



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Panel Ariannu Allanol

Lleoliad: Ystafell Bwyllgor 5 - Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Mercher, 9 Ionawr 2019

Amser: 2.00 pm

Cadeirydd: Cyngorydd Rob Stewart

Aelodaeth:

Cynghorwyr: J E Burtonshaw, M C Child, W Evans, R Francis-Davies, D H Hopkins, E J King, A S Lewis, C E Lloyd, J A Raynor, M Sherwood a/ac M Thomas

Hefyd yn gwahodd: W Evans, M Sherwood

Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.**
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.**
www.abertawe.gov.uk/DatgeliadauBuddiannau
- 3 Cofnodion:** **1 - 2**
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod Cywir.
- 4 Gofal Plant 30 Awr Llywodraeth Cymru Grant Cyfalaf - Cais am Grant.** **3 - 10**
- 5 Cefnogi Grant Gwasanaethau Cymdeithasol Cynaliadwy.** **11 - 12**
- 6 Gwahardd y cyhoedd.** **13 - 16**
- 7 Trosolwg o'r Ceisiadau Presennol a'r Rhai Sydd ar Ddod am Arian Ewropeidd ac Allanol.** **17 - 25**

Cyfarfod Nesaf: Dydd Mercher, 6 Chwefror 2019 ar 2.00 pm

Huw Evans, Pennaeth Gwasanaethau Democraidd

Dydd Iau, 27 Rhagfyr 2018

Cyswllt: Gwasanaethau Democraidd - 636923

Agenda Item 3



Dinas a Sir Abertawe

Cofnodion Cyfarfod y Panel Ariannu Allanol

Ystafell Bwyllgor 5 - Neuadd y Ddinas, Abertawe

Dydd Mercher, 5 Rhagfyr 2018 am 2.00pm

Yn Bresennol: Y Cyngorydd oedd yn llywyddu

Y Cyngorydd(wyr)

J E Burtonshaw
E J King
M Thomas

Y Cyngorydd(wyr)

R Francis-Davies
A S Lewis

Y Cyngorydd(wyr)

D H Hopkins
J A Raynor

Swyddog(ion)

Gaynor Winsor

Cyfrifydd

Ymddiheuriadau am absenoldeb

Y Cyngorydd(wyr): M C Child, W Evans, C E Lloyd a/ac R C Stewart

71 Ethol Cadeirydd Dros Dro.

Penderfynwyd ethol y Cyngorydd D H Hopkins yn Gadeirydd Dros Dro.

Y Cyngorydd D H Hopkins (Cadeirydd Dros Dro) fu'n llywyddu.

72 Datgeliadau o fuddiannau personol a rhagfarnol.

Yn unol â'r Côd Ymddygiad a fabwysiadwyd gan Ddinas a Sir Abertawe, cyhoeddwyd y cysylltiadau canlynol:

Y Cyngorydd J E Burtonshaw – Personol – Cofnod Rhif 75 - Cais Ychwanegol ar gyfer Cronfa Trafnidiaeth Leol 2018/19 - Rwy'n defnyddio Cyfnewidfa Broadway'n ddyddiol.

Y Cyngorydd R Francis-Davies – Personol – Cofnod Rhif 75 - Cais Ychwanegol ar gyfer Cronfa Trafnidiaeth Leol 2018/19 - Mae'r cynllun ar ddiwedd fy stryd (Lôn Cadog, SA2 0TS).

73 Cofnodion.

Penderfynwyd cymeradwyo cofnodion y Panel Ariannu Allanol a gynhaliwyd ar 3 Hydref 2018 yn gofnod cywir.

74 Cronfa Gofal Integredig: Cyllid Cyfalaf.

Cyflwynodd Cydlynnydd Rhaglen Bae'r Gorllewin adroddiad i gymeradwyo arian cyfalaf y GGI ar gyfer Cyngor Abertawe.

Penderfynwyd cymeradwyo elfen Abertawe o'r cais am grant cyfalaf y GGI a gaiff ei gyflwyno i Lywodraeth Cymru yn adolygol.

