



Date: 16 August 2021  
Our ref: General Purposes Committee/Agenda  
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## GENERAL PURPOSES COMMITTEE

25 AUGUST 2021

A meeting of the General Purposes Committee will be held at **1.00 pm on Wednesday, 25 August 2021** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Ashbee (Chair); Councillors: Albon, R Bayford, Dexter, Everitt, Ovenden, Rev. S Piper, Rawf, D Saunders, M Saunders, Wing and Wright

## A G E N D A

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)  
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **GRIEVANCE POLICY FOR STATUTORY OFFICERS** (Pages 5 - 16)
4. **UPDATE ON COSTS OF GRIEVANCE AND DISCIPLINARY PROCEDURES** (Pages 17 - 18)
5. **EXCLUSION OF PUBLIC AND PRESS** (Pages 19 - 22)
6. **MINUTES OF PREVIOUS MEETING** (Pages 23 - 32)  
To approve the Minutes of the meeting of the General Purposes Committee held on 22 April 2021, copy attached.
7. **REPORT TO GENERAL PURPOSES COMMITTEE** (Pages 33 - 40)

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### **Do I have a Disclosable Pecuniary Interest and if so what action should I take?**

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

### **Do I have a significant interest and if so what action should I take?**

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or  
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992



If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

### **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

### **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

## Grievance Policy for Statutory Officers

<b>General Purposes Committee</b>	25 August 2021
<b>Report Author</b>	Estelle Culligan (Director of Law and Democracy)
<b>Portfolio Holder</b>	Cllr Ash Ashbee, Leader of the Council
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Previously Considered by</b>	General Purposes Committee 30/9/20

### Executive Summary:

A report to adopt a new Grievance Policy for Statutory Officers based on the model Grievance Policy produced by the Joint Negotiating Committee (JNC) for Chief Executives.

### Recommendation(s):

1. To adopt the Grievance Policy for Statutory Officers;
2. To recommend to Council that it appoints the relevant Grievance and Grievance Appeal Committees.

### Corporate Implications

#### Financial and Value for Money

There are no financial implications arising directly from this report.

#### Legal

The Legal implications are set out in the body of this report.

#### Corporate

Adoption of this Policy gives clarity to all parties in the event of a grievance involving statutory officers who are often the most senior officers in the organisation. Having a clear policy and appropriate procedures also provides better protection to the Statutory Officers.

#### Equality Act 2010 & Public Sector Equality Duty

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

Adoption of the Policy promotes and protects equality among senior and other officers in terms of management of grievances by putting in place clear procedures for managing such grievances.

## 1.0 Introduction and Background

- 1.1 On 30 September 2020, the Monitoring Officer presented a report for information to the General Purposes Committee outlining the proposed Policy on Grievances for Statutory officers (“the Policy”), link to minutes below:

<https://democracy.thanet.gov.uk/ieListDocuments.aspx?CIId=327&MIId=5751>

- 1.2 The Policy has been written by East Kent HR (EKHR), following a request by the General Purposes Committee for a policy to be written that closely reflects the Joint Negotiating Committee (JNC) model grievance procedures for Chief Executives.
- 1.3 In order for the Policy to apply to the relevant officers, it has been necessary to consult with them to amend their terms and conditions of employment in order to incorporate the JNC terms and conditions. This Policy will apply to those officers whose terms and conditions have been appropriately amended.

## 2.0 The Current Situation

- 2.1 The previous report suggested that the Policy would be adopted by the report author in her role as Interim Head of Shared Services. However, in light of ongoing procedures relating to grievance and disciplinary matters and the recent interim report from Grant Thornton to the Governance and Audit Committee relating to governance issues in general, it seems more appropriate to refer the final Policy to this Committee for approval and adoption on behalf of the Council.

## 3.0 Options

### 3.1 Option 1

To formally adopt the attached Grievance policy and to recommend to Council the appointment of the relevant Committees: Grievance Committee and Grievance Appeal Committee. It is proposed that the composition of the committees is as proposed in the model JNC Policy:

Grievance Committee

- 5 councillors to be appointed by the Council.
- Must be politically balanced.

- Councillors must not be members of the Investigations and Disciplinary sub-committee (IDSC) or IDSC Appeals sub-committee.
- Terms of Reference - To hear grievances raised by and against statutory officers at the formal stage, to make recommendations and to reach a conclusion.

