

CITY & COUNTY OF SWANSEA

CABINET

At: Lord Mayors Reception Room - Guildhall

On: Tuesday, 12 May 2015

Time: 5.00 pm

AGENDA

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.** 1 - 2
3. **Minutes.** 3 - 11
To approve and sign as a correct record the Minutes of the meeting of Cabinet held on 14 April 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 Education: -**
8.a Local Authority Governor Appointments. 12 - 13
9. **Report of the Cabinet Members for Education & Services for Children & Young People: -**
9.a Flying Start Capital Programme 2015-2016. 14 - 19
10. **Report(s) of the Cabinet Member for Transformation and Performance: -**
10.a Commercialism in the Council. 20 - 28
11. **Exclusion of the Public: -** 29 - 32
12. **Report (s) of the Cabinet Member for Finance and Strategy: -**
12.a Disposal of Land at Ty Coch Farm - Land at Cefngyfelach. 33 - 42



Patrick Arran
Head of Legal, Democratic Services & Procurement
Wednesday, 29 April 2015

Contact: Democratic Services - 636820

CABINET (10)

Labour Councillors:

Mark C Child	Clive Lloyd
William Evans	Jennifer A Raynor
Robert Francis-Davies	Christine Richards (Deputy Leader)
Jane E C Harris	Rob C Stewart (Leader)
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
Lindsay Harvey	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

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

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

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

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

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

Officers

Financial Interests

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

CITY AND COUNTY OF SWANSEA

MINUTES OF THE MEETING OF CABINET

HELD AT THE GUILDHALL ON TUESDAY, 14 APRIL 2015 AT 5.00 PM

PRESENT: R Stewart (Leader) presided

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

207. **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

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

In accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

- 1) Councillor Mark Thomas declared a personal interest in Minute 220 Western Bay response to the Older People's Commissioner for Wales Report on Care Homes in Wales 'A Place to Call Home' – wife works for the Authority in Adult Social Services – dispensation from Standards Committee.

209. **MINUTES.**

RESOLVED that the Minutes of the meetings held on 17 March 2015 be approved as a correct record.

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

The Leader indicated that he had no announcements but referred to the tragic incident on the Kingsway and expressed his condolences to the family. He referred to the statements made in the press and that he would be allowing an urgent item on the Proposed Experimental Changes to the Kingsway.

211. **PUBLIC QUESTION TIME.**

A number of questions were asked in relation to the following items:

- i) Written questions was asked by Mr N Perrott in respect of Minute 221 – WLGA Peer Review Action Plan. The Leader responded accordingly.

- ii) Mr Roberts, Mr Sims and Mr Gibson - Minute 214 – Report on the Proposed Experimental Changes to Kingsway. The Leader responded accordingly.
- iii) Mr East – Minute 218 – Transfer of the Capital Budget – details of the process and contract. The Leader indicated that a written response would be provided.

212. **COUNCILLORS' QUESTION TIME.**

No questions were asked.

213. **SCRUTINY REPORT(S).**

None.

214. **URGENT ITEM.**

The Leader stated that pursuant to paragraph 100B (4)(b) of the Local Government Act 1972, he considered that the report of the Cabinet Member for Environment and Transportation should be considered at this matter as a matter of urgency.

Reason for Urgency

A decision needs to be made to enable officers to commence work on planning for and implementing Experimental Traffic Orders at the earliest possible opportunity.

Report on Proposed Experimental Changes to the Kingsway

The Cabinet Member for Environment & Transportation presented a report which considered a proposal to review the operation of the bus lane (eastbound) on the Kingsway and the implications of re – routing bus services and other vehicles that are currently permitted to use the bus lane. The Leader proposed an additional recommendation to this report.

CABINET DECISION

That:-

- 1) Officers be authorised to monitor the implementation of temporary barriers along the central reservation of the Kingsway.
- 2) Officers be authorised to implement an Experimental Traffic Order and take any consequential steps to bring this into effect.
- 3) Officers be authorised to access contingency funds of any monies necessary to fund amendments to the Kingsway.

Policy Framework

None

Reason for Decision

To provide officers with instructions to proceed.

Consultation

Local Ward Members, Legal & Finance, Access to Services

215. **DISABLED FACILITIES AND IMPROVEMENT GRANT PROGRAMME.**

The Cabinet Member for Communities and Housing submitted a report which provided details of the Disabled Facilities and Improvement Grant Programme and sought approval to include schemes in the 2015-2016 Capital Programme.

