

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

SCRUTINY PROGRAMME COMMITTEE

At: Committee Room 3A, Guildhall, Swansea

On: Monday, 13 March 2017

Time: 4.00 pm (PLEASE NOTE NEW START TIME)

Chair: Councillor Mary Jones

Membership:

Councillors: C Anderson, U C Clay, S E Crouch, N J Davies, C R Evans, E W Fitzgerald, F M Gordon, T J Hennegan, C A Holley, P R Hood-Williams, J W Jones, E J King, D J Lewis, G Owens and G J Tanner

Co-opted Member: D Anderson-Thomas

The use of Welsh is welcomed. If you wish to use Welsh please inform us by noon on the working day before the meeting.

Summary: This is the agenda pack for a meeting of the Scrutiny Programme Committee taking place on 13 March 2017. The main item is Transformation & Performance, Sustainable Swansea - Cross Cutting Proposals, Pre-decision Scrutiny of Cabinet Reports on Castle Square and City Centre Regeneration, and the Oceana Building.

AGENDA

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- 1 **Apologies for Absence.**
- 2 **Disclosures of Personal & Prejudicial Interest.**
www.swansea.gov.uk/disclosuresofinterests
- 3 **Prohibition of Whipped Votes and Declaration of Party Whips.**
- 4 **Minutes.** 1 - 4
To approve and sign the Minutes of the previous meeting(s) as a correct record.
- 5 **Public Question Time.**
10 Minute Period for Questions for Cabinet Members in attendance or Chair of the Committee in relation to the Scrutiny Work Programme.

- 6 **Cabinet Member Question Session: Cabinet Member for Transformation & Performance (Councillor Clive Lloyd).** 5 - 21
- 7 **Sustainable Swansea - Cross Cutting Proposals (Martin Nicholls, Director - Place).** 22 - 26
- 8 **Pre-Decision Scrutiny: Castle Square - Development and Public Realm Opportunities (Report of the Cabinet Member for Enterprise, Development & Regeneration).** 27 - 54
 a. Committee's Views for Cabinet.
- 9 **Pre-Decision Scrutiny: Swansea City Centre Regeneration - Delivery and Funding Strategy. (Report of the Cabinet Member for Enterprise, Development & Regeneration).** 55 - 66
 a. Committee's Views for Cabinet regarding Accommodation Strategy.
- 10 **Date and Time of Future Committee Meetings for 2016/2017 Municipal Year (all at 4.30 pm).**

10 April 2017		
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- 11 **Exclusion of the Public.** 67 - 70
- 12 **Oceana Building - Asbestos Survey / Contract Award and Financial Implications.** 71 - 147

Next Meeting: Monday, 10 April 2017 at 4.30 pm

Members of the public are welcome to attend the above Panel / Working Group meetings. Contact the Scrutiny Team if you would like to attend.

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Huw Evans
Head of Democratic Services
Tuesday, 7 March 2017

Contact: Democratic Services - Tel (01792) 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE SCRUTINY PROGRAMME COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON
MONDAY, 13 FEBRUARY 2017 AT 4.00 PM

PRESENT: Councillor M H Jones (Chair) Presided

Councillor(s)

C Anderson
S E Crouch
E W Fitzgerald
J W Jones

Councillor(s)

U C Clay
N J Davies
T J Hennegan
E J King

Councillor(s)

A C S Colburn
C R Evans
C A Holley
G J Tanner

Co-opted Member(s)

P R Hood-Williams

Also Present:

Councillor Andrea Lewis Cabinet Member for Next Generation Services

Officer(s)

Martin Nicholls	Director of Place
Chris Williams	Head of Commercial Services
Wendy Parkin	Senior Lawyer
Matthew Joyce-Brown	Lawyer
Brij Madahar	Scrutiny Coordinator
Gareth Borsden	Democratic Services Officer
Kate Jones	Democratic Services Officer

Apologies for Absence

Councillor(s): F M Gordon

Co-opted Member(s): D Anderson-Thomas

130 **DISCLOSURES OF PERSONAL & PREJUDICIAL INTEREST.**

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

Councillor G J Tanner - personal - Minute Nos.134- Welsh Quality Housing Standard – I am a Council Tenant.

131 **PROHIBITION OF WHIPPED VOTES AND DECLARATION OF PARTY WHIPS.**

In accordance with the Local Government (Wales) Measure 2011, no declarations of Whipped Votes or Party Whips were declared.

132 **MINUTES.**

RESOLVED that the Minutes of the Scrutiny Programme Committee held on 9 January 2017 be approved as a correct record.

133 **PUBLIC QUESTION TIME.**

There were no public questions.

134 **CABINET MEMBER QUESTION SESSION: CABINET MEMBER FOR NEXT GENERATION SERVICES (COUNCILLOR ANDREA LEWIS).**

Councillor Andrea Lewis, Cabinet Member for Next Generation Services, provided a verbal address further to the written report circulated and highlighted the following areas:

- The More Council Homes Project and Progress – she referred to the upcoming viability study of housing land; and the need for further affordable housing. She talked about the need to procure a development partner for capacity to extend house building plans beyond the pilot projects
- Progress and improvements in relation to the Welsh Housing Quality Standard Programme
- Commercial Services and their importance in supporting staff and departments in relation to income generation and efficiencies
- Corporate Building and Property Services and her involvement in the Education Capital Programme.

Questions and discussions with the Cabinet Member focussed on the following: -

- More Council Homes Project
 - progress with first development at Milford Way
 - allocation of new homes
 - costs
 - house building capacity
 - learning from others
- Welsh Housing Quality Standard – actions following recent Scrutiny Working Group (including focus on improving engagement with tenants and Local Ward Members)
- Corporate apprenticeships and training – success in achievement of qualified tradespersons, and focus on building local skills
- Housing Voids
- Progress on reducing times for Disabled Facility Grants
- Progress in respect of Gypsy Traveller Site provision.

RESOLVED that the Chair of the Scrutiny Programme Committee writes to the Cabinet Member, reflecting the discussion and sharing the views of the Committee.

135 **FINAL SCRUTINY INQUIRY REPORT: TACKLING POVERTY (COUNCILLOR SYBIL CROUCH, CONVENER).**

Councillor Sybil Crouch, Convener, presented the final report regarding the work that has been undertaken in relation to the Tackling Poverty Scrutiny Inquiry. The inquiry focussed on how the Council's Tackling Poverty Strategy could be improved. She summarised the key findings, conclusions and recommendations as noted in the circulated final report.

Amongst the recommendations she highlighted the need to:

- involve those experiencing poverty in the strategy and set up a Poverty Truth Commission, following the Leeds model
- develop a new 'whole Council' Action Plan
- include specific Tackling Poverty responsibilities within each Cabinet portfolio

The Chair referred to correspondence she had received from the Cabinet Member for Anti-Poverty & Communities about the final inquiry report. A discussion ensued about the contents of the report and whether it should be submitted to Cabinet for decision. In doing so the committee considered whether sufficient evidence has been gathered in order to address the question that the inquiry aimed to answer.

The committee noted a number of areas for future scrutiny had been identified by the Panel. The Chair stated that these suggestions would be fed into the next Scrutiny Work Planning Conference in the new municipal year.

The Chair thanked the Convener and Panel Members for their work.

RESOLVED that:

- 1) the report proceeds to Cabinet for decision; and
- 2) a link to the Panel's published 'Evidence Pack' be provided to Committee Members.

136 **SCRUTINY PERFORMANCE PANEL PROGRESS REPORTS.**

The Committee was provided with a progress report on the work of the Schools Performance Panel.

RESOLVED that the report be noted.

137 **SCRUTINY WORK PROGRAMME 2016/17.**

The Chair presented the Scrutiny Work Programme 2016/2017 for review.

She indicated that there would be a special meeting of the Committee to be held on 9 March 2017 for the annual session on crime and disorder. She added that in order to manage the Committee's workload the routine standing items in relation to the Work Programme and Committee Business would also be dealt with on 9 March. This will enable the Committee to focus on the items due to be discussed at the

scheduled meeting on 13 March. This was expected to include pre-decision scrutiny of Cabinet reports on Castle Square, and City Centre Regeneration.

RESOLVED that the contents of the report be noted.

138 **MEMBERSHIP OF SCRUTINY PANELS AND WORKING GROUPS.**

The Chair presented a report outlining proposed revisions to the scrutiny panel / working group memberships.

RESOLVED that the following amendments to the panel / groups, as outlined in the report be endorsed:

Digital Inclusion Working Group
Remove Councillor Tony Colburn

139 **SCRUTINY LETTERS.**

The Chair reported the Scrutiny Letters Log.

RESOLVED that the Scrutiny Letters Log and update be noted.

140 **FEEDBACK FROM RECENT SCRUTINY EVENTS.**

There had been no recent Scrutiny Events.

141 **UPCOMING SCRUTINY EVENTS.**

There were no upcoming Scrutiny Events.

142 **AUDIT COMMITTEE WORK PLAN (FOR INFORMATION).**

The Audit Committee Work Plan for 2016/2017 was noted.

The Chair indicated that she was due to attend an upcoming meeting of the Audit Committee.

143 **DATE AND TIME OF FUTURE COMMITTEE MEETINGS FOR 2016/17 MUNICIPAL YEAR (ALL AT 4.30 PM).**

The dates and times of future Committee meetings for the 2016/2017 Municipal Year were noted.

144 **DATE AND TIME OF UPCOMING PANEL / WORKING GROUP MEETINGS.**

The date and time of Upcoming Panel / Working Group meetings were provided for information.

The meeting ended at 5.31 pm

CHAIR

Report of the Chair

Scrutiny Programme Committee – 13 March 2017

CABINET MEMBER QUESTION SESSION

Purpose	To enable the committee to question Cabinet Members on their work. The committee's questions will broadly explore priorities, actions, achievements and impact in relation to areas of responsibility.
Content	The following Cabinet Member will appear before the committee to participate in a question and answer session: <ul style="list-style-type: none"> • Councillor Clive Lloyd – Cabinet Member for Transformation & Performance
Councillors are being asked to	<ul style="list-style-type: none"> • Question the Cabinet Member on relevant matters • Make comments and recommendations as necessary
Lead Councillor(s)	Councillor Mary Jones, Chair of the Scrutiny Programme Committee
Lead Officer(s)	Mike Hawes, Director – Resources
Report Author	Brij Madahar, Scrutiny Coordinator Tel: 01792 637257 E-mail: brij.madahar@swansea.gov.uk

1. Introduction

- 1.1 One of the most important roles that scrutiny carries out is holding the council's cabinet to account. The cabinet is made up of the Leader and 9 additional councillors, appointed by the Leader, who are allocated specific responsibilities.
- 1.2 By acting as a 'critical friend' scrutiny has the opportunity to challenge the cabinet and individual cabinet members on their actions and monitor performance in relation to their areas of responsibilities.
- 1.3 Cabinet Member Question Sessions have become a feature of committee meetings over the past 5 years. At least one cabinet member is scheduled to appear at each committee meeting, ensuring all 10 Cabinet Members appear before the committee over the course of a year, in order to ask questions on their work. Questions will focus on their priorities, actions, achievements and impact.

2. Cabinet Member Question Session

2.1 The following Cabinet Member will appear before the committee:

- a) Councillor Clive Lloyd – Cabinet Member for Transformation & Performance

Within this Cabinet portfolio, he is responsible for:

- Commissioning Organisation
- Communications & Engagement
- Customer Contact
- Demand Management Strategy
- Finance Performance & Budget Cycle
- Financial Services
- Health & Safety Policy
- Human Resources / Organisational Development
- Legal & Democratic
- Member Development
- Risk & Resilience
- Scrutiny
- Strategic Estates & Property – Asset Disposals
- Sustainable Swansea – Fit for the Future

2.2 The Cabinet Member has provided some ‘headlines’ in relation to the portfolio to help the committee focus on priorities, actions, achievements and impact (see Appendix 1).

3. Approach to Questions

3.1 At the Cabinet Member Question Sessions the committee will generally ask cabinet members about:

- priorities / objectives
- specific activities and achievements, progress against policy commitments, key decisions taken, and impact / difference made
- headlines on the performance of services and the key targets monitored to measure improvement and success
- their engagement with service users / public and what influence this has had
- what they hope to achieve over the coming months and challenges (e.g. resources / budget)
- key decisions they are expecting to take to Cabinet over the next year
- interactions with scrutiny over the last year, and whether there is any specific scrutiny activity they would welcome

3.2 The committee is also interested in:

- Sustainability and future trends - to what extent long-term thinking is influencing work / decisions, in light of the Well-being of Future Generations Act?
- Public Services Board (PSB) – what is the relationship with the work of the PSB? how is the work of the PSB impacting on their portfolio and helping them to deliver on priorities, and making a difference?

3.3 Cabinet Members will be invited to make introductory remarks before taking questions from the committee. Following the session the chair will write to the Cabinet Member in order to capture the main issues discussed, views expressed by the committee, and any actions for the Cabinet Member to consider.

3.4 If the committee wishes to conduct more detailed scrutiny of any of the issues raised during this item then this should be agreed through the normal work planning process and planned for a future meeting. This will also allow proper time for preparation.

4. Previous Correspondence

4.1 The committee last had a Q & A regarding this portfolio in November 2015. Amongst the issues discussed then included:

- Sustainable Swansea
- Innovation Programme
- Performance Improvement
- Customer Contact
- ICT

The actual correspondence relating to this meeting is attached as the committee may wish to follow up on these issues, as necessary.

4.2 Other relevant contact with scrutiny:

- Civic Events Working Group:
The Cabinet Member responded to the views of the Working Group about the management and organisation of Civic Events, following a scrutiny meeting in November 2015.

The letter covered views about:

- The office of Lord Mayor and civic engagements
- Holocaust Memorial Day
- Royal Visits

The Cabinet Member agreed to action the following:

- carry out a review of civic events during 2016/17 to manage budget savings from the civic hospitality budget
- investigate sponsorship in early 2016 with a view to generating sponsorship for a Lord Mayor's Summer Ball to raise funds to supplement budget reductions
- look at commercial opportunities with regard to the Mansion House
- the support and management of Holocaust Memorial Day Events being transferred with financial support to host schools each year
- the involvement of the Leader in regular liaison meetings with the Lord Lieutenant to ensure input in planning and feedback on royal visits

The Convener, Councillor Tony Colburn, recently wrote a further letter (11 Jan) to the Cabinet Member to bring to his attention some outstanding issues.

The Committee can ask the Cabinet Member about progress on actions following this scrutiny activity.

- Corporate Culture Inquiry:
A follow up meeting took place in July 2016 to review progress with the implementation of recommendations accepted by Cabinet, and assess the impact of the scrutiny inquiry.

