

EXECUTIVE BOARD (ACCESS TO INFORMATION APPEALS COMMITTEE)

THURSDAY, 17TH DECEMBER, 2009

PRESENT: Councillor R Finnigan in the Chair

Councillors J L Carter, S Golton and
K Wakefield

4 Exclusion of the Public

The Chief Democratic Services Officer reported that the papers for this meeting had been removed from the internet following initial publication on advice from the Chief Officer (Legal, Licensing and Registration) that elements of the appellants submission could be considered to be defamatory. The Committee also noted that the papers which were to be discussed under the appeal were, pending any decision of this committee to the contrary, designated as working papers and therefore not open to public inspection. Therefore any discussion regarding their content to consider the question of accessibility may be impeded by the presence of the public.

RESOLVED – That the public be excluded from the meeting for the reasons cited above,

5 Access to Information - Code of Practice

The Committee noted the provisions of the Constitution as to the conduct of this appeal.

6 Access to Information Appeal

The Committee heard an appeal by a Member of Council following the refusal of the Chief Democratic Services Officer to provide the member with copies of all of the working papers associated with the Annual Council meeting in 2003.

Written submissions by the Chief Democratic Services Officer and the appellant, together with the documentation which was the subject of the appeal had been provided to the Committee with the agenda for the meeting and each party presented their case to the Committee.

RESOLVED that –

- (a) The appellant did not advance sufficient reasons to support that he had a need to know the information sought in order to discharge his duties as a Councillor.

(b) The information requested did not fall within the legal definition of background papers as defined by the Local Government Act 1972 as amended.

(c) In consequence of a) and b) above, the appeal be denied.