



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Cabinet

At: Remotely via Microsoft Teams

On: Thursday, 18 June 2020

Time: 10.30 am

Chair: Councillor Rob Stewart

Membership:

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

Also Invited: S Pritchard

Watch Online: <http://bitly.ws/8IHw>

Webcasting: Webcasting: This meeting may be filmed for live or subsequent broadcast via the Council's Internet Site. By participating 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 - 14
4. Announcements of the Leader of the Council.	
5. Public Question Time. Questions must be submitted in writing, no later than noon on the working day prior to the meeting. Questions must relate to items on the agenda. Questions will be dealt with in a 10 minute period.	

- 6. Councillors' Question Time.**
Questions must be submitted in writing, no later than noon on the working day prior to the meeting. Questions must relate to items on the agenda.
- 7. Warm Homes Fund (WHF) - Funding Application for First Time Central Heating in Swansea Private Sector Homes. 15 - 20**
- 8. Business Rates – Temporary Rate Relief Scheme (Wales) 2020/21. 21 - 35**
- 9. Local Authority Governor Appointments. 36 - 39**
- 10. Exclusion of the Public. 40 - 43**
- 11. Acquisition of Land South of Fabian Way at Swansea Docks for Proposed SA1 Link Road. 44 - 51**
-

Next Meeting: Thursday, 16 July 2020 at 10.30 am



Huw Evans
Head of Democratic Services
Tuesday, 9 June 2020

Contact: Democratic Services - Tel: (01792) 636923

Agenda Item 3.



City and County of Swansea

Minutes of the **Cabinet**

Council Chamber - Guildhall, Swansea

Thursday, 19 March 2020 at 10.00 am

Present: Councillor R C Stewart (Chair) Presided

Councillor(s)

M C Child
C E Lloyd

Councillor(s)

R Francis-Davies
S Pritchard

Councillor(s)

A S Lewis
A H Stevens

Officer(s)

Huw Evans
Tracey Meredith
Phil Roberts
Ben Smith
Lee Wenham

Head of Democratic Services
Chief Legal Officer / Monitoring Officer
Chief Executive
Chief Finance Officer / Section 151 Officer
Head of Communications & Customer Engagement

Also present

Councillor(s): C R Evans

Apologies for Absence

Councillor(s): D H Hopkins, J A Raynor and M Thomas

163. 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) Councillor R C Stewart declared a Personal & Prejudicial Interest in Minute 170 "Local Authority Governor Appointments" and withdrew from the meeting prior to its consideration;
- 2) Councillors M C Child & R Francis-Davies declared a Personal Interest in Minute 174 "Leisure Partnerships Annual Report 2018/19";
- 3) The Chief Executive, Phil Roberts declared a Personal Interest in Minute 179 "School Improvement - Future Working Arrangements".

164. Minutes.

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

- 1) Special Cabinet held on 20 February 2020;

- 2) Special Cabinet held on 28 February 2020.

165. Announcements of the Leader of the Council.

1) Covid-19

The Leader of Council thanked everyone that have and continue to assist with the arrangements throughout Swansea in relation to the Covid-19 pandemic.

166. Public Question Time.

No questions were asked.

167. Councillors' Question Time.

No questions were asked.

168. Quarter 3 2019/20 Performance Monitoring Report.

The Cabinet Member for Delivery & Performance submitted a report which sought outlined the corporate performance for Quarter 3 2019/2020.

Resolved that:

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

169. Annual Review of Well-being Objectives and Corporate Plan 2020/22.

The Cabinet Member for Delivery & Performance submitted a report which publish a refreshed Corporate Plan containing the Council's Well-Being Objectives for 2020/22 in line with the requirements set out within the Well-being of Future Generations (Wales) Act 2015 and statutory guidance relating to Public Bodies.

Resolved that:

- 1) The Corporate Plan refreshed for 2020/22 be approved.

170. 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)	Glyncollen Primary School	Cllr Rob Stewart
2)	Penyrheol Primary School	Patricia Griffiths
3)	Pontarddulais Primary School	Clive Matthias
4)	Pontlliw Primary School	Melissa Taylor
5)	Whitestone Primary School	Lucy Harding
6)	YGG Gellionnen	Carly Porter

171. Cultural and Digital Hub at Grand Theatre.

The Cabinet Member for Investment, Regeneration & Tourism submitted a report which sought approval to grant a lease to Race Council Cymru and to create a Cultural and digital Hub in the Swansea Grand Theatre Arts Wing for community use.

Resolved that:

- 1) The granting of a management agreement and 5 year lease to Race Council Cymru, with an option to renew for a further 5 years at the Councils discretion be approved;
- 2) Authority be delegated to the Director of Place and Chief Legal Officer in conjunction with the relevant Cabinet Member to negotiate the final Heads of Terms and to enter into any documentation necessary to finalise the transaction.

172. Disabled Facilities & Improvement Grant Programme 2020/2021.

The Cabinet Member for Homes, Energy & Service Transformation submitted a report which provided details of the Disabled Facilities & Improvement Grant Programme and sought approval to include schemes in the 2020/21 Capital Programme. To comply with Financial Procedure Rule 7 (Capital Programming and Appraisals), to commit and authorise schemes as per the Capital Programme.

Resolved that:

- 1) The Disabled Facilities and Improvement Grant Programme as detailed, including its financial implications be approved and included in the 2020/21 capital budget;
- 2) The Private Sector Housing Renewals and Disabled Adaptations Policy be reviewed in 2020/21 to help inform funding requirements for the programme in future years.

173. Building Capital Maintenance Programme 2020/2021.

The Cabinet Member for Economy & Strategy submitted a report which sought to agree the schemes to be funded through the Capital Maintenance programme.

