



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Cabinet

At: Council Chamber - Guildhall, Swansea

On: Friday, 13 December 2019

Time: 10.00 am

Chair: Councillor Rob Stewart

Membership:

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

Also Invited: S Pritchard & A H Stevens

Webcasting: This meeting may be filmed for live or subsequent broadcast via the Council's Internet Site. By entering the Council Chamber you are consenting to be filmed and the possible use of those images and sound recordings for webcasting and / or training purposes.

You are welcome to speak Welsh in the meeting.

Please inform us by noon, two working days before the meeting.

Agenda

	Page No.
1. Apologies for Absence.	
2. Disclosures of Personal and Prejudicial Interests. www.swansea.gov.uk/disclosuresofinterests	
3. Minutes. To approve & sign the Minutes of the previous meeting(s) as a correct record.	1 - 6
4. Announcements of the Leader of the Council.	
5. Public Question Time. Questions must relate to matters on the open part of the Agenda of the meeting and will be dealt with in a 10 minute period.	
6. Councillors' Question Time.	
7. Local Authority Governor Appointments.	7 - 10

- | | | |
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| 8. | Financial Procedure Rule 7 - Active Travel Fund Additional Grant 2019/20. | 11 - 25 |
| 9. | Exclusion of the Public. | 26 - 29 |
| 10. | Agreed Heads of Terms for Third Party Occupation of Civic Centre. | 30 - 37 |

** **Call In Procedure - Subject to Pre-Decision Scrutiny:** This decision is exempt from the Authority's Call In Procedure as "the decision has been subject to Pre-Decision Scrutiny and there is no material change in relevant information / evidence".*

*** **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".*

Next Meeting: Thursday, 9 January 2020 at 10.00 am



Huw Evans
Head of Democratic Services
Thursday, 5 December 2019

Contact: Democratic Services - Tel: (01792) 636923

Agenda Item 3.



City and County of Swansea

Minutes of the **Cabinet**

Council Chamber - Guildhall, Swansea

Thursday, 21 November 2019 at 10.00 am

Present: Councillor R C Stewart (Chair) Presided

Councillor(s)

M C Child
A S Lewis
J A Raynor

Councillor(s)

R Francis-Davies
C E Lloyd
A H Stevens

Councillor(s)

D H Hopkins
S Pritchard
M Thomas

Officer(s)

Huw Evans
Adam Hill
Tracey Meredith
Phil Roberts
Ben Smith

Head of Democratic Services
Deputy Chief Executive / Director of Resources
Chief Legal Officer / Monitoring Officer
Chief Executive
Chief Finance Officer / Section 151 Officer

Also present

Councillor(s): L S Gibbard, C A Holley, J W Jones

Apologies for Absence

Councillor(s): - None.

88. Disclosures of Personal and Prejudicial Interests.

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

89. Minutes.

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

- 1) Cabinet held on 17 October 2019

90. Announcements of the Leader of the Council.

The Leader of Council made no announcements.

91. Public Question Time.

No questions were asked.

92. Councillors' Question Time.

Councillor J W Jones asked a number of questions in relation to Minute 94 "Swansea Central Phase 1 – Final Delivery Report".

The Leader of the Council, Councillor R C Stewart responded.

93. Pre Decision Scrutiny Feedback - Swansea Central Phase 1 – Final Delivery Report. (Verbal)

Councillor C A Holley presented Pre-decision Scrutiny Feedback in relation to the "Swansea Central Phase 1 – Final Delivery Report".

Resolved that:

- 1) The pre-decision scrutiny feedback be noted.

94. Swansea Central Phase 1 – Final Delivery Report.

Call In Procedure - Subject to Pre-Decision Scrutiny: *This decision is exempt from the Authority's Call In Procedure as "the decision has been subject to Pre-Decision Scrutiny and there is no material change in relevant information / evidence".*

The Cabinet Member for Economy & Strategy submitted a report which set out the detailed business case to inform the decision making process on whether to proceed with the development, and the stage 2 contract award in accordance with Financial Procedures Rules and Contract Procedure Rules.

