

NORTH YORKSHIRE POLICE, FIRE AND CRIME PANEL

11 January 2024

Panel Arrangements

1.0 PURPOSE OF REPORT

1.1 To seek Panel's agreement to changes to its Arrangements following the transfer of police and crime commissioner functions to the Mayor in May 2024.

2.0 Each Panel is required to make Arrangements to set out its key legal functions and how it will appoint its members. The Arrangements must be formally agreed by each of the Panel's constituent authorities.

3.0 Following the election of Mayor and the subsequent transfer of police, fire and crime commissioner functions to the Mayor, the Panel's Arrangements will need to reflect the changes in accountability to the Mayor.

4.0 Appendix A provides a revised draft of the Arrangements for provisional agreement by the Panel on 11th January. This early review is required in order that each of the constituent councils can then formally agree the changes prior to early May 2024.

5.0 The Arrangements have been updated to reflect the role of Mayor and, where applicable, of Deputy Mayor in relation to the Panel's functions. In addition, to ensure that the Arrangements fully reflect the latest provisions of the host authority's (North Yorkshire Council's) Constitution, some additional provisions have been included in the draft as follows:

- a) An Appendix 1 which lists the standard Access to Information Procedure Rules of North Yorkshire Council and how these relate to public rights to information around Panel meetings; and
- b) A new section 4.36 which provides additional delegated powers to the Assistant Chief Executive (Legal and Democratic Services), in consultation with the Panel Chair, to dismiss a co-opted member in appropriate circumstances.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no significant financial implications arising from this report.

7.0 LEGAL IMPLICATIONS

7.1 There are no significant legal implications arising from this report.

8.0 EQUALITIES IMPLICATIONS

8.1 There are no significant equalities implications arising from this report.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 There are no significant climate change implications arising from this report.

10.0 RECOMMENDATIONS

- 10.1 That the Panel seeks formal agreement by North Yorkshire Council and City of York Council to its revised Arrangements.

APPENDICES:

Appendix A – Revised Panel Arrangements for adoption in May 2024.

BACKGROUND DOCUMENTS: None

Barry Khan
Assistant Chief Executive Legal and Democratic Services
County Hall
Northallerton
2 January 2024

Report Author: Diane Parsons, Principal Scrutiny Officer.

North Yorkshire Police, Fire and Crime Panel

Panel Arrangements

This Agreement is dated the XX day of XX 2024.

The Agreement is made between the following:

The Council of the City of York
The Council of North Yorkshire

In the Agreement the above constituent councils are referred to together as 'the Authorities'.

1.0 Background

- 1.1 The York and North Yorkshire Combined Authority Order 2023 provides from 7th May 2024 for the Mayor for the area of York and North Yorkshire to exercise the functions of the police, fire and crime commissioner ('the Mayor's PCC and fire and rescue functions') in relation to that area.
- 1.2 These functions include securing an efficient and effective police force and fire and rescue service for the area, producing a police and crime plan and fire and rescue plan, recruiting the Chief Constable and Chief Fire Officer and holding them to account, publishing certain information including an annual report, setting the budgets for the police and fire services and their annual Council Tax precepts. These functions also include the responsibility for co-operating with local community safety partners and criminal justice bodies.
- 1.3 The Police Reform and Social Responsibility Act 2011 ('the Act') requires the Authorities to establish and maintain a police, fire and crime panel ('the Panel') for the North Yorkshire force area. The Panel has responsibility for scrutinising the performance of the Mayor's PCC and fire and rescue functions.
- 1.4 The Act requires the Authorities to make Arrangements for the Panel ('Panel Arrangements'). These Arrangements shall be periodically reviewed by the Panel.

2.0 General Principles

- 2.1 Each Authority and each Member of the Panel must comply with the Panel Arrangements.
- 2.2 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the Mayor, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.
- 2.3 While the Panel is there to challenge the Mayor in respect of their PCC and fire and rescue functions and the Deputy Mayor for policing, fire and crime (where applicable), it must also exercise its functions with a view to supporting the effective

exercise of the PCC and fire and rescue functions of the Mayor for that force area. Section 3 outlines these functions.

- 2.4 The Panel is a joint committee of the Authorities.
- 2.5 The Authorities agree the Panel Arrangements.
- 2.6 On behalf of the constituent authorities, North Yorkshire Council is the responsible body for the effective delivery of the secretariat to the Panel. The Panel is therefore governed by the council's constitutional arrangements including the requirement to comply with the Equality Act 2010. The Panel shall conduct its business in accordance with the Procedure Rules of the host authority as set out in Appendix 1 of this document.

