

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA/10/020

Meeting: Bath Recreation Ground Trust Board

Date: 16 December 2010

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Report : Launch consultation on future land uses at the Recreation
Ground

Appendix Title/s:

Appendix 1 – Briefing Note for Trustees

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 the meeting resolve to exclude the public. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed 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 the investment managers which is commercially sensitive to the investment managers. The officer responsible for this item believes that this information falls within the exemption under paragraph 3 and this has been confirmed by the Council's Information Compliance Manager.

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

Factors for disclosure:

Disclosure would:

- Further public understanding of the issues concerned.
- Promote accountability and transparency by the Council for the decisions it takes and 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.
- Further public participation in the public debate of issues.

Factors for withholding:

- The Appendices contain information which relates to the financial and business affairs of the Council.
- The Appendices contain commercial information detailing proposals regarding the future occupation and use of the Recreation ground. It is important that the Council is able to protect its commercial position in this matter while the options are considered and progressed.
- 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.

Reasons why the public interest favours withholding disclosure:

- The Council considers that the public interest has been served by the main report will be disclosed.
- The Appendix refers to unresolved issues about which the Trustees of the Recreation Ground Trust haven't yet formed a final view - there is an important public interest in the Trustees being able to consider these issues in private.

- 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 detailed terms of relevant schemes are agreed. Release of this information would prejudice this function, as outlined above, and is therefore not in the public interest.
- It is important for public authorities to have some measure of 'private thinking space', and that they are able to share important information with Elected Members tasked with representing the local community.