



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Y Cabinet

Lleoliad: Siambr y Cyngor, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Iau, 16 Mai 2019

Amser: 10.00 am

Cadeirydd: Cyngorydd Rob Stewart

Aelodaeth: (I'w gadarnhau yng Nghyfarfod Blynnyddol y Cyngor ar 9 Mai 2019)

Cynghorwyr: M C Child, W Evans, R Francis-Davies, D H Hopkins, A S Lewis, C E Lloyd, J A Raynor, M Sherwood a/ac M Thomas

Hefyd gwahoddwyd: J E Burtonshaw ac E T King

Gweddarlledu: Gellir ffilmio'r cyfarfod hwn i'w ddarlledu'n fyw neu'n ddiweddarach drwy wefan y cyngor. Drwy fynd i mewn i Siambr y Cyngor, rydych yn cytuno i gael eich ffilmio ac i'r delweddau a'r recordiadau sain hynny gael eu defnyddio at ddibenion gweddarlledu a/neu hyfforddiant o bosib.

Mae croeso i chi siarad Cymraeg neu Saesneg yn y cyfarfod. Dywedwch wrthym pa iaith fyddai'n well gennych ei defnyddio erbyn canol dydd, ddeuddydd cyn y cyfarfod.

Agenda

Rhif y Dudalen.

1. Ymddiheuriadau am absenoldeb.
2. Datgeliadau o fuddiannau personol a rhagfarnol.
www.abertawe.gov.uk/DatgeluCysylltiadau
3. Cofnodion. 1 - 6
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir.
4. Cyhoeddiadau Arweinydd y Cyngor.
5. Cwestiynau Gan y Cyhoedd.

Rhaid i'r cwestiynau ymwneud â materion ar ran agored agenda'r cyfarfod, ac ymdrinnir â hwy o fewn 10 munud.

6.	Hawl i Holi Cynghorwyr.	
7.	Adroddiad Cadeirydd y Pwyllgor Datblygu Polisi Pobl - Byw â Chymorth.	7 - 16
8.	Adroddiad Cadeirydd y Pwyllgor Polisi Addysg a Sgiliau - Grant Datblygu Disgyblion.	17 - 24
9.	Penodiadau Llywodraethwyr Awdurdod Lleol.	25 - 28
10.	Adroddiad Dyfarnu'r Contract - Tendr ar Gyfer Darparu Gwasanaethau Bws Lleol.	29 - 37
11.	Adroddiad Dyfarnu'r Contract - Tendr ar gyfer Darparu Gwasanaethau Bws Parcio a Theithio.	38 - 46
12.	Gwahardd y Cyhoedd: -	47 - 50
13.	Cael gwared ar elfen breswyl Cam 1 Abertawe Ganolog.	51 - 61
14.	Gwerthu Tir Priffordd yn y Mwmbwls, Abertawe.	62 - 73

Cyfarfod Nesaf: Dydd Iau, 20 Mehefin 2019 ar 2.00 pm

Huw Evans

Huw Evans

Pennaeth Gwasanaethau Democrataidd

Dydd Mawrth, 7 Mai 2019

Cyswllt: Gwasanaethau Democrataidd - Ffon: (01792) 636923

Agenda Item 3.



City and County of Swansea

Minutes of the **Cabinet**

Council Chamber, Guildhall, Swansea

Thursday, 18 April 2019 at 10.00 am

Present: Councillor R C Stewart (Chair) Presided

Councillor(s)

M C Child
A S Lewis
M Sherwood

Councillor(s)

W Evans
C E Lloyd
M Thomas

Councillor(s)

D H Hopkins
J A Raynor

Apologies for Absence

Councillor(s): R Francis-Davies

Also Present: Councillors P K Jones & E J King.

181. 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:

- 1) Councillors M C Child, D H Hopkins, A S Lewis, C E Lloyd, M Sherwood, R C Stewart and M Thomas declared a Personal Interest in Minute 188 "Local Authority Governor Appointments";
- 2) Councillor W Evans declared a Personal & Prejudicial Interest in Minute 188 "Local Authority Governor Appointments" and withdrew from the Meeting prior to the item being considered;
- 3) Councillor J A Raynor declared a Personal & Prejudicial Interest in Minute 188 "Local Authority Governor Appointments" and stated that she had dispensation from the Standards Committee to Stay, Speak but Not Vote on matters relating to the Appointment of Local Authority Governors.

182. Minutes.

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

- 1) Cabinet held on 21 February 2019;
- 2) Cabinet held on 21 March 2019.

183. Announcements of the Leader of the Council.

1) Webcasting of Meeting

The Leader of the Council stated that as part of the ongoing works to enable Webcasting of Council, Cabinet, Planning Committee and the Scrutiny Programme Committee; this Meeting is being recorded for Webcasting purposes. The meeting will not be streamed live as we are still in the testing period; however it will be recorded. If the trial is successful, the meeting will be published online.

184. Public Question Time.

No questions were asked.

185. Councillors' Question Time.

Councillor P K Jones asked a number of questions in relation to Minute 190 "Council Property Development: Phase 2 General Fund" specifically relating to Home Farm, Sketty.

The Business Transformation & Performance Cabinet Member responded giving an assurance that the proposal would not affect Singleton Park.

186. Adult Mental Health Strategic Framework.

The Cabinet Member for Care, Health & Ageing Well submitted a report which outlined the work undertaken on behalf of ABMU Health Board, Bridgend County Borough Council, Neath Port Talbot County Borough Council and the City and County of Swansea to develop an Adult Mental Health Strategic Framework.

Resolved that:

- 1) The significant work undertaken to develop the Strategic Framework, including the substantial co-production with service users, carers and the voluntary sector be noted;
- 2) The substantial engagement process undertaken, the resultant feedback from the engagement process and the priorities for action identified by service users and carers be noted;
- 3) It be noted that the framework is consistent with the Council's wider strategic intent to promote a more preventative approach including developments such as Housing First;
- 4) The Adult Mental Health Strategic Framework (which has been agreed by the Western Bay Regional Partnership Board) be approved.

187. Establishment of a Stand-Alone Youth Offending Service for Swansea.

The Cabinet Member for Children Services submitted a report which provided the outcome of the recent Youth Offending Service (YOS) inspection and sought approval to disaggregate the YOS for Swansea from Western Bay Youth Justice and Early Intervention Service (WBY / JEIS) collaboration.

Resolved that:

- 1) The final inspection report from the inspection of YOS be noted and the initial action plan agreed;
- 2) Agreement is reached to disaggregate the regional arrangements for YOS and develop a stand-alone service for Swansea.

188. Local Authority Governor Appointments.

The Local Authority Governors Appointment Group submitted 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 recommended by the Director of Education in conjunction with the Cabinet Member for Education Improvement, Learning & Skills be approved:

1)	Parklands Primary School	Eira Wyn Davies
2)	Pontybrenin Primary School	Cllr William Evans

189. Notice of Disposal of Open Space - Land at Parklands View, Sketty, Swansea.

The Cabinet Member for Business, Transformation & Performance submitted a report which considered the response to the Open Space Notice in respect of Land at Parklands View, Sketty and sought approval for disposal.

Resolved that:

- 1) The objections received in respect of the removal of the open space designation be considered;
- 2) It be noted that, under the previous Unitary Development Plan (UDP), the loss of this open space was not considered to negatively impact the Sketty Electoral Ward, which had a surplus of public open space. However, this does not guarantee that residential planning consent would be granted under the new Local Development Plan (LDP) provisions;
- 3) The Head of Property Services be authorised to bring the site forward for marketing and disposal.

190. Council Property Development: Phase 2 General Fund.

The Cabinet Member for Business, Transformation & Performance submitted a report which provided a detailed update concerning progress with the Pilot Direct Property Development Project.

Resolved that:

- 1) A public Information Notice to seek expressions of interest for a Joint Venture Partner be approved.

191. Exclusion of the Public.

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

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

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

(Closed Session)

192. Acquisition of Land to Facilitate Highway Improvements.

The Cabinet Member for Environment & Infrastructure Management presented a report sought authority to purchase freehold land which exceeds Officers delegated limits.

Resolved that the recommendations as detailed in the report be approved.

