

**MONDAY, 24 OCTOBER 2022**

**TO: ALL MEMBERS OF THE CABINET**

I HEREBY SUMMON YOU TO ATTEND A **MULTI LOCATION** MEETING OF THE **CABINET** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN, SA31 1JP AND REMOTELY AT 10.00 AM, ON MONDAY, 31<sup>ST</sup> OCTOBER, 2022** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

*Wendy Walters*

**CHIEF EXECUTIVE**

<b>Democratic Officer:</b>	<b>Janine Owen</b>
<b>Telephone (direct line):</b>	<b>01267 224030</b>
<b>E-Mail:</b>	<b><a href="mailto:janineowen@carmarthenshire.gov.uk">janineowen@carmarthenshire.gov.uk</a></b>

**This is a multi-location meeting. Committee members can attend in person at the venue detailed above or remotely via the Zoom link which is provided separately.**

**The meeting can be viewed on the Authority's website via the following link:-  
<https://carmarthenshire.public-i.tv/core/portal/home>**

Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

# **CABINET**

## **MEMBERSHIP – 10 MEMBERS**

<b>Councillor</b>	<b>Portfolio</b>
<b>Councillor Darren Price</b>	<b>Leader</b>
<b>Councillor Linda Evans</b>	<b>Deputy Leader and Cabinet Member for Homes</b>
<b>Councillor Glynog Davies</b>	<b>Education and Welsh Language</b>
<b>Councillor Ann Davies</b>	<b>Rural Affairs and Planning Policy</b>
<b>Councillor Philip Hughes</b>	<b>Organisation and Workforce</b>
<b>Councillor Gareth John</b>	<b>Regeneration, Leisure, Culture and Tourism</b>
<b>Councillor Alun Lenny</b>	<b>Resources</b>
<b>Councillor Edward Thomas</b>	<b>Transport, Waste and Infrastructure Services</b>
<b>Councillor Jane Tremlett</b>	<b>Health and Social Services</b>
<b>Councillor Aled Vaughan Owen</b>	<b>Climate Change, Decarbonisation and Sustainability</b>

# **A G E N D A**

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF PERSONAL INTEREST**
3. **TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE CABINET HELD ON THE 17<sup>TH</sup> OCTOBER 2022** 5 - 8
4. **QUESTIONS ON NOTICE BY MEMBERS (NONE RECEIVED)**
5. **PUBLIC QUESTIONS ON NOTICE (NONE RECEIVED)**
6. **IMPLICATIONS OF THE RENTING HOMES (WALES) ACT 2016** 9 - 22
7. **UPDATE ON THE UK SHARED PROSPERITY FUND (UKSPF)** 23 - 36
8. **ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.**

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## CABINET

**MONDAY, 17 OCTOBER 2022**

**PRESENT:** Councillor D. Price (Chair)

**Councillors (In Person):**

C.A. Davies	L.D. Evans	G. Davies	P.M. Hughes
A. Lenny	E.G. Thomas	J. Tremlett	A. Vaughan Owen

**Also Present (In Person):**

W. Walters, Chief Executive;  
 C. Moore, Director of Corporate Services;  
 J. Morgan, Director of Community Services;  
 G. Morgans, Director of Education & Children's Services;  
 R. Griffiths, Head of Place and Sustainability;  
 L.R. Jones, Head of Administration and Law;  
 A. Williams, Head of Waste and Environmental Services;  
 C. Higginson, Media Manager;  
 S. Rees, Simultaneous Translator;  
 L. Jenkins, Cabinet Support Officer;  
 M.S. Davies, Democratic Services Officer;

**Also Present (Virtually):**

A. Williams, Head of Integrated Services;  
 J. Owen, Democratic Services Officer.

**Chamber, County Hall, Carmarthen and remotely: 10.00 am - 10.35 am**

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor G. H. John.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interests.

**3. MINUTES - 3RD OCTOBER 2022**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting of the Cabinet held on the 3<sup>rd</sup> October, 2022 be signed as a correct record.

[NOTE: With regard to Minute 4 - 'Questions on Notice by Members' - Councillor Ann Davies, Cabinet Member for Rural Affairs and Planning Policy, clarified that minutes relating to the Black, Asian and Minority Ethnic (BAME) Task and Finish Panel's final report would be submitted to Council rather than the report itself. She added that Councillor Tina Higgins had been made aware of the matter.]

**4. QUESTIONS ON NOTICE BY MEMBERS**

The Chair advised that no questions on notice had been submitted by members.

**5. PUBLIC QUESTIONS ON NOTICE**

The Chair advised that no public questions had been received.

**6. NET ZERO CARBON PLAN PROGRESS REPORT**

The Cabinet considered a report detailing the authority's progress towards becoming a Net Zero Carbon (NZC) local authority by 2030 in accordance with Action NZC-28 of the Net Zero Action Plan approved by Council on the 12<sup>th</sup> February 2020 [minute 8.1 thereof refers] which required annual performance reports. It was noted that this second Progress Report was a comparatively focused document as a revised NZC Plan would be published by 31<sup>st</sup> March 2023 which would incorporate recent NZC-related developments and guidance, plus the Nature Emergency declared by County Council on 9<sup>th</sup> February 2022 (minute 10.2 thereof refers).

It was noted that the Place, Sustainability & Climate Change Scrutiny Committee had endorsed the report at its meeting on the 4<sup>th</sup> October 2022.

