



Exempt Minutes

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

This policy and procedure is to protect the Council from breaches in confidentiality when decision-making. The aims of the policy are :-

- To preserve confidentiality of debate and decisions taken in private (exempt) session, the subject of which must have met at least one of the categories set out in the Access to Information Procedure Rules at Part 4 of the Council's Constitution (Local Government Act 1972 (as amended) Schedule 12A) - Appendix A
- To ensure that the exemption outweighs the public interest in disclosing the information
- To support transparency and accountability in releasing decisions that after a period of time, are no longer confidential and are in the public interest to be released into the public domain
- By regular review of exempt decisions, to encourage positive public perception in the decision-making process

Exempt minutes are to be treated in the same way as an exempt report and are not available to the public.

In the case of Council business which is conducted in private (exempt) session, an exempt minute will be produced to reflect the full debate and decision(s) made.

Exempt Minutes Procedure

1. An exempt minute(s) will be contained in a separate document to the open minutes and be stored in the 'Exempt' Folder under 'Exempt Minutes' for the relevant Committee, named by the meeting date and name with the extra word indicating exempt eg. 070212 CSA Minutes - Exempt

2. An exempt minute will be headed in the same way as the open minute and with the same minute number as the corresponding open minute eg.

- C25 – WATERFIELD LEISURE POOL

3. The format of the exempt minute(s) document will be as set out in Appendix B and include the words 'Exempt Minute' at the top, Committee name, date and the exempt minute. Page numbers are to be included if the minute goes beyond 1 page. It is not necessary to include the Members present or any other detail as this can be referenced in the open minutes.

4. If there are more than 1 exempt minutes at a meeting, these are to be included in the same document using the relevant minute number from the open minutes.

5. An exempt minute is to be printed on green paper and circulated with the minutes of the meeting to which it refers.

6. Circulation will be restricted to all Members and those in accordance with established procedures.

7. If at a meeting, a Member wishes to raise any matter contained in an exempt minute, this would take place in exempt session following a vote to exclude the public from the meeting. This would usually take place near the end of the meeting, at the completion of the other business on the agenda.

8. There is a separate Exempt Minute Book for the Chairman to sign exempt minutes at the same time as signing the annual Minute Book.

9. Exempt minutes are reviewed twice per year by the Monitoring Officer to enable release of any minutes that no longer meet their exemption category.

10. When an exempt minute is released into the public domain, the exempt minute document is added to the relevant Committee date's web page directly underneath the open minutes for that meeting. The document is to be labelled by the minute name eg.

- Exempt Minute C25 – Waterfield Leisure Pool

11. Once the website has been updated, an email is to be sent to all Councillors, Management Team and the local press containing the weblink to the relevant Committee web page indicating that the full minute is now available.

APPENDIX A

Meaning of exempt information

Exempt information means information falling within the following 10 categories (subject to any condition).

Category	Condition
1. Information relating to any individual.	Public interest test.
2. Information which is likely to reveal the identity of an individual.	Public interest test.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Public interest test. Information is not exempt if it is required to be registered under: (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965-1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993
4. 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.	Public interest test.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Public interest test.
6. Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Public interest test. Public interest test.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public interest test.
7A Information which is subject to any obligation of confidentiality.	Relates only to a Standards Committee local hearing.

<p>7B Information which relates in any way to matters concerning national security.</p>	<p>Relates only to a Standards Committee local hearing.</p>
<p>7C Information presented to a standards committee, or to a sub committee of standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under Section 58(1)(C) of the Local Government Act 2000.</p>	<p>Relates only to a Standards Committee local hearing.</p>

Information falling within any of the categories above is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

EXEMPT MINUTE



COMMUNITY AND SOCIAL AFFAIRS COMMITTEE

21 SEPTEMBER 2011

C25. WATERFIELD LEISURE POOL

The Head of Communities and Neighbourhoods submitted a report (copies of which had previously been circulated to Members) which

Include Member comments and debate

RESOLVED that

(1) ...

(2) ...

(3)

Etc.