The Inquiry Panel was satisfied with the implementation of agreed recommendations and impact of this work. It heard that the scrutiny recommendations have provided a focus for improvement and that they will continue to serve as a checklist for future work of the Innovation Programme. The Panel was encouraged by strides forward made e.g. significant progress thanks to the work of the innovation community around staff engagement, bullying and harassment, employee behaviours and the staff suggestions scheme.

Although formal monitoring has concluded the Committee can ask the Cabinet Member for Transformation & Performance on progress in improving the corporate culture of the Council.

- Service Improvement & Finance Performance Panel:
The Panel has written to the Cabinet Member on the following:
 - Corporate Plan (July 2016)
 - The Procurement of Oracle Support from a third party supplier (Jan 2016)

5. Other Questions

5.1 For each Cabinet Member Q & A Session the committee invites members of the public and other scrutiny councillors (not on the committee) to suggest questions.

5.2 On this occasion no questions were received.

6. Legal Implications

6.1 There are no specific legal implications raised by this report.

7. Financial Implications

7.1 There are no specific financial implications raised by this report.

Background Papers: None

Legal Officer: Wendy Parkin

Finance Officer: Carl Billingsley

Cabinet Member for Transformation and Performance

Progress on Sustainable Swansea – Fit for the Future:

The Transformation programme is coming into its third year of delivery and has provided the framework for around £48m of savings since its inception. Transformation Fund was made available however the majority of the success is down to staff involvement. The benefits have not only been financial.

Commissioning Reviews:

The Commissioning Review process has been very successful to date, in: identifying savings; thinking differently about service delivery; innovation; staff learning and development; and incubating potential commercial opportunities. Deliverables have included:

- A single contact centre has brought together five teams so that customers have a single point of contact
- Agile working has improved how the Council utilises its assets, e.g. Moving out of Oldway House has saved over £600,000
- Business Support:
 - Bringing ICT back to an in-house managed service has saved the Council £1.5m per year and improved the Council's ability to innovate through the new ambitious digital strategy
 - Many staff and managers will now be using and benefiting from the enhanced systems and processes the programme has developed
- Cultural Services are undertaking a procurement exercise to seek an alternative delivery model, whilst also costing an in-house model.
- Diversifying the customer base for Residential & Outdoor Centres
- Family Support – This review has been split into four clusters to help manage the enormity of this scope, which looks at a wide range of support services available for our families in Swansea.
- Domestic Violence: Recommendations to fully implement the current Domestic Violence Hub pilot were agreed by Cabinet this month.
- Child Disability: This review has identified three areas which require change in order to better meet the needs of disabled children, young people and their families (Play and Leisure, Parent/Carer Participation and Domiciliary Care).
- Over and Under 11s: This area focuses on the services available which support families where issues of mental health, substance misuse and parenting have been identified. This review has also involved more cross working between Child and Family, Poverty and Prevention and Education
- Adult Services have developed their new service model and Domiciliary Care service transformation, which is out currently for consultation until February 2017
- Waste Management have implemented initiatives to lower the impact on landfill and positive change in public behaviours at 3 local Household Waste Recycling Centres (HWRC) sites in order to achieve Welsh Government targets of 64% by 2020

- Corporate Building & Property Services - is moving forward with schemes to improve life for Swansea residents. The construction of the first 'new homes scheme' is under way at Milford Way, Portmead.
- Non-schools building and cleaning are looking at income generation opportunities for the service with other organisations.

The programme is reviewed annually and its management and governance received positive feedback from the Welsh Audit Office (WAO) during their recent visit. The next phase of cross-cutting reviews will take this transformation to the next level, breaking out of service silos and thinking across boundaries. Outputs and outcomes from this work will be key to informing budget decisions in the Autumn.

Progress on Digital and ICT:

Good progress is being made on delivering the digital strategy. However, this is only the first year of a three-year implementation plan. The Administration made £1.75m available for corporate ICT improvements for 2013-16. £767k of which was specifically re-allocated to digital projects with the launch of the new strategy in November 2015. Examples of key projects include:

- Mobile working
- Unified communications (telephony and virtual meetings)
- Cloud-based services to improve and increase resilience
- Upgrading systems for services: One example is the all-Wales integrated system between social services and health, WCCIS (Welsh Community Care Information System). Other examples include in-house developments such as CRM which replaces the Cardiff system (which was no longer fit for purpose), Councillor Casework, and the Family Information System
- Systems have also been rationalised where possible, e.g. planning, land charges and building control using the same system to improve the speed of processing for the public and has also reduced cost. This project is in progress
- More system developments and changes are emerging from the commissioning reviews and built into the digital plan
- Upgrading the infrastructure to increase resilience: One example is the storage upgrade. The upgrades undertaken this year have transformed the infrastructure, as demonstrated by a power cut a few weeks' ago which had no impact on the business.
- Improving information security and information management: Paperless working minimises data loss and access can be restricted. In addition the Council is preparing for new data protection legislation next year
- Schools' ICT has also been subject to significant improvements including migrating schools to Hwb and Office 365

Progress on Performance Management:

The performance management framework continues to be embedded and developed. In particular:

- Work to revise and refresh the risk management framework, in line with risk becoming more business orientated
- Service planning has evolved and taken on the Future Generations Act (Wales) commitments, which will be embedded into all Service Plans from April 2017. Workshops have been undertaken to embed co-production, co-development principles
- The team co-ordinated the WAO thematic reviews during November / December 2016 and currently awaiting feedback from WAO
- An online solution has been developed which has improved the speed of processing of performance data with the ability to escalate quicker. A subsequent phase of this work is to integrate the risk management framework.

Progress on Asset Management:

- Implementation of structure changes, merger of Estates, Asset and Facilities Management.
- Implementation of computerised self-serve room booking system.
- Disposals including Penllergaer Civic Centre, Danycoed, West Street Industrial Units, Leasehold Reform Act, West Street, Gorseinon, Forge Fach
- Cleaning – Implementation of Commissioning Review to deliver savings.
- Formalisation of Community Asset Transfer Policy and continued negotiation around ongoing CATs.
- Co-ordination of Local Property Board to ensure linkages with public sector and third party partners.
- Successful delivery of Accommodation Strategy achieving total savings in excess of £1.15M, ahead of target and above expectations.
- Additional income through revised lease terms for existing commercial premises and identifying new income producing opportunities.
- Debt Recovery rates below performance targets.
- New contract for outgoing mail generating savings ahead of target.
- Completion of significant annual Assist Valuation Programme.
- Ongoing NNDR (Commercial Rates) Rebate activity.
- Roll Out of Corporate Landlord approach centralised premises budgets and therefore ensure more efficient use of assets.
- Next stage of the Universal Review of all Council land to maximise capital receipts.
- Property Investment Review – Creation of property investment fund and more targeted activity and rationalisation.



CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

To/ Councillor Clive Lloyd Cabinet Member for Transformation & Performance	<i>Please ask for: Gofynnwch am:</i>	Scrutiny
	<i>Direct Line: Llinell Uniongyrochol:</i>	01792 637257
	<i>e-Mail e-Bost:</i>	scrutiny@swansea.gov.uk
BY EMAIL	<i>Our Ref Ein Cyf:</i>	SPC/2015-16/5
	<i>Your Ref Eich Cyf:</i>	
	<i>Date Dyddiad:</i>	8 December 2015

Summary: This is a letter from the Scrutiny Programme Committee to the Cabinet Member for Transformation & Performance following the meeting of the Committee on 9 November 2015. It is about Sustainable Swansea, Innovation Programme, Performance Improvement, Customer Contact, Commercial Approach and ICT.

Dear Councillor Lloyd,

Cabinet Member Question Session – 9 November

Thank you for your attendance at the Scrutiny Programme Committee on 9 November 2015 answering questions on your work as Cabinet Member for Transformation & Performance. We wanted to explore priorities, actions, achievements and impact in relation to your areas of responsibility. Thank you for the paper provided to the committee that gave us the headlines from your portfolio. We noted the corporate service priorities and progress in relation to: Sustainable Swansea; Innovation Programme; Performance Improvement; Customer Contact; Commercial Approach; and ICT.

We are writing to you in order to reflect on what we learnt from the discussion, share the views of the committee, and, where necessary, raise any outstanding issues / actions for your response. The main issues discussed are summarised below:

Sustainable Swansea

You spoke in particular about the Commissioning Review programme, which is being undertaken as part of the New Models of Delivery Workstream of Sustainable Swansea – fit for the future. We noted the completion of reviews recently in respect of Business Support, Residential & Outdoor Centres, Non-schools Catering & Cleaning, and Cultural Services, which have now been

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agreed by Cabinet. We also noted a number of reviews in progress – Libraries, Domiciliary Care, Day Care, Residential Care and Waste Management.

We discussed the role of councillors in these internal reviews. There seemed to be an inconsistent approach to inviting scrutiny councillors. You accepted this as a learning point and welcomed views about how scrutiny councillors can be most effectively engaged in these important reviews. It was acknowledged however that the timing of any involvement needed to be considered as it may be more appropriate for scrutiny to review final proposals. There also may be any issue in involvement in the other stages, to avoid being too close to ‘decision-making’.

We also asked a question about the use of external advisors in the commissioning review process which you agreed to provide some clarification on.

Innovation Programme

You mentioned the contribution of the Corporate Culture Scrutiny Inquiry. We were pleased that Cabinet agreed all of the recommendations. The impact of this inquiry will be followed up in the next 12 months.

You also talked about the staff survey which was issued in September. We also noted the staff engagement event which was taking place at the end of November, which you stated was organised following feedback from last year’s staff survey.

Performance Improvement

You referred to the very positive Welsh Audit Office (WAO) Corporate Assessment and stated that an action plan was in place. You also reported good progress on the WLGA Peer Review Action Plan (which is being combined with the WAO report).

You were particularly enthused about the new budget and performance steering groups involving Directors and Cabinet Members reviewing business plans and mentioned how this is improving stewardship across the Council.

Customer Contact

We noted that a Customer Services Manager has been in post for a few months and good progress is being made in bringing together various parts of the council including Environment & Housing Repairs call centres, Blue Badge, Switchboard and the Contact Centre. You reported a 21% reduction in phone contact to call centres in Quarter 1 2015 compared with Quarter 1 2014.

You mentioned a new approach to measuring and monitoring customer satisfaction: a new bi-monthly survey to gain a better customer insight. We were particularly interested in how you were finding out whether people felt they were getting a good service and value for money, and how it might be a more effective survey than Swansea Voices. You stated that this was in early stages of development and would share more information with us about this approach, including questions being asked, number of people surveyed and make up.

We also asked about what work was being carried out in relation to demand management. You agreed to provide a written response.

Commercial Approach

We noted that the Head of Commercial Services was appointed in October and that a commercial framework was being established in light of growing number of opportunities across procurement, income and sponsorship / advertising. You added that challenging targets had been set to raise income over the next year (£1m).

You were clear that this was the right thing to do but would take time to get right. The issues of cuts meant it was even more important to find ways to raise income. You also felt that being more commercial was also part and parcel of the Council having a can do culture.

We asked about progress and opportunities for the council to become more commercial. We were aware that the Council was now offering a Knotweed Treatment Service to private homeowners and businesses on a commercial basis. We were interested in other areas of service that were being explored. You mentioned Design Print as an obvious example that was being looked at. We pointed out possible issues in relation to state aid that will need to be checked. You welcomed a view from scrutiny on ideas for income generation.

You informed the committee that responsibility to identify, implement and deliver income from new commercial models was now part of the new Next Generation Services cabinet portfolio, led by Councillor Andrea Lewis. We will follow up on this when we meet with Councillor Lewis in the New Year.

ICT

We discussed the ICT service which has now been brought back in house. You stated that plans were on target in line with objectives agreed in December 2014 and the new service delivery model was being implemented. You mentioned that a revised ICT/digital strategy was being reported to Cabinet in November called 'Aspiring to a Digital Business 2020'. You welcomed the involvement of scrutiny in making the best use of ICT and its effectiveness.

We asked about the decision to bring the service to an in-house managed service and what other options were explored. You talked about the business case but agreed to provide a more detailed response in writing. We were also interested to know whether all staff who wished to transfer back to the authority from Cap Gemini had been able to do so.

Issues for Scrutiny

As mentioned above we noted that you welcomed a contribution from scrutiny in relation to:

- Commercialism – ideas / opportunities for income generation.
- ICT Service - to ensure best use and effectiveness.

Your Response

In your response we would appreciate your comments on any of the issues raised in this letter. We would be grateful, however, if you could specifically refer to:

- our question seeking clarification about the use of external advisors in the commissioning review process;
- our request for more information behind the new bi-monthly customer survey;
- our question about work being undertaken in relation to demand management;
- the decision to bring the ICT service to an in-house managed service and what other options were explored; and
- our query whether all staff who wished to transfer back to the authority from Cap Gemini were able to do so.

Please provide your response by 30 December. We will then include both letters in the agenda of the next available committee meeting.

Finally, we look forward to meeting you again to follow up on portfolio developments and hearing about achievements and impact.

Yours sincerely,



COUNCILLOR MARY JONES

Chair, Scrutiny Programme Committee

✉ cllr.mary.jones@swansea.gov.uk



CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Councillor Mary Jones
Chair
Scrutiny Programme Committee

Please ask for:
Gofynnwch am:
Direct Line:
Llinell
Uniongyrochol:

Councillor Clive Lloyd
(01792) 637428

E-Mail / E-Bost:
Our Ref / Ein Cyf:
Your Ref / Eich
Cyf:
Date / Dyddiad:

cllr.clive.lloyd@swansea.gov.uk
CL/SH

22 December 2015

**If you require this or any other information in another format
e.g. Braille, audio tape or a different language, please contact me**

Dear Councillor Jones

CABINET MEMBER QUESTION SESSION – 9 NOVEMBER 2015

Thank you for your letter dated 8 December 2015 regarding the above.

I set out below detail as requested in relation to your specific information requests, in the order detailed in your letter:-

Sustainable Swansea/Commissioning Review Process

Our commitment is to seek to implement change across the Council by using internal resources wherever possible.

However, we will always need to use some external support for specific pieces of work, where we don't have the skills or knowledge in house. This is addressed on a case by case basis by the Executive Board and Cabinet Member. Robust processes are in place to ensure we obtain the right support at the most effective cost to the Council. Where it is necessary, we ensure that we learn from the external support so that we are less reliant in the future.

COUNCILLOR/Y CYNGHORYDD
CLIVE LLOYD
CABINET MEMBER FOR TRANSFORMATION & PERFORMANCE /
AELOD Y CABINET TRAWSNEDID A PHERFFORMIAD

CABINET OFFICE, THE GUILDHALL, SWANSEA, SA1 4PE
SWYDDFA'R CABINET, NEUADD Y DDINAS, ABERTAWE, SA1 4PE

☎ (01792) 637428

✉ cllr.clive.lloyd@swansea.gov.uk www.swansea.gov.uk



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Customer Contact

In terms of measuring customer satisfaction, we have introduced a telephone survey of 200 people which is carried out six times a year. The sample of 200 people changes during each survey, giving us a total of 1,200 over the year.

