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Our reference: GN/TS/UB71
Your reference:

Councillor Abbot Bryning,
Leader of Cabinet,

HEAD OF DEMOCRATIC SERVICES

Councillor Gilbert,
Cabinet Member with Special
Responsibility for Democratic,
Legal and Licensing Services

Town Hall
Dalton Square
Lancaster
LA1 1PJ

DX 63531

14th April 2009

Dear Councillor,

URGENT BUSINESS – Freedom of Information Request - Canal Corridor

Members are requested to consider the attached report, advising of the need to seek approval to remove the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22nd March 2005 (Minute No. 168 refers).

At the meeting of Cabinet held on 22nd March 2005, a report on the Canal Corridor proposals was presented to Members by former Councillor Alex Stone and Councillor Abbott Bryning. Due to the commercial sensitivity of this report it was classified exempt by virtue of paragraph(s) 7 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972.

In February 2009 a Freedom of Information Request was received requesting a copy of the aforementioned report. Despite the report being exempt under the Local Government Act, consideration must be given as to whether exemptions apply under the Freedom of Information Act. Advice was sought from Legal and Human Resources and the Legal Services Manager advised that in his opinion there are no commercially sensitive areas remaining due to the elapse of time since this report. It is therefore considered appropriate to remove the exemptions and release the report under the Freedom of Information Act.

The reason for Urgency is that there are time constraints dictated by the Freedom of Information Act, and due to the length of time taken to consider the issue, the Council's response is already overdue and we are in breach of the requirements of the Act.

The recommendations are:-

- (1) That Cabinet remove the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22 March 2005 (item 168).**

- (2) That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17, to enable immediate implementation.**

The approval of the Chief Executive in consultation with the Chairman of the Overview and Scrutiny Committee has also been sought to this action in accordance with Overview and Scrutiny Committee Procedure Rule 17(a).

I would be grateful if you could complete the attached slip, signifying whether you are in agreement with the recommendation or not, and return it to the Town Hall as soon as possible. In the meantime, could you please telephone Tom Silvani on 582132, or e-mail tsilvani@lancaster.gov.uk, with your decision.

Yours sincerely,

HEAD OF DEMOCRATIC SERVICES

Enc.

URGENT BUSINESS – Freedom of Information Request - Canal Corridor

Councillor Consultation

*I am/~~am not~~ (***please delete as appropriate**) in agreement with the recommendation:-

- (1) That Cabinet removes the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22nd March 2005 (item 168).
- (2) That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17, to enable immediate implementation.

Signed: Councillor Abbott Bryning and Councillor John Gilbert-----

Name: Abbott Bryning and John Gilbert-----

Position Held: Leader of the Cabinet and Cabinet Member with Special Responsibility-----

Dated: 15th April 2009-----

Chief Executive Decision

*I agree/~~do not agree~~ (***please delete as appropriate**) to exercise my delegated authority and approve:-

- (1) That Cabinet removes the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22nd March 2005 (item 168).
- (2) That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17, to enable immediate implementation.

Signed: Peter Loker, Corporate Director (Community Services)-----
On behalf of Chief Executive

Dated: 15th April 2009-----

Please return to: Tom Silvani,
Democratic Services,
Town Hall,
Dalton Square,
LANCASTER. LA1 1PJ

Ref: UB71