



Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA/08/019

Meeting: Cabinet

Date: 5th November 2008

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Appendix Titles:

- 1) Detailed Summary Report
- 2) Summary Report DTZ
- 3) DTZ Report Financial Model
- 4) Summary of Development Agreement from Berwin Leighton Paisner
- 5) Economic Outputs Regeneration of Bath Western Riverside

The Appendices to the report include exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemptions are set out below.

Stating the exemptions:

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 exemptions outweighs the public interest in disclosure at this time. It is therefore recommended that the meeting move to exempt session when the Appendices are discussed.

Factors for withholding:

The appendices contain information which relates to the financial and business affairs of the Council.

In particular Appendix 4 contains legal advice provided to the Council in respect of the proposed Development Agreement in respect of Bath Western Riverside.

All of the Appendices contain highly commercially sensitive information regarding the Council's negotiating position in respect of the Development Agreement and the future of the Bath Western Riverside project. The Council's negotiation position and its ability to achieve the most favourable terms would be negatively impacted if this information were to be released at such a critical time in the negotiations.

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 disclosed.

It is important for public authorities to have some measure of 'private thinking space', and that they are able to share important information with Members tasked with representing the local community.

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 Development Agreement and the project in general, thereby introducing the possibility that the Council may not gain best value on behalf of taxpayers, and this is not in the public interest.

It is in the public interest that the Council is able to deliver cost-effective solutions in relation to significant local issues. This depends partly on the Council being able to protect its commercial position.

The Appendices refer to unresolved issues about which the Council hasn't yet formed a final view - there is an important public interest in the Council being able to consider these issues in private.