



## **Appendix 15 - Access to Information Rules**

### **1.Scope**

*These rules apply to all meetings of the BC LEP and its Groups and Sub-Groups set out at paragraphs 1.3.2 to 1.3.4 of this framework (together called meetings).*

### **2.Additional Rights to Information**

These rules do not affect any more specific rights to information contained elsewhere in this Assurance Framework or the law, in particular the public may have additional rights of access to information under the Freedom of Information Act, 2000 and/or the Data Protection Act, 1998.

### **3.Rights to attend meetings**

Members of the public may attend all meetings subject only to the exceptions in these rules.

### **4. Notices of meeting**

*The BC LEP will give at least 5 clear days notice of any meeting by posting details on its website*

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### **5.Access to Agenda and Reports Before the Meeting**

The BC LEP will make copies of the agenda and reports open to the public available for inspection at *The Deckhouse, Waterfront West, Brierley Hill* at least 5 clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda where reports are prepared after the agenda has been sent out. The *Consortium Chief Executive* shall make each such report available to the public as soon as the report is completed and sent to *Board or appropriate Sub-Group members*.

### **6.Supply of Copies**

The BC LEP will supply copies of:-

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c ) if the Chief Executive of BCc Ltd thinks fit, copies of any other documents supplied to *Board or Sub- Group members* in connection with an item;

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to any person on payment of a charge for postage and any other costs.

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7. Access to Minutes, etc. After the Meeting

The BC LEP will make available copies of the following for 6 years after a meeting:-

- (a) the minutes of meetings or records of decisions taken, together with reasons, for all meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. Background Papers

## 8.1 List of Background Papers

The officer compiling the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information, as defined in Rule **10** below.

8.2 Public Inspection of Background Papers

The BC LEP will make available for public inspection for 4 years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at *The Deckhouse, Waterfront West Brierley Hill*, and these Access to Information Procedure Rules constitute that written summary.

10. Exclusion of Access by the Public to Meetings10.1 Confidential Information – Requirement to Exclude Public

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 confidential information would be disclosed.

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## 10.2 Exempt Information – Discretion to Exclude Public

The public may 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 exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act, 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

## 10.3 Meaning of Confidential Information

Confidential information means information given to the BC LEP by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

## 10.4 Description of Exempt Information

Exempt information means information falling within the following 8 categories (subject to any condition):-

### Category

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the BC LEP proposes:
  - (a) to give 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.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
  - (a) Constitutes a trades secret;

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- (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
- (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

#### Qualification

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8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph is required to be registered under:

- (a) the Companies Act 1985(a);
- (b) the Friendly Societies Act 1984(b);
- (c) the Friendly Societies Act 1992(c);
- (d) the Industrial and Provident Societies Acts 1965 to 1978(d);
- (e) the Building Societies Act 1986(e); or
- (f) the Charities Act 1993(f).

9. Information is not exempt information if it relates to proposed development for which the *relevant* local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992(a).

10. Information which:-

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all of the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### 11.Exclusion of access by the public to reports

If the Chief Executive BCC Ltd thinks fit, the BC *LEP* may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” and the agenda shall indicate the category of information likely to be disclosed.

#### 12.Freedom of Information

##### **Access to information about the Black Country Consortium Ltd and its services**

The Freedom of Information Act means that a person has a right to see, or request a copy of, a wide range of recorded information held by the Black Country Consortium Ltd. This information generally will pertain to BCC Ltd’s involvement with the management, administration and expenditure of public funds. This right was introduced in January 2005.

Some information requested may be held by the accountable bodies for various funding streams – these are the four Black Country local authorities – Dudley Metropolitan Borough Council (MBC); Sandwell MBC; Walsall MBC and City of Wolverhampton. If this is the case BCC Ltd will notify them on your behalf and the relevant Local Authority will co-ordinate a response, within 20 working days.

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The Freedom of Information Act gives a person extra rights by allowing you to see, or have copies of information which might not otherwise be published.

## Requests for information

Requests for information must be in writing (email or post) with a name and address for correspondence, this can be an e-mail address and should include sufficient detail to enable us to locate the requested information. BCC Ltd contact details can be found at the bottom of this page.

### When we receive your request for information

- We will acknowledge and, if necessary, contact you so that we are clear about your request for information
- We will reply to you within 20 working days, saying whether or not we have the information you want and if there are any charges
- If we have the information and can release it, we will supply you with a copy of it, or a summary of it, or we will make it available for you to inspect
- If we cannot provide the information we will tell you why
- When you request information using the Freedom of Information Act, there may be a charge for photocopying and postage if you want copies of the information to be sent to you. We will let you know if a charge applies to your request.
- Please note that some types of information may not have to be released under the Freedom of Information Act, such as:
  - Information about criminal investigations
  - Court records
  - Information about commercial interests
  - Personal information about other people

Further information about the Freedom of Information Act can be obtained

from: The Information Commissioner  
 Wycliffe House  
 Water Lane  
 Wilmslow  
 Cheshire  
 SK9 5AF  
 Website: [www.ico.org.uk](http://www.ico.org.uk)

If you have any other queries about Freedom of Information within the Black Country Consortium Ltd please let us know.

### Contact Us

Secretariat  
 Black Country Consortium Ltd  
 The Deckhouse  
 Waterfront  
 West Dudley

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Road Brierley  
Hill DY5 1LW

Telephone: **08458 15 15 15**

Email: <http://www.the-blackcountry.com/contact-us>

This page was last updated on 20 November 2017

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