaints process – informal/local resolution**

7.1 If possible, we believe it's best to deal with things straight away rather than try to sort them out later. Ideally, complainants should raise their complaint with the person they are dealing with. He or she will try to resolve it there and then.

7.2 If we are unable to resolve a complaint as outlined in 7.1 above, we will acknowledge the complaint within 2 working days of receipt of the complaint and tell the complainant who we have asked to look into the matter. Details of our complaints procedure will be enclosed with the acknowledgement. We will also offer advice and guidance on the complaints process if this is required.

7.3 We will set out our understanding of the complainant's concerns and ask them to confirm that we have got it right. We will also ask them to tell us what outcome they are hoping for.

7.4 We will offer the complainant a discussion with a Social Services Officer or the Complaints Officer (as appropriate). Arrangements will be made for this to take place within 10 working days of the date of acknowledgement.

- 7.5 In the case of a Representation, arrangements will be made for any required discussion to take place within 10 working days of the complaint start date as defined in Regulation 17(4) of The Representations Procedure (Wales) Regulations 2014.
- 7.6 If a complainant refuses the offer of a discussion, the complaint may proceed to the formal investigation stage.
- 7.7 Where the approach set out in 7.4 or 7.5 above leads to a mutually acceptable resolution to the complaint, we will provide a substantive response to the complainant in writing within 5 working days of the date of resolution.
- 7.8 If it is not possible to provide the complainant with a response within the timescales set out in 7.4 or 7.5 above, we will contact the complainant to discuss the reason for the delay.
- 7.9 Occasionally, we might suggest mediation or another method to try to resolve disputes. It is hoped that all concerns can be resolved by Social Services without a need for further action.

## **8. Stage 2 of the complaints process - formal investigation**

- 8.1 If a complaint has been considered at the first stage of the complaints process and the complainant remains aggrieved with the outcome, they may ask for the complaint to be investigated by a person who is independent of the council.
- 8.2 We will compile a formal written record of the complaint (as we understand it) within 5 working days of the date it is received.
- 8.3 Before the investigation starts, the complainant will be required to confirm that our understanding of the issues to be investigated is comprehensive and correct. They will also be asked to specify (or confirm) their required outcomes from the investigation. If these issues have not been clearly set out in our summary of the complaint, the complainant will need to speak to the Complaints Officer to clarify matters.
- 8.4 The date on which the content of the complaint is agreed by both the council and the complainant will be the start date for the complaint.
- 8.5 We will commission someone from outside the council to conduct the investigation. This person is referred to as an Independent Investigator.
- 8.6 The Independent Investigator will interview all relevant parties and produce a report of their findings which will be provided to the person making the complaint and principal parties to the complaint.
- 8.7 As a consequence of this report the Director of Social Services will provide the complainant with a written response to the report which will include their summary, stating whether or not the complaint is upheld. The response will provide details of any action to be taken, together with an apology where appropriate. The response

will also explain the complainant's right to go to the Public Services Ombudsman for Wales should they remain dissatisfied.

- 8.8 The complainant will be offered an opportunity to discuss the investigator's report and our response, and this discussion will normally be with the Complaints Officer.
- 8.9 In the case of a child, at this stage an Independent Person will also be appointed to take part in the formal consideration and any discussion about the action the council should take (in accordance with the Children' Act 1989). The Independent Person is not an advocate for the complainant; their role is to oversee the handling of the complaint. This person may be an employee of the council but must not be associated with Social Services in any way.
- 8.10 A response to a Stage 2 complaint must be issued within 25 working days of the start date, unless there are exceptional circumstances where this is not possible. If a response cannot be issued within this timescale we will inform the complainant and explain why, giving an indication when they can expect to receive a response. Delays due to exceptional circumstances must be agreed by the Director of Social Services and recorded in an Annual Report. In any event, a response to a complaint must be provided within 6 months.
- 8.11 Whilst it is recommended that a complainant tries to resolve their complaint informally at first, they have the right to ask for a complaint to be considered formally from the outset.
- 8.12 A formal investigation may be initiated where the complaint is deemed to be so serious that it would be inappropriate to deal with the matter by local/informal resolution.

