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Date: 2nd October 2019

Dear Sir/Madam,

A meeting of the **Standards Committee** will be held in the **Sirhowy Room - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 9th October, 2019** at **2.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meetings and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

- | | Pages |
|---|-----------------------------------|
| 1 | To receive apologies for absence. |
| 2 | Declarations of Interest. |

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach



To approve and sign the following minutes: -

- 3 Standards Committee held on 12th February 2019. 1 - 4

To receive and consider the following report(s): -

- 4 Public Services Ombudsman for Wales - Annual Report and Annual Letter 2018/19. 5 - 16
- 5 To receive and consider the following report(s) which in the opinion of the Proper Officer may be discussed when the meeting is not open to the public and first to consider whether the public interest requires that the meeting should be closed to the public for consideration of this item(s):- 17 - 18
- 6 Complaint Made to the Public Services Ombudsman for Wales - Update on Compliance with the Recommendations. 19 - 24

Circulation:

Councillors: Mrs D. Price and Mrs M.E. Sargent

Mr P. Brunt, Mrs M. Evans, C. Finn, Mrs D. Holdroyd and Mr D. Lewis

Community Councillor Mrs G. Davies

Copy for information only to:

Councillor Mrs J. Gale

And Appropriate Officers

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STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK
ON 12TH FEBRUARY 2019 AT 10.00A.M.

PRESENT:

Mrs D. Holdroyd - Chair
D. Lewis - Vice-Chair

P. Brunt, Mrs M. Evans

Community Councillor Mrs G. Davies

Substitute – Councillor Mrs M.E. Sargent

Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), L. Lane (Corporate Solicitor and Deputy Monitoring Officer), T. Stephens (Development Control Manager), A. Jones (Complaints Officer) and E. Sullivan (Senior Committee Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors D. Price, J. Gale and C.P. Mann it was noted that Councillor Mrs M.E. Sargent was in attendance as substitute for Councillor Mann.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. MINUTES – 2ND NOVEMBER 2018

RESOLVED that the minutes of the meeting held on the 2nd November 2018 be approved as a correct record and signed by the Chair.

REPORTS OF OFFICERS

4. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER 2017/18

Consideration was given to the report which advised the Standards Committee of the Public Services Ombudsman for Wales Annual Letter 2017/18 regarding complaints received and investigated by the Public Services Ombudsman for Wales.

Members were advised that the annual letter sets out a clear and concise breakdown of all complaints received and investigated by the Ombudsman for Caerphilly. It was noted that the number of complaints received had reduced in the past year by 26% from 54 to 40. Complaints in relation to Housing had dropped from 12 to 8 and complaints concerning Adult Social Services had also dropped from 8 to 5.

Planning and Building Control complaints had remained high at 10, compared to 9 last year, however on analysing the data it had been noted that two complaints were referred on 3 and 2 separate occasions respectively which accounted for 5 out of the 10 complaints and of the remaining 5 complaints one had been deemed as premature (referred to the Ombudsman before exhausting the Council's Corporate Complaints Procedure).

It was further noted that in terms of an overview of complaints there had been a 4% decrease in public body complaints, despite complaints against the NHS bodies increasing by 7%. There had also been a 10% reduction in complaints against Councils. The number of Code of Conduct complaints increased by 14% in the past year but this had been attributed to a 33% increase in Code of Conduct complaints involving Community Councils.

Finally Members were referred to Table C on page 14 of the agenda pack which provided a comparison of complaint outcomes for Local Authorities.

The Standards Committee were pleased to note the overall downward trend for complaints and expressed concern in relation to the increase of Planning and Development Control complaints. The Officer confirmed that the statistics incorporated the same 2 complaints being referred on 5 separate occasions.

Having fully discussed its content the Standards Committee noted the report.

5. ANNUAL WHISTLEBLOWING REPORT

Consideration was given to the report which provided an anonymised summary of whistleblowing investigations undertaken during the period 1st April 2017 to the 31st March 2018.

The Standards Committee were advised that the Whistleblowing Policy provides a method for employees to raise concerns about the running of the Council without fear of victimisation, all employees have access to this policy which is regularly publicised to staff.

