

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: 583/13

Meeting: Cabinet Meeting

Date: 12th June 2013

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- REPORT: Housing in Multiple Occupation -Additional licensing Cabinet report
- Appendix 1: Proposed designation
- Appendix 2: Evidence report
- Appendix 3: Consultation report
- Appendix 4: Equalities Impact Assessment
- Appendix 5: Legal opinion (exempt report)

1. The appendix 5 constitutes exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the meeting resolve to exclude the public. The paragraphs below sets out the relevant public interest issues in this case.

Factors for withholding:

- Legal advice as to the course of action open to the Council. It is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion. Without such confidence there are risks of lack of openness between client and lawyer and threats to the administration of justice. This thereby enables a public body to have confidence that the legal issues are being discussed fully. There is an important public interest in such confidence.

Factors for disclosure:

- Further public understanding of the issues concerned.
- Promotion of accountability and transparency by the Council for the decisions it takes.
- Allows individuals and companies to understand decisions made by the Council affecting their lives and assists individuals to challenge those decisions.

Reasons why the public interest favours non-disclosure:

- It is important for public authorities to be able to obtain unfettered legal advice in respect of proposed legal proceeding against its decisions and to be able to ask questions of Officers to enable Elected Members tasked with representing the local community to reach a decision after having taken such advice into account.
- It is important for public authorities to have some measure of 'private thinking space', and that they are able to share important information with Elected Members tasked with represent the local community.