

# CITY AND COUNTY OF SWANSEA

## NOTICE OF MEETING

You are invited to attend a Meeting of the

## CABINET

**At:** Council Chamber, Guildhall, Swansea

**On:** Thursday, 18 February 2016

**Time:** 4.00 pm

**Chair:** Councillor Rob Stewart

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### Membership:

Councillors: M C Child, W Evans, R Francis-Davies, J E C Harris, D H Hopkins, A S Lewis, C E Lloyd, J A Raynor and C Richards

## AGENDA

Page No.

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.**  
<http://www.swansea.gov.uk/DisclosuresofInterests>
3. **Minutes.** 1 - 4  
To approve and sign as a correct record the Minutes of the previous meeting.
4. **Leader of the Council's Report(s).**
5. **Public Question Time.**
6. **Councillors' Question Time.**
7. **Report of the School Governance Scrutiny Inquiry Panel - Scrutiny Inquiry into School Governance.** 5 - 37
8. **Scrutiny of Gypsy Traveller Site Search Process – Final Report.** 38 - 62
9. **21st Century Schools Programme - Capital Programme Authorisation for the Design and Refurbishment of Ysgol Gyfun Gwyr School Incorporating the Use of Gowerton Infant and Nursery.** 63 - 71
10. **Local Authority Governor Appointments.** 72 - 73
11. **Swansea Central Area Regeneration Framework Report on the** 74 - 86

**Public Consultation Exercise.**

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| <b>12. Community Asset Transfer Policy and Procedure.</b>           | <b>87 - 93</b>   |
| <b>13. More Homes - Pilot Scheme Progress.</b>                      | <b>94 - 97</b>   |
| <b>14. Extension of Appointment of Temporary Assistant Coroner.</b> | <b>98 - 99</b>   |
| <b>15. Exclusion of the Public.</b>                                 | <b>100 - 103</b> |
| <b>16. Mariner Street.</b>  | <b>104 - 131</b> |

**Next Meeting:** Thursday, 17 March 2016 at 4.00 pm



**Patrick Arran**  
**Head of Legal and Democratic Services**  
**Thursday, 11 February 2016**

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**Contact: Democratic Services - Tel: (01792) 636923**

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE CABINET

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON  
THURSDAY, 21 JANUARY 2016 AT 4.00 PM

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

**Councillor(s)**

M C Child

J E C Harris

J A Raynor

**Councillor(s)**

W Evans

D H Hopkins

C Richards

**Councillor(s)**

R Francis-Davies

A S Lewis

143. **APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor C E Lloyd.

144. **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 interests were declared:

**Councillors**

- 1) Councillors D H Hopkins and R C Stewart declared a Personal and Prejudicial Interest in Minute 150 "Local Authority Governor Appointments" and withdrew from the meeting prior to its consideration.

**Officers**

- 1) Huw Evans, Head of Democratic Services declared a Personal and Prejudicial Interest in Minute 150 "Local Authority Governor Appointments" and withdrew from the meeting prior to its consideration;
- 2) Jack Straw, Chief Executive declared a Personal Interest in Minute 151 "21<sup>st</sup> Century Schools Programme - Contract Award and Capital Programme Authorisation for the Design and Refurbishment of Pentrehafod Comprehensive Schools Existing School Buildings. 21<sup>st</sup> Century Schools Update - FPR 7 - Pentrehafod Comprehensive".

145. **MINUTES.**

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

- 1) Cabinet held on 10 December 2015;
- 2) Cabinet held on 17 December 2015.

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

The Leader of the Council made no announcements.

147. **PUBLIC QUESTION TIME.**

No questions were asked.

148. **COUNCILLORS' QUESTION TIME.**

Councillor C L Philpott, Education Inclusion Scrutiny Inquiry Panel Convenor, asked question in relation to item 7 "Response to the Report of the Education Inclusion Scrutiny Inquiry Panel". She queried why recommendation 15 was "not agreed and also sought clarity in relation to recommendation 17.

The Education Cabinet Member stated that she would amend the response to recommendation 15 to read "querying" as this would allow the Panel to provide her with greater clarity in relation to their recommendation.

She also outlined the rationale behind her response to recommendation 17.

149. **RESPONSE TO THE REPORT OF THE EDUCATION INCLUSION SCRUTINY INQUIRY PANEL.**

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

**RESOLVED** that:

- 1) The response as outlined in the report and related action plan be agreed subject to the response to recommendation 15 being amended to read "querying".

(**Note:** This amendment allow the Panel to provide the Education Cabinet Member with greater clarity in relation to its recommendation.)

150. **LOCAL AUTHORITY GOVERNOR APPOINTMENTS.**

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

**RESOLVED** that:

- 1) The following nominations be approved as recommended by the LA Governor Appointments Panel:

a)	Blaenymaes Primary School	Mrs Gillian Seaton
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b)	Cwmrhydyceirw Primary School (2 Vacancies)	Mrs Wendy Bromham Mr Timothy Buxton
c)	Glyncollen Primary School	Councillor Robert C Stewart
d)	Gowerton Primary School	Mrs Nicola Louise Matthews
e)	Newton Primary School	Mr George Butterfield
f)	Pengelli Primary School	Mr Walter David Merriman
g)	Pentre'r Graig Primary School	Mr Bob Lloyd
h)	Pontlliw Primary School	Mrs Melissa Taylor
i)	Trallwn Primary School	Mr Anthony Sturgess
j)	Cefn Hengoed Community School	Mr Khandaker Wahid
k)	YGG Felindre	Mr Owen Watcyn Pugh
l)	YGG Pont y Brenin	Mr Huw Gruffydd Evans
m)	YGG Tan y Lan	Mr Gareth Rees
n)	YGG Bryntawe	Mrs Sian Elizabeth Davies

151. **21ST CENTURY SCHOOLS PROGRAMME - CONTRACT AWARD AND CAPITAL PROGRAMME AUTHORISATION FOR THE DESIGN AND REFURBISHMENT OF PENTREHAFOD COMPREHENSIVE SCHOOLS EXISTING SCHOOL BUILDINGS. 21ST CENTURY SCHOOLS UPDATE - FPR 7 - PENTREHAFOD COMPREHENSIVE.**

The Cabinet Member for Education presented a report which sought to approve and commit to the Capital Programme the scheme for the refurbishment of Pentrehafod Comprehensive School subject to confirmation of the grant and entering into a contract with Welsh Government (subject to planning approval).

The report also sought authorisation to award a contract for the works to Tender No. 1, under the agreement that following the contract award the contractor must obtain planning approval and all risks associated with not achieving planning approval are those of the contractor, and subject to confirmation of the grant and entering into a contract with Welsh Government (subject to planning approval).

**RESOLVED** that:

- 1) The capital scheme as detailed together with the financial implications set out in Appendix A of the report be approved, subject to confirmation of the grant and entering into a contract (subject to planning approval) with Welsh Government;
- 2) The 1<sup>st</sup> Stage Contract for the design of refurbishment, remodelling and extension works for Pentrehafod Comprehensive School be awarded to Tender No. 1 under the agreement that following the contract award the contractor must obtain planning approval and all risks associated with not achieving planning approval are those of the contractor, and subject to confirmation of the grant and entering into a contract (subject to planning approval) with Welsh Government;
- 3) The Cabinet Member for Education be authorised to approve the award of the stage 2 construction contract for the new school Pentrehafod School, subject

to the granting of planning permission for the main works, and subject to confirmation of grant and contract with Welsh Government;

- 4) The Head of Legal and Democratic Services be authorised to enter into any necessary documentation required to complete the contract and achieve the scheme;
- 5) A detailed Cabinet Report on the total costs for the scheme and outcomes of the Equality Impact Assessment (EIA) report be submitted in late 2016 for information prior to any construction works being carried out.

152. **THE MOVE TO AN IN-HOUSE MANAGED ICT SERVICE.**

The Cabinet Member for Finance and Strategy presented a report which provided details of the closure report and demonstrated that the Move to an In-house ICT Service project had achieved what it set out to deliver.

**RESOLVED** that:

- 1) The report be noted.

153. **REVIEW OF ABERGELLI AND THE BEECHES ALTERNATIVE DAY SERVICES.**

Councillor U C Clay, Transformation of Adult Social Services (TASS) Scrutiny Inquiry Panel Convenor, stated that a Pre decision Panel had met on 11 January 2016. She outlined the views of the Panel and raised specific concerns in relation to Personal Development and Safeguarding.

The Cabinet Member for Services for Adults and Vulnerable People presented a report which sought agreement to consolidate the Beeches and Abergelli Day Services into one service. It also sought agreement that the Beeches is declared surplus for service use. It set out the rationale behind the service remodelling; the likely workforce implications of the service remodelling and outlined the approach to communicating the change to the workforce.

**RESOLVED** that:

- 1) The proposed remodelling of Abergelli and The Beeches Alternative Day Service by consolidating the two services, using the Abergelli building as the premises be agreed;
- 2) Under the Council's Disposal Procedure Rules, the Chief Operating Officer undertake an initial feasibility test to establish if the surplus property, the Beeches, should be disposed of.

The meeting ended at 4.40 pm

**CHAIR**

## Report of the School Governance Scrutiny Inquiry Panel

Cabinet – 18 February 2016

### SCRUTINY INQUIRY INTO SCHOOL GOVERNANCE

<b>Purpose:</b>	This report presents the findings, conclusions and recommendations resulting from the Panel's Inquiry into School Governance.
<b>Policy Framework:</b>	Council Constitution.
<b>Reason for Decision:</b>	To consider recommendations made by the Scrutiny Inquiry Panel and agree action.
<b>Consultation:</b>	Legal, Finance, Access to Services
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet receives the report and tasks the relevant Cabinet Member to report back to the Cabinet meeting on 21 April 2016 with a written response to the scrutiny recommendations and proposed action(s) for Cabinet decision.
<b>Report Authors:</b>	Councillor Fiona Gordon (Panel Convener) Dave Mckenna (Scrutiny Manager)
<b>Finance Officer:</b>	Sue Rees
<b>Legal Officer:</b>	Stephanie Williams
<b>Access to Services Officer:</b>	Phil Couch

#### 1.0 Introduction

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

#### 2.0 Scrutiny Programme Committee

- 2.1 On 11 January 2016 the Scrutiny Programme Committee discussed and agreed the report for submission to Cabinet.

### **3.0 Cabinet Decision**

- 3.1 At this meeting the role of the Cabinet is to receive the report and task the relevant Cabinet Member to prepare a written response on behalf of Cabinet. The Cabinet Member's response report should be scheduled for a future Cabinet meeting **no later than two months** following formal receipt of the scrutiny report (in this case this will be Cabinet on **21 April 2016**).
- 3.2 In their response report the Cabinet Member should recommend approval or rejection of each of the scrutiny recommendations together with an explanation. Within their report the Cabinet Member should also provide a proposed action plan to show what steps are being or will be taken to implement recommendations. Cabinet will then make a decision on the Cabinet Member's response report.

### **4.0 Follow Up**

- 4.1 The Panel will schedule a follow up on progress with the implementation of the action plan agreed by Cabinet and impact of the scrutiny inquiry, and report their views to the Scrutiny Programme Committee. The panel convener and the Scrutiny Officer will ensure that a review of progress against accepted recommendations is scheduled into future work programmes. Usually a progress report will be requested by the Panel within 6-12 months after the action plan has been agreed by Cabinet.

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

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

### **6.0 Legal Implications**

- 6.1 There are no specific legal implications at this stage. Any potential implications will be outlined in the Cabinet response.

### **7.0 Financial Implications**

- 7.1 There are no financial implications to this report. Any potential implications will be outlined in the Cabinet response.
- 7.2 It should be assumed that any 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', the likely levels of future budgets and the medium term financial plan.

**Background Papers:** None.

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





## A Very Challenging Role

*How can the Council ensure that school governors provide effective challenge for their schools?*

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The School Governance Scrutiny Inquiry Panel  
City and County of Swansea - Dinas a Sir Abertawe



January 2016

## Why This Matters

### Foreword by Councillor Fiona Gordon (Convener)

The role of school governors has changed significantly over recent years, with governors playing an increasingly important part in the management of schools, and school improvement. In many schools, governing bodies have responded to this change, seeking new ways of ensuring they adapt to changing demands, but in others, old ways of working remain and need to be updated. Roles can become fixed with a lack of questioning and clarity about those roles, and relationships can become too 'cosy' which can impact on the capacity to challenge schools sufficiently.



Each governing body has a different dynamic, just as each school is unique, and this report aims to point out general principles of good practice which the panel recommends that governors are encouraged to consider. Just as schools have moved to become self-improving and peer-supporting, governing bodies must similarly look at how they can continually improve in their ability to challenge schools. This is important not just because their schools must always be inspection-ready, and governors are part of the Leadership and Management element of the inspection by Estyn, but because an effective governing body aims to ensure that the school is doing the best it can to improve outcomes for learners. In order to do this, governors need to feel confident and supported, with access to information.

In forming our conclusions and making our recommendations we have listened carefully to governors, council officers, clerks to governing bodies, ERW, Estyn and the Cabinet Member for Education. We have also looked at good practice elsewhere and considered the findings of other research such as the Hill Review. I want to personally thank everyone who has taken the time to share their views with us; I hope that they will be happy with this report.

I also want to pay tribute to my colleagues on the panel for their engagement and contribution. Particularly I want to thank Professor Catherine Farrell from the University of South Wales, who gave up her time so generously to be a co-opted member.

Finally, we hope that this report offers practical help to the 1300 school governors in Swansea. The valuable work that they carry out is on a voluntary basis and is all for the benefit of the children in their schools. Long may they continue.

*Fiona Gordon*

## **Summary of Conclusions and Recommendations**

How can the Council ensure that school governors provide effective challenge for their schools?

### **Conclusions**

1. Recognise and thank school governors for the vital work that they do
2. Ensure that school governors are clear about what their role means in practice
3. Ensure that general information and advice for school governors is consistent and easy to access
4. Ensure that governors can understand the information they receive from their school
5. Encourage school governors to seek information about their school beyond head teachers' reports
6. Support individual governors to manage their own learning and development
7. Support governing bodies to manage their own learning and development
8. Encourage the involvement of the whole governing body in school improvement work
9. Work with governing bodies to fill their skill gaps
10. Promote the governor role to the private sector and beyond
11. Share good practice through local authority appointed governors
12. Work with head teachers to ensure a culture of challenge in meetings
13. Help governing bodies to identify the support arrangements that are best for them

### **Recommendations for Cabinet**

#### *Long term challenges (12 months+)*

1. Develop a council wide mechanism for filling the skills gaps identified by governing bodies either through, transfers, swaps or by matching new governors with particular skills and experience

#### *Medium term improvements (6-12 months)*

2. Produce a mini booklet for governors that provides a simple guide to their role
3. Undertake a review of information provided to school governors with ERW, Estyn and Governors Wales with a view to ensuring a shared approach that avoids duplication

4. Provide a standard data template to head teachers and encourage them to use it
5. Work with Estyn to provide information about all training opportunities for governors in one place
6. Move from civic centre based training provision to a flexible model that combines, whole governing body, cluster school and e-learning
7. Develop an online learning log that governors can use to self-manage their training and development
8. Consider how the mandatory new governor training might help governors to think about the self-management of their training and development
9. Build the involvement of all governors into the Autumn Core Visits
10. Undertake a campaign to promote the role of governor targeted at private sector employers and partners in the public and third sector

*Quick wins (within 6 months)*

11. Write to the chair of governors and head teacher of each school to promote the good practice points included in this report (listed in APPENDIX A)
12. Write to every school governor thanking them for their work on behalf of the Council and highlighting the list of 'what every school governor should expect' (listed at APPENDIX B)
13. Take additional steps to publicise the good work being done by governors and governing bodies
14. Simplify the information on the Council website about school governors which should provide links to the Governors Wales website for all general information
15. Remind all schools that whole governing body and cluster school training can be arranged on request
16. Hold a seminar for LA appointed governors to explore their role in sharing good practice

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## **1 WHY WE PRODUCED THIS REPORT**

### **1.1 Overview**

1.1.1 This report focusses on the following question:

*How can the Council ensure that school governors provide effective challenge for their schools?*

1.1.2 In selecting this topic and producing this report we wish to underline the crucial role that governors play in ensuring that schools provide the very best education for all of our children. We recognise that this is a significant period of change for everyone in education and that school governors are feeling this change as much as anyone. The extreme pressure on budgets comes at a time when the expectations on governors are higher than they have ever been. We hope, therefore, that our proposals help governors to do the best that they can.

### **1.2 Selecting the topic**

1.2.1 The Inquiry into School Governance was proposed by the Annual Scrutiny Work Planning Conference in May 2014 and was subsequently included in the scrutiny work programme by the Scrutiny Programme Committee.

1.2.2 This topic was chosen because ensuring high levels of pupil attainment is one of the Council's five priorities. It is also an issue that many scrutiny councillors are directly involved in as they are also school governors, often in more than one school.

1.2.3 At our pre inquiry meeting we heard from the Cabinet Member of Education that this was a topic of particular importance. She highlighted a number of issues that she hoped we could consider as part of our report. We listed these issues in our letter to her before we started the inquiry:

- The need to consider the recommendations of 'The future delivery of education services in Wales' Review undertaken by Robert Hill Consulting 2013
- That there is a shortage of governors
- There is confusion about the general role of the governor and also confusion about the differences between different types (parent, LA etc)
- That some governor panels are too 'cosy' – the same people have been doing the same thing for years and may not be challenging enough
- Skills analysis should be looked at to ensure that panels have the skills they need as a group
- Closer integration between challenge advisors and governing bodies could be valuable
- The important role of audit in identifying areas of weakness

- 1.2.4 We heard from Estyn during the inquiry that the ‘critical friend’ criteria that they use to assess governors during inspections were typically the weakest element of school leadership. This was particularly the case for primary schools. This further underlines the importance of the inquiry.

### **1.3 *The Hill Review***

- 1.3.1 A central aspect of the policy context for this inquiry was the Hill Report: The Future Delivery of Education Services in Wales (2013). This review looked at the effectiveness of education at school and local authority level, and considered what should be done at school, local authority, regional and national level in terms of:

- raising standards and improving learner outcomes at all ages
- better support and challenge to schools to improve standards
- developing and strengthening the leadership of schools and the quality of teaching and learning
- ensuring value for money and effective use of resources
- bringing about coherence and strong links between all areas of the education system, including post-16 provision and the wider children’s services agenda.

- 1.3.2 This review suggested the following options:

- Monitoring the impact of the new governor training arrangements to ensure that they are of high quality and support more effective governance in practice
- agreeing with regional consortia a template of what an effective governance support service looks like
- providing a standard school performance data-reporting template for governors
- enabling outstanding chairs of governors to act as Lead Practitioners and so support improvements in governance at other schools
- working with CBI Wales and other employers to develop a register of aspiring and serving business leaders willing to serve as school governors in each region.

- 1.3.3 We have considered each of these options as part of our report.

### **1.4 *Intended contribution***

- 1.4.1 As a Panel we believe that we can make a valuable contribution to this topic. We recognise that, while there are no easy answers, success will only come from a conversation that everyone is able to contribute to. It is in this spirit that our conclusions and recommendations are offered.

- 1.4.2 Specifically this report aims to contribute to this vital debate by:

- Offering evidenced proposals that will lead to school governors being more effective and school performance being improved
  - Sharing the views of key stakeholders including governors, head teachers, clerks to governing bodies, Estyn and ERW
  - Considering the conclusions and recommendations from regional and national reports and an assessment of the implications for Swansea
  - Increasing councillor understanding about the school governor role and how it contributes to school performance
  - Raising public awareness of the work of school governors
- 1.4.3 During the inquiry we have uncovered a number of examples of what we consider to be good practice and we have included them in our conclusions. As we are proposing that these are shared with the chairs of governing bodies and head teachers we have listed them separately at **APPENDIX A**.
- 1.4.4 Governors Wales have also produced 20 questions that governing bodies can use to inform their self-improvement. Our good practice list is not intended to be a replacement for these questions and we would recommend them wholeheartedly. Rather we wanted to provide a Swansea perspective based on the evidence that we heard. We hope that governing bodies will look at both.
- 1.4.5 We have also identified what we consider to be reasonable expectations for governors. Again, we hope that these can be shared with governors and have listed them at **APPENDIX B**.
- 1.4.6 We are also happy to recognise the limitations of the inquiry. Given the complexity of the topic and the time that we had this report necessarily provides a broad view.
- 1.4.7 Finally, many of our conclusions are in line with the Council's current direction of travel and these are offered in order to provide reassurance. Others may be either additional or contrary to what has already been agreed. These are intended to offer challenge and to stimulate debate. Where we have made recommendations these are intended to help improve the service.

