



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 January 2018

Time: 2.00 pm

Chair: Councillor Rob Stewart

Membership:

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

The use of Welsh is welcomed. If you wish to use Welsh please inform us by noon on the working day before the meeting.

Agenda

Page No.

1. **Apologies for Absence.**
2. **Disclosures of Personal and Prejudicial Interests.**
www.swansea.gov.uk/disclosuresofinterests
3. **Minutes.** 1 - 5
To approve & sign the Minutes of the previous meeting(s) as a correct record.
4. **Leader of the Council's Report(s).**
5. **Public Question Time.**
Questions must relate to matters on the open part of the Agenda of the meeting and will be dealt within a 10 minute period.
6. **Councillors' Question Time.**
7. **Exclusion of the Public.** 6 - 9
8. **Update on Proposed Purchase of Investment Property in Swansea Vale.** 10 - 22

Next Meeting: Thursday, 8 February 2018 at 2.00 pm

Huw Evans

Huw Evans
Head of Democratic Services
Tuesday, 9 January 2018

Contact: Democratic Services - Tel: (01792) 636923



City and County of Swansea

Minutes of the **Cabinet**

Council Chamber, Guildhall, Swansea

Thursday, 14 December 2017 at 2.00 pm

Present: Councillor R C Stewart (Chair) Presided

Councillor(s)

J E Burtonshaw
D H Hopkins
J A Raynor

Councillor(s)

M C Child
A S Lewis
M Thomas

Councillor(s)

W Evans
C E Lloyd

Apologies for Absence

Councillor(s): R Francis-Davies

94. Disclosures of Personal and Prejudicial Interests.

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

95. Minutes.

Resolved that the Minutes of the meeting(s) listed below be approved and signed as a correct record:

- 1) Cabinet held on 16 November 2017.

96. Leader of the Council's Report(s).

The Leader of Council made no announcements.

97. Public Question Time.

A number of questions were asked relating to Minute 99 "Sustainable Swansea – Fit for the Future: Budget Proposals 2018-2019 to 2021-2022".

The Leader of the Council responded.

98. Councillors' Question Time.

No questions were asked.

99. Sustainable Swansea - Fit for the Future: Budget Proposals 2018/19 – 2021/22.

The Cabinet Member for Economy & Strategy submitted a report which sought consideration of the budget proposals 2018-2019 to 2021-2022 as part of the Council's Budget Strategy *Sustainable Swansea – fit for the future*.

Resolved that:

- 1) The Budget proposals summarised in the report and detailed in Appendix A and Appendix C as the basis of consultation be approved;
- 2) The updated budget future forecast be adopted as the starting planning premise for the new medium term financial plan, which will be considered by Council on 22 February 2018;
- 3) The approach to consultation and engagement with staff, trade unions, residents, partners and other interested parties set out in Section 7 of this report of the report be agreed;
- 4) A report on the outcome of the consultation and final budget proposals be received by Cabinet at its meeting on 8 February 2018.

100. Quarter 2 2017/18 Performance Monitoring Report.

The Cabinet Member for Service Transformation & Business Operations submitted a report which outlined the corporate performance for Quarter 2 of 2017-2018.

Resolved that:

- 1) The performance results be noted and reviewed to help inform executive decisions on resource allocation and, where relevant, corrective actions to manage and improve performance and efficiency in delivering national and local priorities.

101. Legacy Fund.

The Cabinet Member for Stronger Communities submitted a report which set out the proposed allocation of Legacy Funding for approval.

He outlined the following amendments to the report:

- a) Page 65, Paragraph 3.3. Amend the quoted figure to read "£261,819";
- b) Page 68, Paragraph 5.1. Amend the quoted figure for 2018/19 for the 'Third Party Delivery Partners' to read "£263,456";
- c) Page 68, Paragraph 5.1. Amend the quoted figure for 2018/19 for the 'Single Employability Offer' to read "£66,467".

Resolved that:

- 1) The amendments to the report listed above be approved;
- 2) The proposals for the Legacy Fund contained within the report be approved in principle, subject to further guidance from Welsh Government.

102. Annual Review of Charges (Social Services) 2017/18.

The Cabinet Member for Health & Wellbeing submitted a report which sought permission to consult on proposed changes to charges for Social Services in 2018-2019 as part of the established annual review process set out within the Social Services Charging Policy.

Resolved that:

- 1) Approval be given to consult on possible changes to charges for adult social care as part of the Council's wider budget consultation - to include consideration of:
 - Introduction of a charge for day services for older people;
 - Introduction of a charge for day services for younger adults;
 - Introduction of a charge for respite care at home;
 - An increased charge for domiciliary care;
 - An inflationary uplift for all other social care charges.

