

## **Closing meetings to the Public**

We have recently had a number of queries about closing meetings to the public. See below for some guidance.

Under the requirements of the Public Bodies (Admissions to Meetings) Act 1960, a council meeting must be open to the public. This includes committee meetings but not necessarily sub-committee meetings (where a sub-committee is named as such in the context of being a committee of a committee). Indeed, some sub-committees may continuously deal with confidential matters or concern individuals (e.g. a staffing sub-committee of a personnel or HR Committee) or always consider sensitive information which is not in the public interest. If this is the case then it is not desirable for the public to be permitted to attend its meetings.

If, at a full council or committee meeting, there are items of a confidential or sensitive nature which may either breach the council's obligations of the Data Protection Act 1998 or is not in the public interest to disclose, then the meeting may only be closed for this particular reason.

It will be necessary for a councillor to move a motion to exclude the public from the meeting during the relevant agenda items and it must be done by resolution. It should appear on the agenda although care should be taken not to give any confidential information away.

The power to exclude is not exercisable generally but only for specific reasons, of which there are few. Acceptable reasons include:

- engagement, terms of service, conduct and dismissal of employees
- terms of tenders and proposals and counter-proposals in negotiating contracts
- preparation of cases in legal proceedings, and
- the early stages of a dispute

Even if there is only one item on the agenda of a full council or committee meeting and the meeting will be closed for the public to deal with that item, the notice of the meeting must be displayed, the meeting must be open to the public and then a resolution passed to exclude the public and press. The chairman of the meeting should give a broad reason as to why this is occurring without divulging any confidential or sensitive information. This will help those members of the public present to accept the reason for being excluded. It should also be explained that resolutions made in the closed session will be minuted but will not include confidential or sensitive information.

Minutes, by their very definition, are open to the public. They are a public record of the decisions of a council, are kept forever and can be used as evidence in a court of law. Therefore any minutes of confidential or sensitive items should not disclose any of this information but rather a broader description of the resolution.

Principal authorities have a statutory ability to prepare a "confidential minute" but parish and town councils do not have the same ability. If any supporting notes are taken, they are notes not minutes and it is recommended that such notes are destroyed once the minutes have been approved by the council as a true record of the meeting.