



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Y Cabinet

Lleoliad: O bell drwy Microsoft Teams

Dyddiad: Dydd Iau, 17 Mehefin 2021

Amser: 10.00 am

Cadeirydd: Cynghorydd Rob Stewart

Aelodaeth:

Cynghorwyr: M Durke, R Francis-Davies, D H Hopkins, E J King, A S Lewis, A Pugh, R V Smith, A H Stevens a/ac M Thomas

Hefyd gwahoddwyd: L S Gibbard

Gwyllo ar-lein: <https://bit.ly/3uHFGFZ>

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

Mae croeso i chi siarad Cymraeg yn y cyfarfod.

Dywedwch wrthym erbyn canol dydd, ddeuddydd cyn y cyfarfod.

Agenda

Rhif y Dudalen.

- 1. Ymddiheuriadau am absenoldeb.**
- 2. Datgeliadau o fuddiannau personol a rhagfarnol.**
www.abertawe.gov.uk/DatgeluCysylltiadau
- 3. Cofnodion.** **1 - 7**
Cymeradwyo a llofnodi, fel cofnod cywir, gofnodion y cyfarfod blaenorol.
- 4. Cyhoeddiadau Arweinydd y Cyngor.**
- 5. Cwestiynau gan y cyhoedd.**
Rhaid cyflwyno cwestiynau'n ysgrifenedig, cyn hanner dydd ar y diwrnod gwaith cyn y cyfarfod fan bellaf. Rhaid i gwestiynau ymwneud ag eitemau ar yr agenda. Ymdrinnir â chwestiynau o fewn cyfnod 10 munud.

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Cyfarfod Nesaf: Dydd Iau, 15 Gorffennaf 2021 ar 10.00 am

Huw Evans

Huw Evans
Pennaeth Gwasanaethau Democraidd
Dydd Mawrth, 8 Mehefin 2021

Cyswllt: Gwasanaethau Democraidd - Ffon: (01792) 636923

Agenda Item 3.



City and County of Swansea

Minutes of the **Cabinet**

Remotely via Microsoft Teams

Thursday, 20 May 2021 at 10.00 am

Present: Councillor R C Stewart (Chair) Presided

Councillor(s)

R Francis-Davies

A S Lewis

A H Stevens

Councillor(s)

L S Gibbard

C E Lloyd

M Thomas

Councillor(s)

D H Hopkins

J A Raynor

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): C A Holley

Apologies for Absence

Councillor(s): E J King, A Pugh

125. Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest(s) were declared:

- 1) Councillor J A Raynor declared a Personal & Prejudicial Interest in Minute 130 "Local Authority Governor Appointments" and stated that she had dispensation from the Standards Committee to Stay, Speak but Not Vote on matters relating to the Appointment of Local Authority Governors.
- 2) Councillors L S Gibbard & J A Raynor declared a Personal & Prejudicial Interest in Minute 143 "Proposed Sale of Surplus Education Land at Olchfa School" and withdrew from the meeting prior to its consideration.

126. Minutes.

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

- 1) Cabinet held on 15 April 2021.

127. Announcements of the Leader of the Council.

1) Senedd Cymru & Swansea Council By-Elections – 6 May 2020

The Leader of Council congratulated the Local Members of the Senedd on their recent elections. He also congratulated Councillor Hannah Lawson (Castle Electoral Ward) and Councillor Matthew Jones (Llansamlet Electoral Ward) on their election to Swansea Council.

2) Councillors C E Lloyd & J A Raynor

The Leader of the Council paid tribute to Councillors Clive E Lloyd & Jennifer A Raynor for their sterling work as Cabinet Members. He stated that both would be standing down as Cabinet Members later that day.

He thanked Councillor Raynor for her excellent work as Cabinet Member for Education Improvement, Learning & Skills and congratulated her on her many achievements during her tenure.

He thanked Councillor Lloyd for his excellent work as Cabinet Member for Adult Social Care & Community Health Services and his former work as Cabinet Member for other Cabinet Portfolios and as a former Deputy Leader of Council. He congratulated him on his many achievements during his tenure.

128. Public Question Time.

No questions were asked.

129. Councillors' Question Time.

Councillor C A Holley asked a number of questions in relation to Minute 137 "Swansea Economic recovery Action Plan".

The Leader of the Council responded.

130. 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:

Oystermouth Primary School	Dr Martin Clift
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131. Welsh Government Children & Communities Grant Delivery Plan 2021/2022.

The Cabinet Member for Supporting Communities & Cabinet Member for Children Services submitted a joint report that detailed the delivery and spend plan for Children & Communities Grant 2021/22 outlining how services are commissioned to ensure service provision is sustainable, creates efficiencies and improves outcomes for people that use services.

Resolved that:

- 1) The receipt of the Welsh Government Children & Communities Grant 21/22 be noted.
- 2) The continuation and expansion of projects be approved as outlined in the Delivery Plan agreed by Welsh Government.

132. Welsh Government Housing Support Grant Delivery Plan 2021/2022.

The Cabinet Member for Adult Social Care & Community Health Services and Cabinet Member for Homes, Energy & Service Transformation submitted a joint report that detailed the delivery and spend plan for Housing Support Grant 2021/22 outlining how services are commissioned to ensure service provision is sustainable, creates efficiencies and improves outcomes for people that use services.

Resolved that:

- 1) The receipt of the Welsh Government Housing Support Grant 21/22 be noted.
- 2) The continuation and expansion of projects be approved as outlined in the Delivery Plan agreed by Welsh Government.

133. Copr Bay St. David's Temporary Public Realm.

The Cabinet Member for Investment, Regeneration & Tourism submitted a report that sought to agree the temporality and associated conditions of the interim public realm, including the parklet, which will be installed in the St. David's area as part of the Copr Bay programme.

Resolved that:

- 1) The installation of the interim public realm solution in the St. David's area in preparation for future development phases be agreed, subject to the conditions outlined in this report.
- 2) The installation of a temporary parklet on the site of the former St David's units 1-7 be agreed, and associated conditions:
 - a) To be located at the abovementioned temporary brownfield regeneration site for a maximum term of two years, with the option to

extend subject to a further report to Cabinet if the development timetable is not achieved.

- b) To be able to close and remove the Parklet from the site before the end of the term in preparation for development and grant delegated authority to the Director of Place in consultation with the Cabinet Member for Economy, Finance and Strategy to determine the timing of such.
- c) Grant delegated authority to the Director of Place, Chief Finance Officer and Chief Legal Officer to agree letting of units within the parklet on flexible terms and to enter into any documentation necessary to protect the Council's interests.

134. Financial Procedural Rule 7 - Highway Refurbishment Grant 2021-22.

The Cabinet Member for Environment Enhancement & Infrastructure Management submitted a report that sought to confirm the Capital Work Programme for the Welsh Government Highways Refurbishment Grant 2021 and to comply with Financial Procedure Rule 7 to commit and authorise schemes.

Resolved that:

- 1) The proposed indicative allocations be approved and included in the Capital Programme.
- 2) Authority be delegated to the Head of Service for Highways and Transportation in conjunction with the Cabinet Member for Environment Enhancement and Infrastructure Management to prioritise, finalise and allocate funding to the appropriate schemes in line with the prioritisation approach detailed in the report.

135. Update on Children and Young People's Rights Scheme.

The Cabinet Member for Children Services submitted a report that outlined the progress of Swansea's Children and Young People's Right Schemes and sought agreement to commence a consultation of a plan of a page of the Scheme which will be formally approved by Council.

Resolved that:

- 1) The contents of the Annual Progress Report 2019 attached at Appendix 3 of the report be noted.
- 2) The contents of the Bridging Report for the period April 2020 to March 2021 attached at Appendix 2 of the report be noted.
- 3) A formal consultation on the plan of a page of the Children and Young People's Rights Scheme which is attached at Appendix 1 of the report be agreed.

- 4) A formalised structure be co-produced for the inclusive and effective engagement of all children and young people in Swansea.

136. Progress Report on South West Wales Corporate Joint Committee.

The Leader of the Council submitted a report that provided an overview on the requirement to establish Corporate Joint Committees (CJCs) and sought delegated authority for Officers to enter into discussions with the Authorities referenced in the report to develop suitable proposals for the CJC arrangements in South West Wales.

Resolved that:

- 1) The work being undertaken and next steps needed in relation to the governance arrangements for the South West Wales CJC be noted.
- 2) Authority be delegated to the Chief Executive (in consultation with the Leader of the Council) to agree to an application for grant funding being made to Welsh Government to establish the South West Wales CJC and to accept any grant offer that may be made by Welsh Government (whether made to this Council or to a participating Council in the Swansea West Wales CJC).
- 3) Authority be delegated to the Chief Executive to enter into dialogue with those Authorities who will comprise the South West Wales CJC to develop proposals for establishing the South West Wales CJC.
- 4) A further report be brought back updating as to progress.

137. Swansea Economic Recovery Action Plan.

The Cabinet Member for Economy, Finance & Strategy (Leader of the Council) submitted a report that sought to approve the financial implications of the Swansea Economic Recovery Action Plan and the actions the Council is taking to support the recovery of the local economy from the Covid-19 pandemic.

Resolved that:

- 1) The allocation of a sum of up to £20m to fund initiatives within the Swansea Economic Recovery Action Plan for the financial year 2021/22 and 2022/23 be approved.
- 2) Authority be delegated to the Cabinet Member for Economy, Finance and Strategy, the Chief Finance Officer and the Director of Place to implement the Swansea Economic Recovery Plan to include any further measures or initiatives which may be added to the Plan subject to the approved budget as set out within the financial implications section. Cabinet further authorise subsequent delegation of authority to the cabinet member and head of service relevant to the specific element of the Economic Recovery Action Plan to be delivered and subject to the approved budget.

138. 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)

139. Pre Decision Scrutiny Feedback - Development of 71/72 The Kingsway & 69/70 The Kingsway - Business Case (FPR7). (Verbal)

Councillor C A Holley presented the Pre-decision Scrutiny Feedback.

Resolved that:

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

140. Development of 71/72 The Kingsway & 69/70 The Kingsway - Business Case (FPR7).*

The Cabinet Member for Investment, Regeneration & Tourism submitted a report that provided an update on development of 71/72, and 69/70 The Kingsway, and to seek budget authorisation to add the project to Capital Programme in line with Financial Procedure Rules (FPR7) and delegated authorisations.

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

141. Capital Programme Authorisation for the Cefn Hengoed Community Hub Project.

The Cabinet Member for Education Improvement, Learning & Skills and Cabinet Member for Investment, Regeneration & Tourism jointly submitted a report that sought to approve the updated cost plan, to proceed to tender, and submit a proposal to the Football Foundation to develop an indoor 3rd generation playing surface s part of the development, subject to planning application approval and completion of the tender process.

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

142. Baldwin's Bridge, Fabian Way Highway Interchange Scheme - Acquisition of Land and Building.

The Cabinet Member for Delivery & Operations submitted a report that sought to approve the terms agreed for the acquisition of property in connection with the scheme. The site is to be acquired on the instruction of the Highways client as part of the land assembly programme for the Fabian Way scheme.

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

143. Proposed Sale of Surplus Education Land at Olchfa School.

The Cabinet Member for Delivery & Operations submitted a report that sought consent to dispose of surplus land at Olchfa School, at best consideration, for a sum in excess of delegated authority limits.

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

The meeting ended at 11.47 am

Chair

Call In Procedure – Relevant Dates	
Minutes Published:	20 May 2021
Call In Period Expires (3 Clear Working Days after Publication):	23.59 on 25 May 2021
Decision Comes into force:	26 May 2021

Agenda Item 7.



Report of the Education and Skills Policy Development Committee

Cabinet – 17 June 2021

Supporting Education Recovery

Purpose:	To seek Cabinet approval of the recommendations of the Education and Skills Policy Development Committee.
Policy Framework:	Digital Competence Framework Guidance 2018 (Welsh Government). Developing a Whole-school Approach to Emotional and Mental Well-being Framework 2020 (Welsh Government).
Consultation:	Access to Services, Finance and Legal.
Recommendation(s):	It is recommended that: <ol style="list-style-type: none">1. All schools are supported and monitored to maintain and improve blended learning approaches developed during the last year.2. To develop a whole school approach to emotional health and wellbeing.3. The systematic dissemination of good practice in blended learning and supporting emotional health and wellbeing is accelerated.
Report Author:	Helen Morgan-Rees
Finance Officer:	Ben Smith
Legal Officer:	Stephanie Williams
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 As part of the policy development committee's review of evidence during the academic year 2020-2021, it is clear that the Covid-19 pandemic has presented both challenges and opportunities for education improvement, continuity of learning and skills development.
- 1.2 This report addresses the key experiences and emerging issues presented to the Education and Skills Policy Development Committee during 2020-2021 municipal year. An extraordinary year of crisis

management and significant disruption in education was examined thoroughly.

2. Challenges And Opportunities Heard By Committee

- 2.1 Access to learning opportunities were considered carefully by the committee. Although thousands of new devices were issued to schools and their pupils, this was largely through a pre-Covid initiative and gaps remain in equitable access as a result of varying approaches to remote and blended learning as well as availability of appropriate devices during disruption of education. Minimising disruption to learning remains a key priority alongside ensuring that the learning offer is strong whether at home or in school. Devices to schools are still being delivered to support digital learning as well as access to learning.
- 2.2 Authority wide planning for continuity of learning was outlined to the committee. The aims of the Continuity of Learning Plan remain live issues as schools still require whole year groups of pupils to self-isolate. Building on the initial plan has supported schools well and this will need to continue in future.
- 2.3 Support to develop the education profession has been provided during the last year. A few practitioners have experienced a steep learning curve in improving their own and pupils' digital competence and engagement in learning. Further flexible professional learning opportunities are essential to provide equitable quality learning opportunities across all schools.
- 2.4 Views of parents and learners were discussed with officers and it was clear that there were high levels of parental satisfaction during the initial lockdown period. However, the experiences of parents and pupils varied during the autumn term as schools were required to be highly adaptive in switching to remote learning, depending on how staff, individual pupils and whole year groups or classes were affected directly by the virus itself. Inevitably, pupils' experiences were varied. At a time of re-focussing and re-setting, it is vital that all schools learn from the best experiences.
- 2.5 Views of challenge advisers were considered by the committee. It became clear that schools were well supported during the crisis. There was an acknowledgement that all schools were trying to do their best in reacting to a crisis and that their main priority was to keep learning going in highly controlled Covid-19 safe environments. The committee heard that many schools had shared their experiences and had refined their remote learning offer by listening to learners. It was also clear that well-being of children and young people was a prime concern and that there had been a downgrading of duties in relation to the current statutory curriculum during most of the autumn term.
- 2.6 Support for vulnerable learners became a clear focus for the committee in reviewing evidence. The committee heard how parents/ carers and school staff had been supported by officers, across the council, working

together to protect the most vulnerable, identify new vulnerabilities and provide universal and targeted resources to support emotional health and mental well-being, in particular.

- 2.7 Emerging themes for, re-mobilising, re-focussing and re-shaping were considered in the context of national and local consideration. Officer advice to the committee was to develop the work on well-being as part of readiness to learn and emotional health.

3. Recommendations of the Education and Skills Policy Development Committee

- 3.1 A whole Council approach is developed towards focussing on the emotional health and well-being of all learners by supporting and monitoring schools in developing a whole school approach to emotional health and wellbeing. Key events and support packages will be made available to schools to develop high standards. This work will include developing a Swansea-wide policy on assessing the emotional, wellbeing, and learning impact of Covid-19 coupled with the dissemination of evidence-based good practice to support schools' work.

- 3.2 A whole Council approach is developed towards supporting digital competence and capacity, both in terms of access to devices and capacity for learning, with a particular focus on learner access. Professional learning opportunities and key events will be developed further.

- 3.3 A whole Council approach is developed towards the systematic dissemination of good practice in relation to readiness for learning and benefits of blended learning. Opportunities created during the Covid-19 pandemic in relation to well-being, engagement and participation will be shared systematically. In addition, innovative learning experiences will be widely shared across schools.

- 3.4 The learning from the pandemic should be used in implementing Curriculum for Wales especially in encouraging learners confident to take responsibility for their own learning.

4. Equality and Engagement Implications

- 4.1 The Council is subject to the Public Sector Equality Duty (Wales) and the Socio-economic Duty (Wales) 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.

- Ensure that decisions do not impact negatively on people with fewer financial means.

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

- 4.2 An IIA Screening Form has been completed and included as appendix A with the agreed outcome that a full IIA report was not required.
- 4.3 The IIA showed that these recommendations would have a positive impact on children and young people and very minimal impact on all other groups. All schools will be kept engaged throughout the implementation of the recommendations to ensure that the benefits are realised across all our schools. All the recommendations fit within the expectations and considerations of the WFG with no risk in their implementation. The cumulative impact is seen as very positive.

5. Financial Implications

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

6. Legal Implications

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

Background Papers: None

Appendices:

Appendix A - EIA Screening Form

Integrated Impact Assessment Screening Form – Appendix A

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Achievement and Partnerships

Directorate: Education

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

Supporting Education Recovery

As part of the policy development committee's review of evidence during the academic year 2020-2021, it is clear that the Covid-19 pandemic has presented both challenges and opportunities for education improvement, continuity of learning and skills development.

This report addresses the key experiences and emerging issues presented to the Education and Skills Policy Development Committee during 2020-2021 municipal year. An extraordinary year of crisis management and significant disruption in education was examined thoroughly.

It is recommended that:

1. All schools are supported and monitored to maintain and improve blended learning approaches developed during the last year
2. To develop a whole school approach to emotional health and wellbeing
3. The systematic dissemination of good practice in blended learning and supporting emotional health and wellbeing is accelerated

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Integrated Impact Assessment Screening Form – Appendix A

Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement

We will continue to engage our schools to ensure that the recommendations are actioned and that they have a positive benefit on all Swansea schools.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?
 Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
 Yes No
- c) Does the initiative apply each of the five ways of working?
 Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
 Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk

Medium risk

Low risk

Q6 Will this initiative have an impact (however minor) on any other Council service?
 Yes No **If yes, please provide details below**

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?
(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

Integrated Impact Assessment Screening Form – Appendix A

The recommendations when actioned will have a positive impact on all pupils and schools in Swansea.

We will ensure that all schools are supported and monitored to maintain and improve blended learning approaches developed during the last year, develop a whole school approach to emotional health and wellbeing as well as the systematic dissemination of good practice in blended learning and supporting emotional health and wellbeing is accelerated across all schools for the benefit of all learners.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

These recommendations will have a positive impact on children and young people and very minimal impact on all other groups. All schools will be kept engaged to ensure that the benefits are realised across all our schools. All the recommendations fit within the expectations and considerations of the WFG with no risk in their implementation. The cumulative impact is seen as very positive.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

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.

Screening completed by:
Name: Rhodri Jones
Job title: Head of Performance Team
Date: 29/04/2021
Approval by Head of Service:
Name: Helen Morgan-Rees
Position: Director of Education
Date: 29/04/2021

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

Agenda Item 8.



Report of the Section 151 Officer

Cabinet – 17 June 2021

Revenue Financial Outturn 2020/2021

Purpose:	To report on the detailed Revenue financial outturn for 2020/21
Policy Framework:	Budget 2020/21. Transformation and Future Council (Sustainable Swansea –fit for the future)
Consultation:	Cabinet Members, Corporate Management Team, Legal Services and Access to Services.
Recommendation(s):	It is recommended that: 1) The comments and variations in this report be noted, and that the proposed reserve transfers detailed in Section 7.3 and 7.4 are approved.
Report Author:	Ben Smith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Background and Introduction

- 1.1 This report details net expenditure for 2020/21 and highlights variances from the revised budget.
- 1.2 The Revenue Budget for 2020/21 was approved at Council on 5th March 2020. The budget as approved included the following proposals to address a potential budget deficit of £17.86m

<u>Budget Proposals 2020/21</u>	£'000	£'000
Planned Service Savings.	-9,511	
Cross cutting savings.	-194	
		-9,705
Net effect of Council Tax base increase and increased charge.		-8,159
<u>Overall resourcing</u>		<u>-17,865</u>

- 1.3 The specific savings proposals detailed above were incorporated into Directorate budgets at service level and have been the subject of specific monitoring via the budget savings tracker, reported to Cabinet on a quarterly basis during the year.
- 1.4 2020/21 marked the seventh year following the introduction, from 1st April 2014, of the Council's single status pay and grading scheme relating to all staff on NJC grades. The scheme specifically excludes Teaching staff, those on the Soulbury Scheme and Senior Officers at Head of Service/Director level.
- 1.5 The introduction of the scheme has been accompanied by an extensive appeals process for those staff adversely affected by pay and grading allocations made during the original allocation process. Despite significant inroads made to the numbers of appeals, elements of the appeals and grievance process does remain ongoing.
- 1.6 The extent to which appeals are successful in terms of job allocation will inevitably affect financial performance on an annual basis and impact on future budget planning.
- 1.7 The modelled costs of single status as at the implementation date have been incorporated in revenue budgets going forward. However, costs in respect of successful appeals have not, and any costs arising from appeals and grievances will have to be met from within existing Directorate Budgets.
- 1.8 The report that follows details the Revenue outturn position for 2020/21, makes commentary on comparison with in year budget monitoring , impacts of COVID 19 on both expenditure and Welsh Government support and, where appropriate, details action already taken in setting the 2021/22 Revenue Budget based on anticipated outcome at quarter 3 of the year. It remains critical that the progress on savings adopted under *Sustainable Swansea* and the newly approved "Swansea – Achieving Better Together, Transformation Strategy & Programme Framework 2022 – 2026" is subject to constant review and updated during each financial year and that future budgets are constantly informed by outcomes from the monitoring process.

2. Detailed Outturn Position

- 2.1 Overall direct revenue expenditure for 2020/21 was £27,069,000 less than the revised budget as follows:

	£000's
Net Expenditure on Services per appendix 'A' - underspend	-20,349
Reduced call on Contingency fund	-2,193
Reduced call on Apprenticeship levy	-146
Inflationary provision not utilised	-1,850
One off corporate costs/income	-4,950
Council Tax collection shortfall	2,445
Other net underspends	-26
<hr/>	
Overall net underspend	-27,069

- 2.2 Members will see from the table at 2.1 above that the net overall underspend at year end is the result of both the services underspending together with additional Welsh Government funding for the Council Tax shortfall and extra late announced funding to cover both "Digital Transformation" and a share of national compensation for assumed "savings undeliverable" in year as a result of COVID -19 of some £3.8m as a one off contribution all included as part of "One off corporate costs/income".

During the in-year reporting to members it was highlighted that a significant element of the Contingency fund (including the previous year unused element) was potentially required, along with other reserves, as emergency funding to mitigate the impact of COVID-19 costs in year. As the year progressed and Welsh Government support both increased and became clearer the level of emergency funding likely to be required to mitigate any unfunded COVID costs reduced. The third quarter overall position, based on known Welsh Government funding at that time was forecasting a small net overspend in the region of £1m. The improvement during the last quarter to out-turn is largely as a result of ongoing action taken in the third and fourth quarter by all Services to contain or reduce potential overspending and additional late Welsh Government funding including the £3.8m one off noted above in addition to further funding for both additional costs and assumed loss of income with regard to COVID-19 in 2020-21.

