

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-11-022

Meeting / Decision: Licensing Act 2003 Committee

Date: 13 December 2011

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Report Title: Grant of a Premises Licence for a Small Casino in Bath – Stage 2 of the Casino Competition

Exempt Appendix Title:

Exempt Appendix 1 – Joint Venture between Stage 1 applicants at Stage 2

Annexes A-T

Exempt Appendix 2 – Late submission of an application at Stage 2

Annexes A-U

The Report contains 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:

3. *Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

5. *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 Report be

withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

Factors for withholding:

- Regulation 8 (2)(b) of the Gambling Act 2005 (Proceedings of Licensing Committees & Sub-Committees) (Premises Licences & Provisional Statements) (England & Wales) Regulations 2007, states that part or all of the hearing can take place in private where there is a need to protect as far as possible, the commercial or other legitimate interests of a party.
- The Council considers that the information contained within the exempt appendices relates to the financial and business affairs of the parties who have submitted applications for Stage 2 of the competition and that release of this information would be likely to prejudice the commercial interests of these parties.
- Includes the opinion of external legal advisors in relation to the issues at hand and legal advice as to the possible outcomes of the choices Committee will be making. It is important that public authorities are 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 in that 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.
- Promote transparency by the Council for the decisions it takes
- Allow individuals and companies to understand decisions made by the Council affecting their lives and assist 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 proceedings against its decisions and to be able to ask questions of Officers to enable the Elected

Members, tasked with representing the local community, to reach a decision after having taken such advice into account.

- It is also important that the Committee should be able to retain some degree of private thinking space while decisions are being made, in order to discuss openly and frankly the issues under discussion and that they are able to share important information with Elected Members tasked with representing the local community.
- The Council considers that the public interest has been served by the fact that a significant amount of information about the process and nature of the issues has been made available on these issues – by way of the main report.