

## **CABINET**

**3 SEPTEMBER 2019**

### **EXCLUSION OF PRESS AND PUBLIC**

Portfolio Holder: Councillor Alan Jarrett, Leader

Report from/Author: Perry Holmes, Monitoring Officer

#### **Summary**

This report summarises the content of an exempt report which, in the opinion of the proper officer, will contain exempt information within one of the categories in Schedule 12A of the Local Government Act 1972. It is a matter for the Cabinet to determine whether the press and public should be excluded from the meeting during consideration of this document.

#### **1. Recommendation**

- 1.1 The Cabinet is required to decide whether to exclude the press and public during consideration of the following document because consideration of these matters in public would disclose information falling within one of the descriptions of exempt information contained in Schedule 12A to the Local Government Act 1972, as specified below, and, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

<b>Report Title</b>	Council Response to Draft Further Report from the Local Government and Social Care Ombudsman (LGO) Re: Mainstream Home to School Transport Decision and Policy
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<b>Agenda Item</b>	6
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<b>Summary</b>	This exempt report will provide details of a draft further report on a complaint against the Council submitted by the Local Government and Social Care Ombudsman (LGO) in response to the decisions of the Cabinet on 11 June 2019 to approve the continued use and application of the Council's current Education Travel Assistance Policy.
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The Cabinet will be asked to consider the draft further report and agree any comments to be submitted to the LGO by his deadline of 12 September 2019.

<b>Category of exempt information (Schedule 12A of the Local Government Act 1972)</b>	Not for publication under paragraph 3 of Schedule 12A of the Local Government Act 1972 – Information relating to financial or business affairs of any particular person (including the authority holding that information).
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- 1.2 In addition, the LGO has instructed that his draft further report must be treated in confidence in accordance with Section 32 of the Local Government Act 1974.
- 1.3 Members are advised that the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012 requires 28 clear days' notice of a Cabinet meeting to be held in private. On this occasion it was not possible to provide this 28 clear days' notice. The Chairman of the Children and Young People Overview and Scrutiny Committee agreed, in accordance with the provisions of the 2012 Regulations, that this matter was both urgent and could not be reasonably deferred until the next Cabinet meeting on 24 September 2019 to enable the Council's response to be submitted to the LGO by 12 September 2019.
- 1.4 A notice of intention to conduct business in private was issued on 22 August 2019. No representations have been received.
- 1.5 This report confirms the previous notice of intention to conduct this business in private.

**Lead Officer Contact**

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**Appendices**

None

**Background Papers**

Cabinet Forward Plan – 3 September 2019 Update No.1

<https://democracy.medway.gov.uk/mgListPlanItems.aspx?PlanId=344&RP=115>