- 2.3 Separately, there is, as highlighted during the year, but not until now formally quantified, a further continuation of significant in year underspending on capital financing of £9.5m. An element of capital programme slippage has contributed to some of the capital charge underspend. There is a strategy to monitor interest rates and average in the borrowing requirement over a period of time but inevitably as the need to fund the capital financing requirement increases so will the capital charges in line with the delivery of the capital programme, the budget and MTFP. Such underspends should therefore be considered temporary, albeit not necessarily solely one off (see 2.4) as the capital

programme's financing requirements develop in the medium term and later years of the MTFP. Having halted externalising borrowing since 2018/19 and in light of the HM Treasury's punitive decision in Oct 2019 to implement a 1% premium on all PWLB borrowing, no external borrowing was undertaken in 2019/20. However as the capital programme's financing requirements materialise from 2020/21 onwards arise, the most economically advantageous source of funding shall need to be sourced (most likely PWLB, now the premium has been rescinded as of Nov 2020) with the accompanying financing charges. In fact, in early April of 2021/22, and in line with this funding strategy, £45m of additional PWLB borrowing was secured at 1.955% (historically the lowest PWLB long term rates ever secured by this Council) therefore de-risking some of the funding uncertainty of the capital programme approved in March 2021

- 2.4 As outlined throughout the year (and set out in Section 7 below) it is proposed that the whole underspend on the Capital Charges be transferred in its entirety to the Capital Equalisation Reserve to help prudently meet part of future capital costs. This approach was re-affirmed by Council in its review of all reserves.
- 2.5 The improved final position, lower overspend and reduced cost of ER/VR scheme, has resulted in no call being required on the Restructure Reserve in year. This allows the S151 officer to propose that £3 million is retained in the Restructure Reserve to be used to continue to contribute towards helping centrally fund the costs of ER/VR and other restructuring costs in 2021-22, again only where there is an evidenced business case and reasonable payback period, as in previous years.
- 2.6 Details of net expenditure variations are given in Section 2.9.2 and onwards below.
- 2.7 Recommendations in terms of Reserve Movements as a result of the final outturn position as set out in Section 2.1 to 2.5 above are made in Section 7 of this report.
- 2.8 The Directorate/Services outturn position itself is made up of a mix of over and under spends as a result of "business as usual" and COVID and it is clear that some individual elements of the overspends within service areas may continue into 2021/22 and large one off income or grant reimbursement gains are unlikely to fully continue. However, the approved budget for 2021/22 addressed a number of the major underlying budget issues from previous years. It is inevitable that the COVID 19 pandemic will continue to impact both operations and finances of the Council into 2021-22 in ways that may not yet be reliably forecasted, as was the case during 2020-21.
- 2.9.1 The following table sets out the additional costs identified as incurred during the year as a result of COVID-19 together with the funding received from Welsh Government. As has been reported during the year not all additional costs incurred or "loss of Income" by the

Authority as a result of the pandemic were eligible for funding from the Welsh Government. Some of these related to “local decisions” made by the Authority and others as a result of Welsh Government determining and applying its various eligibility criteria.

Costs/Loss of Income Identified as a result of COVID 19 in 2020-21

	Costs/Loss of Income £000's	Grant Income £000's
Services	51,086	46,171
Corporate	37,615	37,754
Agency on behalf of Welsh Government	104,826	104,826
	<u>193,527</u>	<u>188,751</u>

Other Welsh Government grants related to COVID 19 not included above

Services	2,674
Corporate	4,527
	<u>7,201</u>

2.9.2 The following sets out the major service specific variances in 2020/21.

Resources Directorate

Summary of variances:

	£
Net Employee Costs	-1,593,000
Oracle ERP Project - delay and rollover	-997,000
Supplies and Services savings	-437,000
Savings targets - not met – part compensated	369,000
Additional Income	-486,000
Admin Grant for business support and NDR grants	-731,000
Design Print shortfall	350,000
Other net variances	-58,000
Total underspend	<u>-3,583,000</u>

Director Comments:-

1. 2020/21 has been an interesting year in responding to the demands of Covid-19 and the impact that has had on the delivery of services and Projects.
2. With services restricted and a different way of working, vacancies have been held and a delay in recruiting due to difficulties with holding interviews and the recruitment process until we were able to establish a new normal operating model. In addition restructures which had been undertaken were not able to implemented until later in the year. This has led to in year’s savings. However these will be allocated and positions filled either towards the end of the year or during the new financial year.

3. The Oracle Fusion project has been delayed due to COVID-19 and so although an in year saving of £997,000 this will be carried forward as part of the Capital Equalisation Reserve and be spent in 2021 as the project resumed in February 2021.
4. Due to robust management of the budgets the services have achieved in year efficiencies in supplies and services of £437,000. This has also been helped through the reduced activity within the directorate due to the COVID-19 restrictions. The main areas of underspend were within Financial Services £123,000, Digital Services £179,000 and Customer Contact of £134,000.
5. Some of the savings targets identified as part of the MTFP have not been able to be achieved. This has left a shortfall of £369,000. As can be seen in the other budget headings this has been offset by in year savings and efficiencies.
6. The overachievement of income of £486,000 relates mainly to the recharge for staffing costs for work relating to the Electoral Reform for Democratic Engagement and additional WG Election Grant totalling £143,000 and Legal Services fee income of £167,000.
7. The directorate received £731,000 of WG grant towards the cost of the administration of the COVID-19 Business Support/NDR grant payments.
8. Design Print reported an overspend of £350,000 as a result of the loss of trading income during the year due to a significant drop in income recharges mainly to internal departments of the Council due to COVID-19.
9. Other NET variances £58,000 are as a result of cross directorate savings on areas like transport costs and premises costs etc. as a result of the restrictions due to COVID-19.
10. Although the outturn reflects a large number of variances the Directorate has worked hard to ensure savings and efficiencies have been achieved while ensuring that services continue to operate and support the Council as a whole during the very difficult year, and deliver a clear and substantial net underspend.

Director of Social Services

	£
Internal Staffing and Services	-4,861,000
External Residential Care	-2,443,000
Regional Arrangements for Adults	-1,414,000
External Domiciliary Care	- 699,000
Care Leavers and Direct Placements	- 116,000
Looked After Children	191,000
MH LD Complex Care	851,000
Tackling Poverty Service	- 316,000

Young Peoples Services	- 223,000
Early Years and Play	- 202,000
Commissioned Services	- 93,000
Early Help and Family Support	- 62,000
Domestic Abuse Services	- 40,000
Other Variances	- 186,000
	<u>-9,613,000</u>

Director's Comments

The Council's response to Covid-19 has had a significant impact on the income and expenditure of the Directorate throughout the year. We are reporting a significant underspend despite spending more money than the Directorate has ever spent in a single financial year. This is because we were successful in reclaiming the vast majority of our additional expenditure and income loss through Welsh Government grant funding having aligned our processes to ensure we were able to maximise the amounts claimed.

The pandemic has had a significant effect on our business as usual activity and we are reporting large underspends on some commissioned services that reflect a reduction in activity. Our non Covid variances continue the story from last year where we have been able to align grant income to offset the cost of our internal services.

We continue to report overspends within Mental Health and Learning Disability Complex Care. Retendering has added to the pressures on fees, which have continued to increase at above inflation rates for some time. We will realign budgets to ensure that sufficient resources are allocated to this area.

Our work to ensure fair and equitable funding contributions from our Health Service partners has continued to provide benefits to the Council and we have strengthened our systems for the recovery of client income.

Underspends in respect of the regional arrangements for adults primarily refer to the Community Equipment Store. These are a consequence of continued success in attracting external funding. The partnership agreement for this service requires that underspends are set aside for the ongoing benefit of the service.

Recognising the potential for ongoing disruption and risks to future funding a significant sum of the very large underspend is proposed carried forward into 2021-22 as an earmarked reserve, set out later in this report.

Director of Education

£

Home to School Transport – managed savings	-1,117,000
Additional Learning Needs – net cost recovery / managed savings	-844,000
Education Other Than At School (EOTAS)	-991,000
Catering Services – managed savings	-402,000
Other Net Managed Savings	-342,000
Additional Cost Recovery	-285,000

Pension Costs	158,000
Music Service	97,000
Additional ERW Contributions	81,000
Other Variances	-12,000
	<u>-3,657,000</u>

Directors Comments:-

The above variances primarily reflect the significant impact of pandemic related school closures on the financial performance of the directorate. We have been successful in recovering the vast majority of our additional Covid-19 costs and income loss from Welsh Government support.

School closures have delayed the onset of some forecast financial pressures within areas such as Home to School Transport and Additional Learning Needs. They have also caused a number of indirect financial savings throughout the Directorate but particularly in ALN, Transport and Catering. Work to identify sustainable long term savings continues and has been supplemented by a number of one off saving opportunities in 2020/21.

Grant awards have had a significant and late impact on the financial outturn, and have further improved the position for ALN budgets.

As we move to a hopefully more usual financial year in 2021/22 it is expected that many of the above reported underspends will disappear, whilst our forecast underlying pressures will return. Consequently a part of the significant underspend is proposed carried forward as a reserve into 2021-22, later in this report, in relation especially to Additional Learning Needs likely demands.

Significant resources will be directed at financial monitoring to ensure we are able to identify issues as the year progresses.

Place Directorate

Director Comments:-

The directorate budget was significantly affected by Covid and the restrictions that have ensued at various points during the year. This has resulted in a range of financial challenges from lost income as services were not permitted to operate or were operating below capacity coupled with additional costs incurred from additional Covid control measures. However, it has been a remarkable achievement to be able to maintain almost all services throughout the 20/21 financial year and continue to provide crucial front line services to the residents of Swansea.

The directorate has benefitted considerably from additional Covid hardship funding also covering in many cases income losses as a result of the restrictions. Overall the directorate achieved an Underspend of £3.69m which was predicated on the directorate received £16.3m of additional funding from Welsh government made up is £4.1m hardship funding and £12.2m loss of

income. Clearly without this support the directorate would have out-turned a significant overspend of circa £12.6m.

In anticipation of lower central support and reimbursement for 2021-22 some sums were set aside as part of budget setting on a one off basis to help manage Place 2021-22 budgets.

3. Items met from the Contingency Fund

- 3.1 The Council Report on 5th March 2020 highlighted a number of risks that may need to be met from the Contingency Fund in 2020/21.
- 3.2 The £0.98m Outturn figure shown at Appendix 'A' represents the cost of the ER/VR exercise for 2020/21 which has been charged to the Contingency Fund on an 'Invest to Save' basis. This is approximately 60% of the previous year's cost and this reduction contributes significantly to the reduction in usage/underspend on the revised contingency budget. This £0.98m reflects the workforce restructures implicit within the budget proposals for 2020/21 and some elements of 2021/22 contained within the 'Sustainable Swansea- Fit for the Future' and the "Transformation Strategy & Programme Framework 2022 – 2026" budget strategy adopted by the Council. As in prior years access to ER/VR requires a maximum payback period of three years for an employee who leaves under the scheme.
- 3.3 In addition to the above, other costs have been funded from the contingency in year including funding for strengthening the finance function (£250,000), Depot re-location lease costs (£56,000), Coroners ICT costs (£35,000), Defib-Friendly Swansea initiative (£50,000) and additional ICT costs in relation to COVID-19 working arrangements (£24,000), 4G pitch contribution (£25,000) and Merchant Navy freedom of the city costs (£5,000).
- 3.4 Items charged to the fund represent one off costs which, apart from ER/VR costs, will not re-occur during 2021/22. The budgeted Contingency fund for 2021/22 is £3,621,000. The unspent and unused elements of the contingency fund from 2020-21 will be available to boost, on a one off basis, the level of contingency available during 2021-22. This is considered necessary in light of likely risks and issues facing the council, including the financial impact of Covid 19.
- 3.5 The proposed use for the un-allocated element of the Contingency Fund in 2020/21 (£2.2m) is set out in section 7.

4. Schools Expenditure and Reserves Position

- 4.1 The Schools delegated budget for 2020/21 was £160,452,000.
- 4.2 This delegated budget in reality reflects in actual expenditure as shown in the education directorate line of the outturn summary given at appendix 'A', and any variation in expenditure incurred by Schools at a

level greater/less than overall delegated budgets will result in a movement in ring-fenced delegated schools reserves.

4.3 During 2020/21 Schools expenditure overall was £13,051,098 less than the delegated budget, equating to an underspend of approximately 8.13%

4.4 This underspend will be added to the schools own reserves.

The following is a summary of overall Schools Reserves since 2018:

	Balance 31/3/2018	Balance 31/3/2019	Balance 31/3/2020	Balance 31/3/2021	Overall change over last 3 year period (%)
Primary	5,310,963	5,694,092	4,697,855	12,023,244	+226.4
Secondary	1,612,646	2,730,332	2,777,164	8,451,907	+524.1
Special	177,098	176,008	254,290	305,256	+172.3
Total	7,100,707	8,600,432	7,729,309	20,780,407	+292.7

4.5 The above table is presented to reflect the quantum of schools reserves against each stream and the position within individual schools may vary quite considerably from the trend shown.

4.6 The above overall movement in Schools Reserves – a net increase of £13,051,098 or 268.9% in year has to be viewed in the context of an overall increase in Schools funding of £9.732m in 2020/21 and the considerable impact of the pandemic over the past year. The most significant factor by far that has contributed to the scale of the increase in reserves has been the impact of grant funding allocated to schools by the WG.

4.6.1 Grants amounting to £5.6m in relation to revenue maintenance spending by schools and the Recruit Recover Raise Standards / Accelerated Learning Programme, were announced late in the financial year recognising that existing spending would have to be substituted initially and the funding carried forward as enhanced school reserves and spent in line with the purposes of the funding in 2021-22.

4.6.2 As a result of the impact of the pandemic there were also late changes to the terms and conditions of previously announced WG grants to allow their use in the summer term 2021. These include funding for the Accelerated Learning Programme, Professional Learning which alone amount to a further £2.5m. Also included are the large sums schools receive in relation to Pupil Development Grant and Education Improvement Grant. These amount to £17.9m in total and the slippage of even a modest proportion of this spending into the summer term would again significant increase accumulated school reserves.

4.6.3 The combined impact of the above factors is alone sufficient to explain the scale of the increase in school reserves. However, this will be a

short term impact and does not reflect the underlying base funding position of schools which should be clearer by the end of 2021-22 after enhanced school spending in the summer term will be reflected.

- 4.7 It is expected, given the above enhanced reserve position, that the outturn position for 2021/22 for schools will evidence a net call on existing reserves.

5. Ongoing implications for the 2021/22 budget

- 5.1 There are ongoing risks from planned savings not achieved from 2020/21 budget which cumulatively impact future years.

- 5.2 There are ongoing overspend risks arising from the outturn position in the following areas

- Sustainable Swansea 2020/21 savings targets;
- Social Services both Adults and Children;
- Home to School Transport; and
- Education catering and cleaning.

- 5.3 There are inherent risks in the current 2021/22 budget around:

- Sustainable Swansea workstream and Swansea – Achieving Better Together, Transformation Strategy & Programme Framework 2022– 2026 savings falling in 2021/22;
- Additional Learning Needs;
- Ongoing costs relating to residual Single Status appeals; and
- Uncertainty of impact of Brexit.
- Impact of COVID19 costs, likely reduced scope for recovery of costs from Welsh Government and consequential reduction in income.

- 5.4 There are emerging and continuing risks going forward in future years arising from national developments around:

- Risks to public finances generally through Covid 19 spending and lost national taxation receipts;
- Emerging inflationary pressure and supply bottlenecks as the wider economy recovers;
- Risk of redistribution of block government grant (especially with NDR receipts fundamentally reduced pan-Wales);
- Continued loss of existing specific grants;
- Ongoing demographic pressures especially in the older age population, pressures and interlinkages with NHS health care funding and a relative fragile private sector care sector;
- Higher than expected cases of looked after children;
- Affordability of the national employer pay awards (yet to be determined) which will need to address National Minimum and Living Wage issues and to recognise the efforts of all staff, but

equally noting that any such pay rises are unfunded by government grant; and

- Ongoing Brexit uncertainty.

5.5 Continued uncertainty at national government level means there remains doubt as to the timing, completion, or otherwise, of a full and Comprehensive Spending Review. This means there is less certainty of a definitive redrawing of UK government departmental cash limits, consequential Welsh government cash limits and consequently the scope for considering the rebasing of the Welsh local government settlement. Budgets risk being simply rolled over, with a temporary continuation of some one-off grants that could have otherwise been hoped to have been more definitively built into base budget settlements.

5.6 We can anticipate therefore that the authority's overall budget position will remain under significant pressure for the foreseeable future, notwithstanding the immediate relative financial strength declared at outturn, with added uncertainty and thus all efforts to live within budget must be redoubled.

6. Use of the savings tracker and outturn position - COVID19 impact

6.1 During 2020/21, as a result of COVID-19, the Council dis-continued with use of a tracking mechanism in order to monitor progress against the specific savings proposals contained within service and overall budgets proposals.

6.2 The tracker was not completed during lockdown and emergency response to the COVID 19 pandemic as part of pragmatic and practical reprioritisation of essential work (focus on outturn, closure, statement of accounts, maintaining supply lines for payroll, accounts payables, receivables and distribution of emergency grant aid). It is clear that some additional compensating savings have been made in year where specific savings have been delayed or have not been achieved. In addition as highlighted in 2.2 above the Welsh Government provided some additional overall grant support to councils late in the year (£1.9m) to offset assumed levels of "Savings not achieved" as a result of the impacts of COVID 19 in 2020-21.

7. Summary of Outturn Position and Recommendations

7.1 The outturn position for 2020/21 reflects a significant improvement on the forecast position at quarter 3 (Reported to Cabinet in February 2021). This as a result of actions taken and additional income, primarily Welsh Government grants, in relation to specific COVID cost/Loss of Income and other various "one off" Welsh Government funding, much if it not confirmed until late at the end of the financial year.

7.2 This is the minimum that should be expected in terms of Service Revenue Budgets as a result of in year budget monitoring,

management action, spending restrictions and additional Welsh Government support that materialised during the year.

7.3 The report to Council in October 2020 reviewing its reserves proposed utilising some earmarked reserves including the Capital Equalisation reserve and unused Contingency Fund from 2019-20 as emergency funding for COVID-19 in the absence of additional Welsh Government funding and actions from Services. Based on the net Revenue position arising out of the actual final outturn position it is recommended that:-

7.3.1 The following transfers are made TO earmarked Revenue Reserves as follows:-

- Social Care Resilience Fund(Adults) £5,000,000,
- Community Equipment Service Section 33 agreement £1,321,000
- Oracle Project slippage of costs £998,000
- Adult Learning Needs(education) £406,000
- Western Bay regional team £78,000
- Schools kitchens electrical works £60,000
- Joint Archives service £42,000 ,
- Workways extension/match funding £42,000 ,
- ICT £25,000
- Members Environmental Improvements £23,000
- Trading Standards – proceeds of crime £20,000
- Crematorium sinking fund £13,000,
- Various Joint Ventures and commuted sums £59,000
- Capital Equalisation Reserve £9,488,000
- Contingency Fund £6,825,000
- Recovery Fund £3,694,000

7.4 In addition to the above recommended transfers to earmarked reserves above the S151 Officer, as a result of the outturn position proposes that some £648,000 is added to the General Reserves to bring that reserve to £10m. This will result in a General Reserve of £10,000,000 being available as at 1 April 2021.

-That the unused element in the Revenue Overspend reserve established as part of the in year Reserves Review as approved by Council be transferred to the new Recovery Reserve (£16,306,000). This will result in some £20,000,000 being available, on a one off basis, in this reserve as at 1 April 2021.

-That the full transfer into a new Schools ICT reserve is made from the Capital Equalisation Reserve (£6,390,000) and that the underspend on the Capital Financing Charges in 2020-21 of £9,488,000 be added to the reserve. This will result in some £17,000,000 being available in this reserve as at 1 April 2021.

-That the final un-utilised balance of the Contingency Fund in 2020/21 remains as a Contingency Fund reserve into 2021/22. This being available as further mitigation against potential unfunded costs /loss of income as a result of COVID19. Combined with the proposed transfer above this will result in additional Contingency Fund of £10,000,000 being available, on a one off basis, as at 1 April 2021.

-That the balance on the Restructuring Reserve of £3,000,000 be retained for purposes set out in 2.5 above.

7.5 Notwithstanding these proposed transfers, it is a duty of the Section 151 Officer to consider levels of General and earmarked reserves in order to continually monitor their adequacy and projected use. This has to be done in terms of both current known and projected future liabilities.

7.6 It is the opinion of the Section 151 Officer at this point that there is no scope within General reserves to fund any additional expenditure of the Council given the current risks facing the Council in terms of continuing single status issues, ongoing spending pressures and the uncertainty of future Welsh Government funding streams. That means that subject to any limited emergency one off use of earmarked reserves, and other limited action the S151 Officer can propose immediately in year, all spending must otherwise be wholly contained within existing budgets or met by the specific and very substantial earmarked reserves proposed set up as part of this outturn report.

8. Legal Implications

8.1 There are no legal implications relating to matters contained within this report.

9. Equality and Engagement Implications

9.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
- 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.

- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by

taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 9.2 The Revenue budget of the Council was approved following the application of the corporate Equality Impact Assessment (EIA) process throughout the Budget setting process. This process has since been replaced with IIA's. It is essential where service levels are affected by changes to the Revenue Budgets (including savings options) that the IIA process (alongside consultation and engagement as appropriate) is applied to ensure due regard is paid to the potential equality impacts of any proposals prior to decision making.

Background papers: None

Appendices:

Appendices: Appendix 'A' Revenue Outturn Summary 2020/21

OUTTURN 2020-21

Appendix A

Directorate

	Revised Budget £'000	Revenue Outturn £'000	Variance £'000	Variance %
Resources	51,136	47,553	-3,583	-7.0
People - Social Services	123,179	113,566	-9,613	-7.8
People - Education	181,887	178,230	-3,657	-2.0
Place	58,050	54,360	-3,690	-6.4
Additional Savings	-194	0	194	-100.0
Net Directorate expenditure	414,058	393,709	-20,349	-4.9
Financed from Contingency Fund	3,174	981	-2,193	
Total Service costs	417,232	394,690	-22,542	
Inflation /Apprenticeship levy	2,850	854	-1,996	
Corporate items		-4,950	-4,950	
<i>Levies:</i>				
Swansea Bay Port Health	87	87	0	
<i>Contributions:</i>				
Combined Fire Authority	13,741	13,741	0	
	433,910	404,422	-29,488	
<i>Capital financing charges</i>				
Principal repayments	16,368	11,156	-5,212	-31.8
Net interest charges	20,010	15,734	-4,276	-21.4
Net Revenue Expenditure	470,288	431,312	-38,976	-8.3
Movement in balances				
General Balances	0	0	0	
Earmarked reserves	-2,033	34,524	36,557	
Total Budget Requirement	468,255	465,836	-2,419	
Discretionary NNDR relief	400	374	-26	-6.5
Total CCS requirement	468,655	466,210	-2,445	
Community Council precepts	1,582	1,582	0	
Total spending requirement	470,237	467,792	-2,445	-0.5
Revenue Support Grant	261,206	261,206	0	
NNDR	78,175	78,175	0	
Council Tax incl COVID loss on income grant	130,856	128,411	-2,445	-1.9
Total financing	470,237	467,792	-2,445	-0.5

Agenda Item 9.



Report of the Section 151 Officer

Cabinet – 17 June 2021

Revenue Outturn 2020/21 – Housing Revenue Account [HRA]

Purpose:	This report details the City and County of Swansea's HRA outturn compared with the approved revenue budget for 2020/21.
Policy Framework:	Budget 2020/21. Transformation and Future Council (Sustainable Swansea –fit for the future)
Consultation:	Cabinet Members, Corporate Management Team, Legal Services and Access to Services.
Recommendation(s):	It is recommended that: 1) The comments and variations in this report be noted, and that the proposed reserve transfers of £903k detailed in Section 2.1 are approved.
Report Author:	Ben Smith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Summary of HRA outturn for 2020/21.

- 1.1 The HRA showed a surplus of £0.903m compared with the original budgeted break even as outlined in the budget report to members on 18th February 2021. The summarised HRA is set out in Table A in the Appendix.
- 1.2 The main reason for this £0.903m underspend and movement against an original breakeven is set out below:-

Item	£m
Planned increased contribution to fund capital expenditure	2.715
Reduced management/revenue repairs costs	-1.665
Reduced capital charges	-0.407
Decrease in Bad Debt provision	-1.393
Additional income and grant	-0.291
Reduced Grant	0.138
Net Underspend	0.903

- 1.3 The increased contribution to fund capital expenditure was as a result of the savings from the current year as set out above to minimise the borrowing requirement.
- 1.4 The decrease in management and revenue repairs costs was mainly due to an underspend on revenue repairs as a result of the Covid pandemic and lower than expected employee costs, additional Capital fee income and an underspend on supplies and services.
- 1.5 The previously adopted treasury management strategy of ‘internalising’ the HRA capital financing requirement has been beneficial to the HRA in recent years. However to mitigate the ongoing Brexit risks, the projected increasing interest rate environment and working cashflow requirements, it was determined prudent to continue to externally fund the capital financing requirement by PWLB borrowing at historically low interest rates during the previous year in 2019/20. The underspend in capital charges in year (2020/21) is as a result of corresponding material slippage in the ambitious capital programme.
- 1.6 The reduction in the contribution to the bad debt provision arose because of lower than forecast rent arrears due to the support-led, pro-active approach of the Rent Arrears Team.
- 1.7 The additional income was due to a number of factors, namely as a result of the allocation of the week 53 rent income apportionment, additional income from the Furnished Tenancy Scheme and lower void numbers.

2. Reserves

- 2.1 The opening balance for the year was £5.341m. With the final 2020/21 transfer to reserves of £0.903m, the closing balance is £6.244m. The summary reserves position including budgeted usage for 21/22 is set out in Table B in the Appendix.

3. Legal Implications

- 3.1 There are no legal implications.

4. Equalities Implications

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations

(Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

There are no implications arising from this report. Equality impact assessments are carried out in respect of HRA budgets at the time that budgets are approved.