75 Cynnig Ychwanegol i Gronfa Trafnidiaeth Leol 2018/19.

Cyflwynodd yr Arweinydd Tîm - Strategaeth Trafnidiaeth a Monitro adroddiad i gymeradwyo'r cais ychwanegol am gyllid ar gyfer Cronfa Trafnidiaeth Leol 2018/19 - Cynllun Cyfnewidfa Broadway.

Penderfynwyd cymeradwyo'r cais ychwanegol ar gyfer Cronfa Trafnidiaeth Leol 2018/19 yn adolygol.

76 Gwahardd y cyhoedd.

Gofynnwyd i'r pwyllgor wahardd y cyhoedd o'r cyfarfod er mwyn iddo ystyried yr eitem fusnes/eitemau busnes a nodwyd yn argymhellion yr adroddiad ar y sail ei fod yn debygol o ddatgelu gwybodaeth eithriedig fel y nodir ym mharagraff gwahardd 12A Deddf Llywodraeth Leol 1972 fel y'i diwygiwyd gan Orchymyn Llywodraeth Leol (Mynediad i Wybodaeth) (Amrywiad) (Cymru) 2007 mewn perthynas ag eitemau busnes a nodir yn yr adroddiad.

Ystyriodd y Pwyllgor Brawf Budd y Cyhoedd wrth benderfynu a ddylid gwahardd y cyhoedd o'r cyfarfod ar gyfer yr eitem fusnes/eitemau busnes lle'r oedd Prawf Budd y Cyhoedd yn berthnasol fel a nodir yn yr adroddiad.

Penderfynwyd gwahardd y cyhoedd ar gyfer yr eitemau busnes canlynol.

(Sesiwn Gaeëdig)

77 Cynnig Ychwanegol i Gronfa Trafnidiaeth Leol 2018/19.

Cyflwynodd yr Arweinydd Tîm - Strategaeth Trafnidiaeth a Monitro adroddiad i gymeradwyo'r cais ychwanegol am gyllid ar gyfer Cronfa Trafnidiaeth Leol 2018/19 - Pont Baldwins a Chyffordd Dyfaty.

Penderfynwyd cymeradwyo'r cais ychwanegol ar gyfer Cronfa Trafnidiaeth Leol 2018/19 yn adolygol.

Daeth y cyfarfod i ben am 2.26 pm

Cadeirydd

Agenda Item 4



Report of the Director of Education

External Funding Panel – 9 January 2019

Welsh Government 30 Hour Childcare Capital Grant - Grant Application

| | |
|------------------------------------|--|
| Purpose: | To inform the External Funding Panel of the Welsh Government 30 Hour Childcare – Capital Grant Application and the indicative profile of spend and timescales for delivery. |
| Policy Framework: | Welsh Education Strategic Plan QEd Programme Poverty Plan Early Years and Foundation Phase Corporate Priorities; <ul style="list-style-type: none">• Safeguarding people from harm• Improving education and skills• Tackling poverty• Transformation and Future Council development |
| Consultation: | Education, Finance, Legal Services, Corporate Building and Property Services |
| Recommendation(s): | It is recommended that: 1) It is recommended that the External Funding Panel notes the content of the application and anticipated profile of spend and timescales for delivery. |
| Report Authors: | Rachel Moxey/Claire Lewis |
| Finance Officer: | Ben Smith |
| Legal Officer: | Debbie Smith |
| Access to Services Officer: | Rhian Millar |

1.0 Introduction

- 1.1 The purpose of this paper is to provide the External Funding Panel with an overview of the Welsh Government 30 Hour Childcare – Capital Grant Application to Welsh Government (WG) and the indicative profile of spend and timescales for delivery.
- 1.2 The WG has allocated £60 million capital funding nationally between 2018 and March 2021. Business Cases had to be submitted by the 28th September 2018 in respect of the period until 2021.

