



***CABINET (POLICY AND RESOURCES) SUB COMMITTEE***

***IMMEDIATELY FOLLOWING CABINET (POLICY AND RESOURCES)  
SCRUTINY SUB COMMITTEE***

***TUESDAY 24 January 2023***

***MULTI-LOCATION MEETING – COUNCIL CHAMBER PORT TALBOT  
AND MICROSOFT TEAMS***

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DURATION OF THE MEETING**

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**Part 1**

1. Appointment of Chairperson
2. Chairpersons Announcement/s
3. Declarations of Interest
4. Minutes of Previous Meeting (*Pages 3 - 6*)
5. Forward Work Programme 2022/23 (*Pages 7 - 8*)

**Matter for Decision:**

6. Miscellaneous Grant Fund Application (*Pages 9 - 14*)

**Matter for Information:**

7. Anti-Fraud Corruption Strategy (*Pages 15 - 26*)
8. Urgent Items  
Any urgent items (whether public or exempt), at the discretion of the Chairperson pursuant to Statutory Instrument 2001 No 2290 (as amended)
9. Access to Meetings - Exclusion of the Public (*Pages 27 - 32*)  
To resolve to exclude the public for the following items pursuant to Regulation 4 (3) and (5) of Statutory Instrument 2001 No. 2290 and the relevant exempt paragraphs of Part 4 of Schedule 12A to the Local Government Act 1972.

**Part 2**

**Matters for Decision:**

10. Council Tax Write Offs (Exempt under Paragraph 14)  
(*Pages 33 - 48*)
11. Glamorgan Further Education Trust Fund  
(Exempt under Paragraph 14) (*Pages 49 - 64*)
12. The Harold and Joyce Charles Trust (Exempt under Paragraph 14)  
(*Pages 65 - 80*)

**K.Jones**  
**Chief Executive**

**Civic Centre**  
**Port Talbot**

**Wednesday, 18 January 2023**

**Cabinet (Policy and Resources) Sub Committee Members:**

Councillors. S.K.Hunt, S.A.Knoyle and A.Llewelyn

**EXECUTIVE DECISION RECORD**

**15 NOVEMBER 2022**

**CABINET (POLICY AND RESOURCES) SUB COMMITTEE**

**Cabinet Members:**

Councillors: S.K.Hunt (Chairperson), S.A.Knoyle and A.Llewelyn

**Officers in Attendance:**

H.Jones, A.Hinder and T.Davies

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1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor S.K.Hunt be appointed Chairperson for the meeting.

2. **CHAIRPERSONS ANNOUNCEMENT/S**

The Chair welcomed everyone to the meeting.

3. **DECLARATIONS OF INTEREST**

No declarations of interest were received.

4. **MINUTES OF PREVIOUS MEETING**

The Minutes from the meeting of 4 October, 2022, were agreed.

5. **PUBLIC QUESTION TIME**

No questions from the public were received.

6. **COUNCIL TAX AND BUSINESS RATES - REPRESENTATIVES AT MAGISTRATE COURT PROCEEDINGS**

**Decision:**

That the revised list of people, to represent the Authority in proceedings before a Magistrate Court for the purpose of the recovery of Council Tax and Business Rates, as detailed within the circulated report, be approved.

**Reason for Decision:**

To confirm officers authorised to represent the Authority at Magistrate Court proceedings.

**Implementation of Decision:**

The decision will be implemented after the three day call in period, which ends on Saturday 19 November 2022, at 9.00am.

7. **ACCESS TO MEETINGS - EXCLUSION OF THE PUBLIC**

**Decision:**

That the public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as set out in Paragraph 14 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.

8. **WRITE OFF OF COUNCIL TAX**

Sub Committee Members noted the correct total value of Council Tax's Write Offs, as verbally amended by the Chief Finance Officer.

**Decision:**

That approval be granted to write off the amounts as detailed in the private circulated report.

**Reason for Decision:**

To enable the Council to write off irrecoverable accounts.

**Implementation of Decision:**

The decision will be implemented after the three day call in period, which ends on Saturday 19 November 2022, at 9.00am.