Background Papers – None

Appendices:

Appendix A - Table A: Summarised HRA 2020/21 & Table B: Movement in Balances 20/21 to 21/22

Table A: Summarised HRA 2020/21

Classification	Original Budget 2020/21	Actual 2020/21
	£'000	£'000
<u>Expenditure</u>		
Management and Maintenance	31,871	28,817
Capital Charges	10,508	10,101
Revenue Funding for capital schemes	26,457	29,172
Transfer to reserves		903
Total Expenditure	68,836	68,993
<u>Income</u>		
Rents and other income	68,494	68,785
Affordable Housing Grant	346	208
Total Income	68,836	68,993

Table B: Movement in Balances 20/21 to 21/22

Description	£000's
Actual balance at 1 st April 2020	5,341
Actual transfer to Reserves 2020/21	903
Actual balance 31st March 2021	6,244
Budgeted use 2021/22	0
Forecast balance 31st March 2022	6,244

N.B. Actual usage in 2021/22 will be dependent upon final Capital requirements including slippage of schemes from 2020/21.

Agenda Item 10.



Report of the Section 151 Officer

Cabinet - 17 June 2021

Capital Outturn and Financing 2020/21

Purpose:	This report details capital outturn and financing for the year ended 31 March 2021.
Policy Framework:	Budget Plan 2020/21.
Consultation:	Cabinet Members, Corporate Management Team, Legal and Access to Services
Recommendation(s):	It is recommended that: 1) The increased biggest ever capital budget of £251m is noted. 2) The net under spend of the increased capital budget of £46.954m is carried forward to 2021/22
Report Author:	Ben Smith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Background

- 1.1 The original capital budget approved by Council in February 2020 for 2020/21 totalled £167.877m (excluding the waste provision). During 2020/21 this figure was increased by £83.231m to give a revised budget of £251.108m (excluding waste provision).

The net increase in the capital budget was the result of:

1. The addition of both grant funded and Council funded schemes after Council approved the original programme,
2. Delayed or reprofiled spending from 2019/20 carried forward into 2020/21.

2. Outturn 2020/2021

- 2.1 Capital outturn in 2020/21 on the approved budget was £204.154m, which is a significant level of spend across all service areas, and the largest ever single year capital spend. There was an under spend on the approved and reprofiled budget of £46.954m which is detailed in Appendix A. Apart from a small number of exceptions, the under spends in the capital budget represent delayed or reprofiled spend on approved schemes. As such, the unspent budget will need to be carried forward to 2021/22 in order to complete schemes in progress.
- 2.2 It should be recognised that capital schemes are complex projects which are often faced with a host of issues including legal (planning, procurement etc.) and operational (budget, ground conditions, weather), which can offer challenges to the delivery timetable. The Covid-19 pandemic had an adverse impact on the delivery of a number of capital schemes towards the end of 2019-20 and this continued to impact upon delivery during 2020-21. In addition Swansea Council was commissioned by Swansea Bay University Health Board (SBUHB) and Welsh Government to deliver a 1,000 bed Surge Hospital on the site of the previous Bay Studio. The capital outturn includes £21.589m for the delivery of this scheme which was fully funded by SBUHB and WG.
- 2.3 The main underspends are set out in Appendix C. Some schemes were overspent compared with budget but these were mainly profiling issues where spend was delivered ahead of the original profile.
- 2.4 Appendix A shows the breakdown of Capital Expenditure and variances in respect of individual Directorates and highlights the sum of £41.601m spent on HRA properties during the year.
- 2.5 Notwithstanding the under spending mentioned above, the capital outturn represents significant expenditure on a number of major projects and is the largest capital spend ever achieved which is an exceptional achievement during a very challenging year. Appendix B lists projects with expenditure in excess of £0.5m.

3. Financial Implications

- 3.1 2020/2021 capital expenditure has been financed as follows:-

Financing Requirement	£'000
Unfinanced sundry creditors 2019/20	6,493
2020/21 ledger capital spend	204,154
To be financed sundry creditors 2020/21	-12,972
Spend funded in 2020/21	197,675

Financing 2020/21	
	£'000
Supported Borrowing	6,483
Unsupported Borrowing (GF plus HRA)	61,020
Salix Energy Efficiency loan	658
Grants and Contributions	93,349
Revenue contributions to capital	33,934
Capital receipts	2,231
Total financing 2020/21	197,675

4. Legal Implications

4.1 There are no legal implications.

5. Integrated Assessment Implications

5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 5.2 There are no implications arising from this report. A full analysis of equalities implications is carried out as part of the annual budget process and any expenditure detailed in this report is on approved schemes. Individual capital schemes approved will be subject to IIA process.

Background Papers: None

Appendices:

- Appendix A Capital Programme Outturn Summary
- Appendix B Capital Projects with spend in excess of £500k
- Appendix C Capital Projects underspend in excess of £500k

2020/21 Capital Programme Outturn Summary

Appendix
A

Directorate Comparison	Original Budget 2020/21 £'000	Revised Budget 2020/21 £'000	Outturn 2020/21 £'000	Net Over / (Under) spending £'000
Resources	2,869	3,541	1,783	(1,758)
People	27,993	32,911	29,576	(3,335)
Place	137,015	214,656	172,795	(41,861)
Total	167,877	251,108	204,154	(46,954)

Budget Book Comparison	Original Budget 2020/21 £'000	Revised Budget 2020/21 £'000	Outturn 2020/21 £'000	Net Over / (Under) spending £'000
Education (including 21st Century Schools)	27,355	29,796	28,032	(1,764)
General Fund Services	87,901	177,196	134,521	(42,675)
HRA	52,621	44,116	41,601	(2,515)
Total	167,877	251,108	204,154	(46,954)

Capital Projects with spend in excess of £500k

Appendix B

General Fund Schemes	£'000
Carriageway resurfacing and footways (including Highways Invest to save schemes)	7,522
Bridges and retaining walls	552
Active Travel strategic and local schemes (highways)	3,542
LTF and LTNF including Broadway Interchange, South West Wales Metro and Fabian Way corridor	2,057
Road Safety and Safe routes in communities schemes	1,223
Vehicle replacement programme	1,330
Swansea Central Phase 1 construction (Arena and associated schemes)	57,162
TRI schemes (Sustainable Living Grants, Property Enhancement Development grants and Strategic scheme)	1,404
Property Enhancement Development Scheme for COVID recovery adaptations	1,226
Palace Theatre	669
Copper Powerhouse	1,404
Kingsway Infrastructure works	3,170
Kingsway Offices design and planning	851
Green Infrastructure projects	788
Wind Street reimaged scheme	591
ERP system upgrade	517
Hwb in schools IT infrastructure	738
Education other than at school new build	4,919
Gorseinon new build primary school	2,163
Tan y Lan new build primary school	4,601
YGG Tirdeunaw new build primary school	5,172
YG Gwyr Secondary school extension	3,622
Bishopston Comprehensive school refurbishment	5,835
Schemes to reduce infant class sizes (across 3 schools)	526
Early Help Family Support Hubs	690
Schools building capital maintenance	6,871
Buildings capital maintenance (non-schools)	748
Bay Studios surge hospital for SBUHB	21,589
Salix energy efficiency schemes	657
CTU workshop	953

Housing Disabled Facilities Grants and MAGs	3,099
Absorbent hygiene products waste scheme	956
Property portfolio acquisitions	7,481
<i>HRA: various schemes</i>	
HRA More Homes programme	8,258
HRA Fire and Gas Safety improvements	966
HRA Wind & Weatherproofing (including Hi-rise flats)	8,196
HRA Refurbishment (mainly Kitchens & Bathrooms)	11,657
HRA regeneration and repairs including Easiform properties	1,318
HRA External facilities	6,713
HRA Energy Efficiency (including Boiler Replacements)	809
HRA Tenant Adaptations Programme	2,046
Total of schemes in excess of £0.5m	194,591

Capital Projects Underspent in excess of £500k

Appendix C

Project	£'000	Comments
Education		
YGG Tirdeunaw new build primary school	1,683	The project has been reprofiled due to a delay to start on site; the project is on track for completion in the 3rd quarter of 2021/22
Social Services		
ICF - Relocate Integrated Community Hub	782	The funding for this scheme is 100% ICF Grant and was repurposed during 2020/21 due to Covid to respond to Health and Social Care Capital requirements.
Highways		
Local Transport Fund Baldwins Bridge Interchange	1,114	Awaiting completion of Legal checks to finalise Heads of Terms during 2021-22. Agreement in principal.
Active Travel Fund - Sketty/Mayals network	531	Project start delayed due to formal objections and delivery compromised due to covid working issues. WG advised and additional funding to be provided for 2021/22 to enable completion of phase 2 with no loss of grant
Oxford Street trip style upgrade	500	The project scope will be mapped during the summer 2021 with a view to developing a project plan during the autumn.
Corporate Property		
Salix Loan Energy Efficiency scheme	682	The Service Provider is continuing to pursue the completion of the Works as rapidly as is reasonably possible under the current circumstances. They have been delayed in either mobilisation on site or continuing construction work. Such delay in completion was due to the current COVID-19 Pandemic and associated Government lockdown rules and regulations. Martin Nicholls approved contractor extension of time from current contract completion date of 12th March 2021 to 30th September 2021. An updated programme has been published detailing the revised dates.
Public sector hub	1,452	Due to the delay in decision on the PSH from the Government Property Agency, the project has not progressed as anticipated. A decision is expected by September on a way forward with the scheme.

Pipehouse Wharf relocation	1,115	Central Transport Unit have successfully relocated their service to Viking Way. The remaining budget is for ongoing work to secure site ownership, agree designs and establish costings for a potential new depot. Significant inroads are expected to be made during the next six months.
Members Community capital scheme (Highways)	888	The team is currently developing a programme of works to ensure full delivery of the budget by year end March 2022.
Town centre regeneration schemes (commercial)	2,602	Capital budget has been retained to cover strategic asset management costs which will provide opportunity to enhance commercial and operational occupation of the assets.
Swansea Vale car park facility	500	Currently on hold until decision is made on alternative site requirement.
Economic Regeneration & Planning		
Swansea Central Phase 1 construction (Arena and associated schemes)	17,859	Contingency profiled into 2020/21 which will roll over into 2021/22. Delay in completion has meant an underspend in 2020/21. Underspend on project management fees profiled for 2020/21 due to delay in completion.
Economic Stimulus regeneration	2,267	Carry forward of budget with majority of expenditure expected to occur in 2021/22.
Powerhouse scheme at Copperworks	879	Budget carried forward to be expended in 2021/22 due to revised work programme, physical completion due by January 2022.
Kingsway renovation scheme	1,196	Extended tender process for works contractor with expenditure now anticipated from late summer 2021 pending cabinet approval
HRA		
More Homes programme - acquisitions	1,145	The underspend relates to a further 2 property acquisitions which will complete in 2021-22, together with savings against original forecast values. In addition land acquisitions were delayed and will take place during 2021-22.
More Homes programme - Hillview / Baysview	874	Construction commenced later than programmed due to delays in obtaining approvals

WWP Llwyncethin & Maesglas Flats	833	Delayed due to the effects of Covid-19
Rewiring programme	590	Delayed due to the effects of Covid-19
Total underspends greater than £500k 2020/21	37,492	

Agenda Item 11.



Report of the Local Authority Governor Appointment Group

Cabinet – 17 June 2021

Local Authority Governor Appointments

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

1.0 The nominations referred for approval

1.1 The nominations are recommended for approval as follows:

1. Gors Primary School	Mrs Patricia Ann Morgan
2. St Thomas Primary School	Cllr Clive Lloyd
3. Bishop Vaughan	Cllr Samuel Pritchard

4. Dylan Thomas	Mr Adrian Rees
5. YG Gwyr	Mr Ian Morris

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

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.
- Deliver better outcomes for those people who experience socio-economic disadvantage

The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

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

Background papers: None

Appendices:

Appendix A - Integrated Impact Assessment Form

Integrated Impact Assessment Screening Form – Appendix A

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Achievement and Partnership

Directorate: Education

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

Appointing Local Authority governors to schools in Swansea

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Integrated Impact Assessment Screening Form – Appendix A

- Q3** What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?
Please provide details below – either of your activities or your reasons for not undertaking involvement

This activity does not require consultation

- Q4** Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?
Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
Yes No
- c) Does the initiative apply each of the five ways of working?
Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
Yes No

-
- Q5** What is the potential risk of the initiative? (*Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...*)

High risk

Medium risk

Low risk

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

Yes

No

If yes, please provide details below

-
- Q7** What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?
(*You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.*)

In order for schools to run effectively they need to have effective Governing Bodies.

Integrated Impact Assessment Screening Form – Appendix A

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

Q2. We have identified high impact on children and young people because it is in school environment and Governors are appointed to those school. Race, Religion and Welsh language have been also identified as high impact because we have some religious and welsh language schools. There is no need for mitigation as impacts that have been identified are not negative impacts.

Q3. The panel choose Governors ,no public consultation required.

Q4. We have considered the WFG act.

Q5. No risks have been identified.

Q7 No cumulative impact.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

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.

Screening completed by:
Name: Agnieszka Majewska
Job title: Governor Support assistant
Date: 28/04/2021
Approval by Head of Service:
Name: Kate Phillips
Position: Interim Head of Achievement and Partnership
Date: 29/04/2021

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



Report of the Cabinet Member for Education Improvement, Learning & Skills

Cabinet - 17 June 2021

Capital Programme Authorisation for the Remodelling of a Hard-Standing Area and Installation of a 2G Pitch on Land at Pontarddulais Comprehensive School

Purpose:	<p>To seek approval to commit £254,000 to the capital programme which includes funding as follows: £200,000 from Swansea Council, £30,000 from Swansea Council Play Fund, £15,000 from Swansea Council Members Capital, Fund, £9,000 Ward Members Community Budget for the scheme for the remodelling of a hard-standing area and installation of a 2G all-weather surface facility on the existing land at Pontarddulais Comprehensive School.</p> <p>To comply with FPR 7 – to commit and authorise a new project to the Capital Programme.</p>
Policy Framework:	Council Constitution – FPR 7, Capital Budget & Programme 2021/22
Consultation:	Education, Finance, Planning, Legal, Cultural Services, Corporate Building Services, Procurement, Access to Services, Corporate Health and Safety and Wellbeing Service
Recommendation(s):	<p>It is recommended that:</p> <p>1) £254,000 is committed to the capital programme for the remodelling of a hard-surface play area (old tennis courts) and the installation of a 2G all-weather surface facility following confirmation of funding totalling £254,000 from Swansea Council as detailed above.</p>
Report Author:	Dylan Jenkins – Head of Resources at Pontarddulais Comprehensive School
Finance Officer:	Ben Smith
Legal Officer:	Caritas Adere
Access to Services Officer:	Rhian Millar

1. Introduction/Background

- 1.1 Pontarddulais Comprehensive School does not have an all-weather sports facility for pupil and/or community use. This is a situation the school wish to rectify especially given the context of the community that the school serves and the lack of such facilities for the community, i.e. the demand for the use of all-weather facilities for sport far outreaches the supply, therefore there is a clear need for additional facilities of this kind. The current tarmacadam sports area (old tennis courts) is outdated and inappropriate for curriculum provision, training and fixtures.
- 1.2 The climate is such that the weather often restricts the amount of sport that can be enjoyed during certain times of the year. Having an all-weather surface will mean that pupils and the wider community can enjoy sport activities all year round and it will greatly improve the school curriculum provision as well as significantly increasing the level of community use.
- 1.3 Sport is part of the national curriculum and identity. Sport is beneficial for all and teaches us and our children how to rise to a challenge, develop resilience, nurture character and discipline that will help to develop skills to achieve in life. Above all, sport is fun. This project will leave a long-lasting legacy for many years to come for our pupils and the wider community.
- 1.4 Pontarddulais Comprehensive is a growing 11-16 secondary school in the heart of Pontarddulais and links closely with the five partner primary schools (Llangyfelach, Pengelli, Penllergaer, Pontarddulais and Pontlliw). Within Pontarddulais, 20% of the population live in the most deprived wards in Wales (pockets of poverty). The school itself has pupils in receipt of free school meals approaching nearly 20%. Pupils with additional learning needs total 23% and the school also has a Specialist Teaching Facility (STF) for children and young people who have profound and multiple learning needs and disabilities.
- 1.5 It is important that Pontarddulais Comprehensive School provides the best facilities it can for its pupils and that the quality of provision does not fall behind that of other schools. All children deserve the best standard of education possible and this project will help achieve that.
- 1.6 The school has a strong focus on community, extra-curricular and sports programmes which extends to the wider community. However, it is limited as to the 'offer' it can provide its pupils and community since the lack of an all-weather facility restricts the provision of training and/or matches for the school and local grass root clubs. This puts the school at a significant disadvantage. The successful delivery of this project will meet the community's and school's best interests, enhancing further and fully protecting, a Council owned asset with positive impacts for all stakeholders.

2. Description of project

- 2.1 The school intends to install a 61m x 35m 2G pitch on the old tennis courts. There will be perimeter kerbs, shock pad & synthetic carpet, twin wire

- mesh panel perimeter fence, floodlighting and a perimeter path along two sides with some seating/shelters.
- 2.2 A 2G pitch is a synthetic surface consisting of 2 elements; Shockpad and Synthetic Carpet.
- 2.3 2G pitches have many benefits including;
- They can be built to individual requirements and specifications;
 - They are all weather facilities yet look and feel like grass;
 - They are environmentally friendly;
 - They are low maintenance;
 - They can withstand intense usage (no requirement to wait for a change of weather for grass to 'repair' itself);
 - They reduce the risk of injury to players.
- 2.4 A Multi Use Games Area (MUGA) enables a variety of games to be played in one area.
- 2.5 The hard-standing area is underused and not fit for purpose. The school wishes to provide a 21st Century facility to benefit pupils from our school as well as pupils from other schools whether it be as a school team or local clubs.
- 2.6 Although the hard standing is unsuitable in its present form, it does provide a good base for an all-weather surface which would allow the school to enhance the sporting facilities that it can already offer.
- 2.7 The project initially commenced in 2019 but due to a lack of funding could not progress beyond some initial quotations. More recently, and as a result of a financial commitment from the Local Authority, further discussion and consultation has taken place, including with the Education Directorate, Finance, Corporate Property Services, Procurement, Planning and the Sustainable Drainage Systems Officer (SuDs).
- 2.8 The project will be undertaken by Corporate Building Services on behalf of the school. The school surveyor is currently managing the initial design and feasibility process including carrying out the necessary site investigations.
- 2.9 The inclusion of floodlights means that the project will require planning consent, however, based on a similar project in a Swansea secondary school it is anticipated that there will not be any SuDs issues to account for, as the project involves the laying of a carpet over an existing hard-court area and would not involve any new construction.
- 2.10 There are a number of benefits in choosing to lay an artificial carpet directly onto the existing tarmac area. Generally, the surface is level and the expectation is that it will be suitable to have artificial turf laid directly onto it. In doing so this will avoid further ground works and as such should not impact the existing drainage of the site. We have been advised that laying an artificial turf pitch onto an engineered base such as tarmac is a superior solution to a dynamic base such as compacted stone for durability and longevity.

- 2.11 The school has undertaken initial pre-procurement consultation with the market in order to establish the anticipated level of cost of the project and to confirm that it is within the total amount of funds available to the school which it is. Should costs exceed the funds available then the school will meet the shortfall from its delegated reserves.
- 2.12 The school has received a commitment to the funding of the project to the value of £254,000.

Project timeline

The draft timeline for the project is below;

Activity	Dates
Initial feasibility and design	4 weeks to 02.06.21.
Planning process	13 weeks to 02.09.21.
Procurement process	6 weeks to 21.07.21. (4 weeks out to tender + 2 weeks for all sign offs). This will be done alongside the planning application.
Start of construction	3 weeks to 23.09.21.
Completion of construction	12 weeks to 25.11.21.

3. Health & Safety, Fire Evacuation and First Aid

- 3.1 Lettings, which will take place in the evenings and weekends, will have minimal impact on parking around the site as nearly all staff have left the site by 4:00 - 4:30pm. With bookings not commencing until 5:00pm at the earliest there will be sufficient spaces, i.e. the school currently has 70 spaces on site for after hour visitors. Therefore, the project would not add pressure to car parking or site access.
- 3.2 Patrons will have full access to the parking facilities on site after hours. In addition, patrons will be able to use the drop off zone at the front of the school (bus bay area – 2 lanes and a further single lane with parking for 8 vehicles. A one-way system is operated in this area). This will be beneficial to users of the all-weather facility as many young people will be dropped off/picked up and as such parents/carers will not require parking. This will make for a more organised and safe site when people are arriving and leaving by using the central walkway which is away from the main car park.
- 3.3 Fire evacuation. During normal school hours the all-weather surface facility (replacing the old tennis courts) will continue to be the assembly point for pupils in years 7 and 9 as well as staff, visitors and contractors as per our existing emergency action plan. New signage will be acquired and placed on display so that pupils and staff continue to be aware of where to assemble.
- 3.4 There will be a member of staff on site at all times during out of hours operation who will have responsibility for securing the site when all patrons have left. The duty officer will perform the fire coordinator role/task, liaise with users ensuring all are accounted for, and communicating with the fire service.

- 3.5 The designated assembly point for evening users is the bus bay area at the front of the school. This is a well-lit area, accessible without entering the building, and a good point to liaise with the duty officer. There is also clear and appropriate signage.
- 3.6 It will be the users, who shall be responsible for taking a register of participants, and then checking all patrons at the assembly point, before communicating this to the duty officer.
- 3.7 Lettings customers will be made aware of these procedures as part of their lettings contract procedures and as part of the letting arrangements and agreement. There will be three fire drills practiced annually with users and this will be documented. The school's current evening procedures and plan is already embedded in the existing emergency action plan.
- 3.8 Suitable arrangements will be put in place to ensure cover for First Aid.
- 3.9 There are sufficient clubs requiring the use of such a facility for the school to be confident of achieving the target income. The school will complete the usual landlord lettings consent application forms for bookings.

4. Procurement

- 4.1 The project has been developed with associated parties and will be managed by Corporate Building Services who will liaise directly with the school.
- 4.2 Full technical details of the scheme will be submitted to the Council under the School landlord's building/facilities consent process, for approval.
- 4.3 The project will be advertised on Sell2Wales, and the school will take the advice of the procurement team to ensure compliance with the Council's Contract Procedure Rules.

5. Legal Implications

- 5.1 The school and the Council, as applicable, will need to comply with the terms and conditions attached to any grant funding.
- 5.2 All contracts for works necessary to deliver the project must be procured in accordance with the Council's Contract Procedure Rules and the relevant Procurement Regulations as appropriate. The contractual liabilities/obligations of the Council and any appointed contractor(s) will be covered by the individual contract(s) entered into.

Third party lettings

The school will follow the third-party lettings consent process;
<http://www.swansea.gov.uk/staffnet/lettingsconsent>

This requires schools to request authorisation from the Corporate Landlords service (FM) to let its facility/premises to a third party organisation.

6. Financial Implications

Capital

- 6.1 The project has been designed to ensure that costs can be covered within the allocated funding of £254,000.
- 6.2 The total estimated capital cost of the project for a 62m x 34m 3G pitch alongside a 25m x 17m sports MUGA and sports yard (including flood light repairs) is estimated to be £254,000.
- 6.3 This cost estimate has been derived from meetings between the Headteacher and several companies to examine the preferred options.
- 6.4 These costs would be met by the following funding;
- | | | |
|------|---|----------|
| i. | Swansea Council | £200,000 |
| ii. | Swansea Council Play Fund | £30,000 |
| iii. | Swansea Council Ward Members Capital Fund | £15,000 |
| iv. | Ward Members Community Budget | £9,000 |

Revenue

- 6.5 A breakdown of expected income and expenditure is attached as appendix A. The school will operate the facility for out of hours use.
- 6.6 The school has been approached by local clubs who either do not currently have their own training facilities or have to travel further than they would like. It also enables those families without transport to be able to access the facility. All of these clubs have indicated that they would wish to use the facility as their regular training ground on a weekly basis as well at the weekend and during holidays for summer schools and similar events.
- 6.7 There are no additional staffing costs in the evenings while the school continues with the same opening hours as there is a leisure facility within the school building which can run until 10.00pm. Any increase in demand for weekend use would incur additional costs for the attendant but would easily be covered by lettings charges.
- 6.8 The school intends to use the sinking fund facility which the Council has recently introduced at a cost of £15,500 per annum through the income generated. This will allow the school to replace the cost of the artificial carpet when it comes to the end of its lifespan, i.e. around 12 - 15 years. As will be seen from the summary in the appendix, even with the minimum income scenario, there is sufficient income to cover this annual amount as well as generating additional funds.
- 6.9 The anticipated annual maintenance charges will be in the region of £2,380 based on similar sized pitches in other schools and from guidance received from providers of these facilities. The total cost of the sink fund (£15,500) and maintenance (£2,380) is £17,880 per annum. This cost will be covered by the minimum level of bookings expected and the school will be left with a healthy remaining balance to invest in maintaining the facility,

enhancing it further or even investing in other school facilities as and when required.