2.0 Context

- 2.1 The Welsh Government has committed to providing 30 hours of government funded early education and childcare for up to 48 weeks of the year to all three and four year olds of eligible working parents. The 30 hours will be made up of the existing minimum 10 hours of Foundation Phase and up to 20 hours of childcare with a registered provider.
- 2.2 A key policy driver for the Welsh Government is that the 30 hours offer is as clear and easy as possible for working parents to understand and children to access. As part of this, there is an expectation that parents, wherever possible, should be able to drop their children off and pick them up from the same site and access a seamless 30 hours of childcare and education.

3.0 Purpose and Criteria of the 30 Hours Childcare Capital Funding

- 3.1 The primary purpose of the capital programme is to facilitate and support the co-location of the Foundation Phase and childcare provision wherever possible. This is in line with the Prosperity for All commitment to *“introduce a new model of Community Learning Centres, providing extended services with childcare, parenting support, family learning and community access to facilities built around the school day”*
- 3.2 Welsh Government will therefore prioritise business cases for projects which aim to provide a seamless transition between the Foundation Phase and childcare elements of the offer and to childcare settings which form part of a much larger project (where appropriate) which utilise other sources of funding such as 21st Century Schools or Welsh language funding.
- 3.3 The criteria set by Welsh Government includes:
 - Local Authorities should draw on evidence already available such as their Childcare Sufficiency Assessments, the *Childcare Capacity in Wales: mapping childcare against potential demand*¹ undertaken by WISERD, and other data to inform their considerations and applications;
 - Local Authorities must be able to demonstrate that they have worked with registered childcare providers in their authority areas and CWLWM representatives (Clybiau Plant Cymru, Mudiad Meithrin, NDNA Cymru, PACEY Cymru, and Wales PPA) in determining the shortfall in capacity;

¹ <https://gov.wales/statistics-and-research/childcare-capacity-wales/?lang=en>

- All requests for funding must be submitted via the Local Authority which must be able to demonstrate a clear need for funding;
- Applications will be considered for both Welsh medium and English childcare settings;
- There must be a clear undertaking by registered childcare providers to deliver childcare places for a minimum of five years;
- Where funding is to be invested in a Local Authority owned or leased building, security of the investment will be critical and, depending on the level of the investment, the Welsh Government will consider the time period that the Terms and Conditions of the grant will apply for. Local Authorities will therefore be 'tied' in to an agreement for longer as the amount of funding for the project increases;
- The Local Authority must be able to demonstrate that it has a management structure in place to oversee the projects.

4.0 Investment priorities

4.1 The Childcare Offer Capital Business Case proposes to:

- Create an overall increase of approximately up to 271* childcare places in Swansea.
- Of these 140* places would be Welsh medium specific childcare places, representing a considerable % increase in relation to the overall CIW registered childcare places currently available (via a combination of pre-school, out of school and holiday care). (See Increasing Welsh Medium Provision Capital Grant application)
- Meet identified demand for childcare places where there is an evidenced shortfall in places.
- Invest in childcare places now as a catalyst for change to achieve a future increase in demand for childcare created from an increase in employability rates.
- Improvement in the quality of the environment of childcare settings Swansea wide.
- For YGG Tan-y-lan and YGG Tirdeunaw to seek to maximise the outcomes and benefits of the Band B funding and align the various strategies and objectives creating flexible spaces that can respond to increased demand for Welsh medium provision.

* Depending on the registration category (sessional care/ daycare) with CIW, it might be that the number of places created would be greater.

4.2 The above proposals have been developed by drawing on the information contained within the Childcare Sufficiency Assessment, up to date local knowledge of demand, the engagement of umbrella Childcare Organisations and the co-working with the 21st Century Schools Team in order to ensure a strategic approach across school related capital opportunities. In addition, Legal advice has already been sought and Corporate Property Services have undertaken initial feasibility to determine the costs for each site.

