

## CITY AND COUNTY OF SWANSEA

### NOTICE OF MEETING

You are invited to attend a Meeting of the

### EXTERNAL FUNDING PANEL

**At:** Committee Room 3b, Guildhall, Swansea.

**On:** Wednesday, 2 December 2015

**Time:** 3.30 pm

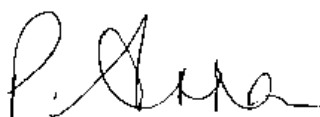
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### AGENDA

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**Next Meeting.**

3 February 2016 – 3.30pm



**Patrick Arran**  
**Head of Legal and Democratic Services**  
**Wednesday, 25 November 2015**

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**Contact: Democratic Services - 63682436923**

## EXTERNAL FUNDING PANEL

### Councillors

#### Labour Councillors:

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

#### Officers:

Dean Taylor	Director of Corporate Services
Sarah Crawley	Head of Poverty & Prevention
Mike Hawes	Head of Financial Services
Wendy Parkin	Senior Lawyer, Legal
Spencer Martin	Voluntary Sector Relationship Coordinator
Kathryn Boyle	Grant Co-ordinator
Paul Relf	European Officer
Democratic Services	
Archives	
Spares	

#### Observers (Non-Voting Members)

Position	Post Holder(s)
Cabinet Members - Invited by the Chair if he deems the items under discussion are relevant	
<b>Attend for Third Sector Matters Only</b> 2 x Representatives from the Third Sector (To be nominated by the Third Sector Working Group)	Amanda Carr Mary Lithgoe
<b>Attend for Community Action Transformation Fund Matters Only</b> 1 x Representative of Community / Town Council (C/T C) (The Clerk of the relevant Community / Town Council shall be invited to submit comments and on occasion the Chair of the C/T Council or Deputy shall be invited to attend)	Mainly comments only via e-mail however relevant Chair is required by the Panel.

**Total Copies Needed: 23**

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

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

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

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

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

## **Officers**

### **Financial Interests**

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

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE EXTERNAL FUNDING PANEL

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA. ON  
WEDNESDAY, 7 OCTOBER 2015 AT 3.30 PM

**PRESENT:** Councillor C Richards (Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
W Evans J E C Harris	D H Hopkins C E Lloyd	J A Raynor

**Officers:**

S Crawley –Head of Poverty & Prevention  
W Parkin – Senior Lawyer  
S Martin – Voluntary Sector Relationship Co-ordinator  
P Relf – European Officer  
K Boyle – Grant Co-ordinator  
G Borsden – Democratic Services

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

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

Councillor J E C Harris – Minute No's 21 & 22 – Personal – I live in Pontarddulais and am aware of the Bowls Clubs and Youth Service.

Councillor D H Hopkins – Minute No.22 – Personal – I have relatives involved in the Ynystawe Clubs.

Councillor C Richards – Minute No.21 – Personal – The applicant is known to me.

20 **MINUTES.**

**RESOLVED** that the Minutes of the meetings of the External Funding Panel held on 5 August & 10 September 2015 be approved as a correct record.

21 **OVERVIEW OF CURRENT AND FORTHCOMING EUROPEAN AND EXTERNAL FUNDING APPLICATIONS.**

The Head of Poverty and Prevention presented a report which sought approval for the continuation of funding for a further 5 years for the Sands Cymru “The Place” accommodation lease at Infonation on the Kingsway via Welsh Government funding.

**RESOLVED**

1) the continuation of funding to Sands Cymru for an accommodation lease within INFONATION for “The Place” service subject to the exercise of Delegated Powers

by the Head of Corporate Property and Building Services in relation to the negotiation and agreement as to the terms that may be required in respect of the current lease arrangements for the property 47 The Kingsway be approved.

2) the City & County of Swansea agrees to undertake the grant claim and payment process to pass on funding to Sands Cymru.

22 **COMMUNITY ACTION TRANSFORMATION FUND.**

The Voluntary Sector Relationship Co-ordinator presented a report which detailed applications to the third round of funding of the Community Action Transformation Fund.

The background and principles underlying the fund together with the criteria that applications should meet and what they could be used for was detailed in the report. Additional information relating to each application was circulated to the Panel.

Members discussed the three applications submitted and asked questions of the Officers who responded accordingly.

**RESOLVED** that

1) the application submitted by Ynystawe Cricket & Football Club be approved in the sum of £23,070 for the transfer of the maintenance of the pitches. Payment of grant to be withheld until the leasehold of pitches is confirmed.