**UNANIMOUSLY RESOLVED**

**6.1 to approve the draft Net Zero Carbon Plan – Progress Report;**

**6.2 that Officers be authorised to make typographical or factual amendments as necessary to improve the clarity and accuracy of the Net Zero Carbon Plan – Progress Report.**

**7. STATUTORY DIRECTOR OF SOCIAL CARE SERVICES' ANNUAL REPORT 2021/22**

The Board considered the annual report of the Director of Social Services on the performance of social care services in the county for the year 2021/22. The report comprised an overview of performance in 2021/22 as well as an assessment on future provision, together with strategic priorities for 2022/23. The report also outlined the challenges of an unprecedented year due to COVID 19 and highlighted those areas to be developed in the current year.

There was a statutory requirement for the Director of Social Services to report annually to Council on the delivery of services and performance as well as plans for the improvement of the whole range of social services. It was noted that the Health & Social Services Scrutiny Committee had endorsed the report at its meeting on the 5<sup>th</sup> October 2022.

Tribute was again paid to staff working across the health and social services during what had been a challenging period.

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL that the Annual Report of the Statutory Director of Social Services on the Performance of Social Care Services in Carmarthenshire 2021/22 be approved.**

**8. THE WEST WALES CARE PARTNERSHIP'S DEMENTIA STRATEGY**

The Cabinet considered the West Wales Care Partnership's Dementia Strategy which had been produced in partnership with Carmarthenshire, Ceredigion and Pembrokeshire County Councils, the Health Board and third sector partners as

well as people living with dementia, their carers and family members across West Wales.

The Strategy supported several key objectives within the Corporate Plan and the Council's Wellbeing Objective to support older people to age well and maintain dignity and independence in their later years. Approval of the Strategy, which had also been considered and endorsed by the Health and Social Services Scrutiny Committee at its meeting on the 5<sup>th</sup> October 2022, would enable services to be delivered in line with the needs of the community.

Carmarthenshire County Council's approval of the strategy, which was simultaneously going through the democratic process in Ceredigion and Pembrokeshire, was sought. It had already been approved by the Health Board.

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL that the West Wales Care Partnership Dementia Strategy be approved.**

**9. WEST WALES CARE PARTNERSHIP POPULATION ASSESSMENT AND MARKET STABILITY REPORT**

The Cabinet considered a report which summarised the approach taken to producing the West Wales Care Partnership Population Assessment and West Wales Care Partnership Market Stability Report and detailed the key findings and process for publication in order to comply with the Welsh Government guidance.

Population Assessments had to be published once within each local government electoral cycle. The first Population Assessment (PA) had been produced in March 2017, the detail of which was being refreshed during 2022. Welsh Government had issued supplementary advice for Regional Partnership Boards regarding the production of the 2022 PA which had included the need to also produce a separate Market Stability Report (MSR).

Both documents (which would inform the West Wales Area Plan and in turn inform regional and local, commissioning intentions) would be published by the West Wales Care Partnership on the online data portal for the region: Home - West Wales Care Partnership ([wwcpdata.org.uk](http://wwcpdata.org.uk)).

**UNANIMOUSLY RESOLVED TO RECOMMEND TO COUNCIL that the findings of the full reports be supported together with the approach taken in publishing them on the Council's website.**

**10. TO NOTE THAT THE LABOUR GROUP HAS NOMINATED COUNCILLORS MICHAEL THOMAS AND DOT JONES TO REPLACE COUNCILLORS SHELLY GODFREY-COLES AND ANTHONY LEYSHON ON THE CORPORATE PARENTING PANEL.**

**UNANIMOUSLY RESOLVED to note that the Labour Group has nominated Councillors Michael Thomas and Dot Jones to replace Councillors Shelly Godfrey-Coles and Anthony Leyshon on the Corporate Parenting Panel.**

11. **ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.**

The Chair advised that there were no items of urgent business.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
DATE

## CABINET

**31<sup>ST</sup> OCTOBER 2022**

### IMPLICATIONS OF THE RENTING HOMES (WALES) ACT 2016

**PURPOSE:**

To raise awareness and provide an update to Cabinet on the implications of the Renting Homes (Wales) Act and to request that introductory tenancies and its successor under the Act are no longer used.

**RECOMMENDATIONS / KEY DECISIONS REQUIRED:**

**Recommendation One:** From 1 December 2022 the council will not issue introductory standard occupation contracts under the Renting Homes (Wales) Act 2016.

**Recommendation Two:** That the Council’s previous decision electing to operate an introductory tenancy regime shall be revoked with immediate effect.

**REASONS:**

From 1 December 2022, all tenancies issued by landlords in Wales convert under the new legal regime of the Renting Homes Act to contract holders. The Act supersedes previous housing legislation on tenancies passed by UK Parliament. Introductory tenancies will no longer exist in Wales but can convert to Introductory Standard Contracts. There would be little benefit to continue to issue this type of contract to new tenants (Contract Holders) as the Act has made several changes enhancing tenants’ rights. Other legal remedies to tackle ASB remain in place.

**Cabinet Decision Required** YES – 31<sup>st</sup> October, 2022

**Council Decision Required** NO

**CABINET MEMBER PORTFOLIO HOLDER:-**

Cllr Linda Evans – Homes and Deputy Leader.