Resolved that:

- 1) The proposed capital maintenance schemes as listed in Appendix A of the report be approved;
- 2) The schemes and their financial implications as identified in Appendix C of the report be authorised for inclusion in the capital programme.

174. Leisure Partnerships Annual Report 18/19.

The Cabinet Member for Investment, Regeneration & Tourism submitted a report which advised of the partnership operations of key facilities within the cultural Services portfolio.

Resolved that:

- 1) The report be noted.

175. FPR7 Capital Allocation to Highway Infrastructure Assets 2020-21.

The Cabinet Member for Environment & Infrastructure Management submitted a report which sought confirmation of the Capital Work Programme for highway Infrastructure assets.

Resolved that:

- 1) The proposed indicative allocations, together with the Financial Implications set out in Appendix A of the report be approved and included in the Capital Programme;
- 2) Authority be delegated to the Head of Service for Highways and Transportation with agreement of the Cabinet Member for Environment and Infrastructure Management to prioritise, finalise and allocate funding to the appropriate schemes in line with the prioritisation approach detailed in the report;
- 3) The 5 year Highway Forward Programme of Works be approved.

176. Members Community Budget – Updated Guidance.

The Cabinet Member for Better Communities submitted a report which provided an update and amended the criteria for delivery of the Community Budget scheme to reflect the ability to apply for an additional Capital allocation.

Resolved that:

- 1) The revised guidance relating to Community Budgets (Revenue & Capital) be approved.

177. Proposed Lease of Coed Gwylim Park to Clydach Community Council under the Community Asset Transfer Policy.

The Cabinet Member for Investment, Regeneration & Tourism submitted a report which sought approval to negotiate and agree Heads of Terms and enter into a lease with Clydach Community Council for Coedgwylim Park, including the immediate management of community use and secondary hires and lettings.

Resolved that:

- 1) Having considered the verbal report outlining the response to the public open space statutory consultation process, the proposed disposal of the land be approved and the financial and operational implications be noted;
- 2) Authority be delegated to the Director of Place to negotiate and settle the terms of the proposed lease (and thereafter any required Deeds of Variation) and authority be delegated to the Chief Legal Officer to finalise the legal documentation;
- 3) The long-term ambitions and phased programme of improvements proposed by Clydach Community Council be agreed in principle;
- 4) The Director of Place be authorised to agree the phased programme subject to gateway and milestone reviews, funding, access, contract and any other required approvals and procedures being satisfied.

178. FPR7 - Integrated Care Fund Capital Approval 2019/2020.

The Cabinet Member for Care, Health & Ageing Well submitted a report which sought approval for the Integrated Care Fund (ICF) capital funding for Swansea Council and to comply with Financial Procedure Rule 7 (Capital Programming and Appraisals) to commit and authorise a scheme to the Capital Programme.

Resolved that:

- 1) The schemes outlined in the report and their financial implications be noted and added to the Council's Capital Programme.

179. School Improvement - Future Working Arrangements.**

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 Economy & Strategy submitted a report which gave notice to leave the Regional School Improvement Service, ERW.

Resolved that:

- 1) A new model for school improvement based on the City Deal footprint be agreed in principle;
- 2) The Authority withdraws from the current consortium arrangement via ERW by 1 April 2021 and serves notice in writing to each of the other Authorities by 31 March 2020;
- 3) Discussions be held with Swansea Bay City Region Partner Councils and the Welsh Government to agree the future collaboration arrangements for school improvement.

180. 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)

181. Management Update and Option Report for Swansea Airport.

The Cabinet Member for Delivery & Performance submitted a report which provided an update on the current estate management activities at Swansea Airport, including the temporary suspension of the Civil Aviation Authority (CAA) operating licence.

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

182. FPR7 - The Welsh Government Targeted Regeneration Investment Programme 2018-21 Update.

The Cabinet Member for Investment, Regeneration & Tourism submitted a report which sought to comply with Financial Procedure Rule 7 (Capital Programming & Appraisals) to commit and authorise the addition of new schemes to the Capital Programme.

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

183. Economic Stimulus Capital Fund.

The Cabinet Member for Economy & Strategy submitted a report which sought to comply with Financial Procedure Rule 7 (Capital Programming & Appraisals) to commit and authorise the inclusion of the Economic Stimulus Capital Fund.

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

184. FPR7 - The Acquisition of the The Lamb, 105 High Street, Swansea.

The Cabinet Members for Homes, Energy & Service Transformation, Resilience & Strategic Collaboration and Investment, Regeneration & Tourism jointly submitted a report which sought to comply with Financial Procedure Rule 7 (Capital Programming & Appraisals) to commit and authorise the addition of new schemes to the Capital Programme.

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

The meeting ended at 10.17 am

Chair

Call In Procedure – Relevant Dates	
Minutes Published:	19 March 2020
Call In Period Expires (3 Clear Working Days after Publication):	23.59 on 24 March 2020
Decision Comes into force:	25 March 2020



City and County of Swansea

Minutes of the **Cabinet**

Remotely via Microsoft Teams

Monday, 27 April 2020 at 10.30 am

Present: Councillor R C Stewart (Chair) Presided

Councillor(s)

M C Child
A S Lewis
M Thomas

Councillor(s)

R Francis-Davies
C E Lloyd
A H Stevens

Councillor(s)

D H Hopkins
J A Raynor

Officer(s)

Martin Nicholls
Tracey Meredith
Huw Evans
Ben Smith
Phil Roberts

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

Also present

Councillor(s): E J King, A Pugh

Apologies for Absence

Councillor(s): S Pritchard

185. 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.

186. Announcements of the Leader of the Council.

The Leader of Council and Chief Executive gave thanks to the work of those involved with the building of the hospital. They also paid tribute and thanked Officers and Volunteers providing frontline services to the community.