2) the application submitted by Whitehead Ross Education & Consulting Ltd be deferred for further information on the business plan, sustainability, feedback from young people currently using the scheme and venue suitability.

3) the application submitted by Coed Bach Park Community Bowls Association be approved in the sum of £30,275 for works to the banks surrounding the pitch, groundskeeper training course for members, equipment and maintenance costs.

The meeting ended at 4.25 pm

**CHAIR**

## Report of the Director of People

External Funding Panel - 2 December 2015

### SWANSEA CHANGE FUND

<b>Purpose:</b>	To decide upon an application to the Swansea Change Fund.
<b>Policy Framework:</b>	Medium Term Financial Plan; <i>Sustainable Swansea – fit for the future</i>
<b>Reason for Decision:</b>	To decide on application to the Fund.
<b>Consultation:</b>	Finance, Legal, Access to Services.
<b>Recommendation(s):</b>	It is recommended that: 1) The Panel decide if it wishes to support the submitted application.
<b>Report Author:</b>	Spencer Martin
<b>Finance Officer:</b>	Carol Griffiths
<b>Legal Officer:</b>	Wendy Parkin
<b>Access to Services Officer:</b>	Sherill Hopkins

## 1. Introduction

### 1.1 Background, Swansea Change Fund

The Swansea Change Fund is formed from the merger of the City & County of Swansea's Corporate Grant Fund and the Swansea Compact Fund.

There have been five funding rounds to date,

### 1.2 Types of Funding

Swansea Change Funding is currently split between one off annual project/core grants and Service Level Agreements (SLA's). The Application in question is a one off grant request.

### 1.3 Eligibility Criteria

All applicants have to link their applications/projects or core services directly to the City & County of Swansea One Swansea plan, namely:

#### OUR VISION IS FOR

A safer, greener, smarter, fairer, healthier, richer Swansea

#### OUR PRIORITIES

We want Swansea to be a place that is more prosperous with a skilled and well-educated population, less characterised by the contrasts and extremes of poverty across the city. We want to improve well-being so that communities are safer, healthier, more cohesive and adaptable to change so that everyone can be enabled to fulfil their potential. Our five key priorities are outlined below:-

- Safeguarding vulnerable people
- Improving pupil attainment
- Creating a vibrant and viable city and economy
- Tackling poverty
- Building sustainable communities

#### OUR VALUES

Our Plans will be built on three clear values which will guide the way that we work, how we develop as an organisation and our decision making through the years ahead.

##### People Focus

We need to focus on community needs and outcomes and on improving the lives of the people who live and work in Swansea. We will also respect, value and support our employees and demonstrate the highest standards of integrity.

##### Working Together

We need to promote a whole partnership approach, working across services to maximise resources and knowledge and joining forces with others outside the Council to ensure we prioritise our resources and get the best for our communities.

##### Innovation

We will promote and support a culture of innovation. We need to think and work differently to improve our ability to deliver and to meet the financial, demographic and societal challenges we face.

Plus all applicants must:

- Be self-governing, not profit distributing, be for community/public benefit and have an appropriate signed constitution/governing document/rules.
- Have a bank account with at least two signatories in the name of the organisation applying for the grant.



- Have in place (or can show that they are actively working towards) an effective equality policy.
- Have in place (or can show that they are actively working towards) an effective green or environmental policy.
- Demonstrate sound financial management in particular for authorising and recording expenditure.
- Provide a set of their most recent financial accounts, signed as being audited or independently inspected (according to the level of the income and expenditure) or, in the case of recently formed organisations, a forecast of income and expenditure for the next year.
- Show evidence of local community support.

## **2. Applications**

2.1 An application has been received for one-off support from the fund

1. St Mary's Church, Swansea - £2,500

2.2 Application is summarised in **Appendix A** – full application pack will be available at the meeting.

2.3 All applications will be shared with relevant council officers – their comments will be available at the meeting

## **3. Equality & Engagement Implications**

3.1 Equality Impact Assessments will be undertaken as appropriate on any decisions made at the panel.

3.2 City and County of Swansea equality officers will as part of the assessment process feed their comments on relevant applications to the External Funding Panel.