9. **APPLICATION FOR BUSINESS RATES HARDSHIP RELIEF**

**Decision:**

That the application for hardship relief, as detailed within the private, circulated report, be rejected.

**Reasons for Decision:**

- The long term viability of the business cannot be guaranteed.
- The community would not be adversely affected by the loss of the business.
- The business does not have a large workforce, job losses would be minimal.
- The proprietor should proactively seek alternative, more appropriate accommodation and look to end their current lease, or contact the landlord to undertake essential repairs if this is impacting on their ability to generate income.
- The proprietor should contact the Valuation Office to seek a reduction in their rateable value.

**Implementation of Decision:**

The decision will be implemented after the three day call in period, which ends on Saturday 19 November 2022, at 9.00am.

10. **SUNDRY DEBTOR WRITE OFFS**

**Decision:**

That approval be granted to write off the Sundry Debtor amounts, as detailed in the private circulated report.

**Reason for Decision:**

As the amounts due are irrecoverable.

**Implementation of Decision:**

The decision will be implemented after the three day call in period, which ends on Saturday 19 November 2022, at 9.00am.

**CHAIRPERSON**

**Executive**

**FORWARD WORK PROGRAMME**

**2022 - 2023**

**Policy and Resources Sub Committee (2pm unless otherwise stated)**

Meeting Date	Agenda Item and Type	Comments	Contact Officer
<b>8<sup>th</sup> March</b>			
	<b>Quarter 3 Performance – FOR MONITORING</b>		<b>Shaun Davies</b>

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Meeting Date	Agenda Item and Type	Comments	Contact Officer
<b>19<sup>th</sup> April</b>			





Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
CABINET (POLICY AND RESOURCES) SUB COMMITTEE**

**24 JANUARY 2023**

**REPORT OF THE CHIEF FINANCE OFFICER  
– HUW JONES**

**Matters for Decision**

**Wards Affected: Baglan**

**Miscellaneous Grant Fund Application**

**Purpose of the Report:**

1. To seek Member approval in relation to grant application received at Appendix 1 attached.

**Background and Financial Impacts**

2. The Council has a Miscellaneous Grants Scheme to support individual applications for grants in line with the criteria set out below:-

## **Existing Policy Statement**

- a) Each application will be considered on its merits.
- b) The Committee will only approve applications for financial assistance from voluntary or charitable organisations which are manifestly committed to voluntary endeavours of a local nature. This will not preclude the consideration of applications where the disposal of funds is outside the area but still provides significant benefits for the people from the Neath Port Talbot area.
- c) No applications will be considered from religious bodies except relating to church halls and other premises where there is significant community use of the property for non-religious activities.
- d) No applications will be considered from other public funded bodies such as community councils, hospital trusts, etc. or where the benefit may be in lieu of their contributions such as appeals for hospital equipment.
- e) Applications from individuals may be considered where both the person and the community derive a benefit.
- f) No grants will be made to any individual or organisation whose prime purpose is to distribute their funds to other charitable bodies.

## **Integrated Impact Assessment**

- 3. There are no impacts in respect of the obligations to the Council under the Equality Act 2010, the Welsh Language Standards (No 1) Regulations 2015, the Environment (Wales) Act 2016 and support via this grant provides generally a positive impact in respect of the Wellbeing and Future Generations (Wales) Act 2015.

### **Valleys Communities Impacts**

4. Applications for grant are available to voluntary and charitable organisations across the county borough.

### **Workforce Impacts**

5. There are no workforce impacts.

### **Legal Impacts**

6. Grants are provided in line with the approved scheme criteria.

### **Risk Management Impacts**

7. All grant applications are considered on their own merit and in line with the approved scheme criteria.

### **Consultation**

8. There is no requirement for external consultation on this item.

### **Recommendation**

9. It is recommended that Members approve the application set out in Appendix 1 to this report.

### **Reason for Proposed Decision**

10. To decide on the amount of financial support in respect of the grant application received.

### **Implementation of Decision**

11. The decision is proposed for implementation after the three day call in period

## **Appendices**

12. Appendix 1 – Schedule of grant application.

## **List of Background Papers**

13. Grant Application

## **Officer Contact**

Mr. Huw Jones – Chief Finance Officer

Email: [h.jones@npt.gov.uk](mailto:h.jones@npt.gov.uk)