## Grievance Appeals Committee

- 3 councillors to be appointed by the Council to include a member of the Executive
- Must be politically balanced
- Councillors must not be members of the Grievance Committee
- Councillors must not be members of the Investigations and Disciplinary sub-committee (IDSC) or IDSC Appeals sub-committee.
- Terms of Reference - To hear appeals against decisions of the Grievance Committee, to make recommendations and to reach a conclusion.

## 3.2 Option 2

To propose amendments or an alternative to the Policy. Members should be aware that the continuing lack of clear processes for dealing with grievances raised by or against Statutory Officers, causes ongoing issues for the Council which have been commented on by the external auditor.

## 4.0 Next Steps

- 4.1 If the Policy is adopted as proposed, the next step is to report the fact to Council and request Council to create and appoint the membership of the Grievance Committee and Grievance Appeals Committee.

Contact Officer: *Estelle Culligan (Director of Law and Democracy)*

Reporting to: *Madeline Homer (Chief Executive)*

## Annex List

*Annex 1: Grievance Policy for Statutory Officers*

## Corporate Consultation

**Finance:** *Matthew Sanham (Financial Services Manager)*

**Legal:** N/A

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**Grievance Policy and Procedure for Statutory Chief Officers**

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### **Background**

Local authority Chief Executives, S151 Officers and Monitoring Officers are protected under specific regulations that make distinctive provisions, compared to other employees. The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and the Local Authorities (Standing Orders) (Wales) Regulations 2006 aim to protect these roles from unwarranted political interference in their roles.

Thanet District Council has adopted, as far as is practicable, the model procedures laid down in the JNC Chief Executive Handbook and has extended these provisions to include all Statutory Chief Officers.

### **Scope**

Subject to the following officers' terms and conditions of employment incorporating the JNC terms and conditions, this policy applies to:

The Chief Executive (Head of Paid Service),  
Section 151 Officer,  
Monitoring Officer

And hereon will refer to all 3 roles collectively as 'Statutory Officer'.

The Council reserves the right to implement the procedure at any stage as set out below, taking into account the severity of the allegations against a Statutory Officer.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently unless:

- Bias is alleged in the conduct of the disciplinary meeting
- There is possible discrimination.

If this occurs then the disciplinary process may be temporarily suspended in order to deal with the grievance.

Statutory Officers may not raise a grievance against a sanction that has been given as they have the right to appeal the decision under the disciplinary procedure.

### **The Grievance Procedure**

These procedures cover the following circumstances:

- Where an employee raises a grievance against a Statutory Officer
- Where a Statutory Officer raises a grievance

### **Procedure for dealing with a grievance raised by an employee against a Statutory Officer**

An employee raising a grievance against a Statutory Officer should do so using the normal Thanet District Council Grievance policy and procedure.

However, while operating within the context of the employee's grievance procedure after the initial filtering and any attempt at informal resolution, if the matter remains unresolved, then a panel of elected members (the Grievance Committee) will hear the grievance on behalf of the employer (Formal Stage 1). It is here that the power exists to resolve a grievance against a Statutory Officer. The Grievance Committee can either uphold or dismiss the grievance. If the outcome of the Stage 1 investigation is that the grievance is not upheld, then the complainant has the right to appeal (Formal Stage 2) to a panel of elected members (the Grievance Appeal Committee).

The Grievance Committee can either uphold or dismiss the grievance.

Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

There is a statutory right for the aggrieved employee to be accompanied by a fellow worker or a trade union representative, at any meeting that deals with the grievance .

### **Initial filtering of grievances**

Where an employee raises a grievance against a Statutory Officer, The Monitoring Officer will act as 'Receiving Officer' and will undertake an initial filtering to ensure that 'allegations' against the Statutory Officer which are clearly unfounded or trivial are not taken any further, or can best be dealt with under some other procedure.

If the matter is a serious complaint against the Statutory Officer's personal behaviour such as sexual or racial harassment, the matter would potentially be one that would be appropriate for an investigation under the disciplinary procedure.

