



Agenda

Finance and Democracy Committee

Date:	Monday, 15 August 2022 at 6:00 pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Karen Buckley (Chairman)</p> <p>Councillor Vince Settle (Vice-Chairman)</p> <p>Councillors Peter Anthony, Peter Collins, Ellie Gaunt, Linda Nulty, Liz Oades, David O'Rourke, Richard Redcliffe, Elaine Silverwood, John Singleton JP, Michael Withers.</p>

Public Platform

To hear representations from members of the public in accordance with Article 15 of the Constitution.

To register to speak under Public Platform: see [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 23 June 2022 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
	DECISION ITEMS:	
4	Exclusion of the Public	3
5	EXEMPT ITEM - NOT FOR PUBLICATION Public Offices Site - Clifton Drive North, St Annes - Capital Contribution and Lease Update	EXEMPT

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF TECHNICAL SERVICES	FINANCE AND DEMOCRACY COMMITTEE	15th AUGUST 2022	4
EXCLUSION OF THE PUBLIC ITEM 5: PUBLIC OFFICES SITE - CLIFTON DRIVE NORTH, ST ANNES - CAPITAL CONTRIBUTION AND LEASE UPDATE			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

RECOMMENDATION

Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100A (4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined under paragraph 3, information relating to the financial or business affairs of any person (including the authority holding that information).

STATUTORY BACKGROUND

1. Section 100A of the Local Government Act 1972 requires all council and committee meetings to be open to the public except¹ to the extent that they are excluded by a resolution.
2. Councillors can only pass a resolution to exclude the public from a meeting during an item of business if 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.
3. The categories of information that are “exempt information” are described in schedule 12A to the act.

[PERSONAL] [FINANCIAL OR BUSINESS] [LEGALLY PRIVILEGED] INFORMATION

4. [Information relating to any individual and information which is likely to reveal the identity of an individual] [Information relating to the financial or business affairs of any particular person (including the authority holding that information)] [Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings] can be exempt information. But it is only exempt 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.

CONSIDERATION OF WHETHER TO EXCLUDE THE PUBLIC

5. Like any resolution, a resolution to exclude the public needs to be proposed and seconded. It can be debated under the normal rules for debates. If there is a debate, councillors should be careful not to disclose any of the information in the potentially exempt report during the debate.
6. In deciding whether to exclude the public, councillors will want to consider the following questions:
 - a. What is the public interest in maintaining the exemption? In other words, what damage would be done by the information in the report entering the public domain?

¹ Section 100A also requires the public to be excluded during discussion of information furnished to the council by a Government department upon terms which forbid the disclosure of the information to the public and information which is forbidden to be disclosed to the public by law or a court order.

- b. What is the public interest in disclosing the information? There is always a public interest in the openness, accountability, and transparency of public bodies, and in demonstrating proper stewardship of public funds.
- c. Does the public interest in maintaining the exemption outweigh the public interest in disclosing the information? The public can only be excluded if the answer to that question is “yes”.