**SCHEDULE OF GRANT APPLICATIONS**

<b>Applicant</b>	<b>Purpose</b>	<b>Amount Request/Cost of "Project"</b>	<b>Previous Support</b>	<b>Comments</b>
Jones Community CIC	The Trustees of Jones Community CIC have applied for grant assistance in relation to the lease of Playing Fields and Recreational Areas at Evans Bevan Playing Field, Baglan Port Talbot Cross for use as a Community Centre (Cross Community Centre)	Grant towards the cost of rent of £9,845 pa which is increasing from £8,950 pa	P&R board 19/02/2015 approved 100% grant assistance in the amount of £8,950 pa	Proposed that a grant of £9,350 per annum be offered which is the equivalent of c95% of the new rent.

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Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **CABINET (POLICY AND RESOURCES) SUB-COMMITTEE**

**24 January 2023**

#### **Report of the Chief Finance Officer – Huw Jones**

#### **Matters for Information**

**Wards Affected:** All Wards

#### **Revised Anti-Fraud & Corruption Strategy**

##### **1. Purpose of the Report**

The purpose of this report is to provide members with a copy of the revised Anti-Fraud & Corruption Strategy.

##### **2. Executive Summary**

Neath Port Talbot County Borough Council (the Council) has a zero tolerance approach to fraud and corruption. This policy outlines how the Council delivers an effective approach to managing the risk of fraud and corruption. The Council is committed to maintaining the highest ethical standards.

The revised Anti-Fraud & Corruption Strategy is attached to this report as appendix 1.

##### **3. Background**

The Council has a diverse workforce of approximately 6,300 staff and spends circa £450m per annum. The Council provides a wide range of services to its citizens both in-house and by commissioning services via public, private and third sector organisations.

In administering its responsibilities in relation to fraud, bribery and corruption whether from external parties or internally the Council is committed to an effective Anti-Fraud and Corruption strategy. This strategy is an important tool in ensuring that both members and staff are aware of their responsibility when it comes to tackling fraud and corruption. It also provides a clear pathway for members, staff and members of the public to report any suspicions of fraudulent or corrupt practices.

#### **4. Financial Impacts**

No implications.

#### **5. Integrated Impact Assessment**

There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring/information purposes.

#### **6. Valley Communities Impacts**

No implications.

#### **7. Workforce Impacts**

No implications.

#### **8. Legal Impacts**

No implications.

#### **9. Risk Management Impacts**

This revised strategy will enhance the risk management arrangements currently in place.

#### **10. Consultation**

There is no requirement for external consultation on this item.

#### **11. Recommendation**

That members note the content of the revised Anti-Fraud & Corruption Strategy.

#### **12. Appendices**

Appendix 1 – Anti-Fraud & Corruption Strategy



**Officer Contact:**

Huw Jones  
Chief Finance Officer  
[h.jones@npt.gov.uk](mailto:h.jones@npt.gov.uk)  
01639 763575

Anne-Marie O'Donnell  
Audit Manager  
[am.odonnell@npt.gov.uk](mailto:am.odonnell@npt.gov.uk)  
01639 763628



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

# ANTI-FRAUD/CORRUPTION STRATEGY

## 2022 - 2025

Version Control		Review Date
V1	Dec 2022	Nov 2025

## Foreword

Neath Port Talbot County Borough Council has a zero tolerance to fraud and is committed to the highest standards of financial probity. We take our duty to protect the public funds we administer very seriously.

The Council administers significant public funds and is sometimes targeted by persons wishing to defraud the public purse. This policy provides a clear framework for the Council to investigate suspected fraud thoroughly, to prosecute wherever the evidence supports such action and seek recovery of defrauded monies through all possible legal means. This policy also applies to the Bribery Act 2010.

Preventing fraud is a whole council responsibility. Every Elected Member and every employee are expected to familiarise themselves with this policy and report promptly any suspicions of fraudulent activity.