5.0 Progress and process

- 5.1 The Business Case for the Childcare Offer capital funding has been submitted to Welsh Government. The outcome is expected at the end of December 2018 / early 2019.
- 5.2 The report to Cabinet of the 21 June 2018 paper sets out the next steps in relation to the Welsh Medium projects.
- 5.3 Each project within the Band B programme including YGG Tan-y-lan and YGG Tirdeunaw will be subject to further approvals by WG upon receipt of an Outline Business Case (OBC) and then Full Business Case (FBC) from the Council.
- 5.4 The relocation and enhancement of capacity at YGG Tan-y-lan (based on either 1.5FE or 2FE) and YGG Tirdeunaw (only if this bid is approved to take the school to 2.5FE) would require a statutory consultation, and both would be subject to catchment area reviews.
- 5.5 The potential investment at YGG Y Login Fach would allow an increase in the capacity of the school by up to 60 places but this would be phased as appropriate to reflect the actual growth in demand for places. As such it is not envisaged that this will require a statutory process. As with all cases, it is also proposed that in the short to medium term the additional space will support pre-school provision and in this instance wrap around care.
- 5.6 The potential investment at YGG Bryn-y-môr would not require a statutory consultation.
- 5.7 Subject to the outcome of the above processes further reports will be brought to Cabinet as appropriate seeking approval to commit each individual project to the Capital Programme before a contract is entered into with WG. These reports will include developed cost plans for each project following the further development of options appraisals and detailed design.
- 5.8 Subject to the outcome of the statutory consultation process, planning approval, and the approval by WG of the grant applications and business cases as appropriate the implementation timeline is as follows:
- Modular build at Bishopston Primary 2019/20
 - Refurbishment and improvement of the Childcare /nursery at Penclawdd Primary 2019/20
 - Relocation and enlargement of YGG Tan-y-lan in January 2021
 - Relocation and enlargement of YGG Tirdeunaw in January 2021
 - Enlargement of YGG Bryn-y-môr and YGG Y Login Fach in September 2020.
 - Modular build at Dan-Y-Graig Primary 2020/21
 - Modular build in primary school site in Llansamlet ward (to be determined) 2020/21

6.0 Equality and Engagement Implications

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

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment processes ensures that we have paid due regard to the above.

6.2 An Equality Impact Assessment (EIA) screening has been completed for the Childcare Offer and is being updated in relation to the Capital element of the Programme and an Equality Impact Assessment has also been completed for the Welsh Medium Increases Programme. Both are appended to this report. There are no specific equality or engagement implications at this stage in the process.

6.3 As part of this process we will also be considering the Well-being of Future Generations Act. The Act ensures that public bodies think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.

6.4 Stakeholders have and will continue to be engaged as each approved project is developed.

7.0 Financial Implications

Capital

7.1 The total scheme cost of all schemes included in the Business Case seeking the 100% grant funding is £6,165,000.00. Of this £4,850,000 is in respect of the Welsh-medium schemes also submitted under the Welsh-medium Increasing Places Capital Grant.

7.2 The total scheme cost of YGG Tirdeunaw element is £1,200,000 included in the grant application which if approved would enhance the project outcomes and provide opportunities for childcare services on site, which if approved would be 100% funded by WG. YGG Tirdeunaw is a new school build within the C21st Schools Band B programme with the proposed childcare grant element being additional to the current forecast within Band B.

7.3 The total scheme cost of YGG Tan-Y-Lan element is £2,100,000 included in the grant application which if approved would enhance the project outcomes and provide opportunities for childcare services on site, which if approved would be 100% funded by WG. YGG Tan-Y-Lan is a new school build within

the C21st Schools Band B programme with the proposed childcare grant element being additional to the current forecast within Band B.

- 7.4 The total scheme cost of YGG Bryn-y-mor is £975,000, included in the grant application which if approved would be 100% funded by WG.
- 7.5 The total scheme cost of YGG Llogyn Fach is £575,000, included in the grant application which if approved would be 100% funded by WG.
- 7.6 The total scheme cost of Bishopston Ward is £361,000, included in the grant application which if approved would be 100% funded by WG.
- 7.7 The total scheme cost of Penclawdd Ward is £170,000, included in the grant application which if approved would be 100% funded by WG.
- 7.8 The total scheme cost of St Thomas Ward is £323,000, included in the grant application which if approved would be 100% funded by WG.
- 7.9 The total scheme cost of Llansamlet Ward is £361,000, included in the grant application which if approved would be 100% funded by WG.
- 7.10 A total of £100,000 has also been requested to run a grant equipment scheme for registered childcare provision.
- 7.11 Cost estimates are on a current-cost basis, with no allowance for construction inflationary pressures, where there is uncertainty regarding the timing of projects. However, optimism bias has been applied to each project in accordance with the lessons learned from delivery of Band A, and based on assessment of outstanding programme risks / unknowns.

