

THE EXECUTIVE BOARD

(ACCESS TO INFORMATION APPEALS COMMITTEE)

17TH AND 18TH JANUARY 2006

PRESENT: Councillor D Blackburn in the Chair
Councillors J L Carter, Smith and Wakefield

1 Access to Information Appeal

The Committee heard an appeal by Councillor Illingworth following the refusal of the Director of Development to allow him access to the following documents:

Draft plans for the refurbishment of St Ann's Mills.
Draft questionnaire to be used during public consultation.

Written submissions by the Department and the appellant had been provided to the committee in advance of the hearing and each presented their case to the committee.

It was noted that the final printed version of the questionnaire document had been released to the appellant prior to the hearing.

Following the hearing on 17th January the committee reconvened on 18th January to consider their decision.

RESOLVED –

- (a) That the detailed advice presented by the Director of Legal and Democratic Services be noted.
- (b) That, with regard to the draft plans for the refurbishment of St Ann's Mills, the appeal be denied.
- (c) That, with regard to the draft questionnaire, the committee held that the appellant did not have a statutory right of access, however, while supporting the view that the appellant did not have a 'need to know' in relation to the early drafts of the document such a need did exist in relation to the final draft before it was printed to allow that members' comments could be considered and taken account of as appropriate, prior to publication.
- (d) That, arising from discussions in association with the appeal the Director of Legal and Democratic Services be requested:
 - (i) to review the procedure in relation to access to information appeal hearings
 - (ii) to remind all Directors to be clear as to the status of confidential or draft documents when disclosing them to Members and to remind Members that to disclose confidential information without consent would be a breach of the Members Code of Conduct.