

ENTERPRISE M3 CONFIDENTIAL ITEMS POLICY

Enterprise M3 is committed to achieving the highest possible standards of openness, probity and accountability in all of its practices. In line with this, as a general principle, agendas and other papers relating to meetings of the LEP Board are normally available for public inspection through publication on the LEP website five working days prior to the meeting. Draft minutes of meetings are published within ten working days following the meeting.

However, there will be occasions when the record of discussions and decisions will not be made available for public inspection; for example, when the LEP is aware that it holds “confidential information” under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. This includes:

- Information provided by a government department on terms which forbid the disclosure of the information to the public;
- Where disclosure to the public is prohibited by a court or;
- Where the Local Enterprise Partnership holds “exempt information” under Schedule 12A of the Local Government Act 1972. This includes information relating to an individual, relating to the financial or business affairs of a particular person, negotiations, labour relations, legal professional privilege and in connection to the investigation or prosecution of a crime. This will include agenda items or meetings that are exempt due to confidentiality or commercial sensitivities.

Full details on the items which will be exempt from publication are outlined in the Local Government Act 1972 and the Freedom of Information Act 2000.

In instances where an item which is exempt from publication is considered, Enterprise M3 will publish a statement to record this, including a summary of the reason the information has not been published. This will be included within the agenda and meeting papers published in advance of the meeting, and also within the meeting notes published following the meeting.

In the event information is not published in relation to an item considered at a meeting, the confidential meeting note will be held by Enterprise M3 in case any decisions need to be scrutinised in the future.

When we prepare papers for a meeting, ordinarily, the Managing Director will decide on the information, if any, that is to be exempt from publication. In the event a further view is required in order to agree a position, this will be sought from Hampshire County Council as Accountable Body for the LEP.

Any information exempt from publication will be circulated in confidence to Board Members. Some confidential items are likely to be of a sensitive nature for a certain period of time only (for example information relating to a proposed commercial project). In such instances, the Managing Director will consider how long such items should be treated as confidential and such items will be regularly reviewed to consider whether the confidential status should be removed or whether the public interest in disclosure outweighs that confidential status and the item made available for public inspection. In the event that a further view is required in order to agree a position, this will be sought from Hampshire County Council as Accountable Body for the LEP.

August 2023