## **1.5 Use of key terms**

- 1.5.1 Education as a service area is rife with technical terms and acronyms in particular. In the report we have tried to write for the layperson and have avoided acronyms whenever possible. There are, however, a few terms that we use throughout the report that should be clarified from the outset.
- 1.5.2 **Challenge** – this word is right at the centre of the inquiry but is nevertheless sometimes difficult to be precise about. Indeed, we did wonder whether another word should be used instead. However, the word 'challenge' is firmly fixed in the conversations about how governors work so we will stick with it and say a little about what we think it means.



- 1.5.3 A challenge is not simply a request for information or clarification (although we did come across the word being used this way). Providing challenge, in our view, means one of the following:
- Asking for a particular course of action to be justified as better than another course of action
  - Suggesting an alternative course of action and asking for the relative merits of this course to be considered
  - Identifying a flaw in either the information or assumptions that underpin a particular course of action
  - Suggesting new information or assumptions that might lead to a different course of action
- 1.5.4 We would expect a challenge to either add reassurance that the **right thing** is being done or to lead to things being **done differently**. In this regard we were struck by evidence that we heard from Estyn that, while many governors were able to point to examples of ‘challenge’ in meetings, they subsequently struggled to describe what, if anything, had changed as a result. The key point here is that governors should be able to see the challenge that they provide in meetings have a direct bearing on how the school operates.
- 1.5.5 **Challenge Adviser** – this is someone who is employed by the local authority under the umbrella of ERW. Their role is to work with schools to raise standards and ensure high quality education.
- 1.5.6 **ERW** (Education through Regional Working) – is an alliance of six local authorities, bound by a legal agreement, working to deliver school improvement services. The six authorities are; Carmarthenshire, Ceredigion, Neath Port-Talbot, Pembrokeshire, Powys and Swansea.
- 1.5.7 **Estyn** – Estyn is the office of Her Majesty's Inspectorate for Education and Training in Wales. Estyn is independent of, but funded by, the National Assembly for Wales. Its purpose is to inspect quality and standards in education and training in Wales.
- 1.5.8 **School Development Plan** – this is the school's strategic plan for improvement. It reflects the school's self-assessment and sets out the actions a school will take to improve learner outcomes.
- 1.5.9 **Autumn core visit** - Each autumn term, challenge advisers visit all schools. They meet with the Head teacher and Chair of Governors in order to challenge the school's self-assessment processes and also to scrutinise data. They also monitor the school's strategic planning for improvement.

## 2 EVIDENCE

### 2.1 Evidence collected

- 2.1.1 Evidence was collected between January and September 2014. In total 17 evidence gathering activities were undertaken by the Panel as follows:

- a. Overview of governor support service from the School, Governor and Student Services Manager
  - b. Examples of Research into School Governance
  - c. Informal visit to the Clerks Forum to hear views of clerks to governing body
  - d. Session with representatives of Swansea Association of Governing Bodies and Governors Wales (or representative)
  - e. Session with the Head of Education Improvement and Student Services Manager including feedback from the recent Swansea / Neath Port Talbot governors' conference
  - f. Session with Estyn Inspector
  - g. Session with ERW officers
  - h. Session with three schools identified as having Good Practice (Hafod Primary, Bishopston Comprehensive and Ysgol Bryn Tawe)
  - i. Informal Session with recently trained new governors
  - j. Observations of governing bodies of good practice schools (Hafod Primary, Bishopston Comprehensive and Ysgol Bryn Tawe)
  - k. Question and Answer session with the Cabinet Member for Education
  - l. Survey of Swansea Governors conducted for this inquiry
  - m. Research comparing Swansea with Cardiff and Newport conducted for this inquiry
- 2.1.2 Professor Catherine Farrell (University of South Wales) participated in the inquiry as a co-opted member of the Panel. Her contribution reflected her previous work and research in this field. Please see, for example:
- Welsh Government (2013), *School Governance Task and Finish Group Report*
- Catherine Farrell (2014) *School Governance in Wales*, Local Government Studies
- Both can be downloaded at: [csp.southwales.ac.uk/publications](http://csp.southwales.ac.uk/publications)
- 2.1.3 For full details of the evidence gathered including details of all of the findings from each session please see the evidence pack for this inquiry. This can be downloaded at [www.swansea.gov.uk/scrutinypublications](http://www.swansea.gov.uk/scrutinypublications)

### 3 CONCLUSIONS

*This report considers how the Council can ensure that school governors provide effective challenge for their schools. Each of these conclusions, therefore, is a suggestion about how the Council's Cabinet might approach this problem. Specific proposals are identified throughout and listed separately in the Recommendations section that follows.*

*We recognise that schools are relatively independent from local authority control. There are, however, a number of ways that Cabinet can influence the work of governing bodies such as through information, advice, training, the work of the Governor Support Unit and the work of the Challenge Advisors. It is to these channels that we have looked in this report.*

#### **3.1 Recognise and thank school governors for the vital work that they do**

- 3.1.1 A consistent message from our evidence gathering was that, while governors are volunteers, the role that they carry out is becoming more and more difficult to perform.
- 3.1.2 The Swansea Association of Governing Bodies, for example, told us that it is difficult for governors to cope with all of the things that they are now being asked to do and that new responsibilities are being placed on them all of the time. Given this increasing burden, particularly in the context of the cuts, they asked; 'why would anyone want to do it?'
- 3.1.3 We also heard from Council officers at the start of the inquiry just how the role of governors is becoming increasingly challenging; with budget reductions they will be increasingly involved in making school staff redundant.
- 3.1.4 For this reason alone we should be publicly praising the work of governors and the vital difference they make to their schools. As a Panel we certainly want to record our thanks and admiration to school governors.
- 3.1.5 However, we should be recognising the work of governors not just because this is the right thing to do but also because it provides encouragement and it lets them know that they have the support and backing of the wider community. This might just be the difference between a governor staying on or choosing to step down. Indeed, a number of respondents to the survey suggested that there should be more publicity around the role of the governor.
- 3.1.6 We propose, therefore, that Cabinet considers what extra steps might be taken to recognise the good work being done by individual governors and governing bodies. This might be through letters from the Cabinet Member, a media campaign or an award scheme of some kind. Cabinet may also consider suggesting to Welsh Government that a St David's Prize could be awarded for the most effective governing body.

3.1.7 School's achieving the Bronze Governing Body Award status is another good news story that could be shared more. We were pleased to hear that eight governing bodies have so far been successful and that a further 23 will soon be assessed.

### **3.2 *Ensure that school governors are clear about what their role means in practice***

3.2.1 Given the challenging nature of the job we believe that every school governor is entitled to have their role set out clearly and meaningfully. Estyn also consider this to be important and use 'how well governors understand their roles' as one of their inspection criteria. If governors are to provide effective challenge they need to be clear about their role.

3.2.2 The Cabinet Member also asked us to consider whether governors were clear about their general role and clear about the differences between the different governor roles.

3.2.3 Our survey suggested that the majority of governors are more or less clear about their role. When asked whether governors in my school are clear about their roles and responsibilities' 29% strongly agreed and 55% tended to agree. However, a number also pointed to a lack of role awareness and the need for further training.

3.2.4 While we believe the general governor role is straightforward and uncontroversial, there are a number of aspects that can present difficulties.

3.2.5 The first is that, while confidence in the role appears to come from experience, newer governors do not have the understanding of the role that they should. As a Panel we were concerned to hear from recently trained governors that they felt unprepared for their role. In part this was because they felt that the induction training was useful in theory but did not prepare governors for the role in practice. One said that his training 'explains the role of the governor in black and white but it is not always like that in reality'.

3.2.6 At our meeting with the clerks to governing bodies we heard how a well thought out induction and mentoring scheme can help new governors bridge this gap between the theory of training and the practice of governing body meetings. This was confirmed at our meeting with the new governors where one said that: "Having another governor to mentor and encourage was the biggest help received." We do not believe, however, that mentoring schemes are happening in all schools and would like to see this made into a clear expectation.

3.2.7 We also heard the suggestion at our meeting with new governors that there should be a mini booklet / guide for new governors that they can take around with them. This is a proposal that we support.

3.2.8 A second difficulty is that governors have to both challenge and support as part of their role. We heard from Governors Wales, for example, that 'high levels of challenge and support from governors are required at the same time'. We also heard from the Council's Head of Education Inclusion that it

can be difficult to get the right balance. A finding from the Joint Governing Body Conference held in April 2015 was that there is a ‘risk that there can be “an overbalance of cheerleading” in the governing body.

- 3.2.9 Our view is that the right balance between challenge and support cannot be defined as an absolute but should be a matter for each governing body to determine. As a minimum, and given the critical importance of this issue we feel strongly that every governing body should explicitly discuss this issue as a separate agenda item at a meeting and preferably at the first meeting of the year.
- 3.2.10 A third issue that we encountered was the increasing use of link governors who have been given the responsibility to look after a particular subject area or other topic on behalf of the school. We noticed during our observations, for example, that governors needed to ask what the role entailed during discussions about who should be allocated to be which link governor. Ideally we would expect that the link governor role should be clear to all governors from the start.
- 3.2.11 Again, we would like to see a clear statement of the link governor role presented to the governing body by the head teacher for awareness and discussion.

### **3.3 *Ensure that general information and advice for school governors is consistent and easy to access***

- 3.3.1 Given the challenging nature of the role all governors will have questions they need answered from time to time. Every governor should expect to be able to access general information about their role in as easy, accessible and straightforward a way as possible.
- 3.3.2 We heard from Governors Wales that while there is plenty of information available, governors do not always get the information that they need. The recent joint governors’ conference also pointed to the problems created by jargon and acronyms.
- 3.3.3 We found that governors were able to get their information from four different websites (Swansea Council, ERW, Estyn and Governors Wales).
- 3.3.4 We heard that the information provided was inconsistent between the websites and we found that different answers were given to the same ‘frequently asked question’ on different websites. While we are not suggesting that any of the information provided is incorrect we think that there is certainly the potential for confusion and unnecessary duplication.
- 3.3.5 We believe, therefore, that information for governors should be provided as far as possible in one place. Many of the people we spoke to suggested that Governors Wales should be the website of choice and we support this.
- 3.3.6 In the short term we ask that the Cabinet Member talks to Governors Wales, Estyn and ERW about applying this principle and moves to ensure that only

locally relevant information is included on the Council website and that, for all general information, governors are directed to Governors Wales.

- 3.3.7 In the medium term we would like to see a piece of work conducted that properly considers the information needs of governors from a user perspective. It would make sense if this was a national project conducted by Governors Wales. It should consider newsletters, email and social media as well as websites.

### **3.4 *Ensure that governors can understand the information they receive from their school***

- 3.4.1 If governors are to be able to provide effective challenge they need to have a clear understanding of how their school is performing. Governors are not necessarily education professionals and this implies two things; school governors must have a minimum level of competence when it comes to understanding data and data must be provided in a format that can be easily understood.
- 3.4.2 Our survey found that governors believe information is provided in a format that they can understand. Nearly 50% agreed that this was the case and a further 40% tended to agree. We conclude, therefore, that schools are doing a good job when providing data to governors.
- 3.4.3 There are nevertheless some areas for improvement suggested by the survey.
- 3.4.4 A number of respondents pointed to the importance of data training. The suggestion was made that it should be compulsory for all governors to attend the interpretation of data course run by the local authority. We heard good things about this course, particularly from the Swansea Association of Governing Bodies. We understand that it is already a mandatory course for new and reappointed governors; we hope that all governors can be encouraged to attend.
- 3.4.5 Other comments we received from the survey referred to consistency in the way that information was provided and the use of technical language. On this basis we agree with the idea in the Hill review that there should be a standard template for reporting school data. Indeed, from our observations of good practice schools we would say this is already happening with schools following a very similar format.
- 3.4.6 We hope that head teachers will be encouraged to review the way that they provide data and to check with their governors that they do not have any of these concerns.
- 3.4.7 As well as data, governors need to be clear about how the school is progressing with the priorities set out in the school Development Plan. We heard from the Head of Education Improvement that if schools are monitoring actions and impact robustly and relaying this information to governors, for example, with a basic red-amber-yellow-green rating, then this can help with governors challenging progress in particular priority areas.

### **3.5 *Encourage school governors to seek information about their school beyond head teachers' reports***

- 3.5.1 If governors are to challenge effectively they need to be able to balance what they receive from their schools with information from elsewhere.
- 3.5.2 The importance of being able to 'triangulate' data was stressed to us by the Head of Education Inclusion who suggested that governors should be both speaking to children and viewing their work.
- 3.5.3 The idea of book scrutiny came up a number of times as an important activity for governors. We understand that governors are not there to comment on professional teaching practice but they should be able to form a view of how well the children are doing independently of what they hear from the head teacher.
- 3.5.4 More generally we heard from the good practice schools that we spoke to about the value of governors having contact with a wide range of staff, not just the head teacher. We also observed this in meetings. Where link governors are able to engage directly with teachers, particularly in the classroom setting, we believe that this gives them broader knowledge base from which to contribute to governors meetings.
- 3.5.5 As well as involving staff we were also impressed with the way that the good practice schools involved pupils in their meetings through presentations or, at secondary level, through the involvement of pupil governors. Presentations in particular give governors the opportunity to see the children first hand talking about the things they have been doing in school.
- 3.5.6 At the same time we observed how governors with strong links to the community were able to bring this experience into meetings. Governors working with community projects are able to make the links to school activities and draw on community resources. We also recognise the value of governors acting as a link to the community outside of the school. Many parents maybe more willing to talk to a governor about an issue of concern than to talk to the school. This type of community intelligence can be invaluable to the governing body and may provide a useful source of challenge. Linked to this we hope that governing bodies will strive to be as representative of the community as they can be.
- 3.5.7 It is also important for governors to independently gather data about their school. To this end we believe that all governors should be accessing information through the mylocalschool website. This site, recommended by Estyn amongst others, provides a range of data for each school and a link to the most recent Estyn report. The website also provides comparative information relating to all schools and governors should be encouraged to use this to help develop challenge. We believe that the Cabinet Member should be taking steps to encourage all governors to use it.

### **3.6 Support individual governors to manage their own learning and development**

- 3.6.1 We believe that, in order to be effective, individual governors should take responsibility for their own learning and development. While we think that this is right in any case, the reduced resource available to support training and development also provides a practical justification for this.
- 3.6.2 At the same time, we also believe that the skills and experience that governors have to offer goes beyond the formal qualifications that they may have and the formal training that they may have attended. Any discussion about skills should start with recognition of what each individual governor has to offer in the broadest sense.
- 3.6.3 One important factor, not always easy to quantify, is that of confidence. The importance of confidence in respect of challenge was raised both at the Clerks Forum and by Estyn. We feel strongly that confidence needs to be included in any conversations about learning and development.
- 3.6.4 While in our survey, 83% agreed that governors at their school had the right skills, training nevertheless emerged as the main way that council support for governors could be improved.
- 3.6.5 We heard from a number of people that the accessibility of training could be improved. Issues were highlighted around training being more accessible to governors, specifically more training at schools and outside of working hours. We also heard that some governors are not keen to come to the Civic Centre for training.
- 3.6.6 At the same time we heard that the local authority are willing to offer training in exactly this way and that ERW are looking at how training might be delivered for a cluster of schools. This fits well with a point we make later in the report about the value of all governors in a governing body attending training at the same time.
- 3.6.7 The problem seems to be one of communication. We suggest, therefore, that the training offer from both the local authority and ERW is clearly articulated and shared with governors.
- 3.6.8 We also would like to see more training delivered online where this is appropriate. Not only is this a better option for governors with busy lives, it is also more cost effective.
- 3.6.9 Given that the provision of formal training is likely to reduce over time, individual governors will need to think more broadly and more carefully about their own training and development need and how they might be met. There are three things that we think can help with this.
- 3.6.10 The first is to help governors record their training and development experiences. We heard that there is no single way of recording training as only the local authority keeps a record and school training is not provided on this. We feel that an online learning log for individual governors should be



developed so that governors can record and manage their own learning and development.

- 3.6.11 The second thing that can be done is to provide information about training opportunities in a clear and consistent way. On this point we would echo the argument we made about information earlier in the report and suggest that the different providers get together so that training opportunities can be found in a single place – ideally the Governors Wales Website.
- 3.6.12 Finally we like the idea that happens for some housing associations where the chair of the board provides mentoring for individual board members. We hope that chairs of governors can be persuaded to act in a similar way and meet with their governors once a year to discuss their training and development needs and how they can be met.
- 3.6.13 All of this taken together will, we hope, help individual governors to learn and develop. As the Cabinet Member observed in her evidence, governors may want to continue their own personal development and learn something new. This is an important benefit and should be respected.
- 3.6.14 The last point about training for individual governors is training for new governors. The Hill review suggested that new governor training arrangements should be checked to ensure that they were both of high quality and supported effective governance in practice. We are happy that the new governor training is of high quality although, as we have mentioned previously, we need to help new governors translate the theory of the training into the practice of their own governing bodies.
- 3.6.15 We would also like to see new governor training equip new governors with the skills and information they need to manage their own learning. This may already be the case but we believe that it is nevertheless worth reviewing.

### **3.7 *Support governing bodies to manage their own learning and development***

- 3.7.1 One of the underlying themes of this report is that governing bodies need to work as a group if they are to provide effective challenge. To this end we believe that governing bodies should consider their training and development needs as a group; they should develop a learning mindset.
- 3.7.2 This can happen in a number of ways.
- 3.7.3 First, time should be made at governing body meetings for the governing body to discuss their learning and development needs. This might be done in conjunction with the skills matrix that the Governors Support Unit has developed.
- 3.7.4 Second, governors attending training or any other events should be given time to feed back to the whole group about their experience and what they have learned. Governing bodies should, however, think about how this can be made meaningful and useful.

- 3.7.5 Third, governing bodies could appoint a link governor for learning and development as it relates to the governing body. Their role would be to liaise with the clerk to meet any training and development needs identified by the governing body.
- 3.7.6 Fourth, training and development activities should, wherever possible, be undertaken by the governing body as a group. This will have the added benefit of supporting teamwork as well as ensuring a consistency of approach and understanding amongst individual governors.
- 3.7.7 Fifth, challenge advisors should consider what training they might usefully provide to governing bodies.
- 3.7.8 Finally, the training and development needs of the governing body should be included within the school's self-evaluation process and school development plan.
- 3.7.9 All of these measures are ultimately the responsibility of the chair of governors working with the head teacher. We hope that the Cabinet member can encourage the chairs to take them up.

### **3.8 *Encourage the involvement of the whole governing body in school improvement work***

- 3.8.1 As well as considering training and development as a group we believe that governing bodies should engage, as far as possible, in improvement activities as a group.
- 3.8.2 We think that there may be a role here for the Challenge Advisers. A closer integration between Challenge Advisers and governing body was suggested to us by the Cabinet Member as something that might be useful and, to this end we think that challenge advisors should be meeting separately with the governing body to discuss their role in school improvement.
- 3.8.3 Working with governing bodies in this way will not only improve the capacity of governing bodies to challenge but will help governors to understand the challenge adviser role. We found from our survey that a high proportion of governors have never met the challenge advisor or have any idea who they are or what their role is.
- 3.8.4 Further to this we feel strongly that all governors have a role to play in the autumn core visits. We heard from ERW that this might present logistical problems but, nevertheless, we would like to see all governors fully informed if not actively involved. This is an excellent opportunity for all governors to hear directly from the Challenge Adviser about the performance of the school.
- 3.8.5 We also heard from ERW about the importance of all governors being involved in the school development plan process. We know from our own experience as school governors that this is not always the case and even in the good practice schools we visited the involvement of governors seemed to come at the end of the planning process.