CABINET DECISION

- 1) The Disabled Facilities and Improvement Grant Programme as detailed, including its financial implications, be approved and included in the 2015-2016 Capital Budget.

Policy Framework

- i) Local Housing Strategy;
- ii) Private Sector Housing Renewal and Disabled Adaptations: Policy to Provide Assistance 2012-2017;
- iii) Statutory declaration of the Sandfields Renewal Area approved by Cabinet on 14 January 2014.

Reason for Decision

To comply with Financial Procedure Rule 7 "Capital Programming and Appraisals"
- To commit and authorise schemes as per the Capital Programme.

Consultation

Access to Services, Finance, Legal.

216. **ESTYN INSPECTION OF LOCAL AUTHORITY EDUCATION SERVICES FOR CHILDREN AND YOUNG PEOPLE 2013 - UPDATE ON PROGRESS IN ADDRESSING THE FIVE RECOMMENDATIONS.**

The Cabinet Member for Education submitted a report which provided an update on the progress in meeting the 5 recommendations in the Estyn Inspection Report.

The second bullet point on Page 22 of the report was verbally amended to indicate that the deadline of the consultation period had been extended to 27 March 2015.

CABINET DECISION

- 1) The progress update on the 5 recommendations in the Estyn Inspection Report be noted.

Policy Framework

- i) Estyn Common Inspection Framework.

Reason for Decision

Political monitoring of progress in meeting the 5 recommendations stipulated by Estyn.

Consultation

Access to Services, Finance, Legal.

217. **CABINET MEMBER RESPONSE TO THE REPORT OF THE STREET SCENE SCRUTINY INQUIRY.**

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

CABINET DECISION

- 1) 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

Finance, Legal.

218. **TRANSFER OF CAPITAL BUDGET.**

The Cabinet Member for Finance and Strategy submitted a report which presented the case to transfer existing unexpended capital budget from the refurbishment of the Civic Centre, Council Chamber (now discontinued) scheme to the Glynn Vivian

Art Gallery Project, the proposed Guildhall, Council Chamber works and the recent Guildhall accommodations moves.

CABINET DECISION

- 1) £300,000 of the existing unexpended £500,000 capital budget allocated to the Civic Centre Council Chamber public access works be transferred to the Guildhall Council Chamber public access works and recent Cabinet and Senior Officer accommodation costs;
- 2) The remaining budget of £200,000 be transferred from the existing budget set aside to refurbish the Civic Centre Council Chamber to the Glynn Vivian Art Gallery refurbishment project.

Policy Framework

None.

Reason for Decision

To comply with Financial Procedure Rule 7.

Consultation

Finance, Legal, Procurement, Corporate Building and Property Services.

219. **BUILDING CAPITAL MAINTENANCE PROGRAMME 2015/16.**

The Cabinet Member for Finance and Strategy submitted a report which sought to agree the schemes to be funded through the Capital Maintenance programme.

CABINET DECISION

- 1) The proposed capital maintenance schemes as listed in Appendix A of the report be approved;
- 2) The financial implications identified in Appendix B of the report be authorised for inclusion in the capital programme.

Policy Framework

- i) The Revenue and Capital Budget as reported to and approved by Council on 24 February 2015.

Reason for Decision

To comply with Financial Procedure Rule 7 "Capital Programming and Appraisal" to commit and authorise schemes as per the capital programme.

Consultation

Access to Services, Finance, Legal.

220. **REFORM OF THE HOUSING REVENUE ACCOUNT SUBSIDY SYSTEM.**

The Cabinet Members for Finance & Strategy and Communities and Housing jointly submitted a report which set out the final terms of the exit from the Housing Revenue Account Subsidy system and the implications on the Council.

CABINET DECISION

- 1) The final terms of the exit from the Housing Revenue Account Subsidy system be noted.

Policy Framework

Local Housing Strategy.

Reason for Decision

To provide the final terms of the reforms.

Consultation

Access to Services, Finance, Legal.

221. **WESTERN BAY RESPONSE TO THE OLDER PEOPLE'S COMMISSIONER FOR WALES REPORT ON CARE HOMES IN WALES 'A PLACE TO CALL HOME'.**

The Cabinet Member for Services for Adults and Vulnerable People submitted a report which provided the background to the Older Peoples Commissioners (OPC) report "A Place to Call Home" and to outline the OPC's requirements for action contained within the report.

CABINET DECISION

- 1) The Swansea position within the Western Bay response to the OPC report be noted;
- 2) The Western Bay response to the OPC report and the requirements for action identified within be noted;
- 3) The Western Bay collaborative approach to develop and improve the quality of life for care home residents be supported.