<b>Directorate: Communities</b>	<b>Designations:</b>	<b>Tel:/Email addresses:</b>
Name of Head of Service: Jonathan Morgan	Head of Housing	(01267) 228960 <a href="mailto:JMorgan@carmarthenshire.gov.uk">JMorgan@carmarthenshire.gov.uk</a>
Report Author: Les James	Contracts & Service Development Manager	01267 228930 <a href="mailto:lesjames@carmarthenshire.gov.uk">lesjames@carmarthenshire.gov.uk</a>

**CABINET**  
**31<sup>ST</sup> OCTOBER, 2022**

**IMPLICATIONS OF THE RENTING HOMES (WALES) ACT**

**1. Executive summary**

- 1.1. The Renting Homes (Wales) Act has been developed to simplify legislation associated with renting a property from Social Housing and Private Rented Sector landlords in Wales by creating a single main piece of legislation. The Act will replace the different tenancy and licence that currently exist with just two types of 'occupation contract' - one for the private rented sector and one for the social rented sector.
- 1.2. The Act fundamentally changes all aspects in the way we issue and administrate occupational contracts (tenancies, licences, management agreements) that are issued to tenants in Wales. The main elements of the Act come into force on 1 December 2022.
- 1.3. The emphasis of the Act is to place the person at the centre so that they have secure occupation. The Act brings together new and additional rights for the contract holder placing requirements on the landlord to act within a reasonable timescale to requests and ensuring properties are fit for habitation.
- 1.4. It is recommended that we issue Occupational Secure Contracts (formerly known as secure tenancies) to all of our Council tenants, and we do not use Introductory Standard Contracts, (commonly known as introductory or probationary tenancies) as these are seen as "watered-down" versions of the original introductory tenancies, it should be noted that all tools to tackle ASB are unchanged.
- 1.5. Under the Act we will have to give tenants 2 months' notice of any rent increase instead of the current one-month notice. This may pose some difficulty in terms of when we are notified of what the rent increase is to be (currently due to the high inflation rate it is a Ministerial decision). Rent increases require full council approval and therefore any increase would need to be approved before the end of January.
- 1.6. The main implications of the Act are summarised in the attached report.

**DETAILED REPORT ATTACHED?**

**YES – Implications of the Renting Homes (Wales) Act**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Jonathan Morgan**

Head of Housing

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

### 2. Legal

Under the 2016 Act it is up to the Council whether to issue introductory standard contracts to new contract-holders after 1st December 2022.

If the Council does not revoke its previous decision to operate an introductory tenancy regime under the Housing Act 1996, on 1st December 2022 introductory tenancies will become introductory standard contracts.

If we use introductory contracts and do not revoke our previous decision to operate an introductory tenancy, it is likely that we will need to have at least 5 different Written Statements of Contract to deal with our new and converted introductory and secure contract-holders. This will make the management of our occupation contracts more complex than at present. Moving away from introductory tenancies and contracts will simplify our implementation of the new legislation.

**Alan Evans (2.9.22)**

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Jonathan Morgan

Head of Housing

<b>1. Scrutiny Committee request for pre-determination</b>	NO
<b>Scrutiny Committee</b>	N/A
<b>Date the report was considered:-</b>	N/A
<b>Scrutiny Committee Outcome/Recommendations:- N/A</b>	

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not Applicable

**4. Relevant Partners**

Not Applicable

**5. Staff Side Representatives and other Organisations**

Service Managers have been consulted on the proposals. The proposals were also approved by Renting Homes Steering Group.

<b>CABINET MEMBER PORTFOLIO HOLDER AWARE/CONSULTED?</b>	YES Cllr Evans has been briefed on the implications of the Act and endorses the proposal to issue Occupational Secure Contracts to new and existing tenants.
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**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**  
**THERE ARE NONE**



# Housing Services Implications of Renting Homes (Wales) Act 2016

## **1. Purpose**

To raise awareness and provide an update to Cabinet on the implications of the Renting Homes (Wales) Act and to request that introductory tenancies and its successor under the Act are no longer used.

## **2. Context**

The Renting Homes (Wales) Act 2016 simplifies how we will rent properties in Wales whether it be social landlord or the private rented sector. The Act gives us two types of landlords, namely:

- community landlords (primarily local authorities and registered social landlords); and
- private landlords (all other landlords).

Under the Act tenants and licensees are called 'contract-holders' who will have an 'occupation contract' (which replaces tenancy and licence arrangements).

There are two types of occupation contracts:

- Secure contract: For use by community landlords; and
- Standard contract: This is the default contract for the private rented sector (PRS) but can be used by local authorities and RSLs in certain circumstances (e.g. a 'Supported standard contract' within supported accommodation).

The Act has major implications for us in terms of our landlord functions in relation to our Council house stock and homelessness temporary accommodation responsibilities.

## **2. General information about the Act**

This is a new piece of legislation introduced by Welsh Government with the main components coming into effect on 1 December 2022 (originally it was 15 July). The legislation will affect every tenant and landlord in public and private rented sector in Wales. The Act gives additional rights to tenants, supporting the Welsh Government view that tenants should be given a secure occupation contract. The Council is still the landlord and will continue to provide the same housing service.

In summary from the 1 December:

- The Council is now called a community landlord
- A tenant under the Act is called a contract-holder
- Our secure tenancies convert to secure occupation contracts on 1 December 2022.
- Any existing introductory tenancies convert to introductory standard occupation contracts on 1 December 2022.
- Tenancy start date is now called occupation date.
- Tenancy agreement is now called a written statement of terms and sets out the contract's rights and responsibilities.
- Notices cannot be served unless there is an up to date electrical and energy performance certificate.
- The Court must consider the contract-holder's circumstances and that it is reasonable to make a possession order.
- Landlords will have to give a written statement within 14 days of a contract starting or face financial penalties.

The main implications of the Act are summarised and highlighted below.

### **3. Council Housing Stock**

Introductory tenancies under the Act are replaced with Introductory Standard Contracts which do not have the same legal power. However, existing legislation tackling ASB has not been changed.

The Act brings in two grounds for possessions – breach of contract (includes, rent arrears, ASB, excessive noise, verbal abuse, and physical assault. It also includes domestic abuse) and Estate Management grounds.