- 3.8.6 We would like to see, therefore, head teachers being encouraged to involve governors as a group, not just the chair, in the school development plan process from the start.
- 3.8.7 Finally, we are aware that, in many schools, audit reports are not shared with all governors. We firmly believe that sharing audit reports with the whole governing body, and ensuring a full and frank discussion of these reports, should be a routine matter.

### **3.9 Work with governing bodies to fill their skill gaps**

- 3.9.1 To challenge effectively a governing body needs to be able to draw on a range of skills and experiences. Neither the capabilities of any individual nor any amount of training can make up for a significant skills gap in a governing body.
- 3.9.2 One of the questions raised by the Cabinet Member at the start of this inquiry was whether there was a shortage of governors. Overall this does not seem to be the case. The vacancy rate for Swansea is about 5% and we heard that this is not high compared with other areas.
- 3.9.3 Nevertheless we were told by the clerks forum and by Swansea Association of Governing Bodies that some schools do have a problem with recruitment whether it is for parent governors or for governors with particular expertise such as for legal or financial issues. This is supported by the survey where around a third of respondents agreed that recruitment was a problem at their school. The problem, therefore, is one for a number of particular schools rather than for schools across the board.
- 3.9.4 We heard from the Manager of the School Governors' Unit that they are in the process of issuing a skills matrix for all schools to use. We feel that this will be a very useful tool and that all governing bodies should be encouraged to use it. Once again, we hope that this will be an exercise for the governing body as a whole and that it will feature as an agenda item for a meeting of the governing body.
- 3.9.5 We also saw from our observations of good practice schools that governing bodies are able to use their community governor appointments to fill identified gaps. This is good practice that we hope can be shared.
- 3.9.6 Apart from helping governing bodies to identify gaps the council should also be taking steps to help them get filled. The School Governor Unit are willing to talk to any governing body about recruitment and this should be a first step for any governing body that identifies a need. In the longer term there are other things that we would like to propose.
- 3.9.7 First the Council should consider facilitating transfers or swaps between governing bodies in order to fill skill gaps.
- 3.9.8 Second the Council should seek general applications for people to be school governors and then direct them to schools as appropriate.

- 3.9.9 Both of these proposals reflect suggestions made by Hill who suggested that outstanding chairs should act as lead practitioners and that there should be a register of aspiring and serving business leaders willing to serve as school governors.
- 3.9.10 A further issue that governing bodies need to be considering is that of succession planning, particularly for chairs. To this end we also support the idea that chairs should be 'rotated' after a set period so that the experience can be shared and built up in the group as a whole. These are ideas that each governing body will have to consider on their merits.

### **3.10 *Promote the governor role to the private sector and beyond***

- 3.10.1 One of the things that the council can do, that individual schools cannot, is to promote the role of the governor more widely. While business is clearly important in this respect, we also need to think about encouraging third sector and other public sector bodies to support employees to become governors.
- 3.10.2 We know that a number of private companies support their staff to be governors as it contributes to their policies for corporate responsibility. At the same time many individuals in business are keen to put something back into the community. Being a school governor does no harm to an individual's CV.
- 3.10.3 The council, therefore, should be doing all it can to promote the governor role to business and other organisations. The council already has good partnership working with the private sector, whether through the regional partnership or the city centre for example, and should make use of these relationships for this purpose. At the same time the Council should be giving positive publicity to those companies who do have progressive policies in this regard.
- 3.10.4 In terms of the third sector and other public bodies the Council should make use of the Local Service Board to promote positive messages about encouraging staff to become governors. Universities may also have a role to play in so far as the 'community service' element of degree schemes might be pointed toward experience working with governing bodies either as governors or in some other role. All governor appointments should of course be made through the existing processes

### **3.11 *Share good practice through local authority appointed governors***

- 3.11.1 One group of governors that the council is particularly able to influence are those appointed by the local authority. Most, although not all of these appointments are councillors.
- 3.11.2 As local authority appointees these governors have the potential to suggest and share good practice. Indeed, many are governors at more than one school governing body so can see at first hand potential improvements that might be made.

- 3.11.3 We would like to see the council taking extra steps to encourage this through, perhaps, good practice seminars aimed specifically at local authority appointed governors.
- 3.11.4 During the course of our evidence gathering we heard a number of concerns about governors appointed by the local authority. In particular we heard that they might not always have the commitment expected or were unable to attend meetings due to other commitments. The suggestion was made to us that the panel that makes these appointments could take more advice from schools, in particular where a skills audit has been undertaken, in order to ensure that the best appointments are made. While we are sympathetic to these concerns we do not feel able to take a definitive view and wish to suggest instead that this is matter for a dedicated scrutiny working group.

### **3.12 *Work with head teachers to ensure a culture of challenge in meetings***

- 3.12.1 The Cabinet Member suggested at the start of the inquiry that some governing bodies may be too cosy and that where the same people had been performing the governing role in a school for a long time that this could mean that the governing body would not be challenging enough.
- 3.12.2 All of the elements that we have discussed so far should create the conditions for governing body meetings to be more challenging. Where governing bodies are clear about their role, have the information and skills they need and are able to operate effectively as a group then everything should be in place for them to provide effective challenge. Meetings are, however, the arena where the challenge should actually take place. We believe, therefore, that chairs of governing bodies and head teachers should take a keen interest in how these meetings work.
- 3.12.3 Our survey found that this is generally the case. Over 75% of respondents agreed that 'governors in my school are encouraged to provide advice and robust challenge to the head teacher.' Of these 45% strongly agreed with the statement.
- 3.12.4 However, 15% of survey respondents did not agree that this was the case and the comments from the survey suggest that the picture is not always as positive as the overall figure suggests. While some talked about the need for governors to have more confidence to challenge, others pointed to the tendency for the head teacher to dominate meetings or for the chair or vice chair to provide the majority of challenge.
- 3.12.5 In our school observations we did see some very good examples of challenge. However, even in these good practice schools we also saw many governors not making any contribution to meetings or only asking for points of clarification.
- 3.12.6 In the school where we saw the widest range of contributions this was encouraged by the way that the chair conducted the meeting; promoting an open and friendly atmosphere and actively asking for contributions. We hope that all chairs can be encouraged to manage meetings in this way. We

recognise that training for chairs is crucial in developing effective chairing skills.

- 3.12.7 In our experience as scrutiny councillors we believe that there are a number of further good practice elements that will help to ensure that governing body meetings support effective challenge.
- 3.12.8 The first thing that governors need is the right questions to ask. The 'Questions for Governors to ask the Headteacher / leadership team in their support and challenge role' is a comprehensive list developed by Governors Wales. This list was suggested to us a number of times and we think that they are an excellent place to start for any governing body. We also saw a head teacher providing questions at a meeting to governors and we think that all heads should be doing this. As one of the ERW officers put it - head teachers should be talking to governors about 'what I would ask if I was you'.
- 3.12.9 The second thing that governors need is the opportunity to prepare properly. We were a little concerned to see during our observations that reports were being provided to governors at the meeting itself. At the same time we also observed reports being circulated in advance by email. This gives governors the chance to digest what can be lengthy reports and cuts down the time that head teachers need to explain reports in meetings. Instead they can say 'you should have all read the report – do you have any questions?' Reports for council meetings are legally required to be provided three working days in advance. We believe this is also reasonable for governor meetings.
- 3.12.10 A third good practice suggestion is that governing bodies hold pre meetings. The purpose of these meetings, that would be for governors only, is to allow governors to consider what they want to get out of the meeting, what questions they would like to ask and to form a collective view, if required, on a topic. We understand that meeting away from the school staff may seem inappropriate for some governors not least because a good relationship with the head is essential for any governing body. For that reason we hope that head teachers will encourage this to happen on the basis that it will strengthen both the governing body and the challenge that they are able to provide. We feel that encouraging governors to meet more informally in this way will develop strong links between governors which will enable better challenge.
- 3.12.11 Finally we would like to see minute taking that captures challenge for the benefit of the governing body not just for the purposes of Estyn inspections. We heard one example of a new governor who was surprised to find her questions for clarification recorded as challenges in the minutes. If every single question is recorded as a challenge then not only does this confuse the issue of what challenge actually means it makes it harder for governors to understand what impact their contributions are making. As we noted earlier, this is in fact something governors may be asked by Estyn.
- 3.12.12 Taken together we hope that these proposals will be useful for governing bodies as they seek to sharpen their effectiveness. We hope, therefore, that

the Cabinet Member will be able to recommend them to the chairs of governing bodies and head teachers.

### **3.13 *Help governing bodies to identify the support arrangements that are best for them***

- 3.13.1 All of the good practice points that we have suggested in this report need to be underpinned by effective support arrangements. However, we do not agree with the Hill review that there should be a standard regional template for this. Instead, in keeping with our emphasis on self-improvement, we believe that governing bodies should be reaching their own conclusions about the support arrangements that are best for them.
- 3.13.2 The keystone of support for any governing body is their clerk. Apart from minute taking and other meeting support clerks can have a role in organising training and ensuring that governors get the information that they need. Indeed, the knowledge that clerks have of individual governors helps them to tailor what they send out to ensure that it gets read!
- 3.13.3 We heard from the Clerks Forum that sometimes the school clerk and clerk to governors are combined into one role and sometimes they are separate. Given that there may sometimes be a perceived conflict of interest, around disciplinary issues for example, we feel that, in an ideal world, the clerk to governors should be independent of the school. We also appreciate that, given the scarce resources that schools have to work with; this may not always be possible.
- 3.13.4 Of course support comes from more places than the clerk and governing bodies need to be clear about what support is available to them and for what. Generally we think that the local authority's governors support unit provides an excellent service but we also know that this is a limited resource that will not increase and that governing bodies are entitled to purchase their support elsewhere.
- 3.13.5 There are times when governing bodies will need advice and support from the Local Authority beyond the governors unit on legal or finance issues for example. We were a little concerned to hear that emergency advice in particular was not always easy to come by. We were pleased to hear, therefore, from the Cabinet Member, that a 'single point of contact' approach is being developed to ensure that best advice comes out as fast as possible.
- 3.13.6 Overall we recognise that governing bodies have a number of choices that they can make when thinking about their support needs. We hope that they will be able to give these issues full and proper consideration so that their ability to provide effective challenge can be maximised.

## 4 RECOMMENDATIONS

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

The Panel recognises that the Authority

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

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

### Recommendations for Cabinet:

#### **4.1 Long term challenges (12 months+)**

- 4.1.1 Develop a council wide mechanism for filling the skills gaps identified by governing bodies either through, transfers, swaps or by matching new governors with particular skills and experience

#### **4.2 Medium term improvements (6-12 months)**

- 4.2.1 Produce a mini booklet for governors that provides a simple guide to their role
- 4.2.2 Undertake a review of information provided to school governors with ERW, Estyn and Governors Wales with a view to ensuring a shared approach that avoids duplication
- 4.2.3 Provide a standard data template to head teachers and encourage them to use it
- 4.2.4 Work with Estyn to provide information about all training opportunities for governors in one place
- 4.2.5 Move from civic centre based training provision to flexible model that combines, whole governing body, cluster school and e-learning
- 4.2.6 Develop an online learning log that governors can use to self-manage their training and development
- 4.2.7 Consider how the mandatory new governor training might help governors to think about the self-management of their training and development
- 4.2.8 Build the involvement of all governors into the Autumn Core Visits
- 4.2.9 Undertake a campaign to promote the role of governor targeted at private sector employers and partners in the public and third sector



### **4.3 Quick wins** *(within 6 months)*

- 4.3.1 Write to the chair of governors and head teacher of each school to promote the good practice points included in this report (listed in APPENDIX A)
- 4.3.2 Write to every school governor thanking them for their work on behalf of the Council and highlighting the list of 'what every school governor should expect' (listed in APPENDIX B)
- 4.3.3 Take additional steps to publicise the good work being done by governors and governing bodies
- 4.3.4 Simplify the information on the Council website about school governors which should provide links to the Governors Wales website for all general information
- 4.3.5 Remind all schools that whole governing body and cluster school training can be arranged on request
- 4.3.6 Hold a seminar for LA appointed governors to explore their role in sharing good practice

## **5 FURTHER SCRUTINY NEEDED**

As well as our recommendations for the Cabinet we have also come across an issue that we believe may require further scrutiny. We propose to the Scrutiny Programme Committee, therefore, that it examines:

- 5.1.1 The function and operation of the LA Governor Panel to ensure that it supports the work of governing bodies.

## 6 ACKNOWLEDGEMENTS

The Panel is very grateful to everyone who contributed to the inquiry.

Particular thanks go to Kathryn Thomas, Alison Gough and the rest of the School Governor Unit. They have provided invaluable help with the evidence gathering and with the survey in particular.

Also to Councillor Jennifer Raynor, the Cabinet Member for Education and Helen Morgan-Rees, Head of Education Inclusion for their contribution generally and at the panel meetings they attended.

To Alan Thomas, Chair of the Audit Committee for his input and support.

We are grateful to the governors and staff at Ysgol Bryn Tawe, Bishopston Comprehensive and Hafod Primary for their friendly welcome and for allowing us to observe their governors meetings.

We would also like to thank the clerks who gave us their views at a Clerks Forum Meeting, the new governors who came to speak to us informally and everyone who took the time to respond to our survey.

The Panel would like to record its thanks to the following people who came and gave evidence to us:

- Beth Thomas (New Governor)
- Betsan O Connor, Managing Director, ERW
- Councillor Beverley Hopkins, Chair of Governors, Hafod Primary School
- Dave Dorsett (New Governor)
- Dereck Roberts, Swansea Association of Governing Bodies
- Felicity Parrot (New Governor)
- Heini Gruffydd, Chair of Governors Ysgol Gyfun Gymraeg Bryn Tawe
- Huw Roberts, Chair ERW Governor Support Group. School Improvement Service, NPT
- Jane Morris (Director), Governors Wales
- Jeff Bird, Head Teacher Bishopston Comprehensive School
- Jeff Bowen (Chair), Swansea Association of Governing Bodies
- Jon Roper, Chair of Governors Bishopston Comprehensive School
- Kathryn Thomas, Manager School, Governor and Student Services
- Kelly Small (New Governor)
- Maldwyn Pryse, HMI, Estyn
- Rachel Webb, Head Teacher, Hafod Primary School
- Simon Davies, Head Teacher, Ysgol Gyfun Gymraeg Bryn Tawe

## **7 ABOUT THE INQUIRY PANEL**

The **School Governance Inquiry Panel** is a team of Councillors who are not members of the Cabinet. Their role is to examine a strategic issue of concern and to make recommendations about how policies and services can be improved.

### **Members of the Panel**

Fiona Gordon (Convener)

Dave Anderson-Thomas (Statutory co-optee)

Anthony Colburn

David Cole

Professor Catherine Farrell, University of South Wales (Co-optee)

Lynda James

Sarah Joiner (Statutory Co-optee)

Jeff Jones

Hazel Morris

Cheryl Philpott

Ceinwen Thomas

Linda Tyler-Lloyd

The inquiry was supported by Dave Mckenna from the Council's Scrutiny Unit.


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## APPENDIX A

### Ensuring Effective Challenge: Good Practice Advice for Chairs of Governors and Head Teachers

1. Ensure that all new governors have a full induction onto the governing body and an experienced governor to mentor them. This should include a clear statement of the commitment required.
2. Include an agenda item on 'the role of governors' for the first meeting of the governing body each year. This item should give the governing body an opportunity to discuss the main elements of their role, what 'challenge' means and the proper balance between support and challenge that is right for that school. Where link governors are used then these roles should also be discussed.
3. Ensure that all governors have received data training and are confident in their understanding and use of the data provided to them
4. Formally check with the governing body that they are happy with the way that data is being provided to them
5. Put arrangements in place for governors to view children's work and support from staff to help them to interpret what they are viewing
6. Involve a wide variety of staff in governing body meetings and encourage them to lead items on their subject areas
7. Involve a wide variety of children in governing body meetings through presentations about the work that they are doing. Secondary schools should involve pupil governors in governing body meetings.
8. Encourage governors to report on their involvement with any community activities in order to strengthen links between the school and the community
9. Ask the governing body to consider whether they feel that they are broadly representative of the community
10. Encourage governors to use the MyLocalSchool site as an independent source of data
11. Consider whether the chair can provide an annual learning and development interview for every governor to help them identify priorities and opportunities
12. Include an agenda item on 'Learning and Development needs for the Governing Body as a whole' at a meeting and in order to identify priorities and opportunities
13. Include time on all agendas for governors to feedback from any learning or training events they have attended

14. Consider giving one governor specific responsibility for working with the clerk to support the learning and development needs of the governing body
15. Look for opportunities, whenever possible, for the governing body to undertake learning and training as a whole group
16. Ensure that reports from Audit are shared with the whole governing body
17. Invite the Challenge Adviser to attend and contribute to meetings
18. Liaise with the Challenge Adviser to see what training they might provide for the governing body
19. Reference the training and development needs of the governing body within the School Development Plan
20. Consider involving the whole governing body in the School Development Plan process from the start
21. Consider the skills matrix, issued by the Local Authority, at a governing body meeting in order to identify gaps in the governing body
22. Consider how community governor appointments might be used to fill any skills gaps in the governing body
23. Work with the School Governor Unit to fill a significant gaps once these have been identified
24. Undertake succession planning for chairs of governors
25. Consider fixed terms for chairs of governors so that the experience of sharing can be shared
26. Consider whether all governors are contributing to governing body meetings and take steps to encourage this if necessary
27. Make sure that all governors are clear about the questions they should be asking (the questions available from Governors Wales are an excellent starting point)
28. Give governors time to prepare for meetings by sending reports out in advance
29. Ask the governing body to consider holding governor-only pre meetings to help the chair manage the involvement of all governors
30. Ensure that the minutes capture evidence of challenge but do not confuse this with questions seeking clarification
31. Ask the Governing Body to formally consider whether their support needs are being met at a meeting

## **APPENDIX B**

### **What Every School Governor Should Expect**

1. Thanks and recognition for the work that you do
2. Introductory training when you start (a mandatory course is provided by the Local Authority)
3. A clear understanding of your general role and of any additional roles that you are asked to perform
4. An induction onto your governing body and a mentor from the existing governors to guide you
5. A clear understanding of the commitment you are expected to make
6. Clear information about being a governor from Governors Wales, ERW, Estyn and the City and County of Swansea
7. Clear information from your school about how it is performing
8. Data training to help you understand the information that is given to you by the school (a mandatory course is provided by the Local Authority)
9. The opportunity to view the children's work and support from teachers to help you to understand what you are seeing
10. Contact with staff other than the head teacher both at and outside of governing body meetings
11. To hear from pupils at governing body meetings either through presentations about their work or, in secondary schools, through the involvement of pupil governors
12. Access to information about how your school is performing that is provided independently from your school (the MyLocalSchool site is excellent for data and gives a link to the most recent Estyn inspection report for your school)
13. Information about a range of learning and training opportunities
14. Opportunities to discuss your own training and development needs and the training and development needs of the governing body as a whole
15. To be involved in the School Development Plan process from an early stage
16. Sight of any Audit reports for your school
17. To be part of a governing body that has all of the skills it needs
18. A clear idea of what questions you should be asking
19. Meeting papers in plenty of time to allow you to prepare for meetings

# Agenda Item 8.

## Report of the Scrutiny Programme Committee

Cabinet – 18 February 2016

### SCRUTINY OF GYPSY TRAVELLER SITE SEARCH PROCESS – FINAL REPORT

<b>Purpose:</b>	This report presents the key findings and learning points/recommendations resulting from the Committee's Review into the Gypsy Traveller Site Search Process.
<b>Policy Framework:</b>	Council Constitution.
<b>Reason for Decision:</b>	To consider the learning points/recommendations made by the Scrutiny Programme Committee and agree action.
<b>Consultation:</b>	Legal, Finance, Access to Services
<b>Recommendation(s):</b>	It is recommended that:  1) Cabinet receives the report and tasks the relevant Cabinet Member to report back to the Cabinet meeting on 21 April 2016 with a written response to the scrutiny recommendations and proposed action(s) for Cabinet decision.
<b>Report Author:</b>	Councillor Robert Smith (Vice-Chair of the Scrutiny Programme Committee) Brij Madahar (Scrutiny Coordinator)
<b>Finance Officer:</b>	Carl Billingsley
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Sherill Hopkins

#### 1.0 Introduction

- 1.1 This report presents the key findings and learning points/recommendations resulting from the Committee's Review into the Gypsy Traveller Site Search Process. The Scrutiny Committee's final report, appended, requires a Cabinet decision.
- 1.2 In accordance with the Council Constitution reports from scrutiny to the Executive are presented to the first available Cabinet meeting. The Vice-Chair of the Scrutiny Programme Committee, who led this review, will present the report and accompanying learning points/recommendations.