Revenue

- 7.12 Each Setting will be required to pay for all rent and overhead costs from the income generated from the childcare fees. Where a 3rd Party operates a setting on a school site, rent will be payable to the school. The grant does not require a continuation of funding by the Council after the grant period has expired.
- 7.13 For each project a lease will need to be in place between the Local Authority and the childcare business prior to the drawdown of the capital funding from Welsh Government.
- 7.14 As there is less evidence of demand in the Llansamlet and St Thomas Wards further feasibility will be undertaken prior to embarking on each capital project to ensure that there is a sufficient level of identified demand for childcare in the area. A greater focus from employability Programmes and proactive promotion of the opportunity for working parents in the areas will also be an important action to undertake.

8.0 Legal Implications

- 8.1 The various proposals will necessitate the legal implications to be reviewed and updated on a regular basis. Education, Highways, planning property and contracts/procurement legal advice will need to be obtained as the proposals progress and more detail is given.
- 8.2 Any offer of grant funding from the Welsh Government will be subject to terms and conditions, which will be binding upon the Local Council.

Background Papers:

Increasing Welsh Medium Education Places Capital Grant Business Case
Childcare Offer Business Case
Increasing Welsh Medium Education Places Capital External Funding Panel Report

Appendices:

Appendix A – Indicative spend profile for the childcare offer schemes (elements thereof) subject to the grant application being approved and leases being signed.

Appendix A - Indicative spend profile for the Childcare Offer Capital grant application.

WM Capital Grant schemes – as in NGA1

| | 2018/19 | 2019/20 | 2020/21 | 2021/22 | TOTAL |
|--|----------|------------------|------------------|---------------|------------------|
| <u>Expenditure</u> | | | | | |
| YGG Bryn-y-Môr | | 963,000 | 12,000 | | 975,000 |
| YGG Login Fach | | 567,500 | 7,500 | | 575,000 |
| YGG Tan-y-lan | | 1,035,000 | 1,035,000 | 30,000 | 2,100,000 |
| YGG Tirdeunaw | | 591,000 | 591,000 | 18,000 | 1,200,000 |
| EXPENDITURE | 0 | 3,156,500 | 1,645,500 | 48,000 | 4,850,000 |
| <u>Financing</u> | | | | | |
| To be funded 100% funded by Welsh Government (subject to grant application approval) | | | | | |
| FINANCING | 0 | 3,156,500 | 1,645,500 | 48,000 | 4,850,000 |

Remaining schemes

| | scheme cost | 2018/19 | 2019/20 | 2020/21 | 2021/22 | TOTAL | |
|--------------------------|-------------|--------------|-----------|------------|------------|-----------|--------------|
| <u>Expenditure</u> | - | | | | | | |
| Swansea wide – equipment | 100,000 | | 50000 | 50000 | | 100,000 | |
| Bishopston | 361,000 | 9638.7 | 342,336 | 9025 | | 361000 | |
| St Thomas | 323,000 | | 8624.1 | 306,301 | 8075 | 323000 | |
| Llansamlett | 361,000 | | 9638.7 | 342,336 | 9025 | 361000 | |
| Penclawdd | 170,000 | 4539 | 161,211 | 4250 | | 170,000 | |
| | | 1,315,000.00 | 14,177.70 | 571,810.10 | 711,912.20 | 17,100.00 | 1,315,000.00 |