The Act introduces 29 considerations on Fitness for Human Habitation and has an impact on our repairing and maintenance obligations. If we do not respond in a timely manner, the contract holder can ask the court to award compensation equivalent to a day's rent for every day they have been inconvenienced. This is in addition to any disrepair claims.

The Fitness for Human Habitation obligations require landlords to ensure that a valid Gas Safety Certificate, Electrical Inspection condition report, and Energy Performance Certificate are provided to the contract-holder. Under the new law, a

contract-holder is entitled to withhold rent for any period when the property is unfit, which includes failing to meet these requirements. A landlord will not be able to serve a Notice until such time as they follow these requirements.

There are improved succession rights for contract holders to pass on their home. Such as, in the event a contract-holder dies, they now have the reassurance of added security that the contract may pass on to family members residing at the home. Both 'priority' and 'reserve' successors are now able to take over the 'Occupation Contract', subject to meeting the requirements of the Act. A Priority successor is a spouse/civil partner (or living as either). Reserve Successors can be a family member/carer (living at the property for 12 months prior to the contract-holder's death).

Both Priority and Reserve successors must have no other home to occupy at the time of death and must be 18+ years old to hold the contract when they succeed. If there is more than one person eligible to succeed, a Priority successor will have priority over a Reserve.

**Legal note on carer's**

During the 12 months before the contract-holder's death, the carer must have provided substantial care regularly for the contract-holder or a member of the contract-holder's family who lived at the property. The carer must not have provided the care because of a contract of employment or other contract with anyone. Being given board and lodging does not count as a contract. The carer must have lived at the property as their only and main home or lived with the contract-holder throughout the 12 months before their death. The carer must have no other property which they are entitled to occupy as a home.

We must give two months' notice of any increase in rent and only one increase is permitted within 365 days. For us this means we can only increase our rents once each year on 4 April. The implication is that we would need full Council approval for the annual rent increase to be made before February. Any delay in the legal notification would push back the date we can increase the rent for Council contract holders (tenants).

The Act also brings in changes to smoke alarms and carbon monoxide detectors. The landlord must ensure that, during each period of occupation, on each storey of the property there is a smoke alarm which is:

- a) In repair and proper working order.
- b) Connected to the property's electrical supply.
- c) Linked to every other smoke alarm in the property which is connected to the electrical supply.

Similarly, that landlord must ensure that, during each period of occupation, a carbon monoxide alarm which is in repair and proper working order is in each room of the property which contains a gas appliance, an oil-fired combustion appliance or a solid fuel burning combustion appliance.

#### **4. Homelessness, Temporary Accommodation, Simple Lets and Supported housing.**

For this part, the Act does differ slightly in terms of different contracts, and conditions used. When it comes to homelessness the WG would like to ensure those applicants, where we owe them a duty to rehouse, are progressed in a timely manner onto a secure contract. Fitness For Human Habitation, repairing obligations and safety requirements all apply except that the contracts used here do not have any succession rights. The main points here are that:

- Notices must be brought to Court within 6 months of notice date. This used to be 12 months.
- On 1 December, all existing Assured and Assured Shorthold Tenancies will convert to standard periodic occupation contracts.
- Standard periodic occupation contract will require a 6 months' notice to end the contract, effectively making it a 12-month contract. A two-month notice is allowed where there is a breach of contract.
- As stated above, a Notice can only be served by the landlord on a contract holder if there is a Gas Safety Certificate, an EPC (rating A to E), a 5 year electrical certificate in place, in addition to two hard wired smoke alarms and a working CO detector at the property on sign up. There can be no serious

condition issues that fall short of the Fitness For Human Habitation obligations.

- An increase in the 'no fault' notice period from two to six months. The Act seeks to protect contract-holders from 'retaliatory evictions' where occupiers are at risk of eviction for complaining about the condition of a property. It therefore allows the court to refuse to make an order for possession, where it is satisfied that the landlord is seeking to avoid complying with its Fitness For Human Habitation obligations. In addition, where the court refuses possession on this basis, the landlord will be unable to give a further 'no grounds' notice to terminate, for at least a further six months after the date of the court's refusal.
- If a homeless client is in B&B accommodation for more than 12 months then they will be need to be issued with Standard contract; and
- The Act changes the way we deal with temporary, supported, and shared accommodation and it strengthens the contract-holder's rights towards secure occupation.

## **5. Changes we have been making**

- Updated all our legal agreements and contracts so that they are compliant with the Act.
- New procedures written to reflect the requirements of the Act.
- Policies reworded to comply with the Act.
- Amended letters, forms, notices and documents to ensure they contain the correct terms under the Act
- IT systems updated with new format for system generated letters/notices/forms.
- Web pages updated to ensure correct terms are used.
- Converted our existing tenancies to Secure Occupational Contracts in line with the Act requirements.
- All new "tenancies" from 1st December will be issued with a secure contract.
- All existing tenancies will convert to the new contracts on 1<sup>st</sup> December 2022. We then have 6 months to give "written statements" to all of our existing "tenants"; and

- Only one rent increase permitted per year and two months' notice now required. We are looking at rent increase letters going out before February to take effect on 4 April.

## **6. Decision required on Introductory Tenancies**

The Renting Homes Project Group has been established to oversee the implementation and introduction of the Act. This work has included consideration of the use and effectiveness of Introductory Tenancies, which under the provisions of the Act will be replaced by Introductory Standard Contract on the 1st of December.