Policy Framework

- i) Sustainable Social Services for Wales: A Framework for Action.

Reason for Decision

To seek endorsement of the Western Bay response to the OPC report and the requirements for action therein.

Consultation

Access to Services, Finance, Legal.

222. **WLGA PEER REVIEW ACTION PLAN.**

The Cabinet Member for Transformation and Performance submitted a report which considered the Action Plan and progress to date in response to the Welsh Local Government Association (WLGA) Peer Review.

CABINET DECISION

- 1) The Peer Review Action Plan subject to any additions be approved;
- 2) The Peer Review Action Plan be referred to Council for information.

Policy Framework

Corporate Plan - Sustainable Swansea - Fit for the Future.

Reason for Decision

The Peer Review report was reported to Cabinet and Council in February 2015. It was agreed to present the Action Plan to a future meeting.

Consultation

Access to Services, Finance, Legal.

223. **APPOINTMENT OF TEMPORARY ASSISTANT CORONER.**

The Cabinet Member for Transformation and Performance submitted a report which sought to appoint a temporary Assistant Coroner.

CABINET DECISION

- 1) Caroline Sumeray be appointed as an Assistant Coroner for a fixed period of 12 months from 26 March 2015.

Policy Framework

None.

Reason for Decision

To comply with a statutory requirement.

Consultation

None.

224. **EXCLUSION OF THE PUBLIC.**

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

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

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

CLOSED SESSION

225. **WPC FRAMEWORK AGREEMENT FOR THE PROVISION OF ASBESTOS SURVEYING/INSPECTION, TESTING/ANALYTICAL SERVICES AND LICENSED REMOVAL.**

The Cabinet Member for Communities and Housing submitted a report which sought to approve the Welsh Purchasing Consortium (WPC) Framework for Asbestos Surveying / Inspection Services, Testing / Analytical Services and Removal of Asbestos Works. LOT 1 - Asbestos Survey / Inspection; LOT 2 - Asbestos Testing / Analytical Services; LOT 3 - (HSE) Asbestos Removal.

CABINET DECISION

- 1) The recommendations as indicated in the report be approved.

Policy Framework

Council Constitution.

Reason for Decision

To comply with Contract Procedure Rule 13, as set out in the Council Constitution.

Consultation

Access to Services, Finance, Legal, Democratic Services and Procurement,
Corporate Building and Property Services.

The meeting ended at 5.50p.m.

CHAIR

Published on 15 April 2015

Agenda Item 8.a

Report of the Cabinet Member for Education

Cabinet – 12 May 2015

LOCAL AUTHORITY GOVERNOR APPOINTMENTS

Purpose of Report:	To approve the nominations submitted to fill L. A. Governor vacancies in School Governing Bodies.
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.
Recommendation:	It is recommended that: - 1) The nominations be approved, as recommended by the LA Governor Appointment Panel.
Report Author:	Allison Gough
Finance Officer:	Ben Smith
Legal Officer:	Stephanie Williams
Access to Services Officer:	Sherill Hopkins

1.0 The nominations referred for approval

1.1 At the meeting of the L.A. Governor Appointment Panel held on 23 April 2015, nominations were recommended for approval as follows:

1. Christchurch Church in Wales Primary School	Mr David Moore
2. Clase Primary School	Mrs Michelle Morgan

3. Craigcefnparc Primary School	Mrs Eira Wyn Davies
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4. Penyrheol Primary School	Mr David Roe
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5. Pontlliw Primary School	Mr David Mathias
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6. Seaview Primary School	Mr Wayne Morgan
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7. Townhill Primary School	Mrs Janet Chaplin
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8. YGG Lon Las	Mrs Carys Wyn Davies
	Mr Stephen Hopkins

9. Olchfa Comprehensive School	Mr James Lyn Ellis
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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

Agenda Item 9.a

Report of the Cabinet Members for Education & Services for Children & Young People

Cabinet – 12 May 2015

FLYING START CAPITAL PROGRAMME 2015 - 2016

Purpose:	To outline the capital proposal included in the Additional Funding Application submitted to Welsh Government in respect of the Flying Start Programme 2015/16.
Policy Framework:	One Swansea Plan.
Reason for Decision:	To comply with Financial Procedure Rule 7- to approve and include new Capital schemes in the Capital Programme.
Consultation:	Education, Poverty, Corporate Building and Services, Finance and Legal were consulted.
Recommendation(s):	It is recommended that Cabinet : - <ol style="list-style-type: none">1. Authorise that the Director of Place be given authority to implement relocation of the previously approved Flying Start setting.2. Authorise that the scheme as detailed, together with financial implications, be included in the capital programme.
Report Author:	Claire Lewis
Finance Officer:	Ben Smith
Legal Officer:	Debbie Smith
Access to Services Officer	Sherill Hopkins

