

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Thursday, 25 January 2024</b>
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Levelling up and Long-Term Plan for Town Update Report
Purpose of Report:	To inform Cabinet of the recent awards of UK Government administered funds and initiatives to support local economic growth: Long-Terms Plan for Towns; Levelling Up Funding; and To seek Cabinet authority to take the necessary next steps to progress delivery of the funding
Report Owner:	Executive Leader and Cabinet Member for Performance and Resources
Responsible Officer:	Marcus Goldsworthy, Director of Place
Elected Member and Officer Consultation:	Legal – Committee Reports Operational Manager, Accountancy Operational Manager, Property Head of Finance Section 151 Officer Head of Legal Services Director of Corporate Resources Finance Support Manager, Resource Management
Policy Framework:	The is a matter for Executive decision by Cabinet

Executive Summary:

- This report seeks to update Cabinet and Members of the various funding announcements the Council has received from UK Government concerning the Shared Prosperity Fund (summer 2022) Long Term Plan for Towns Funding (LTPT) (October 2023) and the Levelling up Fund (LUF3) bid 'Barry Making Waves' awarded in November 2023).
- The report references the last report to Cabinet regarding the position of the Shared prosperity fund (SPF) on 5th October, 2023 (Cabinet Minute C109) which updated Cabinet on the decisions taken to date relating to the UK Shared Prosperity Fund. The funding profile for the Vale of Glamorgan remains a challenging one, particularly for 2023/24.
- The report advises that UK Government has announced of an investment of £1.1 billion into 55 of towns across the UK. There are 4 Local Authority areas in Wales which will benefit, and Vale of Glamorgan (Barry) is one of them. Each town will receive £20 million in the form of a in-year endowment-style fund. There is a 25% Revenue, 75% Capital split.
- Each town will develop a Long-Term Plan to invest in and regenerate their town, based on the priorities of local people, and put to local people for consultation. There are three investment themes, namely 'Safety and Security', 'High Streets, Heritage and Regeneration' and 'Transport and Connectivity'. Each town's Long-Term Plan should be produced no later than Summer 2024 and be agreed by the Towns Board.
- The Report outlines the current position and information available to the Council and what the likely next steps will be in accessing the funding which will require agreement by Cabinet.
- Regarding the LUF3 Round 3 award, the report highlights that since the Vale of Glamorgan narrowly missed out on securing funding for the Levelling Up Fund (Round 2) in January 2023, it has now been advised that its application in round 3 has now been successful (Nov 2023) with £19,856,251 awarded to progress the plan.
- The report will provide an update on how it is intended to progress with the LUF3 award given the changed economic and inflationary position since its original submission in June 2022 and update Cabinet in respect of the changes which will be required to the bid to allow it to progress within the funding allocated.
- The next steps to progress the Barry Making Waves project will also be outlined for agreement by cabinet including the need to re-assess the economic outputs the scheme will ultimately produce.