## **2.0 Scrutiny Programme Committee**

- 2.1 On 4 February 2016 a special meeting of the Scrutiny Programme Committee was held to conclude the review. The Committee discussed and agreed the final report for submission to Cabinet.

## **3.0 Cabinet Decision**

- 3.1 At this meeting the role of the Cabinet is to receive the report and task the relevant Cabinet Member to prepare a written response on behalf of Cabinet. The Cabinet Member's response report should be scheduled for a future Cabinet meeting **no later than two months** following formal receipt of the scrutiny report (in this case this will be Cabinet on **21 April 2016**).
- 3.2 In their response report the Cabinet Member should recommend approval or rejection of each of the scrutiny recommendations together with an explanation. Within their report the Cabinet Member should also provide a proposed action plan to show what steps are being or will be taken to implement recommendations. Cabinet will then make a decision on the Cabinet Member's response report.

## **4.0 Follow Up**

- 4.1 The Committee will be entitled to schedule a follow up on progress with the implementation of the action plan agreed by Cabinet and impact of the scrutiny review. Usually a progress report will be requested from the relevant Cabinet Member within 6-12 months after the action plan has been agreed by Cabinet.

## **5.0 Equality and Engagement Implications**

- 5.1 The Cabinet Member will need to ensure that implications are considered via application of the corporate Equality Impact Assessment process when considering the response to the recommendations.

## **6.0 Legal Implications**

- 6.1 There are no specific legal implications at this stage. Any potential implications will need to be outlined in the Cabinet response.

## **7.0 Financial Implications**

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

- 7.2 It should be assumed that any 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', the likely levels of future budgets and the medium term financial plan.

**Background Papers:** Scrutiny Programme Committee Evidence Pack - Scrutiny Review of Gypsy Traveller Site Search Process.  
(<http://swansea.gov.uk/article/23464/Review-of-Gypsy-Traveller-Site-Search-Process-Evidence-Pack>)

**Appendices:** Appendix A – Final Scrutiny Review Report.

# **SCRUTINY REVIEW: GYPSY TRAVELLER SITE SEARCH PROCESS**

## **FINAL REPORT**

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**SCRUTINY PROGRAMME COMMITTEE**  
**City and County of Swansea - Dinas a Sir Abertawe**

**FEBRUARY 2016**



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## **SCRUTINY REVIEW: GYPSY TRAVELLER SITE SEARCH PROCESS**

### **1. Why We Produced This Report**

#### **1.1 Overview**

1.1.1 This report focuses on the Gypsy Traveller site search process between 2009 and 2013. This process culminated in a meeting of Council on 21 October 2013 which requested that, although the process led to the identification of 2 possible sites, a whole Swansea approach be adopted and all land options within the City & County of Swansea be considered rather than restrict the process to land in the Authority's ownership. On 5 November 2013 Cabinet accepted this approach.

1.1.2 Following a lengthy debate on the site search the view was expressed at Council on 21 October 2013 that a scrutiny review of the process that was followed should be carried out.

#### **1.2 Aim of the Scrutiny Review**

1.2.1 The purpose of the scrutiny review was to:

- review the process adopted to date and seek assurance on quality
- identify any learning points as appropriate and recommend any changes for the future

1.2.2 The scrutiny review aimed to address the following question:

**Was the process, leading up to the report to Council on 21 October 2013, robust?**

1.2.3 The work was carried out via special meetings of the Scrutiny Programme Committee, and commenced in February 2014.

#### **1.3 Intended Contribution**

1.3.1 The Committee recognised that this whole matter has been the subject of enormous debate both within and outside of the Council. It is fair to say that it has been a difficult issue to deal with, with emotions running high in some communities. The committee wanted to ensure that everyone who wanted to have a say on this matter had the opportunity to do so.

1.3.2 The review intended to shed light on the process that was followed, identify the main issues arising, and offer a constructive view about learning points that could help future work.

## **2 The Evidence Collected**

2.1 In summary the evidence gathering activities undertaken by the Committee included:

- Officer Evidence:
  - Overview of Gypsy Traveller Site Search - Chronology of Process, Legal Framework/Guidance, Assurance and Outcomes
  - Criteria for Site Selection / Explanation of Site Sieve Process
  - Consultation Process and Outcomes
  - Impact of Economic Regeneration / Development Plans on Site Selection
  - Role of Housing Needs Assessment
  - Q & A with Chief Executive
- Evidence from former Leaders of the Council:
  - Councillor Chris Holley
  - Councillor David Phillips
- Evidence from former Cabinet Member:
  - Councillor June Burtonshaw
- Evidence from Councillors:
  - Councillor Uta Clay
  - Councillor Penny Matthews
  - Councillor Jennifer Raynor
- Evidence from Public:
  - Tony Beddow
  - Keith Jones
  - Hilary Jenkins
  - Tom Jenkins
  - Phillip Robins
  - Lawrence Bailey

NOTE: A number of key officers who gave evidence at the start of the scrutiny process subsequently left the authority during the course of the scrutiny review which had an impact on evidence gathering. This included Reena Owen (former Corporate Director) and Martin Saville (former Head of Service).

2.2 The Committee also had sight of the numerous documents, including:

- Relevant Welsh Government Guidance
- 31 March 2009 Court Judgement in case between CCS and Christine Joyce (and others)
- Welsh Government Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites
- City & County of Swansea Gypsy Traveller Policy – June 2009
- Relevant Cabinet and Council reports and minutes
- Relevant Gypsy Traveller Site Task & Finish Group reports and minutes

- Minutes of a Gypsy Traveller meeting (chaired by Cllr Nick Bradley) – 7 September 2012
- Internal Review: Report of Head of Housing & Community Regeneration – 29 October 2012 – Independent Management Review of the Processes Used to Identify a Shortlist of Potential Locations for a New Gypsy and Traveller Site
- External Review Report: Geoff White, Head of Planning, Neath Port Talbot CBC - Review of the Site Selection Process for Potential Sites for a Gypsy and Traveller Site within the City and County of Swansea
- Accommodation Needs Assessment 2013

2.3 A lengthy evidence pack is available separately which includes all of the information gathered by the Committee through its meetings. (<http://swansea.gov.uk/article/23464/Review-of-Gypsy-Traveller-Site-Search-Process-Evidence-Pack>)

### **3. Background to the Process**

#### **3.1 Specific demands for additional appropriate accommodation**

3.1.1 During the evidence sessions the Committee gathered a great deal of detailed information about the background to the Council's search for additional Gypsy Traveller sites. It was therefore able to trace the events from early 2007 when issues arose that led to the discussions between the former Cabinet Member, John Hague and a senior officer of the authority, and the Gypsy Traveller family occupying the Park and Ride facility at Llansamlet that led to the agreement of 2 May 2007: that in return for two families 'moving to the north east corner of the car park situate in the north west of the park, they would be there for six to nine more months, that toilet and washing facilities, electricity, fencing and hardcore would be provided within that time scale' and that Cllr Hague would see what he could do about obtaining permission for a longer period (*paragraph 4 of the Judgement*).

3.1.2 The Council subsequently sought an eviction order from the High Court to remove the family occupying the Park and Ride site. On 31 March 2009, the High Court granted a possession order for the whole of the Enterprise Park, save for the areas occupied by the two families in May 2007.

- 3.1.3 The judgement was critical of the fact that information about the May Agreement had not been passed to the Cabinet and therefore 'failure to give due weight to the full terms of the May agreement'. This failure made it inappropriate to grant a possession order in respect of the parts of the Park & Ride site that were occupied by the families. The judgement found that the then Cabinet Member had the apparent authority to make certain commitments to the families.
- 3.1.4 The judgement also made reference to overcrowding at the official site and lack of adequate site provision elsewhere, which was acknowledged by the authority at the time (*paragraphs 44 & 48 of the Judgement*). In the Committee's view this was not a central issue to this court judgement. There was some debate during the Committee's review about the extent to which the judgement became a trigger for subsequent plans and the process to identify additional provision, rather than to specifically deal with the Park & Ride issue and families. Some committee members felt that there was a failure to make any clear distinction between the way to approach the needs of one specific family and a range of wider issues relating to Gypsy Traveller in Swansea. There was also concern at the potential for reputational damage to the authority if a controversial and complex policy was being pursued on account of considerations that were groundless or at least secondary.

## **3.2 Policy Drivers for Additional Appropriate Accommodation**

- 3.2.1 To understand the process, the issues around the Park and Ride site have to be placed in the context, and took place against a much broader backdrop of discussions about the provision for Gypsy Traveller families in Swansea. Successive local authorities in the Swansea area have sought to address the need to make appropriate provision for Gypsy Traveller families since the duty to do so was enshrined in the Caravan Sites 1968 Act. This led to protracted discussions during the 1970s and subsequently in the 1980s. Swansea's only civic Gypsy Traveller site was established at Pant-y-blawd, Llansamlet, in 1986. The Committee heard references to the 'West Glamorgan agreement' which committed the local authority to ensure that any additional sites were located in wards other than



Llansamlet, as in the community in question there was a widespread view that such an agreement existed and was binding in 2009-2012. This was compounded by the fact that the 'agreement' was referred to in party political election leaflets in 2012. The Committee would suggest that it would be helpful for any process to be clear about the implications of previous policies / decisions and relevant policy framework.

3.2.2 The Authority also had to respond to longstanding issues arising from illegal encampments, particularly in the Llansamlet ward, and policy drivers such as the requirement on the council to make appropriate provision under the Housing Act, 2004, an imperative that was reinforced by subsequent Welsh Government guidance including Welsh Government Guidance on Managing Unauthorised Camping, 2005, Welsh Government Report: Accommodation Needs of Gypsy and Travellers in Wales, 2006, and Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites. The authority was aware of these requirements when it began to address the issues in 2007-10, and later further impetus was given by the provisions of the Equality Act, 2010. Welsh Government Circular 30/2007 reinforced the message that local authorities in Wales should be making appropriate provision. Gypsy Travellers are a recognised ethnic group. In making provision to meet their needs all public authorities are required to take their views into consideration.

3.2.3 In addition, member and officers of the City and County of Swansea have been consistent about the need to maintain and strengthen positive community relationships with the Gypsy Traveller families.

3.2.4 In June 2009 the City and County of Swansea adopted its Gypsy Traveller policy by which it committed itself to making appropriate provision taking account of determinants that included:

- A needs assessment, carried out in accordance with national guidelines, to establish the number of pitches required and type of accommodation, for example the balance between permanent and transient sites
- The physical appropriateness of any proposed accommodation

- The requirements to engage with the Gypsy Traveller community to ensure that their views were taken into account.

3.2.5 It also committed the council to a 'humane and compassionate response to unauthorised encampments' and that 'there will not be an automatic presumption of immediate eviction in every case'. The sense of urgency that was conveyed in this process was apparent: 'the process has to be rapid given the ongoing issues with unauthorised encampments' (*from Minutes of Special Scrutiny Programme Committee – 3 April 2014*).

3.2.6 Paragraph 3.2.5 of the Gypsy Traveller Policy 2009 describes the need for further permanent Gypsy Traveller site provision and need for research and a project plan to help determine location of any new site. It adds that the Gypsy Traveller Liaison Forum would be consulted on the project plan.

3.2.7 These background issues, including the situation in the Swansea Vale and both the Welsh Government and the Council's commitment to ensuring adequate provision for Gypsy Traveller families, resulted in the process to identify additional Gypsy Traveller accommodation.

#### **4. The Process**

In response to these drivers, the authority initiated a process working to a set methodology, which is described in the reports to Cabinet on 11 March and 26 August 2010. This would involve the creation of a Member Task & Finish Group by Cabinet to examine potential sites. The Gypsy Traveller Liaison Forum which was formed in 2007 ceased to meet after November 2010.

##### **4.1 Assessing Need**

4.1.1 The Accommodation Needs Assessment (2013) concluded that there was a need for an additional 11 pitches rising to 20 over the following five years (*from Council report – 21 October 2013*). This led officers to conclude that there was a pressing need for a permanent site and that a transient site might also be required (*from Minutes of Special*

*Scrutiny Programme Committee – 6 March 2014*). However, there does not seem to be any consideration of how best to meet the demand for additional pitches, balancing the arguments for one site of 11 pitches or two sites of 5-6 pitches, or other suitable combination. It was not clear whether there was any consideration given as to whether it would be better for additional provision to be concentrated or dispersed (with a number of small sites) around the City and County of Swansea.

4.1.2 When gathering evidence, the Committee was made aware that the Accommodation Needs Assessment is a 'snapshot' of the situation at a particular time and that although it was undertaken in accordance to Welsh Government guidelines, it was not an exact science. The Committee heard evidence which questioned the basis on which the Needs Assessment was conducted, specifically was it undertaken on the basis of a strategic, formula-led basis, or on the reality of the number of families and their distinct needs (a more operational approach). In addition, there was a view on the part of some witnesses that issues at the existing site and at the Park and Ride had created a demand for an additional site and that this had impacted on the Accommodation Needs Assessment. This was not accepted by the officers responsible who maintained that the methodology used in the Accommodation Needs Assessment was robust.

## **4.2 Role of Cabinet and the Task and Finish Group**

4.2.1 By March 2010 the authority was in a position to begin the work of identifying alternative Gypsy Traveller site provision, relevant to this review. The process was to be overseen by a member-led Task and Finish Group that was to work to set criteria. These criteria were based on those of the Welsh Government and differed slightly from those in the Gypsy Traveller Policy (HC9), though they did not contradict each other.

4.2.2 The summary to the Cabinet report of 11<sup>th</sup> March 2010 referred to the purpose as '*To investigate the provision of an alternative site to accommodate the Gypsy and Traveller families presently occupying the unauthorised site at Swansea Vale*' but by 26<sup>th</sup> August 2010 this had been amended significantly to read '*To consider the formation of a*

*Member led Task & Finish Group to look at Gypsy Traveller site provision', i.e., much broader terms of reference.*

- 4.2.3 What was not clear, however, was the extent to which the considerations of one of these drivers (the need to address the situation in Swansea Vale) influenced people's thinking when addressing the broader policy issues, consciously or otherwise.
- 4.2.4 Even so, it is clear that there was a strong feeling among several witnesses outside the council, that officers had been working to obtain a solution to the issue of the Park and Ride site and that this formed an essential backdrop to the search for additional provision Gypsy Traveller site, consciously or otherwise, although officers insisted that they had acted strictly within the criteria set for them, an issue which is discussed below
- 4.2.5 In setting the terms of reference for the Task and Finish Group in August 2010, Cabinet considered two options:

*Option 1*

- a) Review and update (if necessary) the original criteria based National Guidance and current planning policy*
- b) Review a list of all council-owned and including council-owned land allocated for housing*
- c) Assess the sites against the criteria and rank those sites in order of those best meeting the criteria*
- d Produce a working list of no more than 10 sites for more detailed assessment*
- e) Complete the detailed assessment and produce an options report*
- f) Task and Finish group to complete this work within 6 months*

*Option 2*

- a) Complete a review of all council owned land and council land allocated for housing*
- b) Produce a report setting out options.*

The Committee noted that the search was restricted to council owned land as such sites were thought to be more easily deliverable within a relatively short timeframe. The Committee also heard that no interest from other land owners was forthcoming as part of the UDP process (which referred to a need for a Gypsy Traveller site).

4.2.6 It resolved to undertake the less prescriptive of the two options (Option 2), to consult the Gypsy Traveller community on the outcomes and to produce a report setting out the options for moving forward.

4.2.7 It is not clear why Cabinet felt it was necessary to make that change, but it did remove the responsibility for choosing a preferred site from the Task and Finish Group, and in doing so Cabinet increased the opportunity for the Gypsy Traveller community to be consulted.

4.2.8 However, work that became a priority because of a specific issue at the Park and Ride site turned into a much wider undertaking to address the council's responsibility to make appropriate provision for Gypsy Traveller families.

4.2.9 A number of those who gave evidence to the Committee doubted whether the terms of reference given to the Task and Finish Group contained sufficient detail. In addition, some questioned the legality of the use of Task and Finish Groups, maintaining that there was no provision for these structures. It is clear that Cabinet wished to delegate the work to a body of elected members, on the basis that it could do so (as it was the ultimate decision-making body in the matter), and that there was a need for the process to be led by members rather than officers. The Task and Finish Group met on a monthly basis from November 2010 to August 2011 and thereafter met on four occasions in 2012.

4.2.10 The Committee heard evidence from a number of Cabinet Members, including those who had held posts in 2012-14 and during the tenure of the previous administration (2004-12). These included the Leader of the Council (2004-12), the Leader of the Council 2012-14, and the Cabinet Member for Place (2012-14).

4.2.11 Key questions that were put focused on the extent to which the process had been overseen by elected members with executive responsibility and whether their involvement was appropriate. The issues raised included:

- To what extent should elected members with executive responsibility be involved in the process and to what extent should it be left to officers working to agreed criteria and protocols?
- Who had overall responsibility for overseeing the process when a Cabinet Member was unable to take responsibility because one of the sites was in her ward?

4.2.12 It became clear that a combination of factors affected the extent to which Cabinet Members were involved in the work, including a) the fact that the Cabinet Member for Place in 2012-14 had quite rightly declared her interest in the matter because one of the sites under consideration was in her ward and was therefore not in a position to oversee the process and b) the view of both previous Leaders that they were determined to avoid undue political influence on the process. As a consequence, notably since 2012, there has been no identifiable political responsibility in this process. The Committee was made aware of confusion and different perceptions about the role of certain Cabinet Members and leadership. Members recalled that Councillor David Phillips had described the process as 'deeply flawed' but this was not an aspect of the issue that he highlighted in evidence to the committee. It is also unfortunate that former Councillor Nick Bradley (who served on the Cabinet and acted as Chair of the 2<sup>nd</sup> Task & Finish Group) did not contribute evidence to this review, despite a number of requests.

4.2.13 The Committee felt that there must be clarity about leadership, and the respective roles and responsibilities of those involved in any future search process and relationship, whether member or officer led. This is vital for future accountability, and it is very important that there is transparency about who does what and clear terms of reference so that the purpose of any work is understood.

4.2.14 Furthermore the Committee heard concerns from members involved in the Task & Finish Group about their role in the process and their

inability to discuss their work with others. The Committee's view is that there must be clarity about the establishment and status of future Member Task & Finish Groups, and their appropriateness to assist executive decision-making. It should be clear from the outset whether such method of working is confidential or otherwise, and implications for participating councillors in relation to interests and conduct. Failure to do this puts the authority at risk of reputational damage due to a lack of public trust in policy making and the political process.