1.0 Background

- 1.1 Flying Start is one of the Welsh Government's (WG) Flagship Programmes aimed at improving outcomes for children under 4 in the identified most deprived areas with the main focus of child development.
- 1.2 Swansea's model of delivery for the Flying Start Programme has been acknowledged by Welsh Government as good practice. Flying Start settings are sited at Primary Schools ensuring the use of available space (potential surplus capacity) to establish "mini

children's centres". These comprise of the required Care and Social Services Inspectorate Wales (CSSIW) registered Childcare Facility, provide a base for Health Visitors and Parenting and Early Language Development provision. This has enabled co-located multi-agency teams to operate to support young children and their families in each area.

- 1.3 The Flying Start Programme in Swansea has been developed with the aspirations for 21st Century schools so that the benefits of Flying Start are maximised within Primary Schools and Community Focussed Schools. This also provides the opportunity to achieve effective transition into the Foundation Phase.
- 1.4 There have been 3 phases to the rollout of the Flying Start Programme. The targeting for each phase has been set by Welsh Government. At the end of 2014/15 there were 2659 0-3 year olds in the Flying Start Programme in Swansea benefiting from the full range of entitlements across different settings. In 2015/16 the full approved Programme will be established benefiting approximately 2,900 0-3 year olds annually.

2.0 Additional Capital Round

- 2.1 In August 2014, WG invited Swansea to submit a bid for additional funding for **existing** Flying Start areas. The purpose of this opportunity was a commitment to plugging identified gaps in existing agreed areas in order to consolidate the Programme. In response to this criteria Swansea's bid included capital funding to enable a Flying Start setting to be established in Pentre'r Graig Primary to support the Morriston 5 LSOA, a relocated Welsh Medium setting (Plantos Bach to part of site of former Daniel James Secondary School – close proximity to YGG Tirdeunaw). Also some smaller projects to enhance provision and set up costs.
- 2.2 WG confirmed on 21st January 2015, that Swansea had been approved £275,000 Flying Start capital grant to relocate the Welsh Medium setting (as above). WG have also approved capital grant allocation for some set up costs, along with £65K for upgrading outside provision at Parklands FS setting. See Appendix A.

3.0 Service Solution Proposal

- 3.1 Building on the Programme to date and taking into account lessons learned and good practice, the preferred way forward has been to maximise the use of available space (potential surplus capacity) via re-modelling within or adjacent to existing local primary schools (continuing to link the Flying Start Programme with the aspirations for 21st Century schools so that the benefits of Flying Start are maximised within primary schools and Community Focussed

Schools particularly in relation to the evidenced benefits of transition into the Foundation Phase).

- 3.2 The proposal for the location of the Flying Start facility at the former Daniel James School site is Block A. Currently the Education Welfare Officer (EWO) team is based in this building, along with a police community liaison officer and the top two floors are occupied by YGG Tirdeunaw. The proposed location would not impact on these services remaining on site. Despite uncertainty over the long term plan for the Mynyddbach (former Daniel James School) site, the introduction of Flying Start on the site will help support costs (with a contribution based on floor area to utilities), as well as providing a 52 week per year presence on site. The introduction of Flying Start to this site, does not limit potential future use for this site. It also enables Swansea to continue with its preferred strategy for co-location of services on or close to Primary provision.
- 3.3 The current FS provision at Penplas Family Centre does not allow for additional Welsh Medium places to be offered and there are some accessibility issues. The relocated setting will allow co location of services with Health Visitors on site and space for parenting classes and associated crèche facilities. Whilst there would be a reduction in income for the family centre as a result of the re-location the family centre would be able to continue to run services from their existing base. There will also be an opportunity to tender to manage the relocated Welsh Medium Flying Start Provision
- 3.4 Over the last few years there have been a number of information requests in relation to welsh medium provision within the Flying Start Programme. Flying Start in Swansea is being challenged to evidence that it has sufficient and accessible welsh medium places. It is anticipated that this relocation will address these concerns as well as the assessment of the suitability of the existing provision whilst also achieving consistency with Swansea's preferred model of co-locating with the Foundation Phase provision.
- 3.5 The existing provision provides 12 childcare places, the relocated setting would be able to provide 12 places at a minimum with potential to further increase welsh medium places up to 48 childcare places at this relocated setting.