## **Recommendations**

1. That Cabinet notes the update and recent developments in respect of the three separate UK Government administered funds which have been awarded to Vale of Glamorgan Council, noting the methodology of each fund being administered by the UK Government, the relationships between each of these and also notes the progress required towards the delivery of the Long-Term Plan for Towns and the associated governance procedures.
2. That Cabinet notes the actions required to be taken to progress the delivery of the Long-Term Plan for Towns and to develop the associated governance procedures.
3. That delegated authority be granted to the Director of Place (in consultation with the Executive Leader and Cabinet Member for Performance and Resources, Chief Executive, Head of Finance/Section 151 Officer and the Monitoring Officer/Head of Legal and Democratic Services) to take all necessary actions to develop the Council's initial response to the UK Government's award of the Long Term Plan for Towns on behalf of the Vale of Glamorgan Council by bringing local partners together to establish a Town Board and to start the process of setting out a long term vision based on local priorities in order to create a Long Term Plan for Barry.
4. That Cabinet further to recommendation 2, recommend a further report be brought to Cabinet to provide further details of the development of the Town Board and proposals to allow effective scrutiny and challenge to the work of the Town Board alongside progress on the 'Barry Making waves / Y Barri Creu Tonnau' project.
5. That Cabinet notes and agrees the proposed changes to the 'Barry Making Waves' Y Barri Creu Tonnau' Levelling Up Fund (Round 3) project.
6. That Cabinet further to recommendation 5, delegate authority be granted to the Director of Place (in consultation with the Executive Leader and Cabinet Member for Performance and Resources, Chief Executive, Head of Finance/Section 151 Officer and the Monitoring Officer/Head of Legal and Democratic Services) to prepare (including commissioning external support where necessary) a revised masterplan and associated funding package and to agree any project changes, including; changes to project outputs; spend profiles; outcomes, any other activity to ensure the delivery of the Levelling Up Fund (Round 3) project Barry Making Waves - Y Barri Creu Tonnau on behalf of the Vale of Glamorgan Council and its partners.
7. That Cabinet further to recommendation 6, delegate authority to the Director of Place (in consultation with the Executive Leader and Cabinet Member for Performance and Resources, Chief Executive, Head of Finance/Section 151 Officer and the Monitoring Officer/Head of Legal and Democratic Services) to negotiate and agree terms with relevant landowners, partner organisations and contractors to

ensure the delivery of the LUF3 project in compliance with the terms and conditions of the funding subject to the required procurement, commissioning and contractual arrangements, through to completion, pursuant to the development and delivery of the Barry Making Waves' Y Barri Creu Tonnau' Levelling Up Fund (Round 3) project.

8. That Cabinet further to recommendations 4 and 5, delegate authority to the Director of Place (in consultation with the Executive Leader and Cabinet Member for Performance and Resources, Chief Executive, Head of Finance/Section 151 Officer and the Monitoring Officer/Head of Legal and Democratic Services) for the capital funding associated with these grants to be added into the Capital Programme and also for any further necessary additions, deletions or transfers to be made to the schemes as they progress.
9. That the formal response by the UK Government to the amended Levelling Up Fund (Round 3) award, be reported back to Cabinet in due course together with detailed budget management and governance arrangements relating to the delivery of this project.

### **Reasons for Recommendations**

1. To apprise Cabinet of the current position regarding the various recent funding announcements from UK Government and the progress being made to meet the requirements necessary to access the funding provided by the LTPT.
2. To note the actions required to be taken to progress the delivery and to meet the requirements necessary to access the funding provided by the LTPT.
3. To establish the necessary governance arrangements to ensure the delivery of the LTPT, in line with the requirements of the funding scheme.
4. To apprise Cabinet of progress and to ensure effective challenge and scrutiny of the projects.
5. To seek authority to agree the proposed changes to the original LUF3 bid (round 2 June 2022) to ensure the scheme can be delivered within the round 3 funding awarded.
6. To allow the project delivery plan and schedule to be prepared and to ensure the scheme is delivered within the funding window currently identified (end March 2026).
7. To obtain authority to negotiate and agree terms with relevant landowners, partner organisations, consultants and contractors to ensure the delivery of the LUF3 (Round 3) project.
8. To ensure the proper financial management of the projects which are delivered through the awards.

9. To report back to Cabinet on the UK Government agreement to the proposed changes to the delivery of the Levelling Up Fund (Round 3) award and any advice received from the funding body.