6.10 The calculation based on evening usage (autumn and winter) for electricity usage is £3,255.

6.11 Calculations for additional opening hours in the evening are also included in appendix A

7. Equality and Engagement Implications

7.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being and Future Generation Act 2015 and the Welsh Language (Wales) Measure, 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 Integrated Impact Assessment (IIA) process ensures that we have paid due regard to the above.

7.2 The completed Integrated Impact Assessment Screening form is attached (Appendix B) and a full IIA report is not required.

7.3 Where the estimated cost of an individual project exceeds £150,000 but not £1 million, and the project is not materially changed from the scheme included in the approved capital programme, then a report, as detailed above, must be approved by the relevant Cabinet Member and Director, the Chief Finance Officer and the Chief Legal Officer. The relevant Director shall forward a copy of the report to the Head of Democratic Services for publication. Following publication and subject to "call-in" the relevant Director and the Chief Finance Officer may proceed to implement the report decision.

7.4 This development would have a positive impact on children and young people as well as people of all ages in the community who will access the facility. The whole school community and local clubs will be kept engaged to ensure that the benefits are realised for everyone. The proposed development fits within the expectations and considerations of the WFG with no risk in their implementation. The cumulative impact is seen as very positive.

Background Papers: None

Appendices:

Appendix A Financial implications
Appendix B IIA Screening

FINANCIAL IMPLICATIONS : SUMMARY

Portfolio: EDUCATION

Service : PRIMARY /SECONDARY SCHOOL

PROVISION

Scheme : All Weather Surface Facility at Pontarddulais Comprehensive School

<u>1.1. CAPITAL COSTS</u>	2021/22	2022/23	2023/24	2024/25	TOTAL
	£'000	£'000	£'000	£'000	£'000
<u>Expenditure</u>	254				
EXPENDITURE	254	0	0	0	254
<u>Financing</u>	-				
Swansea Council	200				
Swansea Council Play Fund	30				
Swansea Council Ward Members Capital Fund	15				
Ward Members Community Budget	9				
FINANCING	254	0	0	0	254
<u>1.2. REVENUE COSTS</u>	2021/22	2022/23	2023/24	2024/25	TOTAL
	£'000	£'000	£'000	£'000	£'000
<u>Service Controlled - Expenditure</u>	-				
Employees	4	6	6	6	22
Maintenance & Electricity	5	6	6	6	23
Sinking Fund	9	16	16	16	57
NET EXPENDITURE	18	28	28	28	102
<u>Financing</u>	-				
Lettings income	32	56	57	58	203
FINANCING	32	56	57	58	203
CLEARED FUNDS	14	28	29	30	101

2021/22 is only September to March

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Pontarddulais Comprehensive School

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here: Remodelling of a hard-standing area and installation of a 2G all-weather surface on existing land at Pontarddulais Comprehensive School. The location will be the old tennis courts which are no longer fit for purpose.

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Gypsies & travellers	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>

Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement.

There have been meetings with local sports organisations, Pontarddulais Cricket Club, Pontarddulais Rugby Club, Pontarddulais Football Club, Dulais Netball to gauge the demand for such a facility. Initially this was to discuss a 3G provision but that was not achievable given that the level of funding was initially between £200,000 and £250,000. There has been regular contact with the Local Authority including the involvement of Councillor Philip Downing and the Leader, Councillor Rob Stewart. This scheme has been discussed at school level with pupils and staff as well as the Governing Body.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?
Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
Yes No
- c) Does the initiative apply each of the five ways of working?
Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk

Medium risk

Low risk

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

Yes

No

If yes, please provide details below

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

This proposal will only have a positive impact on the pupils attending the school as well as the community as a whole by providing a facility which is not currently available. It will enable easy access to those people within the community who do not have access to transport.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

This development would have a positive impact on children and young people as well as people of all ages in the community who will access the facility. The whole school community and local clubs will be kept engaged to ensure that the benefits are realised for everyone. The proposed development fits within the expectations and considerations of the WFG with no risk in their implementation. The cumulative impact is seen as very positive.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

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.

Screening completed by:
Name: Dylan Jenkins
Job title: Head of Resources
Date: 12-05-21
Approval by Headteacher:
Name: Gareth Rees
Position: Headteacher
Date: 14-05-21

Agenda Item 13.



Report of the Cabinet Member for Education Improvement, Learning & Skills

Cabinet – 17 June 2021

Increased Planned Places at Ysgol Pen-y-Bryn

Purpose:	To report to members on the result of consultation and to seek approval for the publication of a statutory notice on the proposal to increase the planned places at Ysgol Pen-y-Bryn from January 2022.
Policy Framework:	Corporate priorities: •Improving Education and Skills
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) Approval is given to publish a statutory notice to increase the planned places at Ysgol Pen-y-Bryn from January 2022; 2) Cabinet considers any objections received during the statutory notice period and determines the outcomes of the proposal at their meeting in September 2021
Report Author:	Kelly Small
Finance Officer:	Chris Davies
Legal Officer:	Stephanie Williams
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 Special school places in Swansea are running at maximum capacity, and increasing demand for places is projected for the future. The significant demand for places is leading the local authority to have no other option than to place pupils into independent and out-of-county schools.
- 1.2 In mainstream schools, the specialist teaching facilities (STFs) supporting pupils with moderate/severe autistic spectrum disorder (ASD) have very few surplus spaces.

1.3 Increasing planned places at Ysgol Pen-y-Bryn would enable the authority to better meet the needs of more pupils in local provision. Pupils requiring special school ASD places could be offered places at Ysgol Pen-y-Bryn, as opposed to provision in the independent sector or out of county, and would also alleviate pressure on mainstream schools and STFs that are struggling to cope with the demands of managing pupils with more severe learning difficulties.

2. Consultation

2.1 Cabinet agreed at a meeting held on 18 March 2021 that consultation should take place on increasing the number of planned places at Ysgol Pen-y-Bryn by 31 from January 2022. Consultation took place, as per the requirements of the School Organisation Code, between 24 March and 10 May. The consultation paper can be found here: <https://www.swansea.gov.uk/penybrynproposal2021>

2.2 Cabinet are now required to consider the responses received during the consultation period and decide if the proposal should move to the next stage i.e. the publishing of statutory notices inviting any formal objections to the proposal. All consultation responses have been made available for Cabinet to view. 38 responses were received with all of those responding being in support of the proposal, including 28 responses from learners.

2.3 The main comments raised were:

- Support for the proposal and an acknowledgment of the need to increase special school places due to increasing demand
- Support for the increase in local provision rather than out of county, which is also a more efficient use of the education budget in Swansea
- The need for the school to be funded for the additional places and staffing (with no increase to existing class sizes, as this would disadvantage existing pupils)
- Highlighting the need for the local authority to continue to review all special school provision (including STFs) in order to meet future demands

2.4 Estyn, the schools' inspectorate for Wales, were also required to comment on the proposal, and summarised that in their view the proposal is likely to have a positive impact on the standard of education provision in the area.

2.5 A summary of all issues raised and the officer response is attached in the consultation report at Appendix A. This should be read in conjunction with this report. Comments should be conscientiously considered in an open-minded approach, alongside the case put forward for publication of the proposal. In this respect there is an expectation that Cabinet will have read and given due regard to the proposal, as consulted upon, and the comments received, together with officer comments.

3. Equality and engagement implications

- 3.1 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

Since the consultation, the Council's Equality Impact Assessment (EIA) process, that ensures that we have paid due regard to the above, has been updated to an Integrated Impact Assessment to reflect the Future Generations impact of our proposals. The EIA report (Appendix B) formed part of the consultation papers and has been updated to reflect the findings of the consultation.

- 3.2 The impact of the scheme on the Children and Young People (0-18), Other Age Group and Disability will be positive in providing learners with moderate or severe Autistic Spectrum Disorder (ASD) aged 3-19 with a designated space for their education whilst also ensuring that more learners can access this specialist provision within the boundaries of the city and county of Swansea.
- 3.3 A Welsh-medium Impact Assessment is not needed under the School Organisation Code; however the demand for Welsh-medium additional learning needs continues to be considered in our WESP (Welsh Education Strategic Plan) and review of STF provision.
- 3.4 Swansea Council acts in accordance with the Well-being of Future Generations (Wales) Act in all it does. Sustainable development has been a central organising principle since 2012 and each year the council aims to further embed and build on sustainable practice. An assessment against the Act was included in the consultation papers. The proposal fits within the expectations and considerations of the Well-being of Future Generations Act, with no risk in the introduction of this proposal. The cumulative impact is seen as very positive.
- 3.5 Due regard should be paid to the United Nations Convention on the Rights of the Child at all times when developing proposals, and particularly in relation to proposals which directly impact upon young people.

4. Financial Implications

Capital

- 4.1 No capital funding is being sought for the additional 31 planned places. Capital funding has already been approved for the Arfryn site to accommodate the additional 14 planned places.

Revenue

- 4.2 The annual revenue costs for the 31 additional planned places at Ysgol Pen-y-Bryn i.e. 15 Band E places and 16 Band G places, is £504,104 per annum once fully established (based on FY2020-2021 planned place funding). This should be considered in the context that a single pupil placed into the independent sector is costing the local authority in excess of £100,000 per annum.
- 4.3 The revenue funding would be delegated to Ysgol Pen-y-Bryn each year. The school will then manage the staff and pupils accordingly. Initially this will be a transfer of funding for each place from the independent/out-of-county Education budget to the school, until all places are filled.
- 4.4 There could be some additional associated transport costs for the learners to attend the school, as per the Home to School Transport Policy; however, these will be lower costs than providing out of county placements in other specialist provision, as well as potential for reduced associated Social Services costs.

5. Legal Implications

- 5.1 The increasing of special school planned places above the current level at Ysgol Pen-y-Bryn constitutes a Regulated Alteration which requires consultation and the publication of statutory notices in accordance with s44 and Schedule 2, Part 4, Paragraph 19 of the School Standards and Organisation (Wales) Act 2013 (“the Act”) and the Welsh Government’s School Organisation Code (the Code).

- 5.2 The Code provides statutory guidance a local authority must follow when seeking to making Regulated Alterations to education provision within a local authority area. The Code provides that:

Local authorities must ensure there are sufficient schools providing primary and secondary education for their area. Schools are regarded as sufficient if they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. In order to fulfil these duties, local authorities must ensure that they plan thoroughly and engage fully with relevant partners, including the appropriate religious bodies for schools serving their area which have a designated religious character.’

- 5.3 Additional considerations are applicable when SEN provision is being considered:

Standards of provision

In addition to the usual considerations in relation to standards of provision, relevant bodies should consider:

- Whether proposals will improve standards of accommodation for pupils with SEN, including building accessibility;
- How proposals will address any health, safety and welfare issues;
- How proposals, where appropriate, will support increased inclusion; and

- The impact of proposals on other SEN provision within the immediate and wider local authority area including out of county where appropriate.
- Need for places and the impact on accessibility of schools
In addition, relevant bodies should consider:
 - Whether there is a need for a particular type of SEN provision in the area;
 - Whether there is a surplus SEN provision within the area;
 - Whether SEN provision would be more effective or efficient if regional provision were made; and
- The impact of proposals on the transportation of learners with SEN.

Other factors

Relevant bodies should consider:

- How changes to SEN provision in schools are likely to impact on all other services provided in an area for pupils with disabilities and/or SEN.

5.4 Before publishing any proposals the local authority (Proposer/s) is under a duty, by virtue of s48 of the Act, to consult on such proposals. The Code states that:

- At the start of the consultation period Proposers must provide the consultees listed in the Code with a detailed consultation document following the requirements listed in the Code, and give them at least 42 days in which to respond, with at least 20 of these being school days.
- Where proposals involve specialist resource bases attached to mainstream schools the following information must be included in the consultation document:
 - the impact on SEN provision;
 - how proposals will contribute more generally to enhancing the quality of education and support for children with SEN.
- Consultation comments must be collated and summarised by Proposers. This summary together with the responses to the comments must be published in a consultation report within three months of the end of the consultation period.
- A decision must be made by Proposers whether to proceed with changes within 6 months of the end of the consultation period.
- If a decision is made to proceed, a statutory notice is published providing a 28-day notice period for objections. The notice must be published on a school day and with 15 school days (not including the day of publication) in the notice period.
- If objections are received, an objection report must be published providing a summary of the objections with responses to them before the end of 7 days beginning with the day of the Proposers determination of the proposals.
- The proposer must determine under s53 whether the proposals are to be implemented. Proposals must receive final determination within 16 weeks of the end of the objection period. Local determination is a requirement of the School Organisation Code, and The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013 allow for this local determination. The Welsh Ministers and Governing Bodies are to be notified of the decision within 7 days of the decision.

h. If the Proposer determines to implement proposals, they should be implemented in accordance with the date given in the statutory notice, or any subsequent modified date.

5.5 Failure to comply with the statutory consultation requirements in the Act and Code will leave the Authority open to Judicial Review and the decision could be quashed by the Courts.

Case law has established that the consultation process should:

- be undertaken when proposals are still at a formative stage;
- include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
- provide adequate time for consideration and response; and
- ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.

Background papers:

- Welsh Government School Organisation Code [School organisation code | GOV.WALES](#)
- Report to Cabinet 18 March 2021
(<http://democracy.swansea.gov.uk/documents/s71615/9%201%20of%202%20-%20Penybryn%20Planned%20Places.pdf?LLL=0>)

Appendices:

Appendix A Consultation Report
Appendix B Equality Impact Assessment



Consultation Report:
Proposal to Increase the planned places at
Ysgol Pen-y-Bryn

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1. BACKGROUND

Ysgol Pen-y-Bryn is one of two special schools in Swansea. Special school places in Swansea are running at maximum capacity, and increasing demand for places is projected for the future. The significant demand for places is leading the local authority to have no other option than to place pupils into independent and out-of-county schools. In mainstream schools, there are a number of specialist teaching facilities (STFs) which support pupils with moderate/severe learning difficulties, and STFs to support pupils with moderate/severe autistic spectrum disorder (ASD). There are very few surplus places across the ASD STFs.

Increasing planned places at Ysgol Pen-y-Bryn would alleviate pressure on the moderate autistic spectrum disorder Specialist Teaching Facilities (ASD STFs). The pupils with the more severe needs (i.e. high ASD symptomatology) would transfer to Ysgol Pen-y-Bryn, allowing the authority to place pupils with moderate ASD into the appropriate STFs. It would also alleviate pressure on secondary mainstream schools and STFs who are struggling to cope with the demands of managing pupils with more severe learning difficulties

The local authority has consulted on a proposal to increase the number of places at Ysgol Pen-y-Bryn by 31 places from the 1 January 2022.

2. METHODOLOGY

Consultation took place with the prescribed consultees contained within the School Organisation Code <https://gov.wales/school-organisation-code> via email with a link to the consultation document on the Swansea Council website <https://www.swansea.gov.uk/penybrynproposal2021>

The consultation period ran between 24 March 2021 and 10 May 2021.

Due to Covid-19 health and safety considerations, the local authority did not carry out consultation meetings for this proposal or issue printed documentation.

The publication of a consultation document is central to the consultation process prescribed by the Welsh Government for school reorganisation. The consultation document outlined the changes being considered, the rationale for these, details of the consultation process, including ways consultees could send in their views. Consultees were advised of the availability of an online response form, and contact addresses to send in comments via post or e-mail.

3. CONSULTATION WITH CHILDREN AND YOUNG PEOPLE

A consultation document was shared with all learners at the school and discussed with staff during lessons. The paper explained the proposal and included a reply slip for learners to respond. 28 learners responded (19% of learners at the school).

The majority of pupils supported the proposal and gave positive comments around welcoming new pupils and having more friends. Six pupils stated they did not know how they would feel having more pupils attend the school. One stated that they felt

nervous about meeting new people, and one commented they felt the school already had enough pupils. This is an understandable response from learners with complex needs, which include severe and complex learning difficulties and associated social anxieties. However, school staff are skilled in managing transitions and change, and understand learners' concerns. Also the additional places will not change routines that are already well established.

No letters/emails were received.

A summary of the pupil responses collated by the school council can be found at Appendix 1.

4. CONSULTATION WITH STAFF, GOVERNORS, PARENTS and INTERESTED PARTIES

During the consultation period 10 responses were received to the online survey. A summary of the survey responses is as follows:

Support Proposal/Happy	10
Against Proposal/Unhappy	0
<i>Responses from:</i>	0
Pupil	0
Parent/Carer	3
Member of Staff	4
Governor	0
Community Member	1
Other	2

Support Proposal	100%	Against Proposal	0%
------------------	------	------------------	----

The main comments raised on the survey were:

- Support for the proposal and an acknowledgment of the need to increase special school places due to increasing demand
- Support for the increase in local provision rather than out of county, which is also a more efficient use of the education budget in Swansea
- The need for the school to be funded for the additional places and staffing (with no increase to existing class sizes, as this would disadvantage existing pupils)
- Highlighting the need for the local authority to continue to review all special school provision (including STFs) in order to meet future demands

A full summary of the issues raised and the local authority response to each is attached at Appendix 2.

5. ESTYN RESPONSE

Estyn, the schools' inspectorate for Wales, were also required to comment on the proposal, as per the School Organisation Code. Their response is as follows:

Estyn response to the proposal to increase the planned places at Ysgol Pen-y-Bryn special school

Introduction

This report has been prepared by Her Majesty's Inspectors of Education and Training in Wales.

Under the terms of the School Standards and Organisation (Wales) Act 2013 and its associated Code, proposers are required to send consultation documents to Estyn. However, Estyn is not a body which is required to act in accordance with the Code and the Act places no statutory requirements on Estyn in respect of school organisation matters. Therefore as a body being consulted, Estyn will provide their opinion only on the overall merits of school organisation proposals.

Estyn has considered the educational aspects of the proposal and has produced the following response to the information provided by the proposer.

Summary/ Conclusion

The proposal is by Swansea council. It is to increase the number of planned places at Ysgol Pen-y-Bryn by 31 places for young people with moderate/severe autistic spectrum disorder (ASD) aged 3-18 with effect from 1 January 2022.

It is Estyn's view that this proposal is likely to have a positive impact on the standard of education provision in the area.

Description and benefits

The council has provided a clear rationale for the proposal. It is to increase the overall number of special school places available to help to meet the increased demand for places for pupils with autistic spectrum disorder (ASD). The council intends that pupils requiring special school ASD places could be offered places at Ysgol Pen-y-Bryn, as opposed to provision in the independent sector or out of county. The council also suggests that this would alleviate pressure on mainstream schools and specialist teaching facilities (STF) to support pupils with more severe learning difficulties.

The council asserts that no capital funding is being sought and that the additional places can be accommodated across the existing school sites (the main site at Glasbury Road, and the annexe at Arfryn, which is approximately one mile away from the main site). In addition, the council has provided a sufficiently detailed timetable that includes key dates for following statutory procedures and for implementation of the proposal.

The council has included suitably the expected benefits of the proposal within the main text of the document. The additional 31 places would increase the overall number of special school places available to meet the increased demand. It would also alleviate pressure on secondary mainstream schools and STFs in Swansea and will reduce the need for learners to be educated in out of county provision or in independent schools. However, no disadvantages to the proposal appear to have been identified.

The council does not appear to have identified any risks associated with the proposal, however it has recognised suitably that there could be some additional associated transport costs for learners to attend the school but asserts that these will be lower than providing out of county placements in other specialist provision.

The council has not provided any evidence to demonstrate whether any alternatives have been considered and reasons as to why these have been discounted.

The council has stated that transportation for learners will be in accordance with the council's policy for home-to-school transport. In addition, the council has asserted reasonably that if provision is not increased, learners with special needs may have to travel out of county or be placed in independent schools in order to receive the specialist provision they require.

It is not fully clear from the consultation paper exactly how many surplus places are likely to be affected by the proposal. In the introduction to the proposal, the council states that special school places in Swansea are running at maximum capacity, and increasing demand for places is projected for the future. In appendix A, the data provided in graphical form appears to show that currently there are 150 pupils in the school in 2021 and that projected numbers from 2022 onwards will be just under 200 pupils. The council has also provided data for the numbers on roll and planned places for ASD STFs in Swansea. This data appears to show that there are surplus places in some of these STFs. However, there is no commentary provided specifically on this data which appears to contradict the statement made in the introduction.

The consultation paper makes no reference to the impact of the proposal on Welsh medium provision within the local authority or the local authority's Welsh in Education Strategic Plan. The only consideration is in the equality impact assessment report which states that Pen-y-Bryn, like all other schools in Swansea provides Welsh as part of its curriculum offer. It is unclear therefore how this proposal will impact on Welsh speaking pupils with ASD.

The council has identified suitably the financial costs to the proposal which is £501,104 per annum. The council suggests that this should be considered in the context that a single pupil placed into the independent/out-of-county sector is costing the local authority in excess of £100,000 per annum. However, it does not provide further details as to exactly how much of the financial costs would be offset by savings made through educating pupils within Swansea instead of in the independent/out-of-county sector.

Educational aspects of the proposal

The council has included a summary of the last Estyn inspection report which judged that Ysgol Pen-y-Bryn's performance and prospects for improvement were both good. The council states that an increase in planned places is unlikely to affect the school's performance as staff are already working with learners with similar difficulties successfully. In addition, the council states that increasing staffing will bring more flexibility and increase the pool of skills and knowledge in the school. These appear to be fair and reasonable assertions.

The council has included impact assessments for equality, the community and sustainable development as part of the proposal. All these seem to be appropriate.

There does not appear to be any reference in the proposal to how any potential disruption to learners would be minimised.

This proposal addresses specifically the shortage in the amount of provision available for children with SEN and so is likely to have a positive impact on provision for these pupils.

The council appears to have appropriately included the relevant additional factors to be taken into account in preparing, publishing, approving or determining proposals for the reorganisation of SEN provision.

Local Authority Response to Estyn

The local authority had considered a range of alternatives when considering this proposal before going to consultation.

STF pupil numbers will increase further when 2021 statistical returns are available. The continuing pressure on STF places is being considered as part of a separate review which will compliment the additional special school places, as we need both types of provision, as part of our coherent longer term review of Additional Learning Needs places. This review will include Welsh-medium provision and inform the future WESP.

The local authority has no further comment to make on Estyn's response, which is broadly supportive of the proposal.

Pupil Consultation

Number of consultation responses received:				
28				
		Support Proposal/Happy	22	
		Against Proposal/Unhappy	0	
		Don't know	6	
	Point Raised	Local Authority Response	Number of Written Responses Raising Point	% of Responses Raising Point
1	Positive comments about being happy to make more friends	Agreed	17	61%
2	Comments about being unsure about how the proposal will affect them, being unsure about the additional numbers or being nervous about new children coming to the school.	This is an understandable response from learners with complex needs which include severe and complex learning difficulties and associated social anxieties. However, school staff are skilled in managing transitions and change, and understand learners' concerns. Also the additional places will not change routines that are already well established.	4	14%

Consultation Responses

Number of consultation responses received:				
10				
Support Proposal/Happy		10		
Against Proposal/Unhappy		0		
Responses from:		0		
Pupil		0		
Parent/Carer		3		
Member of Staff		4		
Governor		0		
Community Member		1		
Other		2		
Point Raised	Local Authority Response	Number of Written Responses Raising Point	% of Responses Raising Point	
1 There is a huge need for more spaces in the newly proposed school, The population of ALN pupils is increasing	Agree	3	30%	
2 Increasing the planned places for children in most need is vital in order to provide them with the best support possible locally.	Agree	1	10%	
3 This would ensure that the children get the best, local support whilst making most efficient use of the authority's education budget	Agree	1	10%	
4 Fully endorse the proposal for more pupil placements at the school.	Agree	1	10%	
5 With the increase in numbers is there an increase in length of time a pupil can stay in the sixth form e.g. past 19 looking to 16 to 25 opportunities	No, the age range of the school will not be extended as part of this proposal.	1	10%	
6 Will you offer those that have missed out on a whole year of education due to Covid, which spans across two school years an opportunity to stay on an extra year. Especially now as you have space?	Schools have been given grants to assist with learner catch up following Covid-related school closure, so there will not be an offer to stay an extra year.	1	10%	
7 If in the future we see further increases in ASD statements, could we look towards making increases to planned places in the current settings e.g. Primary Schools that have settings based at the school? I would be keen to explore this	This proposal is in regard to increasing special school places on the existing sites; however there will be a continuing review of all additional learning need (ALN) places at STF's and special schools in the coming years, and statutory consultation will take place as is required.	1	10%	
8 Regarding alternative options - more STF classes in mainstream schools across Swansea they are such a huge benefit to each school community.		1	10%	
9 There is clearly a need for additional provision at Ysgol Pen-y-Bryn. This must come with sufficient funding - pupils needing additional support in an STF will still need a higher level of staffing in a special school.	The extra places would be fully funded as per the council's funding formula for schools. It is the responsibility of the headteacher and governing body to ensure class sizes are appropriate and staffed according to the learner's Statement of Special Educational Needs.	1	10%	
10 The additional places must be where the school actually has spaces as even with this increase, some Key Stages are at their capacity and this must be looked at, ensuring that existing pupils do not see their class sizes increase and so be disadvantaged by any expansion.		1	10%	
11 The building of a new school must be a priority as even with this expansion, there are still pupils who need to be at a special school for whom there will not be places even after this expansion.	This proposal is only concerned with the additional places at the existing school. Any further proposals will require a separate statutory process.	1	10%	

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to equality.

