

## 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 August 2016

**Time:** 2.00 pm

**Chair:** Mr Jeff Bowen

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#### Membership:

Councillors: C Anderson, U C Clay, A C S Colburn, A M Cook, V M Evans, Y V Jardine, J W Jones, H M Morris, D G Sullivan, C Thomas, L G Thomas and T M White

### AGENDA

	Page No.
<b>1 Apologies for Absence.</b>	
<b>2 Disclosures of Personal &amp; Prejudicial Interests.</b> <a href="http://www.swansea.gov.uk/DisclosuresofInterests">www.swansea.gov.uk/DisclosuresofInterests</a>	
<b>3 Minutes.</b> To approve & sign the Minutes of the previous meeting(s) as a correct record.	1 - 4
<b>4 LA Governor Vacancies. (For Information).</b>	5 - 6
<b>5 Exclusion of the Public.</b>	7 - 10
<b>6 LA Governor Applications. (For Recommendation).</b>	11 - 13
<b>7 LA Governor Applications held on file. (For Information).</b>	14

**Next Meeting:** Thursday, 22 September 2016 at 2.00 pm



**Huw Evans**  
Head of Democratic Services  
Tuesday, 16 August 2016

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Contact: Democratic Services - Tel: (01792) 636923

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE LA GOVERNOR PANEL

HELD AT COMMITTEE ROOM 5, GUILDHALL, SWANSEA ON  
THURSDAY, 28 JULY 2016 AT 2.00 PM

**PRESENT:** Mr J Lee (Vice Chair) Presided

**Councillor(s)**

C Anderson  
A M Cook  
D G Sullivan

**Councillor(s)**

A C S Colburn  
Y V Jardine  
T M White

**Councillor(s)**

D W Cole  
J W Jones

**Officer(s)**

Allison Gough  
Kathryn Thomas  
Stephanie Williams  
Allison Lowe

School Governor Officer  
Head of School Support Unit  
Principal Lawyer  
Democratic Services Officer

**Apologies for Absence**

Councillor(s): L G Thomas

66 **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 A C S Colburn – Minute No. 70 – seeking re-appointment as Governor of Oystermouth Primary School. Councillor A C S Colburn left the meeting prior to consideration of the item.

Councillor D W Cole – Minute No. 70 – one of the applicants is known to me and I am Governor of Penyrheol Primary School. Councillor D W Cole left the meeting prior to consideration of the item.

Councillor D G Sullivan – Minute No. 70 – seeking re-appointment as Governor of Llangyfelach and Pontlliw Primary Schools. Councillor D G Sullivan left the meeting prior to consideration of the item.

Councillor D G Sullivan – Minute No. 71 – As previously declared.

Councillor T Mike White – Minute No. 70 – ward colleague seeking re-appointment is known to me.

Councillor T Mike White – Minute No. 70 – seeking re appointment as Governor of Pentrehafod Comprehensive School. Councillor T M White left the meeting prior to consideration of the item.

67 **MINUTES.**

**RESOLVED** that the Minutes of the LA Governor Panel held on 16 June 2016 be approved as a correct record.

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

The School & Governor Officer provided a "For Information" report on the current list of LA Governor vacancies.

69 **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)**

70 **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:

**English Primary Schools:**

Birchgrove Primary School	- Mrs Reanne Lee	Re-appointment
Bishopston Primary School	- Cllr Keith Marsh	Re-appointment
Casllwchwr Primary School	- Mr Jeff Bowen	Re-appointment
(2 vacancies)	- Cllr Christine Richards	Re-appointment
Cila Primary School	- Mrs Angela Nash	Re-appointment
(2 vacancies)	- Cllr Paxton Hood-Williams	Re-appointment
Clwyd Primary School	- Mrs Christine Steward	Re-appointment
Crwys Primary School	- Cllr Paxton Hood-Williams	Re-appointment
Cwmglas Primary School	- Cllr Paul Lloyd	Re-appointment