## 1. Background

- 1.1 **Shared Prosperity Fund** - Members will be aware of the award in April 2022 of the UK Government SPF as part of the UK Government's wider commitment to level up all parts of the UK. It is a mix of revenue and capital funding. The overarching aim of the fund is to build pride in place and increase life chances. In addition, there are three investment priorities: Communities and place; Supporting local business; and People and skills. Cabinet on 15th December, 2022 (Minute C167 refers) agreed the delegations and permissions necessary to administer and deliver the funding until end of March 2025.
- 1.2 Subsequently, Cabinet on Thursday, 05th October, 2023 (Minute Number C109 refers) received a further report setting out the decisions taken to date relating to the UK Shared Prosperity Fund.
- 1.3 **Long term Plan for Towns (LTPT)**- Further to the above at the beginning of October 2023, the UK Government advised the Council that it had been awarded (subject to conditions currently in the process of being confirmed) funding under the LTPT.
- 1.4 Barry was one of 55 towns (4 in Wales) awarded £20 million in endowment-style funds each over a period of 10 years with the funding to be spent on local priorities; reviving high streets, tackling anti-social behaviour, improving transport, and growing the local economy.
- 1.5 The intention of this policy intervention is to empower Councils and the relevant Boards to develop a plan for the long-term, not just plan to the end of the financial year; taking endowment principles to maximise the flexibility and impact of funding. There is a 25% Revenue, 75% Capital split.
- 1.6 Each town will develop a Long-Term Plan to invest in and regenerate their town, based on the priorities of local people, and put to local people for consultation.
  - Towns will have freedom to develop plans that meet local priorities across the investment themes.
  - They will not be subject to onerous reporting requirements; instead, the Towns Taskforce will engage towns to monitor progress and help address problems that arise.
  - Towns will be able to roll over funding into future years if best to deliver priority interventions to a high standard and will remain responsible for ensuring good use of public funds.
- 1.7 **Levelling Up Fund R3** - Members will be aware that an urgent report was submitted to Cabinet in June 2022 seeking endorsement of the emerging LuF

(Round 2) bid. This Bid was submitted in July 2022 and involved a bid focused on the settlement of Barry and its waterfront, consisting of two projects under the package 'Barry Making Waves'. The proposal was to facilitate a new marina at No.1 Dock with the site known as "The Mole" as the centrepiece of a coordinated master planned redevelopment. The marina would attract visitors and tourists to the town and serve as the catalyst for the next stage of the regeneration of the docks. The bid proposals included provision of business incubator space of up to 30,000 sq. ft., units for hospitality businesses, space for new residential properties, and a landscaped area of public open space (linear park) to create a welcoming gateway for residents and visitors (approximately 2 acres). The bid also included the redevelopment of Barry Water Sports Centre on a site which abuts the east end of No.1 Dock to accommodate a new, green, purpose-built watersports facility. Designed to boost leisure opportunities and wider community use of the area, the facility would provide a new home for the Ocean Watersports Trust (currently based on The Mole).

- 1.8** In January of 2023 the Council was advised that while its bid was considered to meet all the requirements of the bidding process and was considered to be an excellent submission, it had not been successful and had just missed out on securing the funding required. Unlike the first two rounds, a competitive funding round was not held for Round 3. Instead, funding was awarded (late November 2023) to high quality bids that were submitted in the second funding round that did not receive funding at the Spring Budget 2023. Several meetings were held with UK government Civil Servants who advised that the bid was very well received and suggested that it would be automatically considered under round 3 of the LUFR3 process.
- 1.9** In late November of this year the Council was advised that its previous bid had been successful in securing funding under Round 3 of the LUFR3 process and that £19.6 million had been allocated to the project in accordance with the round 2 bid.
- 1.8** Noting all of the above, the Council is currently considering the need to rationalise its portfolio and consider long term options for the future of buildings such at the Docks Office, given the now well established principle of hybrid working and the consequent reduced requirements for office accommodation. This is an issue that is further addressed below.

## **2. Key Issues for Consideration**

### **Long term Plan for Towns**

- 2.1** In Wales, UK Government will also work with local partners, including Local Authorities and the devolved administrations, to make sure funding and support aligns with other programmes to have the best possible impact.