We ask them a series of questions based on key customer service and satisfaction issues. These include a number of questions relating to satisfaction and the council's reputation:

- Satisfaction with the way the council runs things;
- Whether the council provides value for money;
- Whether the council acts on people's concerns;
- How well the council keeps residents informed of its services; and,
- Whether people would speak highly of the council to a friend/relative.

Other questions relate to satisfaction with staff and the level of service, including:

- Whether staff were friendly, efficient and knowledgeable;
- If staff treated them with respect; and,
- Satisfaction with the level of customer service.

We also ask respondents to rate individual services including events, roads and pavements, street cleaning, social care, libraries, museums, schools and refuse/recycling.

Unlike Swansea Voices, which was carried out about three times a year, the new telephone survey gives us more timely and up-to-date information. It allows us to track feedback every two months, making comparisons and spotting trends more quickly so that timely action can be taken to address any issues.

Those questioned are asked a number of demographic questions before the survey is undertaken to ensure they are an accurate sample of the overall Swansea population aged 16 years and above.

COUNCILLOR/Y CYNGHORYDD
CLIVE LLOYD
CABINET MEMBER FOR TRANSFORMATION & PERFORMANCE /
AELOD Y CABINET TRAWSNEDID A PHERFFORMIAD

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SWYDDFA'R CABINET, NEUADD Y DDINAS, ABERTAWE, SA1 4PE

☎ (01792) 637428

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In addition to the telephone survey, we also undertake two online surveys each year which is aimed at the Swansea Voices group of about 1,250 people who are representative of the Swansea population, aged 16 and above. This survey goes much wider and addresses a range of other council-related issues including consulting on service development and changes.

In a separate initiative we monitor the Swansea Standard which is the Council's customer service guidelines. Feedback cards are provided for the public in our key customer contact locations such as the Contact Centre, for them to rate the standard of service they received. They can rate a number of indicators, including the friendliness of staff, whether advice was clear and in plain language, and the promptness that their issue was dealt with.

The Swansea Standard feedback is overwhelmingly positive.

Demand Management

Work is progressing well on the Demand Management Strand. Demand Management is now a key plank of the business planning process across the Council which has meant a significant amount of work is now underway within each service to change demand whether that is: to reduce failure points, encourage a shift to cheaper channels for those that prefer using digital, or encouraging the public to take community ownership and resources. All outcomes, both financial and non-financial are being mapped as part of the Strand. Business intelligence is also a key project so that the Council can use customer insight and wider place and people information to inform decision making moving forward. All Heads of Service have been engaged as well as communicating this priority within the Western Bay partners. The Strand would welcome Member involvement in development of the long term strategy in the coming months.

COUNCILLOR/Y CYNGHORYDD
CLIVE LLOYD
CABINET MEMBER FOR TRANSFORMATION & PERFORMANCE /
AELOD Y CABINET TRAWSNEDID A PHERFFORMIAD

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SWYDDFA'R CABINET, NEUADD Y DDINAS, ABERTAWE, SA1 4PE

☎ (01792) 637428

✉ cllr.clive.lloyd@swansea.gov.uk www.swansea.gov.uk



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ICT

On 28 March 2013 Cabinet considered a report on the options available to the Council to ensure the continued provision of ICT services when the current ICT Contract with Capgemini expires. These were:

- Option 1 – ICT Services to be brought back In House
- Option 2 – Capgemini Contract Extension
- Option 3 - Procure a Replacement for the Capgemini Contract
- Option 4 – Best of Breed multi-sourcing - separate ICT Services and Project Services contracts, placed with the most beneficial provider.
- Option 5 - Use of partnering agreements with other LAs or Public Sector organisations.

Cabinet authorised the development of full business cases in respect of 2 options:

- Option 1 – Council Managed Service combining Best of Breed and Collaboration.
- Option 2 – Capgemini Contract Extension.

Following the development of business cases for both options, a further report was taken to Cabinet in January 2014. Cabinet agreed the principle of an in house managed service option for the future delivery of ICT Services and that the current Capgemini contract be terminated earlier to bring forward the benefits of this approach.

Following development of the in house managed service, the next report submitted to Cabinet in December 2014 set out how the Council proposed to deliver key elements of the new proposed service. Following the further investigation into the decision to terminate early, it was recommended that early **transition** and not early termination of the contract would be the least risk and cost to the Council.

The transition project began in January 2015.

COUNCILLOR/Y CYNGHORYDD
CLIVE LLOYD
CABINET MEMBER FOR TRANSFORMATION & PERFORMANCE /
AELOD Y CABINET TRAWSNEDID A PHERFFORMIAD

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SWYDDFA'R CABINET, NEUADD Y DDINAS, ABERTAWE, SA1 4PE

(01792) 637428

✉ cllr.clive.lloyd@swansea.gov.uk www.swansea.gov.uk



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All Cap Gemini staff who wished to transfer back to the Council were able to do so as they were protected by TUPE. 45 staff have transferred back as follows:

- Infrastructure 32
- Service Desk 1
- Applications 12

I trust that this response provides all the information that you requested, but if you require any further detail, please do not hesitate to contact us.

Yours sincerely

COUNCILLOR CLIVE LLOYD
CABINET MEMBER FOR TRANSFORMATION & PERFORMANCE

COUNCILLOR/Y CYNGHORYDD
CLIVE LLOYD
CABINET MEMBER FOR TRANSFORMATION & PERFORMANCE /
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☎ (01792) 637428

✉ cllr.clive.lloyd@swansea.gov.uk www.swansea.gov.uk

Agenda Item 7

Joint Report of the Director – Place & Chief Transformation Officer

Scrutiny Programme Committee – 13 March 2017

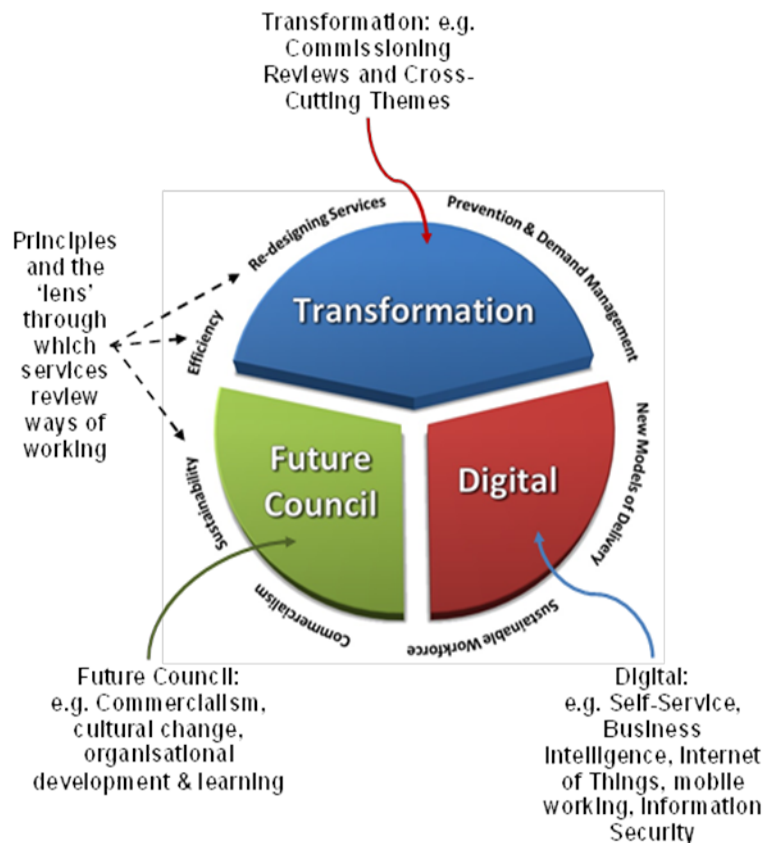
SUSTAINABLE SWANSEA - 'CROSS CUTTING' PROPOSALS

Purpose	To consult the Committee on the proposals and process for the next phase of the proposed Sustainable Swansea Programme of Cross Cutting Proposals (Programmes)
Content	This report includes an outline of lessons learnt of the commissioning review process and the proposed way to build these into the future delivery of the Transformation Programme.
Councillors are being asked to	Give their views on the proposals and process outlined going forward
Lead Councillor(s)	Cabinet Member for Transformation and Performance
Lead Officer(s)	Director - Place, Chief Transformation Officer
Report Author	Martin Nicholls / Sarah Caulkin

1. Introduction

- 1.1 Scrutiny will be aware of the Commissioning Review programme that has been running for the last two years as part of the Council's Sustainable Swansea Programme. This was a two year programme of reviews as agreed in 2014 and 16 reviews will have been completed by July 2017.
- 1.2 This programme has delivered some significant benefits both in terms of outcomes and cashable savings and scrutiny will have been presented with the majority of the reports as part of the pre-decision scrutiny gateway, which is embedded into the Commissioning Review Process.
- 1.3 The *Sustainable Swansea – Fit for the Future* programme is reviewed annually and adapted based on the following: Internal and external intelligence; those projects that have delivered or require changes moving forward; any new emerging priorities.

The updated model is identified below:



1.4 This report and accompanying presentation that will be given to the committee does not seek to revisit these individual reviews. It aims to outline the proposed next phase of Transformation, building on lessons learned, particularly the need for:

- A holistic and “cross cutting” approach, not solely service area specific
- An emphasis on co-production and co-design with service users and partners.

1.5 These “cross-cutting” proposals seek to:

- Have a **wider engagement** across Council services and partners
- Incorporate elements of **co-production and co-design** alongside the public and partners, balanced with the Council’s long term aims and **pressures surrounding management of demand and prevention**
- Ensure maximum **benefits to future delivery of outcomes**
- Provide advanced planning for **18/19 savings and beyond**
- **Emphasise that these are not commissioning reviews** and will be delivered via a different process.

1.6 The 'Cross Cutting' proposals have evolved from a range of sources including: baseline work undertaken in the initial commissioning reviews; budget setting discussion with Cabinet; and some legacy projects from the original programme that struggled to deliver. The initial list is below with a draft scope for each attached at **Appendix A**:

- Integrated Transportation (including Strategy and Integrated Car Parking)
- Services within the Community (incl. Asset Utilisation)
- Outcomes for Children
- Outcomes for Adults
- Regulatory Services
- Commercialism
- Capital Programme
- Prevention
- Business Support - existing
- All Catering - existing

2. Scrutiny Views

2.1 As indicated above scrutiny have been involved in the pre-decision process prior to a number of reviews being presented to Cabinet. Feedback indicates this process has been very positively received, particularly in informing and challenging those reviews following on in the process.

2.2 However as the programme moves into the 'cross-cutting' phase, scrutiny views are welcome on the following:

- Overall principles of the cross cutting proposals
- Views on the draft list and any comments with regards to the indicative scope of the reviews
- Extent of the engagement of scrutiny in this programme
- Any specific views on the required stakeholder process
- Any other relevant comments

3. Legal Implications

3.1 None.

4. Financial Implications

4.1 None.

Background Papers: None

Legal Officer: Wendy Parkin

Finance Officer: Carl Billingsley

Cross Cutting Proposals - Working Progress v0.1 23.02.17

Name of Cross Cutting Programme /Project	Programme Director/ Project Sponsor	Delivery Lead Officer (s)	Transformation Co-ordination /PM support	'Draft' Vision	'Draft' - Programmes/Projects	'DRAFT' Aims/Outcomes	Start Date	Finish Date
Integrated Transport Policy & Strategy (Building on Existing CR)	Martin Nicholls	Stuart Davies Highways & Transportation, Dave Howes Social Services, Nick Williams Education. Coordination through Transport Steering Group	Phil John	Developing transport policies and strategies which support long-term, sustainable economic growth and enhance accessibility for all	Internal Transformation 1. Establish the Integrated Transport Unit and review the efficiency and effectiveness of all transport provision. Harness the opportunities from a central coordination of transport delivery. 2. Establish work-streams for Staff Travel, Education, SEN, EOTAS, Adult Services and Children's Services to review all transport policies, provision and controls. These work streams will report to the Transport Steering Group and present options for political decisions. 3. Commercial Fleet Project approach to acquisition of new vehicles, changes to the approval processes of business cases for new/replacement vehicles, and pooling of vehicles. 4. Determine the Councils policies with regard to the deployment of electric vehicles across the Councils fleet Wider Transport Policy 1. Establish a member forum (through CAC) to review existing transport strategies and policies and consider changes. 2. Monitor the effectiveness of the First Quality Partnership Board to see how public transport can be enhanced. 3. Continue to develop the transport model for Swansea to understand the impacts of developments. 4. Engage with WG over the proposals for the regional management of transport policy to ensure that it is not to the detriment of Swansea. Continue to engage with the Regional Transport Forum to ensure that the City Bay Region transport needs are prioritised for funding settlements	A. Review all policies and eligibility criteria relating to transporting clients B. ensure that all transport needs are managed through the Integrated Transport Unit to provide the most appropriate means of travel C. Improved performance, oversight and control of Transportation activities D. Reduced travel demands leading to a reduction in cost, travel time and CO2 emissions E. Effective risk management of all transport activities F. Supporting the aims of the future generation and wellbeing act in terms of accessibility and transport G. Delivering the aims of the Active Travel Act H. Enabling City centre regeneration by reducing congestion and improving accessibility and air quality I. Enhancing travel options across the City and County to support the Councils five key priorities. J. Developing a clear strategy for promoting cycling and walking with the appropriate focus on the enabling infrastructure. K. Developing a clear public transport strategy which allocates the appropriate level of priority over private modes of transport. L. Develop an integrated transport strategy which gives a clear vision for the movement of goods and people as part of the regeneration of Swansea City Centre which will help shape the urban environment. M. Develop a clear vision and strategy for parking and park and ride services to support the long term sustainability of the City. N. Having a clear view of the potential improvements to the highway network which will assist with the delivery of the LDP and wider regeneration aspirations. O. Having a long term transport vision which compliments the transport policies.		
Services in the community (New)	Martin Nicholls	Geoff Bacon	Vicky Thomas	Improve access to council services within Communities for visitors and citizens using existing local assets	1. Develop a Sustainable Communities Strategy 2. 'What could a Community Hub look like?' All services - Virtual or Physical or Both? - scoping with communities and key stakeholders using existing assets e.g. Libraries, DHO's, community centres etc 3. Linking in Asset Utilisation	A. More joined up approach to deliver our services B. Opportunities to engage with other partners to deliver key services C. More information on the door step for our citizens D. Building on or up the 'Community Culture' and existing good practice E. Retaining Assets and Key services through innovative redesign of services F. Preventative and early intervention to reduce demand - Community Enablement * Only a few for Community hub need to be agreed*		
Outcomes for Children (Existing)	Chris Sivers	Dave Howes/Nick Williams	Gemma Whyley	To enable the right support for Children and families, at the right time, in the right way	1. Schools to School Support (NW Lead) - New 2. ALN Service Review & Implementation 3. EOTAS Implementation 4. Leading Learners Transformation plan 5. Safe LAC Reduction Strategy 6. Child & Family Transformation Plan	A. Schools to School Support - to devise a mechanism for schools to increasingly become self-supporting and sustaining systems of good practice Need to develop further from Leading Learners Transformation Plan and Child & Family Transformation Plan - outcomes Need EOTAS Outcomes	April 17	December 17
Outcomes for Adults (Existing)	Chris Sivers	Alex Williams	Lucy Friday	People in Swansea have effective care services, working to de-escalate need and ensuring independence for as long as possible Out for consultation for adult services People in Swansea will have access to modern health and social care services which enable them to lead fulfilled lives with a sense of wellbeing within supportive families and resilient communities. "We will help people to keep safe and protected from harm and give opportunities for them to feel empowered to exercise voice, choice and control in all aspects of their lives." "Our services will focus on prevention, early intervention and	1. Adult Services Transformation Plan implementation (in flight) 2. Domiciliary care implementation (in flight) 3. Day Care implementation (in flight) 4. Residential Care implementation (in flight) 5. Learning Disabilities, Mental Health and Physical Disability implementation (in flight)	A. Improving the integrated services delivered jointly by health and social care to provide better services for frail older people and reduce demand across those services B. Robust arrangements in place to effectively manage demand C. Strong processes in place to deliver each part of the commissioning cycle, commissions services that meet citizen's needs and makes best use of the limited resources D. Contribution to delivery of the Council wide Prevention Strategy and is also critical to managing demand into managed care E. Adult Services will invest in its workforce to upskill and develop them to help deliver operationally on a day to day basis as well as transform services F. A robust processes in place to effectively manage DoLS and safeguarding to ensure citizens are safe and the Authority minimises the potential financial risk of legal challenge G. Increase Direct Payments usage to provide the citizen with greater choice, voice and control over how their care needs and sustainability of the service by reducing costs over the long-term		
Regulatory Services (New)	TBC	TBC	TBC	Providing Safeguarding the health, safety and economic wellbeing of the citizens and businesses in Swansea	1. Mapping of Existing Services across the whole organisation from a Regulatory Function - across Public Protection, Housing, Licensing 2. Link into the Customer Contact/Business Support Model	A. Deliver a high quality, customer focussed services that protect the environmental, social and economic wellbeing of our citizens		
Commercialism (Existing)	Mike Hawes	Chris Williams	TBC	Becoming a 'Commercial Council' in order to continue delivering key services for today and the future	1. Commercial Strategy and implementation plan (to include updated governance for commercial decision-making and the development of a route map for new commercial ventures and their potential alternative models of delivery) 2. Income dashboard development - to ensure a clarity, and allow management focus to be enhanced, for the commercial performance of the Council 3. Review our professional services and sales and marketing infrastructure to ensure a commercial focus is applied to all the Council's commercial assets and business operations 4. Training and culture change programme to be implemented to develop increased commercial skills and focus across the Council 5. Review of subsidy policies / differential pricing in light of need to increase income 6. Commissioning and contracting - review current practice and implement a 'commissioning model' (Adult Services Pilot) 7. Contribute to the development of the commercial model for Regulatory Services 8. Contribute to the development of the commercial model for parking services including input into its new	A. Increase skills capability and capacity of our workforce and processes, to ensure business-like thinking to achieve a commercial culture B. On-line tool to track Council income, providing trend analysis C. Core Services become more self financing, self reliant, self sufficient		