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Cont'd

(2 vacancies)	-	Mr John Hague	Re-appointment
Danygraig Primary School	-	Cllr Clive Lloyd	Re-appointment
Hafod Primary School	-	Mrs Hayley Purcell	Re-appointment
(2 vacancies)	-	Cllr Beverley Hopkins	Re-appointment
Llangyfelach Primary School	-	Cllr Gareth Sullivan	Re-appointment
Mayals Primary School	-	Cllr Linda Tyler-Lloyd	Re-appointment
Oystermouth Primary School	-	Cllr Anthony Colburn	Re-appointment
Pen Y Fro Primary School	-	Cllr Jennifer Raynor	Re-appointment
Penllergaer Primary School	-	Cllr Wendy Fitzgerald	Re-appointment
Pennard Primary School	-	Cllr Lynda James	Re-appointment
Pentrechwyth Primary School	-	Alderman Mair Gibbs	Re-appointment
Pentre'r Graig Primary School	-	Mr David Titerickx	
Penyrheol Primary School	-	Mrs Sylvia Harries	
Plasmarl Primary School	-	Cllr Beverley Hopkins	Re-appointment
Pontlliw Primary School	-	Cllr Gareth Sullivan	Re-appointment
St. Helen's Primary School	-	Mr Perry Morgan	Re-appointment
St. Joseph's Primary School	-	Cllr Paulette Smith	Re-appointment
Tre Uchaf Primary School	-	Mrs Rebecca Smith	Re-appointment
Waunarlwydd Primary School	-	Mrs Ann Evans	Re-appointment
Whitestone Primary School	-	Cllr Desmond Thomas	Re-appointment
Ynystawe Primary School	-	Mr Nigel Thomas	Re-appointment
(2 vacancies)	-	Mr Michael Hedges	Re-appointment

**Welsh Primary Schools:**

YGG Bryn-y-Mor	-	Cllr Peter May	Re-appointment
YGG Bryniago	-	Mr John Miles	Re-appointment
YGG Felindre	-	Mrs Anne Gimblett	Re-appointment
YGG Llwynderw	-	Cllr Desmond Thomas	
YGG Lon Las	-	Mrs Trish Evans	Re-appointment
YGG Pontybrenin	-	Cllr Robert Smith	Re-appointment
YGG Tirdeunaw	-	Mr John James	Re-appointment

**English Secondary Schools:**

Cefn Hengoed Community School	-	Cllr Paul Lloyd	Re-appointment
Cefn Hengoed Community School	-	Cllr Mandy Evans	Re-appointment
Olchfa School	-	Cllr Jennifer Raynor	Re-appointment
Penyrheol Comprehensive School	-	Cllr Christine Richards	Re-appointment
Penyrheol Comprehensive School	-	Mr Jeff Bowen	Re-appointment
Pentrefafod Comprehensive School	-	Cllr T Mike White	Re-appointment
Pentrefafod Comprehensive School	-	Cllr Graham Thomas	Re-appointment
Pentrefafod Comprehensive School	-	Cllr Peter Black	Re-appointment
Pontarddulais	-	Cllr Wendy Fitzgerald	Re-appointment

Comprehensive School

**Welsh Medium Comprehensive Schools:**

Ysgol Gyfun Gwyr - Cllr Robert Smith Re-appointment

2) The application relating to Pontarddulais Comprehensive School in respect of Councillor L G Thomas be removed from the list.

71 **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.

Members raised a query regarding names remaining on the list to which the officer responded accordingly.

