

CABINET

Urgent Business Report – Freedom of Information Request - Canal Corridor

Report of Head of Information and Customer Services

PURPOSE OF REPORT

To consider whether the report considered by Cabinet on 22 March 2005 on the Canal Corridor (item 168) is still considered exempt by virtue of paragraph(s) 7, 9 of Part 1 of Schedule 12A of the Local Government Act 1972

Key Decision

Non-Key Decision

X

Referral from Cabinet
Member

This report is public

RECOMMENDATION

- (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 a request be made that the call in be waived in accordance with Overview and Scrutiny Procedure Rule 17 to allow for further delays in responding to a freedom of information request to be minimised.**

1.0 Introduction

1.1 At the meeting of Cabinet on 22 March 2005, a report on the Canal Corridor proposals was presented by former Councillor Alex Stone and Councillor Abbott Bryning. Due to the commercial sensitivity of this report it was classified as exempt.

1.2 In February 2009, a Freedom of Information Request was received requesting a copy of this 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 as to whether the report should be continue to be withheld. 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.

1.3 This item is to be considered as a matter of urgency due to the time constraints dictated by the Freedom of Information Act. Due to the time taken to consider the issue of exemptions, the Councils response is already overdue and we are in breach of the requirements of the Act.

RELATIONSHIP TO POLICY FRAMEWORK

Not applicable

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Not Applicable

FINANCIAL IMPLICATIONS

None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments

LEGAL IMPLICATIONS

The views of the Legal Services Manager have been incorporated into this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

BACKGROUND PAPERS

Cabinet Agenda 22nd March 2005, item 168
Canal Corridor – joint report of Councillors
Alex Stone and Abbott Bryning

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