



**Rochford District  
Council**

<b>REPORT TITLE:</b>	<b>Annual Review of Exempt Reports</b>
<b>REPORT OF:</b>	<b>The Monitoring Officer</b>

## **INFORMATION REPORT**

### **REPORT SUMMARY**

This report details the outcome of the annual review of exempt reports and appendices undertaken by the Monitoring Officer.

### **SUPPORTING INFORMATION**

#### **1.0 BACKGROUND INFORMATION**

- 1.1 The Rochford District Council Constitution (Rule 11 of the Access to Information Procedure Rules) requires that the Monitoring Officer, in conjunction with the Chief Executive, conducts an annual review of exempt reports to establish whether or not any of the previously restricted information is now suitable for release to the public.
- 1.2 Historically this review has been undertaken in January each year by the Monitoring Officer. However, changes in personnel have delayed the 2023 review. The results of the review are not normally published.
- 1.3 At the request of the Leader of the Council, this report has been prepared for presentation to the Full Council and the outcomes of the 2023 review have been published in the table at Appendix A.
- 1.4 All reports containing personal information will continue to be exempt in perpetuity in accordance with the requirements of the General Data Protection Regulation 2018 and the Data Protection Act 2018.

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- 1.5 The reports falling under other categories of exempt information have been reviewed and 12 documents have been reclassified as open for public release. These documents have been published and are available through the hyperlinks in Appendix A.
- 1.6 Following this review, the Monitoring Officer, has implemented the following measures to add rigour to the exemption process and to enable the reclassification and release of reports at an earlier stage:
- The spreadsheet will include the actual exemption being relied upon and details of any public interest test that has been undertaken,
  - A review date will be added to each entry,
  - The Constitution Working Group will be asked to consider an amendment to Rule 11 to allow for a rolling review rather than just an annual review,
  - The first page of any exempt report will include the reason for the exemption including reference to the relevant section of the Act.
- 1.7 As part of the complete review of the Constitution which is currently underway, the Constitution Working Group will also be considering the Access to Information Procedure Rules. The rules regarding exempt information will be revised to ensure maximum transparency and public accountability and to enable the documents to be released as soon as the exemption has expired.

## **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 There are no alternative options to consider at this time.

## **3.0 RELEVANT RISKS**

- 3.1 There is a risk that the Council could release information which is still restricted thereby breaching the data privacy rights of an individual or damaging the commercial interest of the Council or a third party. This risk is mitigated by an appropriately qualified person (i.e. the Monitoring Officer) undertaking the review of the exempt reports.

## **4.0 ENGAGEMENT/CONSULTATION**

- 4.1 No formal consultation is required for this report.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications associated with this report.

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**6.0 LEGAL/GOVERNANCE IMPLICATIONS**

- 6.1 A decision-making body may exclude members of the public and press by resolution when it is considering information falling into one or more of the categories of exempt information contained in Schedule 12A of the Local Government Act 1972, as amended by the SI2006/87.
- 6.2 The categories of exempt information are included at Appendix B to this report. Categories 1 and 2 relate to personal information and are absolute exemptions. Categories 3 to 7 are qualified exemptions which means the public interest test must be satisfied for the exemption to apply.
- 6.3 The Council must also satisfy the requirements of the Freedom of Information Act 2000.

**7.0 EQUALITY & HEALTH IMPLICATIONS**

- 7.1 There are no equality or health implications associated with this report.

**8.0 ENVIRONMENT & CLIMATE IMPLICATIONS**

- 8.1 There are no environment and climate implications associated with this report.

**9.0 ECONOMIC IMPLICATIONS**

- 9.1 There are no economic implications associated with this report.