### **4.3 The Site Selection Process**

- 4.3.1 An extensive sifting process was undertaken by officers that reduced the potential sites from over 1006 to 19. The evidence offers clear criteria to explain how a list of 19 sites was arrived at. It was less clear how these were reduced to five sites and how the eventual two sites were recommended. The evidence of Emyr Jones (*from Minutes of Gypsy Traveller Site Task and Finish Group – 8 March 2012*) stated 'these sites had been further refined utilising a stringent filtering mechanism based on relevant Welsh Government guidance which resulted in five realistic options being presented'.
- 4.3.2 The Committee heard evidence which questioned the way the sites had been selected, including specific statements questioning whether the expansion of the existing site could not be considered and there was some concern about the application of the site selection criteria. The Committee also heard detailed criticism of the criteria and arguments why certain sites, notably the Llansamlet option, were unsound. It was also noted that there was ambiguity over the exact location of the site being considered at Llansamlet and some witnesses maintained that there were two distinct areas of land included in that option. The committee noted a strong opinion in the Llansamlet area that the process was geared towards locating a second site in the Llansamlet area, and some committee members felt unable to refute such a view in light of their experience and some of the views heard.
- 4.3.3 The officer responsible reiterated that they had worked to the same criteria when judging all sites and had applied them consistently throughout.

- 4.3.4 The Committee was provided with evidence of the discussion between members of the Task and Finish Group and Council officers over members' decision to reject two options, an issue which was linked to the discussion over whether site visits should be undertaken to five sites and evidence was given that suggested that the Task and Finish Group had recommended additional sites but that these did not proceed.
- 4.3.5 According to what was reported to the Committee, the advice of the relevant Director at the time was that the criteria for including the five sites were sound but that the reasons for rejecting two of the options were not sound. Consequently, all five sites were proceeded with, reiterating the need for clarity about how much authority a Task and Finish Group had.
- 4.3.6 The Committee also heard that the members of the Task and Finish Group appointed after the May 2012 election were not informed that the previous Group had wanted to reject two of the five sites. The Committee also could not understand why the Task & Finish Group did not produce a specific report on its work and conclusions of its review of land and setting out options, in accordance with their Terms of Reference as agreed by Cabinet in August 2010. Some committee members had reservations about whether the Task & Finish Group was 'member-led'.
- 4.3.7 It is not clear whether the Task and Finish Group had the authority to reject, restore or add sites for consideration nor was it clear who should be the arbiter of what constituted a sound decision. This reinforces the message that the terms of reference of any member or indeed officer-led group need to be clear, conveyed without ambiguity, and understood by all parties from the outset.

#### **4.4 Consultation with Gypsy Traveller Community**

- 4.4.1 As was noted previously, there was a commitment to ensure that the Gypsy Traveller community would be consulted. This was an essential requirement of the Welsh Government's guidance and was enshrined



in the authority's own policy. The City and County of Swansea has an established Gypsy Traveller Liaison Forum which is responsible for discussing council-related issues with representatives of the Gypsy Traveller community. In addition, ad-hoc officer-led discussion also takes place as and when required to ensure that the authority responds appropriately to specific issues (education needs, public health, etc).

4.4.2 Documents headed 'City and County of Swansea Gypsy Traveller Meeting' indicated that a meeting was held with representatives of three main Gypsy Traveller families on the morning of Friday 7<sup>th</sup> September. Councillor Nick Bradley (chair of the Task & Finish Group) and Councillor Jennifer Raynor (a member of the Task & Finish Group) were present at this meeting along with a number of officers. At this meeting there was discussion with the families on the five sites which had been presented to the Task and Finish Group the previous April and their views. During those discussions it became clear:

- That certain sites were preferred to others
- That the nature of the use of one of the sites (at Gorseinon) meant it was not acceptable to the Gypsy Traveller community
- That certain families were prepared to share a site with other families but not with other families or occupants of a Transient Site
- That the needs assessment may have underestimated the total demand for Gypsy Traveller accommodation.

The status of this meeting is unclear to the Committee (it was not a meeting of the Task & Finish Group), nor was it clear to what extent feedback from this 'consultation' was shared with / discussed by the Task & Finish Group or considered in the assessment process at that time.

4.4.3 While the authority stated that it endeavoured to gather the views of the Gypsy Traveller community as a whole, using surveys and convening meetings with families, it was only able to obtain the views of those who took part in the process, essentially three main families, all of whom occupied pitches within the boundaries of the Llansamlet ward, either at the official site or at the 'tolerated' site. The views of Gypsy Travellers occupying sites elsewhere in Swansea do not appear to

have been obtained. It might also be worth noting that the views of Travelling Showmen on potential new sites were not gathered.

- 4.4.4 There are limits to which it is reasonable for any organisation to take a stakeholder consultation (and officers sought to make the process as inclusive and extensive as possible). Therefore it is clear that it is extremely difficult to ensure that the views of all members of the Gypsy Traveller and other Traveller groups are heard.
- 4.4.5 Although the Committee heard that views would only be weighed up at the point of decision by Cabinet, having reviewed the process the Committee felt that the appropriateness of sites for Gypsy Traveller families should have been considered more significantly, particularly given the time and resources the whole process has taken. In particular it was seen as unfortunate that two of the five sites eventually were regarded as inappropriate and unacceptable by the Gypsy Traveller families. With hindsight such a difficulty could have been anticipated at the start of the process had the views of the consultees been obtained. The effective reduction of a shortlist of five to one of three at the end of the process was felt by the committee to have impacted on public confidence in the process.
- 4.4.6 The Committee suggests that Gypsy Traveller families should be involved at the earliest stage rather than at the end of shortlisting. In addition, the status of any meeting with the Gypsy Traveller community must be clear within the overall process. The Committee heard that the authority would not necessarily be considered to have fulfilled its obligations in respect of additional provision if it chose a site which the Gypsy Traveller community found unacceptable. Therefore this is a fundamental issue. Some members felt strongly about the need for clarity about the weighting that should be given to their views, given the legal advice.
- 4.4.7 The Committee also heard evidence about the wider public consultation process and noted criticism of the purpose of consulting on a general basis when a shortlist of 5 sites was known. Although the Committee acknowledged the public consultation process elicited over 3000 comments there was also concern about the way these were

responded to e.g. points dismissed or not answered at all. The Committee was also disappointed that those submitting a response did not receive an acknowledgement.

## **5. The Importance of Community Cohesion**

- 5.1 As was noted, both members and officers of the City and County of Swansea have emphasised the importance of positive community relationships with the Gypsy Traveller families. This was referred to in the evidence gathering sessions and also when full Council considered the matter in October 2013. It is important that the authority does everything in its power to maintain positive relationships and ensure community cohesion as it moves forward. The Committee felt that more work needed to be done to ensure community awareness and understanding to counter any discrimination.

## **6. Independent Scrutiny and Assurance**

- 6.1 The Committee heard that in order to provide assurance with regard to the process an internal independent management review, and an external professional review was undertaken, prior to the consultation exercise. These reviews examined the criteria set, their links to regulations / policy, and the application of the criteria at each stage.
- 6.2 These reviews concluded that the process followed had been robust and completed in accordance with the criteria agreed by Cabinet. It was stated that 'professional judgement' had been used in narrowing the list to five options, although the exact meaning of this statement was not elaborated.
- 6.3 The Committee also noted that in order to ensure transparency and offer further assurance all of the information available was considered by a Senior Officer Panel in September 2013 who examined the pros and cons for each of the shortlisted sites in depth. The Panel was made up of officers across all major service areas including officers with no prior involvement in the issue.

- 6.4 The committee also heard that during the course of the process Counsel's advice was taken on a number of occasions, most notably prior to the Council meeting in October 2013. It was reported to the committee that this advice confirmed that the Council had acted rationally and lawfully throughout, and that the process was not flawed.
- 6.5 Some committee members questioned the assurance and advice sought and received given the various concerns which have emerged during evidence gathering.

## **7. Was this a Robust Process?**

- 7.1 It is clear that set technical criteria were used against which the merits of individual sites were considered. These related primarily to physical attributes (proximity to other settlements, infrastructure, potential land use etc). However, the authority is committed to ensuring that the view of the Gypsy Traveller community is heard and recognised when making provision. This is both as a matter of principle (recognising the need to be inclusive) and a matter of practice (the authority cannot be put in a position where it provides accommodation that is not going to be used). Put simply, a site that had clear benefits from a physical standpoint might well be rejected because it was not acceptable to the Gypsy Traveller community.
- 7.2 There was, however, no evident formula or weighting that had been applied to balance the physical considerations with those of the views of the Gypsy Traveller community. The Chief Executive, in his evidence, insisted that a final analysis of where to locate additional accommodation was not an exact science, and his views were echoed by other officers, at senior strategic and operational level. This was challenged, notably in Professor Tony Beddow's evidence.
- 7.3 The Committee is not in a position to make a judgement about whether a formula or algorithm could be used and does not propose to take further expert opinion on their use in the formulation of public policy, but notes that they were not used in the consultation used as part of this process.

- 7.4 A similar issue regarding the inexactitudes of the process was heard in relation to the Accommodation Needs Assessment where again a certain amount of judgement was exercised and senior officers reiterated that this again was not an exact science.
- 7.5 Consequently, the exercise became a matter which can be described in terms of taking a balance of the evidence, attempting to marry place (the physical aspect) with people (future demand and the views of the Gypsy Traveller community about where provision should be located). This balance was an aspect of the process that could not be measured objectively. Officers, particularly those at the operational level, sought to make the process as robust and unbiased as possible in the interests of fairness, but this was undermined by the fact that a great deal of judgment had to be exercised in relation to the 'people' aspect.
- 7.6 Until there is a clear understanding of the balance of the issue of 'place' with that of 'people' it is unlikely that the process can be said to be completely scientific and robust. Furthermore, there are serious questions about whether it is realistic for any process to be able to meet both requirements. Ultimately the resolution of this whole matter comes down to a judgement by Cabinet, balancing all the information and potentially conflicting views, and decision, and adherence to the established planning process. Of course the site search process that we reviewed never reached this point.
- 7.7 The Committee acknowledges that the authority has found this a difficult, and emotive, issue to deal with and the process has drawn criticism from councillors and members of the public. The issue has caused a lot of tension and ill-feeling and has likely damaged the reputation of the authority. The Committee found that the authority followed through on the process agreed in 2010 but opinions about whether that process was the best process have been expressed. An illegal but tolerated site still exists in Llansamlet and that will continue to be the case until there is a plan to deal with this whole issue.

## **8. Summary of Learning Points / Recommendations**

The Committee hopes that those determining future work consider the learning points which follow, to help bring about a positive resolution to this long standing issue.

It is recommended to Cabinet that:

- 8.1 The process must be clear about the implications of previous policies / decisions and relevant policy framework.
- 8.2 There must be clarity about leadership, and the respective roles and responsibilities of those involved in any future search process and relationship, whether member or officer led. This is vital for future accountability, and it is very important that there is transparency about who does what and clear terms of reference so that the purpose of any work is understood.
- 8.3 There must be clarity about the establishment and status of future Member Task & Finish Groups, and their appropriateness to assist executive decision-making. The terms of reference of any member (or indeed officer-led group) need to be clear, conveyed without ambiguity, and understood by all parties from the outset. It should be clear from the outset whether such method of working is confidential or otherwise, and implications for participating councillors in relation to interests and conduct.
- 8.4 Gypsy Traveller families should be involved, and views considered more significantly, at the earliest stage rather than at the end of shortlisting. In addition, the status of any meeting with the Gypsy Traveller community must be clear within the overall process.
- 8.5 It is important that the authority does everything in its power to maintain positive relationships and ensure community cohesion as it moves forward. More work needed to be done to ensure awareness and understanding to counter any discrimination.

## **Acknowledgements**

The Committee is very grateful to everyone who contributed to the review, and would like to thank:

- Jack Straw (Chief Executive)
- Phil Roberts (Director – Place)
- Reena Owen (Corporate Director)
- Patrick Arran (Head of Legal, Democratic Services & Procurement)
- Phil Holmes (Head of Economic Regeneration & Planning)
- Lee Morgan (Head of Housing)
- Emyr Jones (Planning Services)
- Simon Malough (Traveller Liaison Officer)
- Peter Williams (Strategic Planning & Enabling Manager)
- David Evans (Housing Business Manager)
- Dave Turner (Estates)
- Cllr Uta Clay
- Cllr Penny Matthews
- Cllr Jennifer Raynor
- Cllr Chris Holley
- Cllr June Burtonshaw
- Cllr David Phillips
- Tony Beddow
- Keith Jones
- Hilary Jenkins
- Tom Jenkins
- Phillip Robins
- Lawrence Bailey

## **About the Committee**

The following members of the Scrutiny Programme Committee participated in this review:

CLlr Robert Smith (chair)  
CLlr Bob Clay  
CLlr Anthony Colburn  
CLlr David Cole  
CLlr Ann Cook  
CLlr Jan Curtice  
CLlr Nick Davies  
CLlr Wendy Fitzgerald  
CLlr Terry Hennegan  
CLlr Paul Meara  
CLlr Gloria Tanner  
Sarah Joiner (cooptee)  
Dave Anderson-Thomas (cooptee)

The review was supported by Brij Madahar from the Council's Scrutiny Unit.

### **For further information contact:**

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## Report of the Cabinet Member for Education

Cabinet – 18 February 2016

### 21<sup>st</sup> CENTURY SCHOOLS PROGRAMME

#### CAPTIAL PROGRAMME AUTHORISATION FOR THE DESIGN AND REFURBISHMENT OF YSGOL GYFUN GWYR SCHOOL INCORPORATING THE USE OF GOWERTON INFANT AND NURSERY

<b>Purpose:</b>	To seek authorisation to proceed with the Curriculum Led Remodelling scheme at Ysgol Gyfun Gwyr incorporating the use of Gowerton Infant and Nursery buildings , and to appoint Corporate Property and Building Services to undertake the work.
<b>Policy Framework:</b>	<ul style="list-style-type: none"><li>• One Swansea Plan.</li><li>• The Revenue and Capital Budget as reported to and approved by Council on the 10th February 2015.</li><li>• QEd 2020 programme.</li><li>• Corporate Priority – Safeguarding vulnerable young people</li><li>• Corporate Priority – Improving pupil attainment</li><li>• Corporate Priority – Tackling poverty</li><li>• Corporate Priority – Building sustainable communities</li></ul>
<b>Reason for Decision:</b>	To comply with Financial Procedure Rule 7-to approve and include new Capital schemes in the Capital Programme.
<b>Consultation:</b>	Education, Corporate Building and Services, Finance and Legal.
<b>Recommendation(s):</b>	<ol style="list-style-type: none"><li>1. Authorise the scheme as detailed at Ysgol Gyfun Gwyr, together with financial implications, be included in the Capital Programme.</li><li>2. Corporate Building and Property Services are authorised to proceed with the scheme as the principle contractor.</li></ol>
<b>Report Author:</b>	Alayne Smith
<b>Finance Officer:</b>	Jayne James
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer</b>	Sherill Hopkins

## **1.0 Background**

- 1.1 The Strategic Outline Programme (SOP) detailing the re-organisation and investment need for Schools across Swansea was submitted to the Welsh Government in 2010.
- 1.2 In December 2011 further approval in principle was granted by the Welsh Government to proceed with the schemes outlined within “Band A” of the programme subject to contract and a Local Authority contribution of 50% towards the overall costs.
- 1.3 In line with Welsh Government programme requirements the Capital Budget and Programme 2013/14 to 2018/19 provides an outline spending profile totalling £51m. Included within this phase of projects is the Curriculum Led Remodelling at Ysgol Gyfun Gwyr.

## **2.0 Summary of Design Brief**

- 2.1 The scheme aims to provide learners and staff of Ysgol Gyfun Gwyr with a safe, sound and fit for purpose 21<sup>st</sup> Century Learning environment; designed to reduce disruption to learning and create appropriate and flexible learning spaces.
- 2.2. In order to achieve the key business aims and objectives, the project will maximise on the development opportunities for both the Ysgol Gyfun Gwyr and former Gowerton Infant and Nursery buildings in accordance with DFES Building Bulletin 98 space guidelines for secondary school provision. Consideration will be given to develop facilities that would better serve 14-19 year groups given a split campus set up. To address the necessary safeguarding requirements, secure access controlled entry systems will be introduced to the former Gowerton buildings and it is proposed to further enhance security to the boundary of the school by extending the perimeter fence to the west of the site , this would allow land within the Education portfolio to be more effectively managed and maintained thus ensuring the continuation of excellent outcomes for Key Stage 3 and Key Stage 4 learners.
- 2.3 The phased programme of works will include the minor remodelling within the existing buildings on the Ysgol Gyfun Gwyr site. This will provide an additional general classroom, a science laboratory and a secure foyer reception space.
- 2.4 The former Gowerton Infant and Nursery site will be reconfigured internally to provide an additional seven general classrooms by maximising on the opportunities of space within the existing buildings and provide a more appropriate learning resource for key stage 5 learners. The Gowerton building transfer will also afford Gwyr with greatly needed additional dining provision.
- 2.5 A double demountable structure on the Gowerton Infant site (which is no longer fit for purpose) will be demolished and replaced with a brand new modular building, the typical lifespan of which would be 20 years.

- 2.6 Accessibility and safeguarding will be improved, and associated work will address priority areas of backlog maintenance.

### **3.0 Start and Completion Dates**

- 3.1 A Business Justification Case for the curriculum Led Remodelling scheme is to be submitted to Welsh Government for their consideration and approval in February 2016.
- 3.2 Subject to approval from Welsh Government it is anticipated that works will commence on site in April 2016. As part of the work is to be carried out on a live school site the scheme will therefore be carried out in two distinct phases, phase one will be complete by September 2016 and phase two will be complete by December 2016.

### **4.0 Financial Implications**

#### **Capital**

- 4.1 In line with the WG Programme requirements the Capital Budget and Programme 2013/2014 to 2018/19 provides an outline spending profile for schemes totalling £51m. Included within this phase of projects is the curriculum led remodelling scheme for Ysgol Gyfun Gwyr.
- 4.2 The scheme at YG Gwyr incorporating the former Gowerton Infant and Nurse buildings has been costed at £1.35million. This includes construction costs, fees, surveys and applications as outlined in Appendix A.

#### **Revenue**

- 4.3 There are no revenue implications linked to this scheme of works at Ysgol Gyfun Gwyr.

### **5.0 Legal Implications**

- 5.1 Statutory Requirements.

A Planning Application will be submitted.

The initial feasibility and design has been carried out by Corporate Building and Property Services. CB&PS will act in the capacity of principal contractor for all construction related activity.

An Equality Impact Assessment screening form has been completed and a full Equality Impact Assessment carried out.

## **6.0 Equality and Engagement Implications**

- 6.1 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 drafted and shows that the project will have a positive impact on;
- 6.2 Age – This proposal would provide pupils and staff at the school with improved facilities.
- 6.3 Disability – The design, delivery and implementation of this project has taken full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. The re-modelling will ensure that ALL the pupils and staff (as well as parents / carers) can make the most of their improved environment.
- 6.4 Welsh Language – As Ysgol Gyfun Gwyr is a Welsh Medium Comprehensive School the proposals would have an extremely positive impact on the Welsh Language by providing the school with improved resources for the school to flourish.
- 6.5 Children’s Rights - In line with the Councils commitment to the UNCRC the initiative will have a direct impact on children and young people who will be consulted on the proposal which is designed in the best interest of children as stated in the guiding principles:  
*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.*
- 6.6 As stated in the report, all key stakeholders will be communicated with throughout the projects’ delivery. The EIA report is currently being quality assured and will be updated as the project progresses and the actions identified are carried out.

## **7.0 Procurement**

- 7.1 It is proposed that associated works will be delivered by Corporate Building and Property Services. 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.
- That all Community Benefits requirements will be fulfilled as per the grant conditions.