3.0 Functions of the Police, Fire and Crime Panel

- 3.1 The Panel may not exercise any functions other than those conferred by the Act.
- 3.2 The functions of the Panel set out at paragraphs 3.3 - 3.8 below may not be discharged by a Committee or Sub-Committee of the Panel.
- 3.3 The Panel is a statutory consultee on the development of the Mayor's Police and Crime Plan and Fire and Rescue Plan, and must:
 - a) review the draft Police and Crime Plan and Fire and Rescue Plan (and a variation to these); and,
 - b) report or make recommendations on the draft Plans, which the Mayor must take into account.
- 3.4 The Panel must comment upon the Mayor's Annual Reports for policing and fire and rescue (for the latter, this is sometimes referred to as an annual fire statement), and for that purpose must:
 - a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel is sent an Annual Report under Section 12 of the Act;
 - b) ask the Mayor at that meeting such questions about the Annual Reports as the Members of the Panel think appropriate;
 - c) review the Annual Reports; and,
 - d) make a report or recommendations on the Annual Reports to the Mayor.
- 3.5 The Panel must undertake a review of the policing and fire and rescue service precepts proposed by the Mayor in accordance with the requirements set out in Schedule 5 of the Act, and will have a right of veto in respect of the precepts in accordance with the Act and Regulations made thereunder.
- 3.6 The Panel must review, make a report to and make recommendations to the Mayor (in exercise of their PCC and fire and rescue functions) in relation to the appointment of a Chief Constable and a Chief Fire Officer by the Mayor. This is in accordance with the requirements set out in Schedule 8 of the Act and the Panel will have a right

of veto in respect of these appointments in accordance with the Act and Regulations made thereunder.

- 3.7 The right of veto in paragraphs 3.5 and 3.6 will require that at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision.
- 3.8 The Panel must review, make a report and make recommendations to the Mayor in relation to the proposed appointment of a Deputy Mayor for policing, fire and crime (where applicable) in accordance with the requirements set out in Schedule 1 of the Act.
- 3.9 The following functions must also be undertaken by the Panel but may be delegated to a Sub-Committee of the Panel:
- 3.10 The Panel shall receive notification from the Mayor of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign, and in the case of the latter must make a recommendation to the Mayor as to whether or not the Mayor should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act.
- 3.11 The Panel must review or scrutinise the decisions made or actions taken by the Mayor in the discharge of his/her PCC and fire and rescue functions, the Deputy Mayor for policing, fire and crime (where applicable) and any other person who exercises any function of the Mayor in relation to their PCC and fire and rescue functions. The Panel may make reports or recommendations to the Mayor with respect to the discharge of those duties.
- 3.12 The Panel must publish any reports or recommendations made in relation to the discharge of the Mayor's PCC and fire and rescue functions in a manner which the Panel will determine and must also send copies to the Authorities.
- 3.13 The Panel may require the Mayor, the Deputy Mayor for policing, fire and crime (where applicable), members of staff of the Mayoral Combined Authority ('the MCA') deployed wholly or partly in relation to the Mayor's PCC and fire and rescue functions or any other person who exercises any function of the Mayor in their PCC and fire and rescue functions to attend the Panel to answer questions necessary for the Panel to undertake its functions.
- 3.14 Nothing in this Rule 3.13 requires a person to give any evidence, or produce any document, which discloses advice given to:-
 - a) the Mayor in relation to their PCC or fire and rescue functions;
 - b) the Deputy Mayor for policing, fire and crime (where applicable); or
 - c) A member of the MCA who exercises any function of the Mayor pursuant to arrangements made under section 18 of the Act.
- 3.14 If the Panel requires the Mayor or Deputy Mayor for policing, fire and crime (where applicable) to attend the Panel, the Panel may (at reasonable notice) request the

Chief Constable or Chief Fire Officer to attend before the Panel on the same occasion to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.