187. Public Question Time.

No questions were asked.

188. Councillors' Question Time.

No questions were asked.

189. 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 19.1c and FPR7 - Authorisation for Alteration and Conversion of Bay Studios, Fabian Way, Swansea into a 1000 Bed Surge Hospital on Behalf of the Swansea Bay University Health Board." Report should be considered at this meeting as a matter of urgency.

Reason for Urgency:

Covid-19 emergency build of hospital for handover to Swansea Bay University Health Board week commencing 27 April 2020.

190. Pre Decision Scrutiny Feedback - Financial Procedure Rule 19.1c and FPR7 - Authorisation for Alteration and Conversion of Bay Studios, Fabian Way, Swansea into an 1000 Bed Surge Hospital on Behalf of the Swansea Bay University Health Board.

Councillor Mary H Jones submitted a letter containing the Pre-decision Scrutiny Feedback.

Resolved that:

- 1) The Pre-decision Scrutiny Feedback be noted.

191. Financial Procedure Rule 19.1c and FPR7 - Authorisation for Alteration and Conversion of Bay Studios, Fabian Way, Swansea into a 1000 Bed Surge Hospital on Behalf of the Swansea Bay University Health Board.

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 Leader and Cabinet Member for Economy and Strategy submitted a report which sought to enable the delivery on behalf of the Swansea Bay University Health Board of the conversion of Elba Building, Bay Studios, Fabian Way, Swansea into a 1,000 bed surge hospital and to approve the project in line with Financial Procedure Rules (FPR) 7 and 19.1c.

Resolved that:

- 1) The project led by the Council on behalf of Swansea Bay University Health Board to convert the Elba Building, Bay Studios into a surge hospital together with the associated financial implications be approved and added to the capital programme (to comply with FPR7 – addition to capital programme);
- 2) Authority be delegated to the Director of Place in conjunction with the Leader of the Council, Chief Finance Officer and Chief Legal Officer to approve the final project cost and to enter into any agreements necessary (based on the draft collaboration agreement included in Appendix A of the report) to ensure the delivery of the project and to protect the Council's interests;

- 3) The Director of Place and Chief Finance Officer be authorised to recover all expenditure associated with the delivery of the project from Swansea Bay University Health Board in the first instance and if necessary from Welsh Government.

The meeting ended at 11.04 am

Chair

Call In Procedure – Relevant Dates	
Minutes Published:	27 April 2020
Call In Period Expires (3 Clear Working Days after Publication):	-
Decision Comes into force:	27 April 2020



City and County of Swansea

Minutes of the **Cabinet**

Remotely via Microsoft Teams

Thursday, 7 May 2020 at 10.30 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
M Thomas

Councillor(s)

D H Hopkins
S Pritchard

Officer(s)

Huw Evans
Allison Lowe
Tracey Meredith
Phil Roberts
Ben Smith

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

Also present

Councillor(s): A Pugh

Apologies for Absence

Councillor(s): A H Stevens

192. 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:

Councillor M C Child declared a Personal Interest in Minute 198 "Funding for Emergency or Temporary Supported Housing Scheme for Homeless Vulnerable People during the Covid-19 Crisis - Tŷ Tom Jones".

193. Announcements of the Leader of the Council.

1) Hospital at Bay Studios, Fabian Way

The Leader of Council stated that the Hospital at the Bay Studios would be formally handed over to the Swansea Bay University Health Board later that day. He thanked everyone involved with the building of the hospital.

2) Clap for Carers & Frontline Workers

The Leader of Council paid tribute to Carers and Frontline Workers and asked that people paid tribute to them by giving them a clap at 8.00pm later that day. He also stated that the Guildhall would be lit up in blue in support.

194. Public Question Time.

No questions were asked.

195. Councillors' Question Time.

No questions were asked.

196. Swansea Bay City Deal - Homes as Power Stations Project Business Case Submission.

The Leader of the Council submitted a report which sought approval of the Swansea Bay City Deal 'Homes as Power Stations' business case and subject to the approval of the Swansea Bay City Region Joint Committee, authorise its formal submission to the Portfolio Management Office in accordance with the City Deal Implementation Plan.

Resolved that:

- 1) The Homes as Power Stations business case at Appendix 1 of the report be approved and subject to the approval of the Swansea Bay City Region Joint Committee authorise its formal submission to the Portfolio Management Office in accordance with the City Deal Implementation Plan to secure City Deal funding approval;
- 2) Delegated authority be granted to the Leader of the Council and the Chief Executive to approve any amendments to the business case following any comments made by UK / Welsh Governments or as may be required by the Swansea Bay City Region Joint Committee;
- 3) Delegated authority be granted to the Director of Place in consultation with the Chief Finance Officer (Section 151 Officer), Leader of the Council and relevant Cabinet Member to enter into any grant agreements or associated documentation that might be necessary to draw down funding from the UK / Welsh Government of the Accountable Body of the Swansea Bay City Deal.

197. Second Stage (Construction) FPR7 Contract Award and associated Capital Programme Authorisation for the Remodelling and Refurbishment Project at Bishopston Comprehensive School.

The Education Improvement, Learning and Skills Cabinet Member submitted a report which sought to:

- i) To approve and commit to the Capital Programme, in accordance with Financial Procedure Rules, the project with revised costs for the remodelling and refurbishment of Bishopston Comprehensive School subject to confirmation of grant and contract with Welsh Government;
- ii) Obtain authorisation to award the second stage contract to Kier Western Ltd, subject to confirmation of grant and contract with Welsh Government;
- iii) Obtain authorisation to commit a total of £13,808,024.29 to the capital programme to fund the construction phase costs.

