

**Providing Council with Written Responses to Questions at Council
28 September 2017**

1.	<p>Councillor P M Black In relation to page 26 of the Report of the Wales Audit Office – Audit of Financial Statements Report – City & County of Swansea. <i>“Appendix 4 states that the Council holds the deeds for a number of assets but these have yet to be registered with the Land registry. How much of the Authorities land has not been registered?”</i></p> <p>Response of the Section 151 Officer The Council has a considerable total land and property ownership, totalling 4,693 hectares, and it is estimated that approximately 75% is registered.</p> <p>Due to the extent of the portfolio and the considerable cost that would result if all assets were registered a risk based approach is taken. All major land holdings have been registered and if there are any areas of concern they are dealt with accordingly.</p>
2.	<p>Councillor P M Black In relation to the report on the Statement of Accounts 2016/17 <i>Page 139 of the Statement of Accounts 2016-2017 refers to Care Home Fees. Can the Section 151 Officer explain the issue and the costs associated with it.</i></p> <p>Response of the Section 151 Officer This was a Judicial Review by 11 owners and operators of care homes in respect of funded nursing care. They challenged the Local Health Boards’ interpretation of s49 of the Health and Social Care Act 2001 that local authorities were responsible for paying for the work done by registered nurses in a social rather than health care setting.</p> <p>All 22 Welsh authorities were joined as interested parties with Ceredigion acting as lead authority.</p> <p>The crux of the issue was that the Boards refused to pay for non-nursing care time and other time (including stand-by time, paid breaks and time receiving supervision).</p> <p>The High court found in favour of the owners and operators in the first instance.</p> <p>The LHB’s appealed part of the judgment regarding the inclusion of services, which need not have been performed by a registered nurse. The Secretary for State for Health intervened, as an interested party in support of the LHBs. Welsh Government did not actively participate in any of the cases .The Court of Appeal (by a majority) allowed the appeal.</p> <p>The authorities then appealed to the Supreme Court. The hearing took place on 26th April 2017 and judgment was given on 2nd August 2017 .The Supreme Court unanimously allowed the appeal and held the LHB by virtue of s49 were responsible for the costs of the work undertaken by registered nurses.</p>

	<p>The authority's contribution towards the costs for legal representation in the case was £16,617.38.</p> <p>The Supreme Court has invited written representations in respect of its draft order for costs in favour of the local authorities and a final costs order is awaited. If successful the authorities should be able to recover their costs.</p>
3.	<p>Councillor P M Black In relation to the report on the Statement of Accounts 2016/17 <i>Page 140 of the Statement of Accounts 2016-2017 refers to Bay Leisure Limited (Swansea). Is the fund amount sufficient to cover any maintenance budget issues.</i></p> <p>Response of the Section 151 Officer The Council provides an annual management fee to Bay Leisure Ltd., this would include the costs of day to day repairs and maintenance. To date this has been sufficient to cover the day to day maintenance that the LC has needed. In addition to this the Council sets aside an annual sum to cover lifecycle maintenance costs. This sum was determined based on a lifecycle maintenance report done at the time of the new management arrangements. These costs are meant to be longer term (eg a twenty year cycle), and as such limited spend to date has been required from this fund. But any spend to date has been within the value of the fund, and the fund is still expected to be sufficient for any lifecycle maintenance issues that may arise.</p>
4.	<p>Councillor C A Holley In relation to Councillor Questions – Question 5. What do the Authority's advisors say in relation to enhanced retail and the City Centre.</p> <p>Response of the Leader An options review is being undertaken by Rivington land on the Phase 2 of Swansea Central to include retail and leisure uses. Brexit is providing uncertainty across the UK and has impacted the retail sector however Rivington and their team together with officers have met with a number of retail and leisure occupiers who are all expressing very positive interest in in Swansea. The positive press from the City Deal and Arena project including the selection of ATG as arena operator has raised the profile of Swansea nationally and stimulated interest in occupiers being in Swansea.</p>
5.	<p>Councillor P M Black In relation to Councillor Questions – Question 5. Can the Children, Education & Lifelong Learning Cabinet Member provide a detailed breakdown of Year 10 entries for all subjects listed in the question and response.</p> <p>Response of the Cabinet Member for Children, Education & Lifelong Learning Due to the current high workload of the data unit team and the work needed to extract the information from the system, we are unable to provide the data by the requested deadline. However, work on extracting this information from SIMS is planned. An analysis for all schools should be available by the 20 October 2017.</p>