If the Monitoring Officer is the person bringing the grievance, is the subject of the Grievance or is otherwise involved or has a conflict of interest in the grievance, then either the Chief Executive, or another appropriate officer as detailed below and/or a Monitoring Officer from a neighbouring authority will be commissioned to act as the Receiving Officer.

In circumstances where the Monitoring Officer and the Chief Executive are subjects of the Grievance or are otherwise both involved, the claimant should submit their grievance to either the Deputy Monitoring Officer and/or the HR Manager (or equivalent), who will be the appropriate officer. If the case is straightforward and can be easily resolved, these individuals may act in the role of Receiving Officer as detailed throughout this procedure.

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However, in most cases, it is likely that they will be responsible for commissioning a Monitoring Officer from a neighbouring authority to act as Receiving Officer.

It may be appropriate for the Receiving Officer, whoever that is, to take advice from an external legal adviser.

A meeting will be held between the Receiving Officer and the complainant without unreasonable delay after a grievance is received. The employee should be allowed to explain the grievance and how it could be resolved. Consideration will be given to adjourning the meeting for any investigation that may be necessary.

The Receiving Officer will make one of the following decisions:

- The grievance is actually about a council service, rather than a complaint against the officer personally. In this case the Receiving Officer would refer the matter back to the aggrieved employee, or their line manager, and indicate that the matter is one that they could raise under the appropriate complaints process for the council.
- That there are other formal procedures that apply rather than the grievance procedure.
- That the grievance should not be directed at the Statutory Officer as it does not relate to a specific action of the Statutory Officer or a specific omission of the Statutory Officer and so should be directed to an intermediate manager.
- That the grievance is either frivolous or clearly unfounded. Individual grievances can be deeply held and serious consideration should be given to the merits of each individual case. A decision to classify a grievance as frivolous or unfounded will result in it not being taken any further so should not be taken lightly. A grievance could be considered to be frivolous if it appears to have been raised in bad faith because it has no reasonable prospect of success and/or it is not an issue that is reasonable to complain about. To some extent this judgement may be informed by whether the individual employee has a history of submitting frivolous or unfounded grievances. This would probably require the Receiving Officer to check whether other procedures were more apt, but that does not necessarily compromise the Receiving Officer from dealing with the case as suggested below.
- That an attempt should be made to resolve the grievance informally.
- That the matter requires further investigation.

### **Resolving grievances informally**

Where the Receiving Officer is satisfied that the grievance is neither procedurally flawed nor frivolous or clearly unfounded then there may be some value in an attempt being made to

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resolve the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated by an external mediator.

### **Resolving grievances formally**

#### **Formal Stage 1 - the grievance investigation and hearing**

##### The Grievance Investigation

Where informal attempts at resolution are considered inappropriate or have been tried and failed, then the Receiving Officer should manage the Formal Stage 1 investigation. In most cases it will be appropriate for an independent investigator to be commissioned to carry out the investigation.

If the outcome of the investigation is in favour of the complainant, a solution should be proposed, taking into account the remedy requested by the complainant and the Receiving Officer's assessment of what would be appropriate in all the circumstances.

If the Statutory Officer is unwilling to accept these proposals, the matter will be referred to the Grievance Committee for it to resolve.

If the complainant does not accept the outcome then the grievance is referred to the Grievance Committee for it to resolve.

##### The Grievance Committee hearing

The Grievance Committee will hear the case and reach its conclusion which will be one of 3:

- 1) Upholds the grievance and this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.
- 2) Upholds the grievance and also decides that it is a matter of a serious nature then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee would then have to consider whether there was a case to answer, and, if so, would commission an independent investigation under the disciplinary procedure and the matter would proceed as laid down in the Disciplinary Procedure.
- 3) The Committee dismisses the grievance

#### **Formal Stage 2 - the appeal hearing**

If the Grievance Committee finds against the complainant then that person has a right of appeal to the Grievance Appeal Committee, and the Statutory Officer should be immediately informed that this has happened.

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The Grievance Appeal Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Receiving Officer.

Where the Grievance Appeal Committee upholds the appeal, this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

Where the Grievance Appeal Committee upholds the appeal and also decides that it is a matter of a serious nature, then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee should consider commissioning an independent investigation to determine whether there was a case to answer, and if so what sanction was appropriate.

Where the Grievance Appeal Committee dismisses the appeal, then the matter would be regarded as having been concluded.

