

# CABINET

## Publication of 2010 Exempt Report re Luneside East Regeneration Project 12th February 2013

### Report of the Monitoring Officer

PURPOSE OF REPORT					
To enable Cabinet to consider "unexempting" a Cabinet report of November 2010					
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input type="checkbox"/>	Referral from Officer	<input checked="" type="checkbox"/>
Date of notice of forthcoming key decision	N/A				
This report is public					

#### RECOMMENDATIONS OF MONITORING OFFICER

- (1) That the report to Cabinet on the 9th November 2010 regarding the Luneside East Regeneration Project, and relevant minute (Minute 73 of 2010/11) be no longer exempt.
- (2) That in view of the need for Freedom of Information requests to be dealt with in a timely manner, it be noted that the Leader will be asked to consider amending the Scheme of Delegation to authorise the Head of Governance, as Monitoring Officer, to determine that exempt reports, minutes or background papers are no longer required to be treated as exempt.

#### 1.0 Introduction

- 1.1 This report is submitted as an item of urgent business, as, in order to comply with the Freedom of Information Act 2000, a decision is required before the next meeting of Cabinet.
- 1.2 At its meeting in November 2010, Cabinet considered a report on options for progressing the Luneside East Regeneration Project. At the time, the report was exempt under paragraph 3 of Schedule 12A to the Local Government Act 1972 on the basis that it included information about the business affairs of third parties.
- 1.3 A freedom of information request has now been received in respect of the minute. The Monitoring Officer has considered the request, and in reviewing the report and minute, does not consider that any of the exemptions in the Freedom of Information Act 2000 apply. In particular, it cannot reasonably be argued that the disclosure of the information would or would be likely to,

prejudice the commercial interests of any person (including the public authority holding it).

## **2.0 Proposal Details**

- 2.1 When dealing with exempt information, and requests under the Freedom of Information Act 2000, it is inevitable that, over time, circumstances will change, and that information that may have been sensitive when a decision was being taken, may no longer be so after a period of time when events may have moved on.
- 2.2 That is the case with this particular report and minute. However, the Council's requirements with regard to confidential and exempt information currently provide that any information which has been treated by a member body as exempt shall remain so until the member body "lifts" the exemption. Accordingly, Cabinet is requested through this report to agree to "lift" the exemption in respect of the November 2010 Luneside East report and minute.

## **3.0 Details of Consultation**

- 3.1 There has been consultation with Regeneration and Planning, as the Service that produced the 2010 report.

## **4.0 Options and Options Analysis (including risk assessment)**

- 4.1 No options are presented, as the Monitoring Officer is of the view that the information in the report and minute does not now fall within an exemption under the Freedom of Information Act, and that a request for disclosure cannot reasonably be refused.

## **5.0 Conclusion**

- 5.1 Cabinet is asked to formally "lift" the exemption, and to note that in order that similar future requests may be dealt with expeditiously, the Leader will be asked to consider amending the Scheme of Delegation to authorise the Head of Governance, as Monitoring Officer, to determine that exempt reports, minutes or background papers are no longer required to be treated as exempt.

### **RELATIONSHIP TO POLICY FRAMEWORK**

None directly arising from this report.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

None directly arising from this report.

### **LEGAL IMPLICATIONS**

The Council has a statutory duty to comply with the Freedom of Information Act 2000, and may only refuse to disclose information if an exemption under the act applies at the time the request for disclosure is made.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**OTHER RESOURCE IMPLICATIONS****Human Resources:**

There are no HR implications arising from this report. However, if the information were not disclosed, staff resources would need to be directed to dealing with any subsequent appeal.

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer in her capacity as the officer responsible for ensuring that the Council complies with the law and the Constitution.

**BACKGROUND PAPERS**

None

**Contact Officer:** Mrs S Taylor

**Telephone:** 01524 582025

**E-mail:** STaylor@lancaster.gov.uk

**Ref:**