It was noted that there have been two formal whistleblowing investigations undertaken during the course of 2017/18 and an anonymised summary of those investigations were attached at Appendix 1 of the Officer's report.

Members noted the nature of the concerns and the outcome of the investigations and clarification was sought in relation to the Council's agreed Safeguarding procedure. The multi-disciplinary approach taken to safeguarding matters was explained and assurance given that the appropriate action would have been taken as a result of that process.

The Standards Committee expressed their confidence in the robustness of the systems in place for both Whistleblowing and Safeguarding.

Having fully discussed its contents the Standards Committee noted the report.

6. UPDATE ON THE NEW INDEPENDENT MEMBER FOR THE STANDARD COMMITTEE

The Head of Legal Services and Monitoring Officer provided a verbal update on the recruitment process for the new Independent Member for the Standards Committee.

The composition of the Appointment Panel was confirmed and it was noted that the High Sheriff of Gwent had acted as the Independent Member. Mr Tranter confirmed that one immediate appointment had been made and would subsequently be recommended to Council on the 21st February 2019 for approval.

Furthermore from the candidate pool it had been possible to recommend two further nominations to act as reserves in case of further vacancies and this would also be recommended to Council.

It was noted that Mrs Holdroyd and Mrs Evans having served the maximum two terms allowable would be coming to the end of their service in October this year, and the two reserves suggested would be able to be brought in when those vacancies arose later in the year.

Having considered the information presented the Standards Committee noted the update.

7. COMPLAINT MADE TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

Consideration was given to the report from the Public Services Ombudsman for Wales' complaint against Caerphilly County Borough Council and provided an anonymised update on the progress made to date in respect of the recommendations contained therein. The Standards Committee were also asked to take a view on whether the matter would benefit from further consideration by an appropriate Scrutiny Committee.

The Monitoring Officer provided advice regarding the difference between the publicly available report and the full Ombudsman report attached at Appendix 1B which was exempt. He advised Members of the need to be mindful of the areas of questioning open to them in order to safeguard the continued anonymity of the complainant whilst in public session.

The Standards Committee discussed the nature of the questioning likely to occur and felt that on balance they would prefer to consider the public interest test before commencing any further debate on the matter.

Members considered the public interest test certificate attached at Appendix 1A from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was moved and seconded that the public interest test be accepted and the meeting move into exempt session.

RESOLVED that In accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraph of Part 13 of Part 1 of Schedule 12A of the Local Government Act 1972.

Having considered the report from the Public Services Ombudsman for Wales' (Appendix 1B) the Standards Committee unanimously RESOLVED that:-

- (i) the report of the Public Services Ombudsman for Wales be noted;
- (ii) the recommendations of the Public Services Ombudsman for Wales be accepted and the progress made to date in respect of those recommendations be noted;
- (ii) the matter should not be referred to an appropriate Scrutiny Committee as the

Standards Committee were satisfied with the course of action being taken, progress made and actions to be taken regarding outstanding recommendations;

- (iii) a further report be brought back to the Standards Committee on completion of the outstanding recommendations.

The meeting closed at 11.30am

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 9th October 2019 they were signed by the Chair.

CHAIR



STANDARDS COMMITTEE - 9TH OCTOBER 2019

SUBJECT: PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL REPORT AND ANNUAL LETTER 2018/19

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To inform the Standards Committee of the publication of the Public Services Ombudsman for Wales Annual Report and Annual Letter (2018/19) in respect of this Council by the Public Services Ombudsman for Wales.

2. SUMMARY

- 2.1 To advise Standards Committee of the publication of the Public Services Ombudsman for Wales Annual Report and Annual Letter (2018/19).

3. RECOMMENDATIONS

- 3.1 It is recommended that the Standards Committee considers and notes the content of the Annual Letter prior to consideration by Council.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2005.
- 4.2 Under its terms of reference, the Standards Committee receives Public Services Ombudsman For Wales reports in relation to allegations of maladministration or allegations of breach of a code of conduct and make appropriate recommendations.