Resolved that:

- 1) The scheme and its financial implications, specifically the addition to the capital programme of £110.720m under Financial Procedure Rule 7 be approved;
- 2) The award of the main construction contract to Buckingham Group Contracting Ltd to deliver the project be authorised;
- 3) Delegated authority be granted to the Leader of the Council, Director of Place, Chief Finance Officer and Chief Legal Officer to approve and enter into any documentation and to approve any related funding necessary to complete the scheme including the Heads of Terms and any documentation necessary to facilitate the development of a hotel on the site;
- 4) The establishment of maintenance and sinking fund budgets be approved with spend to be authorised by the Director of Place and Chief Finance Officer;
- 5) The capitalisation of officer time working on the scheme to support further project delivery be approved, as authorised by the Director of Place and Chief Finance Officer;

- 6) A bonded advance payment to Buckingham be set up with agreement of the terms and final amount delegated to the Director of Place and the Chief Finance Officer.

95. Pre Decision Scrutiny Feedback - Housing Commissioning Review Findings. (Verbal)

Councillor C A Holley presented Pre-decision Scrutiny Feedback in relation to the "Housing Commissioning Review Findings".

Resolved that:

- 1) The pre-decision scrutiny feedback be noted.

96. Housing Commissioning Review Findings.

***Call In Procedure - Subject to Pre-Decision Scrutiny:** This decision is exempt from the Authority's Call In Procedure as "the decision has been subject to Pre-Decision Scrutiny and there is no material change in relevant information / evidence".*

The Cabinet Member for Homes, Energy & Transformation submitted a report which sought approval to implement the Housing Commissioning Review findings and to undertake formal tenant consultation regarding the future model of the District Housing Office Service.

Resolved that:

- 1) The key findings of the review be approved for implementation;
- 2) The proposed change to the future model of the District Housing Office Service be subject to a formal tenant consultation exercise and the results reported back to Cabinet prior to implementation.

97. Revenue and Capital Budget Monitoring 2nd Quarter 2019/20.

The Cabinet Member for Economy & Strategy submitted a report which reported on financial monitoring of the 2019/20 revenue and capital budgets, including the delivery of budget savings.

Resolved that:

- 1) The comments and variations in this report, and the actions in hand to address these be noted;
- 2) The Director's plans to assure Cabinet that service budgets can be sustainably brought back into line for 2019-20 and beyond be noted and implemented by 1 April 2020, and earlier still where possible;

- 3) No Officer may consider any material further spending commitments until those savings plans, as outlined in the report to address service overspending are assured and delivered.

98. City Centre Marketing of Strategic Sites Joint Venture Opportunity and FPR7.

The Cabinet Member for Investment, Regeneration & Tourism submitted a report which set out future regeneration options building on the catalytic effect of current development projects in the city centre including the marketing of strategic sites to secure a Joint Venture partner.

Resolved that:

- 1) The revenue funding requirements as set out in Paragraph 5.3 of the report be approved;
- 2) Option 3 as set out in the report be progressed and the Joint Venture Opportunity be marketed then advertised on Sell2Wales;
- 3) Authority be delegated to the Director of Place and Chief Legal Officer to approve the marketing and tender documentation including Memorandum of Information and draft Legal Agreement/vehicle for delivery.

99. Statutory Compliance Strategy.

The Cabinet Member for Delivery & Performance and the Cabinet Member for Homes, Energy and Service Transformation jointly submitted a report which sought endorsement on the adoption of the Statutory Compliance Strategy for buildings under the control of Swansea Council.

Resolved that:

- 1) The draft Statutory Compliance Strategy be approved;
- 2) The actions contained within the strategy be noted and delegated to the Cabinet Member for Delivery & Performance and the Cabinet Member for Homes, Energy and Service Transformation.