Stephen K Hunt  
Leader NPTCBC



Karen Jones  
Chief Executive

## **1. POLICY STATEMENT**

- 1.1 Neath Port Talbot County Borough Council (the Council) has a zero tolerance approach to fraud and corruption. This policy outlines how the Council delivers an effective approach to managing the risk of fraud and corruption. The Council is committed to maintaining the highest ethical standards.
- 1.2 The Council is committed to preventing, detecting and investigating all forms of fraud and corruption attempted on it externally or from within.
- 1.4 The Council will support prosecutions or apply other appropriate sanctions to those who attempt to commit acts of fraud or corruption.

## **2. INTRODUCTION**

- 2.1 The Council has a diverse workforce of approximately 6,300 staff and spends circa £450m per annum. The Council provides a wide range of services to its citizens both in-house and by commissioning services via public, private and third sector organisations.
- 2.2 The Council's expectation on propriety and accountability is that members and all employees will lead by example and at all times will act with integrity and adhere to all relevant legislation, policies and procedures. All members and employees are expected to comply with their relevant code of conduct. In all its dealings the Council will act in accordance with the Nolan Principles of Standards in Public Life namely objectivity, openness, leadership, accountability, honesty, selflessness and integrity.
- 2.3 The Council also expects that all individuals and organisations that it deals with will act towards the Council with integrity and without thoughts or actions involving fraud or corruption.
- 2.4 In administering its responsibilities in relation to fraud, bribery and corruption whether from external parties or internally the Council is committed to an effective Anti-Fraud and Corruption strategy. This policy is designed to encourage prevention, promote detection and identify a clear pathway for investigation.

- 2.5 By virtue of the size and the diverse nature of the services provided the Council, it is at an ongoing risk of fraud and corruption. To mitigate the risk of fraud and corruption the Council is continuously improving processes with the aim of preventing and detecting fraud and corruption; minimising losses due to fraud and corruption and embedding the management of all risks including fraud across the organisation.
- 2.6 The Council's Anti-Fraud and Corruption Policy is based on a series of comprehensive procedures designed to frustrate any attempted fraudulent activity or corrupt act. These cover
- Culture
  - Prevention
  - Detection and Investigation
  - Training
- 2.7 This policy should be read in conjunction with the Council's Whistleblowing Policy and its Anti-Money Laundering and Bribery Policy.

### **3. Roles & Responsibilities**

- 3.1 This policy applies to all members, employees, contractors, consultants, suppliers, service users and partners.
- 3.2 Key roles and responsibilities are as follows:
- Chief Executive - ultimately responsible for the effectiveness of the Council's arrangements for countering fraud and corruption.
  - Monitoring Officer - to advise members and employees on ethical issues, standards and powers to ensure that the Council operates within the law and statutory Codes of Practice.
  - Chief Finance Officer (section 151 Officer) – ensure proper arrangements are made for the Council's financial affairs; to maintain an adequately resourced internal audit team and to ensure there is an appropriate anti-fraud strategy in place.
  - Chief Officers – to manage the risk of fraud and corruption and to promote the development of strong -internal controls within their

service areas. To set the tone and embed a culture of high standards and integrity.

- All employees - have the right and a duty to report any suspicions of fraud or corruption.
- Members - to be aware of the possibility of fraud and corruption and to report any concerns.
- Internal Audit - to investigate and report, in line with agreed procedures, all allegations of fraud and corruption.
- Governance & Audit Committee – review and monitor policies in relation to fraud and corruption and to review reports relating to fraud and corruption produced by internal audit and the Council’s external auditors.
- Standards Committee – consider and recommend procedures in respect of the Anti-Fraud & Corruption Strategy and whistleblowing regime.
- Contractors, consultants, suppliers, service users and partners – to be open to the possibility of fraud and corruption within their organisation or against the Council and report any concerns.