The meeting ended at 2.11 pm

**CHAIR**

## LA GOVERNOR VACANCIES (FOR INFORMATION ONLY)

**AUGUST 25 2016**

**The list below provides members with details of the current vacancies**

<b>A.PRIMARY SCHOOL VACANCIES</b>				
<b>GOVERNING BODY</b>	<b>NO. OF VACS.</b>	<b>PREVIOUS GOVERNOR(S)</b>	<b>VACS. SINCE</b>	<b>COMMENTS</b>
CLASE PRIMARY SCHOOL	1	Cllr. Gloria Tanner	08.08.16	
CLWYD PRIMARY SCHOOL	1	Mr Terrence Hennegan	31.10.16	
DUNVANT PRIMARY SCHOOL	1	Cllr. Jeff Jones	12.10.16	
GLAIS PRIMARY SCHOOL	2	Cllr. Uta Clay Mr Ken Tucker	08.08.16 31.08.16	
GORS PRIMARY SCHOOL	1	Mrs Fiona Dark	02.02.16	
GWYROSYDD PRIMARY SCHOOL	1	Mr Terence Jones	08.08.16	
KNELSTON PRIMARY SCHOOL	1	Cllr. Richard Lewis	31.08.16	
MORRISTON PRIMARY SCHOOL	1	Cllr. John Davies	31.08.16	
PORTMEAD PRIMARY SCHOOL	1	Cllr. June Burtonshaw	31.10.16	
ST HELEN'S PRIMARY SCHOOL	1	Mr Alan Lloyd	31.08.16	
ST THOMAS COMMUNITY PRIMARY SCHOOL	1	Cllr. Joe Hale	31.08.16	
TERRACE ROAD PRIMARY SCHOOL	1	Cllr. Sybil Crouch	31.10.16	
TOWNHILL PRIMARY SCHOOL	1	Mr Steven Ellis	20.06.16	
TRE UCHAF PRIMARY SCHOOL	1	Mr Clive Watters	08.09.16	
WAUNARLWYDD PRIMARY SCHOOL	2	Cllr. Andrew Jones Mr Adrian Rees	31.08.16 08.08.16	

### B.WELSH MEDIUM PRIMARY SCHOOL VACANCIES

GOVERNING BODY	NO. OF VACS	PREVIOUS GOVERNOR(S)	VAC.S SINCE	COMMENTS
Y.G.G. TIRDEUNAW	1	Mr Richard Jones	31.08.16	
Y.G.G. Y LOGIN FACH	1	Cllr Andrew Jones	08.08.16	

### C.SECONDARY SCHOOL VACANCIES

GOVERNING BODY	NO. OF VACS	PREVIOUS GOVERNOR(S)	VAC.S SINCE	COMMENTS
BIRCHGROVE COMPREHENSIVE SCHOOL	1	Cllr. Ryland Doyle	31.08.16	
BISHOP GORE COMPREHENSIVE SCHOOL	2	Mrs Claire Waller Mrs Peggy George	05.09.16 31.08.16	
CEFN HENGOED COMPREHENSIVE SCHOOL	1	Mr Philip Jones	12.10.16	
GOWERTON SCHOOL	2	Mr Robert Hart Cllr. Susan Jones	31.08.16 12.10.16	
OLCHFA SCHOOL	1	Cllr. Jeff Jones	29.10.16	
PENTREHAFOD COMPREHENSIVE SCHOOL	1	Mrs Margaret Hughes	30.09.16	
PONTARDDULAIS COMPREHENSIVE SCHOOL	2	Mr John Miles Cllr. Jane Harris	31.08.16	

### D.WELSH MEDIUM SECONDARY SCHOOL VACANCIES

GOVERNING BODY	NO. OF VACS	PREVIOUS GOVERNOR(S)	VAC.S SINCE	COMMENTS
YSGOL GYFUN BRYNTAWE	1	Cllr. Geraint Owens	01.08.16	

## Report of the Deputy Head of Legal, Democratic Services & Procurement

**LA Governor Panel – 25 August 2016**

### EXCLUSION OF THE PUBLIC

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Reason for Decision:</b>	To comply with legislation.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	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.	
	<b>Item No.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	6 & 7	12 & 13
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Tracey Meredith – Deputy Head of Legal, Democratic Services and Procurement (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

**Appendicies:** Appendix A – Public Interest Test & Exclusion Paragraphs

## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<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>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<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>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <p>a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>15</b>	<b>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</b>

	<b>Crown and employees of, or office holders under, the authority.</b>
	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.
<b>16</b>	<b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b>
	No public interest test.
<b>17</b>	<b>Information which reveals that the authority proposes:</b> <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b> <b>(b) To make an order or direction under any enactment.</b>
	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.
<b>18</b>	<b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b>
	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.
<b>18c</b>	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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# 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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