Resolved that:

- 1) The second stage contract for the remodelling and refurbishment at Bishopston Comprehensive School be awarded to Kier Western Ltd, subject to confirmation of grant and contract with Welsh Government;
- 2) The capital scheme as detailed in the report together with the financial implications be approved in line with Financial Procedure Rule 7, subject to confirmation of the grant and contract with Welsh Government.

198. Funding for Emergency or Temporary Supported Housing Scheme for Homeless Vulnerable People during the Covid-19 Crisis - Ty Tom Jones.

The Homes, Energy and Service Transformation Cabinet Member submitted a report which outlined a project that was in direct response to the current Covid-19 situation. The project had been commissioned to bring Tŷ Tom Jones (also known as The Foyer) in Alexandra Road, Swansea, back into use to accommodate up to 20 single people.

Resolved that:

- 1) The project set out in paragraph 2.2 of the report be approved;
- 2) Delegated authority be given to the Director of Place, Chief Legal Officer and Chief Finance Officer to enter into any agreements necessary to ensure the delivery of the project and to protect the Council's interests;
- 3) Delegated authority be given to the Director of Place and the Chief Finance Officer to recover all expenditure associated with the delivery of the project from Welsh Government;

- 4) The project be reviewed in six months when there is a clearer picture of the impact of Covid-19 and necessary ongoing requirements.

The meeting ended at 11.01 am

Chair

Call In Procedure – Relevant Dates	
Minutes Published:	7 May 2020
Call In Period Expires (3 Clear Working Days after Publication):	23.59 on 13 May 2020
Decision Comes into force:	14 May 2020

Agenda Item 7.



Report of the Cabinet Member for Homes, Energy and Service Transformation

Cabinet - 18 June 2020

Warm Homes Fund (WHF) Funding Application for First Time Central Heating in Swansea Private Sector Homes

Purpose:	<p>To comply with Financial Procedure Rule No.7 (Capital Programming and Appraisals) - to commit and authorise the addition of new schemes to the Capital Programme.</p> <p>The Warm Homes Fund will be used to install appropriate first time gas heating to multiple properties that have been identified across Swansea that are within the Lower Super Output Areas (LSOA) areas for residents who are at risk of being or who are in fuel poverty and have electrical or solid fuel heating.</p>
Policy Framework:	Local Housing Strategy
Consultation:	Access to Services, Finance, Legal.
Recommendations:	It is recommended that:
1)	Approval is given to accept a funding offer for qualifying homes from the Warm Homes Fund for first time central heating for 2020 & 2021 and this scheme is added to the capital programme.
2)	Delegated authority is given to the Director of Place, the Chief Legal Officer, the Chief Finance Officer and the Cabinet Member for Homes, Energy and Service Transformation to approve the required funding and contractual documentation.
Report Author:	Patrick Holcroft
Finance Officer:	Ben Smith
Legal Officer:	Pamela Milford
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 National Grid and Community Interest Company, Affordable Warmth Solution (AWS) have established a £150m Warm Homes Fund (WHF) designed to support local authorities, registered social landlords and other organisations working in partnership with them, to address some of the issues affecting fuel poor households which links to Council commitment of tackling poverty. This round of the scheme will operate over 2020 and 2021.
- 1.2 Due to the current Covid-19 situation and the timescales to accept the funding this report is seeking retrospective approval.

2. Proposed Works

- 2.1 To install appropriate first time gas heating to multiple private sector properties that have been identified across Swansea that are within the LSOA areas for residents who are at risk of being or who are in fuel poverty and have electrical or solid fuel heating.

3. Objectives of Scheme

- 3.1 In 2014 the UK Government introduced a statutory target to ensure fuel poor homes in England achieve a minimum energy efficiency rating of Band C by 31 December 2030, with targets in Scotland and Wales also set by the Scottish Parliament and Welsh Assembly respectively. National Energy Action NEA's Annual Fuel Poverty Monitor reports that without additional investment and ambition the Government's target of reaching the desired EPC rating may not be realised.

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.
- 4.2 Our Equality Impact Assessment process ensures that we have paid due regard to the above.
- 4.3 An Equality Impact Assessment (EIA) screening tool confirms that a full EIA is not required at this stage. The WHF is a £150million fund administered by AWS across England, Wales and Scotland, to incentivise the installation of affordable heating solutions in fuel poor households who do not use mains gas as their primary heating fuel. It is

envisaged that the fund will be used to supplement local strategic plans and other funds available. The service will be available to eligible households regardless of whether they have a protected characteristic or not. The partner organisations will be made aware of the Council's Public Sector Equality Duty, and the work will be monitored by the Council

5. Financial Implications

- 5.1 One of Swansea Council's procured energy partners, City Energy will undertake the work. There is no cost to the Council, the funding will be drawn down from the WHF by Swansea Council. When evidence of the completed work has been submitted and audit checks carried out funding will be released to City Energy. Funding draw down and payments will be made on a monthly or quarterly basis dependant on demand.
- 5.2 The total cost of the scheme amounts to £470,000 with an additional £380,000 being brought in via Energy Company Obligation ECO funding, The ECO element is not coming through the Council but via the Utility Company through City Energy. Details are set out in the table in Appendix A, including start and completion dates.

6. Legal Implications

- 6.1 The Council will enter into a contract City Energy. This agreement will mirror the WHF grant agreement with Swansea Council to ensure that delivery and compliance risks and liabilities are passed on to the contractor. The planned commencement of the work has been delayed as a result of the Covid-19 situation. However, WHF have confirmed that they will re-distribute any unspent allocation. A sample check of applications, supporting paper work and installations will be carried out by the Council or a third party which will be paid for out of the scheme.

