



***ENVIRONMENT, REGENERATION AND  
STREETSCENE SERVICES SCRUTINY COMMITTEE***

***10.00 AM FRIDAY, 22 JULY 2022***

***MULTI-LOCATION MEETING - COUNCIL CHAMBER, PORT TALBOT  
& MICROSOFT TEAMS***

**All mobile telephones to be switched to silent for the duration of the meeting**

This meeting will be recorded for broadcast via the Council's Internet Site. By participating you are consenting to being filmed and the possible use of those images and sound recordings for training purposes.

1. Chair's Announcements
2. Declarations of Interest
3. Pre-Decision Scrutiny  
To select appropriate items from the Cabinet Board agenda for Pre-Decision Scrutiny (Cabinet Board reports included for Scrutiny Members)
4. Urgent Items  
Any urgent items (whether public or exempt) at the discretion of the Chairperson pursuant to Section 100B (4) (b) of the Local Government Act 1972.
5. Access to Meetings  
Access to Meetings to resolve to exclude the public for the following item(s) pursuant to Section 100A(4) and (5) of the Local Government Act 1972 and the relevant exempt paragraphs of Part 4 of Schedule 12A to the above Act.

## **PART 2**

6. Pre-Decision Scrutiny of Private Item/s  
To select appropriate private items from the Cabinet Board agenda for Pre-Decision Scrutiny (Cabinet Board reports enclosed for Scrutiny Members).

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

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

**14 July 2022**

### **Committee Membership:**

**Chairperson:**      **Councillor S.Pursey**

**Vice**                      **Councillor T.Bowen**  
**Chairperson:**

**Councillors:**      W.Carpenter, A.Dacey, R.Davies, N.Goldup-  
John, C.James, S.Lynch, K.Morris, S.M.Penry,  
S.Rahaman and L.Williams

### **Notes:**

- (1) If Committee Members or non-Committee Members wish to have relevant items put on the agenda for future meetings, then please notify the Chief Executive/Chair eight days before the meeting.*
- (2) If non-Committee Members wish to attend for an item of interest, then prior notification needs to be given (by 12.00 noon on the day before the meeting). Non-Committee Members may speak but not vote, or move or second any motion.*
- (3) For pre scrutiny arrangements, the Chair will normally recommend forthcoming executive items for discussion/challenge. It is also open*

*to Committee Members to request items to be raised - though Members are asked to be selective here in regard to important issues.*

- (4) The relevant Cabinet Board Members will also be invited to be present at the meeting for Scrutiny/ Consultation purposes.*
- (5) Would the Scrutiny Committee Members please bring the Cabinet Board papers with them to the meeting.*

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Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

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

### **Environment, Regeneration and Streetscene Services Cabinet Board – Friday 22 July 2022**

#### **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>	Agenda item 15 - Proposed Release of a Restrictive Covenant and Disposal of Adjoining Land
<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>	14

#### **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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