5. THE REPORT

- 5.1 The Public Services Ombudsman for Wales (PSOW) issues an Annual Letter to each Local Authority in Wales which sets out a clear and concise breakdown of all complaints received and investigated by the PSOW during 2018/19 specifically relating to that Authority. The Annual Letter issued in respect of Caerphilly is attached at Appendix 1 to this report.
- 5.2 Members will note from the content of the Annual Letter that this year the Ombudsman has published the Annual Letters as part of his Annual Report and Accounts. The purpose of the Annual Report is to report on the performance of the PSOW's office over the year, provide an update on developments, deliver key messages arising from his work undertaken

during that year together with the financial accounts for that year. A copy of the Annual Report and Accounts is available by accessing the link in Appendix 2 to this report.

- 5.3 The fact sheet attached to the Annual Letter gives a detailed breakdown of complaints data relating to Caerphilly. This includes statistics regarding Ombudsman's interventions which includes all cases upheld as well as early resolutions and voluntary settlements. It also includes Code of Conduct cases referred to the Ombudsman and the outcomes of those referrals.
- 5.4 The data is self-explanatory and therefore no further comment is offered other than to ask Standards Committee to note the following:-
- 5.4.1 In relation to Caerphilly the number of complaints received by the Public Services Ombudsman for Wales has increased this year when compared to the number received last year from 40 to 65. Of the 65 complaints received, 26 were made prematurely (this is 19 more than last year), 6 were out of jurisdiction, and 26 cases were closed after initial consideration (this is 4 more than last year). There were 9 early resolutions and 1 report upheld/partially upheld.
- 5.4.2 Those complaints categorised as premature relate to cases where the complainant has not exhausted the Council's complaints policy. Practically it is not possible to prevent these referrals to the Ombudsman however the Council does ensure that the Council's Complaints Policy is available via the Council's web site and hard copy complaints booklet readily available to the public.
- 5.4.3 Complaints relating to Children Social Services have increased this year to 17 compared to a figure of 6 last year. From an analysis of this data 13 were not taken into investigation and 4 were resolved by way of early resolution.
- 5.4.4 Planning and building control complaints rose to 16 this year from 10 last year. From an analysis of this data it has been noted that 11 of the referrals related to one particular planning application and overall none of the 16 referrals were taken into investigation.
- 5.4.5 There was an increase in relation to the category of "complaints handling" from 1 to 5 of which 3 were not taken into investigation and 2 resulted in an early resolution.
- 5.4.6 In total 12% of the Council's Cases considered during this period required PSOW intervention by way of early resolution, an increase of 4% from the previous year. In addition one report was upheld in whole or in part which was considered by the Standards Committee under the Council's usual reporting processes.

5.5 **Code of Conduct Complaints**

Members will note that in respect of Caerphilly County Borough Councillors 3 complaints were received all of which were closed after initial consideration. In respect of Town and Community Councils 4 complaint were received in relation to Darren Valley Community Council all of which were closed after initial consideration.

5.6 **Conclusion**

Members will note that the Ombudsman has asked that the Annual Letter be reported to Cabinet however this Council's reporting process is to the Standards Committee and then full Council which provides all members with the ability to review the referrals to the Public Services Ombudsman for Wales.

6. ASSUMPTIONS

6.1 No assumptions are necessary within this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

7.1 The function of overseeing complaints received and investigated by the Ombudsman contributes to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2015 as it supports the provision of higher quality and more effective services to the public across all service areas

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

8. WELL-BEING OF FUTURE GENERATIONS

8.1 This report contributes to the Well-being Goals as set out in paragraph 7 above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the overseeing of the complaints received and investigated by the Ombudsman enables departments to focus on areas of concern, to improve services and to monitor performance to ensure that any issues raised are identified and dealt with so as to be avoided in future

9. EQUALITIES IMPLICATIONS

9.1 There are no equalities implications associated with this report.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications associated with this report.

11. PERSONNEL IMPLICATIONS

11.1 There are no personnel implications associated with this report.

12. CONSULTATIONS

12.1 This Report reflects the contents of the Annual Letter and therefore there has been no formal consultation on the content of the Report. A copy of the Report has been provided to the Consultees below.