Background Papers:

NGA2

Appendices:

Appendix A – Financial Implications

Appendix B – EIA Screening Tool

FINANCIAL IMPLICATIONS : SUMMARY

Portfolio: Homes, Energy and Service Transformation
Service : Housing & Public Protection
Scheme : Warm Homes Fund

1. CAPITAL COSTS	2020/21	2021/22	2022/23	2023/24	TOTAL
	£'000	£'000	£'000	£'000	£'000
<u>Expenditure</u>					
Scheme details e.g. fees, planning, build etc					0
					0
					0
					0
EXPENDITURE			0	0	0
<u>Financing</u>					
CCS match e.g. unsupported Contributions					0
Grants e.g. WG, lottery	188,000	282,000			470000
					0
FINANCING	188,000	282,000	0	0	470000

2. REVENUE COSTS	2020/21	2021/22	2022/23	2023/24	FULL YEAR
	£'000	£'000	£'000	£'000	£'000
<u>Service Controlled - Expenditure</u>					
Employees					0
Maintenance					0
Equipment					0
Administration					0
NET EXPENDITURE	0	0	0	0	0

Equality Impact Assessment Screening Form – Appendix B

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: Housing & Public Protection

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b) Please name and describe here:

Funding to install appropriate first time gas heating to multiple properties that have been identified across Swansea that are within the Lower Super Output Areas (LSOA) areas for residents who are at risk of being or who are in fuel poverty and have electrical or solid fuel heating

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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older people (50+) →	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group →	<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"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 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

Our Energy partner 'City Energy' will utilise government data such as Welsh Index of Multiple Deprivation (WIMD) to select to target areas where people are likely to

Equality Impact Assessment Screening Form – Appendix B

be in fuel poverty and approach them in various ways via advertising mail shots and canvasing.

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

High visibility <input type="checkbox"/> (H)	Medium visibility <input checked="" 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 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

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.

The WHF is a £150million fund administered by AWS across England, Wales and Scotland, to incentivise the installation of affordable heating solutions in fuel poor households who do not use mains gas as their primary heating fuel. It is envisaged that the fund will be used to supplement local strategic plans and other funds available. The service will be available to eligible households regardless of whether they have a protected characteristic or not. The partner organisations will be made aware of the Council's Public Sector Equality Duty, and the work will be monitored by the Council.

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: Patrick Holcroft
Job title: Energy Co-ordinator
Date: 14 th April 2020
Approval by Head of Service:
Name: Mark Wade
Position: Head of Housing and Public Health
Date:

Agenda Item 8.



Report of the Chief Finance Officer (Section 151 Officer)

Cabinet - 18 June 2020

Business Rates – Temporary Rate Relief Scheme (Wales) 2020/2021

Purpose:	To provide information and to consider the adoption of a new temporary Retail, Leisure and Hospitality Rates Relief Scheme relating to Business Rates, which has been introduced by Welsh Government for the financial year 2020/21. This supplements the previously announced High Street and Retail Rates Relief Scheme.
Policy Framework:	None
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The details of the scheme in this report are noted; 2) The rate relief scheme and the application process outlined in this report are adopted for 2020/21.
Report Author:	Julian Morgans
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Catherine Window

1. Introduction

- 1.1 In April 2017, the Welsh Government introduced a temporary High Street Rate Relief Scheme (HSRRS) to reduce Business Rates (BR) in certain circumstances. This scheme was amended and extended in 2018/19, 2019/20 and for 2020/21. However, due to the impact of the Covid 19 pandemic, Welsh Government determined to supplement that scheme with a more generous Retail, Leisure and Hospitality Rates Relief Scheme (RLHRRS) to further support businesses impacted by the pandemic.

- 1.2 Rate relief under the scheme is available for the financial year 2020/21. Welsh Government will reimburse each local authority in Wales for expenditure incurred, up to a defined limit, for the purpose of providing rates relief under this scheme in line with the guidance issued. This will be done via a grant under section 31 of the Local Government Act 2003 and Section 58A of the Government of Wales Act 2006. The funding is subject to local authorities formally accepting the grant offer.
- 1.3 It is a condition of the grant that the relief under this scheme is provided by way of discretionary rate relief under Section 47 of the Local Government finance Act 1988. The qualifying criteria for the RLHRRS have been set by Welsh Government and there are no powers to vary. The local discretionary rate relief policy currently used to grant relief to charities and other organisations does not require amendment.

2. The Retail, Leisure and Hospitality Rates Relief Scheme

- 2.1 This relief is aimed at businesses in Wales in occupation of premises in the retail, leisure and hospitality sectors, for example shops, pubs and restaurants, gyms, performance venues and hotels.
- 2.2 Welsh Government has not specifically defined what it considers a 'retail, leisure or hospitality' premises and believes each local authority is best placed to judge which businesses should qualify in its area. However, it has provided examples and guidance as to the types of uses that it considers to be a retail, leisure or hospitality business (see Appendix 1 to this report) for this purpose. The guidance does not replace any existing non-domestic rates legislation or any other relief. RLHRR is to be applied to the net charge after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied.
- 2.3 The examples provided are not intended to be an exhaustive list as it would be impossible to list all the many and varied retail, leisure and hospitality uses that exist. There will also be mixed uses of business premises. However, they are intended to be a guide for local authorities as to the types of uses that the Welsh Government considers eligible for this relief. Local authorities are advised that they should determine for themselves whether particular properties not listed are broadly similar in nature to the examples provided and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those given as examples should not be eligible for the relief.
- 2.4 Relief should be granted to each eligible business as a reduction to its rates bill based on occupation between 1 April 2020 and 31 March 2021. It is recognised that there may be some instances where a local authority is retrospectively notified of a change of occupier. In such cases, if it is clear that the ratepayer was in occupation on or after the 1 April 2020, the local authority may use its discretion in awarding relief.