A review by the Group regarding the use and effectiveness of Introductory Tenancies shows that there is no practical or operational reason to continue with the use of these or adoption of the Introductory Standard Contracts after the implementation of the Act in December. If approved, the use of Introductory Tenancies should not be issued beyond the date of this report, and we will not adopt the use of Introductory Standard Contracts on 1 December.

Under the current legislation, when the introductory period of an introductory tenancy ends, the tenancy itself does not come to an end. However, the legal status of the tenancy changes, to a secure tenancy.

Under the Renting Homes Act, the position with introductory contracts is different. Under the new Act, at the end of the probationary period the introductory contract comes to an end, and a new secure occupation contract is automatically created on the relevant date.

Whilst this may seem like a minor change, this has a bearing on the administration of these contracts and the collection of rents, making it more onerous to use introductory contracts. For example, all of our current tenancies start on a Monday, and operate on the basis of a rent week which commences on a Monday and ends on a Sunday. Under the new Act, this will no longer be possible, as these new secure contracts will automatically be created on other days of the week.

The Authority currently has a single standard tenancy agreement, which applies to all our introductory and secure tenants. Under the new Act, this will no longer be possible. Should we continue with the use of introductory contracts, we will need to have different Written Statements of Contract for our introductory and secure contracts, to reflect the differences between them. We will also need to have

different Written Statements of contract for our new and existing tenants, to reflect the different terms which apply to them

Due to the requirement of the legislation, if we continue to use introductory contracts it is likely that we will need to have at least 5 different Written Statements of Contract to deal with out new and existing introductory and secure contract-holders. This will make the use and administration of these agreements significantly more complex than at present.

### **Breach of contract (Prohibited Conduct/Anti-social behaviour)**

The way we deal with Anti-Social Behaviour (ASB) will also change under the Act. Whilst many of the ASB remedies are completely unaffected, a new process is added to the two traditional “eviction” options (possession and demotion). The landlord may now apply for one joint contract-holder to be removed from the contract based on their prohibited conduct.

Where the landlord is satisfied that there is behaviour falling within the Prohibited Conduct clause, the options which are created by the Renting Homes (Wales) Act 2016 are:

- Seek possession against the contract holder or holders based on Breach of Contract.
- Seek a court order demoting the secure contract by imposing a Standard Periodic Contract.
- Where the conduct is on the part of one joint contract-holder only, the landlord can seek to end the contract for that one contract-holder.

Judges will need to consider when contemplating reasonableness whether a lesser remedy is available. The Act introduces a new appeals system in which the contract holder can ask the Courts to review a decision to serve the notice in the first place.

When it comes to ASB we can still use these legal remedies, such as:

- Injunctions
- Acceptable Behaviour Contract
- Mediation
- Community Trigger
- Community Remedy
- Warning letters

- Community Protection Notice
- Criminally related Antisocial Behaviour Orders
- Closure orders
- Criminal Behaviour Order
- Public Spaces Protection Order; and
- Dispersal orders.

While that Act is enshrined in law and as such, we must follow the requirements, we do have discretion as to whether to continue to use the replacement of Introductory tenancies now called Introductory Standard Contracts. Over the years, Introductory tenancies have been a useful tool in combatting anti-social behaviour and other breaches early in the tenancy and before it became a full secure tenancy. However, their effectiveness has been watered down in recent times due to extended notice periods during Covid. Renting Homes will re-introduce those lengthy periods.

#### **Legal Note**

One of the circumstances where we as a community landlord may use a standard contract is where it is an introductory contract. A section 13 notice is required, and the notice must set out the reason the contract is a standard one and explain that the contract holder can apply to the court for a review of the decision to serve it. If a S13 notice is not served on time for any reason, their contract will be a secure contract by default.

The Introductory contract operates as a periodic standard contract for the “introductory period”. When it ends a new secure contract arises. It is no longer an Introductory Contract at that point. The introductory period can be extended to up to 18 months by serving a prescribed notice not less than 8 weeks before it is due to expire, although the decision to do that is subject to a review and challenge to the court.

The same rules on S13 notices apply to temporary accommodation.

What will remain under Renting Homes is the fact that a landlord has a mandatory ground for possession by service notice. So, provided the correct notice has been validly served (and all of the conditions for service are met) then subject to any

review, the court must grant a possession order. However, as a result of the notice period combined with the lengthy period before which notice can be served, court possession proceedings cannot commence during the first year of the occupancy.

## **7. Recommendations**

**Recommendation One:** From 1 December 2022 the council will not issue introductory standard occupation contracts under the Renting Homes (Wales) Act 2016.

**Recommendation Two:** That the Council's previous decision electing to operate an introductory tenancy regime shall be revoked with immediate effect.

## CABINET MEETING

31<sup>ST</sup> OCTOBER 2022

### UPDATE ON THE UK SHARED PROSPERITY FUND (UKSPF)

**Purpose:**

To provide an update on the Shared Prosperity Fund and to endorse steps taken to date, and proposed, to ensure that the County benefits from this new investment Programme.

**Recommendations / key decisions required:**

- 1) Endorse steps taken to date that will enable the County to benefit from the Shared Prosperity Fund
- 2) To approve the proposed Anchor projects
- 3) To approve the establishment of the Programme Management Team that will be responsible for the delivery of the Programme at a local level.

**Reasons:**

The UK Shared Prosperity Fund (UKSPF) is a central pillar of the UK government's Levelling Up agenda. An allocation of funding of £38.6m has been confirmed for Carmarthenshire which will enable us to deliver against some of the County's strategic objectives. To unlock this funding, UK Government has to approve the South West Regional Investment Plan, which was submitted by the deadline of the 1<sup>st</sup> August 2022.

