

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

LA GOVERNOR PANEL

At: Committee Room 5, Guildhall, Swansea

On: Thursday, 25 February 2016

Time: 2.00 pm

Chair: Mr Jeff Bowen

Membership:

Councillors: C Anderson, J E Burtonshaw, D W Cole, A M Cook, C R Evans, J W Jones, P B Smith, D G Sullivan, C Thomas, L G Thomas, L J Tyler-Lloyd and T M White

AGENDA

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- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence. | |
| 2 | Disclosures of Personal & Prejudicial Interests. | |
| 3 | Minutes.
To approve and sign, as a correct record, the minutes of the previous meeting of the LA Governor Panel. | 1 - 2 |
| 4 | LA Governor Vacancies. (For Information). | 3 - 4 |
| 5 | Exclusion of the Public. | 5 - 8 |
| 6 | LA Governor Applications. (For Recommendation). | 9 - 25 |
| 7 | LA Governor Applications held on file. (For Information). | 26 - 46 |

Next Meeting: Thursday, 24 March 2016 at 2.00 pm



Patrick Arran
Head of Legal and Democratic Services
Thursday, 18 February 2016

Contact: Democratic Services - Tel: (01792) 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE LA GOVERNOR PANEL

HELD AT ROOM 235 COUNCILLORS MEETING ROOM, GUILDHALL,
SWANSEA ON THURSDAY, 28 JANUARY 2016 AT 2.00 PM

PRESENT: Mr J Bowen (Chair) Presided

Councillor(s)

C Anderson
J W Jones
T M White

Councillor(s)

A M Cook
D G Sullivan

Councillor(s)

C R Evans
L G Thomas

Officer(s)

Allison Gough
Allison Lowe
Stephanie Williams

School Governor Officer
Democratic Services Officer
Principal Lawyer

Apologies for Absence

Councillor(s): J E Burtonshaw, D W Cole, P B Smith and L J Tyler-Lloyd

42 **DISCLOSURES OF PERSONAL & PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City & County of Swansea, the following interests were declared:

Councillor D G Sullivan – Minute No.47 Personal – as previously declared.

43 **MINUTES.**

RESOLVED that the Minutes of the LA Governor Panel held on 17 December 2015 be approved as a correct record.

44 **LA GOVERNOR VACANCIES. (FOR INFORMATION).**

The School & Governor Officer provided a “For Information” report on the current list of LA Governor Vacancies.

45 **EXCLUSION OF THE PUBLIC.**

The LA Governor Panel was requested to exclude the public from the meeting during consideration of the items of business identified in the recommendation to the report on the grounds that they involve 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, relevant to the item of business as set out in the report.

The LA Governor Panel considered the Public Interest Test in deciding whether to exclude the public from the meeting for the items of business where the Public Interest Test was relevant as set out in the report.

RESOLVED that the public be excluded for consideration of the following items of business.

(CLOSED SESSION)

46 **LA GOVERNOR APPLICATIONS. (FOR RECOMMENDATION).**

The School and Governor Officer reported on the applications for the LA Governor vacancies that required decisions.

AGREED that:

- 1) The following nominations be recommended to Cabinet for approval:
 1. Clase Primary School Mr Steven Avo
 2. Craigfelin Primary School Mr Rhys Aeron Jones
 3. Danygraig Primary School Mr Khandaker Wahid
 4. Penclawdd Primary School Mrs Lynwen Tregembo
 5. Pontybrenin Primary School Mrs Caroline Linda Hodson
 7. Waun Wen Primary School Mr Thadde Onkiri Isay
- 2) That the application submitted in respect of St. Illtyd's RC Primary School (6.) be deferred for further information from the applicant.

47 **LA GOVERNOR APPLICATIONS HELD ON FILE. (FOR INFORMATION).**

The School and Governor Officer provided a "For Information" report on the current list of LA Governor applications held on file.