Strategic Programme Register

<p>Capital Programme (New)</p>	<p>Martin Nicholls</p>	<p>Finance/Corporate Building & Property Services/Regeneration Education</p>	<p>?</p>	<p>A Capital Programme that sets out plans for major projects or the purchasing, building and improving of council assets that will support long-term, sustainable economic growth providing 'worth' for all</p>	<p>1. A clear investment strategy for the Capital Programme to be developed (3 or 5 YPOA) 2. Establish a clear and transparent process for determining major capital investment priorities to support the Council in making decisions - develop a Capital Investment Board 3. Review Capital Procurement Processes 4. Develop a Property fund and development function 5. Managed Capital Portfolio/Programme (e.g. school new builds, HRA Improvements?). Interdependencies with City Center and City deal</p>	<p>A. To maintain an affordable four-year rolling capital programme B. To undertake Prudential Borrowing only where there are sufficient monies to meet in full the implications of capital expenditure, both borrowing and running costs C. To maximise available resources by actively seeking external funding and disposal of surplus assets D. To engage local residents in the allocation of capital resources where appropriate E. Widen investments in net revenue raising commercial ventures F. development formal "development function cross council"</p>		
<p>Prevention (Existing)</p>	<p>Chris Sivers</p>	<p>Rachel Moxey/RE</p>	<p>TBC</p>	<p>Individual, families and communities have the support they need to have resilient and sustainable networks, with fewer needing intervention and intensive support from the Council</p>	<p>1. Feasibility Study with Partners (ABMU) to develop an Invest to Save Model - Pilot - NEW 2. IAA Framework - Customer Contact Functions (Align with Business Support) - Initial Scoping with Leadership Team 3. Employability - mapping of existing practice in Swansea and identify best practice - NEW 4. Ageing Well Partnership - Outcomes review - NEW 5. Welfare Rights cross cutting review - NEW 6. Adult Community Learning review - NEW</p>	<p>A. Developed model that can be used cross-agency to identify investment and payback B. Provide a coherent cross council approach to IAA C. Employability devised action plan outlining employability skills in schools, employability across the age ranges (children and adults), apprentice Levy opportunities, maximise external income, support for older people developing skills D. Enabling people of Swansea to age well action plan E. Mini review of all welfare benefits support services within the council F. Mini review of adult community learning services aligning to the councils internal and commissioned learning provision</p>	<p>Aug 17 March 17 Sept 17 April 17 March 17</p>	<p>Aug 18 March 17 April 18 December 17 July 17</p>

Report of the Chair

Scrutiny Programme Committee – 13 March 2017

PRE-DECISION SCRUTINY OF CABINET REPORT – CASTLE SQUARE DEVELOPMENT & PUBLIC REALM OPPORTUNITIES

Purpose	This report provides guidance on pre-decision scrutiny ahead of consideration of the Cabinet report on 'Castle Garden Development & Public Realm Opportunities'
Content	This covering report is focussed on the role of the committee in undertaking pre-decision scrutiny. The actual Cabinet report which is being considered by Cabinet on 16 March is appended.
Councillors are being asked to	<ul style="list-style-type: none"> • note the pre-decision scrutiny process and role of the committee • consider the Cabinet report and proposals • agree any views on the proposed decision that are to be raised with Cabinet
Lead Councillor	Councillor Mary Jones, Chair of Scrutiny Programme Committee
Lead Cabinet Member / Officer(s)	<ul style="list-style-type: none"> • Councillor Robert Francis-Davies – Cabinet Member for Enterprise, Development & Regeneration • Martin Nicholls, Director – Place
Report Author	Brij Madahar, Scrutiny Coordinator Telephone: 01792 637257 brij.madahar@swansea.gov.uk

1. Introduction

- 1.1 Following on from the pre-decision scrutiny session in June 2016 on Castle Square, there is another report scheduled for Cabinet decision on 16 March following the marketing of the Square and consultation.
- 1.2 As requested by the Committee back in June future reports dealing with the development of Castle Square will be presented for pre-decision scrutiny.
- 1.3 The report of the Cabinet Member for Enterprise, Development & Regeneration, which is due to be considered by Cabinet on 16 March, is provided for the committee to undertake pre-decision scrutiny.

2. Role of the Committee

2.1 The purpose of pre-decision scrutiny:

- It entitles scrutiny to discuss proposed Cabinet reports, where a clear recommendation(s) exists, before decisions are taken by the Executive.
- Acting as a 'critical friend', it enables scrutiny to ask questions about a report to develop understanding and inform and influence decision-making, for example asking about:
 - the rationale for the report
 - robustness of the proposed decision and decision-making process
 - potential impact and implications (including policy/budget issues) and risks
 - how different options have been considered
 - the extent of consultation undertaken etc.
- It enables scrutiny to report its views and any issues to Cabinet. The chair, on behalf of the committee, can attend the Cabinet meeting to share the views of scrutiny on the report prior to Cabinet decision. This may include giving support, providing other suggestions on the way forward, or flagging up any concerns.
- The views of scrutiny are required to be formally considered by Cabinet before it makes the decision and feedback should be given including explanation for any rejection of views expressed.

2.2 Councillor Robert Francis-Davies, Cabinet Member for Enterprise, Development & Regeneration will attend the meeting to answer questions and respond to issues raised. Relevant officer(s) involved in the development of the report will also be present to assist the committee and provide appropriate advice.

2.3 The committee (through the chair) will write to the relevant Cabinet Member with its views following pre-decision scrutiny. The chair will have the opportunity to attend the cabinet meeting on 16 March to verbally feedback the committee' views, conclusions and recommendations about the report.

3. Cabinet Response

3.1 Cabinet must formally consider scrutiny views at its meeting on 16 March. It may decide that any issues raised by scrutiny can be dealt with at the meeting and decision taken. It may decide that more time is needed to consider the views of scrutiny and defer decision to the next (or a special) meeting of Cabinet.

3.2 The relevant Cabinet Member is expected to write back to the committee with feedback from Cabinet, and should include explanation of any rejection of scrutiny views.

4. Legal Implications

4.1 In accordance with the Council's Constitution "pre-decision scrutiny gives scrutiny the opportunity to influence Cabinet decision making as a critical friend". "The views of the scrutiny committee are formally presented (either in a written report or verbally by the scrutiny Chair) to the Cabinet meeting for the Cabinet to consider and inform its decision making".

5. Financial Implications

5.1 There are no specific financial implications raised by this report. Financial implications of the actual cabinet report are contained within that report which is appended.

Background Papers: None

Legal Officer: Wendy Parkin

Finance Officer: Carl Billingsley

Report of the Cabinet Member for Enterprise, Development and Regeneration

Cabinet - 16 March 2017

CASTLE SQUARE DEVELOPMENT AND PUBLIC REALM OPPORTUNITIES

Purpose:	To present a context and an appraisal of options to support the enhancement and potential development opportunity within part of Castle Square, and to report back on the representations which were received following the publication of a formal Public Open Space Notice.
Policy Framework:	Swansea Local Development Plan: Deposit Plan (2016), Swansea Unitary Development Plan (2008), Swansea Central Area Regeneration Framework (2016)
Consultation:	Access to Services, Finance, Legal, Highways and Transportation, Corporate Building and Property Services, Culture and Tourism, City Centre Management, Planning
Recommendation(s):	It is recommended that: <ol style="list-style-type: none"> 1) Cabinet considers this report that summarises the key responses following the Public Open Space Notice 2) Cabinet support the preparation of an options appraisal and brief for the site in alignment with the wider City Centre development and report back to Cabinet prior to any site marketing.
Report Author:	Gail Evans
Finance Officer:	Ben Smith
Legal Officer:	Wendy Parkin
Access to Services Officer:	Phil Couch

1. Introduction

- 1.1 A report was presented to Cabinet on 16th June 2016 which sought authority to consider the scope for partial redevelopment opportunities within Castle Square and the enhancement of its public realm.

- 1.2 The report was responding directly to a speculative approach by a developer with an idea for the enhancement and the partial development of the area for a restaurant/café or kiosk use. In order to facilitate any future proposals for bringing forward such a scheme, a formal Public Open Space notice was published in the press, along with a press release and notices on site and at the Civic Centre at the end of July and during August 2016. It is important to highlight that the notice referred to disposal by way of a long leasehold interest rather than to present any proposal for the wholesale selling off of the Square.
- 1.3 This report back to Members has two overall objectives, firstly to highlight the further appraisal work which has been undertaken which sets a context for bringing forward appropriate proposals for Castle Square, and secondly to set out the main themes emerging from the representations received to the publication of the formal Public Open Space notice in order that Cabinet can consider them in order to comply with the statutory legislation governing the notice. The report concludes by setting out a suggested way forward with regard to the incorporation of key themes and options within a development and marketing brief.

2.0 Context for Partial Development and Enhancement

2.1 Planning policy and supporting information

The following policies are relevant consideration to future partial development and enhancement of the Square which are outlined further in the attached document Appendix A which accompanies this report,

- **Swansea Central Area Regeneration Framework (2016)** This indicates how consideration should be given to enhancing and refreshing the Square, and reconfiguring it to allow it to better integrate adjacent areas such as the space around the Castle and Princess Way. It is suggested that it is an opportunity to fundamentally change the environment of the Square to one which is more useable, supports activity and interest and responds positively to the setting of the Castle.
- **Swansea Unitary Development Plan (2008)**- Policies EV1 Design, Policy EV4 Public Realm, Policy EV5 Art in the Environment Policy EV6 Historic Environment, Policy CC5 Creating an attractive environment.
- **Swansea Local Development Plan: Deposit Plan (2016)** specific reference is made to the potential for the enhancement and reconfiguration of the Square and highlights how Place Making is a cornerstone of the national planning agenda and sustainable development objectives.
- An **Open Space Assessment Report** was presented to Cabinet in January 2017 provides a framework for well-located sport, recreation and leisure facilities which has directly informed the preparation of the Swansea Local Development Deposit Plan.

3.0 Appraisal of Issues and Opportunities

- 3.1 An Appraisal has been undertaken to provide an evidence base of key themes, issues and opportunities for bringing forward new proposals for the partial development and enhancement of Castle Square. The Appraisal is

also incorporated within Appendix A. A summary of key themes that are in that Appraisal are outlined below:

- **Movement-** Castle Square is a nodal space within the Central Area which plays an important role in linking various complementary areas. The space is crossed by pedestrian routes through the space, includes areas that are not useable and is surrounded by busy traffic routes. A significant level difference of approximately 4m falls east to west across the Square also constrains accessibility through the space. Any potential new development of restaurant units/ kiosks must not block these pedestrian routes and the adaptation of the space should improve the provision for pedestrians.
- **Activity and uses-** Castle Square is Swansea's Civic Space, and it is the focal point for events, celebrations and protests. Day to day, the space is used for informal sitting, especially south facing amphitheatre steps and low walls and benches are also well used for informal sitting and for watching the large TV screen. However, the space has limited appeal to families and young children and whilst the fountain adds animation it is segregated from the public realm and appears dated.
- **Greening-**Castle Square contains 22 trees which provide visual softening and a sense of enclosure to the large space. These trees have now matured to the extent that they are blocking key views and would benefit from selective removal and crown raising. Also, large areas of Castle Square consist of lawned grass areas but the Square gives the general perception of being largely hard paved space rather than one which is 'green' space. This is because the grassed areas are elevated above the ground level and surrounded by low walls. Therefore, the grass areas are rarely used because they are not very visible nor accessible.
- **Heritage-** Castle Square falls predominantly within the Wind Street Conservation Area which includes a number of listed buildings, and at the heart of what was the medieval City, immediately adjacent to the historic landmark Swansea Castle, which is a grade 1 listed building and ancient monument.
- **Active frontages-** Castle Square is the largest public space within the City Centre at 85m x 100m. It is broken down into a central space separated from movement routes on all sides by planting areas, level changes and roads. As a result there is no 'active frontage' or surveillance directly onto Castle Square. This means that the space often feels lacking in activity when there are actually a number of vibrant uses including cafes/ pubs and restaurants located around the edges of the Square on Princess Way, Temple Street and Caer Street.
- **Integration and Connectivity of St. Marys Square and Castle Square**
There should be consideration for enhancing the space between Castle Square and St Mary's Square. At present they are separated by highways infrastructure, and a clutter of street items. St. Marys will have a prominent new interface with the St. David's development (now known as Swansea Central) immediately to the south with both St Marys and Castle Square playing a pivotal role as part of the City's North South Green artery. Both spaces need to work together as the centre of gravity in the central area changes and these spaces become a more prominent part of the centre with higher footfall.