Please refer to the ‘EIA Report Form Guidance’ while completing this form. If you need further support please contact acesstoservices@swansea.gov.uk.

Where do you work?
Service Area: Planning and Resources
Directorate: Education

(a) This EIA is being completed for a:

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 checked="" type="checkbox"/>

(b) Please name and describe here:

Increased Planned Places at Ysgol Pen-y-Bryn

Special school places in Swansea are running at maximum capacity, and increasing demand for places is projected for the future. The significant demand for places is leading the local authority to have no other option than to place pupils into independent and out-of-county schools.

Ysgol Pen-y-Bryn has recently been given approval to take over the vacated Arfryn Pupil Referral Unit building that is approximately a mile away from their main site, to provide additional space and facilities. 14 additional planned places will be funded at the school from April 2021 to help to ease the pressure outlined in section 1 of this report. These places can be added without the need for a statutory proposal, as the additional places do not breach the 10% increase threshold that is specified in regulations.

School organisation regulations require a statutory proposal to take place if a special school increases their planned places by more than 10% (or 20 places, whichever is the lesser). Assessments indicate that the Arfryn site can accommodate a maximum of 45 special school places, taking the total number of places at Ysgol Pen-y-Bryn to 190 places, and this increase triggers the need for a statutory proposal if we are to fully utilise the Arfryn site. Therefore a statutory proposal would be needed to add 31 extra planned places to the school (as 14 of the 45 extra places can be added without a proposal).

Increasing planned places at Ysgol Pen-y-Bryn would alleviate pressure on the moderate ASD STFs. The pupils with the more severe needs (i.e. high ASD symptomatology) could transfer to Ysgol Pen-y-Bryn, allowing the authority to place pupils with moderate ASD into the appropriate STFs. It would also alleviate pressure on mainstream schools and STFs that are struggling to cope with the demands of managing pupils with more severe learning difficulties.

(c) It was initially screened for relevance to Equality and Diversity on: 02/02/2021

(d) It was found to be relevant to...

Children/young people (0-18).....	<input checked="" type="checkbox"/>	Sexual orientation.....	<input type="checkbox"/>
Older people (50+).....	<input checked="" type="checkbox"/>	Gender reassignment.....	<input type="checkbox"/>
Any other age group	<input checked="" type="checkbox"/>	Welsh language.....	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	Poverty/social exclusion	<input type="checkbox"/>

- | | | | |
|---------------------------------|--------------------------|--------------------------------------|-------------------------------------|
| Race (including refugees) | <input type="checkbox"/> | Carers (including young carers)..... | <input type="checkbox"/> |
| Asylum seekers..... | <input type="checkbox"/> | Community cohesion | <input checked="" type="checkbox"/> |
| Gypsies & Travellers..... | <input type="checkbox"/> | Marriage & civil partnership | <input type="checkbox"/> |
| Religion or (non-)belief..... | <input type="checkbox"/> | Pregnancy and maternity..... | <input type="checkbox"/> |
| Sex..... | <input type="checkbox"/> | | |

(e) Lead Officer

Name: Rhodri Jones

Job title: Head of Performance

Date: 16/03/2021

(f) Approved by Head of Service

Name: Brian Roles

Date: 16/03/2021

***Reviewed on 21/05/2021 after the completion of the consultation.**

Section 1 – Aims (See guidance):

Briefly describe the aims of the initiative:

What are the aims?

Increasing planned places at Ysgol Pen-y-Bryn would enable the authority to better meet the needs of more pupils in local provision. Pupils requiring special school ASD places could be offered places at Ysgol Pen-y-Bryn, as opposed to provision in the independent sector or out of county, and would also alleviate pressure on mainstream schools and STFs that are struggling to cope with the demands of managing pupils with more severe learning difficulties.

Who has responsibility?

If approved, the overall responsibility would be with Swansea Council's Education Directorate.

Who are the stakeholders?

Each stakeholder group requires a specific method of communication to promote key messages during the project. A broad approach for communications methods is outlined below. It draws on corporate methods of communicating to staff in general as well as some established meeting structures within the project.

Audience	Methods
Pupils	Face to face school visits, social media
Parents	Letters, media, social media, website
Governors	Face to face briefing, emails
Head and Management Team	Face to face briefing, emails,
School Staff	Face to face, letter, Newsletter, media, social media, website
All other schools	Face to face, letter, email, newsletter
CMT	Face to face briefing, newsletter, email
Cabinet	Face to face briefing, newsletter, email
Group Leaders	Face to face briefing, newsletter, email
Ward Members	Email, phone call
Trade Unions	Face to face briefing, email
Press/Media	Face to face briefing, press release
Welsh Government	Letter, local media, email
Estyn	email
AMs/MPs	Letter, email

Education SLB/EDSLT/DMT	email, newsletter, face to face
O and S Chairs and V Chairs	Email, letter
Community groups	Letter and liaison with Community Regen, social media, website
All Council staff	Staffnet, website, social media
Swansea residents	Media, website, social media
Local businesses	Media, letters, website, social media

Section 2 - Information about Service Users (See guidance):

Please tick which areas you have information on, in terms of service users:

- | | | | |
|-----------------------------------|-------------------------------------|--------------------------------------|-------------------------------------|
| Children/young people (0-18)..... | <input checked="" type="checkbox"/> | Sexual orientation..... | <input type="checkbox"/> |
| Older people (50+)..... | <input checked="" type="checkbox"/> | Gender reassignment..... | <input type="checkbox"/> |
| Any other age group | <input checked="" type="checkbox"/> | Welsh language..... | <input checked="" type="checkbox"/> |
| Disability | <input checked="" type="checkbox"/> | Poverty/social exclusion | <input type="checkbox"/> |
| Race (including refugees) | <input checked="" type="checkbox"/> | Carers (including young carers)..... | <input type="checkbox"/> |
| Asylum seekers..... | <input type="checkbox"/> | Community cohesion | <input type="checkbox"/> |
| Gypsies & Travellers..... | <input type="checkbox"/> | Marriage & civil partnership | <input type="checkbox"/> |
| Religion or (non-)belief..... | <input type="checkbox"/> | Pregnancy and maternity..... | <input type="checkbox"/> |
| Sex..... | <input checked="" type="checkbox"/> | | |

Please provide a snapshot of the information you hold in relation to the protected groups above:

The following information is collated as part of the annual pupil census that is carried out in January of each year. The below is from the January 2020 PLASC:

Number of pupils on roll:

School	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Total
YGG Pen-y-Bryn	1	7	4	6	3	1	20	12	17	20	14	15	15	11	146

	2017-2018	2018-2019	2019-2020
Percentage of total pupils on roll living in areas classed in Welsh Index of Multiple Deprivation (WIMD) as being in the most deprived 30% of all areas	48.1%	49.6%	47.9%
Percentage claiming Free School Meals	40.2%	44.6%	41.0%
Percentage with Special Educational Needs (SEN)	100%	100%	100%

In January 2020 the breakdown for SEN was as follows:

Need	School Action	School Action Plus	Statement	Total
Attention Deficit Hyperactivity Disorder	0	0	7	7
Autistic Spectrum Disorders	0	0	85	85
Behavioural, Emotional & Social Difficulties	0	0	3	3
Dyscalculia	0	0	0	0
Dyslexia	0	0	0	0
Dyspraxia	0	0	1	1
General Learning Difficulties	0	0	29	29
Hearing Impairment	0	0	6	6
Moderate Learning Difficulties	0	0	59	59
Multi-Sensory Impairment	0	0	1	1
Physical and Medical Difficulties	0	0	34	34
Profound & Multiple Learning Difficulties	0	0	2	2
Severe Learning Difficulties	0	0	43	43
Speech, Language and Communication Difficulties	0	0	20	20
Visual Impairment	0	0	6	6
Total	0	0	296	296

Ethnic Background

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Total
Not English/Welsh	0	1	0	0	0	0	1	0	0	3	1	2	3	0	11

Any actions required, e.g. to fill information gaps?

Staff Headcount and Full-time Equivalent

	Headcount of Staff							Full Time Equivalent of Staff (1 FTE = 32.5 hrs/wk)						
	Teachers			Support Staff			Overall	Teachers			Support Staff			Overall
School	Male	Female	Total	Male	Female	Total	Total	Male	Female	Total	Male	Female	Total	Total
Penybryn	5	18	23	11	68	79	102	5.0	15.6	20.6	8.7	49.6	58.3	78.9

Section 3 - Impact on Protected Characteristics (See guidance):

Please consider the possible impact on the different protected characteristics.

	Positive	Negative	Neutral	Needs further investigation
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

Thinking about your answers above, please explain in detail why this is the case.

(0-18) – Increasing planned places at Ysgol Pen-y-Bryn would enable the authority to better meet the needs of more pupils in local provision. Pupils requiring special school ASD places could be offered places at Ysgol Pen-y-Bryn, as opposed to provision in the independent sector or out of county. Remaining in their home City would allow them to be closer to their families and wider support network.

(Older People 50+/Any other age group/Carers) – The staff, parents, carers and wider school community will benefit greatly from increasing the number of places. It would ensure that more parents have their child closer to home rather than travelling sometimes great distances to access a specialist provision out of county.

Disability – The design, delivery and implementation of this project will take full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. The re-modelling and the running of the school will continue to ensure that more pupils can make the most of their improved environment.

Section 4 - Engagement:

Please consider all of your engagement activities here, e.g. participation, consultation, involvement, co-productive approaches, etc

What engagement has been undertaken to support your view? How did you ensure this was accessible to all?

In order to create a further 31 planned places at Ysgol Pen-y-Bryn (with the use of Arfryn), a statutory consultation was held. A summary of the consultation results is as follows:

Children and Young People

A consultation document was shared with all learners at the school and discussed with staff during lessons. The paper explained the proposal and included a reply slip for learners to respond. 28 learners responded (19% of learners at the school).

The majority of pupils supported the proposal and gave positive comments around welcoming new pupils and having more friends. Six pupils stated they did not know how they would feel having more pupils attend the school. One stated that they felt nervous about meeting new people, and one commented they felt the school already had enough pupils. This is an understandable response from learners with complex needs, which include severe and complex learning difficulties and associated social anxieties. However, school staff are skilled in managing transitions and change, and understand learners' concerns. Also the additional places will not change routines that are already well established.

Staff, Governors, Parents and Other Interested Parties

During the consultation period 10 responses were received to the online survey. 100% of the responses were supportive of the proposal. The main comments raised on the survey were:

- Support for the proposal and an acknowledgment of the need to increase special school places due to increasing demand
- Support for the increase in local provision rather than out of county, which is also a more efficient use of the education budget in Swansea
- The need for the school to be funded for the additional places and staffing (with no increase to existing class sizes, as this would disadvantage existing pupils)
- Highlighting the need for the local authority to continue to review all special school provision (including STFs) in order to meet future demands

A response was also received from Estyn that stated *that this proposal is likely to have a positive impact on the standard of education provision in the area.*

A report is now being taken to Cabinet seeking authorisation to go to Statutory Notice for this proposal. This gives all stakeholders a further opportunity to support or object to the proposal.

What did your engagement activities tell you? What feedback have you received?

Please see above.

How have you changed your initiative as a result?

Given that nearly all responses were supportive of the proposal no major changes have been actioned. However, school staff will work with the children and young people to manage any transitions and changes, and understand learners' concerns.

Any actions required (e.g. further engagement activities, mitigation to address any adverse impact, etc.):

Further work with the children and young people on the above.

Section 5 – Other impacts:

Please consider how the initiative might address the following issues - see the specific Section 5 Guidance

Foster good relations between different groups	Advance equality of opportunity between different groups
Elimination of discrimination, harassment and victimisation	Reduction of social exclusion and poverty

Please explain any possible impact on each of the above.

Impact on...
Foster good relations between different groups
This increase to the provision would allow the wider support network of families to grow by bringing them in as part of the Pen-y-Bryn family.
Advance equality of opportunity between different groups
This would provide greater access to a local school for more local families.
Elimination of discrimination, harassment and victimisation
This would mean that less families have to seek a specialist provision outside of the borders of the city and county of Swansea.

What work have you already done to improve any of the above?

The school has already increased its capacity to provide places for another 14 learners.

Is the initiative likely to impact on Community Cohesion? Please provide details.

No direct impact is envisaged at this time.

How does the initiative support Welsh speakers and encourage use of Welsh?

Pen-y-Bryn, like all other schools in Swansea provides Welsh as part of its curriculum offer. With more students staying in Swansea (and Wales) this will provide more learners with an opportunity to learn about the language.

Actions (to mitigate adverse impact or to address identified gaps in knowledge).

Section 6 - United Nations Convention on the Rights of the Child (UNCRC):

Many initiatives have an indirect impact on children and you need to consider whether the impact is positive or negative in relation to both children's rights and their best interests. Please read the UNCRC guidance before completing this section.

Will the initiative have any impact (direct or indirect) on children and young people (think about this age group holistically e.g. disabled children, those living in poverty or from BME communities)? If not, please briefly explain your answer here and proceed to Section 7.

The impact will have a direct impact on children and young people.

All initiatives must be designed / planned in the best interests of children and young people.

Best interests of the child (Article 3): The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

Please explain how you meet this requirement:

The initiative is planned to increase the number of places available in our local specialist provision thus giving children and young people the best opportunity of achieving to their full potential locally. The proposal relates to the following articles:

Article 3 - All organisations concerned with children should work towards what is best for each child.

Article 12 - Respect for the views of the child

Article 18 - Both parents share responsibility for bringing up their children. We should help parents by providing services to support them.

Article 28 - Children have a right to an education. Discipline in schools should respect children’s human dignity.

Article 29 - Education should develop each child’s personality and talents to the full.

Article 30 - Children have a right to learn and use the language and customs of their families.

Actions (to mitigate adverse impact or to address identified gaps in knowledge).

Section 7 - Monitoring arrangements:

Please explain the monitoring arrangements for this initiative:

Monitoring arrangements: The initiative will be closely monitored by the Education Directorate and the school by using well established project and programme management boards.

Actions:

Section 8 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to the guidance for further information on this section).

- Outcome 1: Continue the initiative – no concern
- Outcome 2: Adjust the initiative – low level of concern
- Outcome 3: Justify the initiative – moderate level of concern
- Outcome 4: Stop and refer the initiative – high level of concern.

For outcome 3, please provide the justification below:

For outcome 4, detail the next steps / areas of concern below and refer to your Head of Service / Director for further advice:

Section 9 - Publication arrangements:

On completion, please follow this 3-step procedure:

1. **Send this EIA report and action plan to the Access to Services Team for feedback and approval – acesstoservices@swansea.gov.uk**
2. **Make any necessary amendments/additions.**
3. **Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council’s website - this is a legal requirement.**

EIA Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress
Report to Cabinet to seeking approval to consult on the proposal	Head of Service	18 March 2021	Cabinet approval to consult	Approved
Statutory consultation – to give all interested parties an opportunity to share their views	Head of Service	10 May 2021	Consultation completed	Completed
Report to Cabinet to decide if to go out to Statutory Notice	Head of Service	TBC	Statutory Notice publication approved	
Report to Cabinet following the statutory notice period	Head of Service	TBC	Increase in planned places approved for January 2022	

* Please remember to be 'SMART' when completing your action plan (Specific, Measurable, Attainable, Relevant, Timely).

Agenda Item 14.



Report of the Cabinet Member for Environment Enhancement and Infrastructure Management

Cabinet - 17 June 2021

Sustainable Landscapes, Sustainable Places (SLSP) and Sustainable Development Fund (SDF) – Gower AONB – Offer of Additional Welsh Government Funding

Purpose:	<p>To seek Cabinet approval to accept two offers of funding from Welsh Government for specified projects totalling £325,000 in accordance with Financial Procedure Rule 5.7</p> <p>The funding is offered at 100% of project costs, with no match funding required.</p>
Policy Framework:	<p>SLSP: Funding of £225,000 - the purpose is to support the following capital projects during 2021/22:</p> <ul style="list-style-type: none">• Clyne Valley Country Park Regeneration• Fairwood Common – Sustainable Management• Improvements in Port Eynon & Horton• Reynoldston and Cefn Bryn access• Pennard Castle <p>The projects were developed by the Gower AONB Partnership through the Welsh Government “Sustainable Landscapes, Sustainable Places” scheme, and the National Designated Landscapes Partnership (NDLP).</p> <p>SDF: Funding of £100,000 – the purpose is to operate the Sustainable Development Fund grant scheme within the AONB on behalf of Welsh Government. The fund aims, through partnership, to support projects that work to conserve and enhance natural beauty, wildlife, landscape, land use, culture and community on Gower.</p>
Consultation:	<p>Local Members, Access to Services, Finance, Legal</p>

Recommendation(s):	It is recommended that:
1)	Approval is given to accept both offers of funding (totalling £325,000) from Welsh Government, to enable the projects to be developed and delivered within 2021/22.
Report Author:	Chris Lindley
Finance Officer:	Liz Bennett
Legal Officer:	Caritas Adere
Access to Services Officer:	Rhian Millar

1.0 Introduction

- 1.1 The Welsh Government - through the “Sustainable Landscapes, Sustainable Places” (SLSP) programme for Welsh AONBs and National Parks - has made a grant offer of 100% funding towards five projects, based upon discussions with the Gower AONB Team. The funding totals £225,000 and is for implementation in 2021/22.
- 1.2 In addition, the Welsh Government has made an offer of £100,000 to enable Gower AONB Partnership to continue the Sustainable Development Fund (SDF) grant scheme, during 2021/22. This is also funded at 100%, and is administered according to guidelines set out by Welsh Government.
- 1.3 The projects and funding all lend support and contribute to the Welsh Government’s “Valued and Resilient” priorities for the Welsh AONBs and National Parks, as well as Council policies contained within the LDP and the Gower AONB Management Plan. The projects improve the provision of local access to green spaces and their sustainable management.
- 1.4 The projects will be coordinated by the Natural Environment Section, with works being implemented by agreement with other Council teams and appropriate local stakeholders. Officers are drawing up detailed specifications and work plans for each project.

2.0 SLSP Programme (£225,000) - Project outlines

- 2.1 **Clyne Valley Country Park (£50,000)** is a continuation of last year’s works to improve the Country Park and its sustainable management. The Country Park - on the eastern fringe of Swansea - is one of the largest contiguous areas of land in the stewardship of Swansea Council (over 300ha). Clyne Valley has multiple special features and assets (historical and ecological) and is an area easily accessible to much of the city’s population. Several visitor attractions and assets operate adjacent to the

Country Park, including Blackpill Lido, Clyne Gardens, the Railway Inn, and Clyne Farm Centre.

- 2.2 Welsh Government support in 2020/21 funded capital works and improvements to the network of footpaths and bridleways, including the installation of new and replacement bridge structures. Heritage assets have also been improved/restored and interpreted.
- 2.3 Further heritage and access improvements will be undertaken in 2021/22. Nature Recovery actions will focus on further Invasive Non- Native Species control – particularly control of Rhododendron on the west side of the valley, and treatment of Japanese Knotweed along watercourse corridors.
- 2.4 **Fairwood Common (£50,000)** - Fairwood Common is one of the largest areas of open common land in AONB at 524ha. Owned by Swansea Council, it is used for livestock grazing by a declining number of commoners. Fairwood Common is part of Gower Commons SAC and is also SSSI and SINC - with a mosaic of bog, wet and dry heath, ponds, scrub, and woodland habitats.
- 2.5 The Common surrounds Swansea Airport and there is extensive public open access. Fairwood Common is the gateway to Gower and a first feature for many people entering Gower from Swansea – certainly one of Gower’s iconic open commons. However, there are long standing issues which are leading to the deterioration of this iconic Gower landscape – issues around a lack of graziers (and barriers to releasing livestock out on the common), wildfires, increasing scrub cover and loss of biodiversity and ecological resilience.
- 2.6 This project aims to tackle these problems, by equipping those involved to reverse some of the changes, improving public access facilities, and by raising awareness amongst visitors and locals of the important role that the commons play.
- 2.7 **Pennard Castle (£30,000)** - Pennard Castle is a Scheduled Monument owned by Pennard Golf Club, who manage their golf course on Pennard Common. The Common is Access Land, with a network of rights of way and other routes (including links to the Wales Coast Path) that make Pennard Castle easily accessible for local communities and visitors. Pennard Castle overlooking Three Cliff Bay is one of the most instantly recognisable images of Gower and the area receives high numbers of visitors, particularly so in 2020. Undesirable visitor behaviour – including climbing on the castle walls and illicit fires within the castle walls – is a cause for concern for the Scheduled Monument condition.
- 2.8 This project will work with Pennard Golf Club to deliver capital works on improving three main aspects:
 - The physical condition of the Scheduled Monument

- Community/visitor engagement to communicate the value of the castle and its landscape – and how to look after it – including interpretation assets and events
 - Access and waymarking improvements of routes toward and around the castle
- 2.9 **Port Eynon & Horton (£75,000)** - A 2019 feasibility study commissioned by Swansea Council started the comprehensive assessment of the foreshore and the management of the area for visitors. The carparks and toilet blocks at both sites, along with the slipway at Port Eynon, are owned by Swansea Council. The authority also manages the dune system which extends from Port Eynon to Horton and the Salt House Scheduled Monument.
- 2.10 The study found that Port Eynon is under considerable pressure during the height of the season and the main issues relate to: the management of the carpark; inadequate quality of the toilets; traffic congestion; and boat launching. There were also concerns about the large number of signs on the seafront, the road layout near the disabled car parking bays and the quality of the litter bins. In summary, Port Eynon appears neglected and under resourced and continues to deteriorate.
- 2.11 The main issues for Horton village are car parking, the condition of the toilet block, pedestrian access to the beach, the condition of boardwalks and the interpretation of the dunes.
- 2.12 Complementary to the ongoing project developing the concept design of a new public building in Port Eynon, this SLSP project will enable some of the smaller scale public realm improvements for Port Eynon and Horton as identified in the feasibility study recommendations.
- 2.13 **Reynoldston/Cefn Bryn Public Access (£20,000)** - This project is for public access and interpretation, improving the links between Reynoldston village and the historic landscape of Cefn Bryn. Reynoldston village is a popular visitor destination on Gower, with a busy pub, holiday accommodation and village shop. Cefn Bryn Common - the central ridgeline and historic landscape dominating the Gower skyline - lies immediately above and adjacent to the village, with Arthur's Stone (Neolithic burial chamber and one of the key historic features) just a short (under 1-mile) walk across the common.
- 2.14 Recent works to limit off-road parking at the summit of Cefn Bryn (completed by SLSP in 2020-21) – whilst completely necessary - are expected to increase the number of visitors stopping in Reynoldston and wanting to get to Arthur's Stone. Although there is open access across the common and a network of rights of way, routes are poorly surfaced, with little waymarking towards features of interest. There is no on-site visitor information on the historic landscape and its archaeological features, nor the importance of the common for biodiversity and its grazing management.

2.15 This project will plan, enable, and implement footpath improvements and waymarking between the Reynoldston and the historic landscape of Cefn Bryn. The project will also plan and enable interpretation and visitor engagement/information on the area.

3.0 Sustainable Development Fund Grant Scheme (£100,000)

3.1 The Sustainable Development Fund (SDF) provides grants for innovative, sustainable, environmental projects, which involve local communities in Areas of Outstanding Natural Beauty (AONBs), and National Parks. The SDF aims, through partnership, to support projects that work to conserve and enhance natural beauty, wildlife, landscape, land use, culture and community on Gower.

3.2 The grant scheme (now in its 20th year) is administered locally by the Gower AONB Partnership, on behalf of Welsh Government. A grant panel, which includes Councillors and other local representatives, oversees the scheme. The Welsh Government funding for the scheme includes a 10% management fee to cover the Council costs.

