

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-10-05

Meeting / Decision: Cabinet

Date: 3 March 2010

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Report: West of England Delivery & Infrastructure Investment Framework
2010/11 – 2019/20

Attachment 1 – Report to West of England Partnership Board 25th February
2010 : West of England Delivery & Infrastructure Investment Framework 2010
– 2020 – including appendices A to O

Appendices A to O to the Report to the West of England Partnership Board contain 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 Appendices A to O to 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 – Evaluation of Tenders

If a Decision Maker wishes to consider a Report / Appendix relating to a Single Member Decision in private, they must be satisfied on two matters.

Firstly, they must be satisfied that the information contained within the Report / Appendix falls within one of the accepted categories of exempt information under the Local Government Act 1972.

Paragraph 3 of the revised Schedule 12A of the 1972 Act exempts information which relates to the financial or business affairs of any particular person (including the authority holding that information). There is information set out in the Appendix which relates to the financial and business affairs of both the Council, other Local Authorities, the West of England Partnership and other organisations. The Council's Information Compliance Manager has confirmed that this information falls within the exemption under paragraph 3.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds.

Public interest factors for withholding:

The Appendix contains commercial information detailing the delivery & infrastructure investment plan with the homes & communities agency, for locations likely to require public investment. It is important that the Council and the other local authorities are able to protect their commercial position in this matter while the details of the delivery & infrastructure investment plan and options are considered and progressed.

The appendix contains commercially sensitive information which is relevant to current schemes and projects of the various Local Authorities. It is important that the Councils are able to protect their commercial position.

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 while the details of relevant schemes are agreed.

The appendix contains details of possible locations for future investment and the details need to be considered and progressed. The appendix also contains strategic details regarding obtaining HCA funding. It would prejudice the Council's and other Local Authorities' commercial position to make information available about: the proposed locations and actions to be taken; the strategic direction of the Councils in order to obtain HCA funding; and details of anticipated investment. Disclosure of this information could prejudice the Councils, for example by detrimentally affecting the Councils' abilities to negotiate on or influence the key issues.

Public interest 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 exempt appendix contains the investment framework for the Council and other Local Authorities. It would not be in the public interest if advisors and officers could not express in confidence opinions which are held in good faith and on the basis of the best information available. The information to be discussed is also commercially sensitive and if disclosed could prejudice the commercial interests of the Council and other Local Authorities.

The Council considers that the public interest has been served by the fact that a significant amount of information has been made available on these issues – by way of the main report, the West of England Delivery & Infrastructure Investment Framework 2010/11 – 2019/20 report which includes a list of the relevant appendices.

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 relating to the Delivery & Infrastructure Investment Framework.