

Leeds City Region Enterprise Partnership (LEP)

Access to Information Annex

Rights to attend meetings, inspect documents and record proceedings.

Part 1: Rights of the public

References to meetings of the LEP Board in this Annex do not extend to meetings of any advisory group or working group appointed by the LEP Board.

West Yorkshire Combined Authority is the accountable body for the LEP, and as such ensures that the rights of the public to access information as set out in this Annex are observed.

1. Public access to meetings

Any meeting of the LEP Board shall be open to the public except where the public is excluded (during the whole or part of the proceedings) in accordance with the following:

A Confidential information

The public **must** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that the following confidential information would be disclosed:

- information given to the LEP Board or the Combined Authority by a Government department on terms which forbid its public disclosure, or
- information the public disclosure of which is prohibited by or under an Act or Court Order.

The LEP Board **may** resolve to exclude the public from a meeting during an item whenever it is likely in view of the nature of the business or the nature of the proceedings that the following confidential information would be disclosed:

- information the public disclosure of which would, or would be likely to, inhibit the free and frank provision of advice, the free and frank exchange of views for the purposes of deliberation, and/or would be likely to otherwise prejudice the effective conduct of public affairs.

B Exempt information

The LEP Board **may** resolve to exclude the public from a meeting during an item whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed to the public if the public were present during the item.

Exempt information means information falling within one of the following descriptions:

Description
Paragraph 1: Information relating to any individual .
Paragraph 2: Information which is likely to reveal the identity of an individual .
Paragraph 3: Information relating to the financial or business affairs¹ of any particular person (including the LEP, the Combined Authority or any other local authority), except information which must be registered under various statutes, such as the Companies Acts or the Charities Act 2011. “Financial or business affairs” includes contemplated, as well as past or current, activities.
Paragraph 4: Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter² arising between the Combined Authority or a Minister of the Crown and employees of, or office-holders under the Combined Authority.
Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings .
Paragraph 6: Information which reveals that the Combined Authority or any other Leeds City Region authority proposes:– (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
Paragraph 7: Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime .

Information falling within any of these descriptions may only be exempt if, and so long as, in all the circumstances of the case, the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information.

A resolution to exclude the public from a meeting must:

- identify the proceedings, or the part of the proceedings, to which it applies;
- state the description of the exempt information giving rise to the exclusion of the public and;
- confirm (by referring to reasons in a relevant report or otherwise), that in all the circumstances of the case, the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information.

¹ “Financial or business affairs” includes contemplated, as well as past or current, activities.

² Labour relations matter” as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, that is, any matter which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter.

C General Disturbance

LEP Board Procedure Rule 13 provides for the public to be excluded from a meeting where general disturbance arises.

2. Public access to agenda and reports

The Head of Legal and Governance Services shall make the following open to public inspection, at the Combined Authority's offices³, in accordance with the LEP Board Procedure Rules:

- copies of the **agenda** for a meeting of the LEP Board, and
- copies of any **report** for the meeting open to the public.

3. Public access to copies at the meeting

The Head of Legal and Governance Services will make available for the use of members of the public present at a meeting a reasonable number of copies of:

- the **agenda**, and
- those **reports** open to the public.

4. Public access to documents after a meeting

The Head of Legal and Governance Services will make available for inspection copies of the following for six years after a meeting:

- the **minutes** of the meeting (excluding any part of the minutes when the meeting was not open to the public or which disclose exempt or confidential information),
- a **written summary** of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record,
- the **agenda** for the meeting, and
- **reports** relating to items when the meeting was open to the public.

5. Recording meetings⁴

The Head of Legal and Governance Services will provide so far as practicable, reasonable facilities to any person attending a meeting for the purpose of reporting on the meeting.

A person attending a meeting for the purpose of reporting on it may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.

³ These are available on request during usual office hours.