100. Urgent Item

The Leader of the Council stated that pursuant to paragraph 100B (4)(b) of the Local Government Act 1972, he considered that the "Financial Procedure Rule 7, Local Transport Capital Grant 2019/2020 Broadway Interchange" report should be considered at this meeting as a matter of urgency.

101. Financial Procedure Rule 7 Local Transport Capital Grant 2019/2020 Broadway Interchange.

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”.

Reason for Urgency: The scheme is grant funded and the urgent funding re-profile is to ensure that the project can be delivered within the end of year programme.

The Cabinet Member for Environment & Infrastructure Management submitted a report which sought to confirm arrangements to utilise revenue contribution to supplement increased tender costs, as part of the Broadway Interchange scheme, being developed as part of the Welsh Government Local Transport Fund (LTF) 2019 / 2020.

Resolved that:

The additional design fee generated revenue funding be used as match funding.

102. Scrutiny Inquiry on Tourism - Cabinet Member Response and Action Plan.

The Cabinet Member for Investment, Regeneration & Tourism submitted a report which outlined a response to the scrutiny recommendations and to present an action plan for agreement.

Resolved that:

- 1) The response as outlined in the report and related action plan be agreed.

103. Scrutiny Inquiry into Equalities – Cabinet Member Response.

The Cabinet Member for Resilience & Strategic Collaboration submitted a report which outlined a response to the scrutiny recommendations and presented an action plan for agreement.

Resolved that:

- 1) The response as outlined in the report and related action plan be agreed.

104. 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)

105. Swansea Central Phase 1 – Final Delivery Report.

Call In Procedure - Subject to Pre-Decision Scrutiny: *This decision is exempt from the Authority's Call In Procedure as "the decision has been subject to Pre-Decision Scrutiny and there is no material change in relevant information / evidence".*

The Cabinet Member for Economy & Strategy submitted a report which set out the detailed business case to inform the decision making process on whether to proceed with the development, and the stage 2 contract award in accordance with Financial Procedures Rules and Contract Procedure Rules.

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

The meeting ended at 11.05 am

Chair

Call In Procedure – Relevant Dates	
Minutes Published:	21 November 2019
Call In Period Expires (3 Clear Working Days after Publication):	23.59 on 26 November 2019
Decision Comes into force:	27 November 2019

Agenda Item 7.



Report of the Local Authority Governor Appointment Group

Cabinet – 13 December 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:	Agnieszka Majewska
Finance Officer:	Chris Davies
Legal Officer:	Stephanie Williams
Access to Services Officer:	Rhian Millar

1.0 The nominations referred for approval

1.1 The nominations are recommended for approval as follows:

1. Christchurch Primary	Mrs Donnie Yuen
2. Penclawdd Primary	Mr Howard Evans
3. Sketty Primary	Cllr Michael Day

4. Townhill Primary	Mrs Janet Chaplin
5. Pontarddulais Comprehensive	Cllr Phillip Downing

2.0 Financial Implications

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

3.0 Legal Implications

3.1 There are no legal implications associated with this report.

4.0 Equality and Engagement implications

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.

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

Background papers: None.

Appendices: Appendix A - Equality Impact Assessment Form.

Equality Impact Assessment Screening Form – Appendix A

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

Equality Impact Assessment Screening Form – Appendix A

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)
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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 <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: 03/06/19
Approval by Head of Service:
Name: Nick Williams
Position: Director of Education
Date: 03/06/19

Agenda Item 8.



Report of the Cabinet Member for Environment & Infrastructure Management

Cabinet – 13 December 2019

Financial Procedure Rule 7 – Active Travel Fund Additional Grant 2019/20

Purpose:	<p>To confirm the outcome of the additional bid for Active Travel Fund (ATF) monies and seek approval for expenditure on the associated projects in 2019/20.</p> <p>To comply with Financial Procedure Rule No. 7 (Capital Programming and Appraisals): to commit and authorise schemes in the Capital Programme.</p>
Policy Framework:	Local Transport Plan 2015 – 2020
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	<p>It is recommended that:</p> <p>1) the additional ATF schemes, together with their financial implications, are approved.</p>
Report Author:	Ben George
Finance Officer:	Ben Smith
Legal Officer:	Caritas Adere
Access to Services Officer:	Catherine Window