- 2.2** In Wales, the UK Government has suggested they will use the Financial Assistance power under Section 50 of the United Kingdom Internal Market Act 2020 (UKIM Act) to fund towns directly while working with the Scottish and Welsh Governments to determine the most appropriate delivery structures.
- 2.3** The UK Government will provide capacity funding in 2023/24 for Local Authorities who are tasked with bringing local partners together to form Town Boards, or to expand and adapt any existing Town Boards or similar structures (£50k). Each Town Board will require its own governance structure. The capacity funding will support the running of the Board and support the development of their Town's 10 year Long-Term Plan, including community engagement activities. This funding forms part of the overall funding package. Once Board structures are in place, capacity funding will be made available from Spring 2024 for Boards to build on their vision and priorities to write their Town Plan (£200k). The long term plan will be assessed by UK Government as part of the process of releasing funds.
- 2.4** UK Government are establishing a Towns Taskforce, reporting directly to the Prime Minister and Levelling Up Secretary. As part of this UK Government will extend the current High Streets Task Force, to provide each selected town with bespoke, hands-on support from place-making experts. It will work flexibly and collaboratively with Town Boards, delivering tangible outputs and outcomes on their behalf.
- 2.5** Towns will receive funding and support of up to £20 million to provide a range of interventions across the investment themes and will have ten years to deliver these, providing long-term certainty to deliver significant improvements in their towns.
- 2.6** The identified themes are:

**reducing crime and improving safety in their local area.** Interventions could include new and improved security infrastructure, as well as diversionary activity through ASB awareness courses and support for community and education outreach facilities.

**High Streets, Heritage and Regeneration.** Towns would be able to use this funding to enhance their town centres, making them and their buildings more attractive and accessible to residents, businesses, and visitors in a post Covid environment. Interventions could include remediating and repurposing vacant stores – including converting these to high quality housing; preserving and improving heritage sites in the town; creating and maintaining parks and green spaces; supporting high street cleaning projects; new markets/high street days; establishing Business Improvement Districts; running high street rental auctions; supporting skills and community development so local people can take up opportunities that emerge from business-led regeneration.

**Transport and Connectivity.** Investment will need to be used alongside other themes, particularly safety and security, to ensure that transport options are seen as attractive and safe. But used well, this funding could make towns more connected, increasing footfall and viability and accessibility to local employment opportunities. Interventions could include new infrastructure schemes; road improvements; new programmes to encourage cycling; and making the town centre more walkable and accessible.

**2.7** To gain access to this funding the Council must produce a Long Term Plan no later than Summer 2024 and this plan must include:

- A clear articulation, evidenced by local engagement, of the priorities of town residents;
- A plan for how the £20 million endowment-style funding and support will be deployed in line with investment themes to support these priorities;
- How Local Authorities, community groups and businesses are using their existing assets and resources to support these priorities;
- How the Town Board intends to attract additional private and philanthropic investment to support these priorities;
- How members of the Town Board are using their existing powers and flexibilities – including but not limited to those in the Toolkit – to support these priorities.
- From Summer 2024, the first year of funding to support the interventions set out in the Long-Term Plan will be provided. This will be subject to assessment of the Plan by the Department for Levelling Up, Housing and Communities (DLUHC).
- The allocation of funding will be non-competitive, and towns are expected to work collaboratively with places through the Towns Taskforce and existing local relationships to develop Plans.
- Further details on next steps will follow in engagement with selected towns.

**2.8** The Council will require to have its Long-Term Plan agreed by a new Town Board, which will be the decision making body. This Board is to be chaired by a local business or community leader and comprise a group of local organisations, who will develop a shared vision for their town and oversee funding, to comprise:

- Community partners. Such as community groups, faith groups and local charities, the neighbourhood forum, the local Council for Voluntary Service (CVS).
- Local businesses and social enterprises, key local employers or investors in the town.
- Key cultural, arts, heritage and sporting organisations.
- Public sector agencies such as representatives from schools or police, subject to local priorities.
- The local MP, relevant Local Authorities, including the town council, where one exists, and a representative of an Upper Tier Authority where relevant.



**2.9** Town Boards will be responsible for:

- Identifying the issues and priorities to focus on for the Long-Term Plan, including supporting a process of ongoing community engagement.
- Working with the Local Authority to develop the Long-Term Plan for their town, setting out how local partners will use their knowledge, powers, assets and new funding to deliver for their communities.
- Identifying opportunities for Board members to utilise specific powers, such as neighbourhood planning, to drive forward their Long-Term Plan.
- Identifying opportunities to bring in additional philanthropic or private investment to support the Long-Term Plan for their town.
- Overseeing the delivery of projects set out in their Long-Term Plan.

