

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref:

Meeting: Standards Committee

Date: 16th December 2010

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Report / Appendix Title/s:

Monitoring Officer's Report into Complaint Concerning Councillor X

Appendix 2 of the report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemptions are set out below.

Stating the exemptions:

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

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

Factors for withholding:

- If the Committee conclude that there was no breach of the Code there is an entitlement of the Member who has been exonerated by the investigation to prohibit any publication of information about the complaint if he or she so wishes. This right is contained in Regulation 17(4) of the Standards Committee (England) Regulations 2008, an absolute right for the Member where there has been a finding of no breach to prohibit publication either of the details of the allegations against him or her and the fact that it has not been proven. In such cases, public consideration of the report containing the allegations would render redundant the power of the Member concerned to prohibit publication of the unfounded allegation made against them.
- The complainant in this case has requested anonymity as he/she feared physical harm might ensue if his/her identity was disclosed. The Referrals Sub Committee agreed to respect the complainant's request for anonymity as far as was practically possible.

Factors for disclosure:

- The Standards Board for England guidance states as follows:-

'Despite the ability of the subject Member to prohibit the publication of a notice, the decision as to whether to maintain an exemption does not always have to result in the public being excluded from a meeting. It also does not always have to result in excluding details of the complaint for the report sent out in advance of the meeting. In most cases, the public interest and transparent decision making by the Standards Committee will outweigh the subject Members interest in limiting obligation or an unproven allegation that has not yet been determined'.

Reasons why the public interest favours withholding the information:

- It is considered that the prejudice to the interests of the complainant and the member the subject of the complaint were the report to be discharged outweigh any benefit by way of openness.