

## 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, 20 April 2017

**Time:** 2.00 pm

**Chair:** Mr Jeff Bowen

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#### Membership:

Councillors: C Anderson, U C Clay, A M Cook, V M Evans, Y V Jardine, J W Jones, H M Morris, D G Sullivan, C Thomas, C M R W D 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 - 2
<b>4 LA Governor Vacancies. (For Information).</b>	3 - 5
<b>5 Exclusion of the Public.</b>	6 - 9
<b>6 LA Governor Applications. (For Recommendation).</b>	10 - 35
<b>7 LA Governor Applications held on file. (For Information).</b>	36 - 71



**Huw Evans**  
Head of Democratic Services  
Wednesday, 12 April 2017

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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, 23 FEBRUARY 2017 AT 2.00 PM

**PRESENT:** Mr J Bowen (Chair) Presided

**Councillor(s)**

A C S Colburn  
J W Jones  
L G Thomas

**Councillor(s)**

A M Cook  
H M Morris  
T M White

**Councillor(s)**

V M Evans  
D G Sullivan

**Officer(s)**

Gemma Chapman  
Stephen Holland  
Jeremy Parkhouse

School & Governor Unit Officer  
Lawyer  
Democratic Services Officer

**Apologies for Absence**

Councillor(s): C Anderson

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

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

Councillor D G Sullivan – Minute No.113 – L A Governor applications held on file – a person that reported me to the Ombudsman is included on the retained list – personal.

109 **MINUTES:**

**RESOLVED** that the Minutes of the LA Governor Panel held on 26 January 2017, be approved as a correct record.

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

The School and Governor Unit Manager provided a 'For Information' report on the current list of LA Governor vacancies.

111 **EXCLUSION OF THE PUBLIC.**

The Committee was requested to exclude the public from the meeting during the consideration of the items of business identified in the recommendations to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exclusion paragraph of 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 Committee considered the Public Interest Test in deciding 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.

It was **RESOLVED** that the public be excluded for the following items of business.

**(CLOSED SESSION)**

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

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

**RESOLVED** that the following nominations be recommended to Cabinet for approval:

Brynhyfyd Primary School    Ms Isobel Norris

Portmead Primary School    Mr David Mackerras

Dylan Thomas Community School    Mr Adrian Rees            (Re-appointment)

Gowerton Comprehensive School    Ms Estelle Hart

YGG Llwynderw                      Mrs Junnine Thomas-Walters

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

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

**NOTED** comments of Members in relation to the selection procedure. The Chair stated that the procedure had been previously debated and the Panel had agreed the policy.

The meeting ended at 2.05 pm

**CHAIR**

## LA GOVERNOR VACANCIES (FOR INFORMATION ONLY)

L A Governor Panel – 20 April 2017

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

<b>A. English Primary School Vacancies</b>				
<b>GOVERNING BODY</b>	<b>NO. OF VACS.</b>	<b>PREVIOUS GOVERNOR(S)</b>	<b>VACS SINCE/ EXPIRING ON</b>	<b>COMMENTS</b>
Brynmill Primary School	1	Cllr Nicholas Davies	25.06.17	
Clydach Primary School	1	Cllr Paulette Smith	27.02.17	
Gendros Primary School	1	Miss Nicola Holley	25.06.17	
Glais Primary School	1	Mr Mark James	25.06.17	
Gors Primary School	2	Cllr Geraint Owens Mrs Ann Morgan	28.03.17 25.06.17	
Grange Primary School	1	Mrs Bronwen Williams	25.06.17	
Mayals Primary School	1	Mrs Margaret Collins	25.06.17	
Morryston Primary School	1	Mr John Davies	31.08.16	
Penclawdd Primary School	1	Ms Sarah McCoubrey	25.06.17	
Plasmarl Primary School	1	Ms Pamela Booker	27.03.17	
St Joseph's Cathedral Primary	1	Mr Manolo Lozano	04.10.16	
Talycopa Primary School	2		22.10.15	
Townhill Primary School	1	Mrs Joanne Martin	28.05.17	
Trallwn Primary School	1	Cllr Uta Clay	16.12.16	
Tre Uchaf Primary School	1	Mr Clive Watters	08.09.16	
Waun Wen Primary School	1	Mrs Anita Gay	27.02.17	

### B. Welsh Primary School Vacancies

GOVERNING BODY	NO. OF VACS	PREVIOUS GOVERNOR(S)	VACS SINCE/ EXPIRING ON	COMMENTS
YGG Bryniago	1	Mr Ryan Morgans	17.12.15	
YGG Llwynderw	1	Mrs Sian Jones	27.02.17	
YGG Brynymor	1	Mrs Angharad Brown	28.05.17	

### C. English Secondary School Vacancies

GOVERNING BODY	NO. OF VACS	PREVIOUS GOVERNOR(S)	VACS SINCE/ EXPIRING ON	COMMENTS
Bishop Vaughan Catholic Comprehensive	1	Mrs Margaret Buckley	01.02.17	
Birchgrove Comprehensive	1	Mr Edward Harris	25.06.17	

### D. Welsh Secondary School Vacancies

GOVERNING BODY	NO. OF VACS	PREVIOUS GOVERNOR(S)	VAC.S SINCE/ EXPIRING ON	COMMENTS
Ysgol Gyfun Bryntawe	1	Cllr Geraint Owens	31.08.16	
Ysgol Gyfun Gwyr	1	Rev Ian Morris	25.06.17	

## E. English Special School Vacancies

GOVERNING BODY	NO. OF VACS	PREVIOUS GOVERNOR(S)	VACS SINCE/ EXPRING ON	COMMENTS
Ysgol Crug Glas	1	Cllr Fiona Gordon	30.10.16	
Ysgol Pen y Bryn	1	Cllr. Paul Meara	12.10.16	

# Agenda Item 5

## Report of the Interim Head of Legal & Democratic Services

LA Governor Panel – 20 April 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 – Interim 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, Cabinet will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government

Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

### **3. Financial Implications**

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

### **4. Legal Implications**

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

**Background Papers:** None.

**Appendices:** Appendix A – Public Interest Test.



## Public Interest Test

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

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

# Agenda Item 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  
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# Agenda Item 7

By virtue of paragraph(s) 12, 13 of Schedule 12A  
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as amended by the Local Government (Access to  
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