**Background papers:**

Equality Impact Assessment can be viewed at <http://www.swansea.gov.uk/eia>

**Appendices:**

Appendix A Financial Implications Summary

Appendix B Design of Ysgol Gyfun Gwyr Curriculum Remodelling Scheme

## FINANCIAL IMPLICATIONS : SUMMARY

**Portfolio:** Education  
**Service :** Welsh Comprehensive Schools  
**Scheme :** YG Gwyr - Curriculum Led Remodelling

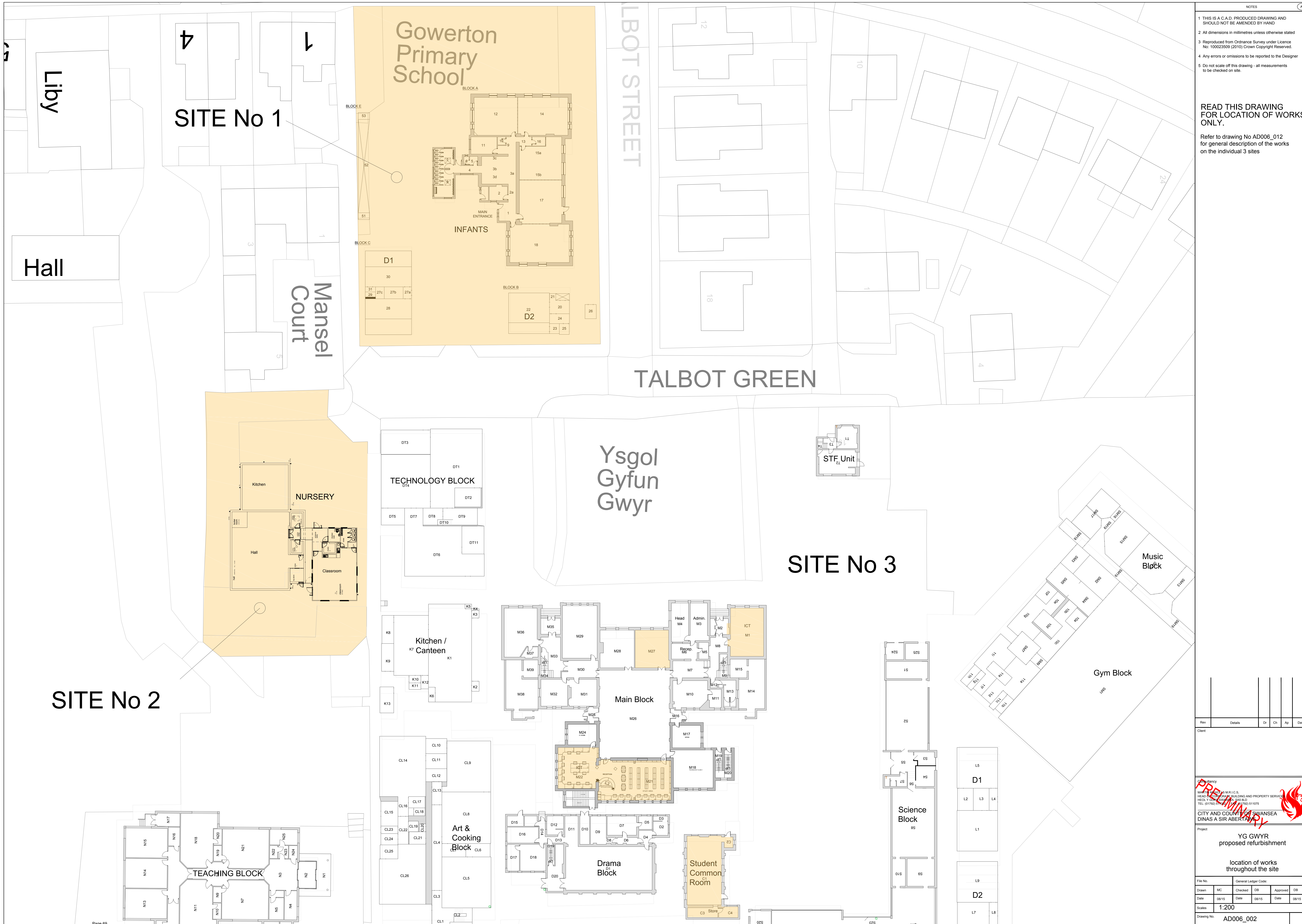
<b><u>1. CAPITAL COSTS</u></b>	<b>2014/15 £'000</b>	<b>2015/16 £'000</b>	<b>2016/17 £'000</b>	<b>2017/18 £'000</b>	<b>TOTAL £'000</b>
<u>Expenditure</u>					
Works - Building	0	0	628,164	0	628164
Works - External	0	0	303,250	0	303250
Preliminaries	0	0	152,000	0	152000
Design Fees (CB&PS)	50,000	60,000	6,500	0	116500
Fees (Other)	0	30,000	50000	0	80000
Highways	0	0	30,000	0	30,000
ICT Fit Out	0	0	40,000	0	40,000
<b>EXPENDITURE</b>	<b>50,000</b>	<b>90,000</b>	<b>1,209,914</b>	<b>0</b>	<b>1,349,914</b>
<u>Financing</u>					
CCS funding	50,000	40,000	643,957	0	733957
WG grant -21st Century	0	50,000	565,957	0	615957
<b>FINANCING</b>	<b>50,000</b>	<b>90,000</b>	<b>1,209,914</b>	<b>0</b>	<b>1349914</b>

<b><u>2. REVENUE COSTS</u></b>	<b>2014/15 £'000</b>	<b>2015/16 £'000</b>	<b>2016/17 £'000</b>	<b>2017/18 £'000</b>	<b>FULL YEAR £'000</b>
<u>Service Controlled - Expenditure</u>					
Employees )					0
Maintenance )					0
Equipment )	N/A	N/A	N/A	N/A	0
Administration )					0
<b>NET EXPENDITURE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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**READ THIS DRAWING FOR LOCATION OF WORKS ONLY.**

Refer to drawing No AD006\_012 for general description of the works on the individual 3 sites



SITE No 2

SITE No 1

SITE No 3

Rev	Details	Dr	Ch	App	Date

Client

City of Swansea  
 Planning and Property Services  
 HEOL Y GORON, SWANSEA SA1 1RS  
 TEL: 01792 511075

**CITY AND COUNTY OF SWANSEA  
 DINAS A SIR ABERTAWY**

Project  
**YG GWYR  
 proposed refurbishment**

location of works throughout the site

File No.	General Ledger Code:				
Drawn	MC	Checked	DB	Approved	DB
Date	08/15	Date	08/15	Date	08/15
Scales	1:200				
Drawing No.	AD006_002				



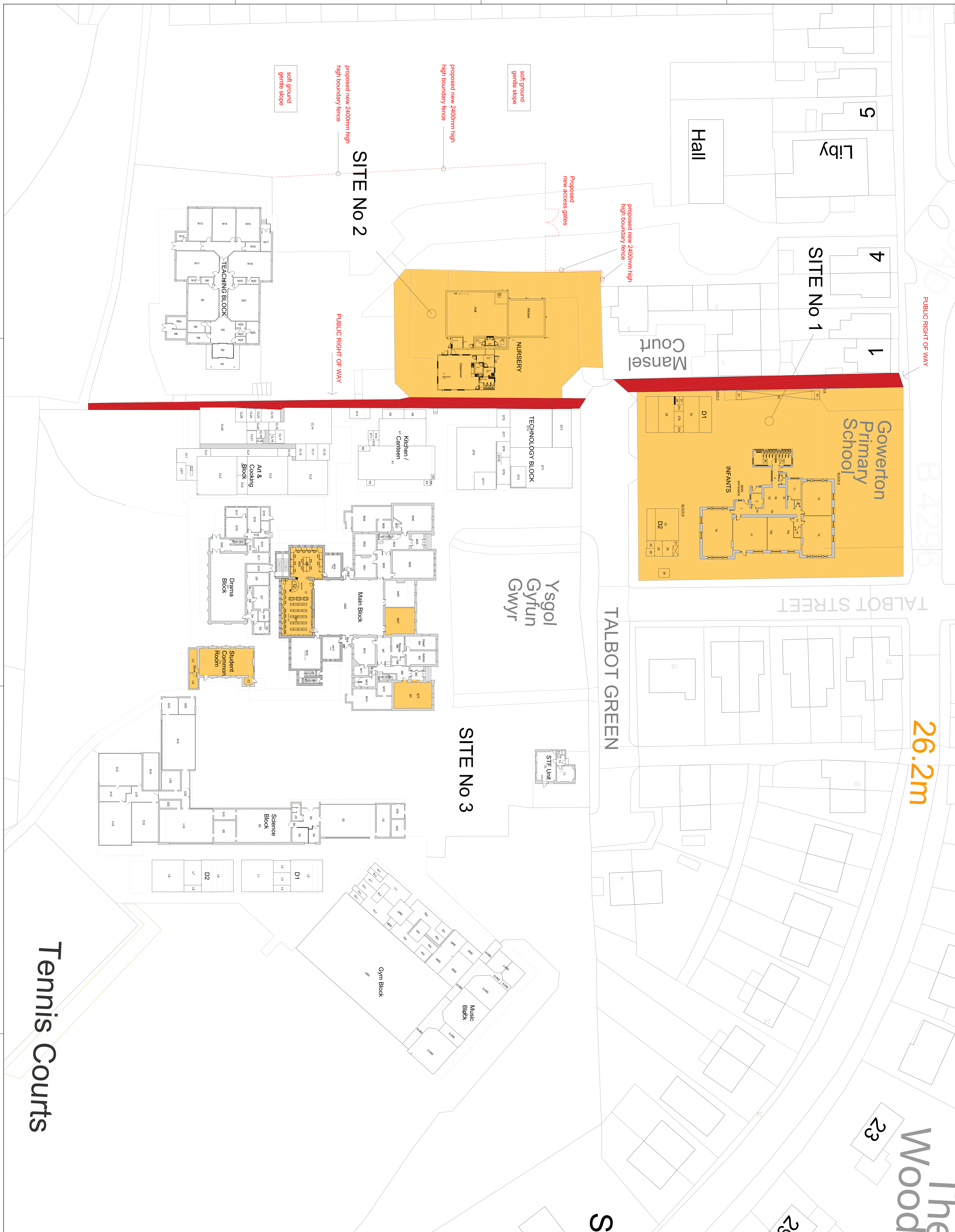


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**READ THIS DRAWING FOR LOCATION OF WORKS ONLY.**

Refer to drawing No AD006\_012 for general description of the works on the individual 3 sites

BE CARRIED OUT IN ACCORDANCE WITH O.A. PROCEDURES



26.2m

Tennis Courts

**PROFESSIONAL SEAL**  
 REGISTERED ARCHITECT  
 CITY AND COUNTY OF SWANSEA  
 DIMAS A SIR ABEL IAP

**YG GWYR**  
 proposed refurbishment  
 location of works  
 throughout the site

Rev	Details	Dr	Ch	Ap	Comm

Proj No:	General Ledger Code:	Approved:	DB
Drawn:	NC	Checked:	DB
Date:	06/13	Date:	06/15
Scale:	1:200	Date:	06/15

Drawing No: AD006\_002

# Agenda Item 10.

## Report of the Cabinet Member for Education

Cabinet – 18 February 2016

### 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>	Susan Rees
<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 28th January 2016, nominations were recommended for approval as follows:

1. Clase Primary School	Mr Steven Avo
2. Craigfelen Primary School	Mrs Rhys Aeron Jones

3. Danygraig Primary School	Mr Khandaker Wahid
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4. Penclawdd Primary School	Mrs Lynwen Tregembo
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5. Pontybrenin Primary School	Mrs Caroline Linda Hodson
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6. Waun Wen Primary School	Mr Thadde Onkiri Isay
----------------------------	-----------------------

## **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 11.

## Cabinet Member for Enterprise Development and Regeneration

Cabinet – 18 February 2016

### SWANSEA CENTRAL AREA REGENERATION FRAMEWORK REPORT ON THE PUBLIC CONSULTATION EXERCISE

**Purpose:** To report back on the public consultation exercise undertaken on the draft Swansea City Centre Strategic Framework Review (2015).

**Policy Framework:** Swansea City Centre Strategic Framework Review Draft (January 2015), Swansea City Centre Strategy (2009), Swansea Community Plan Environment and Prosperity themes, Unitary Development Plan (2008), Swansea Bay Strategy Action Plan (2008).

**Reason for Decision:** To report back on a public consultation exercise undertaken on the draft Swansea City Centre Strategic Framework Review (Regeneration Framework), in order that it can be adopted as informal planning guidance and be used to inform the preparation of the Local Development Plan.

**Consultation:** Legal, Finance, Planning and Transportation.

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

- 1) The Swansea Central Area Regeneration Framework be amended as set out in Table 1 of this report and that the document is adopted as informal planning guidance to guide future regeneration in the City Centre and inform the preparation of Local Development Plan.

**Report Author** Gail Evans

**Finance Officer** Jayne James

**Legal Officer** Christopher Allingham/Patrick Arran

**Access to Services Officer** Phil Couch

## 1.0 Introduction

- 1.1 A new draft Swansea City Centre Strategic Framework Review (draft Regeneration Framework) was prepared by consultants DTZ (now called Cushman Wakefield), Vectos, Chapman Taylor and Emotional Logic and was approved by Cabinet as a draft and as a basis for public consultation in January 2015.

**1.2** A current and relevant Regeneration Framework for Swansea's Central Area is essential to guide future new development and investment, and provide a robust evidence base on which to plan future regeneration. The Regeneration Framework will also help to ensure that all resources, and funding opportunities, are appropriately targeted and focused on a clear set of objectives for the Central Area which ensure that regeneration benefits are maximised.

**1.3** This report outlines the public consultation process which has been undertaken, and summarises the wide range of views and comments received from residents, visitors, businesses and other organisations. The report also responds to those views and comments, and recommends amendments which will help to clarify and refine the proposals contained in the 2015 draft Regeneration Framework. Three appendices are attached to this report, which incorporate a Summary of responses to the consultation exercise (Appendix 1), The Preliminary Consultation (Appendix 2) and a copy of the revised, refined and renamed Swansea Central Area Regeneration Framework (Appendix 3). <http://www.swansea-city-centre.com/invest-business/city-centre-strategic-framework/>

## **2.0 Summary of Key Objectives and Principles**

**2.1** The Regeneration Framework presents a Masterplan which focuses on development opportunities in a Retail and Leisure Led Mixed Use area and identifies a future role and function a range of Complementary areas set within the context of a Vision for the following 4 broad areas:

- Creating a Living Working and Learning Area
- Developing a Retail/ Leisure Led Mixed Use Centre
- Connecting to the City Waterfront
- Creating a Green Artery.

The proposals presented for these areas are set within the context of a series of Strategic Objectives themes based on Sustainability, Economic Prosperity, Design, Accessibility and Movement, and Distinctiveness and Innovation.

**2.2** The Regeneration Framework promotes a range of deliverable schemes across the short, medium and longer term timeframes to stimulate regeneration, which could be funded through a combination of both public and private sector investment. To ensure an informed approach the Framework is underpinned by an Evidence Base, which is a detailed preliminary analysis of existing issues, the quality of public realm and built environment of existing areas of the Central Area, demographics, market trends, and preliminary public consultation.

**2.3 Status of the Document** -It is intended that this final version of the Regeneration Framework will be approved as new strategic guidance to set the regeneration agenda for Swansea's Central Area, will supersede the previous Swansea City Centre Framework (2009) and be a material planning consideration in the determination of planning applications. The document will also inform the preparation of policies for the Central Area in the emerging Local Development Plan (LDP), and in due course be adopted as Supplementary Planning Guidance to the LDP.

### **3.0 The Consultation Process**

A preliminary consultation process was undertaken to initially inform and shape the draft document. This involved the Swansea Voices Panel, Swansea schools, and the You Are Here Consultancy Team. The formal public consultation process was undertaken following the launch of the draft Framework on 29<sup>th</sup> January 2015. A summary of the consultation activities are outlined below and the comments received during that consultation exercise are set out in Appendix 1.

#### **3.1 Preliminary Consultation December 2014**

**1. Swansea Voices Panel** Opinion Research Services (Swansea Voices Citizens Panel members) were asked to respond to general questions on the quality and future of the Central Area using an online or postal questionnaire. 1,260 panellists were contacted 539 and questionnaires were completed. The key questions related to what facilities were important to residents in the Central Area, what would improve Swansea as a place to visit, and what would make it unique. The results showed the importance of new shopping facilities, better parking, public transport and access to the beach.

**2. Swansea Schools Consultation** In order to directly engage children and young people in Swansea a short questionnaire was sent out to all schools. Seven responses were received which were primarily considered by school council forums.

**3. City Futures Conference (October 2014)** Design Commission for Wales in partnership with CCS held an international conference at the National Waterfront Museum in October 2014. The conference was entitled City Futures and speakers from around the world looked at addressing service and infrastructure needs, securing good living conditions and harnessing human capital.

#### **4. You Are Here consultation (November – December 2014)**

The You Are Here team were engaged as part of the team of consultants to undertake a creative led consultation to engage with the public. A series of themed events and pop ups were used in empty shops and spaces owned by the CCS, involving partnerships and targeted conversations. The Project used a variety of innovative mechanisms of engagement including:

- Re branding empty spaces through creative exercises and a programme of engaging interventions.
- Engaging City Centre users- businesses and strategic partners and general public.
- Creating a sustainable framework to guide the use of empty premises.
- Hosting Artist led events where a number ideas and potential for urban cultural regeneration of the City was explored.

The bulk of the public consultation was undertaken through face to face dialogue and conversations. There were also 295 written submissions and letters and the key findings are also summarised in Appendix 2.

### **3.2 Public Consultation Exercise March- April 2015**

1. Briefings have been held for partners such as Healthy Cities, SERP, Swansea BID.
2. A presentation and workshop was held for the Council's Innovation Network (purple room).
3. Launch of the Regeneration Framework on January 29<sup>th</sup> 2015 workshop with Council Members, Stakeholders and business representatives.
4. The Council has engaged the media with press releases, interviews and on-line content.
5. The [www.swanseaacitycentre.com](http://www.swanseaacitycentre.com) website has provided up to date news on progress and provides access to the draft framework review document.
6. Social media activity (Twitter and Facebook) has been undertaken in relation to the press releases
7. Tourism trade monthly email shot (305 mailshots)
8. Direct consultation with over 250 organisations and individuals by post and by email
9. Press notice
10. Site notices around the City Centre.
11. Public Exhibitions- at 39 Union Street and at The City Centre Managers Unit on Plymouth Street on March 30<sup>th</sup> and 31<sup>st</sup> 2015.
12. Copies of the Consultation document were made available at all Swansea Libraries.
13. Targeted consultation and presentation events- SCVS, Guide Dogs Cymru, and Swansea Association for Independent Living and Maritime Quarter Residents.

Comment forms were made available at the exhibitions and on line which invited members of the public to give their views on the Regeneration Framework proposals within a four week period. This was a robust and successful consultation exercise, with a good rate of response which generally supported the wider intentions of the Regeneration Framework.

### **3.3 Summary of the Responses**

Responses to the draft document were received through a variety of media and can generally be quantified as below:

- **14 organisations/ stakeholders responded**
- **13 individual letters from members of the public**
- **14 questionnaire response forms from members of the public**
- **23 Facebook comments-** largely focusing on the need for more car parking, the Central Area traffic system, and impacts of out of town shopping on the future of the Central Area.

**3.4 The Integrated Impact Assessment Screening (IIA):** A toolkit has been designed to assist in aligning policies and strategies with the values of the WHO Healthy Cities Network, with a series of criteria developed from a range of key partnership Strategies in Swansea. A multi disciplinary group of participants met to discuss the contribution that the Regeneration Framework makes to addressing those criteria. The exercise highlighted a number of areas for improvement in the Framework reflecting many of the comments received during the wider public consultation exercise.

## **4.0 Assessment of the Key Issues from the Public Consultation Exercise**

**4.1** A wide range of important issues were raised through the consultation exercises, and these are discussed briefly in the section below and set out in more detail in a schedule contained in Appendix 1. Table 1 at the end of this report also sets out the recommended changes to the Framework document which respond to the comments received.