13. STATUTORY POWER

13.1 Public Services Ombudsman (Wales) Act 2005

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer
Consultees: Christina Harrhy, Interim Chief Executive
Dave Street, Corporate Director of Social Services and Housing
Mark S Williams, Interim Director of Communities
Ed Edmunds, Corporate Director for Education and Corporate Services

Robert Tranter, Head of Legal Services and Monitoring Officer
Diane Holdroyd, Chair of Standards Committee

Appendices:


Appendix 1 Public Services Ombudsman Annual Letter 2018/2019.

Appendix 2 Link to the Annual Report and Accounts


<https://www.ombudsman.wales/wp-content/uploads/2019/07/Annual-Report-and-Accounts-2018-2019-Final-ENG.pdf>

Our ref: NB

Ask for: Communications

 01656 641150

Date: 7 August 2019

 communications
@ombudsman-wales.org.uk

Councillor David Poole
Council Leader
Caerphilly County Borough Council

By Email Only
davidpoole@caerphilly.gov.uk

Dear Councillor David Poole

Annual Letter 2018/19

I am pleased to provide you with the Annual letter (2018/19) for Caerphilly County Borough Council. This year I am publishing my Annual Letters as part of my Annual Report and Accounts. I hope the Council finds this helpful and I trust this will enable it to review its own complaint handling performance in the context of other public bodies performing similar functions across Wales.

Whilst overall the number of complaints received relating to local authorities across Wales increased from 794 to 912, I am pleased that local authorities continue to work with my office to resolve many of these complaints at an early stage. This provides complainants with appropriate and timely remedies avoiding the need for my office to fully investigate complaints.

A summary of the complaints of maladministration/service failure received relating to the Council is attached.

Also attached is a summary of the Code of Conduct complaints relating to members of the Council and the Town & Community Councils in your area.

Page 1 of 7

The Public Services Ombudsman (Wales) Act 2019 has now been introduced. I am delighted that the Assembly has approved this legislation giving the office new powers aimed at:

- Improving access to my office
- Providing a seamless mechanism for complaint handling when a patient's NHS care is inextricably linked with private healthcare
- Allowing me to undertake own initiative investigations when required in the public interest
- Ensuring that complaints data from across Wales may be used to drive improvement in public services for citizens in Wales.

I am very much looking forward to implementing these new powers over the coming year.

Action for the Council to take:

- Present my Annual Letter to the Cabinet to assist Members in their scrutiny of the Council's performance
- Work to reduce the number of cases which require intervention by my office
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters by **31 October 2019**.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely



Nick Bennett
Public Services Ombudsman for Wales

CC: Christina Harray, Interim Chief Executive
Andrea Jones, Contact Officer

Factsheet

A. Complaints Received and Investigated with Local Authority average adjusted for population distribution

Local Authority	Complaints Received	Average	Complaints Investigated	Average
Caerphilly County Borough Council 2018/19	65	51	1	1
Caerphilly County Borough Council 2017/18	40	45	1	1
Blaenau Gwent County Borough Council	8	20	0	0
Bridgend County Borough Council	33	41	0	1
Cardiff Council	115	103	0	2
Carmarthenshire County Council	49	53	1	1
Ceredigion County Council	23	21	0	0
City and County of Swansea	83	70	0	2
Conwy County Borough Council	41	33	2	1
Denbighshire County Council	26	27	1	1
Flintshire County Council	50	44	2	1
Gwynedd Council	32	35	2	1
Isle of Anglesey County Council	31	20	2	0
Merthyr Tydfil County Borough Council	15	17	0	0
Monmouthshire County Council	20	27	0	1
Neath Port Talbot County Borough Council	38	40	1	1
Newport City Council	38	43	0	1
Pembrokeshire County Council	35	35	0	1
Powys County Council	67	38	4	1
Rhondda Cynon Taf County Borough Council	36	68	0	2
Torfaen County Borough Council	12	26	1	1
Vale of Glamorgan Council	24	37	0	1
Wrexham County Borough Council	45	38	3	1
Grand Total	886		20	

