

Cabinet

29 May 2013

Notice that an item of business (or part of an item of business) may need to be considered in private.

This notice is given in accordance with the provisions of Regulation 5(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which is required to be given at least 28 clear days before the meeting at which the item of business is to be considered.

Date of notice: 30 April 2013

Date of Cabinet meeting to which this notice relates: 29 May 2013

Item of business	Reasons why item (or part thereof) may need to be considered in private:
<p>Alternative employment procedure. To receive and note a report giving details of employees currently subject this procedure and related financial implications.</p> <p>The Alternative Employment Procedure (AEP) is a change management process within the Council designed to provide appropriate corporate assessment, support and learning interventions for those whose substantive posts are under threat. Consultation with UNISON and the affected individuals takes place. It also provides for corporate resources to be made available to assist in the search for alternative employment both inside and externally to the Council. Job descriptions and CV details, as available, are used for corporate reference and all emerging vacancies are scrutinised in efforts to identify suitable alternative work. Other reasonable support, in the form of counselling and targeted skills' improvement through coaching and training, can be sourced to maximise the chances of redeployment.</p>	<p>Exempt information reasons 1 and 2.</p> <p>Information relating to an individual or likely to reveal the identity of an individual.</p>
<p>Debt write-offs. Financial Procedure Rule 4.26 provides delegated authority to the Chief Finance Officer for the write off of irrecoverable debts below £5,000. Beyond that limit, unless particular circumstance apply (like bankruptcy, liquidation etc) the approval of Cabinet is required. The report will detail a number of cases where write-off is proposed. In all cases a number of methods of collection are attempted before the debts are recommended for write off.</p>	<p>Exempt information reason 3.</p> <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>

<p>Housing investment in Eastbourne. To consider proposals for the acquisition of land for the provision of affordable housing. The report may need to include commercially sensitive information around the possible purchase of a property. If this information was in the public domain it could fetter the Council's ability to negotiate the most advantageous price.</p>	<p>Exempt information reason 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>
<p>Wealden and Eastbourne Lifeline – future governance arrangements. The report may comprise exempt information and will therefore need to be dealt with as private business. Issues around commercial sensitivity and negotiations with staff. Although this item is listed for the meeting on 29 May 2013 it may be submitted at a later date.</p>	<p>Exempt information reasons 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information) and 4 - information relating to any consultations or negotiations in connection with any labour relations matter.</p>

Any representations that an item listed above should not be considered in private should be sent to:

By e-mail to: localdemocracy@eastbourne.gov.uk

By post/hand to: Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW (and marked for the attention of Simon Russell).

In order that representations can be considered and a response given within the "at least 5-clear days" deadline* indicated in the regulations, they should be submitted and received by no later than [day, date].

(* excludes weekends and public/bank holidays)

An extract from the Regulations is given below at **A**. The full Regulations can be viewed at <http://www.legislation.gov.uk/ukxi/2012/2089/made>

Descriptions of what constitutes confidential and exempt information is also given below at **B**.

Notice issued by Robert Cottrill ,Chief Executive, on behalf of the Cabinet,
Eastbourne Borough Council
1 Grove Road, Eastbourne
East Sussex, BN21 4TW

A. Extract from the Regulations:

Admission of the public to meetings of local authority executives and their committees
4.—(1) A meeting of a decision-making body must be open to the public except to the extent that the public are excluded under paragraph (2).

(2) The public must be excluded from a meeting during an item of business whenever—

(a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence; .

(b) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or .

(c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

(3) A resolution under paragraph (2)(b) must—

(a) identify the proceedings, or the part of the proceedings to which it applies, and .

(b) state, by reference to the descriptions in Schedule 12A to the 1972 Act (access to information: exempt information), the description of exempt information giving rise to the exclusion of the public.

(4) The public may only be excluded under sub-paragraph (a) or (b) of paragraph (2) for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

(5) Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the decision-making body is not to have the power to exclude members of the public from a meeting while it is open to the public.

(6) While the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

B. Descriptions of confidential and exempt information

Information given to the Council by a Government Department on terms which forbid its disclosure to the public, information which cannot be publicly disclosed by a Court Order and information, the disclosure of which is prohibited by an enactment are all legally defined as "Confidential Information" and must not be disclosed. All other local authority information which it is desired should not be disclosed has to be categorised under one or more of the following "Exempt Information" reasons (as given under Schedule 12A of the Local Government Act 1972) and subject to the public interest test.

Category	Condition No.
1. Information relating to any individual.	See conditions 9 and 10 below.
2. Information which is likely to reveal the identity of an individual.	See conditions 9 and 10 below.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	See conditions 8, 9, 10 and 12 below.

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.	See conditions 9, 10, 11 and 12 below.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	See conditions 9 and 10 below.
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.	See conditions 9, 10 and 12 below.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	See conditions 9 and 10 below.

Conditions

8. Information is not exempt information if it is required to be registered under:

- (a) the Companies Acts (as defined in section 2 of the Companies Act 2006);
- (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.

“Financial or business affairs” includes contemplated as well as past or current activities.

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.

11. “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.

“Employee” means a person employed under a contract of service.

12. "The authority" is a reference to the council or a committee or sub-committee of the council or a joint committee of more than one council.