The meeting ended at 10.50 am

Chair

Call In Procedure – Relevant Dates	
Minutes Published:	18 April 2019
Call In Period Expires (3 Clear Working Days after Publication):	23.59 on 25 April 2019
Decision Comes into force:	26 April 2019



City and County of Swansea

Minutes of the Cabinet

Council Chamber, Guildhall, Swansea

Thursday, 2 May 2019 at 10.00 am

Present: Councillor R C Stewart (Chair) Presided

Councillor(s)

W Evans
J A Raynor

Councillor(s)

R Francis-Davies
M Sherwood

Councillor(s)

A S Lewis

Officer(s)

Jeffrey Dong

Interim Deputy Chief Finance Officer and Deputy S151 Officer.

Huw Evans
Tracey Meredith
Martin Nicholls

Head of Democratic Services
Chief Legal Officer
Director of Place

Apologies for Absence

Councillor(s): M C Child, D H Hopkins, C E Lloyd and M Thomas

Also Present: Councillor E T King

193. Disclosures of Personal and Prejudicial Interests.

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

- 1) Councillors J A Raynor and E T King declared a Personal Interest in Minute 198 "Revised Contract Award and Capital Programme Authorisation for New Build for Education Other Than At School (EOTAS) at Cockett".

194. Announcements of the Leader of the Council.

1) Webcasting of Meeting

The Leader of the Council stated that as part of the ongoing works to enable Webcasting of Council, Cabinet, Planning Committee and the Scrutiny Programme Committee; this Meeting was being recorded for Webcasting purposes.

195. Public Question Time.

No questions were asked.

196. Councillors' Question Time.

No questions were asked.

197. Exclusion of the Public.

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

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

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

(Closed Session)

198. Revised Contract Award and Capital Programme Authorisation for New Build for Education Other Than At School (EOTAS) at Cockett. **

Call In Procedure - Urgency: *This decision is exempt from the Authority's Call In Procedure as "either the Head of Paid Service, the Section 151 Officer or the Monitoring Officer certifies that any delay likely to be caused by the Call In Procedure could seriously prejudice the Council or the Public Interest including failure to comply with Statutory requirements".*

The Cabinet Member for Education Improvement, Learning and Skills presented a report which sought authorisation to award the Contract for the remaining aspects of work to Tender No. 4, subject to variation request approval by Welsh Government. The report also sought approval for the revised project cost build for Education Other Than At School (EOTAS) at Cockett subject to variation request approval by Welsh Government.

Resolved that the recommendations as detailed in the report be approved.

The meeting ended at 10.07 am

Chair

Call In Procedure – Relevant Dates	
Minutes Published:	2 May 2019
Call In Period Expires (3 Clear Working Days after Publication):	-
Decision Comes into force:	2 May 2019

Agenda Item 7.



Report of the Chair of People Policy Development Committee

Cabinet – 16 May 2019

Supported Living

Purpose:	This report is a summary of the work on Supported Living as undertaken by the People Policy Development Committee, as part of the work programme agreed for 2018/19.
Policy Framework:	Well-being of Future Generations (Wales) Act 2015 Social Services & Well-being (Wales) Act 2014
Consultation:	People Policy Development Committee, Finance, Legal & Access to Services
Recommendation(s):	It is recommended that Cabinet approve: 1) The communication exchange process regarding supported living developments for Mental Health and Learning Disability Services and Council Members set out at paragraphs 4.3, 4.4 and Appendix 1.
Report Authors:	Councillor Ceri Evans, Mark Campisi, Peter Field & Simon Jones
Finance Officer:	Chris Davies
Legal Officer:	Lucy Moore
Access to Services Officer:	Catherine Window

1. Introduction

- 1.1 This report sets out the arrangements for informing the Cabinet Member and local Ward members when a supported living facility is being developed in their area. This is to allow for information to be given to relevant parties so that in the event that issues arise in their ward areas that members are able to respond in an informed and sensitive way to the enquiries.

2. Background

Based on a limited number of complaints from residents over the years the Head of Adult Services felt it would be beneficial to develop a communication policy between officers within Mental Health and Learning Disability services and Council members in relation to supported living scheme developments. The aim was to provide timely information to Council Members so that they could respond to resident's queries in a timely and informed manner.

2.1 Supported Living in Swansea

- Builds on the 1983 All Wales learning Disability Strategy and the 1990 NHS and Community Care Act to provide care in the community
- A shift from residential to tenancy based models of care and support
- To provide support to people in ways which promote citizenship
- Our approach is to deliver locality based services that build on and develop people's connections to their community and social networks

2.2 Current Position

- Swansea support about 250 people to live in supported living services, in single commissioned services
- They receive about 24,000 hours of support from staff every week with little connection or co-production between services/providers
- People live independently, or in small groups of up to 5 people, all of whom get staff support. This gives rise to the night time staffing challenge and increase costs due to Legal Minimum Wage and Working Time Directive.
- Last year Swansea appointed 8 Support Providers. It is from these Providers that Swansea will choose to support people using supported living services in the future.

2.3 Scope of work - Proposed Changes

- The plan is to divide Swansea into 16 areas, each area would receive about 1200 to 1800 hours of support from staff per week.
- Swansea Council want to make sure that the people concerned are supported to be involved in choosing the organisation that supports them.
- We will work together to choose one of the 8 Support Providers to manage the support for each of these 16 groups of people. The maximum any Support Provider will have is 4 areas.

2.4 What have we done to date?

- Co-produced a new Supported Living Framework that has brought new providers into Swansea.
- Used assistive technology to evidence need and deliver efficiencies
- Engaged in a regional approach to better review and commission services through Western Bay
- Designed a new geographical model for service provision

3. Policy Context

- Builds on the 1983 All Wales learning Disability Strategy and the 1990 NHS and Community Care Act to provide care in the community
- To shift from residential to tenancy based models of care and support
- To provide support to people in ways which promote citizenship
- Our approach is to deliver locality based services that build on and develop people's connections to their community and social networks

Changes to Social Services:

- Social Services and Wellbeing (Wales) Act 2014
- Sustainable Swansea: 'Fit for the Future'
- Austerity

Managing these changes has been considered necessary due to the following Commissioning priorities:-

- wellbeing and prevention
- cost efficiency
- new models of service
- managing demand

Social Services Model:

- Citizen Based
- Strengths Based
- Progression Model
- Outcome Focussed
- Co-Production

3.1 Supported Living

Other key pieces of legislation highlighting Welsh Government's commitment to prioritising collaborative working, and early action to improve the well-being of people who need care and support:

- Well-being of Future Generations (Wales) 2015 Act
- Social Services and Well-being (Wales) Act

4. Work undertaken by the People Policy Development Committee

4.1 What is Supported Living, and how are new arrangements developed.

- Mental Health and Learning Disability services develop properties within the community which are indistinguishable from accommodation that is inhabited by any other citizen of the Council as a principle.

Supported Living Development Process

- Assessment of Need for Accommodation and Support Submitted to Multi-Disciplinary Team Accommodation Group
- Accommodation Group Identification of Cohort of Individuals for shared Living.
- Engage Registered Social Landlord (RSL) to purchase accommodation
- (RSL) Adapts specific property or new build accommodation based on pen pictures of Individual Need
- Placement identified and care costs submitted to MH&LD service challenge group and MH&LD Complex Case Panel for cost ratification and formal agreement.

4.2 Current arrangements to engage community including Ward Members

Many of our service users are considered vulnerable and therefore we choose not to consult with local communities in an overtly formal way as this has and may continue to increase the risk of negative and inaccurate information affecting local relations and attitudes.

Minimum standards from care providers when dealing with neighbours and other members of the community

- Get to know the neighbours, exchange contact details and develop and maintain positive professional relationships.
- Staff members maintain appropriate professional boundaries with neighbours.
- Ensuring all complaints from neighbours are dealt with in line with organisational Complaints Policy.
- Provide opportunities for members of the public to raise concerns or anxieties about any aspect of the services provided.

Complaints

- If neighbour related issues cannot be resolved by the care provider then the neighbours will be directed to the local Community Support Team Managers to discuss their concerns. If issues are unable to be resolved at this stage then they will be given information on the Councils Complaints Procedure

4.3 Proposals to improve community engagement with Ward Members

- The Principal Officer for Mental Health and Learning Disability will update the relevant Ward Members and the designated Cabinet Member on new accommodation developments so that they are aware and informed.
- This information and liaison will hopefully mitigate against any problematic relationship issues with local residents and neighbours regarding new build or property renovation.