## **4. Financial Implications**

4.1 The Swansea Change Fund has sufficient funds to cover the request should the panel wish to support the application

## **5. Legal Implications**

5.1 The External Funding Panel is a decision making panel as ratified by Cabinet at its meeting of 18<sup>th</sup> November 2014

**Background Papers:** None.

**Appendices:** A. Application Summery – St Marys Church

## Swansea Change Fund – 2015/16

### Summary Application to Assessment Panel

**Organisation:** ST MARY'S CHURCH, SWANSEA – *Concert Commemorating 75<sup>th</sup> Anniversary Swansea Blitz*

**Grant Total:** £2,500

**Ref No:** CF5 – 25

**Contact Name:** Allan Jeffery

**Population Outcome/target area:** (3) Improving Pupil Attainment, Creating a Vibrant and viable city and Economy, Tackling Poverty

<b>Expenditure</b>	<b>£</b>
Guest Artist – Siren Sisters	£1,000
Morrison Orpheus	£730
Compere	£400
Whats On Advertising	£195
Printing, Posters, Flyers, tickets	£200
VIP reception	£50
Heating & Lighting, Organ Use, Piano Tuning	£150
<b>Total Expenditure (a)</b>	<b>£2,725</b>
<b>Income</b> (include status - Secured, Awaiting Decision or still to be raised)	
Fundraising	£225
<b>Total Income (b)</b>	<b>£</b>
<b>Total Amount to be met by Change grant (a-b)</b>	<b>*£2,500</b>

### Summary:

On 20<sup>th</sup> February 2016, 75 years to the day of the 3 days Blitz, St Marys along with the Evening Post, Morrison Orpheus Choir and Swansea Rotary will present a concert to mark the anniversary. To Commemorate this both tragic and heroic event we have an evening of music from the 40's, the programme will include musical items from the Morrison Orpheus Choir and singing group; The Siren Sisters. Poems will be read by winners of a Swansea schools poetry competition together with some short reminiscences by those who can recall the events of 20<sup>th</sup> February 1941.

This is a new approach to in identified problem within the Church – the Church is in need of essential restoration the cost of which is estimated to be in the region of £250,000 to £300,000. The aforementioned concert will help raise

awareness of the situation and to help support the churches appeal to raise financial support.

The grant will be used to facilitate the overhead costs of staging the concert, performers expenses, advertising and promotional materials, staging and some professional fees.

**Targets**

1. Outcomes from the poetry competition and masterclass
2. Archiving of personal experiences of those who experienced the three days Blitz
3. Appeal fund to benefit from a city wide awareness of the need for restoration of the church roofs, stonework and internal damp proofing
4. The event has the potential to raise £5,000 towards the restoration appeal
5. Improve initiatives with the City and County of Swansea via an increased dialogue with for example, social services

**Letters of support: 0**

**Referee:** Mr D Byron Lewis esq – H.M. Lord Lieutenant of West Glamorgan

**Start date: Feb 16**

**End date: Feb 16**

# Agenda Item 5

## Report of the Head of Cultural Services

External Funding Panel – 2 December 2015

### THIRD GENERATION ARTIFICIAL SPORTS PITCHES

<b>Purpose:</b>	To seek approval to submit a proposal to the Collaborative Sports Facilities Group (representing Sport Wales and the Governing Bodies of Rugby, Football and Hockey in Wales) to develop 3 <sup>rd</sup> Generation (3G) artificial sports pitches in 2 strategically identified locations in Swansea
<b>Policy Framework:</b>	Council Policy Healthy City; City of Sport.
<b>Reason for Decision:</b>	To submit a formal business case to the Collaborative Sports Facilities Group for the provision of 3G facilities in Swansea.
<b>Consultation:</b>	Legal, Finance, Corporate Property, Education and Access to Services.
<b>Recommendations:</b>	1) That the Panel notes the implications contained in this report and approves the submission of a business case to attract £700,000 of funding.
<b>Report Author:</b>	Ian Beynon
<b>Finance Officer:</b>	Jayne James / Aimee Dyer
<b>Legal Officer:</b>	Wendy Parkin
<b>Access to Services Officer:</b>	Phil Couch

#### 1.0 Background

- 1.1 The 'All Wales Artificial Turf Pitch Vision and Guidance' findings indicate that Swansea is the least resourced county in Wales for 3G facilities. The county has the 3<sup>rd</sup> highest population in Wales and has a vast sports club infrastructure but has no full sized 3G facilities.

- 1.2 Swansea also benefits from well-established leagues and competitive opportunities from recreational to elite level in the key sports which would make best use of such facilities.
- 1.3 In addition the issue of cancellation of matches due to bad weather impacts on training and fixtures as there is a poor record of postponed or cancelled fixtures particularly amongst junior sections. In the past 2 seasons over a third of all junior football matches have been cancelled and Rugby clubs also reported incidents of junior teams losing up to 6 weeks of fixtures due to poor weather. The provision of 3G pitches would help alleviate this issue.
- 1.4 The National Collaboration team has identified Swansea as priority area and has indicated that a submission for funding is likely to receive support.