**2.10** Boards will make sure the priorities within the Plan are underpinned by a shared vision with local people:

- A process of meaningful engagement should help Boards define the key issues to tackle, identify strengths and resources within the community and test potential projects.
- This might include engaging local people through events, community workshops, online consultations, and surveys.
- Board members will draw on relationships with other community leaders and community groups to make sure the engagement is diverse and representative of the whole community.
- Boards might choose to establish subcommittees to focus on particular investment strategies or projects, or to drive forward particular themes, such as community engagement.

**2.11** Town Boards, through their constituent members, have access to a range of levers and flexibilities to drive improvement and unlock barriers to regeneration and development. The UK Government has developed a toolkit for England, in partnership with Local Authorities, including identifying opportunities for extending and strengthening powers in the future and helping Local Authorities to make full use of new powers shortly coming into force. An update kit for Wales is in the process of being prepared.

**2.12** Expected timelines are as follows:

By April 2024 Local Authorities are expected to bring local partners together to form Town Boards, or expand existing Town Deal Boards where these exist, and start the process of setting out a long-term vision based on local priorities. In Spring 2024, once a Town Board has been set up, capacity funding will be released to support the development of investment plans, including additional community engagement activities. Ongoing engagement will be available from the Towns Taskforce.

From Summer 2024, submission of Long-Term Plans is expected and the release of year one funding will follow.

- 2.13** The recommendations in this report in so far as they relate to the LTPT allow work to progress on establishing a Board as set out above and for that Board to oversee and progress the drafting of a Long Term Plan for Barry to allow for the release of initial funding. That Plan will be subject to widespread engagement and consultation with a range of stakeholders including residents, businesses and community groups. Consideration is currently being given to the desire to convene a single focussed or thematic Scrutiny Working Group to allow Members to contribute to the process as well as to challenge and scrutinise progress. It is anticipated that this Scrutiny Working Group will be equally applicable when scrutinising progress against the Levelling Up Fund (as set out below). Recommendation 3 covers this point.
- 2.14 Levelling Up Fund (R3)** Since the submission of the Councils Rd 2 bid for LUF in Summer 2022, construction and other costs have significantly increased due to price inflation. This means that having run preliminary costings with agents acting on behalf of the Council and considering other issues such as delays over the move of the Ocean Water Sports Trust and the future of the Dock Office, it is proposed to make changes to the implementation of the ‘Barry Making Waves’ submission.
- 2.15** The proposed changes aim to significantly reduce costs, enhance deliverability, and improve outcomes. The changes will also take account of and build upon the opportunities which the award of the Long-Term Plan For Town funding provides.
- 2.16** The Council is required to submit by 2nd February, 2024 an adjusted bid which must reflect project adjustments due to inflationary pressures. This will include amongst other things spend profiles; outputs; outcomes and other activities. If the adjusted bid is acceptable the Council will be required to enter into a Memorandum of Understanding with DLUHC.
- 2.17** In order to reduce risk and to enhance the way in which the project is to be delivered it is proposed to amend the scheme in the following ways:
- Remove the proposal to develop a new 30,000sq ft incubator unit on the Mole and instead refit and refurbish the existing Dock Office to deliver this important employment and community space. Work is currently underway to identify the likely costs associated with the refurbishment of the Docks Office, and this should allow costs to be contained within the available budget. It will also secure the long-term future of the historic and listed Dock building while reflecting the heritage and history of Barry docks and reducing the carbon footprint of the scheme by utilising an existing historic building. The other benefits include the location of the building close to public transport, including the Docks station and its close links through to the town centre via the existing under pass and Subway Road.

- Retaining the location of the Ocean Water Sports trust on the Mole and providing them with a new centre in a location to be agreed. This should (subject to ground conditions and other assessments) reduce costs and allow the re-use of the existing slipway while also allowing synergies to be developed with the proposed development of the Marina on the Mole.
- Ensuring that the proposed park/opens space provision is not reduced and where possible enhanced as part of the development.
- The Marina remains a key part of the proposals and will be delivered by ABP or their development partners.
- While shown on the masterplan the housing element is not part of the LUFR3 award and would be delivered outside of this funding award.