## **9. Outcomes of investigations**

- 9.1 Following the investigation of a complaint, we will let the complainant know the outcome of the investigation using their preferred form of communication (e.g. by letter or email). We will explain how and why we came to our conclusions.
- 9.2 If we find that we got it wrong, we will explain what errors were made and how it happened. In complex cases, we may invite the complainant to attend a further meeting to discuss the outcomes and future actions
- 9.3 If we find there is a fault in our systems or the way we do things, we will explain what it is and how we plan to change things to stop it happening again. If we got it wrong, we will always apologise.

## **10. Putting things right - when we get things wrong**

- 10.1 If we didn't provide a service that should have been given, we will aim to provide it if that's possible. If we didn't do something well, we will aim to put it right. If a person

has lost out as a result of a mistake on our part we will try to put them back in the position they would have been in if we had got it right.

- 10.2 If a person had to pay for a service themselves when they should have received that service from us, or if they were entitled to funding they did not receive, we will usually aim to make good what they have lost.

## **11. Learning lessons**

- 11.1 We take complaints seriously and try to learn from any mistakes we have made. Our senior management team considers a periodic summary of all complaints. Details of lessons learned from complaints are also included in an Annual Report.
- 11.2 Where there is a need for change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. If it is appropriate, we will let complainants know when the changes we have promised to make have been implemented.

## **12. Confidentiality**

- 12.1 Should a complainant request sight of any part of the complaint investigation, such a request will be dealt with in accordance with the Data Protection Act 1998. Written information on complaints is kept separately from care management records.
- 12.2 Requesting an investigation gives permission for the Investigating Officer to look at the personal data contained in care management records for the scope of the complaint.
- 12.3 All council staff, including those commissioned for a specific piece of work, are bound by the rules of confidentiality.
- 12.4 Information gathered and processed during the complaint procedure will only be shared with parties subject to, directly involved with or who have a professional interest in the outcome of the complaint.

## **13. Concurrent investigations**

- 13.1 Where other investigations are in progress/under consideration in relation to issues raised by the complainant (e.g. court matters, Care and Social Services Wales/police investigations, disciplinary or other legal proceedings), no concurrent investigation will be undertaken in line with this policy where such an investigation would prejudice the conduct of those proceedings/investigations.
- 13.2 No complaint investigation will be made under this policy where it is considered that such action may compromise any adult or child protection process. Complainants will be informed if the complaint is being treated as a safeguarding issue.

- 13.3 Should this occur, we will notify the complainant in writing to explain why and invite them to re-submit their complaint within 6 months of those other matters being concluded.

**14. What if there is more than one public body involved?**

- 14.1 If a complaint covers more than one body (e.g. if the complaint is about both the council and health board) we will usually work with them to decide who should take the lead in dealing with the matter. In such cases, the name of the person responsible for communicating with the complainant will be provided.
- 14.2 If the complaint is about a body working on our behalf (e.g. agency care workers or private residential homes) the matter may be raised informally with, and handled by, that body first. However, if the complainant wants to complain formally, we will look into this ourselves and respond.

**15. Deferring or freezing decisions**

- 15.1 If a complaint is about a proposed change to a care plan, a placement or a service, the council may consider deferring or freezing the decision until the complaint is resolved.
- 15.2 Decisions to defer/freeze such changes will normally be made following discussion between the Complaints Officer and Social Services, and each case will be considered on its own merit.
- 15.3 Should it be required, the decision of the Director of Social Services on such matters will be final.

**16. Public Services Ombudsman for Wales**

- 16.1 If we do not succeed in resolving a complaint, the complainant may refer the matter to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into complaints where the complainant or service user -
- a) has been treated unfairly or received a poor service through some failure on the part of the body providing it
  - b) has been disadvantaged personally by a service failure or has been treated unfairly.
- 16.2 The Ombudsman expects complainants to bring concerns to our attention first and to give us an opportunity to put things right.
- 16.3 The Ombudsman can be contacted in the following ways:
- By e-mail: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)
  - Via the Ombudsman website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)
  - In writing, or by telephone, at:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed CF35 5LJ  
Tel: 0300 790 0203

16.4 There are also other organisations that consider complaints. For example, the Welsh Language Commissioner can deal with issues about services in Welsh. We can provide advice about such organisations.