Agenda Item 5



Report of the Director of Social Services

External Funding Panel – 9 January 2019

Supporting Sustainable Social Services Grant

| | |
|------------------------------------|---|
| Purpose: | To advise the Panel of the award of funding in relation to Supporting Sustainable Social Services during 2018/19 |
| Policy Framework: | Social Service and Well-Being (Wales) Act 2014 Government of Wales Act 2006 Regulation and Inspection of Social Care (Wales) Act 2015 |
| Consultation: | Access to Services, Finance, Legal. |
| Recommendation(s): | It is recommended that the Panel note the implications contained in this report and retrospectively approves the acceptance of the Grant. |
| Report Author: | Deborah Reed |
| Finance Officer: | Chris Davies |
| Legal Officer: | Caritas Adere |
| Access to Services Officer: | Catherine Window |

1. Introduction

- 1.1 The purpose of this paper is to provide an overview of the Award of Funding in relation to Supporting Sustainable Social Services during 2018/19.

2. The Grant

2.1 Welsh Government awarded this grant directly and did not require an application from the Council. Allocations have been offered to all Welsh Councils. The offer to this Council is for £1,095,333 and covers the period to the 31st of March 2019.

2.2 The purpose of the funding is to:

- Help to address workforce challenges
- Focus on mitigating existing children's services pressures
- Respond to current pressures in core social services to be better positioned to manage unexpected or increased demands; and to
- Plan for and respond to additional demands on social care resources as a result of winter pressures

2.3 The Cabinet Member was informed and consulted before the Council accepted the grant offer. Due to the short timescales for acceptance imposed by Welsh Government, this report is provided to Members for their information.

4. Equality and Engagement Implications

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

5. Financial Implications

5.1 This funding will help support the Council's financial commitments in this key area.

6. Legal Implications

6.1 Generally the terms attached to Grant Funding are legally binding and should be formally recorded in an appropriate document/contract with external delivery partners as required.

6.2 Procurement rules (both EU and the Council's) will have to be fully complied with in all respects in relation to services or the procurement of services from external delivery agents.

Background Papers: Grant Offer Letter dated 12th December 2018.

Appendices: None

Agenda Item 6



Report of the Chief Legal Officer

External Funding Panel – 9 January 2019

Exclusion of The Public

| Purpose: | To consider whether the Public should be excluded from the following items of business. | | | | |
|---------------------------|--|----------|-------------------------------------|---|----|
| Policy Framework: | None. | | | | |
| Consultation: | Legal. | | | | |
| Recommendation(s): | It is recommended that: | | | | |
| 1) | The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied. | | | | |
| | <table border="1"><thead><tr><th>Item No.</th><th>Relevant Paragraphs in Schedule 12A</th></tr></thead><tbody><tr><td>7</td><td>14</td></tr></tbody></table> | Item No. | Relevant Paragraphs in Schedule 12A | 7 | 14 |
| Item No. | Relevant Paragraphs in Schedule 12A | | | | |
| 7 | 14 | | | | |
| Report Author: | Democratic Services | | | | |
| Finance Officer: | Not Applicable | | | | |
| Legal Officer: | Tracey Meredith – Chief Legal Officer (Monitoring Officer) | | | | |

1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, Cabinet will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.
- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

3. Financial Implications

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

4. Legal Implications

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
 - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
 - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
 - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

Background Papers: None.

Appendices: Appendix A – Public Interest Test.

Public Interest Test

| No. | Relevant Paragraphs in Schedule 12A |
|-----------|--|
| 12 | Information relating to a particular individual. |
| | <p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. Their view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p> |
| 13 | Information which is likely to reveal the identity of an individual. |
| | <p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. Their view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p> |
| 14 | Information relating to the financial or business affairs of any particular person (including the authority holding that information). |
| | <p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. Their view on the public interest test was that:</p> <p>a) Whilst they were mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p> |
| | |

| No. | Relevant Paragraphs in Schedule 12A |
|-----|--|
| 15 | <p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p> |
| | <p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. Their view on the public interest test was that whilst they are mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them they were satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p> |
| 16 | <p>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> |
| | <p>No public interest test.</p> |
| 17 | <p>Information which reveals that the authority proposes: (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. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p> |
| 18 | <p>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p> |
| | <p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p> |

Agenda Item 7

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