- 3.15 The Panel may require the Mayor to respond in writing to a report or recommendation from the Panel to the Mayor.
- 3.16 The Panel may suspend the Mayor so far as acting in the exercise of PCC and fire and rescue functions if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years. Where the Mayor is suspended from the exercise of PCC and fire and rescue functions the Panel must appoint an Acting Commissioner. The Panel must appoint an Acting Commissioner from the MCA's staff deployed wholly or partly in relation to the Mayor's PCC and fire and rescue functions or the Deputy Mayor for policing, fire and crime (where applicable).
- 3.17 The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

4.0 Membership

4.1 General

- 4.2 Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective is met so far as is reasonably practicable. The Lead Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority Members of the Panel (which includes Members appointed by the Authorities and co-opted Members who are elected Members of any of the Authorities) should:
- a) represent all parts of the police force area;
 - b) represent the political make-up of the Authorities; and,
 - c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 4.3 In appointing co-opted Members who are not elected members of any of the Authorities the Panel must secure, so far as is reasonably practicable that the appointed and co-opted Members of the Panel, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 4.4 The Panel shall consist of ten Members appointed by the Authorities in accordance with the requirements of fair representation as follows:
- 4.5 Seven Members appointed by the North Yorkshire Council.
- 4.6 Three Members shall be appointed by the City of York Council.

- 4.7 The Panel shall also include up to three independent members co-opted by the Panel. There must be a minimum of two independent co-opted members on the Panel.
- 4.8 The Panel may also resolve to co-opt further Members with the agreement of the Secretary of State provided that the number of co-opted Members included in the Membership of the Panel shall not exceed 10.
- 4.9 Panel Members will not be able to appoint substitute Members in the event that they are unable to attend a meeting.

4.10 Appointed Members

- 4.11 The Authorities shall each nominate elected members to be Member of the Panel in accordance with paragraphs 4.5 and 4.6. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.
- 4.12 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the Panel from the defaulting authority in accordance with the provisions in the Act.
- 4.13 With a view to ensuring continuity of membership as far as possible, an appointed Member shall be a Member of the Panel for four years unless s/he ceases to be an elected Member, or is removed by their Authority.
- 4.14 An Authority may decide in accordance with their procedures to remove their appointed Member from the Panel at any point and on doing so shall give notice to nypfcp@northyorks.gov.uk
- 4.15 An appointed Member may resign from the Panel by giving written notice to the Lead Authority on behalf of the Panel at nypfcp@northyorks.gov.uk and to their Authority via the relevant Authority's department as deemed appropriate.
- 4.16 In the event that any appointed Member resigns from the Panel, or is removed from the Panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.
- 4.17 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

4.18 Substitute Members

- 4.19 Each constituent Authority will agree its own arrangements for the appointment of Substitutes to the Panel. The proper officer of each constituent Authority shall have authority to give effect to those nominations.

For North Yorkshire Council

- 4.20 Political groups of North Yorkshire Council may nominate some or all their Members to be substitutes for appointed Members of the Police, Fire and Crime Panel.

- 4.21 Arrangements for any substitute Member shall be made by the Member for whom the substitution is being sought or if that Member is unavailable or it is not practical for them to do so then by their political group leader by giving notice to the proper officer as soon as practicable before the meeting to which the substitution relates.

For City of York Council

- 4.22 In line with the Authority's Constitution, up to three named substitutes shall be allowed for each political Group. Independent Councillors may also be appointed to act as named substitutes for other Independent Councillors within this rule.
- 4.23 Where no named substitute is available a political group may instruct the Chief Operating Officer or the Monitoring Officer to replace for the duration of particular meeting, an existing Member with another substitute identified by the political group.
- 4.24 If a meeting which is attended by a substitute is adjourned, then the substitute will have the right to attend on the adjourned date in place of the original Member. If the substitute is unable to attend, then the original Member or another named substitute may attend.

General

- 4.25 In the event of notification not being provided/received before the start of the meeting then the substitute shall not be treated as a member of the Panel for the purposes of being able to speak or vote.
- 4.26 Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.27 Co-opted Members

- 4.28 The following may not be co-opted Members of the Panel:

- a) the Mayor for the Police/Fire and Rescue Area.
- b) a member of staff of the Mayor/Deputy Mayor for the area.
- c) a member of the civilian staff of the police force for the area.
- d) a member of staff of the fire and rescue authority for the area (MCA).
- d) a Member of Parliament.
- e) a Member of the National Assembly for Wales.
- f) a Member of the Scottish Parliament.
- g) a Member of one of the Authorities to the Panel.

- 4.29 With reference to 4.28(g), an elected member of any of the Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.
- 4.30 If the Panel has three or more co-opted Members an elected member of any of the Authorities may be a co-opted Member of the Panel provided that at least two of the other co-opted Members are not elected members of any of the Authorities.