103. City Deal Skills.

The Education & Skills Policy Development and Delivery Committee submitted a report which provided feedback on the progress to date in developing policy on education and skills to meet the challenges of the City Deal.

Resolved that:

- 1) The feedback provided to date in developing policy on education and skills to meet the challenges of the City Deal were considered and the conclusions identified in this report be endorsed;
- 2) The Leader of the Council, Cabinet Member, Chief Executive and Senior Officers raise the matters highlighted in this report in the relevant partnership arrangements that are in place and seek to introduce the governance arrangements outlined in this report when these are agreed as a way forward for the City Deal;
- 3) The Cabinet Member for Children, Education & Lifelong Learning work with Officers to ensure that local arrangements are robust to meet the challenges and opportunities arising from the City Deal, including establishment of local partnership arrangements to feed into regional partnerships.

104. Estyn Inspection of Local Authority Education Services for Children and Young People 2013 – Update on progress in addressing the five Recommendations, December 2017.

The Cabinet Member for Children, Education & Lifelong Learning submitted a report which provided an update on the progress in meeting the five recommendations in the Estyn Inspection Report.

Resolved that:

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

Councillor R C Stewart (Chair) left the meeting.

Councillors C E Lloyd (Vice Chair) presiding

105. Adult Services Review of Commissioning Strategies for Learning Disabilities, Physical Disabilities and Mental Health.

The Cabinet Member for Health & Wellbeing submitted a report, which provided an overview of the progress to date with the Adult Services Commissioning Reviews in relation to accommodation and housing related provision and day services for people with learning disabilities, physical disabilities and mental ill health, with a view to seeking arrangement of those Strategies.

Resolved that:

- 1) The Strategies be approved and proceed to consultation via the budget consultation process.

106. Expansion of the Childcare Offer for 3 and 4 Year Olds.

The Cabinet Members for Health & Wellbeing and Children, Education and Lifelong Learning jointly submitted a report which, sought approval to extend the Childcare Offer to other wards across Swansea.

Resolved that:

- 1) The proposals for the expansion of the Childcare Offer to the Phase 1 reserve areas (as detailed in paragraph 3.1 of the report) be re-affirmed;
- 2) The proposals to Welsh Government for the expansion of the Childcare Offer to a Phase 2 (as detailed in paragraph 3.5 of the report) be approved;
- 3) The full rollout to all areas follows Phase 2 in line with Welsh Government funding confirmation;
- 4) The Director of People and Director of Place develop arrangements for the management of future capital funding opportunities.

107. Workways+ Project – European Social Fund Grant Extension and Additional Funding Acceptance.

The Cabinet Members for Children, Education and Lifelong Learning submitted a report which sought approval to extend the Workways+ project to 2022 and to approve the increase in grant allocation from the Welsh European Funding Office (WEFO).

Resolved that:

- 1) The progress achieved by the project to date be noted;
- 2) The Head of Financial Services, acting as the Authorising Contact for the Project, be authorised to accept the Grant Extension and Additional Funding Offer made by the Welsh European Funding Office (WEFO);
- 3) Regular reports be made on progress to the External Funding Panel.

The meeting ended at 3.04 pm

Chair

Published: 14 December 2017

Agenda Item 7.

Report of the Head of Legal, Democratic Services & Business Intelligence

Cabinet – 18 January 2018

Exclusion of the Public

Purpose:	To consider whether the Public should be excluded from the following items of business.	
Policy Framework:	None.	
Consultation:	Legal.	
Recommendation(s):	It is recommended that:	
1)	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	Item No's.	Relevant Paragraphs in Schedule 12A
	8	14
Report Author:	Democratic Services	
Finance Officer:	Not Applicable	
Legal Officer:	Tracey Meredith – Head of Legal, Democratic Services & Business Intelligence(Monitoring Officer)	

1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, Cabinet will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

3. Financial Implications

- 3.1 There are no financial implications associated with this report.

4. Legal Implications

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
 - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
 - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
 - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

Background Papers: None.

Appendices: Appendix A – Public Interest Test.

Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
12	Information relating to a particular individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. Their 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 they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
13	Information which is likely to reveal the identity of an individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. Their 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 they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. Their view on the public interest test was that:</p> <ul style="list-style-type: none"> a) Whilst they were 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 b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts. <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

No.	Relevant Paragraphs in Schedule 12A
15	<p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. Their view on the public interest test was that whilst they are mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them they were 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 they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
16	<p>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>
	<p>No public interest test.</p>
17	<p>Information which reveals that the authority proposes: (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) To make an order or direction under any enactment.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. Their 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 they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	<p>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. Their 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 they 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 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.

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