4.0 Summary of Responses to the Public Open Space Notice

Following the formal publication of a Public Open Space Notice, as required under section 123(2A) of the Local Government Act (1972), forty seven representations were received. The range of concerns and issues are summarised below, and set out in more detail in Appendix B.

4.1 **Disposal of Public Open Space**-The majority of responses (44) raised objections to the idea of the disposal of public open space. Concerns included, the implications of any private ownership for future use and access by members of the public. The Square is viewed as an essential element in the fabric of the City which should remain in public control and for public use and enjoyment for a range of uses and events.

4.2 **Responses and Comments:** A range of other comments were also received which are highlighted briefly in the sections below and in Appendix B:

- **Maintenance**-Twenty one respondents expressed concerns over the future maintenance of the Square, with many noting a need to upgrade/refurbish and introduce more greening of the space, with suggestions for improved street furniture and opportunity for shelter. Some acknowledged the financial constraints that have been imposed on the Council that could affect its ability to properly maintain the Square, and there were concerns over future maintenance if the responsibility was in private hands.
- **Heritage and character**-17 of the responses referred to heritage or historical links relating to Castle Square, as a memorial place and having regard to its links with Swansea Castle and Swansea's Medieval and Norman history.
- **Commercial and Events Uses** 12 people did not want to see restaurants developed on the Square, either because this would conflict with public access at the current level or because they believed existing vacant buildings within the city centre should be used if there is a need. A further 11 respondents highlighted the importance of the Square as a place for social gatherings/events.
- **Planning Policy**-Respondents highlighted the absence of any references to adopted planning policy and Swansea Central Area Regeneration Framework (2016), which is now clearly identified in this report and would be incorporated in any future development and marketing documentation. It was also suggested that "pavilion" style restaurants would not work in this location, that connectivity to elsewhere in the city centre must be maintained and possible impact on the strategic priority of developing the Swansea Central Area scheme.

5.0 Way Forward

5.1 Subject to Member agreement to progress this opportunity the next course of action should be to prepare a Brief for the Square. In the light of the key themes raised through the Appraisal study and having regard to the scope of issues and comments raised through the consultation exercise, a range of key objectives for the Brief are set out below:

- There is an opportunity to introduce an element of commercial activity into the Square in the form of restaurant pavilions/ food kiosks with external seating to significantly increase the feeling of vitality, safety and security. The type and quantum of uses should complement the emerging Swansea Central Scheme.
 - Overall design must be high quality that complements the city and its setting, heritage and links to the surrounding area.
 - The space needs to work as a destination year round, and be practical for events, commercial seasonal and cultural opportunities.
 - Any proposal should not result in the net loss of useable public open space, and selective thinning and new planting should ensure that there is no net loss of trees.
 - More positive use needs to be made of areas of grass which are currently slightly elevated, and not accessible or well used.
- 5.2 To achieve the above objectives, the appraisal work undertaken to date, would suggest that the optimum potential locations for any partial development opportunity in the Square would be a footprint of 200sqm at the following locations:
1. Within the unused areas of Castle Square occupied by some trees which are adjacent to Temple Street.
 2. Within areas of Castle Square which are currently landscaped to grass adjacent to Princess Way.
 3. this could be via a split level site along a similar line of the original gardens and 'covered areas'.
- There may also be further opportunities to consider the development of two or three kiosk sites within the space, and these potential opportunities are also evaluated in the Appraisal document appended to this report.
- 5.3 Consideration is given to the scheme being delivered as part of the wider City centre regeneration and the intention for the council to retain ownership and control of the Square. In any event a future Development and Marketing Brief needs to set out the options summarised above and also to also consider the following:
- To clarify the role of the council and/or any development partner in delivering the development, in terms of the management of space and events, and consider the scope of any long lease provisions.
 - It is anticipated that any residual value of the land arising from its redevelopment will need to finance part of the public realm element of the scheme. There are potentially public sector funding sources that may assist with the delivery of the wider public realm element of the development which need to be explored further.
 - To support the delivery of the wider scheme of public realm enhancement part of the rental income will need to be ring fenced for management maintenance and events.
 - An overall principle of retaining public access and contributing to a "greener City centre.

6.0 Equality and Engagement Implications

6.1 Should Cabinet decide to proceed with redevelopment or refurbishment of Castle Square a full Equality Impact Assessment will be required. The EIA will be carried out with guidance from the Access to Services Team and will include, and be informed by, feedback from a wide public consultation on any proposal.

7.0 Financial Implications

7.1 None at this stage. Full financial implications and delivery options will need to be further developed to inform the Development and Marketing Brief.

8.0 Legal Implications

8.1 Separate legal advice will be required regarding the future disposal of any land at Castle Square, and as public open space, procedures have been followed under the provisions of Section 123(2A) of the Local Government Act 1972. A copy of the notice plan and description are set out in Appendix C.

8.2 The Council has a legal obligation under Section 123 of the Local Government Act 1972 and under its own constitution that it shall not dispose of land for a consideration less than the best that can be reasonably obtained. Therefore, as required by the Council's constitution, any disposal whether by way of freehold sale or grant of a lease exceeding a term of 7 years, the land will need to be marketed or, if there is a special purchaser then the Interim Director of Place will need to certify compliance with those provisions accordingly.

8.3 It is recommended by the Head of Legal that before the land is considered for disposal that consideration be given as to any contractual obligations the Council may have in respect of the "Big Screen" facility. Consideration may also need to be given in terms of whether a formal appropriation under s.122 of the Local Government Act 1972 is required should the Council wish to use the Square itself for anything other than Public Open Space.

Background Papers: None

Appendices to accompany this report are as follows:

Appendix A	Castle Square - Appraisal
Appendix B	Schedule of Consultation Responses
Appendix C	Public Open Space Notice, Plan and description



**Castle Square Swansea
Appraisal
January 2017**

Introduction

This report was prepared to explore the scope to alter Castle Square in order to make it a more attractive and vibrant space at the heart of Swansea. The brief was to:

- Explore scope to adapt the existing Castle Square public realm in encourage increased use, fun and relaxation (not complete redesign)
- Investigate scope to accommodate restaurant units and pitches for food kiosk to introduce activity within the space.

This will inform future potential grant funding bids for the public realm works and a selection brief for potential restaurant developers .

This report provides an analysis of the space and exploration of precedents which forms a robust framework for the proposals.

Note that this report does not benefit from topographical survey or service information.



“We want Castle Square to be a bustling, visually attractive, green and relaxing place where people can meet friends or visitors, have a meal or enjoy a top quality public event.”

(Leader of Swansea Castle)

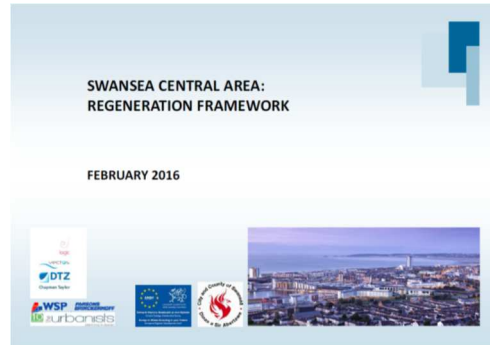
“Cultures and climates differ all over the world, but people are the same. They’ll gather in public if you give them a good place to do it “

(Jan Gehl)

Policy Context

Swansea Central Area Regeneration Framework (2016)

The Framework was adopted by City and County of Swansea in February 2016. This indicates how consideration should be given to enhancing and refreshing the Square, and reconfiguring it to allow it to better integrate adjacent areas such as the space around the Castle and Princess Way.



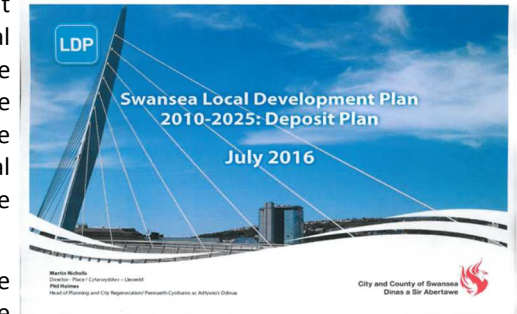
It recognises that there is an opportunity to fundamentally change the environment of the Square to one which is more useable, supports activity and interest and responds positively to the setting of the Castle. As part of the Vision for the Central Area the creation of a 'Green Artery' and Green Infrastructure are key themes. The Framework highlights the importance of creating a network of high quality spaces forming 'stepping stones' that link together existing and proposed areas of activity.

Swansea Unitary Development Plan (2008)

Policies EV1 Design, indicates that new development shall accord with a range of specified objectives of good design, **Policy EV3 Accessibility** –sets out requirements for meeting criteria relating to access for all, high quality public realm for a range of users, **Policy EV4 Public Realm** where development impacts on the public realm designs should ensure that schemes integrate with areas to produce spaces and sequences that result in quality townscape and building frontages that actively engage with the public, are of a human scale and provide effective surveillance resulting in spaces that are 'people friendly', and provide attractive detail through the use of high quality durable materials **Policy EV5 Art** requires the provision of public works of art or other features to enhance the identity and interest of major new development or refurbishment schemes will be supported. **Policy EV6** seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings, **Policy CC5**– The design of all new development schemes will be required to make a positive contribution to enhancing the City centre's environment. A programme of improvements will be implemented and where appropriate developer contributions will be sought.

Swansea Local Development Plan: Deposit Plan (2016)

The Swansea Local Development Deposit Plan (LDP) Policy SD J: Swansea Central Area makes specific reference also to the enhancement and reconfiguration of the Square. The LDP also highlights how Place Making is a cornerstone of the national planning agenda and sustainable development objectives.



Policy PS2 is of relevance to the consideration of future options for the Square and states that development must enhance the quality of places, and respond positively to aspects of local context and character that contribute towards a sense of place. The policy also highlights how the design, layout and orientation of spaces, must provide for an attractive, legible and safe environment and ensure no significant adverse impacts would be caused to people's amenity.

The City and County of Swansea Open Space Assessment Report was presented to Cabinet in January 2017 and provides a framework for well located sport, recreation and leisure facilities. The outputs from this Assessment has directly informed the preparation of the Swansea Local Development Deposit Plan policies by identifying specific surpluses or deficiencies in open space provision. The study concludes that in areas of limited open space , the creation of new open space is encouraged and that existing spaces are retained and improved where possible . As an area of public realm, the Square fulfils an important role in the City Centre for incidental amenity and potentially activity, events, recreation and play.

Movement

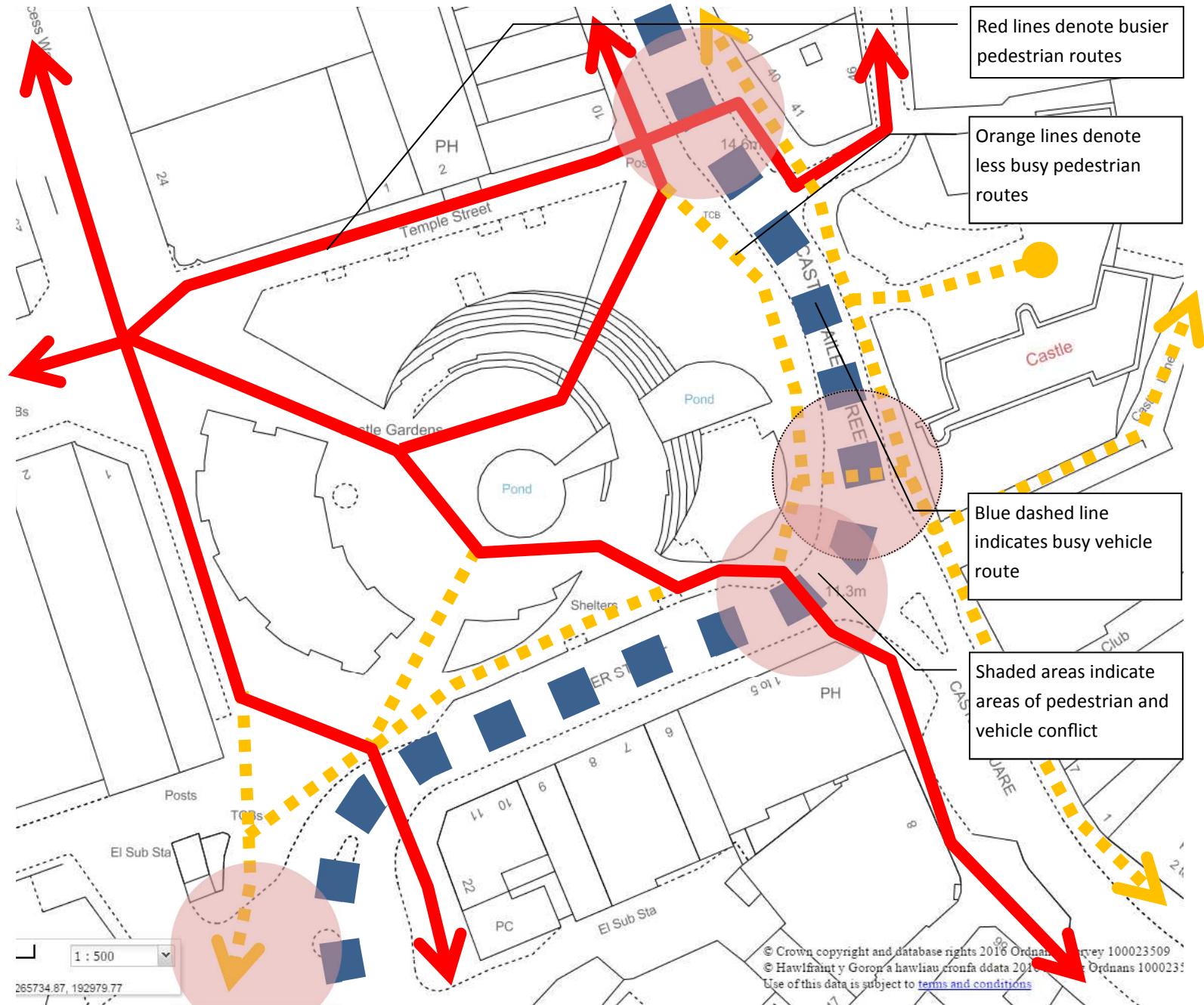
Castle Square is a nodal space within the Central Area that performs an important linking function for pedestrians. There is a level difference of approximately 4m falling east to west which limits access for some through the space.