Cabinet Decision Required                      YES

Council Decision Required                      NO

**CABINET MEMBER PORTFOLIO HOLDER:-**

Cllr Gareth John, Cabinet Member for Regeneration, Leisure, Culture and Tourism

Directorate:	Designations:	Tel:
Name of Head of Service:		Email addresses:
Jason Jones	Head of Regeneration	<a href="mailto:jajones@carmarthenshire.gov.uk">jajones@carmarthenshire.gov.uk</a>
Report Author:		
Rhian Phillips	Economic Development Area Manager	<a href="mailto:mrphillips@carmarthenshire.gov.uk">mrphillips@carmarthenshire.gov.uk</a>

# EXECUTIVE SUMMARY

## CABINET MEETING 31<sup>ST</sup> OCTOBER 2022

### UPDATE ON THE UK SHARED PROSPERITY FUND (UKSPF)

#### 1. BRIEF SUMMARY OF PURPOSE OF REPORT

##### **Progress to date**

Since the report to Cabinet in July this year, which set out the general principles of the UK Shared Prosperity Fund, a great deal of progress has been made in preparing for this new investment programme.

The Regional Investment Plan, which was prepared by the four local authorities in South West Wales, was submitted to the Department for Levelling Up, Housing and Communities (DLUHC) by Swansea Council, on behalf of the region by the deadline of 1<sup>st</sup> August 2022. Positive feedback was received from civil servants prior to submission. UK Government approval is awaited, with anticipated approval by the end of November 2022. We cannot, however, rule out the possibility of policy changes introduced by UK Government at this moment in time.

##### **Implementation**

Since the submission of the Regional Investment Plan, work has been progressing on the implementation of the plan on a regional basis to provide commonality, as far as possible, and to ensure that we achieve a rapid start so that allocations are fully taken up each year.

Despite the programme being structured around a regional plan, with a Regional Lead (Swansea CC), implementation will be devolved to the local level.

The following modes of delivery are proposed:

- Anchor projects
- Standalone projects
- Commissioned projects

These are explained in more detail in the main report.

##### **Project Development**

Since the Regional Investment Plan was submitted at the end of July 2022, officers from the four Local Authorities have been meeting on a weekly basis to work up the detail in relation to the proposed modes of delivery.

To ensure that wider stakeholders are involved in the development of the Anchor projects as well as the standalone projects, thematic sub-groups of the Carmarthenshire Regeneration Partnership have been established. The Carmarthenshire Regeneration Partnership's role is to oversee the delivery of the programme and to provide expert input.

**Management of the UKSPF in Carmarthenshire**

UK SPF provides for circa 4% of resources to be used to fund administrative support for the programme. The Lead Local Authority (Swansea CC) will need additional capacity to resource its regional management function.

In addition to the regional management function, a dedicated local team will need to be established for the County which will be fully funded via the UKSPF.

Work is currently underway to identify the resource required to deliver the Programme management function in Carmarthenshire. To ensure a timely start to the programme, we anticipate that the recruitment of these roles will commence as soon as approval is granted by UK Government.

**Conclusion**

A great deal of progress has been made since the Regional Investment Plan was submitted to UK Government earlier this year. Whilst we are still awaiting formal approval from UK Government, work is on-going to ensure that the necessary arrangements are in place and that delivery can start once UK Government approval is granted.

**OTHER OPTIONS AVAILABLE AND THEIR PROS AND CONS**

The UK Government has allocated funding over the next 3 years which will help address some of the challenges facing the County. With funding from EU programmes ending, the UKSPF presents an opportunity to draw down further investment into the County.

<b>DETAILED REPORT ATTACHED?</b>	<b>YES</b>
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## 2. Legal

Local government is being given responsibility for delivery of the UKSPF. Swansea Council will act as the 'lead local authority' for the South West region and will have overall accountability for the funding and how the Fund operates.

Delivery and management of the programme in Carmarthenshire will be the responsibility of the Authority. This will include assessing and approving local project applications, entering into funding agreements with third parties as well as processing payments and day-to-day monitoring.

Appropriate agreements will be put in place between the Regional lead and the Authority which will set out agreed roles and responsibilities.

At a project delivery level, the Authority will enter into a funding agreement with all delivery partners. These will be developed in conjunction with the Authority's legal team at the appropriate time.

## 2. Finance

**Whilst Swansea Council will act as the accountable body for the region and receive the Region's allocation via UK Government, delivery and management of Carmarthenshire's allocation will remain the responsibility of the Authority.**

A dedicated Programme Management Team will be established at a County level to undertake the necessary fund administration. Grant management processes and procedures will be established to ensure that the funding is managed in accordance with the fund requirements. This will involve the establishment of funding agreements with third parties as well as the establishment of procedures for processing payments, monitoring of financial spend, audit requirements etc. These will be developed in conjunction with Corporate services.

## 5. Risk Management Issues

A programme level risk management process will be developed to ensure that risk is assessed and managed at all levels.

Individual risk registers will be maintained at project level together with appropriate mitigation measures.

## 7. Staffing Implications

To manage the UKSPF at a local level, a dedicated Programme Management team will need to be established to ensure that the necessary processes and procedures are put in place to administer the UKSPF. This team will sit within Economic Development.

The UKSPF provides for circa 4% of resources to be used to fund administrative support for the programme.

To ensure that the UKSPF can commence as soon as UK Government approval is granted, work has been progressing in drafting the staffing structure.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **Jason Jones**

**Head of Regeneration**

<b>1. Scrutiny Committee request for pre-determination</b>	N/A
<b>Scrutiny Committee</b>	N/A
<b>Date the report was considered:-</b>	N/A
<b>Scrutiny Committee Outcome/Recommendations:-</b> N/A	

## 2. Local Member(s)

Local Members were given an opportunity to feed into the original consultation on the development of the Local Investment Plan which provides the steer for the delivery of the UKSPF at a local level. The proposed modes of delivery identified take into account the priorities as outlines within the Investment Plan.

