



SOLENT  
**LOCAL**  
ENTERPRISE  
**PARTNERSHIP**

# **Management of Confidential Items**

Solent Local Enterprise Partnership

May 2018

## Management of Confidential Items

1. The Solent LEP, and Portsmouth City Council as accountable body to the Solent LEP, are committed to achieving the highest possible standards of openness, probity and accountability in all of our practices.
2. In line with this, as a general principle, agendas and other papers relating to meetings of the LEP Board (and any investment panel meeting making decisions on the use of public funding) are normally available for public inspection through publication on the LEP website five working days prior to the meeting of the LEP Board. Meeting notes are published within 5 working days post the meeting of the LEP Board.
3. 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.
4. This will include agenda items or meetings that are exempt due to confidentiality or commercial sensitivities.
5. 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](#).
6. The Solent LEP is committed to ensuring information is handled in accordance with the EU General Data Protection Regulation 2016 and with prevailing UK data protection law. Further information on how the LEP handles personal information can be found in the Solent LEPs Data Protection Privacy Notice, available at: <https://solentlep.org.uk/data-protection-privacy-notice/>
7. In instances where an item which is exempt from publication is considered, the Solent LEP 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.
8. In the event information is not published in relation to an item considered at a meeting, the confidential meeting note will be held by the Solent LEP in case any decisions need to be scrutinised in the future.
9. When we prepare papers for a meeting, ordinarily, the Solent LEP Company Secretary, in consultation with the Solent LEP Head of Policy, Communications and Partner Engagement, 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 the Solent LEP Chief Executive and Monitoring Officer of Portsmouth City Council as Accountable Body to the LEP.

10. In addition to information exempt from publication, there may also be circumstances where a meeting paper is not shared with all Board Members. This will include instances where an interest pertains to an item within a meeting or a decision where the sharing of information with them would not be appropriate. Examples may include where information may impact on the commercial relationship between two third parties or where a Board Member is involved in a competitive bidding process and the sharing of information may provide, or be perceived to provide, them with a commercial advantage over other organisations within this framework. Further details in relation to the LEPs register of interest are [available here](#).
11. When we prepare the distribution list for a meeting, the Solent LEP Company Secretary, in consultation with the Solent LEP Head of Policy, Communications and Partner Engagement, will decide on the information, if any, that is to be circulated under a restricted circulation. In the event a further view is required in order to agree a position, this will be sought from the Solent LEP Chief Executive and Monitoring Officer of Portsmouth City Council as Accountable Body to the LEP.
12. The LEP will retain a record of any information distributed under a restricted circulation, including the reasons for the restriction, in case any decisions need to be scrutinised in the future.
13. 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 Solent LEP Company Secretary, in consultation with the Solent LEP Head of Policy, Communications and Partner Engagement, 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 a further view is required in order to agree a position, this will be sought from the Solent LEP Chief Executive and Monitoring Officer of Portsmouth City Council as Accountable Body to the LEP.
14. It is important that the Board has full and frank discussions in order to take decisions collectively. To do so, there must be trust between members with a shared corporate responsibility for decisions. Board Members are expected to keep confidential any matter which, by reason of its nature, the Chair or Members of the Board are satisfied should be dealt with on a confidential basis.
15. Board Members should not make statements to the press or media or at any public meeting relating to the proceedings of the Board without first having obtained the approval of the Chair. It is unethical for Board Members to publicly criticise, canvass or reveal the views of other Members which have been expressed at meetings of the Board.