The meeting ended at 2.07 pm

CHAIR

LA GOVERNOR VACANCIES (FOR INFORMATION ONLY)

25 FEBRUARY 2016

The list below provides members with details of the current vacancies

A.PRIMARY SCHOOL VACANCIES				
GOVERNING BODY	NO. OF VACS.	PREVIOUS GOVERNOR(S)	VACS. SINCE	COMMENTS
BISHOPSTON PRIMARY SCHOOL	1	Ms Sarah O'Connor	02.10.15	Resigned 01.10.15
CRAIGFELEN PRIMARY SCHOOL	1		19.06.14	
CWMGLAS PRIMARY SCHOOL	1	Mr John Watkins	01.04.15	Resigned 31.03.15
GLYNCOLLEN PRIMARY SCHOOL	1	Mrs Carole Wright	30.01.16	
KNELSTON PRIMARY SCHOOL	1		10.12.12	
PENCLAWDD PRIMARY SCHOOL	1		21.10.14	
PENTRE'R GRAIG PRIMARY SCHOOL	1	Cllr. Andrea Lewis	10.06.15	
PORTMEAD PRIMARY SCHOOL	1	Mr Andrew Morris	16.01.16	Resigned 15.01.16
ST ILLTYD'S RC PRIMARY SCHOOL	1	Mr Albert Foligno	05.12.15	Resigned 04.12.15
TALYCOPA PRIMARY SCHOOL	1	Mr Anthony Evans	10.02.15	

B.WELSH MEDIUM PRIMARY SCHOOL VACANCIES

GOVERNING BODY	NO. OF VACS	PREVIOUS GOVERNOR(S)	VAC.S SINCE	COMMENTS
Y.G.G. BRYNIAGO	2	Mr Ryan Morgans	15.05.13 18.12.15	Resigned 17.12.15
Y.G.G TAN Y LAN	2	Dr. Charlotte Davies New vacancy due to increase in size of governing body.	31.12.15 22.10.15	
Y.G.G TIRDEUNAW	1		09.08.15	

C.SECONDARY SCHOOL VACANCIES

GOVERNING BODY	NO. OF VACS	PREVIOUS GOVERNOR(S)	VAC.S SINCE	COMMENTS
BIRCHGROVE COMPREHENSIVE SCHOOL	1		02.09.14	
BISHOPSTON COMPREHENSIVE SCHOOL	1	Cllr Miles Thomas	06.11.15	Resigned 05.11.15
GOWERTON SCHOOL	1	Mr Ronald Thomas	01.09.15	Resigned 31.08.15

Report of the Head of Legal & Democratic Services

LA Governor Panel – 25 February 2016

EXCLUSION OF THE PUBLIC

Purpose:	To consider whether the Public should be excluded from the following items of business.	
Policy Framework:	None.	
Reason for Decision:	To comply with legislation.	
Consultation:	Legal.	
Recommendation(s):	It is recommended that:	
1)	The public be excluded from the meeting during consideration of the following item(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.	
	Item No.	Relevant Paragraphs in Schedule 12A
	6 & 7	12 & 13
Report Author:	Democratic Services	
Finance Officer:	Not Applicable	
Legal Officer:	Patrick Arran – Head of Legal & Democratic Services (Monitoring Officer)	

1. Introduction

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

2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, **Councillors** 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 & Exclusion Paragraphs

Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
12	Information relating to a particular individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. His view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
13	Information which is likely to reveal the identity of an individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. His view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <ul style="list-style-type: none"> a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts. <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
15	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.
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
16	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
	No public interest test.
17	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.
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
18	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
18c	The deliberations of a Standards Committee or of a sub committee of a Standards Committee established under the provisions of the Local Government Act 2000 in reaching any finding of a matter referred to it.

Agenda Item 6

By virtue of paragraph(s) 12, 13 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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By virtue of paragraph(s) 12, 13 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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Agenda Item 7

By virtue of paragraph(s) 12, 13 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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By virtue of paragraph(s) 12, 13 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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