4.4 Cabinet Member Communication Process for Supported Living Development

1. A Registered Social Landlord will be commissioned to develop a supported housing scheme. General specifications of the property will be provided along with the number of tenants for the property.
2. The Registered Social Landlord provides one or more accommodation options and the MH and LD Managers will engage to identify and select the most suitable option.
3. The Care Providing agency will be tendered for, selected and contract awarded.
4. The Cabinet Member and Ward Member will be contacted by the Principal Officer for Mental Health and Learning Disability Services to inform them of the new development.
5. The new development details will be provided to Cabinet Members and Ward members as required.
 - i.e.
 - a. Address of the new property
 - b. Contact details of the registered manager of the care agency
 - c. The client group for which the facility is being developed.

4.5 With regard to any issues regarding planning permission, the current arrangements apply, in that elected members can expect to be alerted to any new supported housing schemes proposed in their area immediately after housing/land purchase, and before application for planning.

4.6 This process as outlined is not intended to apply to all supported living type initiatives e.g. Housing first initiative at this stage. Housing First is housing-related, tenancy support for individuals, and not focused primarily on care and support. To bring all such cases into such arrangements may mean that any service user placed in general needs accommodation and funded for tenancy support related issues would need to be flagged to Ward and Cabinet member/s. This expectation could prove to be resource intensive for social care staff, and if required would need to be the focus of future policy development, possibly through the next round of policy development committees.

5. Conclusion

- 5.1 Following discussions with the Peoples Policy Development Committee it has been agreed that the process described in paragraphs 4.3 and 4.4 above be adopted as the agreed process in future supported living developments for mental health and learning disability service. The process merely sets out the agreed process and does not constitute a material policy change.

6. Way Forward

- 6.1 Presented to People PDC on 17 April 2019 and onward submission to Cabinet on 16 May 2019 for agreement.
- 6.2 How current policy will be operated in future - please see paragraph 4.3 above and Flowchart in Appendix 1 below.

7. Equality and Engagement Implications

- 7.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above

- 7.2 Supported Living framework supports the equalities duties by improved communication and the resultant ease of community based supported living development for people with complex mental health and learning disability related conditions. The EIA screening scoring was low and indicated no need for a full EIA assessment

8. Financial Implications

- 8.1 Whilst there are no immediate financial implications arising from this report, acceptance could result in additional expenditure at a future time. Acceptance does not mean that additional resources will be made available and it should be assumed that future spending needs will need to be contained within existing budget provision and have full and due regard to the budget principles set out in 'Sustainable Swansea – Fit for the Future' and the likely levels of future budgets.

9. Legal Implications

- 9.1 There are no legal implications in addition to those already set out in the body of the report.

Background Papers:

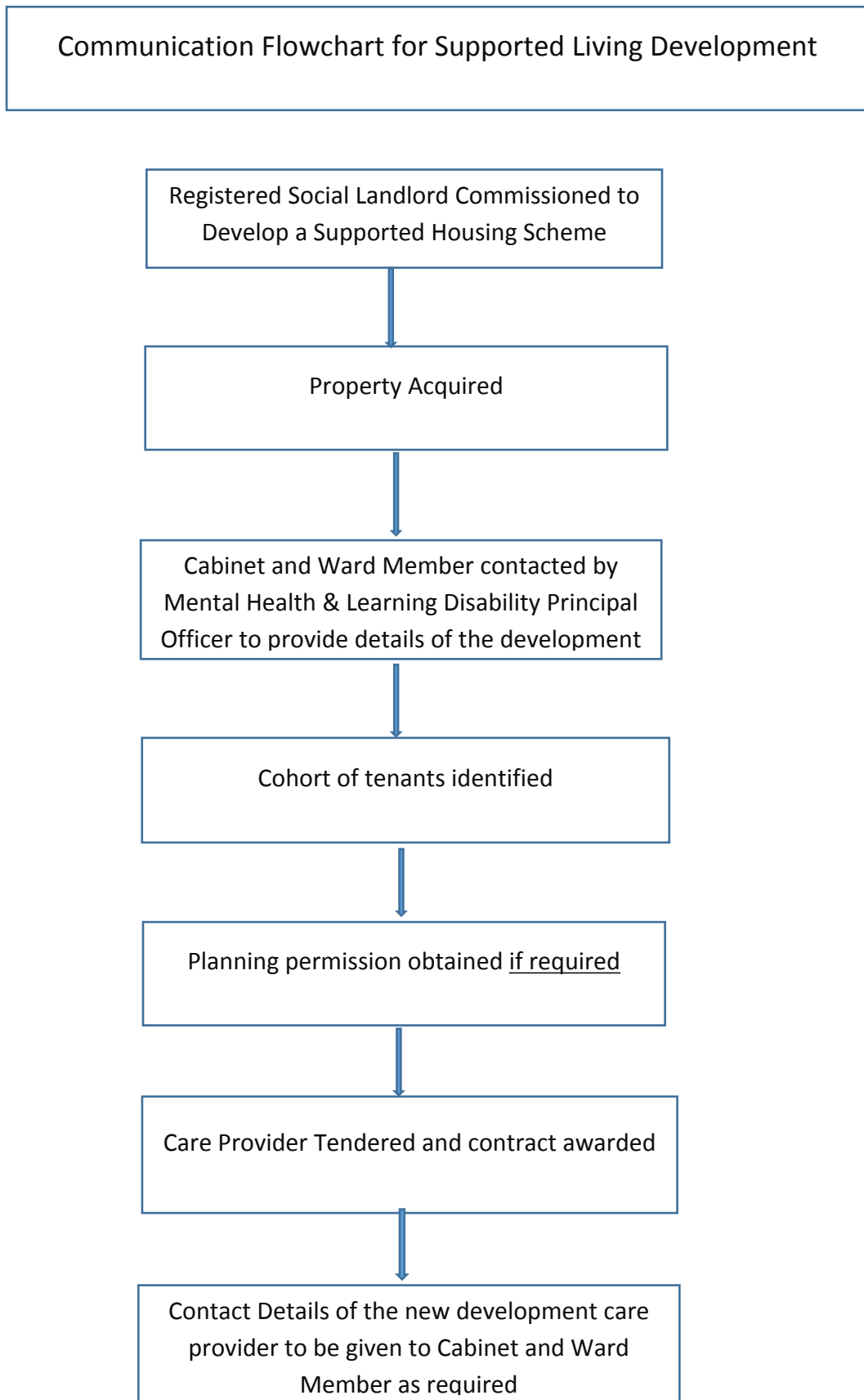
None

Appendices:

Appendix 1 - Flowchart – Supported living for people with Mental Health / Learning disabilities

Appendix 2 - Equalities Impact Screening form

Appendix 1 - Flowchart – Supported living for people with Mental Health / Learning disabilities



Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).

Section 1

Which service area and directorate are you from?

Service Area: **Adult Mental Health and Learning Disability Services**

Directorate: **Adult Social Care**

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(b) Please name and describe here:

Supported Living Development Communication Policy

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line
service delivery

☐ (H)

Indirect front line
service delivery

☒ (M)

Indirect back room
service delivery

☐ (L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they
need to

☐ (H)

Because they
want to

☒ (M)

Because it is
automatically provided to
everyone in Swansea

☐ (M)

On an internal
basis
i.e. Staff

☐ (L)

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?

Please provide details below – either of your planned activities or your reasons for not undertaking engagement

Contact with Cabinet and Ward Members prior to the development of community based shared supported living schemes .

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility <input type="checkbox"/> (H)	Medium visibility <input type="checkbox"/> (M)	Low visibility X <input type="checkbox"/> (L)
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(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?
(Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/> (H)	Medium risk <input type="checkbox"/> (M)	Low risk X <input type="checkbox"/> (L)
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Q6 Will this initiative have an impact (however minor) on any other Council service?

☐ Yes x ☐ No If yes, please provide details below

Q7 HOW DID YOU SCORE?*Please tick the relevant box*

MOSTLY H and/or M → HIGH PRIORITY → ☐ EIA to be completed
Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → X ☐ Do not complete EIA
Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.

This policy is merely setting out clearly the communication process between Council elected members and officers when supported living facilities are being developed in their wards within Swansea Council. This process sets out how information is provided to specific members of the Council so that any local queries or concerns from the public can be dealt with quickly and sensitively.

Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:
Name: M. H. Campisi
Job title: Principal Officer for mental health and Learning Disability services
Date: 08.04.19
Approval by Head of Service:
Name:
Position:
Date:

Please return the completed form to accesstoservices@swansea.gov.uk

Agenda Item 8.



Report of the Chair of the Education & Skills Policy Development Committee

Cabinet – 16 May 2019

Pupil Development Grant

Purpose:	To brief Cabinet on the recommendations of the Education & Skills Policy Development Committee (municipal year 2018-2019).
Policy Framework:	Examination of the issues around Pupil Development Grant (PDG), and its link to the gap in achievement of free schools meals children and those not on free school meals, identify areas of good practice and sharing of this with other schools.
Consultation:	Access to Services, Legal, Finance, Members of Education and Skills PDC.
Recommendation(s):	It is recommended that Cabinet consider the information provided and to endorse recommendations within the report to establish a Swansea Council policy on the use of the PDG.
Report Author:	Helen Morgan-Rees
Finance Officer:	Chris Davies
Legal Officer:	Stephanie Williams
Access to Services Officer:	Rhian Millar

1. Background

- 1.1 In June 2018, the Education & Skills Policy Development Committee (ESPDC) agreed to examine the issues around Pupil Development Grant (PDG) formerly known as Pupil Deprivation Grant (PDG). The ESPDC has met regularly during the 2018-2019 municipal year. It has cross party membership and is a forum for Council Members and Officers to work together to form policy. The ESPDC determined to examine the link to

the gap in achievement of free schools meals (FSM) children and those not on FSM, to identify areas of good practice and sharing of this with other schools. Areas of focus were identified, to include, the following:

- data trends in relation to FSM performance in Swansea and nationally;
- Welsh Government (WG) guidance on PDG;
- role of Education through Regional Working (ERW) / local authority (LA) in monitoring use and promoting good practice in use of the PDG;
- good practice in Swansea schools – views of learners and headteachers;
- the role of the Education Endowment Foundation (EFF) and other third party organisations in promoting good practice;
- effective use of the Pupil Premium (PP) in England and in particular in Lambeth Council; and
- emerging findings and ways forward.

2. Briefing

2.1 Data Trends in relation to FSM

The difference in attainment between FSM and non-FSM pupils is almost 20 percentage points at foundation phase (3-7 year olds) and has been higher in Swansea than in Wales during the last five years. FSM pupils in Swansea have more than double the rate of additional learning needs (ALN) in comparison to non-FSM pupils. FSM boys have an even higher rate of ALN than FSM girls do. The achievement of FSM autumn born girls and summer born boys is around a 20-percentage point gap. Similar statistics to those above, are repeated across Wales, so a national issue. Historically, there has been under claiming of eligibility for FSM. Key stage 4 Level 2 including mathematics and English/ Welsh (Level 2i indicator) measure below indicates that although Swansea is above the national average there tends to be over a 30 percentage point difference in the performance of FSM pupils in comparison to non-FSM.

	2014	2015	2016	2017	2018
Swansea	59.1	64.0	64.7	57.8	59.8
Wales	55.4	57.9	60.3	54.6	55.1
Swansea FSM	27.3	39.5	40.2	32.4	35.4
Wales FSM	27.8	31.6	35.6	28.6	29.5
Swansea non-FSM	67.5	70.4	71.5	65.0	66.8
Wales non-FSM	61.6	64.1	68.8	61.0	61.7

2.2 Guidance on the use of PDG

Pupil Development Grant formerly called the Pupil Deprivation Grant (PDG) was introduced in 2012-2013 to provide extra money to schools based on number of pupils eligible FSM. PDG also provides money to regional consortia to be spent on looked after children (LAC). Extension of PDG in 2015-2016 included 3-5 year olds. Further extended in 2017-2018 to included children educated otherwise than at school (EOTAS).

WG has produced comprehensive guidance to schools on the use of PDG. Challenge advisers monitor the use and implementation of this guidance in schools. Local ERW adviser supports the work of the region. There are over thirty overarching recommendations from WG on how the money should be targeted to improve educational outcomes. Sir Alasdair McDonald, National Lead for the initiative 'Reducing the Attainment Gap and Learning from Others but Implementing in Your Own Way' visited Swansea in February 2019 because of the impetus created by the ESDPC. The director of international partnerships, Stephen Fraser of the EEF also visited Swansea to speak to headteachers about the teaching and learning toolkit.

2.3 Use of after school clubs (ASC) to support FSM pupils

The primary school sector places great value on ASC. In a majority of primary schools, the after school provision will be carefully co-ordinated at the beginning of the school year by the senior leadership group.

Teachers, teaching assistants and other support staff all provide a vital role in the provision of ASC. Parents, grandparents and volunteers may provide some external assistance but school staff on a voluntary basis provide the vast majority of clubs and activities.

The secondary school sector provision of clubs is split between after school and lunchtime. There are various different types of clubs and groups such as revision, study, catch up, homework, sporting, drama etc. At secondary level ASC and intervention/catch-up activities are generally separate entities, notwithstanding a degree of overlap.

After-school study/revision sessions would generally be informal and attendance would not be compulsory. However, attendance for intervention/catch-up sessions would be expected, sessions would normally run in the school day and pupils' progress would be tracked more closely.

The majority of provision at secondary level is provided on a voluntary basis by staff, this can include revision classes during school holidays.

There is an increased movement to improve quality of "first teaching" and the need to better track pupils who are falling behind, in order to better target support and assistance for them.

For older secondary aged pupils, there is more emphasis on revision/study clubs to assist with preparation for examinations.

2.4 Best practice schools in schools with high FSM rates

Collaborative working between all staff across the school and the importance of working with the children, parents and community was emphasised.

The positive impact of Flying Start programme and ability to have additional staff which enables regular contact with children and parents from age 2 and the excellent working relationship with Health was also outlined.

PDG can seem low for an inner city primary school at £32k a year.. The percentage of free school meals pupils was over 25% but has fallen during the last few years. This is often due to non-declaration therefore free school meals can only be a proxy indicator for a few schools in very challenging contexts. The PDG has to be spent appropriately to achieve the maximum impact and benefit to the children.

St Helen's primary school offers many clubs for the children to attend on an extra-curricular basis. Clubs include debating club, literacy club, maths club, choir, school magazine and board games club.

St Helen's Primary school targets both lower and higher achieving pupils with appropriate help and encouragement to progress and achieve.

The school engages well with parents through the provision of drop in clubs for parents – computer help, English language, home visits and keep fit, for example. The school demonstrates an overwhelming effort and commitment from staff to make a difference for each child.

Bishop Vaughan's headteacher outlined the equally diverse make up of her school, which is now 50% non-Catholic, and comprises of 42 different nationalities and 46 languages, with 21% FSM pupils.

The high percentage of FSM and levels of deprivation in the surrounding communities means the school receives a PDG grant of c£254k. The school receives £1150 per eFSM pupil to arrive at the £254,150 total. PDG allocation is currently determined by the number of eFSM pupils on roll at an annual point in time.

The school examines and utilises areas of good practice such as the Sutton Trust Toolkit, EEF and Estyn good practice guidelines.

Bishop Vaughan has increased levels of support and assistance on hand for all pupils through the provision of various support activities and clubs such as the learning zone, peer support, improved library/IT provision, pupil diagnostic initiative, and outlined the excellent take up of these by pupils on a very regular basis.

PDG has enabled the school to employ both a health and wellbeing manager and deputy. These staff are hugely involved with both pupils and parents in all aspects of their school and personal lives such as ALN and encouragement, social/emotional/health needs, safeguarding issues etc.

A “nurture” programme has been developed from the above and is proving very successful. The school has a successful sixth form, with 99% of pupils achieving their first choice of higher education.

The school does focus highly on exam results, as they provide young people with “currency for life”, social mobility and key outcomes that are essential for adult life. 44% of GSCE students achieved five A*-C grades in 2017, which is double the figure achieved in 2010.

Members received a detailed document relating to Bishop Vaughan that outlined a wide variety of information relating to the various topics the committee has been examining including data of FSM pupils, PDG percentage and amount reviled, evidence based approaches, good practice, internal school initiatives, in and after school provision.

2.5 Regional Leader of Learning for PDG

The Leader of Learning for the PDG in ERW consortium gave an overview presentation to the Committee on the barriers to learning and links to the PDG.

