



## Access to Information Arrangements

### Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA/07/004

Meeting: Cabinet

Date: 20<sup>th</sup> June 2007

Author: Joy Jefferys

**Appendix Title:** Greater Bristol Bus Network Land Cost Information.

The appendix to the report 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:

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

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, should Members wish to discuss the Appendix to the report. The paragraph below sets out the relevant public interest issues in this case.

Factors for withholding:

The estimated cost of the land is information which relates to the financial and business affairs of the Council.

Disclosure of the estimated cost of the land would prejudice the Council's position in respect of any future negotiations with the landowner regarding the sale of the land. If the landowner were aware of the cost estimate made by the Council in respect of the land, the Council's bargaining position would be weakened, and best value on behalf of local taxpayers would not be achieved.

Negotiations with the landowner have not yet been finalised. It would prejudice the Council's commercial position to make information about the

ongoing negotiations available, until such time as those negotiations are complete.

Factors for disclosure:

The Council considers that most of the factors suggested by the Information Commissioner as being relevant to an assessment of public interest apply to this information. Disclosure would:-

- further public understanding of the issues involved;
- further public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promote accountability and transparency by the Council for the decisions it takes;
- promote accountability and transparency in the spending of public money;
- 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 withholding the information:

The Council considers that the public interest has been served by the fact that the main report will be discussed in open session.

The successful completion of this transaction will provide positive community outcomes, as detailed in Sections 4 and 5 of the main report. It is therefore in the public interest to ensure the Council has every chance of attaining a positive result in respect of the transaction.

There is strong public interest in the Council delivering cost effective services to its customers. Release of this information would prejudice this function, as outlined above, and is therefore not in the public interest.

The Council has a fiduciary duty to gain best value on behalf of tax payers in respect of its business transactions. Disclosure of this information would prejudice the Council's bargaining position in respect of the land, thereby introducing the possibility that the Council may not gain best value on behalf of taxpayers in respect of any future transactions over the land, and this is not in the public interest.

Once the sale has been concluded, it is likely that this information will be less commercially sensitive than at the current time. Accordingly the Council will then be willing to consider disclosure of the information in response to any requests, and in line with its duties under Freedom of Information legislation.