- 4.31 A co-opted Member shall be a Member of the Panel for four years.
- 4.32 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
 - b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria; and,
 - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.
- 4.33 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Lead Authority on behalf of the Panel at nypfcp@northyorks.gov.uk
- 4.34 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted Members of the Panel to enable the balanced appointment objective to be met, or be more effectively met, and if so, it must exercise that power accordingly.
- 4.35 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted Member:
- a) if the co-opted Member has been absent from the Panel for more than three months without the consent of the Panel;
 - b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;
 - c) if the co-opted Member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel;
 - d) if the co-opted Member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.
- 4.36 Additionally, in line with the North Yorkshire Council Constitution, there is a delegated function to the Assistant Chief Executive (Legal and Democratic Services) to dismiss a co-opted member of the Panel, in appropriate circumstances as determined by the Assistant Chief Executive Legal and Democratic Services in consultation with the Panel Chair.

- 4.37 In the event that a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two independent co-opted Members remain appointed to the Panel, and in the absence of two such Members shall make arrangements to ensure that two co-opted Members are appointed.
- 4.38 Co-opted Members appointed to the Panel may be re-appointed for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

5.0 Budget and Costs of the Panel

- 5.1 The annual costs of the Panel, reduced by the figure of any grant from the Home Office or any other source, shall be borne between the Authorities on the basis of population.
- 5.2 The population shall be determined by reference to the population data (mid-year estimates) issued by the Office of National Statistics for the year in which this agreement is made, and reviewed in accordance with that data every four years.
- 5.3 A draft budget for the operation of the Panel shall be drawn up by the Lead Authority in February each year, and shall be approved by the Authorities. All costs will be contained within the budget.

6.0 Lead Authority

- 6.1 The North Yorkshire Council shall be lead authority for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions.
- 6.2 As host authority, the Council will ensure that support and guidance is provided to executive and non-executive members and officers of the Authorities in relation to the functions of the Panel as and when required.

7.0 Rules of Procedure

- 7.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to:
- a) the appointment and removal of the Chair;
 - b) the formation of sub-committees;
 - c) the making of decisions;
 - d) the arrangements for convening meetings; and,
 - e) the circulation of information.

8.0 Allowances and expenses

- 8.1 The payment of a responsibility allowance to Panel Members was considered by the Independent Remuneration Panel for North Yorkshire County Council (“the NYCC IRP”) in December 2018. In February 2019, the IRP published its recommendation that every Member of the Panel should be paid an equivalent of one unit of allowance (aligned to the NYCC allowances scheme); further that the Vice Chairs should each

receive a Special Responsibility Allowance of two units and the Chair an SRA of four units. Community Members will also receive one unit of allowance.

- 8.2 This recommendation was made by the NYCC IRP in recognition of the expanded scrutiny role of the Panel from November 2018 and to reflect the complexity and responsibility of the matters dealt with by the Panel.
- 8.3 It was subsequently agreed via the Leaders of North Yorkshire and York that each constituent authority to the Panel will consider – via its own IRP – the recommendation to pay their Member an allowance. The costs of the basic councillor allowance shall be payable by their respective Authority.
- 8.4 The Lead Authority will continue to ensure an allowance is payable to Community Members from the Home Office grant.
- 8.5 Travel and subsistence expenses incurred by Appointed Members in the course of undertaking Panel business should be claimed from the Member's constituent authority. Travel and subsistence expenses incurred by co-opted members shall be processed by the host authority under the Panel's budget.

9.0 Promotion of the Panel

- 9.1 The Panel arrangements shall be promoted by:
 - a) the establishment and maintenance of a dedicated open-access website including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
 - b) activities agreed via the Panel's communications plan and media protocol, such as press releases and social media promotion of meetings/agendas; and,
 - c) the Authorities will each include information about the Panel on their websites, and will also include a link to the Panel website.

10.0 Validity of Proceedings

- 10.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.
- 10.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

Access to Information Procedure Rules

References to “the Council” in these Rules refer to North Yorkshire Council as host authority.

1. SCOPE

- 1.1 Except where indicated these rules apply to all formal meetings of the Panel and Sub-Panels.
- 1.2 These rules also cover public rights of access to information under the Freedom of Information Act 2000, and Members’ rights of access to information.

2. ADDITIONAL RIGHTS TO INFORMATION

- 2.1 These rules do not affect any more specific rights to information contained elsewhere.