1.0 Introduction / Background

- 1.1 A funding bid for the Local Transport Fund, Local Transport Network Fund and Active Travel Fund (LTF, LTNF and ATF) was originally submitted to the Welsh Government on 18th January 2019 in accordance with guidance from the Welsh Government. The funding bid was ultimately approved by the External Funding Panel and the Council was successful in securing £4.503million for the development and delivery of seven schemes.
- 1.2 The guidance stated that there was a total funding pot of £20 million for the Active Travel Fund, £27 million for the Local Transport Fund and £4 million for the Local Transport Network Fund in 2019/20. This funding is available to all Welsh Local Authorities. The Welsh Government elected not to set a maximum value for each scheme, but rather elected to set a banded scoring criteria, with higher values attracting a lower point allocation. Whilst match funding is not a requirement of the funding bids, it was made clear that those schemes that benefited from match funding would be more likely to receive an allocation.
- 1.3 The City & County of Swansea submitted bids totalling £16.859million, and the Welsh Government ultimately offered funding amounting to £4.503million on 15th May 2019 for FY2019/20. This funding was approved by Cabinet by way of an FPR7 report on 16th September 2019.
- 1.4 Subsequent to this initial approval, the Welsh Government approach Swansea Council in September 2019 to invite further bids for additional in-year funding (2019/20). Swansea Council therefore submitted additional bids for additional funding amounting to £3.161million on 20th September 2019. The Welsh Government subsequently offered an additional £2.755million on 7th November 2019.
- 1.5 Cabinet approval is therefore sought to commit these funds and the match funding offered to the capital programme in accordance with the Financial Procedure Rules.

2.0 Submitted Bids

- 2.1 Swansea Council received an invitation to bid for in-year funds from the Active Travel Fund in September 2019. Swansea Council subsequently bid for a further £3.161million on 20th September 2019. The details of this bid are set out in the table below.

Table One – Summary of Additional Bids for ATF 2019/20

Fund		Total Bid (£k)	Match funding (£k)	Total project cost (£k)
ATF	<i>Swansea Central Bridge</i>	1200	0	1200
ATF	<i>Gors Avenue to Broadway</i>	285	0	285
ATF	<i>A48 Link</i>	700	0	700
ATF	<i>Mumbles Rd / Mayals Rd Junction</i>	115	0	115
ATF	<i>Loughor Bridge Path Widening</i>	205	0	205
ATF	<i>Gors Ave / Carmarthen Rd Junction</i>	250	0	250
ATF	<i>Promenade Widening</i>	60	0	60
ATF	<i>Ridgeway to Clyne Valley Link</i>	346	0	346
Total		3161	0	3161

- 2.2 A funding offer for an additional £2.755million was subsequently received from the Welsh Government on 7th November 2019. This funding will be used to deliver six of the eight additional schemes bid for in 2019/20. The bid and the successful funding allocation are shown in the table below.

Table Two – Summary of Allocations for LTF, LTNF & ATF 2019/20

Fund		Total Bid (£k)	Match funding (£k)	Total project cost (£k)
ATF	<i>Swansea Central Bridge</i>	1200	0	1200
ATF	<i>Gors Avenue to Broadway</i>	285	0	285
ATF	<i>A48 Link</i>	700	0	700
ATF	<i>Mumbles Rd / Mayals Rd Junction</i>	115	0	115
ATF	<i>Loughor Bridge Path Widening</i>	205	0	205
ATF	<i>Gors Ave / Carmarthen Rd Junction</i>	250	0	250
Total		2755	0	2755

3.0 Details of Schemes

- 3.1 The projects approved for funding from the Local Transport Fund 2019/20 are summarised below.
- 3.2 Swansea Central Bridge –Swansea Council is embarking on an ambitious programme to regenerate its city centre. One of the most prominent infrastructure investments will be the Swansea Central Bridge, which will span Oystermouth Road, linking the Swansea Central retail development

in the city centre with the new City Centre Arena. The bridge will accommodate both pedestrians and cyclists, providing off-road access for sustainable travel to and from these prestigious developments and linking the users with the existing shared use provisions adjacent to Oystermouth Road and linking to National Cycle Network Routes 4 & 43. The bridge will provide a nationally significant, prominent and conspicuous endorsement of and provision for active travel.