4.0 Equality and Engagement Implications

- 4.1 An Equality Impact Assessment Screening Form has been completed for the project with the outcome that a full EIA Report was required. This has now been completed and has shown this project will have a positive impact on;

Age – provide good quality childcare places and additional services for 0-3 year olds.

Disability – services will be provided to meet the needs of other key vulnerable groups, such as children with disabilities for which dedicated and integrated options will be available.

Language - providing equality of access, Welsh Medium places

Children's Rights - In line with the Councils commitment to the UNCRC the initiative will have a direct impact on children and young people and is designed in the best interest of children as stated in guiding principal

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

- 4.2 All key stakeholders will be communicated with throughout the projects' delivery.

5.0 Financial Implications

Capital

- 5.1 The total cost of the capital improvement works approved amounts to **£275,000** and will be fully funded by grant from the Welsh Government.
- 5.2 The Funding relates to the period April 2015 to March 2016 and must be claimed in full by 31st March 2016 otherwise any unclaimed part of the Funding will cease to be available to the City and County of Swansea. The funding available has been profiled as set out in Appendix A.

Revenue

- 5.3 Flying Start revenue funding has already been committed as the service to be provided on the former Daniel James School site will be re-located from its current location.

6.0 Legal Implications

- 6.1 In line with arrangements at all other school based FS settings a licence agreement will be in place with the new provider to ensure clarity of roles and responsibilities relating to the asset.
- 6.2 The grant offer from Welsh Government will contain conditions which are legally binding. The Council must be satisfied that it is able to comply with the same.

Procurement

- 7.1 It is proposed that associated works will be delivered by The City and County of Swansea's Internal contractor (Corporate Building and Property Services) via a single tender approach. This approach has previously been approved with external auditors, therefore will fulfil stipulated grant criteria and attain best value throughout the process.
- 7.2 As part of any procurement process, the internal contractor will ensure:
- Purchases of works, goods or services will be made through open competition
 - Decisions to purchase goods, services or works will be made with the aim of obtaining value for money
 - Sufficient time will be allowed to undertake a proper tendering exercise
 - Suppliers and contractors will be treated fairly and in an even handed manner
 - A clear and concise documentary audit trail will be kept so the reasoning behind the procurement decision reached is open and transparent.

Background Papers:

List of approved Flying Start Areas (Phase 1,2 and 3) can be viewed

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

Equality Impact Assessment can be viewed at

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

Appendices:

Appendix A Financial Implications Summary

FINANCIAL IMPLICATIONS : SUMMARY

Portfolio: EDUCATION
Service : PRIMARY SCHOOLS
Scheme : FLYING START CAPITAL PROGRAMME
2015 / 2016
Approvals to date

<u>1.1. CAPITAL COSTS</u>	2014/15 £'000	2015/16 £'000	TOTAL £'000
<u>Expenditure</u>			
Flying Start Approved Projects:			
Relocated WM setting remodelling costs	0	275000	275,000
Relocated WM setting - set up costs	0	20000	20,000
Parklands Primary outdoor provision	0	65000	65,000
Parklands Primary set up costs	0	20000	20,000
Plasmarl set up costs	15000	7500	22500
Pontarddulais set up costs	27500	0	27500
EXPENDITURE	42,500	387,500	430,000
<u>Financing</u>			
Flying Start Capital Grant 14/15 & 15/16	42,500	387,500	430,000
FINANCING	42,500	387,500	430,000

<u>1.2. REVENUE COSTS</u>	2012/13 £'000	2012/13 £'000	FULL YEAR £'000
<u>Service Controlled - Expenditure</u>			
Employees)			0
Maintenance)			0
Vehicle running costs)			0
			0
NET EXPENDITURE	0	0	0
<u>Financing</u>			
FINANCING	0	0	0

Agenda Item 10.a

Report of the Cabinet Member for Performance and Transformation

Cabinet – 12 May 2015

COMMERCIALISM IN THE COUNCIL

Purpose:	To agree a corporate framework for the Council's future approach to Commercialism.
Policy Framework:	<i>Sustainable Swansea – fit for the future.</i>
Reason for Decision:	The Council has an ambitious agenda for transformation within <i>Sustainable Swansea – fit for the future</i> , a key feature of which is the need to adopt a more commercial approach to everything that we do, so that we can protect services and jobs. An overarching strategy for commercialism is required to provide a corporate framework for this.
Consultation:	Legal, Finance and Access to Services.
Recommendation(s):	That Cabinet: <ol style="list-style-type: none">1) Approves the Strategic Aim, Objectives and key actions for Commercialism in the Council, as set out in section 4 of this report and Appendix A;2) Agree a small number of candidate commercial projects for early development and learning, as set out in paragraph 4.5;3) Authorise the appointment of a Head of Commercial Services.
Report Author:	Dean Taylor
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Sherill Hopkins

1.0 Introduction

1.1 The Council has an ambitious agenda for transformation, as well as responding to the significant financial challenge we face, within *Sustainable Swansea – fit for the future*. A key feature of our future, long term approach is the need to adopt a more commercial approach to everything that we do.