- 2.5 The scheme aims to provide support for businesses by offering a discount of 100% on the non-domestic rates bill due for eligible premises for the period 1 April 2020 to 31 March 2021. The scheme will apply to all eligible premises with a rateable value of £500,000 or less.
- 2.6 Empty properties becoming occupied after 1 April 2020 will also qualify for this relief. Also, if there is a change in occupier part way through the financial year, after relief has already been provided to the previous occupant of the property, the new occupier will qualify for the relief on a pro-rata basis based on the remaining days of occupation to the end of the financial year.
- 2.7 It is expected that retailers with a rateable value of £6,000 and below will receive full Small Business Rate Relief (SBRR). However it is left to the discretion of authorities to determine if there are properties not in receipt of SBRR that should be eligible for this relief.
- 2.8 The Authority has estimated that provisional funding of up to £35.1M will be required from Welsh Government to fund this relief and the necessary return has been submitted to advise of this. Welsh Government will make an initial payment followed by a top-up payment at the end of 2020/21 if necessary and has confirmed that the award of this relief is not subject to state aid limits.
- 2.9 To qualify for the relief, the hereditament should be wholly or mainly used for the qualifying purposes. In a similar way to other reliefs, this is a test on use rather than occupation. Therefore, hereditaments which are occupied, but not wholly or mainly used for the qualifying purpose will not qualify for the relief. For the avoidance of doubt, hereditaments which closed temporarily due to the government's advice on Covid-19 should be treated as occupied for the purposes of this relief.
- 2.10 Any properties with a rateable value over £500,000 will not be eligible for this relief.
- 2.11 Welsh Government has set out the types of uses that it does **not** consider to be retail, leisure or hospitality use for the purpose of this relief and which would **not** be deemed eligible for the relief. However, it will again be for local authorities to determine if properties are similar in nature to those listed and if they would also not be eligible for relief under the scheme.
- (i) Properties used for the provision of financial, medical or professional services, post office sorting offices, children's play centres, day nurseries, kennels and catteries, casino and gambling clubs, show homes and marketing suites and employment agencies.
 - (ii) Properties that are not reasonably accessible to visiting members of the public even if there is ancillary use of the property that might be considered to fall within the scheme.

- (iii) Properties that are owned, rented or managed by a local authority
- (iv) Unoccupied properties.

2.12 This relief can be provided in addition to Small Business Rates Relief, Transitional Relief and High Street and Retail Rates Relief. Retail, Leisure and Hospitality rates Relief should be applied against the net bill after those other reliefs have been applied. Any requests that hardship or discretionary relief be awarded by the local authority should be considered once all other rates reliefs have been awarded.

3. Administration and Application of the Scheme

3.1 Similar to other reliefs Welsh Government has again advised local authorities (LAs) that in order to maximise take-up and reduce the administrative burden for ratepayers and LA Revenues Services, LAs are able to determine the application process. Across Wales, a number of different award processes have historically been applied to such reliefs. Some authorities make automatic awards where they are satisfied the necessary criteria have been complied with. Others require all potential beneficiaries of the relief to formally apply in writing and the remainder follow an approach that is a combination of the two.

3.2 Swansea has previously successfully followed a combination award process in such circumstances as the most practical and beneficial option and it is recommended that the same process be followed for this scheme in 2020/21, using the following criteria:

- (i) RLHRR is applied without the need for a formal application where it is possible for the authority to identify, to its satisfaction, an eligible business premises.
- (ii) Where it is not possible for the authority to satisfy itself that a business premises complies with the necessary criteria, the ratepayer will be issued with a formal application to complete and return.

3.3 Welsh Government has confirmed that the Retail, Leisure and Hospitality Rates Relief Scheme 2020/21 is not state aid.

4. Implementation of the Scheme

4.1 Welsh Government has provided the following to authorities:

- Guidance for the RLHRRS
- A certificate of acceptance form to confirm the estimated number of properties that will benefit from the scheme and the estimated cost.

4.2 The most recent estimates suggest approximately 2,000 business properties will be eligible and will have relief applied to their accounts if the scheme is adopted. This will involve significant extra workload for the

Business Rates team although using a combination award process will assist with this additional burden.

5. Financial Implications

5.1 The Authority has estimated that provisional funding of up to £35.1M will be required from Welsh Government to fund this relief and the necessary certificate has been submitted to advise of this and the estimated number of eligible properties. Welsh Government will specify the amount of funding available for the scheme once the certificate of acceptance that has been submitted has been considered. Any award made in excess of the funding may have to be met by the Authority.

5.2 There is a small risk that the funding that has been requested from Welsh Government, based on the estimate, could be insufficient as the estimate was provided based on descriptions of properties contained in the Valuation List, which is maintained by the Valuation Office Agency and there may be instances where the description is not wholly accurate. It is not certain, but is likely, that any amount of relief applied in excess of the initial funding requested would be re-imbursed. This is because Welsh Government has recognised the funding request is only an estimate of the likely cost of the scheme. Whilst there is thus some risk of an element of non-reimbursement to the authority if the actual eligibility experience differs from the estimate, it is felt on balance that it is worth that residual risk to enable local businesses to benefit from the scale of overall relief offered.

5.3 In previous years Welsh Government have provided a grant to the authority to support the administration and marketing costs of the relief. No details of whether such a grant will again be provided this year have been received as of the date this report was written. However, given the level of financial benefits to the businesses in the Swansea area, it is considered that this should not prevent the authority adopting the scheme.

6. Legal Implications

6.1 There are no further legal implications to those set out in the report.

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.

