

CONSIDERATION OF PART II ITEMS BY THE SURREY POLICE AND CRIME PANEL

1. Introduction

- 1.1 Police and Crime Panels are responsible for scrutinising the actions and decisions of each Police and Crime Commissioner and making sure information is available for the public. This enables them to hold the Police and Crime Commissioner to account in a public forum. The initial position should therefore always be in favour of disclosing as much information as possible and information should only be withheld when there is a clear justification in law for doing so.
- 1.2 However, to allow the Panel to properly discharge its duties, it is accepted that in some circumstances it may be necessary to exclude the public and press from meetings because it is likely that **exempt** information will be disclosed.
- 1.3 Agenda items that are taken in private session are referred to as Part II items.

2. Exempt information

- 2.1 The public may be excluded from meetings of the Panel in the event that the nature of the business to be transacted would lead to the disclosure of exempt information.
- 2.2 Exempt information means information falling within the 7 categories outlined in 12A of the Local Government Act 1972 (as amended). These are as follows:

Category	Description 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 the information)
4.	Information relating to any consultations or negotiations or contemplated 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 – <ol style="list-style-type: none">(i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or;(ii) to make an order or direction under any enactment.
7.	Information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

3. Notification of Part II items by the Police and Crime Commissioner

- 3.1 When the Police and Crime Commissioner wishes to raise an item of business with the Panel which he / she considers to be exempt, it is important that the Chairman of the Panel is given notice in writing and an explanation provided as to why the matter cannot be discussed in public.
- 3.2 For the purpose of transparency, the title of a Part II item will be listed on the agenda for the meeting, along with an explanation as to why the item is considered exempt (with reference to the relevant category).
- 3.3 It is therefore important that the Chairman is notified of any items the Police and Crime Commissioner wishes to discuss with the Panel prior to publication of the agenda. To support this process, deadlines will be made available to the Office of the Police and Crime Commissioner.

4. Consideration of Part II Items

- 4.1 Part II items will typically be placed at the end of the agenda, so as to avoid a situation whereby members of the public are required to leave and re-enter the room.
- 4.2 Upon reaching a Part II item, the Panel will be asked by the Chairman to formally agree to exclude members of the public.
- 4.3 Following consideration of a Part II item, the Committee will agree the level of detail to be included in the public minutes, ensuring that exempt information is not disclosed.