### **4.2 Structure of the Document and Process**

(i) **Evidence Base-** DTZ prepared a Baseline Report prior to the publication of the draft Regeneration Framework. The draft Baseline Report has been refined reflecting the range of further work that has been done since the draft was published and now includes the preliminary consultation work undertaken by the You Are Here team.

The need for specific areas of supporting information as part of an evidence base was highlighted by a small number of organisations including the Design Commission for Wales (DCFW) and the Swansea Civic Society. DCFW highlighted how a Transport and Movement Strategy needs to fix important nodal points and infrastructure and pedestrian linkages between them and work back from detailed design work.

(ii) **Structure and Format-** A number of comments were received about the structure and format of the Regeneration Framework. In order to rationalise the length and complexity of the Regeneration Framework, the evidence and analysis has been consolidated within an accompanying Evidence Base. Most notably the analysis section reviewing the quality of the public realm and historic context which was included as part of the draft Regeneration Framework has now been relocated to the Baseline Review. A number of changes have also been made to refine and consolidate the document into a more readable format which places more emphasis on the Themes, Proposals and Policy sections.

(iii) **Themes and Policy Context-** An Integrated Impact Assessment (IIA) exercise and internal consultations with the CCS Economic Regeneration section confirmed the need for a specific theme on Economy and Prosperity. It was also highlighted that improved references were required to opportunities for education, learning training and the needs of the elderly. A number of organisations also highlighted the need to reinforce areas of important policy context, including the Well Being of Future Generations Bill, Active Travel Bill, Technical Advice Note 16, Noise Action Plan, and the Ageing Well agenda.

(iv) **Implementation, phasing and programming-** A number of organisations and members of the public highlighted that the Regeneration Framework needs to carefully consider phasing and programming of development and enhancement proposals across the City, to avoid environmental impacts or negatively impacting on prosperity. It was also suggested that outcomes of the Regeneration Framework need to be monitored, people need to be kept informed of developments and that there needs to be a clear delivery plan. An additional section has been added to the Framework to indicate how these will be achieved.

### **4.3 Comments from the Consultation Exercise relating to the Strategy Themes**

There were a number of common themes in the comments received both by organisations and members of the public, and through the Integrated Impact



Assessment screening (IIA). Matters raised in the consultation exercise are set out in detail in Appendix 1 and key points raised are summarised in the section below:

### **1. Sustainability**

A number of organisations welcomed the approach towards sustainability and its incorporation as a specific key theme in the document, but provided a number of comments and recommendations.

The need for a specific section or key theme and more explicit reference to green infrastructure was raised in the IIA, and the need to reference nature conservation designations, use of native species to support biodiversity and how green infrastructure should deliver multiple functions, was raised by a number of organisations. A new section specifically on Green Infrastructure seeks to bring all these elements together within the amended Regeneration Framework.

Organisations such as NRW and SEF also emphasised the need to consider the importance of connections to natural assets and surrounding landscape, and the significance of air quality, noise pollution and the need to consider climate change and flood risk assessments in the Central Area development sites.

The IIA further highlighted the need to reference future trends, and also suggested the need for more links to communities adjacent to the Central Area and the need for new and enhanced facilities to support communities such as play, health facilities, and opportunities for learning such as schools.

### **2. Design**

The Regeneration Frameworks objectives for high quality development and distinctiveness were commended by a number of organisations. It was also highlighted that there was insufficient reference to residential development, the balance of housing needs and for housing which is adaptable to meet future needs. In response to this the section on land uses and residential use has been expanded. DCFW also commented in detail on this section and suggested that that there needs to be a hierarchy of design advice, with clear guidance on what developments must do, should do and could do.

A small number of members of the public expressed some concerns over the potential indicated in the Regeneration Framework for more Tall Buildings. Revised draft Supplementary Planning Guidance has been prepared to extend the scope for tall buildings in the Central Area in order to increase the potential for intensive mixed use development. This revised guidance will be the subject of a separate public consultation exercise which will be reported back to members in due course. There was also general support for more trees and more greenspace in the Central Area especially in areas such as Castle Square, along with comments about the need for more active uses in these spaces and opportunities for play.

### **3. Accessibility and Connectivity**

The improvement of accessibility and connectivity particularly for pedestrian and cyclists both to and within the City centre was generally welcomed, particularly the concept of enhancing North- South connections across Oystermouth Road and from the Kingsway and to the arcades on Lower Oxford Street ( Sustrans, SEF, MQ residents and SCS). However the need to highlight better provision for cyclists and other sustainable modes of transport were points raised by organisations such as Sustrans and SEF. New plans have been included in the revised Regeneration

Framework to more clearly identify the routes and aspirations. The potential for bespoke transport links, shuttle bus links between the bus and rail station and the stadium was also raised by a number of respondents.

Sustrans and the Glynn Vivian Gallery also expressed concerns over the potential for two way traffic flows and the implications of increased traffic flows directed to on Alexandra Road. The Regeneration Framework points to the need for further highway modelling to explore these options.

The availability of car parking in the Central Area was a key area of concern, including the potential loss of car parking from sites being developed, and the need for the need for cheap and accessible car parking near attractions (SCVS) preferably near to attractions. A revised policy position will apply to respond to the aspirations for regeneration and new land uses set out in the Regeneration Framework.

#### **4. Distinctiveness, Innovation and Best Practice**

The concept of distinctiveness and making the most of the City's distinctive qualities was supported by a number of members of the public and organisations including NRW, WG, Sustrans and the Swansea Civic Society. The recognition of the importance of creating a sense of place and uniqueness as opposed to the development of another clone town was clearly of significance to many residents and organisations. The revised version of the Regeneration Framework highlights the further potential for exploring elements of distinctiveness and demonstrates more clearly how these could be incorporated within the proposals to develop and enhance the Central Area. SEF also draws attention to importance of community awareness and engagement in those distinctive elements and notes how public art, interpretation and trails can provide valuable learning opportunities which needed to be referenced in the Regeneration Framework.

#### **4.4 Comments relating to the Vision, Retail Leisure Led Mixed Use Centre and Complementary Areas**

- 1. Defining the Retail Leisure Led Mixed Use Centre-** The decision in respect of the Hammerson appeal against the Council's decision to grant permission for alterations to Parc Tawe in September 2015 (Appeal ref APP/B6855/A/14/2229918) demonstrated the implications of designating the entire Study Area as the 'centre, and how all areas are given shared primacy in retail and investment priority terms. This undermines the aim of identifying the retail leisure core area as the sequentially preferable location for significant new investment. The outcome emphasises the need to ensure that the Study Area is described as representing the Swansea Central Area, and the Retail and Leisure Led Mixed use Core area should be defined as the 'Centre' for retail planning and investment purposes. Refinements are made to the Regeneration Framework so that this clear in the general narrative and specific terminology throughout the documents and plans.
- 2. Comments on the Area Proposals-** The majority of the comments on the areas focused on the priority areas of Kingsway, St David's, High Street and the City Waterfront, and these are summarised briefly below and outlined in more detail in Appendix 1:

**(i). Kingsway-** A number of public responses focussed on issues with traffic circulation on the Kingsway highlighting the confusing nature of the network, issues with safety and timing/light phasing on crossing points. There was generally support for removing excess traffic from the Kingsway, some level of support for re-introducing two way traffic flows and suggestions for considering the merits of roundabouts rather than traffic lights. Organisations including Sustrans highlighted the need for improved linkages to the station, and improved street design for both cyclists and pedestrians.

DCFW also supported the concept of improved North South connections, efforts to raise demand in the area and introducing a range of temporary interventions to encourage more life, vitality and character on the Kingsway.

**(ii). St. David's/ Quadrant-** The public response to the questionnaire showed that there was generally support for the principles of the development of the St. David's site including the objective to improve crossing facilities over Oystermouth Road. Responses were generally equally divided on whether the Oystermouth road crossing at St. David's should be at grade (surface) or on a bridge link with DCFW suggesting that the options need to be fully tested.

There were also mixed responses to the concept of shared surfaces in the City centre with SCVS and Guide Dogs Cymru voicing strong objection on the grounds of safety.

Following the outcome of the marketing of the St Davids and LC car park site, consultants DTZ(Cushman Wakefield) highlighted the potential for leisure uses and mixed uses on the site south of Oystermouth Road. The Regeneration Framework provides scope for leisure uses and the relevant plan is amended to clarify this.

**(iii). High Street-** The recognition of the role of Upper High Street, and activity on the Strand was welcomed by organisations such as the Civic Society. Sustrans also expressed support also for improved wayfinding and linkages and a permeable network and between the Central Area and the river.

**(iv). City Waterfront-** The responses showed general support for the redevelopment the Civic Centre and adjacent sites and for making more positive use of this significant seafront asset and its potential to accommodate and high quality landmark buildings. Some concerns were expressed about the business case for the relocation of staff offices and the location of public facilities currently accommodated in the Civic Centre. A separate evaluation is being undertaken by independent consultants appointed by CCS to consider the business case for relocation. With regard to transportation and access matters, MQ residents expressed some concern about the single access to the Maritime Quarter area. Transportation modelling is being undertaken to fully understand the benefits and implications of rationalising junction arrangements on Oystermouth Road and the wider highway network.

**(v) Maritime Quarter/Sailbridge-** There was general support for the redevelopment of the Sailbridge site adjacent to the River Tawe and the Pilkington glass site from organisations such as the Civic Society and Maritime Quarter Residents Association. The Association in particular supported the mixed use and sustainable approach for the area, but had significant concerns

about maintenance of the public realm were keen to see a specific planning brief or strategy for the area.

**(vi) Mansel Street Alexandra Road-** The Civic Society query the evidence base for changing the role for this area, but expressed support for the re use of the listed Albert Hall. Further information has been added to the Baseline document in support of the changing role of the Mansel Street/ Alexandra Road area.

## **5.0 Progress and Next steps**

- 5.1 Since the publication of the draft Regeneration Framework and in order to further consider the feasibility of concepts presented in the document, two further consultancy studies have been completed during 2015. Parsons Brinkerhoff /The Urbanists studies have considered a range of urban design and public realm options, and CCS Transport and Engineering Highway Infrastructure Review considers a range of highway solutions in key locations across the Central Area including the Kingsway. Both studies will be the subject of further reports for consideration by Cabinet in due course.
- 5.2 In June 2014 Welsh Government (WG) awarded £8.53m Vibrant and Viable Places (VVP) to support a schedule of projects submitted to WG on behalf of the Swansea Economic Regeneration Partnership. Within the approval, £2.8m is allocated for 2015/16 and 2016/17 towards Essential Enabling Infrastructure, with £1.8m of this allocated for demolition of the former Oceana building and related land assembly and £1m towards highway related improvements.
- 5.3 Key development sites at St. David's/Quadrant and the City Waterfront have been the subject of significant interest following a marketing exercise undertaken early in 2015. The Council will be working closely with the appointed development partners for St David's and the City Waterfront sites during 2016 and the principles set out in this Regeneration Framework will be used to guide and inform the final development proposals for these sites. Further developer guidance and marketing of other significant Central Area sites is proposed in the near future.

## **6.0 Equality and Engagement Implications**

- 6.1 A full Equality Impact Assessment report undertaken and is attached as an appendix.

## **7.0 Financial Implications**

- 7.1 There are no immediate financial implications arising from this report, however when / if capital schemes are developed FPR7 reports will be required.

## **8.0 Legal Implications**

- 8.1 None

**Background Papers:** Swansea City Centre Strategic Framework Review 2015 (draft).

**Appendices:**

Table 1 –Schedule of recommended changes to the Swansea Central Area Regeneration Framework.

**Full report and appendices web link:** <http://www.swanseacitycentre.com/invest-business/city-centre-strategic-framework/>

Appendix 1 Schedule of Consultation Responses

Appendix 2 Summary of Preliminary Consultations

Appendix 3 Revised Swansea Central Area Regeneration Framework

**Table 1 Schedule of recommended changes to the Swansea Central Area Regeneration Framework**

**A fully revised version of the Framework document incorporating all the changes set out in the table below is on the Council's intranet site**

	Page of draft & page of final doc.	Recommended Key Changes to the final Swansea Central Area Regeneration Framework.
1.		<b>Change of title-</b> Swansea Central Area Regeneration Framework. Refinements are made through the document to reflect that the Framework is for Swansea's 'central area', with the retail and leisure led mixed use centre represented by the St David's, Quadrant, Wind Street and Oxford Street area.
2.		<b>Key Facts-</b> Addition of key facts and figures
3.		<b>Plan of Central Area-</b> included to support Area Appraisals. A new set of plans have been prepared for the final version of the Framework Review which adopts a consistent format using an updated OS base which became available during 2015.
4.	12--13	<b>Historical Evolution of Swansea-</b> In order to rationalise the length of the Framework document- this section analysing historic context has been relocated to the Base line document
5.	14-15	<b>Urban Design Analysis-</b> In order to rationalise the length of the Framework document- this section analysing historic context has been relocated to the Base line document
6.	16-17	<b>Existing Districts, Land uses and Landmarks-</b> This section has been reinforced with more detail analysis of the respective City centre areas- relocating text from each of the Area studies in section 3.0
7.	19-25	<b>Quality of Public Spaces, routes and public realm-</b> - In order to rationalise the length of the Framework document- this section has been relocated to the Base line document
8.	26-32	<b>Connectivity and Accessibility-</b> In order to rationalise the length of the Framework document- this section analysing broader transport context has been relocated to the Base line document
9.	33-37 17-19	<b>Policy and Strategy Context-</b> References added to TAN 16, UDP policy HC3 Affordable Housing, Noise Action Plan. <ul style="list-style-type: none"> <li>• Flood Risk/climate change issues affecting the City Centre are further highlighted</li> <li>• Summary of previous SCC SF Planning policy context retained and strengthened,</li> <li>• Tall Buildings -revised draft of Tall Buildings Strategy prepared and referenced.</li> <li>• Central Area Car parking Standards- refinement to Framework wording to reflect a revised parking policy position that will apply to development proposals which align with regeneration aspirations.</li> <li>• Other relevant local and national strategies have been relocated to Appendix and include additionally Swansea Environment Strategy, Noise Action Plan, Active Travel Plan, Strategic Equality Plan, Children's and Young People's Rights, UN Convention on Rights of the child, WG Strategy for older people</li> </ul>
10.	39-42 Pg 21-24	<b>Sustainability-</b> Additional references to (ii)high quality built environment,(iv) Community requirements and poverty- affordable childcare, relationship with adjacent communities, provision for young people (v)Good health, well being, and healthy living, (vi) Learning opportunities (viii)SUDS, (vi) Carbon reduction. Climate change
11.	Pg 25	<b>Economic Prosperity-</b> New section 2. added on <b>Economic Prosperity-</b> Retaining,

		attracting and Growing businesses, Creating opportunities for skills development, Maximising job creation for all, Exploiting knowledge and innovation, and Creating competitive infrastructure
12.	26-29	<b>Design</b> —reinforce Access for All . Include provision for cyclists. Pg 44 Tackling Seasonality added.
13.	44 Pg 27	<b>Land Use</b> - Residential/housing uses section reinforced to include reference to affordable housing and community needs and services
14	26-29	<b>Design Components</b> - Signage- include reference to bilingual requirements Addition of references to Public Art
15	45 30	<b>Green Infrastructure</b> - Additional section highlighting scope for multi functional space, biophilic design, green roofs and walls, visual and physical linkages to the surrounding topography and landscape, designations, new greenspace and enhanced greenspace.
16.	47-50 31-35	<b>Access and Connectivity</b> <ul style="list-style-type: none"> <li>• New plans added showing key highways routes and cycle routes.</li> <li>• Reference added about expanding Click and collect market</li> <li>• Additional clarification to Central Area Car Parking policy, to reflect regeneration aspirations.</li> <li>• Reference low speed zones</li> <li>• Digital Connectivity paragraph added. Addition of photographs and indicative images of Kingsway from the Urbanists commission.</li> <li>• Reference consultation with access and Cycle groups.</li> </ul>
17.	51 36	<b>Distinctiveness</b> - ‘ref also to Best Practice’, <ul style="list-style-type: none"> <li>• Market visibility and connectivity and accessibility</li> <li>• Additional reference to Fairness/ fair society, Premiership football team, Greenspace/landscape environmental distinctiveness. Incorporation of You Are Here outputs.</li> </ul>
18	52 38-39	<b>‘Central Area Vision’ replaces ‘3.3 Area Vision themes’</b> - Revised plan included, with amendment to position of ‘green artery’. Introductory section refined to clarify role of the respective areas, and the need to consolidate and protect the Retail leisure led mixed use City Centre Core within the Central Area. New plan clarifies the extent of the Retail leisure led mixed use CC core.
19	56 40	<b>3.4 Retail Leisure Led Mixed Use Centre and Complementary Areas</b> - Clarification of roles of Retail Leisure Centre and Complementary Areas as part of the Central Area. Amendment made to confirm that Wind Street and Lr.Oxford Street are part of the Retail Leisure centre along with Q/St David’s and Oxford St (as in the 2009 Strategy). New plan to identify the respective Areas.
20.	58-59 53-56	<b>Kingsway-/Orchard Street</b> - New plans, Area Descriptions relocated to ‘Existing Districts’ earlier in the plan. Key messages from Baseline review to include air quality. Next steps covered in new section 4 at the end of the document
21.	63-65 57-59	<b>High Street</b> - New plans, add reference to a mix of residential types. Area Descriptions relocated to ‘Existing Districts’ Landmark building marked on plan Next steps covered in new section 4 at the end of the document
22	66—69 42-46	<b>Quadrant/ St Davids</b> - New plan. Area Descriptions relocated to ‘Existing Districts’ earlier in the plan. Replacement of Llys Dewi Sant Church Hall. Plan now identifies scope for MSCP as in draft text. Plan also identifies new <u>mixed use/leisure</u> development as in text. Next steps covered in new section 4 at the end of the document
23.	72-74 60-63	<b>City Waterfront</b> - New plan- remove LC site for clarity. Add reference to biodiversity/ecology of site Area Descriptions relocated to ‘Existing Districts’
24.	76-77 64-66	<b>Mansel Street/Alexandra Road</b> - new plan. Area Descriptions relocated to ‘Existing Districts’ earlier in the plan Key message- evidence to support changing role

25.	80-83 50-52	<b>Oxford Street-</b> New plan. Area Descriptions relocated to 'Existing Districts' earlier in the plan. Plan includes rest of Oxford Street.
26.	84-87 47-49	<b>Wind Street-</b> New version of plan incorporating area west of Wind Street up to Princess Way and including the whole of Castle Square
27	88-91 67-69	<b>Parc Tawe-</b> New version of plan added. Area Descriptions relocated to 'Existing Districts' earlier in the plan
28	92-94 70-72	<b>Maritime Quarter /Sailbridge-</b> New version of plan incorporating area down to seafront/dunes and clarifying development potential at site 9 , Inclusion of Harbour View Square (Fronting dunes and Atlantic Sq (Swansea Point), Extent of Active frontages on Sailbridge site and requirement for landmark buildings clarified. Primary and secondary pedestrian routes rationalised
29	73-74	<b>Delivery, Funding and Phasing-</b> New section drafted.



## Report of the Cabinet Member for Finance and Strategy

Cabinet – 18 February 2016

### COMMUNITY ASSET TRANSFER POLICY AND PROCEDURE

<b>Purpose:</b>	To enable a clear understanding and consistent procedure for dealing with proposed Community Asset Transfers across the Authority.
<b>Policy Framework:</b>	Asset Management Plan 2013-17. <i>Sustainable Swansea – fit for the future</i>
<b>Reason for Decision:</b>	Requirement of Council Constitution.
<b>Consultation:</b>	Finance, Legal, Access to Services.
<b>Recommendations:</b>	It is recommended that: -  1) The policy and procedure contained within the Guidance Note in Appendix 1 of this report be adopted and followed by the Authority.  2) That the basic terms of the transfer will generally be non-negotiable and will be on the basis that the “receiving” organisation will be taking full responsibility for any land or asset.
<b>Report Author:</b>	Lewis Hinds
<b>Finance Officer:</b>	Jayne James / Paul Cridland
<b>Legal Officer:</b>	Wendy Parkin
<b>Access to Services Officer:</b>	Phil Couch

#### 1. Background

- 1.1 A Community Asset Transfer (CAT) occurs when a Public Sector body, usually a Local Authority, passes on the management and/or ownership of facility to a community group.
- 1.2 Such transfers potentially increase the sustainability of an asset and the continuance of a service, benefiting the surrounding community whilst at the same time reducing the financial cost on the Authority. CATs can play an important part in the delivery of the objectives within *Sustainable Swansea – fit for the future* for increasing the management of local services by communities.