- 7.2 Our Equality Impact Assessment process ensures that we have paid to regard to the above.
- 7.3 An EIA screening has been completed with the agreed outcome that a full EIA report is not required, as the qualifying criteria for the RLHRRS has been set by Welsh Government and there is no power to vary. Relief will be awarded to all eligible ratepayers as per the criteria set out in this report

Background Papers:

EIA Screening Form

Appendices:

Appendix 1 - Non-Domestic Rates Retail, Leisure and Hospitality Rates Relief in Wales – 2020/21 - Guidance



Llywodraeth Cymru
Welsh Government

Non-Domestic Rates

Retail, Leisure and Hospitality Rates Relief in Wales – 2020-21

Guidance

Contents

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How will the scheme be administered?	2
Which properties will benefit from relief?.....	2
How much relief will be available?	5
Changes to existing hereditaments, including change in occupier.....	6
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Non-Domestic Rates – Retail, Leisure and Hospitality Rates Relief

Guidance

About this guidance

1. This guidance is intended to support county and county borough councils (“local authorities”) in administering the Retail, Leisure and Hospitality Rates Relief scheme (“the relief”). On 18 March, the Minister for Finance and Trefnydd announced the expansion of the relief on a temporary basis for 2020-21. This guidance applies to Wales only.
2. This guidance sets out the criteria which the Welsh Government will use to determine the funding for local authorities for relief provided to retail, leisure and hospitality properties. The guidance does not replace any existing non-domestic rates legislation or any other relief.
3. Enquiries about the scheme should be sent to:
localtaxationpolicy@gov.wales
4. The relief is being offered from 1 April 2020 and will be available until 31 March 2021.

Introduction

5. This relief is aimed at businesses in Wales in the retail, leisure and hospitality sectors, for example shops, pubs and restaurants, gyms, performance venues and hotels.
6. The Welsh Government will provide grant funding to the 22 local authorities in Wales to provide the Retail, Leisure and Hospitality Rates Relief scheme to eligible ratepayers for 2020-21. The scheme aims to provide support for eligible occupied properties by offering a discount of 100% on the non-domestic rates bill for a property, to all eligible premises. The scheme will apply to all eligible ratepayers with a rateable value of £500,000 or less.
7. This document provides guidance on the operation and delivery of the scheme.

Section 1

Retail, Leisure and Hospitality Rates Relief

How will the relief be provided?

8. As this is a temporary measure, we are providing the relief by reimbursing local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988. It will be for individual local authorities to adopt a scheme and decide in each individual case when to grant relief under section 47. The Welsh Government will reimburse local authorities for the relief that is provided in line with this guidance via a grant under section 31 of the Local Government Act 2003 and 58A of the Government of Wales Act 2006.

How will the scheme be administered?

9. It will be for local authorities to determine how they wish to administer the scheme to maximise take-up and minimise the administrative burden for ratepayers and for local authority staff.
10. Local authorities are responsible for providing ratepayers with clear and accessible information on the details and administration of the scheme. If, for any reason, an authority is unable to provide this relief to eligible ratepayers from 1 April 2020, consideration should be given to notifying eligible ratepayers that they qualify for the relief and that their bills will be recalculated.

Which properties will benefit from relief?

11. Properties that will benefit from this relief will be occupied retail, leisure and hospitality properties – such as shops, pubs and restaurants, gyms, performance venues and hotels across Wales. More detailed eligibility criteria and exceptions to the relief are set out in paragraphs 13 to 20.
12. Relief should be granted to each eligible business as a reduction to its rates bill based on occupation between 1 April 2020 and 31 March 2021. It is recognised that there may be some instances where a local authority is retrospectively notified of a change of occupier. In such cases, if it is clear that the ratepayer was in occupation on or after the 1 April 2020, the local authority may use its discretion in awarding relief.
13. It is intended that, for the purposes of this scheme, retail properties such as, “shops, restaurants, cafes and drinking establishments” will mean the following (subject to the other criteria in this guidance).
 - i. **Hereditaments that are being used for the sale of goods to visiting members of the public**
 - Shops (such as florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off-licences, newsagents, hardware stores, supermarkets, etc)
 - Charity shops

- Opticians
- Pharmacies
- Post offices
- Furnishing shops or display rooms (such as carpet shops, double glazing, garage doors)
- Car or caravan showrooms
- Second hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale or hire)

ii. Hereditaments that are being used for the provision of the following services to visiting members of the public

- Hair and beauty services
- Shoe repairs or key cutting
- Travel agents
- Ticket offices, eg. for theatre
- Dry cleaners
- Launderettes
- PC, TV or domestic appliance repair
- Funeral directors
- Photo processing
- DVD or video rentals
- Tool hire
- Car hire
- Cinemas
- Estate and letting agents

iii. Hereditaments that are being used for the sale of food and / or drink to visiting members of the public

- Restaurants
- Drive-through or drive-in restaurants
- Takeaways
- Sandwich shops
- Cafés
- Coffee shops
- Pubs
- Bars or Wine Bars

14. We consider assembly and leisure to mean:

i. Hereditaments that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities) and for the assembly of visiting members of the public.

- Sports grounds and clubs,
- Sport and leisure facilities,
- Gyms

- Tourist attractions,
- Museums and art galleries,
- Stately homes and historic houses,
- Theatres,
- Live Music Venues
- Cinemas
- Nightclubs,

ii. Hereditaments that are being used for the assembly of visiting members of the public.

- Public halls,
- Clubhouses, clubs and institutions

15. We consider hotels, guest & boarding premises and self-catering accommodation to mean:

i. Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:

- Hotels, Guest and Boarding Houses,
- Holiday homes,
- Caravan parks and sites

Other considerations

16. To qualify for the relief, the hereditament should be wholly or mainly used for the qualifying purposes. In a similar way to other reliefs, this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief. For the avoidance of doubt, hereditaments which closed temporarily due to the government's advice on Covid-19 should be treated as occupied for the purposes of this relief.

