

RAILWAYS ACT 2005 (as amended)
 LOCAL TRANSPORT ACT 2008
 The Passengers' Council (Non-Railway Functions) Order 2010
Resolution of the Passengers Council (operating as Transport Focus)

Explanatory Note¹

The law **requires** that Board meetings of Transport Focus are open to the public, but that the public **must** be excluded where any item of business is confidential. Confidential business is defined as being:

- Business where information provided in confidence to Transport Focus by the Secretary of State or the Office of Rail and Road would be disclosed.
- Business where information relating to the affairs of an individual or organisation would be disclosed, and where such disclosure would 'seriously and prejudicially' affect their interests
- Business which is, by order, specified as such by the Secretary of State

In addition, the Board of Transport Focus may, by resolution, and provided that the reason is stated, determine that because of the confidential nature of the item of business, it is in the public interest that the public be excluded during that item. The Board must also take full account of the protection of confidential information provisions in respect of any investigations it has carried out under sections 112E and 112F of the Transport Act 1985 (provisions retro-conferred under the above cited legislation).

In practice, Transport Focus will always go into private session by resolution, for whatever reason.

Date of Board Meeting	15 September 2015
Venue	Carlton Hotel, Edinburgh

RESOLVED

that, pursuant to the statutory provisions governing procedure, members of the public shall be excluded from the meeting for the items set out below having regard to the confidential nature of the business to be transacted:

Agenda Item	Description	Reason for conducting business in private session (if appropriate)
D 3.1	Bus Passenger Survey: Contract award	Comercially confidential: the affairs of an individual or organisations will be disclosed, and such disclosure may 'seriously and prejudicially' affect their interests
Proposed by		
Seconded by		

Signed:

 Jeff Halliwell
 Chairman, Passenger Focus

 Date

¹ This is a summary of the provisions with respect to the admission of the public to meetings. For full details, please refer to Schedule 5, Part 6 of the Railways Act 2005 (as amended) and the Passengers' Council (Non-Railway Functions) Order 2010