



# **Governance and Assurance Framework**

## **Section H: Transparency Code**

**June 2021**

1. The Midlands Engine Executive Board will conduct its business in an open and transparent manner, which will enable interested stakeholders and members of the public to scrutinise and participate in Midlands Engine processes.

### **Publication of information**

2. The Midlands Engine has a dedicated website which includes information and documents relating to the Midlands Engine activities and how the public and business community can engage in Midlands Engine processes.

### **Meeting agenda, papers and minutes**

3. Executive Board meeting agenda, papers and minutes will be published on the Midlands Engine website.

### **Freedom of information requests**

4. The Accountable Body for Midlands Engine is Staffordshire County Council. To make an application under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 for information held by Staffordshire County Council you should follow the process set out on the Staffordshire County Council website <https://www.staffordshire.gov.uk/Your-council-and-democracy/Request-and-access-information/Council-information/Request-council-information.aspx>

### **Executive Board meetings**

5. The Executive Board term of reference sets out the frequency of Midlands Engine Executive Board Meetings. A minimum of four weeks advance public notice will usually be given of Board meeting dates. However, meetings may be convened at shorter notice where there is a need for decisions to be taken before the next scheduled board meeting, which will be publicised as soon as possible after the meeting date is confirmed.
6. The Executive Board of Midlands Engine will conduct their business in an open and transparent manner, comparable to the member local authorities and Local Enterprise Partnerships. This will enable interested stakeholders and members of the public to scrutinise and participate in Midlands Engine Partnership processes, unless there are specific reasons for such discussion to be restricted from the public as set out below.

### **Publication of Agenda, papers and minutes**

7. Agenda and papers for the Midlands Engine Executive Board meetings will be published on the Midlands Engine website a minimum of five clear working days prior to the relevant meeting unless there is an extraordinary meeting called with less than five working days' notice.
8. Minutes of Board meetings shall be published on the Midlands Engine website as part of the agenda pack for the next meeting. These minutes will be draft prior to being approved at the next ordinary meeting of the Board.

9. In addition, any declaration of interest made at a meeting will be included in the minutes of the Board meeting. A new declaration of interest will be updated on the relevant member's register published on the Midlands Engine website.

### **Attendance of key stakeholders and the public at Board meetings**

10. Key stakeholders who are not Midlands Engine Board Members are invited to attend Midlands Engine Board meetings to make a representation or contribute to discussions on agenda items when appropriate. If key stakeholders wish to be invited to additional Midlands Engine Board meetings to present information, applications should be made via the Midlands Engine Executive Director a minimum of 35 clear days in advance of the Board meeting date.
11. Midlands Engine Board Members representing the business community are encouraged to engage local businesses to understand their needs and views.
12. Midlands Engine Board meetings are open to the public and members of the public and business community can make direct verbal representations at the discretion of the Chair.

### **Public questions**

13. Individuals or organisation may submit up to two questions at any single meeting and each question may be sub-divided into no more than two related parts. Questions are to be submitted in writing or by electronic mail to the Midlands Engine Secretariat ([info@midlandsendine.org](mailto:info@midlandsendine.org)) no later than 5pm five clear working days before the meeting. The period of notice is to allow sufficient time for a response to be formulated.
14. In exceptional circumstances and in cases of urgency the Chair may allow questions without the full period of notice having been given where he or she is satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.
15. Notice of each question must include the name and address of the questioner (in respect of an organisation, the name of the organisation and the questioner's position within the organisation).

### **Accessibility**

16. If members of the public have special requirements to enable their access to board meetings, they should contact the Midlands Engine Secretariat ([info@midlandsendine.org](mailto:info@midlandsendine.org)) so that suitable arrangements can be made.

### **Exclusion of Access by the Public to Meetings and / or Reports**

17. Whilst Midlands Engine meetings will generally be held in public, on occasion it may be necessary to exclude the public from meetings or access to reports. For the avoidance of doubt, The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 apply in such circumstances.

## Exempt / Confidential Information – Discretion to Exclude the Public

18. The public may be excluded from a meeting 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. Confidential information means information given to the Midlands Engine Partnership by a Government Department, a local authority, partners, business or another agency on terms that forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### Meaning of Exempt Information

19. Exempt information means information falling within the following categories (subject to any condition):

Category	Qualification
One: Information relating to any individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
Two: Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Three: Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<ul style="list-style-type: none"><li>• Exempt information if as so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</li><li>• Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:<ul style="list-style-type: none"><li>a) The Companies Act 1985</li><li>b) The Friendly Societies Act 1974</li><li>c) The Friendly Societies Act 1992</li><li>d) The Industrial and Provident Societies Acts 1965 to 1978</li><li>e) The Building Societies Act 1986</li><li>f) The Charities Act 1993</li></ul></li></ul>

<p>Four: Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Midlands Engine and employees of, or office holders under, the Midlands Engine</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>Five: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>Six: Information which reveals that the Midlands Engine proposes:</p> <ul style="list-style-type: none"> <li>a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person, or:</li> <li>b) To make an order or direction under any enactment.</li> </ul>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>Seven: Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

20. Information falling within any of the above paragraphs is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Exclusion of Access by the Public to Reports**

21. The Midlands Engine may exclude access by the public to the whole or any part of a report that relates to items during which, in accordance with the above, the meeting is

not likely to be open to the public. Such reports or parts of reports will be marked “Not for Publication” together with the category of information likely to be disclosed.

22. The Midlands Engine Partnership shall comply with the requirements of the Local Government Transparency Code 2015

<https://www.gov.uk/government/publications/local-government-transparency-code-2015>