3. RIGHTS TO ATTEND MEETINGS

- 3.1 Members of the public may attend all Panel meetings subject only to the exceptions in these Rules.
- 3.2 The Panel and any Sub-Panel may by resolution exclude the press and public from a meeting (whether during the whole part or part only of the proceedings) in accordance with the Access to Information Procedure Rule 10.

4. NOTICES OF MEETING

- 4.1 The Council will give notice of the time and place of any public meetings of the Panel by posting details of the meeting at County Hall and at the venue of the meeting (if different) and on the Council’s website. At least five clear days before the meeting or, where the meeting is convened at shorter notice, at the time that the meeting is convened.
- 4.2 “Clear days” means all days the notice is available for public inspection (not including the day of the notice or the day of the meeting/decision).

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.1 The Council will make copies of the agenda, and reports which are open to the public, available for inspection at County Hall and on the Council’s website at least five clear days before the meeting. If an item is added to the agenda copies of which are open to inspection by the public, the Assistant Chief Executive Legal and Democratic Services shall make the revised agenda and the report concerning the item available to the public as soon as the report is completed and sent to Members) and subject to the report containing no confidential or exempt information as described in Rule 10.

5.2 Where a meeting is convened at shorter notice, a copy of the agenda and any associated reports to which the public have access will be available for inspection at the time the meeting is convened.

6. SUPPLY OF COPIES

6.1 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Assistant Chief Executive Legal and Democratic Services thinks fit, copies of any other documents supplied to Members in connection with an item to any person on payment of a charge for postage and any other costs.

6.2 Subject to Rule 6.3, any member of the public may, in any publicly available medium, reproduce, or provide commentary in relation to, any document supplied to that person or made available for inspection by members of the public under these Rules.

6.3 Rule 6.2 does not require or authorise the doing of any act which infringes the copyright in any work except that, where the owner of the copyright is the Council, nothing done pursuant to that paragraph constitutes an infringement of the copyright.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

7.1 Draft minutes of the Panel are only confirmed as a correct record of the decision when approved as a correct record at the next convenient meeting of the Panel.

7.2 The Council will make available for public inspection (at County Hall and on the Council's website) copies of the following for six years after a meeting:

- (a) the minutes of the meeting (or records of decisions taken, together with reasons), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

7.3 Where a request on behalf of a media organisation is made for a copy of any of the documents available for public inspection under 7.2 above, those documents must be supplied for the benefit of the organisation by the Council on payment by the organisation to the Council of postage, copying or other necessary charge for transmission.

8. BACKGROUND PAPERS

8.1 List of background papers

The Assistant Chief Executive Legal and Democratic Services will ensure that there is set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report,

but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

The Council will make available for public inspection (at County Hall and on the Council's website), both from the date from which the relevant report was made available for public inspection, and for four years after the date of the meeting, one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at County Hall, Northallerton. These Rules constitute that summary.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information (see 10.4) would be disclosed.

10.2 Exempt information – discretion to exclude public

10.2.1 The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information (see 10.5) would be disclosed.

10.2.2 The public may also be excluded under 10.1 and 10.2 for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

10.3 Meaning of confidential information

10.3.1 Confidential information means information given by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information

10.4.1 Exempt information means information falling within the following 7 categories

(subject to any qualifications). Please note that even if the information falls within a category of exempt information, a public interest test re disclosure or exemption must still be applied.

1. Information relating to any individual	Information is 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
2. Information which is likely to reveal the identity of an individual	Information is 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
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is 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 Information is not exempt if it must be registered under various statutes, such as the Companies Act 1985 or the Charities Act 1993. “Financial or business affairs” includes contemplated, as well as past or current, activities
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 officer-holders under the authority.	Information is 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 “Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is 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
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	Information is 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
7. Information relating to any action taken or to be taken in connection with the	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption

prevention, investigation or prosecution of crime	outweighs the public interest in disclosing the information
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11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

11.1 If the Assistant Chief Executive Legal and Democratic Services thinks fit, they may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

Version Control

V 1.0 First agreed by Authorities	June 2012
Amended to reflect inclusion of FRS	4 December 2018
Update on Member Allowances	1 December 2019
Updated to reflect Home Office approval of third co-opted member.	25 January 2022
Updated following local government reorganisation and governance changes agreed by both Authorities (May 2023).	26 May 2023
Updated to reflect transition of Commissioner role to Mayor in May 2024 plus inclusion of NYC constitutional framework.	2 January 2024