## 3. Community / Town Council

Town and community councils have also been given an opportunity to input the Local Investment Plan process.

## 4. Relevant Partners

Various stakeholders were given an opportunity to input into the development of the Local Investment Plan and to identify priorities for funding. In addition, the Carmarthenshire Regeneration Partnership has been established which includes representation from business, public and third sector to provide expertise and oversight into the UKSPF process at a local level.

## 5. Staff Side Representatives and other Organisations - N/A

<b>CABINET MEMBER PORTFOLIO HOLDER AWARE/CONSULTED</b>	YES
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## Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

### THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
South West Wales Regional Investment Plan		
UK Shared Prosperity Fund Prospectus		<a href="https://www.gov.uk/government/publications/uk-shared-prosperity-fund-prospectus/uk-shared-prosperity-fund-prospectus">https://www.gov.uk/government/publications/uk-shared-prosperity-fund-prospectus/uk-shared-prosperity-fund-prospectus</a>

# **CABINET MEETING**

## **31<sup>ST</sup> OCTOBER 2022**

### **Update on the UK Shared Prosperity Fund (UKSPF)**

#### **Purpose**

To provide an update on the UK Shared Prosperity Fund (UKSPF) and to endorse steps taken to date, and proposed, to ensure that the County benefits from this new investment programme.

#### **Progress to date**

Since the report to Cabinet in July this year, which set out the general principles of the UKSPF, a great deal of progress has been made in preparing for this new investment programme.

The Regional Investment Plan which was prepared by the four local authorities in South West Wales was submitted to the Department for Levelling Up, Housing and Communities (DLUHC) by Swansea Council on behalf of the region by the deadline of 1<sup>st</sup> August 2022. Positive feedback was received from civil servants prior to submission. UK Government approval is awaited, with anticipated approval by the end of November 2022. We cannot, however, rule out the possibility of policy changes introduced by UK Government at this moment in time.

Once approval of the Regional Investment Plan is granted, we anticipate that Swansea Council, as the lead authority, will enter into a funding agreement with UK Government which will enable the region to unlock the funding. Subsequently an agreement will be put in place between Swansea Council and this Authority.

#### **Implementation**

Since the submission of the Regional Investment Plan, work has been progressing on the implementation of the plan on a regional basis to provide commonality, as far as possible, and to ensure that we achieve a rapid start so that allocations are fully taken up each year.

Despite the programme being structured around a regional plan, with a Regional Lead, implementation will be devolved to the local level.

The following modes of delivery are proposed:

- Anchor projects
- Standalone projects
- Commissioned projects

These are explained in more detail below.

**Anchor Projects.** These will be thematic projects that will manage major parts of the investment strategy primarily by offering third-party grants to organisations. Third party grants will provide organisations the opportunity to deliver projects that address challenges for Carmarthenshire as identified within the Investment Plan. The following grant schemes are expected to be delivered:

- Grants to public sector, voluntary and community groups including town and community councils
- Grants to businesses to improve productivity and growth

Anchor projects will be managed by the Local Authority but co-ordinated through local partnership structures. Anchor projects will be required to report to local Partnerships within each Local Authority as appropriate. In Carmarthenshire, the Regeneration Partnership, which includes representation from Public Service Board, University of Wales Trinity Saint David, Carmarthenshire Association of Voluntary Services, Antur Cymru, Grwp Cefn Gwlad amongst others, has been established to provide that input and oversight.

Anchor projects will not necessarily be the same across the whole region and it will be for each local area to determine which anchor projects are most appropriate for them.

Within Carmarthenshire, the following Anchor projects have been identified which are similar to those identified in other parts of the South West Wales region:

- Communities
- Rural
- Supporting Business
- Place
- People and Skills

Annex 1 sets out the scope of delivery for each of the proposed Anchor projects.

Anchor projects will need to demonstrate how they add value to other funding programmes and investments in the area including National Employment support programmes, existing adult skills provision, Welsh Government business support programmes etc

It is envisaged that the Anchor projects will be sufficiently staffed to project manage grant scheme delivery. A further report will be presented to Cabinet by the end of the year with further detail in relation to the Anchor projects.

### **Standalone projects.**

There will be challenges identified in the Investment Plan that are not covered by the anchor teams. It is anticipated that these will be addressed by opening calls for standalone projects. These will be invited by competitive bidding rounds to fill clear gaps in strategy delivery that are not being met by the anchor projects. This is to ensure that we are fulfilling the needs of our Local Investment Plan.



For example, within the Communities and Place theme it is likely that there will be a need for large standalone projects looking at volunteering and social enterprise support.

**Commissioned projects.** These will be specified and procured to deliver precisely defined activity that is not being fulfilled by the delivery modes detailed above. This is to ensure that we are fulfilling the needs of our Local Investment Plan.

### **Governance and local decision making**

As reported to Cabinet on the 25<sup>th</sup> July 2022, it has been agreed that Swansea Council will act as the lead Authority on behalf of the South West region. This was formally adopted by Swansea Council in September 2022.

Whilst Swansea Council will serve as the Lead Local Authority for the administration of UKSPF, decision making will predominantly sit at a local level, with each Local Authority adhering to their own constitutional arrangements and protocols.

In line with the modes of delivery, we are currently working up assessment criteria, application forms and decision making processes. These will be subject of a further Cabinet report before the end of the year.