1.2 Recent discussions and reports to Cabinet and Council, including the Medium Term Financial Plan have made clear that commercialism is the direction of travel. An overarching strategy for commercialism is now required to provide a framework for this

1.3 This paper outlines:

- *what commercialism means for Swansea*
- *why the Council needs to develop its commercial approach*
- *a proposed Strategic Aim and Objectives for commercialism*
- *the top actions required to achieve this*
- *some initial pathfinder projects to enable us to develop and learn from this approach*

2.0 Commercialism

2.1 The term “commercialism” is increasingly being used in public services, despite the obvious cultural and philosophical differences between the private and public sector.

2.2 In reality, local government has always had a spirit of enterprise and a tradition of innovation, but the time has come when that needs to be our default position.

2.3 The objective is to find the right balance between a public service ethos and commercial good practice, so that we can achieve better outcomes for our residents, as well as increased income.

2.4 In this context, the key attributes of commercialism for Swansea are:

- *Focus on true costs and achieving return on investment*
- *A focus on generating additional income where ever possible*
- *Business acumen*
- *Market awareness*
- *Maximising the value of our assets (in the widest sense)*
- *Incentivising employees to be more commercial*

2.5 Achieving a commercial approach is a long term aim, recognising in particular:

- *Not everything we do is capable of, or appropriate for, a commercial approach... and we need to be aware of “ethical considerations”, but we should first look at everything as if it is*

- *There will be cultural challenges to overcome...* the view that we are here to provide services (which of course we are) not to make a profit, which needs to be countered by the point that every £ we gain in income can be used to protect services
- *We will need to skill, incentivise and support staff to be more commercial...* there are already some good examples, but commercialism will need to be built into our organisational development programme so that we can identify the “entrepreneurs” in the organisation and ensure that staff are empowered and enabled to explore commercial solutions. We will also need to work closely with Trade Unions on our approach, including any changes to working practices as a result
- *We will make mistakes and there may be criticism of a more commercial approach...* the lessons from elsewhere are to “be brave” and that you can only learn by doing; our approach needs to be “risk aware, not risk averse”

3.0 The Case for Commercialism in the Council

3.1 There is a strong argument that all public sector bodies should always strive to be more commercial:

- To protect the public purse and achieve value for money for residents
- To foster a business like, efficient and innovative approach to service delivery

3.2 These reasons are part of the case for commercialism in the Council, but austerity, the significant reduction in grant and the increasing pressure on our services makes it imperative that we are more commercial in everything that we do.

3.3 In summary, a sustainable and whole Council approach to commercialism is required to:

- *Exploit every opportunity to increase income to offset the loss of grant*
- *Protect services and jobs*

3.4 In addition to these overriding reasons, there a number of local drivers for change that we have already agreed:

- **Sustainable Swansea:** delivery strands on third party spend and income, charging and trading
- **Innovation programme:** a key aim of which is the need to be more creative and to reduce costs
- **Peer Review:** this was one of the recommendations from the Review, which we have also followed up as part of the recent visit to Nottingham City Council

- **Member expectations:** Cabinet have signalled that they are expecting this approach and are prepared to support the change of culture required to achieve this

4.0 Our Commercial Objectives

- 4.1 It is proposed that we define an overall **Strategic Aim** for commercialism as well as a number of supporting **Strategic Objectives**, with an **Action Plan** across 4 key themes.
- 4.2 Cabinet is invited to approve the following Corporate Framework for our work on commercialism:

