



## 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, 28 September 2017

**Time:** 2.00 pm

**Chair:** Mr Jeff Bowen

**Membership:**

Councillors: C Anderson, J P Curtice, J A Hale, Y V Jardine, J W Jones, W G Lewis, H M Morris, S Pritchard, K M Roberts, D G Sullivan and T M White

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### AGENDA

Page No.

- |          |   |                |
|----------|---|----------------|
| <b>1</b> | <b>Apologies for Absence.</b>   |                |
| <b>2</b> | <b>Disclosures of Personal &amp; Prejudicial Interests.</b><br><a href="http://www.swansea.gov.uk/DisclosuresofInterests">www.swansea.gov.uk/DisclosuresofInterests</a> |                |
| <b>3</b> | <b>Minutes:</b><br>To approve & sign the Minutes of the previous meeting(s) as a correct record.  | <b>1 - 3</b>   |
| <b>4</b> | <b>LA Governor Vacancies. (For Information).</b>  | <b>4 - 5</b>   |
| <b>5</b> | <b>Exclusion of the Public.</b>   | <b>6 - 9</b>   |
| <b>6</b> | <b>LA Governor Applications. (For Recommendation).</b>  | <b>10 - 29</b> |
| <b>7</b> | <b>LA Governor Applications held on file. (For Information).</b>  | <b>30 - 62</b> |

**Next Meeting:** Thursday, 26 October 2017 at 2.00 pm

A handwritten signature in cursive script that reads 'Huw Evans'.

**Huw Evans**

**Head of Democratic Services**

**Wednesday, 20 September 2017**

**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, 27 JULY 2017 AT 1.30 PM

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

**Councillor(s)**

C Anderson  
J W Jones  
T M White

**Councillor(s)**

J P Curtice  
W G Lewis

**Councillor(s)**

J A Hale  
S Pritchard

**Officer(s)**

Gareth Borsden  
Gemma Chapman  
Stephanie Williams

Democratic Services Officer  
School & Governor Unit Officer  
Principal Lawyer

**Apologies for Absence**

Councillor(s): Y V Jardine, H M Morris, K M Roberts and D G Sullivan

7 **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:

Councillors

Councillor J A Hale – Agenda Item 6 (Danygraig Primary) – Personal & Prejudicial as I am the applicant and left prior to discussion.

Councillor W G Lewis – Agenda Item 6 (Waunarlwydd Primary) – Personal & Prejudicial as I am the applicant and left prior to discussion.

Officer

G Chapman – Agenda Item 6 (Terrace Road Primary) – Personal as Governor at the School.

8 **MINUTES.**

**RESOLVED** that the Minutes of the LA Governor Panel held on 22 June 2017, be approved as a correct record.

9 **LA GOVERNOR VACANCIES.**

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

10 **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)**

11 **LA GOVERNOR APPLICATIONS.**

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:

Danygraig Primary School - Cllr Joe Hale (re-appointment)

Gendros Primary School - Cllr Michael Durke

Penclawdd Primary - Mrs Susan Phillips

Pen Y Fro Primary - Cllr Louise Gibbard (subject to application form being signed)

Plasmarl Primary School - Cllr David Hopkins (re-appointment)

St David's Roman Catholic Primary - Mr Chris Law

Terrace Road Primary School - Cllr Erika Kirchner (re-appointment)

Trallwn Primary - Mrs Susan Bowen  
Cllr Yvonne Jardine (re-appointment)

Wauarlwyydd Primary School - Cllr Wendy Lewis

Gowerton Comprehensive School - Miss Kelly Small

Morrison Comprehensive School - Cllr Robert Francis-Davies (re-appointment)

Olchfa Comprehensive School - Cllr Mike Day (re-appointment)

Ysgol Gyfun Bryntawe - Mr Adrian Lauren

12 **LA GOVERNOR APPLICATIONS HELD ON FILE.**

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

The meeting ended at 1.42 pm

**CHAIR**

# Agenda Item 4

## LA GOVERNOR VACANCIES (FOR INFORMATION ONLY)

28 September 2017

The list below provides members with details of the current vacancies

### A. English Primary School Vacancies

<b>GOVERNING BODY</b>	<b>NO. OF VACS.</b>	<b>PREVIOUS GOVERNOR(S)</b>	<b>VACS SINCE/ EXPIRING ON</b>
Birchgrove Primary School	1	Mr Bob Clay	14.10.17
Blaenymaes Primary School	1	Mr Herbert Paddinson	02.11.17
Brynmill Primary School	1	Cllr Nicholas Davies	25.06.17
Clase Primary School	1	Mr Ray Welsby	06.09.17
Clydach Primary School	2	Cllr Paulette Smith Mr Ken Tucker	27.02.17 14.10.17
Craigfelen Primary School	1	Mr Adrian Warner	14.10.17
Crwys Primary School	1	Mr Phillip Place	21.09.17
Gors Primary School	1	Cllr Geraint Owens	28.03.17
Grange Primary School	1	Mr Stuart Lynch	11.08.17
Hafod Primary School	1	Mr Patrick Arran	28.10.17
Llangyfelach Primary School	1	Mrs Gwenda Phillips	10.08.17
Newton Primary School	1	Mrs Fiona Hesketh	12.09.17
Pentre'rgraig Primary School	1		
Pengelli Primary School	1	Cllr Jan Curtice	14.10.17
Penyrheol Primary School	1		
Plasmarl Primary School	1	Ms Pamela Booker	27.03.17
Pontarddulais Primary School	1	Mrs Jane Harris	14.10.17

Pontybrenin Primary School	1	Mr David Stokes	02.07.17
Talycopa Primary School	2		22.10.15
Tre Uchaf Primary School	1	Mr Clive Watters	08.09.16
Waun Wen Primary School	1	Mr Thadde Isay	09.05.17

### **B. Welsh Primary School Vacancies**

<b>GOVERNING BODY</b>	<b>NO. OF VACS</b>	<b>PREVIOUS GOVERNOR(S)</b>	<b>VACS SINCE/ EXPIRING ON</b>
YGG Bryniago	1	Mr Ryan Morgans	17.12.15
YGG Y Login Fach	1	Mr Andrew Jones	09.05.17

### **C. English Comprehensive Vacancies**

<b>GOVERNING BODY</b>	<b>NO. OF VACS</b>	<b>PREVIOUS GOVERNOR(S)</b>	<b>VACS SINCE/ EXPIRING ON</b>
Morrison Comprehensive School	1	Mrs Lisa Pike	14.10.17

# Agenda Item 5



## Report of the Head of Legal, Democratic Services & Business Intelligence

LA Governor Panel – 28 September 2017

### 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>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	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.	
	<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 – Head of Legal, Democratic Services & Business Intelligence (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><b>(a) 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  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

Document is Restricted

# 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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