**2.18** The proposed changes have been discussed with both UK Government and the local MP and no objections have been raised and the Council will now, subject to the agreement of Cabinet, work towards the development of an amended master plan and development schedule. Key to this work will be trying to ensure that the projected outputs from the original submission are retained where possible and, in some areas, enhanced (use of the Dock office and impact on heritage and decarbonisation). Pace is the essence given the timings associated with the spending of the funding, and it is against this context and background that the recommendations are proposed.

**2.19** The current planning application for the development submitted by ABP will need to be amended in line with the proposed new master plan and following a new consultation exercise, will be reported to planning committee in due course.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

**3.1** The emerging proposals set out in this report accord with the five ways of working as follows:

**Involvement** -Both investment programmes have and will continue to be subject to discussions and engagement with partners as well as wider community engagement. Wide ranging engagement will be a fundamental part of the LTPT and LUFR3.

**Collaboration** - Both investment programmes have and will continue to involve collaboration with other public sector bodies, investors/developers, businesses and third sector.

**Integration** - The delivery of both investment programmes creates the opportunity for teams from across the Council to work closely and in an integrated place based manner to achieve the delivery of economic and social well-being benefits in Barry and the wider Vale of Glamorgan.

**Prevention** - Both investment programmes are complementary and, in this regard, reduce the risk of delivering piecemeal solutions. The focus will be on delivering projects that make a genuine difference to local areas in Barry and the wider Vale of Glamorgan.

**Long Term** - LTPT is an endowment type fund running over 10 years and in respect of this and the LUFR3, how the funds are being implemented will be tracked by an annual report that will monitor levelling up progress. Moreover, the funds will form part of a long-term investment plan for Barry based on widespread consultation, a clear narrative and data that attempt to identify the issues and opportunities in Barry and projects to address and support these.

#### **4. Climate Change and Nature Implications**

- 4.1** The Levelling Up Fund Round 2: prospectus (see background papers) states that investment made under these funds should demonstrate the extent of contribution to environmental considerations such as net zero and nature recovery objectives and any specific commitments by the UK Government and the Welsh Government. To support green growth, the fund guidance also states that Local Authorities should also consider how the delivery of projects using the funds can work with the natural environment to achieve objectives and consider the impact on natural assets and nature.

#### **5. Resources and Legal Considerations**

##### **Financial**

- 5.1** To date UK Government has provided £125,000 seed funding to enable the Council to prepare for its working arrangement and development of a bid for Levelling Up.
- 5.2** The Council has also received up-front capacity funding to set up a Towns Board and develop a Towns Plan. The UK Government has provided £50,000 for this financial year (2023-24) & £200,000 for next financial year (2024-25).
- 5.3** **Long Term Plan for Towns** - Barry will have a £20 million endowment-style fund to invest over the next decade, empowering them to develop a plan for the long-term, not a plan to the end of the financial year; taking endowment principles to maximise the flexibility and impact of funding. There is a 25% Resource, 75% Capital split.
- 5.4** **Levelling Up Award (Round 3)** - the total capital grant value is currently £19,856,251. Currently the Council is working with both ABP and our appointed agents, Cushman and Wakefield to prepare a new business and valuation plan which will be needed to allow access to the funding and ensure that there is credible and deliverable scheme. This plan is currently considering the current costs of development and delivery of the various elements of the scheme.

- 5.5** Issues such as the delivery mechanism, ownership of the park, OWT centre and infrastructure are currently under discussion with ABP and the Council's appointed agents, but the Council envisages taking on ownership and future maintenance responsibility for the proposed linear park of approximately 2 acres on The Mole and will be seeking to secure satisfactory means for ensuring future funding to support this as part of future negotiations with ABP. The residential element of the masterplan, while outside of the funding award, will also be the subject of future discussions with ABP as landowner.
- 5.6** Cabinet is asked to recognise that both projects are being developed at a time of uncertain inflationary market conditions. Furthermore, the bid submission is time sensitive and there is currently limited information in respect of design details and abnormal costs such as contamination, ground conditions and utilities. This information will have a bearing on cost and will only become clearer on completion and review of full site investigations.
- 5.7** The deadline of March 2026 for full spend of the award is very challenging and certain tasks such as site investigation works may have to be undertaken at risk given that there is currently no binding legal agreement with ABP for any of these proposals to progress.