Included in the presentation were the following areas:

- close working relationship with WG, Consortia PDG leads, LA PDG lead and challenge advisers;
- research carried out at local, national & international levels;
- support for schools to plan, monitor and evaluate their PDG spend;
- challenge and monitoring of schools;
- PDG eligibility – Disadvantage v Vulnerability issues and influences;
- barriers to Learning – reduced funding to schools, health & well-being, parental support, guidance & support in schools, mental health issues, Adverse Childhood Experiences (ACEs), poverty;
- school to school peer reviews, pilot schemes, sharing good practice, research and reviews, training;
- PDG mitigation – whole school approach, WG guidance on PDG spend, developing resilience, anti-bullying initiatives, nurturing schemes, restorative practice, importance of attendance;
- PDG Post 2019 – funding amounts been set for next two years, good practice around the pupil premium review in England and possibility of pilot schemes being introduced in Wales, is there a need to review and reinvigorate the PDG, use of templates in schools and need to update these, future training;
- recent event held with three Swansea schools/WG and ERW;
- need to nurture and encourage the more able and talented young people who fall under the disadvantaged/vulnerable categories;
- impact of additional out of school “paid for” tuition on achievements, and steps being taken by schools to provide additional learning opportunities outside core hours for all pupils;

- sharing of best practice ideas already in place at local and regional level;
- availability of good academic research via EEF;
- WG self-evaluation proposals;
- progress of vulnerable learners;
- recent report on the review of PDG undertaken by challenge advisers;
- school to school peer reviews;
- templates; and
- challenge advisers' reports.

2.6 Evaluation of the use of PDG across Swansea schools.

The evaluation by challenge advisers of PDG in Swansea schools in Autumn 2018 was considered carefully and the areas for development were noted as follows:

A named senior leader within the school (from within the senior leadership team) to champion pupils who are eligible for FSM. They will have responsibility for the strategic implementation of the grant. Regular review of intervention strategies to be evidenced and undertaken by the leadership team. Interventions that are selected to be implemented should be based on sound research and evidence. They should feature measurable entry and exit criteria that inform staff and pupils' of the progress being made. Optimise the progress of MAT pupils eligible for FSM through more targeted and effective use of the PDG for this group of pupils. The PDG plan should identify these pupils and demonstrate/evaluate the actions/activities to support them. Where relevant, the provision and evaluation of the activities/resources used to support the learning of LAC-FSM pupils should be included. Regular tracking of academic progress of this group of pupils to be developed further. Standardised reporting for the use of the PDG to be submitted to the challenge adviser as part of autumn annual monitoring and submitted to the LA by a specific date. Areas to be reported on include budget amounts and a breakdown of the impact from the previous year in the following areas, early years, foundation phase, key stage 2, 3, and 4, ALN, MAT and LAC. Reporting should also include planned expenditure with the chosen approach/rationale for selecting this implementation strategy stated with lead staff named and a review timescale with desirable outcomes. Schools could alert the Education Directorate's finance team by a specific date to confirm that their plans for PDG expenditure for previous and current financial years are live on website.

Proposals for the change in delegated funding for LAC pupils from April 2019, which will be on a cluster basis rather than a centrally led team. The emphasis will move from a focus on year 10 and 11 pupils to a more whole school approach. The potential staffing implications of the change were outlined, and the Head of Achievement and Partnership indicated that dialogue was continuing with schools on the proposed changes.

3. Recommendations

- 3.1 To establish a Swansea Council policy on the use of the Pupil Development Grant (PDG).
- 3.2 As part of this policy challenge advisers will advise schools and governors to:
- Appoint a senior leader within the school to champion pupils who are eligible for FSM with responsibility for the strategic implementation of PDG.
 - Optimise the progress of MAT pupils eligible for FSM through more targeted and effective use of the PDG for this group of pupils.
 - Establish a PDG plan clearly identifying eligible pupils and demonstrate/evaluate the actions/activities to support them.
 - Undertake regular tracking of the academic progress of this group of pupils.
 - Include the provision and evaluation of the activities/resources used to support the learning of LAC-FSM pupils where appropriate.
 - Undertake an annual review of intervention strategies to be evidenced and undertaken by the leadership team. Interventions that are selected to be implemented should be based on sound research and evidence.
- 3.3 Swansea Council will establish a formal system of standardised reporting for the use of the PDG to include the following actions:
- Schools to email the local authority finance department by a specific date to confirm that the PDG plans, previous and current year, are live on website.
 - Swansea Council to maintain a Swansea schools directory of good practice that will include regularly updated examples of evidence-based good practice.
 - Schools to submit monitoring information to the challenge adviser as part of autumn monitoring by a specific date. Areas to be reported on include budget amounts and a breakdown of the impact from the previous year in the following areas, early years, Foundation Phase, key stage 2, 3, and 4.
 - Reporting should also include planned expenditure with the chosen approach/rationale for selecting this implementation strategy stated with lead staff named and a review timescale with desirable outcomes.
- 3.4 Swansea Council will establish a formal process to link with the Lead of Learning for the PDG in the regional consortium (or other appropriate officer) to disseminate best practice in a) implementation at school level and b) local authority monitoring and support.

4. Financial Implications

4.1 There are no financial implications associated with this report.

5. Legal Implications

5.1 There are no legal implications associated with this report.

6. Equality and Engagement Implications

6.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

6.2 This report has no direct Equality implications. The recommendations, if approved, will be subject to the Council's Equality Impact Assessment process.

Background papers:

Glossary of terms: <https://www.estyn.gov.wales/inspection/glossary>

Guidance for Using Pupil Deprivation Grant

<https://learning.gov.wales/docs/learningwales/publications/140512-what-really-works-en.pdf>

Appendices: None

Agenda Item 9.



Report of the Local Authority Governor Appointment Group

Cabinet – 16 May 2019

Local Authority Governor Appointments

Purpose:	To approve the nominations submitted to fill Local Authority Governor vacancies in School Governing Bodies
Policy Framework:	Local Authority (LA) Governor Appointments Procedure (Adopted by Council on 26 October 2017)
Consultation:	Access to Services, Finance, Legal
Recommendation(s):	It is recommended that: 1) The nominations recommended by the Director of Education in conjunction with the Cabinet Member for Education Improvement, Learning and Skills be approved
Report Author:	Gemma Wynne
Finance Officer:	Chris Davies
Legal Officer:	Stephen Holland
Access to Services Officer:	Catherine Window

1. The nominations referred for approval

1.1 The nominations are recommended for approval as follows:

1. Parkland Primary School	Mr Christopher O'Brien
2. Pengelli Primary School	Mrs Elaine Thomas
3. Olchfa Comprehensive School	Mr James Ellis

2. Financial Implications

- 2.1 There are no financial implications for the appointments; all costs will be met from existing budgets.

3. Legal Implications

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

4. Equality and Engagement implications

- 4.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 4.2 There are no equality and engagement implications associated with this report.

Background papers: None

Appendices: Appendix 1 - Equality Impact Assessment Form

Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).

Section 1

Which service area and directorate are you from?

Service Area: Education

Directorate: People

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(b) Please name and describe here:

Appointing Local Authority governors to schools in Swansea

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line
service delivery

☐ (H)

Indirect front line
service delivery

☒ (M)

Indirect back room
service delivery

☐ (L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they
need to

☐ (H)

Because they
want to

☐ (M)

Because it is
automatically provided to
everyone in Swansea

☒ (M)

On an internal
basis
i.e. Staff

☐ (L)

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?

Please provide details below – either of your planned activities or your reasons for not undertaking engagement

This activity does not require consultation

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility <input checked="" type="checkbox"/> (H)	Medium visibility <input type="checkbox"/> (M)	Low visibility <input type="checkbox"/> (L)
--	---	--

(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION? (Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/> (H)	Medium risk <input type="checkbox"/> (M)	Low risk <input checked="" type="checkbox"/> (L)
---	---	---

Q6 Will this initiative have an impact (however minor) on any other Council service?

☐ Yes ☒ x No If yes, please provide details below

Q7 HOW DID YOU SCORE?

Please tick the relevant box

MOSTLY H and/or M → HIGH PRIORITY → ☐ EIA to be completed
 Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → ☒ Do not complete EIA
 Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.