CITY AND COUNTY OF SWANSEA COMMERCIALISM	
<i>Our Strategic Aim</i>	<p>By adopting a commercial approach across the Council we will:</p> <ul style="list-style-type: none"> § Support the delivery of the Council's Corporate Plan priorities § Help to achieve sustainable services
<i>Our Strategic Objectives</i>	<p>To develop commercialism across the Council we will:</p> <ol style="list-style-type: none"> 1. Reduce costs and increase efficiency 2. Maximise income and cover our costs 3. Maximise the return on all our assets 4. Realise our potential for trading 5. Use our buying power to help deliver corporate priorities and to create jobs 6. Seek innovation via our commissioning and procurement activity 7. Empower, incentivise and support our staff 8. Increase commercial skills and capacity
<i>Our Actions to Achieve This</i>	<p>We will implement an action Plan to achieve commercialism across four key themes:</p> <ol style="list-style-type: none"> 1. Commercial Culture 2. Commercial Strategy 3. Commercial Capability 4. Commercial Return

- 4.3 The top actions to achieve Commercialism within the four key themes are set out in **Appendix A**. Following agreement by Cabinet, a detailed action plan will be developed with the Innovation Community, Heads of Service, with engagement from others, including Trade Unions.
- 4.4 Finally, it is proposed that we identify some **candidate “pathfinder” projects** for early development and learning. There is already a range of ideas across Services and the recent visit to Nottingham City Council has provided additional evidence of what works.
- 4.5 Cabinet is invited to agree the following projects as the first phase (other projects can of course be added) of the Commercialism agenda:
1. **Energy**: community energy scheme eg: solar power
 2. **Vehicle maintenance**: servicing of other public sector fleets
 3. **Catering**: expanding into other markets as part of the current commissioning review
 4. **Joint Equipment Store**: proving a better and cheaper service to clients
 5. **Design/Print**: increasing the customer base as part of the current budget review
 6. **Waste Management**: commercial waste and recyclables
 7. **Housing**: council house building programme

5.0 Delivery of the Commercialism Strategy

5.1 Delivery of the Commercialism Strategy will be overseen as follows:

Cabinet Lead	Cabinet Member for Performance & Transformation
Executive Board Lead	Director of Corporate Services
Member Oversight	Budget Review Steering Group (with reports to Cabinet as required)
Officer Oversight	Commercial Panel (with reports to Executive Board as required)

- 5.2 Progress with the Commercialism Strategy will be reviewed annually with a report to Cabinet.
- 5.3 We also need to ensure we have the senior capacity and skills required to support the Council to achieve its objectives.
- 5.4 This will require the support and contribution from all Service Areas, with a truly corporate approach based on putting the right resource on the

right projects. To provide corporate support and capacity for the programme as a whole we have brought together existing staff in Procurement and the Commercial Team to create a new Commercial and Commissioning Support Unit.

5.5 In summary, the role of the Unit is as follows:

1. Provide strategic direction for commissioning and commercial support in the Council
2. Develop advice, guidance and toolkits for commissioning reviews
3. Advise and support the Category Hubs to identify and deliver their saving plans
4. Develop and oversee delivery of the Third Party spend and income, charging and trading savings programmes
5. Ensure a coherent and consistent approach to maximising opportunities through sponsorship, advertising, sales and promotions
6. Develop a market development plan for the Council, working with commissioning leads
7. Promote a consistent approach to contract management and supplier relationship management to secure on-going cost savings and improvements
8. Identify opportunities for trading services and exploiting the Council's assets and support Services to achieve this
9. Develop the Council's commissioning and commercial capability and awareness through training, toolkits and guidance

5.5 The Executive Board have reviewed options for the leadership of commercialism agenda and the management of the Unit. The Board propose that the Council establishes a new post of Head of Commercial Services. The case for a new Head of Service post is as follows:

- Dedicated and specialist capacity to deliver our commercialism objectives
- Sends out a positive message to the organisation about the importance of this agenda
- Likely to help us to achieve savings in excess of current plans
- Will help to build skills and transfer knowledge
- Will bring different thinking and support services to realise their own plans for trading, income etc
- Additional capacity for one off and innovative projects
- Potential to take on other work that would benefit from better cross council co-ordination eg: external funding
- Sits at the Leadership Team table

- 5.6 Cabinet is asked to authorise the appointment of a Head of Commercial Services.

6.0 Equality and Engagement Implications

- 6.1 As part of progressing pieces of work in the Commercialism action plan, the EIA process will be applied where appropriate, including any requirements for engagement.

7.0 Financial Implications

- 7.1 Commercialism and the appointment of a Head of Service is a key spend to save initiative for the Council. Delivery of the Commercialism Action Plan will assist the Council to achieve efficiency savings and significant additional income. The extent of this will be fully assessed once the Action Plan is agreed and the necessary resources are in place.
- 7.2 The cost of the new post will be met from the existing budget for the Commercial Services Manager, supplemented in the interim by funding from the Transformation Fund, to be repaid from additional income generated, over and above that already set out in the current medium term financial plan.
- 7.3 The position will be kept under review to ensure return on investment.

