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*Our reference:* GN/TS/UB71  
*Your reference:*

Councillor Langhorn,  
Chairman of the Overview  
and Scrutiny Committee.

**HEAD OF DEMOCRATIC SERVICES**

Town Hall  
Dalton Square  
Lancaster  
LA1 1PJ

DX 63531

14<sup>th</sup> 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 22<sup>nd</sup> March 2005 (Minute No. 168 refers).

At the meeting of Cabinet held on 22<sup>nd</sup> 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 Leader and relevant Cabinet Member has been sought to this action.

Subject to this approval, I would be grateful if you could consider the immediate implementation of this course of action and agree to waive the right of call-in, in accordance with Overview and Scrutiny Committee Procedure Rule 17(a). Please complete the attached slip signifying your decision 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](mailto:tsilvani@lancaster.gov.uk) with your decision.

Yours sincerely,

**HEAD OF DEMOCRATIC SERVICES**

**Enc.**

**URGENT BUSINESS – Freedom of Information Request - Canal Corridor**

\*I agree/~~do not agree~~ (**\*please delete as appropriate**)

To this matter being treated as a matter of urgency in accordance with Overview and Scrutiny Committee Procedure Rule 17(a) and therefore not being subject to call-in.

Signed: Councillor Stuart Langhorn .....

Dated: 15<sup>th</sup> April 2009 .....

Chief Executive Decision

\*I agree/~~do not agree~~ (**\*please delete as appropriate**) to this matter being treated as a matter of urgency in accordance with Overview and Scrutiny Committee Procedure Rule 17(a) and therefore not being subject to call-in.

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

Dated: 15<sup>th</sup> April 2009 -----

Please return to: Tom Silvani  
Democratic Services,  
Town Hall,  
Dalton Square,  
LANCASTER. LA1 1PJ  
Ref: UB71