### **Procedure for dealing with grievances raised by a Statutory Officer**

Where a Statutory Officer raises a grievance, then similar principles need to apply, namely:

Informal attempts at resolution should be regarded as preferable to immediate recourse to formal procedures.

There should be two stages available to the aggrieved employee, in this case the statutory officer.

Should the Section 151 Officer or Monitoring Officer take a grievance out against the Chief Executive, or each other, then the process described in "Procedure for dealing with a grievance raised by an employee against a Statutory Officer" should be followed.

### **Procedure for dealing with grievances raised by the Chief Executive (Head of Paid Service)**

As Head of Paid Service, the Chief Executive cannot take out a grievance against another member of staff, as any cause for such concern would constitute grounds for disciplinary action and as head of the paid service the Chief Executive could initiate such action against any other employee.

A Chief Executive (Head of Paid Service) can only raise a grievance against one or more Member(s) and the Council's Monitoring Officer should act as Receiving Officer.

Where the Chief Executive raises a grievance against one or more Member(s), then this should be referred to the Receiving Officer in the first instance who should establish, through discussions with the appropriate parties, whether there is any prospect of resolving the

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matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.

In the event that informal resolution is neither appropriate nor successful, the Receiving Officer should refer the matter to the Council's Grievance Committee. If the Grievance Committee considers it appropriate, having come to its conclusions, it might refer a matter about the conduct or behaviour of an elected member to the council's Standards Committee or other appropriate arrangements.

An appeal by the Chief Executive against the outcome of the Grievance Committee's deliberations should be to the full Council.

### **Grievances raised by a Statutory Officer during disciplinary proceedings**

Where a Statutory Officer is the subject of a disciplinary / capability investigation and raises a grievance relating to the case, the Panel who decided to initiate the disciplinary proceedings will decide how to deal with the grievance.

This will depend on the facts of the case, the stage of the disciplinary procedure reached and the nature of the grievance raised. In some cases it may be appropriate to hear the grievance before continuing with the disciplinary / capability investigation. In other cases it will be appropriate to deal with the issues raised in the grievance as part of the wider disciplinary / capability investigation.

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## Update on Costs of Grievance and Disciplinary Procedures

<b>General Purposes Committee</b>	25 August 2021
<b>Report Author</b>	Estelle Culligan (Director of Law and Democracy)
<b>Portfolio Holder</b>	Cllr Ash Ashbee, Leader of the Council
<b>Status</b>	For information
<b>Classification:</b>	Unrestricted
<b>Previously Considered by</b>	Cabinet 8 June 2021

### Executive Summary:

An update report on the costs of current grievance and disciplinary procedures.

### Recommendation(s):

1. To note the report

### Corporate Implications

#### Financial and Value for Money

When Cabinet met on 8 June it was agreed that a provision in the accounts be set up to fund the financial implications associated with ongoing Disciplinary and Grievance matters. As agreed at that meeting, this report identifies additional costs incurred since then as a way of an update to GPC, it should be noted that these costs currently remain within the amounts provided within the accounts.

#### Legal

The Legal implications are set out in the body of this report.

#### Corporate

The Council faces ongoing financial and reputational risks from the continuation of these proceedings and the amount of costs incurred in dealing with them.

#### Equality Act 2010 & Public Sector Equality Duty

No implications

### 1.0 Introduction and Background

- 1.1 Cabinet received a report on 8 June 2021 setting out the costs to date and the future anticipated costs of the ongoing disciplinary and grievance investigations/procedures. The report and minutes can be found at the following link:

<https://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=151&MId=5965>

- 1.2 During the discussion, members requested that regular updates should be presented to General Purposes Committee and or IDSC about the ongoing costs of the proceedings. It is appropriate to report only to GPC as it is the overarching committee with oversight of the processes and is the appointing committee for IDSC.

## 2.0 The Current Situation

- 2.1 Since the last report (8 June), when current costs of £247,000 were reported, based on costs to early May 2021. Additional costs as follows have been incurred:

Solicitor's costs: £76,406 (Paid June, July and August)

Investigator's costs: £7,050 (Billed July)

Total: £83,456

Future anticipated costs remain unchanged.