## **2.0 Proposal**

2.1 Senior officers within the Authority's Cultural Services, Education and Planning Departments, along with key community and national partners considered a range of sites and identified the best options for the introduction of new, strategically located facilities based on the following criteria;

- Inclusion.
- Centres of population/Latent demand
- Physical nature of proposed sites
- Current and potential management arrangements
- Match funding
- Timescale for delivery

2.2 Following an evaluation exercise and initial site visits with the National Collaboration team the proposed schemes have been identified as;

2.2.1 The replacement of the existing full sized AWP surface at Morrision Comprehensive School/Community Leisure Centre with a 3G surface and possible upgrade of shock pad and surrounding infrastructure – fence/lights etc. The 3G facility would replace the current full sized AWP which has been in use for approximately 12 years.

2.2.2 The creation of a full sized floodlit 3G facility at Penyrheol Comprehensive School/Community Leisure Centre on the existing "Red-gra" area

## **3.0 Property Implications**

3.1 There are no Property Implications

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

- 4.1 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required. The reasons for this were:
- 4.2 The proposal will create all weather playing and training opportunities and will provide existing clubs and groups with improved provision. Sites will not be open access and will only be available for formal, booked provision by existing clubs and groups and for organised activities. The sites will improve playing and training opportunities but may not result in significant additional opportunities for those not already participating. However the project will be designed and planned in the best interests of children as the facilities will be available for Junior programmes and training opportunities which will be factored in at appropriate times as well as playing junior matches which may otherwise be cancelled due to inclement weather.

#### **5.0 Financial Implications**

- 5.1 Total project costs will be in the region of £1,000,000. The National Collaboration team has indicated that a grant of up to £700,000 could be provided.
- 5.2 Up to £300,000 of match-funding will be required from the Authority to make up the shortfall in grant. This will potentially be provided from;
- Existing Capital funding available - £250,000
  - Contribution from proposed new build for Gorseinon Primary School at Parc –y- Werin of £50,000. This is subject to the new build obtaining planning approval and the development commencing within the agreed timescales.
- 5.3 The sites already have a management infrastructure that controls the leisure centre based facilities and, in the case of Morrison, the existing AWP. The management team would take on the responsibility for the new facilities at no additional revenue cost or resource.
- 5.4 Potential running costs for each facility will be in the region of £40,000 - £45,000 and will be funded from the income generated at both sites. This includes the provision of a sinking fund for replacing the carpet and shock pad (if applicable) as well as either repair or replacement of fencing and floodlighting. On the assumption that there is life expectancy of 10 years depending on usage and maintenance then it is proposed that a sinking fund of between £15,000 - £20,000p.a. per site is put aside.
- 5.5 The Business Case has identified that the sites will break even.

## **6.0 Legal Implications**

- 6.1 Generally the terms attached to Grant Funding are legally binding and should be formally recorded in an appropriate document/contract with external delivery partners as required.
- 6.2 Procurement rules (both EU and the Council's) will have to be fully complied with in all respects in relation to services or the procurement of services from external delivery agents.
- 6.3 Any documentation entered into as referred to in this Report will have to contain any necessary clauses required by the Head of Legal and Democratic Services and the Head of Financial Services to protect the Council's interests so far as they are able.
- 6.3 The Service Level Agreement with Penyrheol Comprehensive schools may need to be amended as a result of the delivery of the project and the Head of Legal will need to be consulted in this regard. No amendment to the Service level Agreement with Morriston Comprehensive School will be necessary.
- 6.4 Any future changes to Community Leisure Centre management arrangements as a result of the Commissioning process will need to be taken into consideration.

### **Background papers:**

None

### **Background Papers:**

None

# Agenda Item 6

## Report of the Head of Cultural Services

### External Funding Panel – 2 December 2015

#### COCA COLA PARK LIVES FUNDING

<b>Purpose:</b>	To seek approval to formally submit a business case to accept a proposal of £200,000 of funding from Coca Cola GB to deliver a Regional 'Park Lives' scheme in collaboration with Neath Port Talbot CBC and Bridgend CBC
<b>Policy Framework:</b>	Council Policy Healthy City, City of Sport; Sustainable Swansea New Models of Delivery.
<b>Reason for Decision:</b>	To submit a formal business case to accept a proposal from Coca Cola GB for an initial offer of £200,000 to deliver a regional 'Park Lives' scheme
<b>Consultation:</b>	Legal, Finance and Access to Services.
<b>Recommendations:</b>	1) That the Panel notes the implications contained in this report and approves the submission of a business case to attract an initial £200,000 of funding.
<b>Report Author:</b>	Ian Beynon
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officer:</b>	Wendy Parkin
<b>Access to Services Officer:</b>	Phil Couch

