

## Bath & North East Somerset Council

MEETING:	Standards Committee
MEETING DATE:	13 <sup>th</sup> December 2012
TITLE:	Complaint about a Councillor
WARD:	ALL
<b>LIKELY TO BE TAKEN IN EXEMPT SESSION</b>	
<b>List of attachments to this report:</b> Appendix 1 – Public Interest Test Appendix 2 – Summary report on complaint	

### THE ISSUE

To ask the Committee to determine the complaint.

### RECOMMENDATION

The Committee is asked

Consider whether the press and public should be excluded and

Determine the complaint.

### FINANCIAL IMPLICATIONS

None.

<b>Contact person</b>	<i>Vernon Hitchman Monitoring Officer &amp; Divisional Director (Legal &amp; Democratic Services)</i>
<b>Background papers</b>	<i>None</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## Appendix 1

### Access to Information Arrangements

#### Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-12-014

Meeting: Standards Committee

Date: 13<sup>th</sup> December 2012

Author: Vernon Hitchman Monitoring Officer & Divisional Director (Legal & Democratic Services)

Report: Complaint concerning Councillor X

*Indicate which of the following categories the report / appendix falls in to;*

1. The report/appendix constitutes confidential information, and the meeting must therefore resolve to exclude the public.

Confidential information is defined as:

- (i) Information furnished to the Council by a Government department upon terms which forbid the disclosure of the information to the public;
- (ii) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

2. The report/appendix constitutes exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the meeting resolve to exclude the public. The paragraphs below sets out the relevant public interest issues in this case.

**Factors for withholding:**

- The report contains what are, at this stage, unproven allegations. The stage at which there is a significant public interest in openness is when a view has been taken by the Committee on whether the allegations are true or false.

**Factors for disclosure:**

- There is a general presumption in favour of openness.

**Reasons why the public interest favours withholding:**

- It is considered that the prejudice to the interests of the member the subject of the complaint were the report to be made public at this stage outweigh any benefit of openness.
- It is considered that the public interest is not served by having possible unfounded allegations entered into the public domain until such time as a body that is competent has dealt with and decided on the allegations made.