The southern and eastern sides of the space (Caer Street and Castle Bailey Street) are busy route for vehicles with up to 1 bus every 5 minutes heading north.

The plan opposite shows the pedestrian routes through the space, the approximate intensity of the pedestrian movement and the barriers to movement. It is clear that the current design of the space does not cater for unobstructed pedestrian movement and the integration beyond the space is poor in areas. The busy vehicle routes sever Castle Square from Swansea Castle and separate the active frontage to the south on Caer Street from the main space.

The southern side of Castle Square also provides bus stops and evening taxi ranks.

Any restaurant units/ kiosks must not block these pedestrian routes and the adaptation of the space should improve the provision for pedestrians.



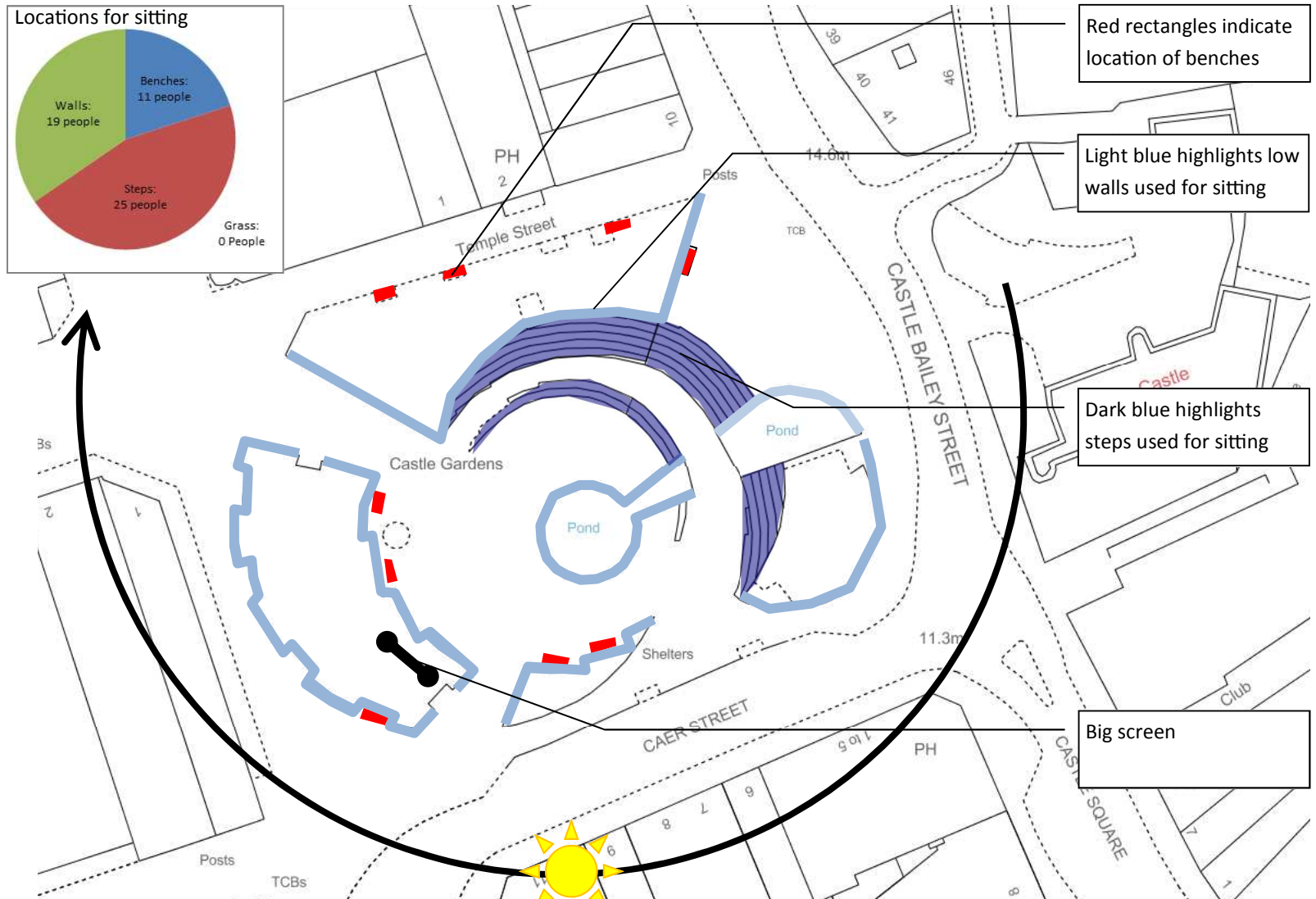
Civic Space

Castle Square is Swansea's Civic Space; it is the focal point for events, celebrations and protests. It does not have a corresponding Civic Building but it does have a big screen which is a legacy of the 2012 London Olympics and this is used as the focal point for 'fan zone' events.

Day to day, the space is used for informal sitting especially south facing amphitheatre steps as indicated in the plan. The low walls are also well used for informal sitting. The 9 benches see a lesser level of use. The pie chart gives an indication of how Castle Square is used for sitting on a sunny dry afternoon (note that there is no sitting on the grass).

The space has limited appeal to families and young children. Whilst the fountain adds amination and background sound it is segregated from the public realm and appears dated.

The space needs to work as a destination year round not just for events and this may require more intensive day to day management of the space for example to hire out deck chairs etc.



Greening

Castle Square contains 22 trees which provide visual softening and a sense of enclosure to the large space. Many of these trees pre-date the Castle Square scheme and are a remnant of the earlier Castle Gardens. These trees have now got to the stage that they are blocking key views and would benefit from selective removal and crown raising.

Approximately 1/3 of Castle Square is grass but it is considered by users to be a hard space not a 'green' space, because the grass is elevated above the ground level and enclosed by walls. Therefore the grass areas are very rarely used because they are not very visible nor accessible. People prefer to sit on the steps and walls rather than the grass.

A key change to alter the use and perception of Castle Square will be to provide grass areas at ground level that are accessible and allow for loose chairs for sitting on the grass.

The potential restaurant pavilions could conflict with the existing trees, so the objective should be to maintain the greening though selective thinning and new planting should ensure no net loss of trees or useable greenspace.



Edges and active frontages

Castle Square is the largest public space within the in Swansea at 85m x 100m. It is of a similar scale to Leicester Square, London.

It is broken down into a central space separated from movement routes on all sides by planting areas, level changes and roads. As a result there is no 'active frontage' directly onto Castle Square. This means that the space often feels lacking activity when there are vibrant uses including cafes/ pubs and restaurants on the edges. Therefore there is a need/ opportunity to introduce commercial activity into the square in the form of restaurant pavilions/ food kiosks with external seating to significantly increase the feeling of vitality.

There are key views to the square along the approach streets especially Oxford Street and view from the square that give the location a distinct sense of place. These contextual views include the dramatic juxtaposition between the medieval Swansea Castle and the modern BT tower, plus the view to St Marys Square and the tower of the church which is being lost to over mature trees.



Integration of Castle Square with St Mary's Square

Castle Square and St Marys Square are significant areas of public space in the City Centre ,but at present they are separated by highway infrastructure (important though it is), a lack of building frontage (the corner site of the electricity sub-station) and a general clutter of street items that have accumulated over time.

The recommended future roles of both spaces are better integrated , but to be successful both spaces need to work together in a manner which they do not at present. The area has a strategic infrastructure role, particularly for bus services, taxis and Blue Badge parking. However, these *movement* functions are compromising the *place* functions, particularly at the junction of Princess Way, St. Mary's Square and Caer Street.

To date, this compromise has been acceptable, because the role of the area has been to service Oxford Street, yet with the centre of gravity in Swansea changing, the environment between Castle Square and St. Mary's Square is going to become a much more prominent part of the City with higher footfall. For this reason the use and management of space should be adapted to place a higher priority on *place over movement*. If possible, some of the movement functions could be relocated, or at least more sensitively integrated.

Enhance the relationship between Castle Square and St.Mary's Square by: considering a more compact roundabout on Princess Way / Caer Street reducing street clutter screening the electricity sub-station .



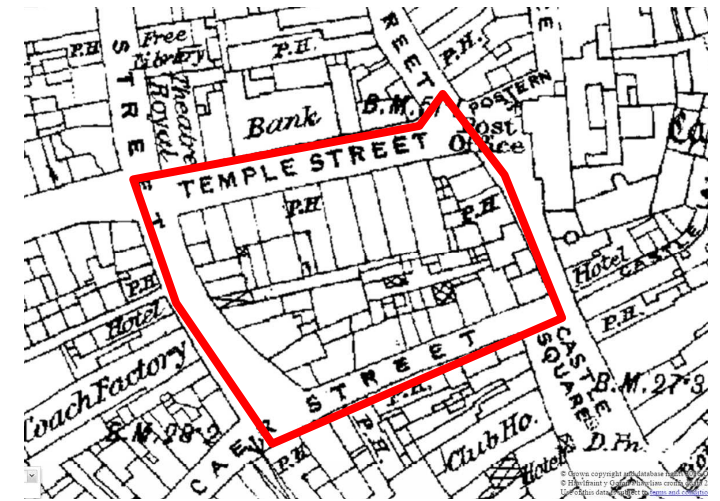
Heritage

Castle Square falls predominantly within the Wind Street Conservation Area where the 'preserve or enhance' test prevails. It also forms the setting for Swansea Castle which is a grade I listed building and ancient monument.

However the space itself is modern and was first laid out in the post war period as Castle Gardens. Prior to WWII this area was an urban block of Victorian buildings bounded by streets.

Castle Square sits at the heart of the medieval city and a large part of the space lies within the castle courtyard but there is very little to celebrate this fact. The modern surfaces include various bands and shapes but none relate to the historic features.

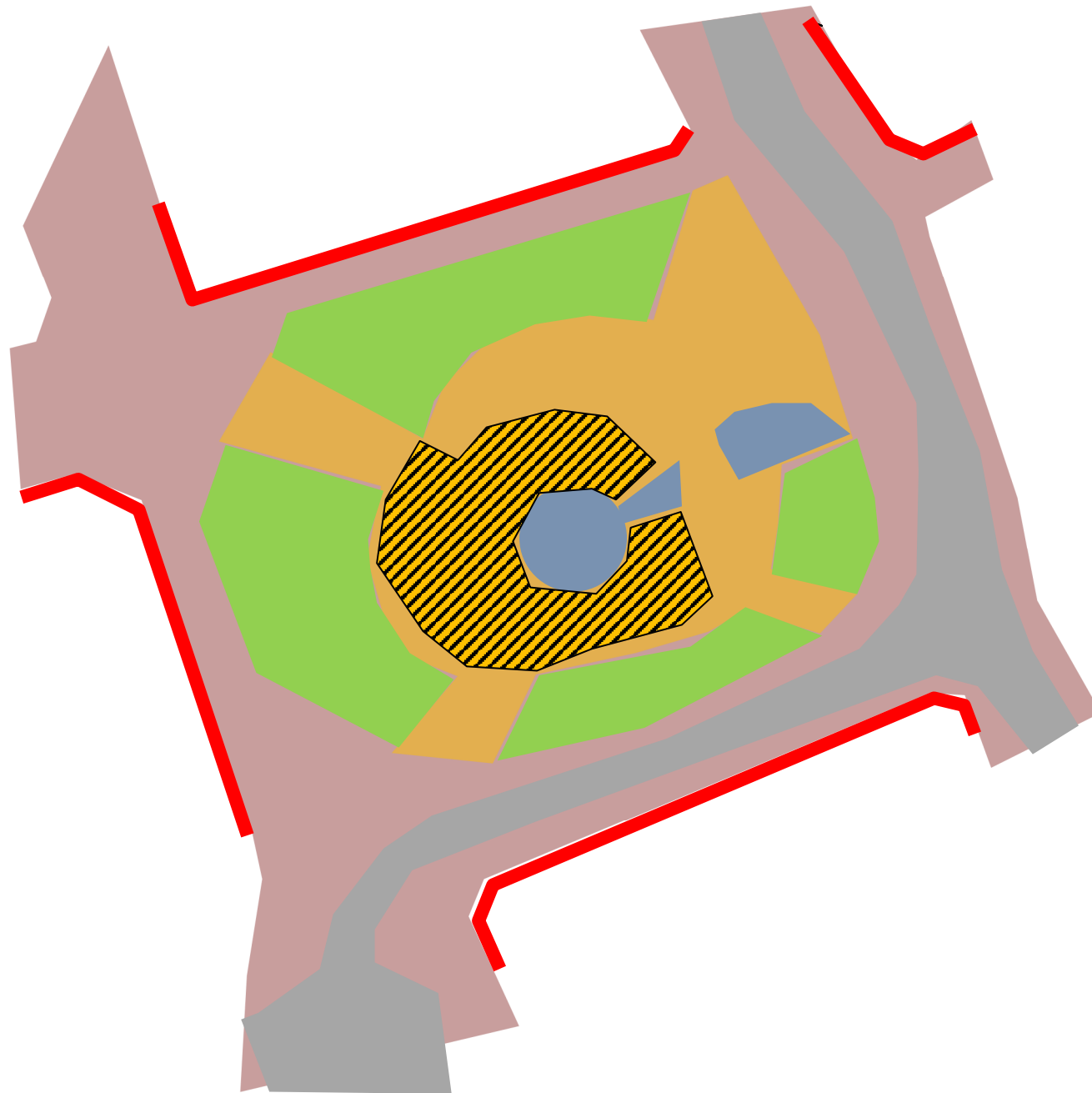
Therefore there is a significant quality test for any new development but this does not mean that traditional designs are required. In fact as a modern space, any new structures should be contemporary yet sensitive to the heritage and amendments to the surfaces can highlight and celebrate the lost castle walls.



Castle Square summary of analysis

This simplified diagram of Castle Square demonstrates how the space is 'zoned' and the 'Civic' area is effectively an island disconnected from the active frontage edges. It also shows that the greenery area and events are a relatively minor elements of this key space. This contrasts with contemporary Civic Spaces such as Centenary Square in Bradford. Whilst this is clearly a larger space it is multi functional (as opposed to zoned) which means that the areas are larger and overlapping.