4.0 Legal Implications

4.1 The Council must comply with the grant offer terms and conditions and must ensure that any procurement of goods, works or services complies with the Council's Contract Procedure Rules and Procurement Regulations.

5.0 Integrated Assessment Implications

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

- Eliminate unlawful discrimination, harassment and victimization 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage.

- Consider opportunities for people to use the Welsh language.
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 5.2 Integrated impact assessments (IIAs) are a legal requirement within both the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being and Future Generation Act 2015 Welsh Language (Wales) Measure. The legal obligations put a specific requirement on us to undertake integrated impact assessments (IIA) as a way of examining whether a new or existing function, service, policy, procedure, strategy, plan or project affects any person or group of persons adversely.
- 5.3 An IIA Screening Form has been completed with the agreed outcome that the acceptance of the offer of Welsh Government funding does not require a full IIA report. The individual projects will be subject to individual IIA screening, once more details are available. The Welsh Government offer is specifically for these projects, which are fundamentally to address existing maintenance and safety issues. In developing the projects, the increased provision of access and the removal of barriers will be a fundamental consideration. The recognition of “least restrictive option” approaches is fundamental to the work of the Teams involved, leading to the provision of “all-ability access” wherever possible. Our approach will ensure that consultation takes place at the most appropriate stage.

6.0 Financial Implications

- 6.1 The Authority already has responsibilities in these areas, and this offer of funding will assist the Council in achieving its ambitions as set out in a number of plans and policies (for example the Local Development Plan and the Gower AONB Management Plan). The funding has been offered at 100% and is expected to cover the costs of the projects.

Background Papers: None

Appendices:

- Appendix A - SLSP Grant Offer Letter 2021/22
- Appendix B - SLSP IIA Scoping Report
- Appendix C - SDF Grant Offer Letter 2021/22
- Appendix D - SDF IIA Scoping Report



Llywodraeth Cymru
Welsh Government

Appendix A

Mr Phil Holmes
Chief Exec, Head of Department, Chair of JAC
Swansea Council
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

5 May 2021

Dear Mr Holmes

Award of Funding in relation to the Sustainable Landscapes, Sustainable Places Programme for the Gower Area of Outstanding Natural Beauty [Gower AONB SLSP 21/22]

1. Award of Funding

- (a) We are pleased to inform you that your Application has been successful and funding of up to £225,000 (*two hundred and twenty-five thousand pounds*) (“the Funding”) is awarded to you for the Purposes (as defined in Condition 4(a)).
- (b) The Funding relates to the period 1st April 2021 to 31st March 2022 and must be claimed in full by 14th March 2022 otherwise any unclaimed part of the Funding will cease to be available to you.
- (c) If you have any queries in relation to this award of Funding or the Conditions please contact the Welsh Government Official who will be happy to assist you.

2. Statutory authority

- (a) This award of Funding is made on and subject to the Conditions and under the authority of the Minister for Environment, Energy and Rural Affairs one of the Welsh Ministers, acting pursuant to functions transferred under section 58A of the Government of Wales Act 2006.

3. Interpreting the Conditions

Any reference in the Conditions to:

'you', 'your' is to Swansea Council

'we', 'us', 'our' is to the Welsh Ministers;

'Welsh Government Official' is to

Thom Hadfield
Welsh Government
Landscapes and Outdoor Recreation
Land Nature and Forestry
Cathays Park, Cardiff

Tel: 07896 917077

Email: Thom.Hadfield@wales.gov.uk

or such other Welsh Government official as we may notify you.

'Project Manager' is to

Mike Scott
Gower AONB Officer
Swansea Council
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Tel: 01792 63 5741 or 07974 798 969

Email: Mike.Scott2@swansea.gov.uk

'Conditions' is to the terms and conditions set out in this letter and the Schedules;

'Costs Incurred' is to the cost of goods and services you have received regardless of whether you have paid for them by the date of your claim;

'Notification Event' is to any of the events listed in Schedule 3;

'Indicative Payment Profile' is to the indicative payment profile set out in Schedule 4;

'Personnel' is to your management/employees and suppliers or any other person appointed or engaged by you in relation to the Purposes;

'Schedule' is to the schedules attached to this letter;
and

any reference to any legislation whether domestic or international law will include all amendments to and substitutions and re-enactments of that legislation in force from time to time.

4. Use of the Funding

- (a) You must use the Funding solely for the purposes set out in Schedule 1 (the "**Purposes**").
- (b) You must achieve the targets and outcomes set out in Schedule 2 (the "**Targets**").
- (c) Any change to the Purposes or Targets will require our written consent which must be obtained from us in advance of implementing any change. Please note that we are not obliged to give our consent but we will consider all reasonable written requests.
- (d) You must not use any part of the Funding for: (1) party political purposes; (2) the promotion of particular secular, religious or political views; (3) gambling; (4) pornography; (5) offering sexual services; (6) purchasing capital equipment (other than as specified in the Purposes); (7) your legal fees in relation to this letter; (8) Costs Incurred or costs incurred and defrayed by you in the delivery of the Purposes prior to the period referred to in Condition 1 (b); (9) any kind of illegal activities; or (10) any other kind of activity which in our opinion could bring us into disrepute.

5. Funding pre-conditions

- (a) We will not pay any of the Funding to you until you have provided us with the following information and documentation:
 - (i) this letter signed by you;
 - (ii) documentary evidence that you have put in place all staff and other resources detailed in the Application as required to commence and complete the Purposes
- (b) Where you are required to provide information and documentation to us as evidence that you have satisfied a particular pre-condition, Condition or in support of a claim, the information and

documentation must be in all respects acceptable to us. We reserve the right to reject any information and documentation which is for any reason not acceptable to us.

6. How to claim the Funding

The Funding will be paid to you during the third week of December and the third week in March in arrears based on Costs Incurred by you in the delivery of the Purposes

- (a) You must claim the Funding promptly. We reserve the right to withdraw any part of the Funding that you do not claim promptly.
- (b) You must submit your claims for payment of Funding to the Welsh Government Official.
 - i) You must use our claim pro-forma (which is available from the Welsh Government Official) and attach the following information and documentation to each claim
 - ii) confirmation that you are operating in all respects in accordance with your constitution; and
 - iii) confirmation that you have appropriate financial, risk and control systems in place before utilising any part of the Funding to provide a grant to or procure any goods or services from third parties;

We will aim to pay all valid claims as soon as possible and typically within 28 days.

7. Your general obligations to us

You must:

- (a) safeguard the Funding against fraud generally and, in particular, fraud on the part of your Personnel and notify us immediately if you have reason to suspect that any fraud within your organisation has occurred or is occurring or is likely to occur whether or not it relates to the Funding. You must also participate in such fraud prevention initiatives as we may require from time to time;
- (b) maintain appropriate procedures for dealing with any conflicts of interest whether actual, potential or perceived;
- (c) comply with all applicable domestic or international laws or regulations or official directives;
- (d) maintain adequate insurances to cover against the risks which may arise in connection with any property or any activity undertaken in

delivery of the Purposes. We reserve the right to require you to provide proof of your insurance;

- (e) maintain appropriate financial, risk and control systems before utilising any part of the Funding to provide a grant to or procure any goods or services from third parties;
- (f) co-operate fully with the Welsh Government Official and with any other employee of the Welsh Government or consultant appointed by us to monitor your use of the Funding and your compliance with the Conditions;
- (g) inform us immediately if any of the declarations made in Condition 8 is incorrect in any respect or, if repeated at any time with reference to the facts and circumstances then existing, would be incorrect;
- (h) notify us of any funding received by you from any source in relation to the effects of the spread of the Coronavirus (COVID-19) including but not limited to your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme.

8. Declarations

You declare that:

- (a) you have the power to enter into and to perform the obligations set out in the Conditions and you have taken all necessary action to authorise the entry into and performance of the obligations under the Conditions;
- (b) no litigation or arbitration is current or pending or, so far as you are aware, threatened, which has or could have an adverse effect on your ability to perform and comply with any of the Conditions;
- (c) the information contained in your Application is complete, true and accurate;
- (d) you have disclosed to us all material facts or circumstances which need to be disclosed to enable us to obtain a true and correct view of your business and affairs (both current and prospective) or which ought to be provided to any person who is considering providing funding to you;
- (e) you have discussed and agreed the Targets with us and you are confident that they are realistic and achievable;
- (f) there are no conflicts of interest whether actual, potential or perceived;

- (g) acceptance of this award of Funding will not result in duplicate funding in respect of any part of the Purposes. This includes but is not limited to any payments received by you in relation to the effects of the spread of the Coronavirus (COVID-19) from your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme.

9. Notification Events and their consequences

- (a) You must notify us immediately if a Notification Event has occurred or is likely to occur but we also reserve the right to notify you where we believe a Notification Event has occurred or is likely to occur.
- (b) We will either (i) notify you that we consider the Notification Event is not capable of remedy or (ii) if we consider the Notification Event is capable of being remedied seek to discuss the Notification Event with you with a view to agreeing a course of action to be taken to address the Notification Event.
- (c) We will be entitled to take any of the actions listed in Condition 9(d) if:
 - (i) despite our reasonable efforts we have been unable to discuss the Notification Event with you; or
 - (ii) we notify you that the Notification Event is not capable of remedy; or
 - (iii) a course of action to address the Notification Event is not agreed with you; or
 - (iv) a course of action to address the Notification Event is agreed with you but you fail to follow it, or any conditions attached to it are not met (including without limitation the timescale for such course of action); or
 - (v) the course of action fails to remedy the Notification Event to our satisfaction.
- (d) If any of the circumstances set out in Condition 9(c) occurs we may by notice to you:
 - (i) withdraw the award of Funding; and/or
 - (ii) require you to repay all or part of the Funding; and/or
 - (iii) suspend or cease all further payment of Funding; and/or
 - (iv) make all further payments of Funding subject to such conditions as we may specify; and/or
 - (v) deduct all amounts owed to us under the Conditions from any other funding that we have awarded or may award to you; and/or

- (vi) exercise any other rights against you which we may have in respect of the Funding.
- (e) All repayments of Funding must be made to us within 28 days of the date of our demand.

10. Monitoring requirements

You must:

- (a) provide us with such documents, information and reports which we may reasonably require from time to time in order for us to monitor your compliance with the Conditions including :
 - i) an annual report on the performance of the individual projects within the Sustainable Landscapes; Sustainable Places programme delivered by August 2022
 - ii) a breakdown of all projects supported included in final claim by 14th March 2022
 - iii) and an outline of all supported projects for the year (to be submitted alongside the submission of the November claim).
- (b) meet with the Welsh Government Official and such other of our representatives as we may from time to time reasonably require;
- (c) ensure that the Project Manager (or such other person as we may agree) together with any other person we may require attends all meetings with the Welsh Government Official.

11. Audit Requirements

- (a) You must:
 - (i) maintain complete, accurate and valid accounting records identifying all income and expenditure in relation to the Purposes;
 - (ii) without charge, permit any officer or officers of the Welsh Government, Wales Audit Office or any UK subsidy enforcement body at any reasonable time and on reasonable notice (in exceptional circumstances, such as the prevention or detection of fraud, it may not be practicable to provide you with reasonable notice) being given to you to visit your premises and/or to inspect any of your activities and/or to examine and take copies of your books of account and such other documents or records howsoever stored as in such officer's reasonable view may relate in any way to your use of the Funding. This undertaking is without prejudice and subject to any other statutory rights and powers exercisable by the Welsh Government, Wales Audit Office or any UK

subsidy enforcement body or any officer, servant or agent of any of the above;

- (iii) retain this letter and all original documents relating to the Funding until we inform you in writing that it is safe to destroy them;
- (b) Under paragraph 17 of Schedule 8 to the Government of Wales Act 2006 the Auditor General for Wales has extensive rights of access to documents and information relating to monies provided by the Welsh Government. They and their officials have the power to require relevant persons who control or hold documents to give any assistance, information and explanation that they may require; and to require those persons to attend before them for such a purpose. The Auditor General and their staff may exercise this right at all reasonable times.

12. Third party obligations

- (a) Nothing in the Conditions imposes any liability on us in respect of any liability incurred by you to any third party (including, without limit, employees and contractors).
- (b) You must indemnify us against any liabilities, claims, proceedings, demands, losses, costs and expenses suffered or incurred by us directly or indirectly arising as a result of or in connection with any failure by you to perform fully or in part any obligation you may have to a third party.

13. Intellectual property rights and publicity

- (a) Nothing in the Conditions transfers to us any rights in any intellectual property created by you as a result of the Purposes.
- (b) You must acknowledge our support in relation to the Purposes. Such acknowledgement(s) must be in a form approved by us and must comply with the Welsh Government's branding guidelines.
- (c) You agree that from the date of this letter until 5 years from the date of the final payment of Funding we may include details about your organisation and business, the Funding and the Purposes in Welsh Government promotional materials and you further agree to cooperate with our reasonable requests to achieve the production of such materials.

14. Information

- (a) You acknowledge that we are subject to the requirements of the Freedom of Information Act 2000 (the "FOIA"), the Environmental

Information Regulations 2004 (the “EIR”), the Data Protection Act 2018 (the “DPA”) and the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (the “UK GDPR”).

- (b) You acknowledge that we are responsible for determining in our absolute discretion whether:
 - (i) to disclose any information which we have obtained under or in connection with the Funding to the extent that we are required to disclose such information to a person making a disclosure request under the FOIA or the EIR; and/or
 - (ii) any information is exempt from disclosure under the FOIA or the EIR.
- (c) You acknowledge that we may share any data you provide to us with fraud prevention agencies and third parties for the purposes of preventing and detecting fraud. Any personal data we collect will be managed in accordance with our Privacy Notice which is available to view here <http://beta.gov.wales/privacy-notice-welsh-government-grants>

15. Buying goods and services

If you decide to buy any goods and/or services to deliver the Purposes, they must be purchased in a competitive and sustainable way so as to demonstrate that you have achieved best value in the use of public funds.

16. Giving notice

- (a) Where notice is required to be given under the Conditions it must be in writing (this does not include email but may include a letter attached to an email) and must prominently display the following heading:

“Notice in relation to the Gower Area of Outstanding Natural Beauty [Gower AONB SLSP 21/22]”.

- (b) The address and contact details for the purposes of serving notice under the Conditions are as follows

You: the Project Manager at the address stated in Condition 3.

Us: the Welsh Government Official at the address stated in Condition 3.

- (c) A notice will be deemed to have been properly given as follows:-

Prepaid first class post:	on the second working day after the date of posting.
By hand:	upon delivery to the address or the next working day if after 4pm or on a weekend or public holiday.
By email attachment:	upon transmission or the next working day if after 4pm or on a weekend or public holiday.

17. Equal opportunities

You must apply a policy of equal opportunities as employers, as users of volunteers, and as providers of services, regardless of race, gender/gender identification, sexual orientation, religion and belief, age or any disability.

18. Welsh language

- (a) Where the Purposes include or relate to the provision of services in Wales they must be provided in Welsh and English unless it would be unreasonable or disproportionate to do so. Where they are provided in both Welsh and English they must be provided in such a way as to not treat the Welsh language less favourably than English, in accordance with the Welsh Language (Wales) Measure 2011.
- (b) For advice on providing services bilingually and in accordance with the Conditions please contact the Welsh Language Commissioner's Hybu team:
<http://www.comisiynyddygydraeg.cymru/hybu/en/home/Pages/home.aspx>

19. Sustainable development

Your use of the Funding must contribute to the achievement of the Welsh Government's well-being objectives contained in the Welsh Government's Programme for Government. You must work in a sustainable way (sustainable development principle) in delivering the Purposes so as to ensure you are working in a preventative, integrated, long-term and collaborative way that involves people that reflect the diversity of Wales. Please refer to Schedule 1 for further information.

20. Welsh Ministers' functions

You acknowledge that the Welsh Ministers have a range of functions which will continue to accrue and be amended and that decisions in relation to each such function are obliged to be taken in the light of all relevant and to the exclusion of all irrelevant considerations. You agree that nothing contained or implied in, or arising under or in connection with, the Conditions will in any way prejudice, fetter or affect the functions of the Welsh Ministers or any of them nor oblige the Welsh Ministers or any of them to exercise, or refrain from exercising, any of their functions in any particular way.

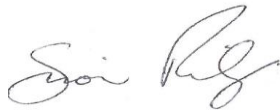
21. General

- (a) If at any time any of the Conditions are deemed to be or become invalid, illegal or unenforceable in any respect under any law, the validity, legality and enforceability of the remaining provisions will not in any way be affected or impaired.
- (b) No failure or delay on our part to exercise any power, right or remedy under the Conditions will operate as a waiver of any such power, right or remedy or preclude its further exercise or the exercise of any other power, right or remedy. The powers, rights or remedies hereby provided are cumulative and not exclusive of any powers, rights or remedies provided by law.
- (c) Any amendment or variation to the Conditions must be in writing and signed by us and you in the same manner as this letter.
- (d) You may not assign or otherwise dispose of in any way your rights, benefits, obligations or duties under the Conditions.
- (e) Conditions 7, 9, 11, 13, 14, and 21(e) and such other Conditions which by implication need to continue in force beyond the final payment of Funding will so continue in full force and effect.
- (f) The award of the Funding is to you alone and no one else is entitled to make any claim in respect of the Funding or seek to rely on or enforce any of the Conditions.
- (g) In circumstances where you comprise two or more persons or bodies, the liabilities of such persons or bodies shall be joint and several and the default of one of such persons or bodies shall be deemed to be the default of all.
- (h) The Conditions are to be governed by and construed in accordance with the laws of Wales and England as applied in Wales and the parties hereto submit to the exclusive jurisdiction of the courts of Wales and England.

22. How to accept this award of Funding

- (a) To accept this award of Funding you must sign and return a copy of this letter to the Welsh Government Official. None of the Funding will be paid to you until we have received your signed letter
- (b) We must receive your signed letter within 28 days of the date of this letter, or this award of Funding will automatically be withdrawn.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Simon Pickering'.

Signed by- Simon Pickering, Head of Branch; Landscapes and Outdoor Recreation.

Under authority of the Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers.

**SCHEDULE 1
The Purposes**

Project Name	Theme	Cost (£000)	Completion Date	Conditions of Grant
Fairwood Common - Access infrastructure, stock handling facilities, machinery for bracken management	Decarbonisation, Nature Recovery, Tourism	£50,000.00	31 March 2022	n/a
Port Eynon - Infrastructure improvements, parking, bus facilities	Tourism	£75,000.00	31 March 2022	n/a
Clyne Valley Country Park - Creation and improvement of routes. Conservation, enhancement and interpretation of heritage and biodiversity.	Tourism, Nature Recovery, Covid Recovery	£50,000.00	31 March 2022	n/a
Pennard Castle - Improve condition of castle and improve access and interpretation	Tourism, Covid Recovery	£30,000.00	31 March 2022	n/a
Reynoldston - Cefn Bryn Public Access Improvements - Route improvement, public access and interpretation, improving the links between Reynoldston village and the historic landscape of Cefn Bryn	Tourism	£20,000.00	31 March 2022	n/a
Total		£225,000.00		

**SCHEDULE 2
The Targets**

Description of the Target	Date by when it should be achieved?	Evidence required
Support and deliver the projects listed within Schedule 1 above within SLSP parameters in the AONB	31 March 2022	Outline summary November 2021, final report August 2022

SCHEDULE 3

Notification Events

The Notification Events referred to in Condition 9 are listed below:

1. repayment of any part of the Funding is required in accordance with any relevant legislation;
2. you fail to comply with any of the Conditions;
3. the Funding, in full or in part, is not being used for the Purposes;
4. you fail to achieve any or all of the Targets;
5. there is unsatisfactory progress towards completing the Purposes, including meeting the Targets;
6. you fail to provide information about the Purposes requested by us or any UK subsidy enforcement body or any of its auditors, agents or representatives;
7. we have reason to believe that you and/or any of your Personnel are involved in fraudulent activity or have been involved in fraudulent activity [whilst the Purposes are/were being carried out];
8. we have made an overpayment of Funding to you;
9. there is a duplication of funding in respect of any part of the Purposes. This includes but is not limited to any payments received by you in relation to the effects of the spread of the Coronavirus (COVID-19) from your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme
10. any declaration made in Condition 8 is incorrect in any respect or, if repeated at any time with reference to the facts and circumstances then existing, would be incorrect;
11. there has been a modification (qualification, adverse or disclaimer) to the auditor's opinion on your financial statements;
12. any petition is presented or resolution passed or other action taken for your bankruptcy or winding-up or a petition is presented for an administration order against you;
13. a receiver or an administrative receiver is appointed in respect of you or in respect of all or any part of your assets;

14. a moratorium in respect of all or any of your debts or a composition or an agreement with your creditors is agreed, applied for, ordered or declared;
15. you are unable, or admit in writing your inability, to pay your debts as they fall due;
16. any distress, execution, attachment or other process affects any of your assets;
17. a statutory demand is issued against you;
18. you cease, or threaten to cease, to carry on all or a substantial part of your business;
19. there is a change in your constitution, status, control or ownership and/or your external auditors resign;
20. there is any change, whether permanent or temporary, in your shareholders, directors, trustees or partners and/or Personnel which may affect your ability to deliver the Purposes;
21. any event occurs or circumstances arise which in our opinion gives reasonable grounds for believing that you may not, or may be unable, to perform or comply with any of your obligations under the Conditions.

SCHEDULE 4
Indicative Payment Profile
(refer to Conditions 5(b), 6(a) and (b))

Instalment number	Earliest date for claim	Last date for claim	Documents which must accompany claim pro-forma
1	01 November 2021	30 November 2021	Project outline summary report
2	01 March 2022	14 March 2022	Final individual project report to follow in August 2022

An Indicative Payment Profile is used when the timing and/or amounts of payment of the Funding vary and/or where distinct evidence or information is required in support of each instalment. All timescales for claiming the Funding must fit within the period set out in Condition 1(b).

TWO SIGNATORIES ARE REQUIRED

We declare we are duly authorised to accept the award of Funding [**Gower AONB** SLSP 2021/22] and the Conditions relating to the Funding.

An authorised signatory of **Swansea Council** Signature

_____ Name

_____ Job Title

_____ Date

An authorised signatory of **Swansea Council** Signature

_____ Name

_____ Job Title

_____ Date

Integrated Impact Assessment Screening Form – Appendix B

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Planning and City Regeneration
 Directorate: Place

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here: Acceptance of a £225 000 Grant allocation under the Welsh Government Sustainable Landscapes, Sustainable Places Programme for AONBs and National Parks. The grant supports a number of capital improvement projects within Gower AONB. The level of grant award requires a Cabinet paper for approval to accept the award.

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	+		<input type="checkbox"/>

Integrated Impact Assessment Screening Form – Appendix B

Community cohesion	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	+	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	+	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	+	<input type="checkbox"/>

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?
Please provide details below – either of your activities or your reasons for not undertaking involvement**

The SLSP programme criteria requires projects in AONBs and National Parks that focus on the following themes:

- Decarbonisation – through decarbonisation of Authority activity and assets, schemes to enable decarbonisation in communities including appropriate renewable energy, and carbon sequestration schemes in the landscape
- Nature-based solutions and nature recovery - including projects that improve connectivity and resilience of ecosystems in designated areas being mindful of climate change adaptation
- Sustainable tourism - including improving visitor facilities and infrastructure, helping landscapes recover from the impact of tourism, prepare for changing tourism patterns following Covid, and improve and protect valued cultural and heritage assets.
- Supporting communities to respond to COVID and promote a Green Recovery - enabling designated landscape bodies to assist local communities to deal with the impacts of COVID and undertake activities focused on a Green Recovery. These projects should seek to deliver social, environmental, cultural or economic outcomes.

The Gower AONB projects have been developed with local community representation and/or follow on from earlier feasibility/development work. The SLSP programme criteria have specific links to the Well-being of Future Generations Act, and other Welsh Government strategies addressing sustainability and inclusion.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?
 Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
 Yes No
- c) Does the initiative apply each of the five ways of working?
 Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
 Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk

Medium risk

Low risk

Integrated Impact Assessment Screening Form – Appendix B

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

Yes No If yes, please provide details below

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

This IIA screening relates only to the offer of Welsh Government funding for specific capital works.

As the acceptance of the offer of funding has no direct impact up on the public or users, we do not feel that consultation is required at this stage. However, consultation/engagement is planned for the projects, at a stage where it can have a meaningful impact.