There are no equality and engagement implications associated with this process. Under the Government of Maintained Schools (Wales) Regulations 2005, it is a statutory requirement for all schools to have Local Authority governors who are appointed by the Direction of Education in conjunction with the Cabinet Member for Education Improvement, Learning and Skills. The Councillor(s) representing the ward(s) in the catchment area of the schools', the Headteacher and Chair of governors views will be sought to input into the decision-making and recommendations are taken to Cabinet for ratification as agreed by the Council Constitution.

Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:	
Name: Gemma Wynne	
Job title: Governor Support Officer	
Date: 30/08/18	
Approval by Head of Service:	
Name: Nick Williams	
Position: Director of Education	
Date: 30/08/18	



Report of the Cabinet Member for Environment & Infrastructure Management

Cabinet - 16 May 2019

Contract Award Report Tender for the Provision of Local Bus Services

Purpose:	This report details the outcome of recent tenders for Local Bus Services and seeks approval to award contracts.
Policy Framework:	Local Transport Plan (2015-20)
Consultation:	Legal, Democratic Services and Business Intelligence, Finance, Commercial Services and Access to Services.
Recommendation(s):	It is recommended that: 1) the tender prices recommended by the Tender Evaluation Panel and set out in Schedule B be accepted as representing the Most Economically Advantageous Tenders. 2) contracts be awarded to the companies as set out in Schedule B.
Report Author:	Catherine Swain
Finance Officer	Jeffrey Dong
Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Millar

1.0 Introduction

- 1.1 Twenty five contracts for Local Bus Services expire on 31st July 2019. Tenders have therefore been invited for replacement contracts requiring vehicles of various seating capacities. The new contracts are for the term of 1st August 2019 to 31st July 2023, with an option to extend for up to an additional 12 months.
- 1.2 Two of the contracts extend into Carmarthenshire, and Carmarthenshire County Council makes a financial contribution pro rata to the mileage operated within its area.

- 1.3 The proposals for replacement contracts include:
- a. two additional options, and
 - b. four additional combination options
- This has resulted in thirty one Lots being tendered in total. A summary of the Lots for tender is detailed in Schedule A.

- 1.4 The estimated value of the new contracts over their maximum term of 60 months is approximately £5,180,606 before Carmarthenshire County Council's financial contribution and £5,032,979 after Carmarthenshire's contribution. Cabinet approval is therefore sought to award these contracts.

2.0 Procurement Process

- 2.1 The estimated value of the new contracts over their term exceeds the European Union threshold under the Public Contract Regulations 2015. The contracts were advertised in the Official Journal of the European Union (OJEU) via Sell2Wales.

- 2.2 The 'open' procedure was selected.

- 2.3 The Invitation to Tender (ITT) was issued on 4th March 2019 to Public Service Vehicle (PSV) Operators via the eTenderWales Portal.

3.0 Tenders Received

- 3.1 Three companies submitted tenders by the return date of 3rd April 2019.

- 3.2 The tenders were opened by Commercial Services in accordance with Contract Procedure Rules.

4.0 Evaluation

- 4.1 Tenders were evaluated by two Officers from the Integrated Transport Unit, with support from an Officer from the Commercial Services Team, a finance officer and a legal officer

- 4.2 All tenderers submitted compliant tenders.

- 4.3 The evaluation of the tenders received was undertaken in accordance with the criteria set out in the Invitation to Tender documents as a two stage process.

- 4.4 The Council ranked tenderers for each Lot on the basis of 20% Quality and 80% Price.

- 4.5 At stage one of the process, the Council undertook a Quality evaluation to ensure tenderers were able to demonstrate a minimum understanding of key operational requirements. The Quality evaluation was based on the assessment of seven Method Statement questions, as follows:

- Support Structure
- Staff Training and Competence (two questions)
- Vehicle Resources and Maintenance (four questions)
- Supervision of Staff
- Passenger Issues
- Management Reporting and Performance Management
- Emergency and Inclement Weather Operating Procedures

4.6 Tenderers were required to achieve a minimum score of three from the maximum five marks available for each method statement question in order to proceed to the Price evaluation. Tenderers failing to achieve the minimum score for each question would be rejected.

4.7 At stage two of the process, tenderers who achieved the required marks in the Quality evaluation proceeded to the Price evaluation.

4.8 For each Lot, the lowest tender price received was allocated the maximum score of 80. The remaining tender prices were scored downwards according to their relationship with the lowest price. These were then added to the Quality scores (out of 20) to achieve a total score out of 100.

5.0 Outcome of Evaluation

5.1 Fourteen contracts are to be awarded as individual Lots. This includes the Lot for which a 'nil' tender was received, and for which the Council will not need to provide any funding.

5.2 Lots 10 and 12 include services that extend into Carmarthenshire. Lots 11 and 13 include services that do not extend into Carmarthenshire. As a result of Carmarthenshire County Council confirming that it will continue to make financial contributions pro rata to the mileage operated within its area, Lots 10 and 12 are being let in preference to Lots 11 and 13.

5.3 Eleven of the contracts are to be awarded within three Combination Lots because these offer better value for money than if let as individual Lots.

6.0 Equality and Engagement Implications

6.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 6.2 An Equality Impact Assessment Screening Form was completed for the re-tendering exercise, with the agreed outcome that a full Equality Impact Assessment report is not required. This is because all of the current contracts are to be re-let.

7.0 Financial Implications

- 7.1 The gross cost of the tender prices recommended for acceptance is £975,791 per annum / £5,180,606 over their maximum five year term. This is based upon the total number of days per annum that each contract would operate and makes provision for indexation of contract prices at an estimated 3% per annum from August 2020. Carmarthenshire County Council will make an estimated financial contribution of £27,806 per annum / £147,627.00 over the maximum five year term. The net cost of the contracts will therefore reduce to £947,985 per annum / £5,032,979 over the maximum five year term.
- 7.2 The gross cost of the new contracts compares to the current gross cost of £1,010,896 per annum / £5,366,986 over the maximum five year term. The gross savings are therefore £35,105 per annum / £186,380 over their maximum five year term. When Carmarthenshire's financial contribution is taken into account, the net savings are £42,214 per annum / £224,120 over their maximum five year term.
- 7.3 The savings identified will be set against the savings target for the ITU as set out in the 19/20 revenue budget reported to council

8.0 Procurement and Legal Implications

- 8.1 The Responsible Officer is satisfied that the tender process has been undertaken in compliance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules, and recommends approval in accordance with those Rules.
- 8.2 The contracts are to be prepared by Legal, Democratic Services and Business Intelligence. All contractual liabilities / obligations will be covered by the contract documentation.

Background Papers: None

Appendices:

Schedule A – Details of Individual Lots and Combination Lots Offered for Tender
Schedule B – Scores of Tenderers Recommended for Award
Schedule C - Equalities Impact Assessment Screening Form

**Tender for the Provision of Local Bus Services
Schedule A**

Details of Individual Lots Offered for Tender

Lot Numbers	Service No(s) and Times of Operation
1	45, Morriston Hospital to City Centre, Weekday Daytime
2	14, Pennard to Swansea, Weekday Evenings
3	115 & 116, North Gower to Swansea, Weekday Daytime
4	117, 118 & 119, South Gower to Swansea, Weekday Daytime
5	43, Morriston Hospital to City Centre & 54, Parc Llewellyn to City Centre, Weekday Daytime
6	16, Gorseinon to Swansea Weekday Early Mornings
7	16, Pontarddulais to Swansea, Weekday Evenings
8	28, Penplas to City Centre, Weekday Evenings
9	7, Marina to City Centre & 44, Maritime Quarter diversion Weekday Daytime
10	111, Llanelli to Swansea, Weekday Evenings
11	111, Loughor to Swansea, Weekday Evenings (variation of Lot 10, operating within the City & County of Swansea only)
12	X13, Llandeilo to Swansea, Weekday Evenings
13	X13, Pontarddulais to Swansea, Weekday Evening (variation of Lot 12, operating within the City & County of Swansea only)
14	46, Gorseinon to Morriston, Weekday Daytime
15	5, Cwmdonkin to City Centre, 9, North Hill to City Centre & 54, Parc Llewellyn to City Centre, Weekday Daytime
16	3A, Oystermouth to City Centre, Sunday Evenings
17	4A, Morriston Hospital to City Centre, Sunday Evenings
18	6, Port Tennant to City Centre & 20, Derlwyn to City Centre, Sunday Evenings
19	12, Townhill to City Centre & 25, Blaen-y-Maes to City Centre, Sunday Evenings
20	31, Birchgrove to City Centre, Sunday Evenings
21	36, Morriston to City Centre, Sunday Evenings
22	111, Loughor to Swansea, Sunday Evenings
23	41 & 42, Clase to Singleton Hospital, Weekday Early Mornings
24	6, Port Tennant to City Centre & 16, Penclawdd to Swansea, Sunday Daytime
25	35, Llangyfelach to City Centre, Weekday Daytime
26	14, Pennard to Swansea, Sunday Daytime
27	15, Gowerton to City Centre & 30, Trallwn to City Centre, Mondays to Fridays Daytime