17. The above list is not intended to be exhaustive as it would be impossible to list all the many and varied retail, leisure and hospitality uses that exist. There will also be mixed uses. However, it is intended to be a guide for local authorities as to the types of uses that the Welsh Government considers for this purpose to be eligible for relief. Local authorities should determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.

18. As the grant of the relief is discretionary, local authorities may choose not to grant the relief if they consider that appropriate, for example where granting the relief would go against the local authority's wider objectives for the local area.

Types of hereditaments that are not considered to be eligible for Retail, Leisure and Hospitality Rates Relief

19. Any hereditament with a rateable value over £500,000.

20. The following list sets out the types of uses that the Welsh Government does not consider to be retail, leisure or hospitality use for the purpose of this relief and which would not be deemed eligible for the relief. However, it will be for local authorities to determine if hereditaments are similar in nature to those listed and if they would not be eligible for relief under the scheme.

i. Hereditaments that are being used wholly or mainly for the provision of the following services to visiting members of the public

- Financial services (eg. banks, building societies, cash points, ATMs, bureaux de change, payday lenders, betting shops, pawn brokers),
- Medical services (eg. vets, dentists, doctors, osteopaths, chiropractors),
- Professional services (eg. solicitors, accountants, insurance agents, financial advisers, tutors),
- Post Office sorting offices
- Children's play centres
- Day nurseries
- Kennels and catteries
- Casino and gambling clubs
- Show homes and marketing suites
- Employment agencies

There are a number of further types of hereditament which the Welsh Government believes should not be eligible for the relief.

ii. Hereditaments that are not reasonably accessible to visiting members of the public

If a hereditament is not usually reasonably accessible to visiting members of the public, it will be ineligible for relief under the scheme even if there is ancillary use of the hereditament that might be considered to fall within the descriptions in paragraphs 13 to 15.

iii. Hereditaments that are not occupied

Properties that are not occupied on 1 April 2020 should be excluded from this relief. However, under the mandatory Empty Property Relief, empty properties will receive a 100% reduction in rates for the first three months (and in certain cases six) of being empty.

iv. Hereditaments that are owned, rented or managed by a local authority

Hereditaments owned, rented or managed by a local authority, such as visitor centres, tourist information shops and council-run coffee shops or gift shops attached to historic buildings, are exempt from this scheme.

How much relief will be available?

21. The total amount of government funded relief available for each property under this scheme for 2020-21 is 100% of the remaining bill, after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where local authorities have used their wider discretionary relief

powers introduced by the Localism Act 2011 which are not funded by section 31 grants¹. Retail, Leisure and Hospitality Rates Relief should be applied against the net bill after other reliefs have been applied.

22. The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a particular hereditament in the financial year.

Amount of relief to be granted = V , where

V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any other discretionary reliefs, excluding those where local authorities have used their discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.

23. This should be calculated ignoring any prior-year adjustments in liabilities which fall to be liable on the day.
24. Ratepayers who occupy more than one property will be entitled to Retail, Leisure and Hospitality Rates Relief for each of their eligible properties.
25. Retail, leisure and hospitality properties which are excluded from Small Business Rates Relief due to the multiple occupation rule are eligible for this relief scheme.

Changes to existing hereditaments, including change in occupier

26. Empty properties becoming occupied after 1 April 2020 will qualify for this relief.
27. If there is a change in occupier part way through the financial year, after relief has already been provided to the hereditament, the new occupier will qualify for the relief on a pro-rata basis based on the remaining days of occupation using the formula in paragraph 22 of this guidance.
28. The discount should be applied on a day-to-day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the discount on that day.

State Aid

29. Whilst the UK left the EU on 31 January 2020, the Withdrawal Agreement negotiated by the UK Government and the EU provides that during a transition period State Aid rules will continue to apply as now and will be subject to control by the EU Commission as at present.
30. The UK Government has notified the EU of its intention to bring forward an immediate change to the UK's tax treatment of non-domestic property, in response to the ongoing Covid-19 emergency, and to seek clearance under Article 107(3)(b) of the Treaty on the Functioning of the European Union. Subject

¹ As required in the NDR3 guidance notes, the former categories of discretionary relief prior to the Localism Act 2011 (ie. charitable/CASC top-up) should be applied first in the sequence of discretionary reliefs and, therefore, before the retail, leisure and hospitality rates relief.

to this approval, the Expanded Retail Discount Scheme will become a notified state aid scheme. Once the notification has been approved by the European Commission, it will supersede the de minimis regulation as the appropriate cover for awarding the discount, meaning existing de Minimis limits will no longer restrict the provision of support.

Agenda Item 9.



Report of the Local Authority Governor Appointment Group

Cabinet – 18 June 2020

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:	Catherine Window

1. The nominations referred for approval

1.1 The nominations are recommended for approval as follows:

1. Bishopston Primary	Mrs Lyn Ellis
2. Christchurch Primary	Dr Janet Goodall
3. Craigfelen primary	Mr Richard Bevan
4. Glais Primary	Mrs Jill John

5. Glyncollen primary	Mrs Carole Wright
6. Grange Primary	Mrs Katy Elizabeth Lewis
7. Llanrhidian Primary	Prof Ruth Costigan
8. Pontybrenin Primary	Mrs Caroline Hodson
9. Portmead Primary	Mr Wynne Griffiths
10. Sketty Primary	Mrs Sharon Jones
11. YGG Gellionen	Mrs Rebecca Williams
12. YGG Lon Las	Mrs Susan Rodway
13. YGG Login Fach	Mr Stephen Watkins

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.

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

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

Background papers: None

Appendices: Appendix 1 - Equality Impact Assessment Form

Equality Impact Assessment Screening Form – Appendix 1

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 1

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 10.



Report of the Chief Legal Officer

Cabinet – 18 June 2020

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
	11	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> <p>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</p> <p>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis 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 11.

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

Document is Restricted

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