#### 4. Definitions

- Fraud - for the purpose of this policy fraud refers to where an individual has undertaken or intends to undertake, actions in order to obtain gain for themselves or another or cause loss to another.
- Corruption - for the purpose of this policy corruption refers to the offering or acceptance of inducements designed to influence decisions. Inducements take many forms and may include cash, hospitality, holidays etc.
- Theft - “A person shall be guilty of theft if he/she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it” (Theft Act 1968)

## 5. **Culture**

- 5.1 The Council is determined that the culture and tone of the organisation is one of honesty and zero tolerance of fraud, corruption or any form of malpractice. The Council is committed to carrying out of its dealings in line with the Nolan Principles of Standards in Public Life namely objectivity, openness, leadership, accountability, honesty, selflessness and integrity. High ethical standards should be adhered to and be demonstrated in the Council's actions and decisions.
- 5.2 The Council's commitment to highest standards of corporate governance is supported by a strong framework including its Constitution, Members' Code of Conduct, Employee Code of Conduct, Whistleblowing Policy, Anti Money Laundering Policy, Contract Procedure Rules and Financial Regulations.
- 5.3 The Council expects all members and employees to lead by example and to adhere at all times to their respective codes of conduct; policies and procedures of the Council and to act with integrity in all their dealings.
- 5.4 The Council's employees are an important element in its stance against fraud and corruption and they are positively encouraged to raise any concerns that they may have.
- 5.5 The Accounts and Audit (Wales) Regulations 2014 require every local authority to maintain an adequate and effective Internal Audit Service.
- 5.6 One of the roles of Internal Audit is to promote anti-fraud and corruption best practice and to review the adequacy and effectiveness of internal controls to prevent and detect fraud. Within this Council Internal Audit has a clear mandate to investigate all potential cases of fraud and corruption and this is specified in the Financial Procedure Rules (4.7.14) and the Internal Audit Charter as approved by the Governance & Audit Committee.
- 5.7 Reporting of concerns by employees can be done in the knowledge that such concerns will be treated in confidence and properly investigated by appropriately trained and experienced staff. Any concerns should be raised with the Audit Manager directly using the following email address [fraudreferrals@npt.gov.uk](mailto:fraudreferrals@npt.gov.uk) or alternatively via the Authority's

Whistleblowing Policy. All referrals will be investigated fully whether the employee reporting them makes themselves known or wishes to remain anonymous. It should be noted however that the most effective investigations are those where the person reporting the concerns does not seek anonymity and fully engages in the process.

- 5.8 Members of the public are also encouraged to report concerns and can do so via our complaints procedure or via the [fraudreferrals@npt.gov.uk](mailto:fraudreferrals@npt.gov.uk) email address which can be found on our website.
- 5.9 The Council also participates in the biannual Cabinet Office National Fraud Initiative.

## **6. Prevention**

- 6.1 It is always preferable to prevent any potential frauds or acts of corruption at the earliest stage and the Council recognises that a key preventative measure is to take effective steps when recruiting staff. To this end the Council has in place a robust Safe Recruitment Policy which requires prospective employees to provide proof of identity, a full employment history and proof of qualifications held. In addition to these checks written references are also obtained prior to any offer of employment being made.
- 6.2 Employees are required to comply with the Employee Code of Conduct and senior staff are required on an annual basis to complete a register of interests, declare any gifts or hospitality offered regardless of whether they were accepted or not and to declare any secondary employment. This requirement is audited annually.
- 6.3 Managers at all levels with the Council have a responsibility for the prevention and detection of fraud within their service areas and the wider Council in general. They should ensure that there are robust internal system controls operating within their service areas and that their staff are made aware of and comply with all Council policies and procedures.
- 6.4 The annual risk based internal audit plan reviews the internal controls operating across the Council and internal audit staff are available to provide assistance at any time and in particular when new systems are



being designed. It is envisaged that involvement by internal audit at the earliest stage possible will help ensure that controls are designed which help prevent fraud.