Details of Combination Lots Offered for Tender

Lot Numbers	Service No(s) and Times of Operation
1 & 2	As above
3 & 4	As above
5 & 8	As above
16, 17, 18, 19, 20, 21 & 22	As above

Tender for the Provision of Local Bus Services

Schedule B

Scores of Tenderers Recommended for Award

Individual Lots

Lot Numbers	Tenderer Nos	Scores	Annual Rates for Contracts (£) (Net)
5	2	94.60	114,444.00
6	3	97.90	0.00, i.e. 'nil' tender
7	2	94.60	33,354.00
8	3	97.90	30,600.00
9	3	97.90	32,130.00
10	3	97.90	28,687.50
12	3	97.90	15,416.28
14	2	94.60	60,894.00
15	1	98.40	49,954.50
23	3	97.90	12,852.00
24	3	97.90	6,832.00
25	2	94.60	48,654.00
26	2	94.60	6,169.00
27	1	98.40	39,357.30

Combination Lots

Lot Numbers	Tenderer Nos	Scores	Annual Rates for Contracts (£) (Net)
1 & 2	2	200.78 (i)	88,740.00
3 & 4	2	211.18 (ii)	351,900.00
16, 17, 18, 19, 20, 21 & 22	3	700.98 (iii)	28,000.00

Notes

- (i) Higher score than Lots 1 & 2 score individually, i.e. 200.78 v 192.50
- (ii) Higher score than Lots 3 & 4 score individually, i.e. 211.18 v 192.50
- (iii) Higher score than Lots 16, 17, 18, 19, 20, 21 & 22 score individually, i.e. 700.98 v 685.30

Equality Impact Assessment Screening Form – Appendix 2

Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).

Section 1

Which service area and directorate are you from?

Service Area: Highways & Transportation – Integrated Transport Unit

Directorate: Place

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b) Please name and describe here:

This is a retendering exercise for the Council's contracts for local bus services, which occurs every five years. The contracts cover services which are not provided by bus operators on a commercial basis but are deemed to be socially necessary to enable residents to access work, health and social activities. The contracts operate during the early morning, daytime and evening periods across seven days a week.

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input checked="" type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
<input checked="" type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18) →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+) →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers) →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?

Please provide details below – either of your planned activities or your reasons for not undertaking engagement

Equality Impact Assessment Screening Form – Appendix 2

These are established contracts and are sometimes modified to take into account any requests for changes over their five year term. Therefore, a need to undertake engagement or consultation specifically in line with the retendering exercise is not necessary.

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility
☐ (H)

Medium visibility
☒ (M)

Low visibility
☐ (L)

(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION? (Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk
☐ (H)

Medium risk
☒ (M)

Low risk
☐ (L)

Q6 Will this initiative have an impact (however minor) on any other Council service?

☐ Yes

☒ No

If yes, please provide details below

Q7 HOW DID YOU SCORE? Please tick the relevant box

MOSTLY H and/or M → HIGH PRIORITY → ☐ EIA to be completed
Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → ☒ Do not complete EIA
Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.

This is a routine contract re-tendering exercise to comply with Contract Procedure Rules. All existing service users will continue to be able to access services.

Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:

Name: Barrie Gilbert

Job title: Team Leader – Passenger Transport

Date: 08.04.2019

Approval by Head of Service:

Name:

Position:

Date:

Please return the completed form to accesstoservices@swansea.gov.uk



Cabinet Member for Environment and Infrastructure Management

Cabinet - 16 May 2019

Contract Award Report Tender for the Provision of Park and Ride Bus Services

Purpose:	To provide details of the outcome of the tendering process and to seek approval to award contracts.
Policy Framework:	Local Transport Plan (2015-2020)
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) the Tender recommended by the Tender Evaluation Panel and set out in Schedule A be accepted as representing the Most Economically advantageous Tender 2) A contract be awarded to Tenderer 1 as set out in Schedule A
Report Author:	Catherine Swain
Finance Officer	Jeffrey Dong
Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 The park and ride car parks at Landore and Fabian Way are currently linked to the city centre by bespoke park and ride bus services which operate under contract to the Council at an annual cost of £431,300. The services run at a 15 minute frequency between 7am and 7pm on Mondays to Saturdays with additional journeys on Saturdays and a Sunday Service in the Christmas period.
- 1.2 The current bus service contracts expire on 16 June 2019.
- 1.3 In order to reduce costs, it has previously been agreed that the provision of these services be reviewed and an alternative means of serving the

sites using commercially operated public bus services be investigated. A budget savings target of £200,000 per year has been implemented in line with this.

- 1.4 These proposals were part of the consultation on the budget savings in 2016/17 when 76% of respondents agreed with the proposal to :
Introduce a park and ride service integrated with commercial local bus services. This will increase flexibility of the service by increasing the frequency of services operating from the sites and the number of city centre locations where passengers can be dropped off and picked up on their return.
- 1.5 Tenders have therefore been invited for a 'Concession' contract which would allow bidders access to the 2 park and ride car parks with their commercial local bus services in exchange for a share of the income generated from park and ride customers.
- 1.6 The Tender Specification required bus services between Fabian Way and Landore Park and ride sites and the City Centre to be at the same frequency as present but also gave bidders the opportunity to provide links to additional destinations such as the University Campuses at Singleton and the Bay, the hospitals at Morriston and Singleton, the Civic Centre and Guildhall.
- 1.7 Fees for park and ride to the City Centre were to remain at £2.50(for a car and up to 4 passengers) but tenderers were required to indicate the level of fares for other destinations. Currently the fees for park and ride are paid at the car parks but these would be payable on the bus under the new arrangements with the tenderer required to provide a share of the revenue collected to the Council. The share of the revenue would be used by the Council to cover the costs of operating the 2 car parks.
- 1.8 Tenders were to cover the period 17 June 2019 to 16 June 2024, with an option to extend for up to a further 2 years.

2. Procurement Process

- 2.1 The estimated value of the new contract over the full term exceeds the European Union threshold under the Public Contract. Regulations 2015. The contract was advertised in the Official Journal of the European Union (OJEU) via Sell2Wales.
- 2.3 The 'open 'procedure was selected and the Invitation to Tender(ITT) was issued on 4 September 2018 via the eTenderWales Portal.
- 2.4 The tenders were opened by Commercial Services in accordance with Contract Procedure Rules.
- 2.5 One tender was received by the return date of 2 October 2018.

3. Evaluation

- 3.1 The Tender received was evaluated by two officers from the Integrated Transport Unit with support from an Officer of the Commercial Services Team.
- 3.2 The Tender received was compliant.
- 3.3 The evaluation of the Tender was undertaken in accordance with the criteria set out in the Invitation to Tender as a 2 stage process.
- 3.4 At stage 1 of the process, a Quality Evaluation was carried out to ensure that the tenderer was able to demonstrate a minimum understanding of key operational requirements. The Quality Evaluation was based on the assessment of 6 Method Statement questions as follows:
- i. Vehicle resourcing and bus links
 - ii. Fares and ticketing
 - iii. Staff training and competence
 - iv. Supervision of staff
 - v. Management reporting and performance management
 - vi. Emergency and inclement weather operating procedures.
- 3.5 Tenderers were required to obtain a minimum score of 18 from the maximum 30 marks available for the 6 Method statement questions in order to proceed to the Price evaluation. Any tenders failing to achieve a score of at least 18 would be rejected without further evaluation.
- 3.6 The Tender received achieved the required marks in the Quality Evaluation and proceeded to stage 2 of the process, the Price Evaluation.
- 3.7 The Price Evaluation was based on the sum of money the tenderer was prepared to offer the Council for access to the park and ride car parks by their commercially operated local bus services as follows:
- Revenue payment per annum to the Council (based on 2017/18 park and ride income)
 - The percentage of any additional revenue generated each year (above the 2017/18 park and ride income level) that the tenderer would pay to the Council.
- 3.8 In the tender received, the revenue payment offered to the Council per annum from ticket sales to park and ride customers was £0. The percentage of any additional revenue generated from park and ride customers that the tenderer was prepared to offer the Council was stated at 0%.
- 3.9 This was not considered acceptable as it did not reflect the value the Council was seeking from the Park and Ride service and would not achieve the agreed financial savings target.

