

Duffield Parish Council

Notes for Councillors

Items for Exclusion

NOTE: YOU CAN IDENTIFY CONFIDENTIAL ITEMS AS THEY WILL BE MARKED IN PINK ON THE AGENDA AND IF A REPORT IT WILL BE COPIED ONTO PINK PAPER.

1 Confidential information - requirement to exclude the 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 would be disclosed.

2 Exempt information - discretion to exclude public

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 would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6. (The public may be excluded from all or part of the hearing if it is in the interest of morals; public order; justice; national security in a democratic society; or protecting young people under 18 and the private lives of anyone involved.)

3 Meaning of confidential information

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

4 Meaning of Exempt Information

The Local Government (Access to Information) (Variation) Order 2006 came into force on 1 March 2006, and substitutes the previous Schedule 12A LGA 1972 with a new Sch 12A.

Schedule 12(A) Access to Information: Descriptions of Exempt Information:

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 –
 - To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - 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.