As previously reported, UK government is keen to involve local partners including local businesses, public and third sectors in the assessment process. In Carmarthenshire, we have established a Regeneration Partnership which has been involved in the development of the Local Investment Plan and more recently has been consulted on the proposed delivery modes for the UKSPF, which have been supported by the Partnership.

### **Project Development**

Since the Regional Investment Plan was submitted at the end of July 2022, officers from the four Local Authorities have been meeting on a weekly basis to work up the detail in relation to the proposed modes of delivery.

To ensure that wider stakeholders are involved in the development of the Anchor projects, as well as the standalone projects, thematic sub-groups of the Carmarthenshire Regeneration Partnership have been established around the three strategic areas of the Shared Prosperity Fund, namely:

- Communities and Place
- Supporting Business
- People and Skills

The role of the sub groups is to

- Provide expert advice and input into the design of the Anchor projects including establishment of criteria for grant schemes; timing and frequency of application deadlines; consideration of funding to be allocated; programme indicators etc
- Assist the Anchor teams in ensuring that SPF activity adds value to other regional, national initiatives e.g. Welsh Government Business Support programmes etc

- Input into the type and frequency of strategic calls for applications including level of funding to be allocated
- Form part of the assessment process for standalone projects
- Monitor progress of all activity within the respective theme and advise on any changes required to delivery

## **Management of the UKSPF in Carmarthenshire**

UK SPF provides for circa 4% of resources to be used to fund administrative support for the programme. However, it is worth noting that the Lead Local Authority (Swansea Council) will need additional capacity to resource its regional management function.

The majority of the 4% administrative budget will be used to provide capacity within local management teams. These teams will need to:

- Organise competitive bidding rounds for standalone projects
- Commission projects as necessary.
- Carry out programme management functions to include:
  - Collation of financial and non-financial returns to Swansea Council for DLUHC.
  - Preparation of progress reports for Swansea Council and DLUHC.
  - Preparation of reports for local partnerships and Regional Directors
  - Performance management and change control.
  - Commissioning of regional and local level evaluations and contract management.
  - Management of branding and publicity issues.
  - Subsidy control.
  - Assurance of propriety, regularity, and value for money of expenditure.
  - Liaison with DLUHC regarding possible audit.
- Prepare Annual Reports on UK SPF to Cabinet within each LA.

The amount of funding that the Carmarthenshire Programme Management Team will receive as part of the administrative budget has yet to be determined.

Work is currently underway to identify the resource required to deliver the Programme management function in Carmarthenshire. To ensure a timely start to the programme, we anticipate that the recruitment of these roles will commence as soon as approval is granted by UK Government.

## **Conclusion**

A great deal of progress has been made since the Regional Investment Plan was submitted to UK Government earlier this year. Whilst we are still awaiting formal approval from UK Government, work is on-going to ensure that the necessary arrangements are in place and that delivery can start once UK Government approval is granted.

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SPF Theme	Propose Anchor Projects	Third Party Grants (to be coordinated by Anchor Projects)	Standalone Projects	Commissioned Projects
Communities & Place	Sustainable Communities	Grant scheme to cover the following themes: <ul style="list-style-type: none"> <li>• Poverty (to include projects that will address the cost of living crisis)</li> <li>• Circular Economy</li> <li>• Wellbeing / Leisure</li> <li>• Access to Services</li> <li>• Environment and Green</li> <li>• Culture / Heritage</li> <li>• Community Engagement</li> <li>• Feasibility Studies</li> </ul>	<ul style="list-style-type: none"> <li>• Volunteering</li> <li>• Social enterprise support</li> <li>• Active travel and small-scale green transport projects</li> <li>• Foundational economy</li> </ul>	To be confirmed once gaps identified that have not been covered by Third Party Grants and Standalone Projects
	Rural	<ul style="list-style-type: none"> <li>• Ten Towns initiative</li> <li>• Rural Innovation fund</li> <li>• Rural access to services- Hwb Fach y Wlad</li> </ul>	<ul style="list-style-type: none"> <li>• Projects to support the development of a local food system.</li> </ul>	As above
	Place	<ul style="list-style-type: none"> <li>• Sustaining Town Centres to include public realm improvements, meanwhile spaces etc</li> </ul>	<ul style="list-style-type: none"> <li>• Meanwhile Space Programme</li> </ul>	

<b>SPF Theme</b>	<b>Propose Anchor Projects</b>	<b>Third Party Grants</b> (to be coordinated by Anchor Projects)	<b>Standalone Projects</b>	<b>Commissioned Projects</b>
Supporting Local Business	Supporting Local Business	<ul style="list-style-type: none"> <li>• Business Start-Up and Growth Fund</li> <li>• Town Centre specific support package to include shop front renewal aiming on bringing vacant commercial space back into business use</li> <li>• Property Development Fund</li> <li>• Decarbonisation Business Fund</li> <li>• Tourism, Culture and Heritage Fund</li> </ul>	<ul style="list-style-type: none"> <li>• Local Supply Chain Development</li> <li>• Skills for town Centre Retail</li> </ul>	As above
People and Skills	People & Skills	<ul style="list-style-type: none"> <li>• Grants to the third sector and private sector to support activity previously supported by the WCVA Active Inclusion programme, or similar</li> <li>• Third Party Grant for gap filler skills projects</li> </ul>	<ul style="list-style-type: none"> <li>• Youth Engagement Provision - Pre &amp; Post 16 provision to support young people to attain positive outcomes</li> <li>• Paid Work Experience 16 - 24 programme</li> </ul>	Aligned to the Regional Learning & Skills 3 year Employment & Skills Plan