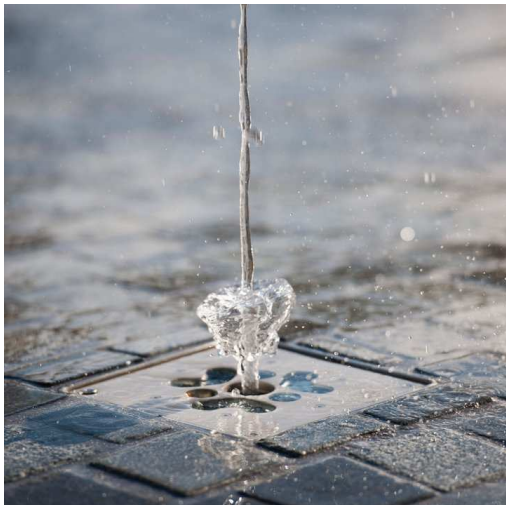
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Precedents for jet fountains and shallow splash pools

Many cities including Nottingham, Bradford, Bristol, Manchester are designing focal water features as jets within very shallow dished areas as part of multi functional civic spaces.

This allows for play and events use of the space. When the jets are switched off the space is dry and effectively level. This approach with dished surface and water jets could be used to replace the lower pool with raised wall and fountains in Castle Square. It could attract more people to the space, would allow the pedestrian routes through the space to be unobstructed and would offer greater flexible space for events. This could be combined with a circular paving feature to maintain the focal point.



Precedents for kiosk and grass for sitting

The brief requires space for at least one food kiosk of approximately 2.5m x 6.0m.

Currently there is a significant growth in street food as an event within the public realm. The street food kiosks can be a temporary public art feature and standard units should be resisted. Usually little or no internal seating at a food pitch and instead informal seating and bins are provided nearby. This creates activity within the space. The food pitch could be managed to rotate the vendors to provide a regular variety of food experiences.

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Precedents for restaurant pavilions

Given the civic nature of the space and the constraints, it may be difficult to accommodate two units and many of the best examples (left) are smaller scale café pods. Therefore the restaurant pavilions should be bespoke to the space or perhaps one unit should be considered instead of two.

The opportunity is to create 'jewel' type pavilion structures that are sculptural features within the space. The challenge is to avoid 'back' elevations to pavilion buildings that are public on all sides.

Within Castle Square. Irrespective of the detailed design, there are a number of fundamental requirements for the restaurant units:

- Any new units should complement the civic use of the space in terms of public seating and events.
- Any new units should have 'active frontages' on all public elevations
- They should be of contemporary appearance and could be offered as a design competition
- They should include a terrace at ground floor level that is accessed through the restaurant, plus possibly space at first floor and roof terrace to minimise the footprint and add scale.



Case Study: Sister Cities Park,

“Visitors to downtown Philadelphia should take notice of the new [Sister Cities Park](#) and cafe. Not only is it the perfect spot for a locally-sourced lunch in between touring the downtown museums, it's also a great spot for kids to play. The renovated park is managed by the [City Center District](#), whose goal for the park was to create a space for visitors, children, residents and business people to use”.

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Case Study: Centenary Square, Bradford

The six-acre City Park in Bradford is the realisation of an ambition for a major tourist attraction and events space showpiece “park in the city” .

It is a significant space (similar in size to two football pitches) , and is neither a traditional green space nor a traditional city square, but combines elements of both. The centrepiece is the Mirror Pool Plaza designed to act as an interactive play resource and an events space.

The whole park has a circular orientation and the Mirror Pool provides a central focus. With the fountains or steam vents in action there is usually something to look at even on a cold day. On warm days the Mirror Pool is typically brimming with children, young people and parents splashing about amongst the fountains.

The management of the space borrows some ideas from Victorian public parks, particularly the presence of dedicated park keeping staff and the importance of ‘designing in’ natural surveillance to discourage unacceptable behaviour and foster self-regulation.

Like other large, central public spaces, City Park is often used as a place for individual or group meetings in a casual and informal context. The local authority has deliberately sought to hold events that would appeal to a broad audience and these are free to access.



APPENDIX B Response to Consultations

Response No.	Don't sell off	No more restaurants	Historical connections /Castle	Greening /Improving space/seating	Maintain public open space/Green space	Links to Wind Street, Princess Way etc.	Other ideas (Please see below for ideas)	Legal Challenge	Plaques	Fountain	Big screen	Nature of consultation /Legalities	Willing to hear more	Heritage	Local development plan	Castle square is not for sale group	Cabinet minutes	Social gathering/ Events
1					*		*											
2	*				*												*	
3	*						*				*							
4	*	*	*	*	*													
5	*		*	*	*				*					*				*
6	*				*													
7	*																	
8	*				*													*
9	*				*													
10	*	*			*									*		*		
11	*		*	*														
12	*	*			*									*		*		
13	*																	*
14	*				*		*			*								*
15	*		*												*			*
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38	*			*										*				
39				*			*			*	*							
40	*		*		*						*							*
41	*				*													

42	*	*			*							*							
43	*				*														
44	*				*							*	*						
45	*		*											*					*
46	*																		*
47	*	*	*	*	*														
TOTAL	44	12	13	15	21	1	7	1	1	5	5	2	5	3	2	1	21		

Other Ideas –

1. Covering the square (example pics provided) /Current steps replaced with wooden bench type seating (amphitheatre effect)/fountains should go and replaced by a stage to host events or stalls/using the fountains on the periphery of the square.
3. Clear the square, flat with seating and hold dance nights, live groups, dance competitions, fancy dress, and charity events, helter skelter with mats.
14. Most of High Street being sold could make some profit – the open bottom shops under the gym, BHS, or Oceana,
21. Be friendly.
31. Put the floral clock back.
39. Tiered layers of grass (example included in the e mail).

Response No.	Do you like Castle Square?		Why do you use Castle Square?							What would you like to see there that would make you visit more?								Ideas	Adults/Children/Both	
	Yes	No	TV	Secure	Events	Walk through	Eat	Sit	Play	Food/Family Space	Greenery/Seating/Flowers	Cheap Kids Activities/Entertainment/Play Space/Sensory Play	Toilets	Events/Community Events	Fairground	Water Park/Safe Water to play in	Street Theatre			Music – Festivals – Live Music
1		*	*	*						*	*	*	*						I'm a celebrity food challenge	C
2														*	*	*				A
3		*				*					*	*					*			C
4		*	*							*	*	*		*						A
5		*									*	*		*				*	Themed for Xmas	A
6			*								*	*				*			Fold up Table and Chairs like Tenby-Weather Proof – Pop up water – Fat Yankees Burgers	C
7												*						*	All weather	C
8		*				*					*	*						*	All weather activities like Tenby/Band Stand/Sports Events	B
9		*								*	*								Under cover spaces	C
10		*					*			*	*	*					*		Pop up kitchens	A
11		*								*	*	*							Subway/football/rollercoaster/Darts Rugby	C
12											*	*								
13	*		*				*	*				*		*						A
14		*				*					*	*								B
15		*					*	*		*	*								Interactive Sculpture	B

APPENDIX C

CYNGOR DINAS A SIR ABERTAW THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA

DEDDF LLYWODRAETH LEOL 1972 LOCAL GOVERNMENT ACT 1972

ADRAN 123 (1) (2A) (FEL Y'I DIWYGIWYD) SECTION 123 (1) (2A) (AS AMENDED)

HYSBYSIAD O WAREDU RHAN O FAN AGORED CYHOEDDUS NOTICE OF DISPOSAL OF A PUBLIC OPEN SPACE

SGWÂR Y CASTELL ABERTAW / CASTLE SQUARE SWANSEA

Hysbysir trwy hyn fod Cyngor Dinas a Sir Abertawe yn bwriadu gwaredu tir sy'n rhan o fan agored cyhoeddus, sef Sgwâr y Castell, Abertawe, at ddiben datblygiad posib a gwella manau cyhoeddus.

Mae cynllun y tir i'w waredu, ynghyd â disgrifiad o gynigion y cyngor, ar gael i'w archwilio yn nerbynfa swyddfeydd Cyngor Dinas a Sir Abertawe, Canolfan Ddinesig, Heol Ystumllwynarth, Abertawe SA1 3SN.

Rhaid cyflwyno unrhyw wrthwynebiadau i'r gwaredu arfaethedig yn ysgrifenedig a'u hanfon at Tracey Meredith, Dirprwy Bennaeth Gwasanaethau Cyfreithiol a Democrataidd, Cyngor Dinas a Sir Abertawe, Canolfan Ddinesig, Heol Ystumllwynarth, Abertawe SA1 3SN gyda'r cyfeirnod WP/DVP-00218600 erbyn 18/08/2016 fan bellaf.

Notice is hereby given that the Council of the City and County of Swansea intends to dispose of land forming a Public Open Space being Castle Square, Swansea for the purpose of potential development and public realm improvement.

A plan of the land proposed to be disposed of together with a description of the Council's proposals is available for inspection in the foyer of the offices of the Council of the City and County of Swansea, Civic Centre, Oystermouth Road, Swansea SA1 3SN.

Objections to the intended disposal must be made in writing and addressed to Tracey Meredith, Deputy Head of Legal & Democratic Services, The Council of the City and County of Swansea, Civic Centre, Oystermouth Road, Swansea SA1 3SN, under reference WP/DVP-00218600 by no later than 18/08/2016.

Dyddiedig y 28 diwrnod o Gorffennaf 2016 Dated the 28th day of July 2016

**TRACEY MEREDITH
DIRPRWY BENNAETH Y GWASANAETHAU CYFREITHIOL A DEMOCRATAIDD
DEPUTY HEAD OF LEGAL & DEMOCRATIC SERVICES
CANOLFAN DDINESIG / CIVIC CENTRE
ABERTAW / SWANSEA**

City and County of Swansea
Dinas a Sir Abertawe



Report of the Chair

Scrutiny Programme Committee – 13 March 2017

PRE-DECISION SCRUTINY OF CABINET REPORT – SWANSEA CITY CENTRE REGENERATION – DELIVERY AND FUNDING STRATEGY

Purpose	This report provides guidance on pre-decision scrutiny ahead of consideration of the Cabinet report on ‘Swansea City Centre Regeneration – Delivery and Funding Strategy’.
Content	This covering report is focussed on the role of the committee in undertaking pre-decision scrutiny. The actual Cabinet report which is being considered by Cabinet on 16 March is appended.
Councillors are being asked to	<ul style="list-style-type: none"> • note the pre-decision scrutiny process and role of the committee • consider the Cabinet report and proposals • agree any views on the proposed decision that are to be raised with Cabinet
Lead Councillor	Councillor Mary Jones, Chair of Scrutiny Programme Committee
Lead Cabinet Member / Officer(s)	<ul style="list-style-type: none"> • Councillor Robert Francis-Davies – Cabinet Member for Enterprise, Development & Regeneration • Martin Nicholls, Director – Place
Report Author	Brij Madahar, Scrutiny Coordinator Telephone: 01792 637257 brij.madahar@swansea.gov.uk

1. Introduction

1.1 The Committee met with the Leader on 9 January and during a Q & A session on a range of matters discussed progress with City Centre Regeneration. Members were interested in plans for the re-location of staff from the Civic Centre and for the Central Library.

1.2 The committee learned that a report on an accommodation strategy would be coming forward to Cabinet and it was subsequently agreed that the report should be subject to pre-decision scrutiny. It was since clarified that accommodation matters were part of a broader report on the City Centre Regeneration which is being prepared for Cabinet.

1.3 The report of the Cabinet Member for Enterprise, Development & Regeneration, which is due to be considered by Cabinet on 16 March, is provided for the committee to undertake pre-decision scrutiny.

2. Role of the Committee

2.1 The purpose of pre-decision scrutiny:

- It entitles scrutiny to discuss proposed Cabinet reports, where a clear recommendation(s) exists, before decisions are taken by the Executive.
- Acting as a 'critical friend', it enables scrutiny to ask questions about a report to develop understanding and inform and influence decision-making, for example asking about:
 - the rationale for the report
 - robustness of the proposed decision and decision-making process
 - potential impact and implications (including policy/budget issues) and risks
 - how different options have been considered
 - the extent of consultation undertaken etc.
- It enables scrutiny to report its views and any issues to Cabinet. The chair, on behalf of the committee, can attend the Cabinet meeting to share the views of scrutiny on a report prior to Cabinet decision. This may include giving support, providing other suggestions on the way forward, or flagging up any concerns.
- The views of scrutiny are required to be formally considered by Cabinet before it makes the decision and feedback should be given including explanation for any rejection of views expressed.

2.2 Councillor Robert Francis-Davies, Cabinet Member for Enterprise, Development & Regeneration will attend the meeting to answer questions and respond to issues raised. Relevant officer(s) involved in the development of the report will also be present to assist the committee and provide appropriate advice.

2.3 The committee (through the chair) will write to the relevant Cabinet Member with its views following pre-decision scrutiny. The chair will have the opportunity to attend the cabinet meeting on 16 March to verbally feedback the committee' views, conclusions and recommendations about the report.

3. Cabinet Response

- 3.1 Cabinet must formally consider scrutiny views at its meeting on 16 February. It may decide that any issues raised by scrutiny can be dealt with at the meeting and decision taken. It may decide that more time is needed to consider the views of scrutiny and defer decision to the next (or a special) meeting of Cabinet.
- 3.2 The relevant Cabinet Member is expected to write back to the committee with feedback from Cabinet, and should include explanation of any rejection of scrutiny views.

4. Legal Implications

- 4.1 In accordance with the Council's Constitution "pre-decision scrutiny gives scrutiny the opportunity to influence Cabinet decision making as a critical friend". "The views of the scrutiny committee are formally presented (either in a written report or verbally by the scrutiny Chair) to the Cabinet meeting for the Cabinet to consider and inform its decision making".

5. Financial Implications

- 5.1 There are no specific financial implications raised by this report. Financial implications of the actual cabinet report are contained within that report which is appended.

Background Papers: None

Legal Officer: Wendy Parkin

Finance Officer: Carl Billingsley

**Report of the Cabinet Member for Enterprise, Development and
Regeneration**

Cabinet - 16 March 2017

**SWANSEA CITY CENTRE REGENERATION - DELIVERY AND FUNDING
STRATEGY**

Purpose:	To seek Cabinet agreement to proceed to the next stages of City Centre regeneration and confirm funding in accordance with Financial Procedures Rules.
Policy Framework:	Swansea Local Development Plan: Deposit Plan, Swansea Unitary Development Plan (2008), Swansea Central Area Regeneration Framework (2016) Corporate Priority Creating a Vibrant and Viable City and Economy
Consultation:	Finance, Legal, Commercial Services, Corporate Building and Property Services, Access to Services
Recommendation(s):	It is recommended that Cabinet: <ol style="list-style-type: none"> 1. Approves the financial implications as outlined within the report 2. Funds an overarching economic regeneration assessment to underpin any decisions to invest in the capital delivery of projects including a skills assessment to underpin delivery. 3. Authorises officers to approach WG to request that Swansea City Centre is designated TIF area. 4. The necessary annual capital and revenue funding required to enable delivery of the projects is agreed. 5. That Cabinet note the interdependencies for other aligned schemes being developed for Castle Square and the Kingsway Infrastructure
Report Author:	Huw Mowbray
Finance Officer:	Ben Smith
Legal Officer:	Debbie Smith
Access to Services Officer:	Sherill Hopkins

1. Introduction

One of the Council's main Corporate Priorities is to create a vibrant and viable City & Economy. Despite this ambition, Swansea City Centre has been in decline over recent years. The Javelin VENUESCORE ranking shows that in 2016, Swansea was the second biggest faller in the top 100 towns after Wolverhampton. In the surrounding areas of Cardiff, Newport and Carmarthen, the offer has significantly improved. The impact of a new scheme is demonstrated clearly in Newport, climbing 59 places as a consequence of Friars Walk opening.