The funding allocation of £1.2million will be used to purchase the materials required to construct the bridge. Installation of the bridge will commence in 2020/21.

- 3.3 Gors Avenue to Broad Way (via Cockett Road) Shared Use Path – The 1.78km of improvements to this section of the network will provide an important route in the channelling of pedestrians and cyclists towards the city centre from Cockett, Townhill and Tycoch in what are densely populated areas that experience significant levels of traffic congestion.
- 3.4 The route will run parallel to the A4216 and will be of great benefit to those attending the adjacent Gower College Swansea and for those continuing into the city centre.
- 3.5 The project will complement the Broadway Interchange project, which has been funded from the Local Transport Fund.
- 3.6 A48 Link – This improvement will deliver a shared use path adjacent to the A48 from the Llangyfelach Roundabout (M4 Jn46) to Penllergaer (M4 Jn47). This 2.7km route would provide a substantive section of the Swansea Northern Cycle Route. The improvement would provide an active travel route parallel to the M4 between junctions 46 and 47, and will provide improved connectivity between Llangyfelach, Penllergaer, DVLA and ultimately Morriston Hospital and the wider strategic network.
- 3.7 Mumbles Road \ Mayals Road Junction Improvement – This improvement will install two toucan crossings at the junction of Mayals Road & Mumbles Road. This is in service of two particular benefits. First, to improve an available walking route for pupils living in West Cross and travelling to Bishop Gore. Secondly the improvement will act as an enabler for further walking and cycling enhancements to Mayals Road which may follow in 2020/21.
- 3.8 Loughor Bridge Path Widening – National Cycle Network Route 4 passes over the Loughor Bridge. The bridge is however too narrow to safely accommodate cycling and hence there are 'dismount' signs either side of the bridge. The proposed works will widen the footway on the bridge by narrowing the traffic lanes in order to facilitate continuity for the route into Carmarthenshire.

- 3.9 Gors Avenue / Carmarthen Road Junction Improvement – This improvement will supplement the previously approved works to deliver a shared use path adjacent to Gors Avenue. This additional funding element will allow for widening and crossing facility at this junction for the improvement of provision and connectivity for walking and cycling.
- 3.10 The improvement will provide latent capacity for north-south travel to accommodate a shared use path on Carmarthen Road, for which the Council may seek funding in 2020/21.

4.0 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.
- 4.2 Our Equality Impact Assessment process ensures that we have paid to regard to the above.
- 4.3 An Equality Impact Assessment Screening Form has been completed. The outcome of the Assessment is that full Equality Impact Assessments will be required if these schemes are progressed.
- 4.4 All schemes will be designed in accordance with the national design guidance and will be compliant with the Equality Act 2010.

5.0 Financial Implications

- 5.1 The schemes described in this report, rely upon the Active Travel Fund to provide grant funding to secure their delivery.
- 5.2 All schemes listed in this report are 100% reliant upon grant to secure their delivery.
- 5.3 Claims are to be made to the Welsh Government on a quarterly basis. The grant must be claimed in full by 31 March 2020 otherwise it will be lost.
- 5.4 Any revenue costs arising from capital schemes will be met by existing revenue budgets.

6.0 Staffing / IT Implications

There are none.