### **Employment**

- 5.8** The resourcing of the emerging projects identified in this report will be considered by the Director of Place as part of an overall resource plan to ensure the Council is positioned to respond accordingly and maximise all funding sources available.

### **Legal (Including Equalities)**

- 5.9** The Council is obliged to have regard to Subsidy Control rules each time they award financial assistance ('a subsidy'), including grants, which are required to meet the relevant legal requirements set out in the Subsidy Control Act 2022.
- 5.10** As the 'Barry Making Waves' project progresses to the next stage for further consideration by the funding body, further legal advice will be provided by the externally commissioned leading law firm DWF who specialise in subsidy control advice to public sector bodies. Advice will be obtained to ensure compliance with subsidy control rules in demonstrating that the subsidy is proportionate and necessary to the objective, as identified at that stage.
- 5.11** Going forward, and subject to UK Government decision making processes each bid and/or funding allocation will be managed in accordance with the Council's Constitutional requirements with separate and specific legal advice being sought in relation to the required governance arrangements, any specified conditions, and further subsidy control advice. Legal advice will be sought in relation to

LUFR3 including advice on the Council entering into necessary legal agreements with ABP if the adjusted bid is considered to be acceptable.

- 5.12** When making bids for external funding, it will be necessary to ensure that all terms and conditions attached to the external funding offer and grant are complied with and that the Council's Procedure Note on Grant Funding is followed.
- 5.13** The proposals being developed for regeneration as part of the Barry Making Waves project are in accordance with the Council's general powers of economic and social well-being under section 2 of the Local Government Act 2000.
- 5.14** Under Section 123 of the Local Government Act 1972, the Council may dispose of its land in any manner it wishes but is under a duty to achieve the best consideration reasonably obtainable on the disposal of land unless it has the consent of the Welsh Ministers to dispose of land for less. However, general disposal consents have been issued by the Welsh Ministers (the General Disposal Consent (Wales) 2003) and under these consents, a Local Authority may dispose of an interest in land for a sum which is less than best consideration that can reasonably be obtained where the authority considers that the purpose for which the interest in the land is to be disposed of is likely to contribute to one or more of the following objects in respect of the whole or any part of its area, or all or any persons resident in its area, or all of the persons resident in its area: (i) the promotion or improvement of economic well-being; (ii) the promotion or improvement of well-being; (iii) the promotion or improvement of social wellbeing; and the difference between the unrestricted value of the interest to be disposed of and the consideration agreed does not exceed £2,000,000.

## **6. Background Papers**

Department for Levelling Up, Housing and Communities – SPF, LTPT and LUFR3 award letters.

Council (7th March, 2022), Reference from Cabinet 28th February 2022: Proposed Introduction of a Non Treasury Service Investment Strategy, The Investment and Growth Fund, Minute 931

Cabinet (14th March, 2022), Barry Growth Programme, Minute C873

Department for Levelling Up, Housing and Communities, HM Treasury, Department for Transport - Levelling Up Fund Round 2: prospectus (Published 23rd March, 2022)

Department for Levelling Up, Housing and Communities - Levelling Up Fund Round 2: updates to the Index of Priority Places (Published 23rd March, 2022)

Department for Levelling Up, Housing and Communities, HM Treasury, Department for Transport - Levelling Up Fund Round 2: application guidance (Published 13th April, 2022)

Department for Levelling Up, Housing and Communities, HM Treasury, Department for Transport - Levelling Up Fund Round 2: technical note (Published 13th April, 2022)

Department for Levelling Up, Housing and Communities - UK Shared Prosperity Fund: prospectus (Published 13th April, 2022)

HM Treasury - The Green Book, Central Government Guidance on Appraisal and Evaluation (Published 2022)

Department for Levelling Up, Housing and Communities - Guidance, Multiply in Scotland, Wales and Northern Ireland (Update 15th June, 2022)