However, Swansea has a major opportunity with an identified £158m trading gap that could be clawed back through successful regeneration. Swansea also has a clear plan through the adopted Swansea City Area Regeneration Framework (SCARF) to address regeneration across the city Centre.

Due to economic and viability issues the private sector will not invest in major City Centre projects in Swansea at this time and stage of their development. So simply doing nothing is not an option as Swansea's decline will inevitably continue.

The Swansea Bay City Region has progressed a City Deal bid to Welsh and UK governments. The proposals put forward by Swansea aims to facilitate the growth of higher value activities particularly in Tech businesses to increase footfall in line with the recommendations of SCARF. This builds on the city's two universities and embryonic technology capability within the City. The CCS project objectives are: -

- a. To create 100,000 sq. ft. of offices at Kingsway – Digital Village.
- b. An arena, hotel and public realm at Swansea Central - Digital Sq.

This deal is in the process of being finalised with both UK and Welsh Governments and a decision is expected by the time of cabinet. The Council will need separately to consider future match funding is in place to progress the bid once the second stage of the City deal is agreed. This will be subject to further reports as and when the specific business cases are developed and agreed with the respective governments.

It should be noted that whilst the Council has the ability to borrow money, there are a number of competing priorities including the 21st Century Schools programme. If the Council is to borrow for projects then there must be prioritisation, and risks must be managed in line with the Council's fiduciary duty.

There is now a short window of opportunity to deliver projects within the current economic cycle. Given the absence of a private sector lead unless the council acts quickly there is a clear risk that the projects will miss the economic cycle and fail. In order to ensure projects are given the best possible chance of being delivered then resources must be focused on the priorities.

As council has already endorsed the agreement to the City Deal then work to develop the priority areas and aligned City Centre development must continue to maintain progress.

As such this paper sets out the priorities both for City Deal “work up” and also the aligned schemes that logically must proceed in tandem to ensure appropriate interconnectivity across the City Regeneration programme.

2.0 Regeneration Schemes

The sections below set out the regeneration schemes, their current position, aims and next steps for delivery.

Swansea Central - A mixed use scheme currently comprising a cinema, 20 retail units, 8-10 restaurants, a university library and learning facility, Multi-Story Car Park (MSCP) and residential, all North of Oystermouth Road and linked by a wide land bridge to the South side which includes a 3-3500 capacity indoor arena, approximately 500 car parking spaces, a hotel and parkland connections to the Civic Centre site.

Aims

- To improve the current City Centre offer.
- To generate economic benefits including creating new jobs and prosperity.
- To attract new retailers and shoppers back to the city to capture leakage.
- Create a first class environment to attract occupiers and visitors.
- Improve the city to benefit future generations.

Progress to date

- Cabinet appointed Rivington Land, ACME as development managers.
- Scheme options have been considered and plans drawn up.
- Full consultant team now appointed.
- Preparation of marketing material
- Discussions held with occupiers.
- Draft outline planning consent published.
- Consultation with affected stakeholders undertaken.
- Arena feasibility study completed.
- Arena OJEU procurement process for operator underway.
- Discussions with University for a new library/student learning facility underway.
- Consideration of potential funding sources.

Next steps

- Submit outline planning consent.
- Undertake detailed design
- Secure agreements with key occupiers
- Appoint Arena operator.
- Market hotel opportunity

Kingsway – There are two critical parts to this project:-

Firstly, to develop the infrastructure and “public realm” to simplify the road network, create a vibrant and green public realm to provide the environment where people want to live and work and therefore stimulate development. This is subject to a separate report following public consultation.

Secondly, to build 100,000 sq. ft. of offices at the former Oceana site together with a new pedestrian link between Kingsway and Oxford Street.

Aim

- To create modern efficient offices to fill a gap in city center provision and generate additional footfall in the City.
- Provide grow on space for small business, in particular for the Tech industries.
- To retain graduates and promote future business start-ups.
- Stimulate private sector investment and development on the Kingsway.

Progress to date

- Acquired Oceana and demolition to be completed in March.
- Masterplan for offices prepared to RIBA stage 2.
- Acquired additional properties in accordance with the overall strategy.
- Detailed designs for Kingsway highway improvements undertaken.
- First phase of roadworks at Westway completed.
- Bid made to ERDF for £4m towards £10m highway scheme.

Next steps

- Undertake final land assembly.
- Undertake detailed building design.
- Submit planning application.
- Once there is commitment to build then progress discussions with occupiers.
- A separate Cabinet report on Highway improvement works.

Civic Centre Site - A seafront site with a masterplan to create 500 homes, a tourist attraction for 300,000 visitor’s p.a. with 6-8 restaurants around a new public square for events all set in an attractive public realm, new seafront promenade with access to the beach and car parking.

Aims

- Deliver the council’s policy of linking the city to the sea.
- Create a waterfront destination.
- Create a public square on the waterfront.
- New tourist attraction.
- Provide a range of housing to support city living.

Progress to date

- Cabinet appointed Trebor Developments and their team as development manager.
- Discussions with the University for a Hydro Hub and research facility as a tourist attraction.

- Detailed work on relocation of council offices undertaken which would create a vacant site.
- Flood Consequences Assessment (FCA) in progress.
- WG approached to provide Civic relocation design and planning costs.

Next steps

- Consider recommendations of the FCA and cost of works in order to mitigate flood risk.
- Once FCA requirement identified agree the timing for the Civic relocation.
- Consider phasing options of the scheme that accord with the timescales for relocation.
- Finalise scheme design and secure a planning consent to facilitate relocation of the Civic Centre when funding is available.

3.0 Progressing Delivery

In order to progress the projects the Council needs to fund additional work up costs to take the current schemes to the point where a construction contract can be tendered and the council can decide whether it wishes to fund and deliver the projects, or alternatively, advertises for a funder/developer to deliver the scheme with the Council providing gap funding, if necessary. The risks and financial rewards of each option will be analysed and included in future reports.

Swansea Central – It is envisaged that this will be delivered in three phases, firstly the LC car park site for an arena, MSCP and hotel (part funded by the potential City Deal). Secondly, the southern part of St Mary's car park for university and leisure facilities, and thirdly, the Northern area of the site for retail and leisure.

The arena as the first phase will be an anchor for the City Centre. The council has already commenced an OJEU process aiming to secure a preferred operator by May 2017. The construction cost of the arena will only be established once the operator requirements are finalized at the end of the procurement process.

As the Swansea Central project has progressed the scheme has increased in size and consequently the overall work up costs have increased.

Kingsway Offices (located at former Oceana site) - As indicated above the next crucial stage is to develop the scheme with detailed design and planning permission

Civic Centre and Office Relocation - The initial findings of the Flood Consequences Assessment indicates additional work is required on flood mitigation to define the degree of flood protection work and potential design of the scheme required to meet NRA requirements. In addition, work is required to secure a detailed design and planning consent for a new Civic Centre in order to progress its relocation and provide a vacant Civic Centre site for future development. The funding requirement of £1.3m for progressing the Civic relocation to detailed planning consent is being sought from WG although in the meantime an allocation of £200k is sought to complete the flood mitigation work and detailed feasibility on the site post relocation of the Civic Centre to the City Centre.

3.1 Economic Benefits

There are potentially significant economic benefits to the city in delivering the schemes which includes additional GVA, creating prosperity, new quality jobs, spend in the local economy and growth. In addition the skills required in the local economy to deliver these schemes need to be identified. This will also be raised through the SERP.

An arena will not be delivered by the private sector as it does not create an income stream to fund the construction cost however the economic benefits generated for the local authority area is significant. Hull council recently contracted to build a 3500 capacity arena due to the significant economic benefits it generates for the Hull economy.

Independent detailed analysis is required to quantify the benefits to the city. The cost of such analysis for the arena, Swansea Central and Kingsway would be in the order of £50K. The commission should also provide further independent advice as to how the Council can maximise the impact of its investment to further its Corporate Priorities, including poverty reduction.

4.0. Cost of next stage of works.

The table below sets out the anticipated additional work and budgets required to deliver the next stages.

Project	Additional Work Required	£
Swansea Central	Design and professional fees to pre-tender based on current scheme with university building and larger arena. *Preparing the construction tender and associated professional fees up to start on site will be in addition.	£6,575,000
Kingsway Offices	Detailed Design & planning	£850,000
Civic Centre Relocation	Feasibility and flood mitigation assessment	£200,000
Economic benefit analysis	Undertake analysis on St David's, Arena, and Kingsway	£50,000
Delivery Strategy	Prepare a delivery Strategy for the projects which considers the best use of public resources and the potential for	Within existing budget

	private sector investment.	
Contingency		£250,000
Total		£7,925,000

*For Swansea Central whether the Council bears the costs of construction tendering will depend on the agreed delivery model to be progressed. This will need to be the subject of a further cabinet report.

In looking at delivery models and the need for capital borrowing, consideration must be given to the level of capital commitment required by the council to deliver its corporate priorities including for example the 21st Century Schools programme. An overall programme will need to be agreed and financial implications and risks identified.

4.1 Kingsway Infrastructure and Castle Square

Due to the advanced progress of the Kingsway infrastructure works and the fact that there is a need to report on the public consultation a separate FPR report will be presented to cabinet. In addition, due to the requirement to formally report back on the public consultation on Castle Square a separate report seeking way forward is also due to be submitted to cabinet to coincide with this report.

5. Grant /External Funding

The original requirement for £6.2m of work up costs for Swansea Central was requested from WG. Further discussion with WG has confirmed that Welsh Government have linked this to the City Deal and a formal response is expected shortly.

The Council has submitted funding bids to Welsh and UK government for City Deal funding. The details of the overall financial impact on the council will need to be worked up as part of the final city deal proposal once endorsed by both UK and Welsh Governments. At this stage authorisation is only being sought to move the next stage of the process with subsequent reports to cabinet required once the business cases are agreed.

6. Taxation Incremental Funding

If Swansea City Centre was designated a Taxation Incremental Funding (TIF) area the council could keep the Business Rates from any new build properties for a 20 year period to support works. This is being done in Scotland and England and is widespread in North America. This could help finance borrowing costs for the city center schemes by delivering revenue stream and in order to do so the Council should approach Welsh Government for a Swansea City Centre TIF.

The Kingsway and Swansea Central schemes alone would generate in the order of £1.2m in rates per annum. Initial discussions have taken place with WG who are considering the request but cabinet authorisation is being sought to formalize the request from the council

7. Summary and Conclusions

In order to maintain momentum the Council needs to fund the next stage of works as set out in this report.

Provided the council has the appetite to commit to these works, and based on progress to date, the advice from its external industry experts, Rivington Land and Cushman Wakefield is that with adequate funding in place these projects are entirely deliverable and therefore any expenditure should not be abortive although ultimately this is always a risk.

However, it has already been accepted that doing nothing is not an option and if further work is not undertaken the projects will not proceed and Swansea will continue to decline. Marketing has previously shown that there is no appetite to deliver these schemes in the private sector without the projects being de-risked. To ensure Swansea City Centre regeneration progresses, only the Council can unlock these schemes.

It is hoped that an announcement on the City Deal will be forthcoming in March after which a five case business model will be required which will take 6-9 months. During this time the work set out in this report can be progressed and if City Deal funding is released the Council will be ready to start on site with the City Deal projects.

Once the council has undertaken the recommended work to de-risk the schemes then viability will be known and the Council can consider what delivery strategy to follow. It can continue to fund the schemes itself or if that is considered too much of a risk then the Council could consider making the scheme viable by providing any necessary gap funding for the private sector to take the schemes forward. Therefore the council may not need to raise all of the capital funding required. However, that can only be ascertained nearer the time.

Decisions on committing to capital funding will need to be considered in a further cabinet report once this initial programme of work, including delivery models, have been prepared.

8. Legal Implications

Any procurement for works or services, including professional services necessary to deliver these schemes must comply with the Council's Contract Procedure Rules and European procurement legislation as appropriate.

Any offers of grant funding are likely to contain terms and conditions which are legally binding on the Council. The Council will need to ensure that the conditions are reasonable and that it is able to comply with the same.

9. Financial Implications

The financial implications are embedded within the body of the report but the key facts are that to move the schemes listed within the report to the next stage a total capital budget of £7.925m is required. This is partly offset but the offer from Welsh

Government of an interest free loan of £6.2m as previous confirmed so the additional required is £1.725m. This would be additional unsupported borrowing and in anticipation of upfront additional costs to develop large scale capital programmes additional capital financing provision has been built into the 2017-18 Revenue Budget.

There is a risk that if the schemes do not progress or add to the underlying value of assets that the costs become abortive and would need to be written off to revenue.

In addition the council needs to embed the revenue resources to deliver these projects of £450k for each of the 3 years to avoid the need to seek budget during each budget cycle.

10. Equality and Engagement Implications

Full EIA reports are underway for both the Swansea Central Scheme and Kingsway with guidance from the Access to Services Team. The documents will continue to be informed by feedback from public consultation and scheme progress. Other project elements will also be subject to the EIA process as early as possible in their development.

Background Papers: None.

Appendices: None.

Report of the Interim Head of Legal & Democratic Services

Scrutiny Programme Committee – 13 March 2017

EXCLUSION OF THE PUBLIC

Purpose:	To consider whether the Public should be excluded from the following item of business.	
Policy Framework:	None.	
Reason for Decision:	To comply with legislation.	
Consultation:	Legal.	
Recommendation(s):	It is recommended that:	
1)	The public be excluded from the meeting during consideration of the following item of business on the grounds that it involves 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
	12	14
Report Author:	Democratic Services	
Finance Officer:	Not Applicable	
Legal Officer:	Tracey Meredith – Interim Head of Legal & Democratic Services (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, the Committee will be requested to exclude the public from the meeting during consideration of the item of business identified in the recommendation to the report on the grounds that it involves 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. His 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 he 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. His 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 he 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. His view on the public interest test was that:</p> <p>a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he 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. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was 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 he 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: (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) To make an order or direction under any enactment.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His 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 he 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. His 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 he 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 12

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

Document is Restricted

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