7.0 Legal / Procurement Implications

- 7.1 When delivering Transport Schemes, compliance will be required with the relevant Highways and Transport Act measure and guidelines. The Active Travel (Wales) Act 2013 puts an obligation on local authorities to provide walking and cycling infrastructure.
- 7.2 It will be necessary to ensure that all terms and conditions attached to external grant funding are complied with and that the Council's Financial Procedure Rules Regarding Grant Applications and Acceptances are followed.
- 7.3 The land required for these projects is wholly owned by the Council.
- 7.4 Planning Consent will be required for the Swansea Central Bridge and this is already in train. All other projects listed in this report are expected to be delivered under Permitted Development regulations.
- 7.5 Separate legal advice will need to be sought regarding any contract and procurement issues relevant to the schemes.

Background Papers: Local Transport Fund, Local Transport Network Fund and Active Travel Fund Bid Documents.

Appendices:

Appendix A – Swansea Central Bridge Financial Summary

Appendix B – Gors Avenue to Broadway Financial Summary

Appendix C – A48 Link Financial Summary

Appendix D – Mumbles Road / Mayals Road Junction Improvement Financial Summary

Appendix E – Loughor Bridge Path Widening Financial Summary

Appendix F – Gors Avenue / Carmarthen Road Junction Widening

Appendix G - EIA

APPENDIX A – SWANSEA CENTRAL FINANCIAL SUMMARY

Portfolio: PLACE

Service : HIGHWAYS

Scheme : ATF – SWANSEA CENTRAL BRIDGE

<u>1. CAPITAL COSTS</u>	2019/20 £'000				TOTAL £'000
<u>Expenditure</u>					
Materials Purchase	1200				1200
EXPENDITURE	1200				1200
<u>Financing</u>					
ATF grant	1200				1200
FINANCING	1200				1200

<u>2. REVENUE COSTS</u>	2019/20 £'000				FULL YEAR £'000
<u>Service Controlled - Expenditure</u>					
Employees	)				0
Maintenance	) To be met from existing budgets				0
Equipment	)				0
Administration	)				0
NET EXPENDITURE	0	0	0	0	0

APPENDIX B – GORS AVENUE TO BROADWAY FINANCIAL SUMMARY

Portfolio: PLACE

Service : HIGHWAYS

Scheme : ATF – GORS AVENUE TO BROADWAY

<u>1. CAPITAL COSTS</u>	2019/20 £'000				TOTAL £'000
<u>Expenditure</u>					
Works	285				285
EXPENDITURE	285				285
<u>Financing</u>					
ATF grant	285				285
FINANCING	285				285

<u>2. REVENUE COSTS</u>	2019/20 £'000				FULL YEAR £'000
<u>Service Controlled - Expenditure</u>					
Employees	)				0
	) To be met from existing budgets				0
Maintenance	)				0
Equipment	)				0
Administration	)				0
NET EXPENDITURE	0	0	0	0	0

APPENDIX C – A48 LINK FINANCIAL SUMMARY

Portfolio: PLACE
Service : HIGHWAYS
Scheme : ATF – A48 LINK

<u>1. CAPITAL COSTS</u>	2019/20 £'000				TOTAL £'000
<u>Expenditure</u>					
Works	700				700
EXPENDITURE	700				700
<u>Financing</u>					
ATF grant	700				700
FINANCING	700				700

<u>2. REVENUE COSTS</u>	2019/20 £'000				FULL YEAR £'000
<u>Service Controlled - Expenditure</u>					
Employees	)				0
	) To be met from existing budgets				0
Maintenance	)				0
Equipment	)				0
Administration	)				0
NET EXPENDITURE	0	0	0	0	0

APPENDIX D – MUMBLES ROAD / MAYALS ROAD JUNCTION FINANCIAL SUMMARY

Portfolio: PLACE
Service : HIGHWAYS
ATF – MUMBLES ROAD / MAYALS ROAD
Scheme : JUNCTION

<u>1. CAPITAL COSTS</u>	2019/20 £'000				TOTAL £'000
<u>Expenditure</u>					
Works	115				115
EXPENDITURE	115				115
<u>Financing</u>					
ATF grant	115				115
FINANCING	115				115

