



Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-07-007

Meeting: Cabinet

Date: 5th September 2007

Author: Sarah Alder

Appendix Title: Results of Tenders Received

The appendix 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 if the meeting wishes to discuss the appendix, it moves to exempt session and exclude the public.

The paragraphs below set out the relevant public interest issues in this case.

Factors for withholding:

- The Appendix contains factual information which is commercially sensitive and which has only been made available to the Council as part of the tendering process. Disclosure of commercially sensitive information made available to us for this purpose may inhibit competition in the future, if tenderers became reluctant to disclose this information to us or if the information was used by competitors during future tendering processes, leaving the Council with less choice or variety in tenders submitted.
- Negotiations with the relevant tenderers 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 main factor in favour of disclosure is that all possible Council information should be public, and that increased openness about Council business allows the public and others affected by any decision the opportunity to participate in debates on important issues in their local area.

Reasons why the public interest favours disclosure:

- 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 Section 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 main terms on which any contract is eventually awarded will be available to the public, which will allow public scrutiny of this information.