Contact Officer: *Estelle Culligan (Director of Law and Democracy)*

Reporting to: *Madeline Homer (Chief Executive)*

### Corporate Consultation

**Finance:** *Matthew Sanham (Financial Services Manager)*

**Legal:** *N/A*

## Exclusion of Press and Public

<b>General Purposes Committee</b>	25 August 2021
<b>Report Author</b>	Committee Services Manager
<b>Portfolio Holder</b>	Cllr Ashbee, Leader of the Council
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted

### Executive Summary:

To consider whether to exclude the press and public for the consideration of agenda items 6 and 7.

### Recommendation(s):

That the public and press be excluded from the meeting for agenda items 6 and 7 as it contains exempt information as defined in Paragraphs 1, 2, 4 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

### Corporate Implications

#### Financial and Value for Money

There are no direct financial implications arising from the report.

#### Legal

As per Part 1 of Schedule 12A and Part VA of the Local Government Act 1972 (as amended).

#### Corporate

Thanet District Council will endeavour to keep the number of exempt reports it produces to a minimum in order to promote transparency.

#### Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

There are no specific equity and equality considerations that need to be addressed in this report.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- *Communities*

### **1.0 Introduction and Background**

- 1.1 Whilst the starting point for all public meetings of the Council is to admit the public and press, they may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted that confidential or exempt information would be disclosed. Under such circumstances, confidential or exempt information may be excluded from the public agenda. The public and press must be excluded from meetings if confidential information will be considered and disclosed, and such material must be excluded from the public agenda.

### **2.0 Meaning of confidential information**

- 2.1 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### **3.0 Exempt Information - discretion to exclude the public**

- 3.1 Subject to Article 6 of the Human Rights Act 1998 (right to a fair trial) 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.

### **4.0 Exempt Information**

- 4.1 The full rules are set out in Part 1 of Schedule 12A and Part VA of the Local Government Act 1972 (as Amended) and is as shown below:

## **Paragraph 1**

*Information relating to an individual.*

## **Paragraph 2**

*Information that is likely to reveal the identity of an individual.*

## **Paragraph 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. Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.*

## **Paragraph 5**

*Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

## **5.0 Reason Why Agenda Items 6 and 7 is considered to be “exempt”**

- 5.1 The report author has classified Agenda Items 6 and 7 as disclosing exempt information under Paragraphs 1, 2, 4 and 5.

## **6.0 Justification/Public Interest Test**

- 6.1 Agenda items 6 and 7 are restricted as the information contained within it is exempt under paragraphs 1, 2, 4 and 5 of Part 1 to Schedule 12A to the Local Government Act 1972 (as amended). This relates to a staffing matter. There is an expectation that in the interests of those involved and the council that these matters are not raised in public.
- 6.2 It is therefore considered that the public interest is served by the non-disclosure of the information contained within the report at agenda items 6 and 7.

## **7.0 Not Excluding the Press and Public**

- 7.1 There will be occasions when the meeting may decline to exclude the press and public from the meeting. If that occurs it does not simply mean that those members of the press and public who are present are allowed to stay for the discussion of the item(s). Declining to exclude the press and public would also mean that the press and public are allowed access to the actual report contained within the confidential part of the agenda (what Democratic Services refer to as the “pink pages”).
- 7.2 Members may wish to note that if a committee member is of the view that it is possible that the recommendation in this report may not be approved at the meeting, they should let Democratic Services know (as soon as they have read the agenda papers before the meeting); in order that spare copies are made available ready to be distributed, if necessary, at the meeting.

7.3 If the referred item is not exempted, Democratic Services would also make arrangements for the report to be retrospectively published on the Council's website.

## **8.0 Decision Making Process**

8.1 If the press and public are to be excluded for the agenda item; this Sub Committee must exercise its power to agree to the recommendation.

Contact Officer: Charles Hungwe (Senior Democratic Services Officer)

Reporting to: Nicholas Hughes, Committee Services Manager

## **Annex List**

None

## **Background Papers**

None

## **Corporate Consultation**

**Finance:** Estelle Culligan, Director of Law & Democracy and Deputy Monitoring Officer

**Legal:** Chris Blundell, Director of Finance

By virtue of paragraph(s) 1, 2, 4, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2, 3, 4, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2, 3, 4, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

# Agenda Item 7 Annex 1

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