8.0 Legal Implications

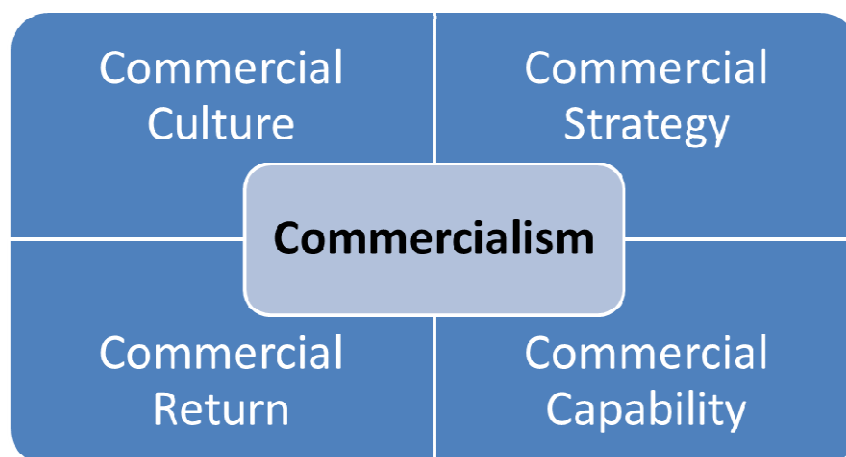
- 8.1 The Council has wide powers to charge for services and also, in certain circumstances, to trade. This may require different delivery models, Specific commercial projects will be examined to ensure that they are within the Council's powers.

Background Papers: None

Appendices: Appendix A – Commercialism Action Plan

CITY AND COUNTY OF SWANSEA COMMERCIALISM ACTION PLAN

The actions required to deliver the Council’s Strategic Aim and Strategic Objectives for commercialism fall under four key themes:



The top actions under each theme are set out below:

THEME	TOP ACTIONS
Commercial Culture... creating the mind set and the right environment for success	§ Leadership – setting expectations about commercial behaviour and supporting an entrepreneurial approach
	§ Changing our culture ie: risk aware not risk averse; learning by doing, incentivising staff
	§ Applying a “commercial lens” to all parts of the business
	§ Tackling barriers – supporting change and innovation
Commercial Strategy... setting out a clear plan of action and the structure to deliver it	§ 3 year Pipeline of action, with targets for third party spend, income and trading
	§ Commercial and commissioning support unit to drive the strategy and be a business partner to Services
	§ Hub and spoke network, sharing skills & knowledge

	<ul style="list-style-type: none"> § Moving resources from across the Council to deliver our priorities
	<ul style="list-style-type: none"> § Agreeing Service level commercial plans
<p>Commercial Capability... challenging, equipping and supporting the organisation to deliver its objectives</p>	<ul style="list-style-type: none"> § Self-assessment: identifying strengths and opportunities to maximise our assets
	<ul style="list-style-type: none"> § Training and awareness in commercialism
	<ul style="list-style-type: none"> § Sharing internal learning and innovation
	<ul style="list-style-type: none"> § Learning from and collaborating with others
<p>Commercial Return... actions that increase our income, exploit our assets and sustain future delivery</p>	<ul style="list-style-type: none"> § Prioritising the best opportunities based on return on investment and delivery of our priorities
	<ul style="list-style-type: none"> § Developing and exploiting market knowledge
	<ul style="list-style-type: none"> § Promoting trading opportunities and new ways or working
	<ul style="list-style-type: none"> § Maximising income from advertising and sponsorship
	<ul style="list-style-type: none"> § Full cost recovery for Council services

Report of the Head of Legal, Democratic Services & Procurement

Cabinet – 12 May 2015

EXCLUSION OF THE PUBLIC

Purpose:		To consider whether the Public should be excluded from the following items of business.
Policy Framework:		None.
Reason for Decision:		To comply with legislation.
Consultation:		Legal.
Recommendation(s):		It is recommended that:
1)	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.	
	Item No.	Relevant Paragraphs in Schedule 12A
	12a	14
Report Author:		Democratic Services
Finance Officer:		Not Applicable
Legal Officer:		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
12	Information relating to a particular individual.
	<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>
13	Information which is likely to reveal the identity of an individual.
	<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>
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
	<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>a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p>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>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.</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>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>
	<p>No public interest test.</p>
17	<p>Information which reveals that the authority proposes: (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) To make an order or direction under any enactment.</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>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</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
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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