4. Post Tender Negotiations

- 4.1 Clause 1.10 of the Instructions to Tenderers states:
In the event that full cost of recovery of the operating costs for Fabian Way and Landore is not proposed by any tenderer, the Council reserves the right to enter into post tender negotiations with the highest commercial tenderer in order to reach a mutually agreeable position. All negotiations shall be conducted in accordance with the Public Contract Regulations 2015.
- 4.2 In accordance with this Clause, post tender negotiations were conducted with the Tenderer by officers from the Integrated Transport Unit and the Commercial Services Team to try to reach a mutually agreeable position. These have been carried out to the satisfaction of the Responsible Officer.
- 4.3 The outcome of the negotiations has resulted in a best and final Offer from the Tenderer to divert their commercially operated bus services via the park and ride car parks at Landore and Fabian Way on route to and from the city centre at a frequency in line with the original tender specification. The Tenderer has submitted a cost to the Council for implementing these diversions to accommodate the park and ride customers.
- 4.4 Under the proposed arrangements, payment for the use of the park and ride service will be made at the car parks as per the existing arrangements. This means that the Council will retain the fees paid by the park and ride customers and can use this income to offset the cost of diverting the bus services and managing the car parks.
- 4.5 The Offer also provides bus links to the University Campuses, Singleton and Morriston Hospitals, the Civic Centre and Guildhall. Journeys to these destinations will be at an additional cost to the customer (payable on bus) but will allow the park and ride car parks to be utilised by a wider audience than just city centre shoppers and commuters.
- 4.6 The bus service from Fabian Way currently terminates at Princess Way but under the new proposals the main City Centre stop would be the Bus Station with peak journeys also stopping at Princess Way.
- 4.6 The current park and ride buses have a distinctive livery and are easily identifiable to customers. There will be a need under the proposed arrangements, to ensure that services operating via the park and ride car parks maintain this visibility. The Offer therefore includes a one off cost to the Council for refurbishing and repainting vehicles to include the park and ride branding.
- 4.7 The Tenderer will also provide all the marketing for the new services at bus stops, on their website and through social media.

5. Equality and Engagement Implications

- 5.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 5.2 An Equality Impact Assessment Screening Form was completed for the retendering exercise, with the agreed outcome that a full Equality Impact Assessment Report is not required. This is because the current contracts are being replaced with similar arrangements.

6. Financial Implications

- 6.1 Council has agreed that the provision of park and ride bus services should be reviewed and a savings target of £200,000 per year has been set. The budget allocated to fund park and ride bus services has been reduced to reflect this decision and is £248,900 for 2019/20.
- 6.2 The post tender negotiated offer recommended for acceptance is £264,937 for year one plus an additional one off cost of £30,000 for refurbishing and repainting buses to include the park and ride branding. This compares to a current annual cost of £431,300 for the dedicated park and ride bus services and represents a saving of £166,363 in year one over previous cost but £16,000 more than budgeted contract cost, excluding the one off vehicle costs.
- 6.3 The full term value of the contract over a 5 year period would be £1,436,587 and over 7 years would be £2,060,070. This includes the additional £30,000 one off cost in year 1 and allows for an estimated 3% indexation of the contract price from year 2.
- 6.4 The shortfall of £16,037 between the allocated budget of £248,900 for the bus service and the recommended contract costs will be funded from efficiencies proposed for the day to day operation of the park and ride car parks. These will include a saving in staffing costs by reducing the staff presence on site from all day to a security presence during the evenings only, and by limiting the opening hours of the park and ride terminal building. The current allocated budget for the day to day running of the car park and building is just under £380,000 per year so management has identified this area to identify the required annual budget savings to cover

both the ongoing costs of the bus service diversions and the one off vehicle costs of £30,000 in year 1.

7. Legal Implications

- 7.1 The Responsible Officer is satisfied that the tender process has been undertaken in accordance with the City and County of Swansea's Contract Procedure Rules and the Public Contracts Regulations 2015 (as amended) and recommends the award of the Contract in accordance with the same.
- 7.2 The contract will be prepared by Legal, Democratic Services and Business Intelligence. All contractual liabilities/ obligations will be covered by the contract documentation.

Background Paper: None

Appendices:

Schedule A – Details of Tender Recommended for Award.

Schedule B - Equalities Impact Assessment Screening Form

Tender for the Provision of Park and Ride Bus Services

Contract CCS/18/105

Schedule A

Tender Recommended for Award.

Tenderer Number 1

Monday to Saturday Bus Services to/from car parks	Cost per annum
Landore	£163,567
Fabian Way	£101,370
Total	£264,937

Additional One Off Vehicle Painting Costs	
Landore	£12,500
Fabian Way	£17,500
Total	£30,000

Equality Impact Assessment Screening Form – Appendix 2

Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).

Section 1

Which service area and directorate are you from?

Service Area: Highways & Transportation – Integrated Transport Unit

Directorate: Place

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b) Please name and describe here:

This is a retendering exercise for contracts for the Council's park and ride bus services. The bus services operate between the Councils Park and Ride car parks at Landore and Fabian Way and the City Centre. They operate on Mondays to Saturdays between 7am and 7pm with additional services on Saturdays and Sundays over the Christmas period.

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line
service delivery

☒ (H)

Indirect front line
service delivery

☐ (M)

Indirect back room
service delivery

☐ (L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they
need to

☒ (H)

Because they
want to

☒ (M)

Because it is
automatically provided to
everyone in Swansea

☐ (M)

On an internal
basis
i.e. Staff

☐ (L)

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18) →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+) →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?

Please provide details below – either of your planned activities or your reasons for not undertaking engagement

Equality Impact Assessment Screening Form – Appendix 2

The number of customers using the park and ride service is monitored on a monthly basis. Customer surveys are carried out at least once a year at the park and ride car parks to ascertain customer satisfaction and adjustments are made to their operation to reflect the results of these wherever possible.

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility
☐ (H)

Medium visibility
☒ (M)

Low visibility
☐ (L)

(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION? (Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk
☐ (H)

Medium risk
☒ (M)

Low risk
☐ (L)

Q6 Will this initiative have an impact (however minor) on any other Council service?

☐ Yes

☒ No

If yes, please provide details below

Q7 HOW DID YOU SCORE? Please tick the relevant box

MOSTLY H and/or M → HIGH PRIORITY → ☐ EIA to be completed
Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → ☒ Do not complete EIA
Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.

This is a contract re-tendering exercise to comply with Contract Procedure Rules. All existing service users will continue to be able to access services. There will also be the opportunity to utilise park and ride bus services to travel to additional destinations not currently available from the park and ride car parks. .

Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:
Name: Catherine Swain
Job title: Integrated Transport Unit Manager
Date: 12.04.2019
Approval by Head of Service:
Name:
Position:
Date:

Agenda Item 12.



Report of the Chief Legal Officer

Cabinet – 16 May 2019

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
	13 & 14	14
Report Author:	Democratic Services	
Finance Officer:	Not Applicable	
Legal Officer:	Tracey Meredith – Chief Legal Officer(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	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.
	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.
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
	No public interest test.
17	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.
	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.
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	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.

Agenda Item 13.

Yn rhinwedd paragraff(au) 14 Atodlen 12A
o Ddeddf Llywodraeth Leol 1972
fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at
Wybodaeth) (Amrywiad) (Cymru) 2007.

Document is Restricted

Yn rhinwedd paragraff(au) 14 Atodlen 12A
o Ddeddf Llywodraeth Leol 1972
fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at
Wybodaeth) (Amrywiad) (Cymru) 2007.

Document is Restricted

Agenda Item 14.

Yn rhinwedd paragraff(au) 14 Atodlen 12A
o Ddeddf Llywodraeth Leol 1972
fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at
Wybodaeth) (Amrywiad) (Cymru) 2007.

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fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad at
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