Collectively these projects will improve public access to green space – much of the work will be to address maintenance and safety issues, and will result in greatly improved public access based upon a “least restrictive option” approach.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- Summary of impacts identified and mitigation needed (Q2)
- Summary of involvement (Q3)
- WFG considerations (Q4)
- Any risks identified (Q5)
- Cumulative impact (Q7)

The IIA screening exercise for the approval to accept the award of grant funding through the SLSP programme has concluded that it is a low risk initiative. A full IIA is not considered necessary.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

Screening completed by:
Name: Chris Lindley
Job title: Gower AONB Team Leader
Date: 18 May 2021
Approval by Head of Service:
Name: Phil Holmes
Position: Head of Planning and City Regeneration
Date: 18 May 2021



Llywodraeth Cymru
Welsh Government

Appendix C

Mr Phil Holmes
Chief Exec, Head of Department, Chair of JAC
City & County of Swansea
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

24 March 2021

Dear Mr Holmes

Award of Funding in relation to the Sustainable Development Fund for the Gower Area of Outstanding Natural Beauty [Gower AONB 21/22]

1. Award of Funding

- (a) We are pleased to inform you that your Application has been successful and funding of up to £100,000 (*one hundred thousand pounds*) (“the Funding”) is awarded to you for the Purposes (as defined in Condition 4(a)).
- (b) The Funding relates to the period 1st April 2021 to 31st March 2022 and must be claimed in full by 14th March 2022 otherwise any unclaimed part of the Funding will cease to be available to you.
- (c) If you have any queries in relation to this award of Funding or the Conditions please contact the Welsh Government Official who will be happy to assist you.

2. Statutory authority

- (a) This award of Funding is made on and subject to the Conditions and under the authority of the Minister for Environment, Energy and Rural Affairs one of the Welsh Ministers, acting pursuant to functions transferred under section 58A of the Government of Wales Act 2006.

3. Interpreting the Conditions

Any reference in the Conditions to:

'you', 'your' is to Gower AONB, Swansea Council

'we', 'us', 'our' is to the Welsh Ministers;

'Welsh Government Official' is to

Thom Hadfield
Welsh Government
Landscapes and Outdoor Recreation
Land Nature and Forestry
Cathays Park, Cardiff

Tel: 07896 917077

Email: Thom.Hadfield@wales.gov.uk

or such other Welsh Government official as we may notify you.

'Project Manager' is to

Mike Scott
Gower AONB Officer
Swansea Council
Civic Centre
Oystermouth Road
Swansea
SA1 3SN
Tel: 01792 63 5741 or 07974 798 969
Email: Mike.Scott2@swansea.gov.uk

'Conditions' is to the terms and conditions set out in this letter and the Schedules;

'Costs Incurred' is to the cost of goods and services you have received regardless of whether you have paid for them by the date of your claim;

'Notification Event' is to any of the events listed in Schedule 3;

'Indicative Payment Profile' is to the indicative payment profile set out in Schedule 4;

'Personnel' is to your management/employees and suppliers or any other person appointed or engaged by you in relation to the Purposes;

'Schedule' is to the schedules attached to this letter;

and

any reference to any legislation whether domestic or international law will include all amendments to and substitutions and re-enactments of that legislation in force from time to time.

4. Use of the Funding

- (a) You must use the Funding solely for the purposes set out in Schedule 1 (the “**Purposes**”).
- (b) You must achieve the targets and outcomes set out in Schedule 2 (the “**Targets**”).
- (c) Any change to the Purposes or Targets will require our written consent which must be obtained from us in advance of implementing any change. Please note that we are not obliged to give our consent but we will consider all reasonable written requests.
- (d) You must not use any part of the Funding for: (1) party political purposes; (2) the promotion of particular secular, religious or political views; (3) gambling; (4) pornography; (5) offering sexual services; (6) purchasing capital equipment (other than as specified in the Purposes); (7) your legal fees in relation to this letter; (8) Costs Incurred or costs incurred and defrayed by you in the delivery of the Purposes prior to the period referred to in Condition 1 (b); (9) any kind of illegal activities; or (10) any other kind of activity which in our opinion could bring us into disrepute.

5. Funding pre-conditions

- (a) We will not pay any of the Funding to you until you have provided us with the following information and documentation:
 - (i) this letter signed by you;
 - (ii) documentary evidence that you have put in place all staff and other resources detailed in the Application as required to commence and complete the Purposes
- (b) Where you are required to provide information and documentation to us as evidence that you have satisfied a particular pre-condition, Condition or in support of a claim, the information and documentation must be in all respects acceptable to us. We reserve the right to reject any information and documentation which is for any reason not acceptable to us.

6. How to claim the Funding

The Funding will be paid to you during the third week of December and the third week in March in arrears based on Costs Incurred by you in the delivery of the Purposes

- (a) You must claim the Funding promptly. We reserve the right to withdraw any part of the Funding that you do not claim promptly.
- (b) You must submit your claims for payment of Funding to the Welsh Government Official.
 - i) You must use our claim pro-forma (which is available from the Welsh Government Official) and attach the following information and documentation to each claim
 - ii) confirmation that you are operating in all respects in accordance with your constitution; and
 - iii) confirmation that you have appropriate financial, risk and control systems in place before utilising any part of the Funding to provide a grant to or procure any goods or services from third parties;

We will aim to pay all valid claims as soon as possible and typically within 28 days.

7. Your general obligations to us

You must:

- (a) safeguard the Funding against fraud generally and, in particular, fraud on the part of your Personnel and notify us immediately if you have reason to suspect that any fraud within your organisation has occurred or is occurring or is likely to occur whether or not it relates to the Funding. You must also participate in such fraud prevention initiatives as we may require from time to time;
- (b) maintain appropriate procedures for dealing with any conflicts of interest whether actual, potential or perceived;
- (c) comply with all applicable domestic or international laws or regulations or official directives;
- (d) maintain adequate insurances to cover against the risks which may arise in connection with any property or any activity undertaken in delivery of the Purposes. We reserve the right to require you to provide proof of your insurance;

- (e) maintain appropriate financial, risk and control systems before utilising any part of the Funding to provide a grant to or procure any goods or services from third parties;
- (f) co-operate fully with the Welsh Government Official and with any other employee of the Welsh Government or consultant appointed by us to monitor your use of the Funding and your compliance with the Conditions;
- (g) inform us immediately if any of the declarations made in Condition 8 is incorrect in any respect or, if repeated at any time with reference to the facts and circumstances then existing, would be incorrect;
- (h) notify us of any funding received by you from any source in relation to the effects of the spread of the Coronavirus (COVID-19) including but not limited to your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme.

8. Declarations

You declare that:

- (a) you have the power to enter into and to perform the obligations set out in the Conditions and you have taken all necessary action to authorise the entry into and performance of the obligations under the Conditions;
- (b) no litigation or arbitration is current or pending or, so far as you are aware, threatened, which has or could have an adverse effect on your ability to perform and comply with any of the Conditions;
- (c) the information contained in your Application is complete, true and accurate;
- (d) you have disclosed to us all material facts or circumstances which need to be disclosed to enable us to obtain a true and correct view of your business and affairs (both current and prospective) or which ought to be provided to any person who is considering providing funding to you;
- (e) you have discussed and agreed the Targets with us and you are confident that they are realistic and achievable;
- (f) there are no conflicts of interest whether actual, potential or perceived;

- (g) acceptance of this award of Funding will not result in duplicate funding in respect of any part of the Purposes. This includes but is not limited to any payments received by you in relation to the effects of the spread of the Coronavirus (COVID-19) from your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme.

9. Notification Events and their consequences

- (a) You must notify us immediately if a Notification Event has occurred or is likely to occur but we also reserve the right to notify you where we believe a Notification Event has occurred or is likely to occur.
- (b) We will either (i) notify you that we consider the Notification Event is not capable of remedy or (ii) if we consider the Notification Event is capable of being remedied seek to discuss the Notification Event with you with a view to agreeing a course of action to be taken to address the Notification Event.
- (c) We will be entitled to take any of the actions listed in Condition 9(d) if:
 - (i) despite our reasonable efforts we have been unable to discuss the Notification Event with you; or
 - (ii) we notify you that the Notification Event is not capable of remedy; or
 - (iii) a course of action to address the Notification Event is not agreed with you; or
 - (iv) a course of action to address the Notification Event is agreed with you but you fail to follow it, or any conditions attached to it are not met (including without limitation the timescale for such course of action); or
 - (v) the course of action fails to remedy the Notification Event to our satisfaction.
- (d) If any of the circumstances set out in Condition 9(c) occurs we may by notice to you:
 - (i) withdraw the award of Funding; and/or
 - (ii) require you to repay all or part of the Funding; and/or
 - (iii) suspend or cease all further payment of Funding; and/or
 - (iv) make all further payments of Funding subject to such conditions as we may specify; and/or
 - (v) deduct all amounts owed to us under the Conditions from any other funding that we have awarded or may award to you; and/or

- (vi) exercise any other rights against you which we may have in respect of the Funding.
- (e) All repayments of Funding must be made to us within 28 days of the date of our demand.

10. Monitoring requirements

You must:

- (a) provide us with such documents, information and reports which we may reasonably require from time to time in order for us to monitor your compliance with the Conditions including :
 - i) an annual report on the performance of the Sustainable Development Fund delivered by August 2022
 - ii) a breakdown of all projects supported included in final claim by 14th March 2022
 - iii) and an outline of all supported projects for the year (to be submitted alongside the submission of the November claim).
- (b) meet with the Welsh Government Official and such other of our representatives as we may from time to time reasonably require;
- (c) ensure that the Project Manager (or such other person as we may agree) together with any other person we may require attends all meetings with the Welsh Government Official.

11. Audit Requirements

- (a) You must:
 - (i) maintain complete, accurate and valid accounting records identifying all income and expenditure in relation to the Purposes;
 - (ii) without charge, permit any officer or officers of the Welsh Government, Wales Audit Office or any UK subsidy enforcement body at any reasonable time and on reasonable notice (in exceptional circumstances, such as the prevention or detection of fraud, it may not be practicable to provide you with reasonable notice) being given to you to visit your premises and/or to inspect any of your activities and/or to examine and take copies of your books of account and such other documents or records howsoever stored as in such officer's reasonable view may relate in any way to your use of the Funding. This undertaking is without prejudice and subject to any other statutory rights and powers exercisable

by the Welsh Government, Wales Audit Office or any UK subsidy enforcement body or any officer, servant or agent of any of the above;

- (iii) retain this letter and all original documents relating to the Funding until we inform you in writing that it is safe to destroy them;
- (b) Under paragraph 17 of Schedule 8 to the Government of Wales Act 2006 the Auditor General for Wales has extensive rights of access to documents and information relating to monies provided by the Welsh Government. They and their officials have the power to require relevant persons who control or hold documents to give any assistance, information and explanation that they may require; and to require those persons to attend before them for such a purpose. The Auditor General and their staff may exercise this right at all reasonable times.

12. Third party obligations

- (a) Nothing in the Conditions imposes any liability on us in respect of any liability incurred by you to any third party (including, without limit, employees and contractors).
- (b) You must indemnify us against any liabilities, claims, proceedings, demands, losses, costs and expenses suffered or incurred by us directly or indirectly arising as a result of or in connection with any failure by you to perform fully or in part any obligation you may have to a third party.

13. Intellectual property rights and publicity

- (a) Nothing in the Conditions transfers to us any rights in any intellectual property created by you as a result of the Purposes.
- (b) You must acknowledge our support in relation to the Purposes. Such acknowledgement(s) must be in a form approved by us and must comply with the Welsh Government's branding guidelines.
- (c) You agree that from the date of this letter until 5 years from the date of the final payment of Funding we may include details about your organisation and business, the Funding and the Purposes in Welsh Government promotional materials and you further agree to cooperate with our reasonable requests to achieve the production of such materials.

14. Information

- (a) You acknowledge that we are subject to the requirements of the Freedom of Information Act 2000 (the “FOIA”), the Environmental Information Regulations 2004 (the “EIR”), the Data Protection Act 2018 (the “DPA”) and the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (the “UK GDPR”).
- (b) You acknowledge that we are responsible for determining in our absolute discretion whether:
 - (i) to disclose any information which we have obtained under or in connection with the Funding to the extent that we are required to disclose such information to a person making a disclosure request under the FOIA or the EIR; and/or
 - (ii) any information is exempt from disclosure under the FOIA or the EIR.
- (c) You acknowledge that we may share any data you provide to us with fraud prevention agencies and third parties for the purposes of preventing and detecting fraud. Any personal data we collect will be managed in accordance with our Privacy Notice which is available to view here <http://beta.gov.wales/privacy-notice-welsh-government-grants>

15. Buying goods and services

If you decide to buy any goods and/or services to deliver the Purposes, they must be purchased in a competitive and sustainable way so as to demonstrate that you have achieved best value in the use of public funds.

16. Giving notice

- (a) Where notice is required to be given under the Conditions it must be in writing (this does not include email but may include a letter attached to an email) and must prominently display the following heading:

“Notice in relation to the Gower Area of Outstanding Natural Beauty [Gower AONB 21/22]”.

- (b) The address and contact details for the purposes of serving notice under the Conditions are as follows

You: the Project Manager at the address stated in Condition 3.

Us: the Welsh Government Official at the address stated in Condition 3.

- (c) A notice will be deemed to have been properly given as follows:-

Prepaid first class post:	on the second working day after the date of posting.
By hand:	upon delivery to the address or the next working day if after 4pm or on a weekend or public holiday.
By email attachment:	upon transmission or the next working day if after 4pm or on a weekend or public holiday.

17. Equal opportunities

You must apply a policy of equal opportunities as employers, as users of volunteers, and as providers of services, regardless of race, gender/gender identification, sexual orientation, religion and belief, age or any disability.

18. Welsh language

- (a) Where the Purposes include or relate to the provision of services in Wales they must be provided in Welsh and English unless it would be unreasonable or disproportionate to do so. Where they are provided in both Welsh and English they must be provided in such a way as to not treat the Welsh language less favourably than English, in accordance with the Welsh Language (Wales) Measure 2011.
- (b) For advice on providing services bilingually and in accordance with the Conditions please contact the Welsh Language Commissioner's Hybu team:
<http://www.comisiynyddygybraeg.cymru/hybu/en/home/Pages/home.aspx>

19. Sustainable development

Your use of the Funding must contribute to the achievement of the Welsh Government's well-being objectives contained in the Welsh Government's Programme for Government. You must work in a

sustainable way (sustainable development principle) in delivering the Purposes so as to ensure you are working in a preventative, integrated, long-term and collaborative way that involves people that reflect the diversity of Wales. Please refer to Schedule 1 for further information.

20. Welsh Ministers' functions

You acknowledge that the Welsh Ministers have a range of functions which will continue to accrue and be amended and that decisions in relation to each such function are obliged to be taken in the light of all relevant and to the exclusion of all irrelevant considerations. You agree that nothing contained or implied in, or arising under or in connection with, the Conditions will in any way prejudice, fetter or affect the functions of the Welsh Ministers or any of them nor oblige the Welsh Ministers or any of them to exercise, or refrain from exercising, any of their functions in any particular way.

21. General


- (a) If at any time any of the Conditions are deemed to be or become invalid, illegal or unenforceable in any respect under any law, the validity, legality and enforceability of the remaining provisions will not in any way be affected or impaired.
- (b) No failure or delay on our part to exercise any power, right or remedy under the Conditions will operate as a waiver of any such power, right or remedy or preclude its further exercise or the exercise of any other power, right or remedy. The powers, rights or remedies hereby provided are cumulative and not exclusive of any powers, rights or remedies provided by law.
- (c) Any amendment or variation to the Conditions must be in writing and signed by us and you in the same manner as this letter.
- (d) You may not assign or otherwise dispose of in any way your rights, benefits, obligations or duties under the Conditions.
- (e) Conditions 7, 9, 11, 13, 14, and 21(e) and such other Conditions which by implication need to continue in force beyond the final payment of Funding will so continue in full force and effect.
- (f) The award of the Funding is to you alone and no one else is entitled to make any claim in respect of the Funding or seek to rely on or enforce any of the Conditions.

- (g) In circumstances where you comprise two or more persons or bodies, the liabilities of such persons or bodies shall be joint and several and the default of one of such persons or bodies shall be deemed to be the default of all.
- (h) The Conditions are to be governed by and construed in accordance with the laws of Wales and England as applied in Wales and the parties hereto submit to the exclusive jurisdiction of the courts of Wales and England.

22. How to accept this award of Funding

- (a) To accept this award of Funding you must sign and return a copy of this letter to the Welsh Government Official. None of the Funding will be paid to you until we have received your signed letter
- (b) We must receive your signed letter within 28 days of the date of this letter, or this award of Funding will automatically be withdrawn.

Yours faithfully



Signed by- Simon Pickering, Head of Branch; Landscapes and Outdoor Recreation
under authority of the Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers

SCHEDULE 1 The Purposes

The Purpose of the Funding is to enable you, through partnerships, to develop and test ways of living and working more sustainably in association with enhancing natural beauty, wildlife, culture, landscape, land use and community within the context of the goals and sustainable development principles in the Well-being of Future Generations Act.

When administering the Fund, AONB Officers should ensure that all projects encompass, but are not confined to, the following purposes:

- To explore innovative ways of contributing to the opportunities and challenges set out in the Natural Resource Policy.
- To build capacity in local communities, and to develop and support community-based projects promoting sustainable development objectives.
- To generate greater awareness and understanding of sustainability amongst residents and visitors, and facilitate positive behaviour change.
- To deliver and promote the purposes of the AONB and the objectives as set out in the AONB Management Plan.

All projects must meet the Welsh Government's current agenda for the environment and sustainability, including, specifically, the **Well-Being and Future Generations (Wales) Act 2015** and the **Natural Resources Policy** (which facilitates the implementation of the **Environment (Wales) Act 2016**).

SCHEDULE 2 The Targets

Description of the Target	Date by when it should be achieved?	Evidence required
Support and deliver a series of community projects within the AONB	31st March 2022	Outline summary November 2021, final report August 2022

SCHEDULE 3

Notification Events

The Notification Events referred to in Condition 9 are listed below:

1. repayment of any part of the Funding is required in accordance with any relevant legislation;
2. you fail to comply with any of the Conditions;
3. the Funding, in full or in part, is not being used for the Purposes;
4. you fail to achieve any or all of the Targets;
5. there is unsatisfactory progress towards completing the Purposes, including meeting the Targets;
6. you fail to provide information about the Purposes requested by us or any UK subsidy enforcement body or any of its auditors, agents or representatives;
7. we have reason to believe that you and/or any of your Personnel are involved in fraudulent activity or have been involved in fraudulent activity [whilst the Purposes are/were being carried out];
8. we have made an overpayment of Funding to you;
9. there is a duplication of funding in respect of any part of the Purposes. This includes but is not limited to any payments received by you in relation to the effects of the spread of the Coronavirus (COVID-19) from your insurance provider (cancellation/business disruption insurance), the UK Government's Coronavirus Job Retention Scheme and/or any Welsh Government fund/scheme
10. any declaration made in Condition 8 is incorrect in any respect or, if repeated at any time with reference to the facts and circumstances then existing, would be incorrect;
11. there has been a modification (qualification, adverse or disclaimer) to the auditor's opinion on your financial statements;
12. any petition is presented or resolution passed or other action taken for your bankruptcy or winding-up or a petition is presented for an administration order against you;
13. a receiver or an administrative receiver is appointed in respect of you or in respect of all or any part of your assets;

14. a moratorium in respect of all or any of your debts or a composition or an agreement with your creditors is agreed, applied for, ordered or declared;
15. you are unable, or admit in writing your inability, to pay your debts as they fall due;
16. any distress, execution, attachment or other process affects any of your assets;
17. a statutory demand is issued against you;
18. you cease, or threaten to cease, to carry on all or a substantial part of your business;
19. there is a change in your constitution, status, control or ownership and/or your external auditors resign;
20. there is any change, whether permanent or temporary, in your shareholders, directors, trustees or partners and/or Personnel which may affect your ability to deliver the Purposes;
21. any event occurs or circumstances arise which in our opinion gives reasonable grounds for believing that you may not, or may be unable, to perform or comply with any of your obligations under the Conditions.

SCHEDULE 4
Indicative Payment Profile
(refer to Conditions 5(b), 6(a) and (b))

Instalment number	Earliest date for claim	Last date for claim	Documents which must accompany claim pro-forma
1	01 November 2021	30 November 2021	Project outline summary report
2	01 March 2022	14 March 2022	Final project report to follow in August 2022

An Indicative Payment Profile is used when the timing and/or amounts of payment of the Funding vary and/or where distinct evidence or information is required in support of each instalment. All timescales for claiming the Funding must fit within the period set out in Condition 1(b).

TWO SIGNATORIES ARE REQUIRED

We declare we are duly authorised to accept the award of Funding [Gower AONB SDF 2021/22] and the Conditions relating to the Funding.

An authorised signatory of **Swansea Council** Signature

_____ Name

_____ Job Title

_____ Date

An authorised signatory of **Swansea Council** Signature

_____ Name

_____ Job Title

_____ Date

Integrated Impact Assessment Screening Form – Appendix D

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: **Gower AONB Team – Planning & City Regeneration**
 Directorate: **Place**

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

Gower AONB Sustainable Development Fund – we are seeking Cabinet approval to accept an offer of £100,000 for 2021/22, from Welsh Government. This is a small annual grant scheme linked to the AONB, 100% funded by WG and run following WG guidance/criteria – it includes criteria aimed at tackling exclusion.

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Integrated Impact Assessment Screening Form – Appendix D

Marriage & civil partnership	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>

Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement

The SDF grant scheme is promoted through the AONB Partnership, and to possible projects from within and adjacent to the AONB – it also features on the AONB & This Is Gower websites/Facebook pages, newsletter and press releases.

While we aim to raise awareness of the scheme, the scheme is currently fully committed for 2021/22, due to existing expressions of interest. One of the aims of the scheme is to increase awareness and engagement with the AONB and sustainable development, and to attempt to tackle barriers to access – we encourage applications, which address this objective.

The scheme applies criteria that specifically link to the Well-being of Future Generations Act, and other Welsh Government strategies addressing sustainability and inclusion.

Welsh Government issue guidance on the assessment criteria and how the scheme is to be managed – the scheme is managed on Welsh Governments behalf by the AONB Partnership, whose terms of reference are set through the Councils Constitution.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?
 Yes No

- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
 Yes No

- c) Does the initiative apply each of the five ways of working?
 Yes No

- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
 Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/>	Medium risk <input type="checkbox"/>	Low risk <input checked="" type="checkbox"/>
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Q6 Will this initiative have an impact (however minor) on any other Council service?
 Yes No **If yes, please provide details below**

Integrated Impact Assessment Screening Form – Appendix D

This funding will support the management of the Gower AONB, and the Councils GI agenda.

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

This proposal is only to accept an offer of annual funding from Welsh Government, to enable the Sustainable Development Fund to operate during 2021/22.

The SDF grant scheme is managed locally by Gower AONB Team, on behalf of Welsh Government, who provide the funds (including a management fee for Swansea Council). The scheme is open to any individual, group or organisation, encouraging wider engagement with the AONB and Sustainable Development.

The scheme includes criteria aimed at tackling exclusion, and encouraging wider engagement with the AONB and Sustainable Development. The funding will also support the delivery of Public Service Boards (PSB) Well-being Objectives.

The scheme is focused on sustainability, and uses criteria directly linked to the Well-being of Future Generations legislation.

A copy of the scheme guidance is attached for information.

It is believed that the scheme's cumulative impact will be positive, although relatively low impact (due to the scale of the scheme). For those directly involved, the positive impacts would be far more significant, through the projects and their outcomes. One of the aims of the scheme is to trail approaches and to test ideas, which can be promoted and copied elsewhere.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

In summary, it is believed that the impact of the acceptance of the offer of funding will be positive overall, but with low impact – it is primarily an administrative issue. It does not appear that any mitigation is required.

As a Welsh Government funded small grant scheme, any opportunities for engagement/consultation are limited. The scheme is promoted to local Councillors and community groups within the AONB, however this is limited due to the high levels of forward financial commitment within the scheme.

The scheme uses specific links to the Well-being goals as eligibility criteria.

Integrated Impact Assessment Screening Form – Appendix D

As this proposal is primarily administrative, there are not believed to be any significant risks involved in accepting the offer of funding.

The cumulative impact is believed to be positive, but low impact.

It is not believed that an IIA is necessary.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

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.

Screening completed by:
Name: Mike Scott
Job title: Gower AONB Officer
Date: 13 th May 2021
Approval by Head of Service:
Name: Phil Holmes
Position: Head of Planning and City Regeneration
Date: 14 th May 2021

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

Agenda Item 15.