B. Complaints Received by Subject

Caerphilly County Borough Council	Complaints Received
Adult Social Services	4
Children Social Services	17
Community Facilities. Recreation and Leisure	1
Complaints Handling	5
Education	2
Environment and Environmental Health	3
Finance and Taxation	1
Housing	10
Planning and Building Control	16
Roads and Transport	4
Various Other	2

C. Comparison of complaint outcomes with average outcomes for Local Authorities, adjusted for population distribution

Local Authority	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution / Voluntary settlement	Discontinued	Other Report - Not upheld	Other Report - Upheld in whole or in part	Public Interest Reports
2018/19								
Caerphilly	6	26	26	9	-	-	1	-
Caerphilly (adjusted)	9	16	18	7	-	1	1	-
2017/18								
Caerphilly	6	7	22	2	-	1	1	-
Caerphilly (adjusted)	8	13	16	6	-	1	1	-

D. Number of cases with PSOW intervention

Local Authority	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW intervention
Caerphilly County Borough Council 2018/19	8	68	12%
Caerphilly County Borough Council 2017/18	3	39	8%
Blaenau Gwent County Borough Council	2	7	29%
Bridgend County Borough Council	6	36	17%
Cardiff Council	19	110	17%
Carmarthenshire County Council	4	48	8%
Ceredigion County Council	5	24	21%
City and County Swansea	10	80	13%
Conwy County Borough Council	5	39	13%
Denbighshire County Council	4	30	13%
Flintshire County Council	16	56	29%
Gwynedd Council	6	35	17%
Isle of Anglesey County Council	5	31	16%
Merthyr Tydfil County Borough Council	0	14	0%
Monmouthshire County Council	0	23	0%
Neath Port Talbot County Borough Council	4	40	10%
Newport City Council	7	43	16%
Pembrokeshire County Council	6	33	18%
Powys County Council	11	64	17%
Rhondda Cynon Taf County Borough Council	4	34	12%
Torfaen County Borough Council	1	12	8%
Vale of Glamorgan Council	7	30	23%
Wrexham County Borough Council	8	43	19%

E. Code of Conduct Complaints Closed

Local Authority	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
2018/19								
Caerphilly	3	-	-	-	-	-	-	3
2017/18								
Caerphilly	4	-	-	-	-	-	-	4

F. Town/Community council Code of Conduct Complaints

Town/Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Darren Valley CC	4	-	-	-	-	-	-	4

Appendix

Explanatory Notes

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2018/19, with the Local Authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Local Authority which were received by my office during 2018/19. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2018/19, with the average outcome (adjusted for population distribution) during the same period.

Section D provides the numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2018/19.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent via email to communications@ombudsman-wales.org.uk

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STANDARDS COMMITTEE – 9TH OCTOBER 2019

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS PARAGRAPH 13 SCHEDULE 12A LOCAL GOVERNMENT ACT 1972

SUBJECT: COMPLAINT MADE TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES – UPDATE ON COMPLIANCE WITH THE RECOMMENDATION

REPORT BY: HEAD OF LEGAL SERVICES & MONITORING OFFICER

I have considered grounds for exemption of information contained in the document referred to above and make the following recommendations to the Proper Officer:-

EXEMPTIONS APPLYING TO THE REPORT:

Information which is likely to reveal the identity of an individual. (paragraph 13)

FACTORS IN FAVOUR OF DISCLOSURE:

There is a public interest in the way in which the Council deals with complaints which are referred to the Ombudsman for determination.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The report contains information which is likely to identify the complainant.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraph 13 should apply. My view on the public interest test is that the anonymity of the individual concerned must be maintained on the basis that the report contains information which is likely to reveal the identity of the complainant and the need to protect the individuals' privacy outweighs the need for the information to be made public.

This information is not affected by any other statutory provision, which requires the information to be publicly registered.

On that basis I feel that the public interest in maintaining the exemption does outweigh the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

On that basis I feel that the public interest in maintaining the exemption does outweigh the public interest in disclosing the information and that the information should be exempt.

Signed: 

Date: 1/10/19

Post: Head of Legal Services & Monitoring Officer

I accept/~~do not accept~~ the recommendation made above.

Signed: 

Proper Officer

Date: 1/10/19

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Agenda Item 6

By virtue of paragraph(s) 13 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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