

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: 290/16

Meeting / Decision: Full Council

Date: 16 February 2016

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Report Title: Creation of a Charitable Trust Board to manage Charitable Trusts

Proposed Trust Board Terms of Reference – Appendix A

EXEMPT INFORMATION - Advice on the Alice Park Trust – Appendix B

The Report contains 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:

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 exemption outweighs the public interest in disclosure at this time. It is therefore recommended that 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

If the delegated officer 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.

The officer responsible for this item believes that this information falls within the following exemption and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

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

Factors for disclosure:

- Further public understanding of the issues concerned.
- Promote accountability and transparency by the Council for the decisions it takes.
- Allow individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

Factors against disclosure:

It is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion. Without such confidence, there are risks of lack of openness between client and lawyer and threats to the administration of justice. This thereby enables a public body to have confidence that legal issues are being discussed fully. There is an important public interest in such confidence.

As a result, the Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)