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**APPENDICES**

Appendix A – Schedule of Exempt Reports

Appendix B – Categories of Exempt Information

**BACKGROUND PAPERS**

None

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
N/A	

Municipal Year	Ref No.	Name of Report	Meeting and Date	Items that are Exempt	Reason for Exemption	Outcome of Review Oct 2023	Next Review Date
2023/24	PC001	Contract Award Review	Audit Committee 27/09/2023	Entire Report Exempt	Contains legal and commercial info	Exemption still relevant and should remain in place	Apr-24
	PC002	New application for combined hackney carriage and private hire driver: fit and proper person test	Licensing & Appeals Sub-Committee 21/09/2023	Entire Report Exempt	Contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC003	Asset Delivery Programme	Council 07/09/2023	Entire Report Exempt	Contains legal and commercial info	Exemption still relevant and should remain in place	Apr-24
	PC004	Business Rates Write Off	The Executive 13/07/23	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC005	Business Rates Write Off	The Executive 13/07/23	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
2022/23	PC006	Combined Hackney Carriage and Private Hire Driver: Fit and Proper Person Test	Licensing & Appeals Sub-Committee 26/04/23	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC007	Combined Hackney Carriage and Private Hire Driver: Fit and Proper Person Test	Licensing & Appeals Sub-Committee 24/02/23	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC008	<a href="#">Quarter 2 2022/23 Financial Management and Performance Update Report</a>	The Executive 09/11/22	Appendix 1: Year to Date Drawdowns (ADP figure on page 7.9)	contains commercial info	Remove exemption - figure has already been released under FOI	n/a
	PC009	Combined Hackney Carriage and Private Hire Driver: Fit and Proper Person Test	Licensing & Appeals Sub-Committee 07/10/22	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC010	Combined Hackney Carriage and Private Hire Driver: Fit and Proper Person Test	Licensing & Appeals Sub-Committee 03/10/22	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC011	Appointment of Tier 3 Directors as Part of #OneTeam Transformation Programme	Chief Officer Appointments Sub-Committee 27/09/22	Entire Report Exempt	To recommend an outcome to the selection process	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC012	Appointment of Tier 3 Directors as Part of #OneTeam Transformation Programme	Chief Officer Appointments Sub-Committee 26/09/22	Entire Report Exempt	To recommend an outcome to the selection process	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC013	Combined Hackney Carriage and Private Hire Driver: Fit and Proper Person Test	Licensing & Appeals Sub-Committee 05/09/22	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC014	Asset Delivery Programme Update	Full Council 26/07/22	The Executive 13/07/22 - Appendix regarding Conditional Sale Contract (CSC2) of the ADP, relating to the Mill and 57 South St	contains Legal and commercial info	Exemption still relevant and should remain in place	Apr-24
	PC015	Appointment of Tier Strategic Director and Tier 3 Directors as Part of #OneTeam Transformation Programme	Chief Officer Appointments Committee 14/07/22	Entire Report Exempt	To recommend an outcome to the selection process	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC016	Appointment of Tier 2 Strategic Director as Part of #OneTeam Transformation Programme	Chief Officer Appointments Sub-Committee 14/07/22	Entire Report Exempt	To recommend an outcome to the selection process	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC017	Asset Delivery Programme Update	The Executive 13/07/22	Appendix regarding Conditional Sale Contract (CSC2) of the ADP, relating to the Mill and 57 South St	contains Legal and commercial info	Exemption still relevant and should remain in place	Apr-24
	PC018	Appointment of Tier 3 Chief Officers as Part of #OneTeam Transformation Programme	Chief Officer Appointments Committee 16/06/22	Entire Report Exempt	Appointment of up to 9 Tier 3 roles as part of the #OneTeam Transformation Programme and appointment of a Sub-Committee to comprise part of an interview panel for the selection of a Tier 2 Strategic Director role	Exempt from release in perpetuity under GDPR and DPA	n/a
2021/22	PC019	Appointment of Tier 3 Chief Officers as Part of #OneTeam Transformation Programme	Chief Officer Appointments Committee 01/06/22	Appendix A	A proposed structure chart and relevant JDs	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC020	<a href="#">Waste Collection and Street Cleansing Service</a>	Full Council 15/2/22	Entire Report Exempt	contains commercial info	Remove exemption from covering report but continue to exempt appendices 1 and 2 as they contain commercially sensitive information	Apr-27
	PC021	Strategic Partnership with Brentwood Borough Council	Extraordinary Council 25/1/22	Appendix C	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC022	<a href="#">Material Recovery Facilities (MRF) Contract</a>	The Executive 11/1/22	Entire Report Exempt	contains commercial info	Remove exemption - no longer commercially sensitive information	n/a
	PC023	Delivery of the Waste Collection and Street Cleansing Service - Options Appraisal	Full Council 7/12/21	Entire Report Exempt	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC024	<a href="#">Waste Collection and Street Cleansing Contract Update</a>	The Executive 4/11/21	Entire Report Exempt	contains commercial info	Remove exemption - no longer commercially sensitive information	n/a
	PC025	Asset Delivery Programme	Full Council 2/11/21	Appendices 1, 2 & 4	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC026	Award of Contract: Waste Transfer Arrangements	The Executive 7/10/21	Entire Report Exempt	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC027	An applicant falling outside the Council's licensing conditions as a result of receiving a Police caution for a drugs related offence.	Licensing & Appeals Sub-Committee 4/10/21	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC028	Business Rates and Council Tax Write Off	The Executive 22/7/21	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a



