

LEICESTERSHIRE POLICE AUTHORITY



Meeting **STANDARDS COMMITTEE**

Date **TUESDAY 3 MARCH 2009 AT 2.00 PM**

Report of **CHIEF EXECUTIVE**

Subject **REPORTS IN EXEMPT SESSION**

Purpose of Report

1. This report reviews the reasons why reports have been taken in exempt session in the Authority's public meetings.

Commentary

2. At its meeting on 4 February 2008 the Standards Committee decided to receive a regular report at each scheduled meeting of the reasons why reports are taken in exempt session. This provides an extra challenge to officers to justify the reasons for recommending that reports be taken outside of the public gaze and hence it enhances the transparency of the Authority's actions.
3. Reports can be taken in exempt session provided they fulfil the requirements of schedule 12A to the Local Government Act 1972. A copy of the relevant provisions of that schedule are set out at Appendix 1 to this report.
4. A table listing the meetings that have taken place in September 2008 to January 2009 with the corresponding papers taken in exempt session and the relevant reason are found at Appendix 2 to this report.

Recommendation

5. The Committee is invited to discuss the contents of this report.

Implications:

Financial: none. Legal: within the report. Diversity: none. Risk Management: none.

Background Papers: None.

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Local Government Act 1972 as amended

SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
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.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes—
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PART 2

QUALIFICATIONS: ENGLAND

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.

9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

10. Information which—

(a) falls within any of paragraphs 1 to 7 above; and

(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information 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.

PART 3

INTERPRETATION: ENGLAND

11. —(1) In Parts 1 and 2 and this Part of this Schedule—

"employee" means a person employed under a contract of service;

"financial or business affairs" includes contemplated, as well as past or current, activities;

"labour relations matter" means—

(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

"registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference in Parts 1 and 2 and this Part of this Schedule to "the authority" is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—

(a) in the case of a principal council, to any committee or sub-committee of the council; and

(b) in the case of a committee, to—

(i) any constituent principal council;

(ii) any other principal council by which appointments are made to the

committee or whose functions the committee discharges; and

(iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and

(c) in the case of a sub-committee, to—

(i) the committee, or any of the committees, of which it is a sub-committee; and

(ii) any principal council which falls within paragraph (b) above in relation to that committee.

APPENDIX 2

Leicestershire Police Authority Note of items taken in exempt session, September 2008 to January 2009

<i>Date of Meeting</i>	<i>Type of Meeting</i>	<i>Paper</i>	<i>Subject</i>	<i>Sched. 12A Para</i>	<i>Reason</i>
01sep08	Finance and General Purposes Committee	G	ACPO Car Scheme	1	How the scheme affected a particular individual and corresponding proposal to alter effect in respect of him.
25sep08	Professional Standards Committee	D	Dip sampling of complaints	7	The discussion of these cases can give rise to the disclosure of specific crime matters relating to specific individuals.
25sep08	Professional Standards Committee	E	Complaint Against ACPO Officer Update	1	Individual's details disclosed in report
30sep08	Appeals Committee	A	Appeal, Former Police Staff Member	1	Appeal against dismissal. Individual's personal details.
29oct08	Police Authority	Q	Officer Cover pending ACC appointment	1	Individual's suitability for role was under consideration
13nov08	Audit Committee	J	Outstanding Debts	3	The debts show the financial and business affairs of the Authority and those who owe the Authority money
09dec08	Finance and General Purposes Committee	M	Loughborough Police Station	3	Discussed a proposed land deal.
09dec08	Finance and General Purposes Committee	N	Lease of new units	3	A new lease, the terms of which were being approved
15dec08	Professional Standards Committee	G	Examination of Complaint files	7	The discussion of these cases can give rise to the disclosure of specific crime matters relating to specific individuals.
15dec08	Professional Standards Committee	H	Complaint against ACPO officer	1	Individual's details disclosed in report
18dec08	Appointments Committee	oral	Appointment of Independent Member	1	Committee meeting to decide who to appoint as a result of interviews

<i>Date of Meeting</i>	<i>Type of Meeting</i>	<i>Paper</i>	<i>Subject</i>	<i>Sched. 12A Para</i>	<i>Reason</i>
05jan09	Appeals Committee	A	Appeal – Former Staff Member	1	Individual's details being disclosed
23jan09	Appointments Committee	Oral report	Appointment of Independent Member	1	Committee considered next step in light of developments