#### 1.0 Background

- 1.1 Coca-Cola Great Britain is investing more than £20 million in community-based physical activity programmes across the country to get one million people active by 2020. They wish to invest £100k p.a for 2 years initially for a regional Park Lives scheme including Neath Port Talbot CBC and Bridgend CBC, commencing in April 2016.
- 1.2 Swansea will be the grant recipient and will co-ordinate the regional delivery of the programme, which will focus on regular, free, accessible and appropriate physical activity in local communities to help address the current level of physical inactivity in Swansea and assist in promoting



physical activity and reducing sedentary behaviours and barriers to participation

## **2.0 Proposal**

2.1 Through the Park Lives scheme the intention is to address the current levels of physical inactivity by providing opportunities for people in the region to become healthy, independent and active through a broad range of physical activity and healthy lifestyle opportunities in parks and open spaces.

2.2 The initial phase of the scheme will be to deliver a programme of activities commencing in April 2016 to 31 March 2018. If successful, Coca Cola GB will extend the project for a further 2 years and inject an additional £200,000 into the scheme.

2.3 The focus of the activity programme will be from April to the end of September each year with a further focus on an intensive activity programme for the duration of the school summer holidays.

2.4 The programme will provide appropriate interventions to increase the number and diversity of people participating in regular, free, accessible and appropriate physical activity in their local environment - everyone who wants to participate should be able to do so, regardless of their current activity levels.

2.5 The programme will also assist in reducing the current inequality in regular participation by focussing resources on target areas and groups.

2.6 Activities will range from the more traditional - where there are exit routes into clubs, community groups, Streetgames sessions, facilities or even self-lead as an individual or family – to more innovative and new to encourage engagement and stimulate interest in becoming involved for the first time.

## **3.0 Property Implications**

3.1 None

## **4.0 Equality and Engagement Implications**

4.1 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required. The reasons for this were:

4.2 This project will provide opportunities for free physical activities in selected parks and open spaces in agreed locations throughout the Authority. Sessions will not be available for all residents in Swansea and will be targeted in identified locations to have the biggest impact on physical well-being. The sessions will be designed to be age appropriate

and to ensure that it is designed and planned in the best interest of children will include specific opportunities to involve children. All promotion and advertising for the scheme will be bi-lingual.

## **5.0 Financial Implications**

- 5.1 Coca Cola GB has indicated that £200,000 is available to the 'Swansea Bay' region, comprising City & County of Swansea, Neath Port Talbot CBC and Bridgend CBC
- 5.2 CCS will act as the Grant Recipient Body on behalf of the regional bid and will handle financial claims and the distribution of the budget.
- 5.3 There will be no additional long term financial commitment required by the Authority and any match funding will be in-kind from within existing resources

## **6.0 Legal Implications**

- 6.1 Generally the terms attached to any Grant Funding are legally binding and should be formally recorded in an appropriate document/contract with external delivery partners as required.
- 6.2 Procurement rules (both EU and the Council's) will have to be fully complied with in all respects, whether in relation to inter-authority services or the procurement of services from external delivery agents.
- 6.3 The Council will have to comply with all Conditions attached to the offer.
- 6.4 Any documentation entered into as referred to in this Report will have to contain any necessary clauses required by the Head of Legal and Democratic Services and the Head of Financial Services to protect the Council's interests so far as they are able.
- 6.5 An appropriate legal agreement with Neath Port Talbot and Bridgend CBCs will need to be entered into for the delivery of this project and the Head of Legal will need to be consulted with regard to drafting the necessary documentation in order to protect the Council's interests.

### **Background papers:**

None

### **Appendices:**

None

## Report of the Head of Legal and Democratic Services

### External Funding Panel – 2 December 2015

#### EXCLUSION OF THE PUBLIC

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Reason for Decision:</b>	To comply with legislation.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	<b>Item No.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	8 & 9	14
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Patrick Arran – Head of Legal and 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>a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
No.	Relevant Paragraphs in Schedule 12A

<b>15</b>	<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>
	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.
<b>16</b>	<b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b>
	No public interest test.
<b>17</b>	<b>Information which reveals that the authority proposes:</b> <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b> <b>(b) To make an order or direction under any enactment.</b>
	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.
<b>18</b>	<b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b>
	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.

# Agenda Item 8

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

# Agenda Item 9

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

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