## **7. Detection and Investigation**

- 7.1 In many cases it is the diligence of staff and the engagement of the public which detect acts of fraud or corruption. Fraud may also be detected by auditors during routine audits, pro-active fraud work and participation in the National Fraud Initiative.
- 7.2 Despite the best efforts of managers and auditors many frauds and instances of corruption are discovered by chance.
- 7.3 Regardless of how any potential fraud or corruption is brought to the attention of Internal Audit each case will be assessed on its individual circumstances and the subsequent investigation tailored accordingly.
- 7.4 Internal Audit staff will when it is appropriate to do so liaise with Chief Officers, managers and external agencies when investigating any suspected fraud or corruption.
- 7.5 Each investigation undertaken will result in a formal report being issued detailing the allegations, findings and recommendations.
- 7.6 The Council's disciplinary procedures will be used where the outcome of any investigation proves improper behaviours.
- 7.7 If it is appropriate to do so South Wales Police will be involved in investigations (taking primacy where appropriate) and the Council will normally expect the police to undertake any prosecutions where there is sufficient evidence to do so.

## **8. Training**

- 8.1 The Council recognises that the success of its Anti-Fraud and Corruption Policy and its general credibility will depend largely on the effectiveness of programmed training and the responsiveness of employees throughout the organisation.

- 8.2 To facilitate this the Council supports a programme of induction training for all new staff to ensure that their responsibilities and duties in respect of fraud are highlighted.
- 8.3 It is the responsibility of managers in areas where the potential for fraud or corruption is more likely to ensure that they make their staff aware of the potential for fraud and corruption and regularly remind their staff of the need for vigilance.
- 8.4 By virtue of their role Internal Audit staff will receive specific training to enable them to fulfil their obligations in respect of fraud prevention, detection and investigation.

## **9. Conclusion**

- 9.1 The Council has in place a clear network of systems and procedures in place to assist in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity which may affect its operations.
- 9.2 To this end, the Council maintains a continuous overview of such arrangements via the Chief Finance Officer (section 151 officer), the Constitution (including financial procedure rules), various codes of conduct and its internal audit arrangements.
- 9.3 This policy will be subject to review in 2025.



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **Report of the Head of Legal and Democratic Services**

### **Cabinet (Policy and Resources) Sub Committee**

#### **ACCESS TO MEETINGS/EXCLUSION OF THE PUBLIC**

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.
<b>Item (s):</b>	10 - Council Tax Write Offs 11 - Glamorgan Further Education Trust Fund 12 - The Harold and Joyce Charles Trust
<b>Recommendation(s):</b>	That 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>Relevant Paragraph(s):</b>	Exempt Paragraph 14 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

#### **1. Purpose of Report**

To enable Members to consider whether the public should be excluded from the meeting in relation to the item(s) listed above.

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.

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**

In order to comply with the above mentioned legislation, Members 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.

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.

The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in Appendix A.

Where paragraph 16 of the Schedule 12A applies there is no public interest test. Members 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**

Not applicable

**4. Integrated Impact Assessment**

Not applicable

**5. Valleys Communities Impact**

Not applicable

**6. Workforce Impact**

Not applicable.

**7. Legal Implications**

The legislative provisions are set out in the report.

Members must consider with regard to each item of business the following matters.

- (a) 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.

and either

- (b) 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 in maintaining the

exemption outweighs the public interest in disclosing the information; or

- (c) if the information falls within the 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 by must consider whether they wish to waive their privilege in relation to that item for any reason.

**8. Risk Management**

To allow Members to consider risk associated with exempt information.

**9. Recommendation(s)**

As detailed at the start of the report.

**10. Reason for Proposed Decision(s):**

To ensure that all items are considered in the appropriate manner.

**11. Implementation of Decision(s):**

The decision(s) will be implemented immediately.

**12. List of Background Papers:**

Schedule 12A of the Local Government Act 1972

**13. Appendices:**

Appendix A – List of Exemptions

## Appendix A

<b>NO</b>	<b>Relevant Paragraphs in Schedule 12A</b>
<b>12</b>	Information relating to a particular individual
<b>13</b>	Information which is likely to reveal the identity of an individual
<b>14</b>	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
<b>15</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>16</b>	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
<b>17</b>	Information which reveals that the authority proposes: <ul style="list-style-type: none"> <li>• To give under any enactment a notice under or by virtue of which requirements are imposed on a person, or</li> <li>• To make an order or direction under any enactment.</li> </ul>
<b>18</b>	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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By virtue of paragraph(s) 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

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