⁴ See further Procedure Rule 12. Recording in this context means:

- filming, photographing and making an audio recording of proceedings,
- using any other means for enabling people not present to see or hear proceedings at a meeting as it takes place or later, or
- reporting or providing commentary on proceedings at a meeting, orally or in writing so that the report or commentary is available as the meeting takes place or later to persons not present.

Publication and dissemination may take place at the time of the meeting or occur after the meeting.

Any person reporting on a meeting is expected to comply with the attached Code of Practice.

The chair of the meeting may restrict the recording of any meeting where an external participant in the meeting objects to being recorded and the public interest in upholding their objection outweighs the public interest in allowing the recording to continue.

8. Written record of any urgent decision of the Chair of the LEP

The written report and written record of any decision taken by the Chair of the LEP shall be reported to the next meeting of the LEP Board.

Part 2: Press access to meetings

The Head of Legal and Governance Services shall supply on request⁵ for any newspaper:

- a copy of the **agenda** and those **reports** open to the public,
- any **further statements** necessary to indicate the nature of the items on the agenda, and
- if the Head of Legal and Governance Services thinks fit, copies of **any other documents supplied to members of the LEP Board** in connection with the item.

Procedure Rule 12 and rights relating to recording proceedings set out above apply to members of the press, in the same way as they apply to the public.

Part 3: Freedom of Information (FOI) and Environmental Information (EI) Regulations 2004 requests, and the Local Government Transparency Code

The FOI Act 2000 and EI Regulations 2004 apply to the LEP and to the Combined Authority. The Combined Authority publishes information under a Publication Scheme⁶, and additional information is also available published on the LEP web-site.

The public has a general right of access to information held by the LEP Board and the Combined Authority, but this is subject to exemptions⁷.

As the accountable body for the LEP, the Combined Authority deals with any FOI and EI requests addressed to the LEP.

⁵ and on payment of postage or other necessary charges

⁶ This can be found under the 'Freedom of Information' section of the Combined Authority's website

⁷ the Monitoring Officer or in their absence the Head of Paid Service is authorised by the Secretary of State to assume the role of "qualified person" for the purposes of S36 FOIA (letter dated 4 May 2016).

A FOI request must:

- be in writing⁸,
- state the name of the applicant,
- state an address for correspondence, and
- describe the information requested.

The Combined Authority publishes information as required by the Local Government Transparency Code 2015 which includes but is not limited to the following:

- spending and expenditure including grants,
- procurement information including contracts,
- an organisation chart detailing senior management personnel, and
- land and assets⁹.

Part 4: Members' access

1. General

The Combined Authority's Access to Information Annex sets out the rights of any member of the Combined Authority to inspect the Combined Authority documents. These rights extend to documents held by the Combined Authority in its capacity as accountable body for the LEP.

2. Additional rights of access to documents for members of the Combined Authority's Overview and Scrutiny Committee

Subject to the exceptions outlined below, a member of the Combined Authority's Overview and Scrutiny Committee is entitled to a copy of any document which is in the possession or under the control of the Combined Authority and contains material relating to any business that has been transacted at a meeting of the LEP Board. The member must make any request for such a document in writing to the Head of Legal and Governance Services, who shall consider any such request on behalf of the LEP.

The document must be provided as soon as reasonably practicable and in any case no later than 10 clear days after the Head of Legal and Governance Services receives the request.

No member of the Overview and Scrutiny Committee is entitled to a copy of any such document or part of a document which contains exempt or confidential information, unless that information is relevant to:

- an action or decision that the member is reviewing or scrutinising, or
- any review contained in any programme of work of the Committee.

⁸ A request will be treated as made in writing where the text is transmitted by electronic means (e-mail), is received in legible form, and is capable of being used for subsequent reference.

⁹ This can be found under the Freedom of Information section of the Combined Authority's website

Where the Head of Legal and Governance Services determines that a member is not entitled to a copy of a document or part of any such document, they must provide the Overview and Scrutiny Committee with a written statement setting out the reasons for that decision.

Part 5: LEP Board Membership

The name of all current members of the LEP Board will be published on the Combined Authority web-site.