- 1.3 Given the possible benefits of a CAT and the current required budget savings by the Authority CAT's are being proposed more frequently but there is often some confusion over what exactly a CAT is and the steps that need to be taken to establish whether a CAT is suitable and how to facilitate the transfer if desirable.

## **2. Suggested Policy and Procedure**

- 2.1 The Guidance Note contained within **Appendix A** outlines what a Community Asset Transfer is, when it may be a suitable option and the process/procedure to follow in order to consider the suitability of an asset for transfer and how to implement an appropriate CAT.

**Appendix A** also outlines the basic terms of the transfer will generally be non-negotiable and will be on the basis that the organisation will be taking full responsibility for any land or asset.

## **3. Equality and Engagement Implications**

- 3.1 An EIA Screening has been completed; a full EIA report is not currently required at this stage as the possible Equality and Engagement Implications of each CAT will have to be considered further on a case by case basis. Therefore, once any arrangements are confirmed, the EIA process will be revisited to ensure that any necessary equality issues (e.g. accessibility) are addressed (though this will depend on what is agreed).

## **4. Financial Implications**

- 4.1 There will be financial implications to CAT's which are covered in the Guidance Note within **Appendix A**. However, there are limited financial implications associated with this report as every proposed CAT will have to be considered individually and the financial implications be considered on a case by case basis.

## **5. Legal Implications**

- 5.1 The possible legal implications associated with CAT's are outlined in the Guidance Note in **Appendix A**. However, the legal implications of this report are limited as every proposed CAT will have to be considered on an individual basis.

**Background Papers:** None

**Appendix A:** Community Asset Transfer in CCoS Officer/Member Guidance.

**Community Asset Transfer in the City and County of Swansea - Officer and Member Guidance**

**What is a Community Asset Transfer (CAT)?**

A CAT occurs when a Public Sector body, usually a Local Authority, passes on the management and/or ownership of facility to a community group.

Local Authorities have the general power to dispose of land in any way it wishes, (sections 123 (1)/127 (1) Local Government Act 1972) although there is a general legal requirement that the Authority must achieve best price for the site, also known as 'best consideration'.

However, the Government has recognised that there may be circumstances where it is appropriate for a Local Authority to dispose of land at below best consideration and has therefore given Local Government the **power under the General Disposal Consent (Wales) 2003 to dispose of land at an undervalue of up to £2m without Welsh Government consent provided that the disposal is likely to contribute to the promotion of social, economic or environmental well-being in its area.**

A disposal for less than best consideration using these "well-being powers" is what fundamentally constitutes a 'Community Asset Transfer'.

If the asset was built or purchased using grant funding then the Terms & Conditions of the grant offer will need to be considered, at an early stage, as part of the discussion on whether a CAT is an option.

In some circumstances it means that an asset can be disposed for very little or even no consideration. **It is important to recognise that Local authorities are not obliged to undertake CAT's** but many do as they recognise that transferring assets to another owner is likely to increase the investment and sustainability of that asset.

State Aid considerations could apply in the case of disposals for non-profit making purposes and will need to be considered in some cases, particularly if the asset was built using EU funding. Consideration will have to be given as to whether the Council's resources are being used to provide assistance that gives organisations an advantage over others and distorts competition. Where there is a genuine market failure, State Aid might be necessary and justified so the State Aid Rules will need to be considered before undertaking a CAT.

This agenda has been around for some time, at least on a case by case basis, but the key difference in more recent times is the strategic policy approach that successive governments have sought to promote.

It is obvious that with the efficiencies and cost savings that Local Authorities are being forced to make as public spending is cut different ways to deliver local services will be sought in the future and the consideration of CAT's as a way to provide these savings is likely to become more prevalent.

### **When might a Community Asset Transfer be considered?**

There are essentially two types of potential transfers which require different treatment, namely:

- Transfer of assets which are no longer being actively used for service delivery purposes and have been declared as surplus.
- Transfer of assets which are currently being used for service delivery purposes and where it is proposed these services will continue to be delivered.

Both examples require a different approach.

In the former case the choice is between disposing of the building on the open market in order to generate a capital receipt or entering into a CAT with an appropriate community body who have identified the property as suitable for community use. **In most circumstances within the City and County of Swansea if a surplus property is able to be disposed of for a substantial capital receipt or at a rent then it will not be available for CAT.**

In the latter case the Council will have taken the initiative by seeking a suitable community organisation with sufficient experience, funding, local support, and business acumen to take over the running of an existing service which it no longer intends to continue to provide in house. This may involve TUPE considerations if retained Council staff are involved and the production of a Service Level Contract between the Council and the community body to govern the new operational arrangement.

Generally, **a long-term lease of a maximum 125 year term** will be the most appropriate method of transfer. **It is important to note that freehold transfers should not be considered.**

**It is important to realise that the main goal of a CAT is to create a mutual benefit for both the Local Authority and the Community and the most appropriate method of disposal and terms will be selected to enable this.**

The Local Authority recognises the opportunities offered by CAT's, however, it also recognises that there are risks to be considered as part of the process, not least the possible loss or reduction in capital receipts which could be realised should properties not be sold on the open market.

It is also essential to ensure that proposals are properly scrutinised to ensure commercial viability and that the organisation proposing to run the project is properly constituted and has sufficient competent people willing and available to ensure its effective and sustained operation.

## Process

Properties may be identified as potential candidates for Community Asset Transfer in a variety of ways. They are likely to be identified either by community groups themselves, by Service departments, or following a decision to declare a property surplus to requirements.

The following steps would then need to be taken;

- Any proposal for a CAT must be supported by a Head of Service and the relevant Cabinet Member; if the proposal does not have internal support then it cannot proceed. If supported then under the Council's Land Disposal Rules, Strategic Estates must be consulted. The latter will assess the status of the property, its tenure, open market value and potential for realisation of a capital receipt and liaise with the supporting department. Estates and Finance must be consulted prior to reporting to consider the financial implications of the CAT and to ensure it does not breach State Aid rules. Legal, financial and any possible Equality and Engagement Implications will also need to be considered and discussed at this stage.
- If the supporting department wishes to proceed further at this stage then the Local Authority will then make clear the basic proposed terms of business and the group must accept the proposal in writing for the proposal to proceed any further. The proposed terms may include generic draft legal documentation if appropriate but this will not always be possible. If the transfer is still considered to be practical and have a strong prospect of long term success then it can proceed further.
- The supporting department must then be willing to present a report to Cabinet detailing how the proposal benefits both the Local Authority and the community by promoting social, economic or environmental well-being in the relevant area.
- There may be a considerable amount of work to be done at this stage as it is essential that a thorough investigation is done into the benefits to the Local Authority and the organisation looking to take on the transfer. It is not enough for the proposal to be a good idea but there must also be a sound business plan, governance and finance to ensure that the proposal is sustainable. It is important to realise that CAT is not for everybody or a solution or remedy for all difficulties.
- Once the proposal is approved by Cabinet, Cabinet Member or Delegated Authority (depending on the appropriate delegation thresholds) then Strategic Estates will work with the legal department to complete the lease. The salient legal responsibilities will have already been made clear so legal experts will be instructed at as late a stage as possible in order to keep costs down.

Strategic Estates and Legal will have regard to the need to make the transfer a viable project and not a liability to the group taking over the asset but must also protect the Council's interests and make sure that the mutual benefit of

the proposal remains. **As such the basic terms of the transfer will generally be non-negotiable and will be on the basis that the organisation will be taking full responsibility for any land or asset.**

- On-going monitoring of the community body taking on the asset must be written into the lease and will be the responsibility of the supporting department. Following the successful transfer of an asset the supporting department has to fulfil this obligation on a regular and on-going basis, they should highlight issues and mitigate the risk of the building returning to Council ownership. If this is unavoidable, the supporting department must where possible work with the organisation to develop and implement an exit strategy so the operation has fully ceased when the building returns to Council ownership.

The Welsh Government National Assets Working Group (NAWG) has developed a best practise guide to Community Asset Transfers which assists local government and other organisations in managing the process and minimising associated risks. <http://gov.wales/topics/people-and-communities/communities/community-asset-transfer/best-practice-guide/?lang=en>

In addition there are a number of existing template documents and guidance documents available to officers who are supporting a community asset transfer which can be obtained via the Council's Community & Voluntary Sector Partnership Office.

#### Community Asset Transformation Fund

The Council has a grant available to third sector organisations to help facilitate the Community Asset Transfer Process. Further details are available through the following link: <http://www.swansea.gov.uk/communityactiontransformationfund>

#### Summary

The most important points to remember when initially considering a CAT are that;

- **The transfer must create a mutual benefit to both the Council and the Community.**
- **More often than not there should be an element of financial benefit to the Council.**
- **The proposal must be supported by a Head of Service and Cabinet Member whose department will present a Report to Cabinet if necessary.**
- **Strategic Estates must be consulted in order to comply with the Council's Land Disposal Rules.**
- **The Council is not obliged to undertake CAT's. It is not a charitable function and a commercial benefit will be sought even if in kind.**

- **The basic terms of any transfer will generally be non-negotiable and will be on the basis that the organisation that the asset is being transferred to will be taking full responsibility for any land or asset.**
- **The supporting department has an on-going obligation to monitor the organisation that the asset has been transferred to. It is not a closed book once the asset has been transferred.**

For further property related guidance please contact Lewis Hinds  
email: [lewis.hinds@swansea.gov.uk](mailto:lewis.hinds@swansea.gov.uk) tel: 01792 63 6667.

And for further guidance related to supporting a CAT please contact Polly Gordon  
email: [polly.gordon@swansea.gov.uk](mailto:polly.gordon@swansea.gov.uk) tel: 01792 63 5448.

# Agenda Item 13.

## Report of the Cabinet Member for Next Generation Services

Cabinet – 18 February 2016

### MORE HOMES: PILOT SCHEME PROGRESS

<b>Purpose:</b>	To provide an update on progress with the pilot schemes of new Council housing.
<b>Policy Framework:</b>	Local Housing Strategy.
<b>Reason for Decision:</b>	To progress the development of new Council Housing.
<b>Consultation:</b>	Legal, Finance & Access to Services.
<b>Recommendation(s):</b>	It is recommended that:  1) Progress with the pilot schemes is noted.  2) HRA land off Eppynt Road and Bettws Road in Penlan is identified as a reserve pilot location should any further constraints to development within desired timescales become evident on the existing sites.  3) That any decisions arising out of this report are delegated to the Cabinet Member for Next Generation Services and the Director of Place.
<b>Report Author:</b>	Martin Nicholls / David Evans
<b>Finance Officer:</b>	Jeff Dong
<b>Legal Officer:</b>	Sandie Richards
<b>Access to Services Officer</b>	Phil Couch

#### 1.0 Introduction

1.1 Cabinet at its meeting on the 17<sup>th</sup> September 2015 decided (minute 72) that:

*'Housing Revenue Account (HRA) owned land off Milford Way, Penderry and at Parc Y Helig, Llansamlet, are identified as preferred locations for pilot schemes of new Council housing subject to any unknown constraints to development.'*

1.2 As set out in the Cabinet report at the time, the objectives of the pilot schemes is to test a number of issues which in turn will help inform the longer term strategy for providing additional Council housing. These include:

- Overall financial viability of directly developing new Council housing:



- The practical, organisational and capability issues that will need to be addressed as part of the ongoing More Homes programme:
- Specification options to balance the viability of the scheme with the affordability for the occupants and overall sustainability of the design.

## **2.0 Progress**

- 2.1 Initially, the main consideration on the Parc Y Helig site was for a small scheme of HRA funded new build and a larger scheme in partnership with a developer preferred for Milford Way.
- 2.2 However, some of the potential site constraints at Parc Y Helig which were mentioned in the report to Cabinet in September 2015 have since become evident and whilst development is still possible, progress within the desired timescales may now be unlikely.
- 2.3 In terms of the Milford Way site, any potential constraints are unlikely to have the same impact on development as at Parc Y Helig. Therefore, a small development of directly funded housing at the Milford Way site is now being progressed alongside the Parc Y Helig scheme.

## **3.0 Indicative Timescales**

- 3.1 Appendix 1 includes indicative timelines for both the Milford Way and Parc Y Helig sites for “traditional” and Passivhaus standard. The timelines are based on having an agreed project brief and any subsequent changes may have an adverse effect on the overall timeline.
- 3.2 In addition to these “two standards” referred to in 3.1 and Appendix 1, recent discussions have taken place regarding utilising an innovative design by a consortium of academics led by Swansea University for ‘energy positive’ homes probably at Milford Way. This design has been given the acronym SOLCER (Smart Operations for a Low Carbon Energy Region) and detailed discussions with the University are ongoing. However, given the learning process and more complex design of these innovative approaches, timelines are likely to be longer than a more traditional option.
- 3.3 As things currently stand, either option listed in Appendix A could deliver a phased completion of some units on the Milford Way site within desired timescales although no allowance for slippage, unforeseen ground conditions or adverse weather has been built into the indicative timeline.
- 3.4 The timeline also assumes that no further formal cabinet approvals are required for the schemes.
- 3.5 In considering the respective timelines, attention is drawn to the requirement to comply with contract procedure rules and EU procurement legislation which may have an impact on these indicative dates

#### **4.0 Third Pilot Site**

- 4.1 Until the required ground surveys and detailed discussions with all the relevant statutory bodies have been completed, there is a risk with any development that unforeseen constraints become evident which impact on desired timescales.
- 4.2 Whilst the risks of this at Milford Way are less than at the Parc Y Helig, constraints may still become evident as part of the development process and it would be useful at this stage to identify a third pilot site to be held in reserve.
- 4.3 A previous analysis of HRA owned sites showed that land off Eppynt Road and Bettws Road in Penlan offered the best opportunity for development within a relatively short timescale and the proposal is to work up a small scheme of new build Council housing at this site to be brought forward for development should unforeseen delays unduly impact on progress at the current sites.

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

- 5.1 An EIA screening was completed for the original site selection report which concluded that a full EIA report is not required at this time.

#### **6.0 Financial Implications**

- 6.1 Provision has been made within the HRA Capital Programme for 2016/17 for 'More Homes'. Appropriate FPR7 reporting and approval shall be obtained by the More Homes Project team once the resultant scheme and budget is formalised

#### **7.0 Legal Implications**

- 7.1 At the appropriate stage, advice will be required as part of a more detailed assessment of practical issues regarding title which relate directly to the development of the sites for a pilot scheme, such as the right of light and air and drainage. Detailed advice will be also be required regarding the planning law implications of the scheme

**Background Papers:** None

**Appendices:** Indicative Timeline

### More Homes – Pilot Programme: Indicative Project Timelines (summary)\*

Key Activity	Milford Way, Penderry		Parc-y-Helig, Birchgrove		Eppynt/Bettws Rd Penlan
	Traditional	Passivhaus	Traditional	Passivhaus	
<b>Ecological Survey</b>	N/A - mitigation only	N/A - mitigation only	May 2016	May 2016	N/A mitigation only
<b>Ground Investigation</b>	Feb-April16 (topo. complete)	Feb-April16 (topo. complete)	June-Aug16 (inc. topo. knotweed & site clearance)	June-Aug16 (inc. topo., knotweed & site clearance)	June-Aug16 (inc. topo)
<b>Design</b>	Feb-June16	Feb-July16	Apr-Aug16	Apr-Sept16	<i>Timelines to be confirmed on confirmation of brief</i>
<b>Planning</b>	July-Sept16	Aug-Oct16	Sept-Nov16	Oct-Dec16	
<b>Tender/Quotation</b>	July-Sept16	Aug-Oct16	Sept-Nov16	Oct-Dec16	
<b>Construction</b>	Sept-June17	Oct-Aug17	Dec-Sept17	Jan17-Nov17	
<b>Phased Handover</b>	Mar 17-July 17	Apr 17-Sept17	June17-Oct17	Aug 17 – Jan18	

\* Timelines indicated above are subject to:

- site surveys – specifically ground investigation to define ability to develop at reasonable cost
- reasonable infrastructure/substructure abnormalities
- detailed consultation with utility providers re. services infrastructure within and serving each site & any improvements required
- Parc Y Helig timeline relates to current site– works elements/timelines to be adjusted if alternative location on Parc Y Helig is pursued.
- assumed internal (CBPS) contractor delivery – if external, procurement timelines to be reviewed

# Agenda Item 14.

## Report of the Head of Legal & Democratic Services

Cabinet – 18 February 2016

### EXTENSION OF APPOINTMENT OF TEMPORARY ASSISTANT CORONER

<b>Purpose:</b>	To extend the term of the temporary Assistant Coroner.
<b>Policy Framework:</b>	None.
<b>Reason for Decision:</b>	To comply with a statutory requirement.
<b>Consultation:</b>	None.
<b>Recommendation(s):</b>	It is recommended that:  1) The appointment Caroline Sumeray as an Assistant Coroner be extended for a fixed period of 6 months from the 26 <sup>th</sup> March 2016 to the 25 <sup>th</sup> September 2016.
<b>Report Author:</b>	Patrick Arran
<b>Finance Officer:</b>	Mike Hawes
<b>Legal Officer:</b>	As above
<b>Access to Services Officer:</b>	Not applicable

#### 1. Background

The Council has statutory duties in relation to the Coroner Service as provided for by the Coroner and Justice Act 2009.

2. The current Acting Senior Coroner, Mr Phillips, inherited a substantial backlog of historic cases which the Chief Coroner has asked him to conclude at the earliest opportunity.
3. On the 14<sup>th</sup> of April 2015, Cabinet agreed to appoint Ms Sumeray as Temporary Assistant Coroner for a period of 12 months. This appointment will end on the 25<sup>th</sup> March 2016.
4. Ms Sumeray has been dealing with two complex cases involving prison deaths which require juries. Cabinet will appreciate that these Inquests are

logistically very demanding and it has not been possible to arrange the Inquests before her appointment comes to an end.

5. Schedule 3 of the Coroner and Justice Act 2009 requires the authority to formally appoint an Assistant Coroner.
6. The Head of Legal & Democratic Services can confirm that all other statutory formalities have been complied with in that the appointment has been agreed by the Chief Coroner and the Lord Chancellor. The Acting Senior Coroner sought permission from the Chief Coroner to extend her temporary appointment. This permission was granted by letter dated the 29<sup>th</sup> January 2016.

## **7. Financial Implications**

There are no specific financial implications related to this decision because this is a statutory formality. However, Cabinet will need to be aware that the authority must pay for any time spent by an Assistant Coroner. The agreed daily rate for an Assistant is £400.

- 7.2 Swansea and Neath Port Talbot will be responsible for paying an Assistant Coroner who deals with a historic case based on the place of death - which is the normal arrangement.

## **8. Legal Implications**

There are no additional legal implications to those set out in the body of the report.

## **9. Equalities Implications**

There are no equality implications arising from this report and no Equality Impact Assessment is necessary.

**Background Papers:** – Cabinet report 14<sup>th</sup> April 2015.

**Appendices:** - None.

# Agenda Item 15.

## Report of the Head of Legal & Democratic Services

Cabinet – 18 February 2016

### 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>
	16	14
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Patrick Arran – Head of Legal & Democratic Services (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></p> <p>(a) <b>To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b></p> <p>(b) <b>To make an order or direction under any enactment.</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	<p><b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b></p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

# Agenda Item 16.

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

Document is Restricted

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