<u>2. REVENUE COSTS</u>	2019/20 £'000				FULL YEAR £'000
<u>Service Controlled - Expenditure</u>					
Employees	)				0
	) To be met from existing budgets				0
Maintenance	)				0
Equipment	)				0
Administration	)				0
NET EXPENDITURE	0	0	0	0	0

APPENDIX E – LOUGHOR BRIDGE FINANCIAL SUMMARY

Portfolio: PLACE
Service : HIGHWAYS
Scheme : ATF – LOUGHOR BRIDGE

<u>1. CAPITAL COSTS</u>	2019/20 £'000				TOTAL £'000
<u>Expenditure</u>					
Works	205				205
EXPENDITURE	205				205
<u>Financing</u>					
ATF grant	205				205
FINANCING	205				205

<u>2. REVENUE COSTS</u>	2019/20 £'000				FULL YEAR £'000
<u>Service Controlled - Expenditure</u>					
Employees	)				0
Maintenance	) To be met from existing budgets				0
Equipment	)				0
Administration	)				0
NET EXPENDITURE	0	0	0	0	0

**APPENDIX F – GORS AVENUE / CARMARTHEN ROAD JUNCTION
FINANCIAL SUMMARY**

Portfolio: PLACE
Service : HIGHWAYS
**Scheme : ATF – GORS AVENUE / CARMARTHEN ROAD
 JUNCTION**

<u>1. CAPITAL COSTS</u>	2019/20 £'000				TOTAL £'000
<u>Expenditure</u>					
Works	250				250
EXPENDITURE	250				250
<u>Financing</u>					
ATF grant	250				250
FINANCING	250				250

<u>2. REVENUE COSTS</u>	2019/20 £'000				FULL YEAR £'000
<u>Service Controlled - Expenditure</u>					
Employees	)				0
	) To be met from existing budgets				0
Maintenance	)				0
Equipment	)				0
Administration	)				0
NET EXPENDITURE	0	0	0	0	0

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

Section 1

Which service area and directorate are you from?

Service Area: Highways & Transportation

Directorate: Place

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 below

To confirm the bid for additional Active Travel Fund (ATF) monies and seek approval for expenditure on the schemes in 2019/20.

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 checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group (18+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<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"/>
Race	<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"/>
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"/>

Q4 HAVE YOU / WILL YOU UNDERTAKE ANY PUBLIC CONSULTATION AND ENGAGEMENT RELATING TO THE INITIATIVE?

YES NO (If NO, you need to consider whether you should be undertaking consultation and engagement – please see the guidance)

If yes, please provide details below

The design and development of the schemes will be subject to public consultation, with particular attention afforded to the disability and access groups to ensure that the needs of those represented by these groups are accounted for and accommodated.

These transport infrastructure projects will all serve to improve public amenity, connectivity and access and will be the subject of consultation as appropriate. Close consultation with local disability and access groups will be undertaken to ensure accessibility for all.

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

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

Yes No

If yes, please provide details below

The scheme will result in additional assets to maintain (by the Highways Maintenance Team)

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 a full EIA report, you must provide adequate explanation below. In relation to the Council’s commitment to the UNCRC, your explanation must demonstrate that the initiative is designed / planned in the best interests of children (0-18 years). For Welsh language, we must maximise positive and minimise adverse effects on the language and its use. Your explanation must also show this where appropriate.

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: Ben George
Job title: Transport Strategy
Date: 13/11/2019
Approval by Head of Service:
Name: Stuart Davies
Position: Head of Service, Highways & Transportation
Date: 13/11/2019

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

Agenda Item 9.



Report of the Chief Legal Officer

Cabinet – 13 December 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
	10	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	<p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. Their view on the public interest test was that whilst they are mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them they were satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
16	<p>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>
	<p>No public interest test.</p>
17	<p>Information which reveals that the authority proposes:</p> <p>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) To make an order or direction under any enactment.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	<p>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

Agenda Item 10.

By virtue of paragraph(s) 13, 14 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

Document is Restricted

By virtue of paragraph(s) 13, 14 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
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