2020/21	PC029	<a href="#">Lease of Former Crown Hill Public Convenience</a>	The Executive 3/3/21	Appendix 2	contains commercial info	Remove exemption - no longer applicable	n/a
	PC030	An applicant falling outside the Council's licensing conditions as a result of 3 speeding offences.	Licensing & Appeals Sub-Committee 24/2/21	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC031	Waste Collection and Street Cleansing Contract	The Executive 3/2/21	<a href="#">Appendix 1</a> <a href="#">Appendix 2</a> Appendix 4 <a href="#">Appendix 5</a>	contains commercial info	Remove exemption from appendices 1,2	Apr-24
	PC032	Leisure Service Provision from April 2021	The Executive 2/12/20	Appendices 2 & 3	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC033	To determine whether a Private Hire Vehicle Licence should be issued for a Wheelchair Accessible Vehicle that does not comply with the Rochford District Council licensing conditions.	Licensing & Appeals Sub-Committee 2/12/20	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC034	Applicant falling outside the Council's licensing conditions by virtue of having had a criminal conviction.	Licensing & Appeals Sub-Committee 26/10/20	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC035	Report of the Investment Board: The Council's Local Authority Trading Companies	Council 20/10/20	Appendix A & B	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC036	The Council's Local Authority Trading Companies	Investment Board 15/10/20	Appendix A & B	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC037	Applicant falling outside the Council's licensing conditions by virtue of having had a criminal conviction.	Licensing & Appeals Sub-Committee 12/10/20	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC038	<a href="#">Review of Grounds Maintenance and Street Cleansing Contracts</a>	Review Committee 06/10/20	Entire Report Exempt	contains commercial info	Remove exemption - no longer commercially sensitive information	n/a
	PC039	Asset Delivery Programme (ADP) Contract Award	Extraordinary Council 08/09/20	Appendices 1 - 9	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC040	Materials Recovery Facilities (MRF) Contract	The Executive 02/09/20	Entire Report Exempt	contains commercial info	Exemption still relevant and should remain in place	
	PC041	<a href="#">Review of Grounds Maintenance and Street Cleansing Contracts</a>	The Executive 02/09/20	Entire Report Exempt	contains commercial info	Remove exemption - no longer commercially sensitive information	n/a
	PC042	Remobilisation of Leisure Facilities	The Executive 11/08/20	Appendix 1	contains commercial info	Exemption still relevant and should remain in place	Apr-24
2019/20	PC043	Update on the Asset Delivery Programme	Investment Board 15/07/20	Appendices 1 & 2	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC044	Report of the Investment Board - Asset Delivery Programme (ADP): Outcome of Procurement of a Development Partner and Final Business Case	Council 19/05/20	Appendices 1 & 2	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC045	Asset Delivery Programme (ADP): Outcome of Procurement of a Development Partner and Final Business Case	Investment Board 17/03/20	Appendices 1 & 2	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC046	Lease of Land at Sports Grounds Comprising 4.43 Hectares of Land North of London Road, Rayleigh to Rayleigh Town Sports and Social Club	The Executive 05/02/20	Appendix 2	contains commercial info	Continue exemption during life of the lease	Apr-24
	PC047	<a href="#">Disposal of Land at Cagefield Road, Stambridge</a>	The Executive 05/02/20	Appendix 2	contains commercial info	Remove exemption - no longer commercially sensitive information	n/a
	PC048	Variation of a Premises Licence – Bull Inn, 99 Main Road, Hockley	Licensing Sub-Committee 10/01/20	All (Appendix A)	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC049	Licensing Act 2003 - Temporary Event Notice (TEN)_Crafty Casks	Licensing Sub-Committee 10/12/19	All (Appendices A & B)	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC050	Hackney Carriage Combined Driver's Licence and Hackney Carriage Vehicle Licence_Excessive Points on Licence	Licensing & Appeals Sub-Committee 15/11/19	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC051	Asset Delivery Programme: Pre-Procurement Qualification Report and Final Procurement Documentation	Investment Board 05/09/19	Appendices 1 - 5	contains commercial info	Exemption still relevant and should remain in place	Apr-24
	PC052	Hackney Carriage Combined Driver's Licence_Excessive Points on Licence & Driving Ban	Licensing & Appeals Sub-Committee 23/09/19	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC053	Hackney Carriage Combined Driver's Licence_Borderline Points on Licence	Licensing & Appeals Sub-Committee 23/09/19	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC054	Hackney Carriage Combined Driver's Licence_Knowledge Test	Licensing & Appeals Sub-Committee 23/09/19	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC055	Hackney Carriage and Private Hire Driver's Licence_Excessive Points on Licence	Licensing & Appeals Sub-Committee 02/08/19	Entire Report Exempt	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a
	PC056	<a href="#">The Beagle Event</a>	The Executive 10/07/19	Appendix A	consider release no longer commercially sensitive	Remove exemption - no longer commercially sensitive information	n/a
	PC057	Licensing Act 2003 - Temporary Event Notice (TEN)_Hedge Row Stables	Licensing & Appeals Sub-Committee 18/06/19	All (Appendices A & B)	contains personal data	Exempt from release in perpetuity under GDPR and DPA	n/a

### **Categories of “Exempt Information” Under Schedule 12A of the Local Government Act 1972 (as amended)**

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 –
  - (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.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

### **Qualifications**

- (1). Information falling within the above paragraphs is not exempt information by virtue of that paragraph if it is required to be registered under – (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Act 1965 to 1978; (e) the Building Societies act 1986; or (f) the Charities Act 1993.
- (2). 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 General Regulations 1992.
- (3). Information which falls under paragraphs 1 to 7 above; and is not prevented from being exempt by virtue of (1) or (2) above, is exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (4) Furthermore, where a meeting of a Standards Committee or a Sub-Committee of a Standards Committee is convened to consider a matter referred under the provisions of Section 64(2) or 71(2) of the Local Government Act 1972 the provisions of Schedule 12A of the 1972 Act shall apply with the addition of the following descriptions of exempt information:

7A Information which is subject to any obligation of confidentiality.

7B Information which relates in any way to matters concerning national security.

7C The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 200 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.