



Agenda

Audit and Standards Committee

Date:	Thursday, 20 April 2023 at 5:30pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	Councillor Ellie Gaunt (Chairman) Councillor Ed Nash (Vice-Chairman) Councillors Delma Collins, Peter Collins, Brian Gill, Will Harris, Paul Hayhurst, John Singleton JP.

	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	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
	STANDARDS DECISION ITEMS:	
3	Exclusion of the Public - Item 4: Allegations of Misconduct	3 - 4
4	Allegations of Misconduct EXEMPT ITEM NOT FOR PUBLICATION	EXEMPT

Contact: Democracy – Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at

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

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEPUTY CHIEF EXECUTIVE	AUDIT AND STANDARDS COMMITTEE	20 APRIL 2023	3
EXCLUSION OF THE PUBLIC ITEM 4: ALLEGATIONS OF MISCONDUCT			

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 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined under paragraphs 1 and 2 of schedule 12A to the Local Government Act 1972, information relating to an individual(s) and information likely to reveal the identity of an individual(s).

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 INFORMATION

Information relating to any individual and information which is likely to reveal the identity of an individual 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

4. 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.
5. 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?
 - 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.

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.

- 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".