Report of the Cabinet Member for Investment, Regeneration & Tourism

Cabinet – 17 June 2021

Leisure Partnerships - Financial Support 2021/2022

Purpose:	To seek Cabinet approval for the levels of financial support needed for the period April 21 to March 22 for our leisure partnerships (Freedom Leisure, Parkwood Leisure and Wales National Pool Swansea Ltd) due to losses sustained and associated financial recovery plan related to the Covid-19 pandemic
Policy Framework:	Creating an Active and Healthy Swansea; City of Sport; Transforming our Economy and Infrastructure; Medium Term Financial Plan
Consultation:	Legal, Finance, Access to Services.
Recommendations:	It is recommended that Cabinet: <ol style="list-style-type: none">1) Approve the extension of financial relief to Freedom Leisure until 31st March 2022 to include the Council underwriting an operating deficit of up to £2M, in addition to the payment of the contractual monthly management fee for the financial year 2021/2022, all relief payments to be reconciled under an open book approach;2) Approve the extension of financial relief to Parkwood Leisure until 31st March 2022 to include the Council underwriting an operating deficit of up to £44k, in addition to the payment of the contractual monthly management fee for the financial year 2021/2022, all relief payments to be reconciled under an open book approach;3) Approve the extension of financial relief to Wales National Pool Swansea (WNPS) to include Council underwriting of an additional deficit of up to £300k for the financial year 2021/2022;4) Delegate authority to the Director of Place to agree any changes to service specification, the terms and conditions attached to any offer of underwriting or other support measures including authority to vary the level and period of financial relief providing that the total of all such variations are within the scope of the combined budget approvals for financial relief within recommendations 1 – 3;

- 5) Delegate authority to the Chief Legal Officer to enter into any documentation necessary to implement any of the recommendations in this report and to protect the Council's interests.

Report Author: Jamie Rewbridge

Finance Officer: Ben Smith

Legal Officer: Debbie Smith

Access to Services Officer: Rhian Millar

1. Introduction

- 1.1 Following instruction from the Welsh Government, all seven Freedom Leisure facilities in Swansea were closed on the 19th December 2020 and re-opened on the 3rd May 2021. A high proportion of the Freedom Leisure staff were furloughed under the Government's Job Retention Scheme (JRS), with a handful of staff retained to undertake regular building and safety checks, and routine maintenance to plant and equipment. The majority of staff returned from the furlough scheme in readiness for the 3rd May.
- 1.2 Plantasia closed on the 2nd December 2020 and reopened on the 17th May 2021. A high proportion of the Parkwood Leisure staff were furloughed under the Government's Job Retention Scheme (JRS), with only two staff retained to undertake regular building and safety checks, routine maintenance to plant and equipment and management of the animals. The majority of staff returned from the furlough scheme in readiness for the 17th May
- 1.3 WNPS closed on the 19th December 2020 and re-opened on the 3rd May 2021. In line with Welsh Government guidelines WNPS was able to operate services for the Swim Wales elite squad throughout the latest lockdown, the remainder of the facilities and services for clubs and public resumed on the 3rd of May as noted above. A high proportion of the Wales National Pool staff were furloughed under the Government's Job Retention Scheme (JRS), with a handful of staff retained to operate for the elite squad, undertake regular building and safety checks, and routine maintenance to plant and equipment. The remainder of the staff returned from the furlough scheme in readiness for the 3rd May.
- 1.4 For the purposes of this report, Freedom Leisure, Parkwood and WNPS may be referred to more generally as Trust, Contractor or Operator, if not named individually.
- 1.5 The past year has been challenging for all parties involved, however all partners have performed well, managed costs and kept them as low as possible, ensuring that staff and customers safety was a priority and that all

Government guidance was followed throughout. The aim for the next 12-24 months for all partners is to return to pre-covid trading position. The recovery will not be easy, with the months ahead still being uncertain, with continued restrictions. The Council will be required to continue to remain in regular communication with all partners in order to help and support them.

2. Industry and WLGA advice

- 2.1 Financial assistance from Local Authorities has been deemed as critical for Trusts to reopen and support facilities moving forward. Swansea Council has broadly followed the advice and guidance as relevant to its partnership arrangements, adopting an open book process through closure periods and reopening phases.
- 2.2 A published WLGA paper reports that leisure and culture facilities provide vital health, leisure and wellbeing services to local communities and will be a key re-engagement service for those communities post the Covid-19 pandemic.
- 2.3 Leisure and culture providers, who are charitable trusts or private operators are now at crisis point as a result of loss of income and limited cash reserves. Even with reopening in May 2021 for some facilities, a challenging trading position will continue for some time as a result of continuing restrictions on user numbers, limited use of the re-opened spaces and cancellations of services where social distancing is simply not possible. In addition to enhanced cleaning, and start-up costs including staff re-training.
- 2.4 The effects of the pandemic on leisure and culture are likely to last for at least 18 months. It is likely to be financial year 2022/2023 before anything that is to be considered a position of financial stability returns. This also means that contractors will not be operating a surplus and many will continue to make requests for additional payments/support.

3. Support provided by Swansea Council in 2020/2021

Freedom Leisure

- 3.1 The Council entered into a variation agreement for the period 1st April to 30th June 2020 and following an approved Cabinet Report on 16th July 2020 a further two variation agreements were entered into with Freedom Leisure, covering support until the 31st March 2021. The purpose of the variation agreements was for the Council to give relief to the contractor in accordance with the policy set out in PPN 02/20 and requires both parties to act in good faith and work together towards the principles set out in PPN 02/20.
- 3.2 *Management Fee*; an agreed contractual management fee of £1,193,220 for 20/21 was paid from the Council to Freedom Leisure.
- 3.3 *Deficit Underwriting*; On top of the management fee an agreed maximum level of support from the Council as an underwriting was set at £1,323,000.

The actual amounts transacted were agreed on a monthly basis through an open book process, and whilst March's outturn is being finalised it is anticipated the actual cost for 20/21 will not exceed £800,000. The significant impact on the business model was primarily due to lost revenue and the Council was able to reclaim these monies through the Welsh Government hardship 'lost income' grant scheme. Therefore the Councils reserves earmarked to support the contractor for this period were not required during 2020/21.

- 3.4 *Additional staffing contributions:* an agreement was taken to top up all furloughed staff between the months of April to October 2020, at an additional cost to the Council. Total cost to the Council for this was therefore £340,290.

Parkwood Leisure

- 3.5 The Council entered into a variation agreement for the period 21st March to 30th June 2020 and following the approved 16th July 2020 Cabinet Report a further two variation agreements were entered into with Parkwood Leisure to cover until the 31st March 2021. The purpose of the Variation was for the Council to give relief to the contractor in accordance with the policy set out in PPN 02/20 and requires both parties to act in good faith and work together towards the principles set out in PPN 02/20.
- 3.6 *Management Fee;* an agreed contractual management fee of £122,678 for 20/21 was paid from the Council to Parkwood.
- 3.7 *Deficit Underwriting;* On top of the management fee an agreed maximum level of support from the Council as an underwriting was set at £180,000. The actual amounts were agreed on a monthly basis through an open book process and the actual cost for 2020/21 was £170,910. As the resultant impact on the business was primarily due to lost revenue, the Council was able to reclaim these monies through the Welsh Government hardship 'lost income' grant scheme and therefore the Councils reserves earmarked for this support were not required during 2020/21.

WNPS

- 3.8 The Councils share of the contractually agreed net subsidy for Council's financial year 2020/2021 was paid. The overall net subsidy is shared 50/50 with Swansea University.
- 3.9 Following the approved November 2020 Cabinet Report an agreed additional level of underwriting by the Council was set at £350,000. As the result of lost revenue the Council was able to reclaim its share through the Welsh Government hardship lost income grant scheme, therefore the Councils reserves earmarked to support the previous period were not required during 2020/21.

- 3.10 *Additional Staffing Contributions*: An agreement was made to top up all furloughed staff between the months of April to October 2020, at an additional cost to the Council at a total cost to the Council £47,574

4. Financial position and continued support for 2021/2022

Freedom Leisure

- 4.1 Freedom Leisure reopened all 7 of their facilities in line with the Government guidance on the 3rd of May 2021. Some restrictions will continue to be in place for the immediate future and these will continue to have a detrimental impact on business and commercial revenue that supports the agreed funding principles. Social distancing and reduced participant numbers are key factors, with maximum class numbers and participants in pools, sports halls and other spaces being the most damaging factors. Some areas such as indoor hospitality, and hosting of major events such as boxing and other indoor spectated tournaments cannot yet restart.
- 4.2 The majority of the staff returned from furlough in readiness for the 3rd of May, although furlough will continue to be used where deemed appropriate for some areas that cannot open immediately, with a blend of part furlough being utilised where appropriate for some roles.
- 4.3 The commercial financial predictions by Freedom Leisure remain fluid and only based upon the information available at the time of reporting. For the purposes of this report, Freedom Leisure have provided a best and worst case projection for financial year 2021/22. The projected income levels take into account the anticipated demand and the speed at which customers are likely to return. The best-case projection also assumes that social distancing rules are relaxed from the 21st June 2021, as advised by the UK Government.
- 4.4 The months ahead are still unclear and the projections have been prepared using the best intelligence available at the time. The use of customer survey data from the industry, current advice from UKactive, WLGA, Sports Wales and current government advice on social distancing and what the 'new normal' could look like, so could therefore change as announcements are made.
- 4.5 Any approved further relief period would adopt a continued open book accounting process which has worked effectively to support the partnership in an open and transparent manner. A continued monthly process of reviewing detailed accounts in arrears and invoicing any differences to reconcile accordingly.
- 4.6 In line with the contractual bid from Freedom in 2018, an agreed annual management fee of £963,488 for 2021/22 will be paid as normal. In line with the bid projections, this is a contractual reduction on the previous year's fee by £229,732.

4.7 The tables below detail the monthly-predicted level of underwriting that may be required, shown within a worst and best case scenario.

Table 1 – Best Case Projection = £1,523,475

Table 2 - Worst Case Projection = £2,422,630

4.8 Taking in to consideration both best and worst case projections for 2021/22 and the actual cost of underwriting required in 2020/21 being considerably under Freedom Leisure’s original projections, it would be prudent to anticipate and to assume an average value of underwriting of up to £2,000,000, in addition to the contractual management fee. A future report would be brought back to Cabinet should the unlikely arise and the maximum level set be exceeded.

4.9 At present it is not certain that the Welsh Government will continue with their hardship ‘income loss’ grant support scheme in 2021/22 to anywhere near the same extent as 2020/21 given overall budgetary envelopes, though discussions continue with Welsh Government officials and all authorities await ministerial decision in due course. If they continue to support, in full or in part, then the liability to the Council will be reduced through future claims.

Table 1

2021 – 2022 Deficit Underwriting Projections (BEST CASE)- per month											
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
98,204	222,914	215,481	186,278	62,696	147,045	114,661	123,199	150,739	89,043	58,748	54,467
TOTAL: £1,523,475											

Table 2

2021 – 2022 Deficit Underwriting Projections (WORST CASE)- per month											
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
191,963	222,221	223,182	218,751	186,636	208,447	195,820	195,950	218,489	194,751	183,102	183,318
TOTAL: £2,422,630											

4.10 Freedom Leisure are not currently anticipating that the additional support will need to be repaid through future decreases in management fee in later years. It is likely that post pandemic, the business plan and management fee profile previously agreed will have to be considered in line with future demands, income levels and the Councils financial plan. Such changes would need to be considered within a subsequent report which considers the likely impacts and costs, along with longer term mitigating measures that may be possible to address a long term business plan recovery.

Parkwood Leisure

4.11 Parkwood Leisure reopened Plantasia in line with Government guidelines on the 17th May 2021. Some restrictions continue to be in place such as social distancing.

- 4.12 Staff returned from furlough in readiness for the opening on the 17th May 2021, with some on part furlough to support recovery through the quieter periods.
- 4.13 Parkwood have provided a financial forecast for 2021/2022 and are seeking support for the months where they would be in a deficit position.
- 4.14 The financial forecasts are based on current knowledge from the Government and Tourism Boards so could therefore change as announcements are made. The income levels are an assumed position based on anticipated demand, and whilst there is much speculation within the industry in relation to the percentage of customers that will return to attractions, Plantasia is a unique facility and therefore little is known in regard to customer response and return.
- 4.15 A new relief period would adopt a continued open book accounting process which has worked effectively to support the partnership in an approved, open and transparent manner. A continued monthly process of reviewing detailed accounts in arrears and invoicing any differences to reconcile accordingly.
- 4.16 The agreed contractual management fee of £123,336 for 2021/22 will be paid as normal.
- 4.17 The table below details the monthly predicted level of underwriting that will be required. A total of £43,104
- 4.18 At present it is not certain that the Welsh Government will continue with their hardship 'income loss' grant support scheme in 2021/22 to anywhere near the same extent as 2020/21 given overall budgetary envelopes, though discussions continue with Welsh Government officials and all authorities await ministerial decisions in due course. If they continue to support, in full or in part, then the liability to the Council will be reduced through future claims.

Table 3

2021 – 2022 Deficit Underwriting Forecast											
Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
20,335	19,843	6,197	2,741	45,739	4,443	2,925	10,777	20,578	14,748	11,606	9,194

TOTAL: £43,104

- 4.19 Parkwood Leisure are not anticipating that the terms of the additional support will need to be repaid through future decreases in management fee in later years. It is likely that post pandemic, the business plan and management fee profile previously agreed may have to be considered in line with future demands, income levels and the Council's financial plan, with a further report to consider the likely impacts and costs at a later date

WNPS

- 4.20 WNPS reopened to the public and clubs in line with the Welsh Government guidance on the 3rd of May 2021 and the Learn to Swim programme

recommended on the 17th of May. Some restrictions will continue to be in place, such as social distancing and reduced participant numbers.

- 4.21 In accordance with Welsh Government guidance, WNPS remained open throughout the latest lockdown to facilitate the Swim Wales elite squad for 10 sessions over 6 days per week. Negotiations took place to ensure Swim Wales were paying a fair and proportionate rate for this exclusive use.
- 4.22 The majority of the staff returned from furlough in readiness for the 3rd of May 2021, some part furlough will be utilised where necessary to support recovery.
- 4.23 Swansea Council and Swansea University are contractually bound to underwrite the annual deficit of WNPS until December 2023 when the current agreement ends. In each year the General Manager is required to present a financial business plan to Board for approval. The business plan will determine the funding required to subsidise the operation of the facility through the financial year (August-July). The total subsidy is split 50/50 between the two main partners.
- 4.24 It is important to note that WNPS financial years straddle the Councils. WNPS financial year runs from July to August. This report only seeks support for the period April 2021 to March 2022. Therefore this report covers 4 months of WNPS 2020/21 financial year and 8 months of their 2021/22 financial year.
- 4.25 A typical trading year for WNPS would result in contributions per partner of £302,800. As a result of the pandemic, WNPS revised budget from August 2020 to July 2021 anticipates a deficit of £638,914 per partner. The Council has provided support of £586,514 for the period August 2020 to March 2021, therefore an anticipated remaining cost of £52,400 will be a liability for the Councils 2021/22 budget to cover WNPS up to July 2021.
- 4.26 Furthermore, WNPS projects that its August 2021 to July 2022 budget will require additional deficit support of £562,302 per partner, a 86% uplift on the budgeted revenue funding for the Council. The additional funding for period August 2021 to March 2022 is anticipated to be £173,001 and will be a liability for the Councils 21/22 budget.
- 4.27 WNPS combined estimated additional deficit underwriting required for Councils financial period April 2021 to March 2022 is £225,401 based upon current projections.
- 4.28 At present it is not certain that the Welsh Government will continue with their hardship 'income loss' grant support scheme in 21/22 to anywhere near the same extent as 20/21 given overall budgetary envelopes, though discussions continue with Welsh Government officials and all authorities await ministerial decisions in due course. If they continue to support, in full or in part, then the liability to the Council will be reduced through future claims.

- 4.29 The financial forecast is ambitious, and does not anticipate further lockdowns and will be dependent on a number of factors. The nature and size of the pool, and its inherent inability to diversify and vary the offer will limit opportunity to be as easily mitigate running costs as other leisure facilities.
- 4.30 Due to the uncertain nature of the forecasting and to account for some unknown factors, it may be prudent to consider that some additional support may be required, up to an increase of circa 33% on the figure projected in 4.27. Therefore it is recommended to agree a maximum level of underwriting of £300,000, which is more akin to the support in the previous period.

5. Integrated Assessment Implications

- 5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
 - 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.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 5.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 5.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 5.4 An IIA screening form has been completed, with an agreed outcome that a full IIA report is not required at this stage.
- 5.5 The Cabinet report sets out the financial implications of the Covid-19 pandemic for the leisure providers that operate facilities on behalf of the

Council. The report sets out the levels of financial support that the operators require during 2021/2022 in order to re-open and be able to continue to operate the facilities in line with a high-level phased approach, in accordance with industry and government guidance

- 5.6 The report is to inform a decision to sustain the current leisure and cultural services so that there is no negative impact on the users. Not acting or supporting our partners would impact on the service and facilities provided to the residents and visitors of Swansea.
- 5.7 The group of facilities contained within the report are extremely varied and provide a range of services to all groups of society and the general public which support their wellbeing, health and cultural experiences in a variety of ways.
- 5.8 The impact of the Council not supporting these partners will ultimately mean that the services are put at risk of failure or cessation and could therefore have a significant impact on the groups of the communities that they serve. The types of groups that use these facilities vary greatly but include disabled people, older people, single parents (who are mainly women) children and young people and engagements with those most vulnerable and need supporting in our society by providing engaging and welcoming spaces and places to use and feel comfortable. This extends to religious groups and ceremonial activities in Leisure Centres.
- 5.9 Officers consulted with national agencies such as the WLGA, Sport Wales and Welsh Govt. as well as industry sector representatives regarding the challenges facing the Leisure sector.
- 5.10 In direct dialogue with all partners, officers have assessed the financial needs and consulted appropriately.
- 5.11 The report relates to the Council's ability to financially support the partnerships in the context of the Covid-19 pandemic to the end of March 2022 there is no intention to undertake public consultation or other stakeholder consultation as it does not at this stage affect service users.

6. Legal Implications

- 6.1 The Council has already entered into variation agreements with Freedom Leisure, Parkwood Leisure and WNPS in 20/21 to enable a level of support to be made available in accordance with PPN 02/20.
- 6.2 The proposals for reviewing the support are in accordance with recent UK and Welsh Government guidance contained within PPN 04/20 and Recovery and Transition from Covid 19 Procurement Advice Note (PAN) for the Welsh Public Sector published June 2020.
- 6.3 In relation to WNPS, the Council together with Swansea University is contractually bound to underwrite the annual deficit of WNPS until December 2023 under the terms of the current management and operating

agreements. Failure by the Council to comply with this obligation would result in the Council breaching the terms of the Agreements with the consequential risk of potential claw back of government funding, litigation, costs and reputational damage

- 6.4 The Council will need to ensure that it complies with its Contract Procedure Rules, procurement legislation and the terms of any government guidance when making decisions to extend relief and/or financial support.
- 6.5 The terms and conditions of relief/support agreed with operators will need to be recorded in legally binding agreements (or variations to existing agreements) to ensure that the Council's interests are fully protected.

7. Financial implications

- 7.1 The total level of support required to support Freedom Leisure, Parkwood Leisure and WNPS for 2021/2022 is likely to be £2,344,000 in a worst case scenario.
- 7.2 The preceding financial implications rightly focus specifically on the considerations facing our leisure operators. The wider financial position facing the Council must however be borne in mind and Cabinet must be mindful of any potential precedent created by granting further extensions to any one group of operators over another, even if potentially otherwise justified given the nature (strategic scale, importance of wider draw)
- 7.3 Cabinet has yet to receive an overarching report on the Council's in-year 2021/22 finances but from estimates compiled by the Section 151 Officer and used as the basis for estimates of increased spend and income and tax losses and grant claims from Welsh Government it is clear the budget will need to flex as it did in 2020/21 but probably by a much smaller margin. Given claims for reimbursement are competitively pitched against 21 other Councils and against national fixed sum pots not all costs will be fully covered.
- 7.4 A best case scenario would be a seven figure shortfall (i.e. several £ million) and a worst case scenario an eight figure shortfall (i.e. over £10 million). That worst case scenario would require all in-year contingency sums to be allocated and several draws made on earmarked reserves to balance the budget in year. Crucially, however, no draw from General Reserves (set at the minimum acceptable level already) is forecast needed and a number of the earmarked reserves have been specifically strengthened as part of 2020/21 outturn to provide a buffer for financial decisions and recovery which are not then solely dependent upon the level of Welsh Government support .
- 7.5 This uncertainty materially impedes the ability of Cabinet to make decisions to incur more costs now and will increase the likelihood of further draws from earmarked reserves to cover final "losses" if not recompensed in full by Welsh Government. It is expected that the overall position will be firmed up in August when the extent of overall support for the first quarter and

potential scope for extra support for the rest of 2021/22 and the success of those reimbursement claims will be better known.

- 7.6 In all cases it is explicitly assumed that any voluntary decision to forgo income or increase costs by reducing or waiving charges due or providing subsidies and underwrites on reopening will mean there is no scope to claim such “losses” from Welsh Government.
- 7.7 If Cabinet were minded to proceed the Section 151 Officer would recommend the cost be funded by release from the sums allocated temporarily in the budget for Place based services (approximately £6m). The recovery fund or contingency (given one off nature) and that Cabinet accepts the draw from other earmarked reserves in due course will likely go up as the available contingency sum shrinks by release and allocation to services. Any draw from the Place budgeted one off lump sum, recovery fund or contingency, if so approved, will be fully reflected in the first quarter monitoring report on the budget to Cabinet.

Background Papers: None.

Appendices:

Appendix A - IIA Screening Form.

Integrated Impact Assessment Screening Form – Appendix A

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from? Cultural Services

Service Area: Leisure, Partnerships, Health and Wellbeing

Directorate: Place

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

Funding and support strategy for Leisure Partnerships through the Covid-19 pandemic during 2021/2022. Support during forced closures and the requirement of a financial recovery plan.

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Integrated Impact Assessment Screening Form – Appendix A

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?
Please provide details below – either of your activities or your reasons for not undertaking involvement**

We have consulted with national agencies such as the WLGA, Sport Wales and Welsh Govt. as well as industry sector representatives regarding the challenges facing the Leisure sector.

In direct dialogue with all our partners (Freedom Leisure, Wales National Pool and Parkwood Leisure) we have assessed the financial needs. All partners have consulted with Members and where applicable, their boards, on immediate implications for the facilities and staff.

The report relates to our ability to financially support the partnerships in the context of the Covid-19 pandemic to end of March 2022 so we are not undertaking public consultation or other stakeholder consultation as it does not at this stage affect service users.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?
Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
Yes No
- c) Does the initiative apply each of the five ways of working?
Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk

Medium risk

Low risk

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

Yes

No

If yes, please provide details below

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

Integrated Impact Assessment Screening Form – Appendix A

The report is to inform a decision to sustain the current leisure and cultural services so that there is no negative impact on the users. Not acting or supporting our partners would impact on the service and facilities provided to the residents and visitors of Swansea.

The group of facilities contained within the report are extremely varied and provide a range of services to all groups of society and the general public which support their wellbeing, health and cultural experiences in a variety of ways.

The impact of the Council not supporting these partners will ultimately mean that the services are put at risk of failure or cessation and could therefore have a significant impact on the groups of the communities that they serve. The types of groups that use these facilities vary greatly but include disabled people, older people, single parents (who are mainly women) children and young people and engagements with those most vulnerable and need supporting in our society by providing engaging and welcoming spaces and places to use and feel comfortable. This extends to religious groups and ceremonial activities in the Leisure Centres.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

The Cabinet report sets out the financial implications of the Covid-19 pandemic for the leisure providers that operate facilities on behalf of the Council. The report sets out the levels of financial support that the operators require during 2021/2022 in order to re-open and be able to continue to operate the facilities in line with a high-level phased approach, in accordance with industry and government guidance

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

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.

Screening completed by:
Name: Jamie Rewbridge
Job title: Strategic Manager – Cultural Services
Date:
Approval by Head of Service:
Name: Tracey McNulty
Position: HOS
Date:

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

Agenda Item 16.



Report of the Chief Legal Officer

Cabinet – 17 June 2021

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.	Relevant Paragraphs in Schedule 12A
	17-20	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 17.

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

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Yn rhinwedd paragraff(au) 14 Atodlen 12A
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Wybodaeth) (Amrywiad) (Cymru) 2007.

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Agenda Item 18.

Yn rhinwedd paragraff(au) 14 Atodlen 12A
o Ddeddf Llywodraeth Leol 1972
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Agenda Item 19.

Yn rhinwedd paragraff(au) 14 Atodlen 12A
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Agenda Item 20.

Yn rhinwedd paragraff(au) 14 Atodlen 12A
o Ddeddf Llywodraeth Leol 1972
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Wybodaeth) (Amrywiad) (Cymru) 2007.

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