

Contact: Mark Cullinan
Telephone: (01524) 582011
Fax: (01524) 582042
Minicom: (01524) 582175
E-mail: mcullinan@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: GN
Your Ref:

Chairman of Personnel Committee

Chief Executive

Mark Cullinan
Chief Executive

Town Hall
Dalton Square
LANCASTER LA1 1PJ

29th November 2006

DX63531 Lancaster

Dear Councillor Gardner.

URGENT BUSINESS – REMOVAL OF EXEMPT STATUS IMPOSED ON REPORTS TO PERSONNEL COMMITTEE

I have been asked to consider agreeing to the removal of exempt status on the following documents which it was formerly resolved should be treated as exempt and therefore not made publicly available in accordance with Access to Information legislation:

- Report to Personnel Committee on 9th June 2004 – Former Town Clerk – Discretionary Compensation
- Report to Personnel Committee on 1st September 2004 – Former Town Clerk – Discretionary Compensation
- Exempt Minute 24 of the Personnel Committee – 1st September 2004.

A request has been received for a copy of these documents (amongst other related material) under Freedom of Information legislation.

At the time the reports and minute were treated as exempt by virtue of the fact that they contained some financial and personal information and included legal advice which if made publicly available may have affected the Council's position. However on examining the content of the documents there is now no good reason for the reports to continue to be treated as exempt from publication, indeed they do not meet the criteria for being treated as exempt under the Freedom of Information Act, provided that the small amount of personal data is removed to comply with Data Protection legislation. A copy of the reports and minute are attached for information. You will note that the report refers to a number of appendices. Those that are public will be supplied with the report but Appendices 3 to 6 remain exempt from disclosure under Sections 40 and 41 of the Freedom of Information Act 2000 and the enquirer will be advised accordingly.

Where a report has been declared exempt from publication under Access to Information legislation the lifting of this exemption can only be done by the body that passed the original resolution (or if necessary its parent body). In this case the decision was made by the Personnel Committee.

However in order to comply with the time limits set by the Freedom of Information Act it is impracticable to defer this decision to the next meeting of the Committee and I am therefore writing to you in accordance with Access to Information Procedure Rule 15 to inform you that I intend to take this decision.

Please note that a similar decision was taken earlier this month in relation to reports to full Council and the former Town Clerk Pensions Committee, which is being reported to the next meeting of full Council. This request under Freedom of Information legislation has been received from the same enquirer following the supply of that information.

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 Sharon Marsh on 582096, or e-mail SMarsh@lancaster.gov.uk, with your decision.

Yours sincerely,

CHIEF EXECUTIVE

Enc.

URGENT BUSINESS – REMOVAL OF EXEMPT STATUS IMPOSED ON REPORTS TO COUNCIL

Councillor Consultation

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

That the exempt status of the following reports and minute be lifted to enable the documents to be made available to the public:

- Report to Personnel Committee on 9th June 2004 – Former Town Clerk – Discretionary Compensation
- Report to Personnel Committee on 1st September 2004 – Former Town Clerk – Discretionary Compensation
- Exempt Minute 24 of the Personnel Committee – 1st September 2004.

Signed: Paul Gardner

Name: Councillor Paul Gardner

Position Held: Chairman of Personnel Committee

Dated: 08.12.2006

Chief Executive Decision

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

That the exempt status of the following reports and minute be lifted to enable the documents to be made available to the public:

- Report to Personnel Committee on 9th June 2004 – Former Town Clerk – Discretionary Compensation
- Report to Personnel Committee on 1st September 2004 – Former Town Clerk – Discretionary Compensation
- Exempt Minute 24 of the Personnel Committee – 1st September 2004.

Signed: Mark Cullinan

Chief Executive

Dated: 08.12.2006

Please return to: Sharon Marsh,
Democratic Services,
Town Hall,
Dalton Square,
LANCASTER. LA1 1PJ
Ref: UB