**17. What if a complaint is withdrawn?**

17.1 A complainant may withdraw a complaint at any time. If this happens we will write to the complainant to confirm their withdrawal of the complaint, however we may decide to continue with our investigations if we deem such action is necessary.

**18. What if a complainant needs help?**

18.1 Our staff will aim to help complainants to make their concerns known to us. If extra assistance is needed, we will try to put complainants in touch with someone who can help.

**18.2 Older People**

18.2.1 Age Cymru provides advice for all older people in Wales. They can be contacted in any of the ways below:

- Using their Online Form: <http://www.ageuk.org.uk/cymru/contact-us/>
- Via the Age Cymru website: <http://www.ageuk.org.uk/cymru/>
- In writing, or by telephone, at:

Age Cymru  
Tŷ John Pathy  
13/14 Neptune Court  
Vanguard Way  
Cardiff CF24 5PJ  
Tel: 0300 790 0203

18.2.2 Advocacy services for adults can also be found by contacting:

South Wales Advocacy (Mental Health)  
Cefn Coed Hospital  
Cockett  
Swansea SA2 0GH  
Tel: 01792 516665



### 18.3 Children and young people

18.3.1 This policy includes complaints made by people under the age of 18. If a young person wishing to complain needs help, they can speak to someone on the Meic Helpline (phone 080880 23456, [www.meiccymru.org](http://www.meiccymru.org)).

18.3.2 They can also contact the Children's Commissioner for Wales:

- By email, at: [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)
- In writing, or by telephone, as shown below:

**South Wales Office:**

Oystermouth House  
Phoenix Way  
Llansamlet  
Swansea SA7 9FS  
Tel: 01792 765600

**North Wales Office:**

Penrhos Manor  
Oak Drive  
Colwyn Bay  
Conwy LL29 7YW  
Tel: 01492 523333

18.3.3 Advocacy services for children and young people can also be provided by Tros Gynnal, who can be contacted in the following ways:

- By email, at: [leo@trosgynnal.org.uk](mailto:leo@trosgynnal.org.uk)
- In writing, or by telephone, as shown below:

Tros Gynnal  
4 Dunraven Place  
Bridgend CF31 1JD  
Tel: 01656 669354

## 19. What we expect from complainants

19.1 In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a concern or a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

19.2 We believe that all complainants have the right to be heard, understood and respected. However, we expect complainants to be polite and courteous in their dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence.

19.3 We have a separate policy to manage situations where we find that someone's actions are unacceptable. Details of our Unreasonable Customer Behaviour Policy can be found at [www.swansea.gov.uk/behaviour](http://www.swansea.gov.uk/behaviour).

## Report of the Cabinet Member for Wellbeing & Healthy City

Cabinet – 17 March 2015

### ANNUAL EQUALITY AND DIVERSITY REVIEW REPORT 2013-14

<b>Purpose:</b>	To present the Annual Equality and Diversity Review Report for 2013-14 as required by the Public Sector Equality Duty for Wales.
<b>Policy Framework:</b>	Strategic Equality Plan 2012 - 2016
<b>Reason for Decision:</b>	To approve the report for submission to the Equality and Human Rights Commission (as the regulator) and publication on the Council's website (as required by law).
<b>Consultation:</b>	Legal, Finance, Access to Services, Engagement and Inclusion Cabinet Advisory Committee.
<b>Recommendation(s):</b>	It is recommended that: -  1) the report is approved by Cabinet prior to submission to the Equality and Human Rights Commission and publication on the Council's website.
<b>Report Author:</b>	Sherill Hopkins Euros Owen
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services:</b>	Phil Couch

#### 1.0 Introduction

- 1.1 This report is our third review under the Public Sector Equality Duty and reflects the annual reporting regulations for Wales, which were introduced in 2011. It has also been considered by the Engagement and Inclusion Cabinet Advisory Committee. The report was positively received by the Committee, with particular mention given to how specific our Equality Objectives are in their design.
- 1.2 The report (**Appendix 1**) contains our second progress report against the Equality Objectives contained within our Strategic Equality Plan (SEP).
- 1.3 This report also contains details on equality information and employment & training information. Additional information (of relevance to the

requirements of the Public Sector Equality Duty) has also been included, outlining work in the following areas:

- Equalities Committee
- Equality Member Champions
- Equality Impact Assessments
- Consultation and engagement
- Harassment and hate incidents
- Regional and partnership work
- Stonewall
- Education and schools
- Work with older people
- Welsh Government Framework for Independent Living
- Working with carers
- United Nations Convention on the Rights of the Child (UNCRC)
- Community cohesion
- Poverty
- Welfare reform
- Domestic abuse
- Business planning
- Training
- Easy-read
- Wales Interpretation and Translation Service (WITS)
- Change Fund
- Children and Young People LGBT funding

It is positive to see the breadth and quantity of additional information we have to report, which further support the delivery and achievement of our Equality Objectives.

The report itself has 2 appendices:

- Equality Objectives – progress update
- Employment and Training Information

Please note that the employment information is slightly limited this year due to changes in the way the data is held. Arrangements have been made to achieve a fuller report for 2015 onwards.

## **2.0 Equality Objectives – progress update**

2.1 All service areas have provided updates for the second year of our Equality Objectives. It is positive to see that progress continues to be made against all objectives, with a large number of actions already complete.

Some emerging examples of positive outcomes and good practice include:

- Increased consultation and engagement with equality groups
- Tackling poverty in Swansea training – delivered to 113 people in 2013-14
- Our focus on welfare reform, including the work of the Take-up Team and weekly advice sessions at the Contact Centre – 170 people were assisted via 40 sessions

- The full review of HR policies, which incorporated the EIA process
- A Sign Translate pilot at the Contact Centre, allowing staff to access immediate interpretation in order to assist people whose first language is British Sign Language (BSL)
- Education achievement improvements (including the development of individual learning pathways where appropriate)
- Flying Start – performing above the national average
- A reduction in the time taken to complete the Disabled Facilities Grant (DFG) process
- Continuing work to lower the 6% gender gap in sport participation by children – this figure is already below the Welsh average of 9%
- Launch of the Plus One Scheme at cultural and leisure venues – 2100 people joined in the first 8 months of operation
- Increased take-up of direct Payments, with around 10 new packages every month
- Positive feedback from communities in relation to our burial / cremation arrangements for different religions.

2.2 In terms of the small number of actions that have not progressed in 2013 - 2014, officers have provided details and updated deadlines where appropriate (as is permitted under the regulations). Where actions have needed to be changed or progressed in different ways, this has been highlighted throughout the action plan.

2.3 As we look ahead to 2015, the next annual review will begin the work required to adopt a new SEP by April 2016 (as required by the Public Sector Equality Duty). As always, this work will be done via engagement with colleagues from across the Council.

### **3.0 Financial Implications**

3.1 There are no financial implications associated with this report.

### **4.0 Legal Implications**

4.1 The public sector equality duty was created by the Equality Act 2010 which replaced the various race, disability and gender equality duty legislation. This work is governed by the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, which places specific duties on public authorities. The 16 regulations include specific publication requirements for:

- A Strategic Equality Plan (and any revisions)
- Equality Objectives including timescales and actions to be taken
- An annual equality report by 31 March each year
- Equality Impact Assessments
- Any relevant equality information
- Specified employment information, including information on training and pay.

## **5.0 Equality and Engagement Implications**

- 5.1 An EIA screening form has been completed for this report; with the conclusion that a full EIA is not required as this is purely a review of activity and the main policy (our SEP) has already been subject to a full EIA.

### **Background Papers:**

The Strategic Equality Plan is available at:

[www.swansea.gov.uk/sep](http://www.swansea.gov.uk/sep)

### **Appendices:**

#### **Appendix 1:**

Equality and Diversity Review 2013/14 (year ending March 2014) Report

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

**Cabinet – 17 March 2015**

### 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 and 16
	17a	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> <p><b>a)</b> 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</p> <p><b>b)</b> Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <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>

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

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