

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-11-008

Meeting / Decision: Avon Pension Fund Committee

Date: 24 June 2011

Author: Liz Feinstein

Report Title: CURRENCY HEDGING MANAGER APPOINTMENT

Exempt Appendix Title:
Appendix 1 – Summary of Appointment

Indicate which of the following categories the report / appendix falls in to.

1. The report / appendix constitute confidential information, and the meeting must therefore resolve to exclude the public.

Confidential information is defined as:

- I. Information furnished to the council by a Government department upon terms which forbid the disclosure of the information to the public;
- II. Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

2. The report / 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 committee

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. 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. Another factor in favour of disclosure is that the public and those affected by decisions should be entitled to see the basis on which decisions are reached.

Weighed against this is the fact that the exempt appendices contain the investment processes / strategies of the investment manager. The information to be discussed is also commercially sensitive and if disclosed could prejudice the commercial interests of the investment managers. It is also important that the Committee should be able to retain some degree of private thinking space.

The Council considers that the public interest has been served by the fact that significant amounts of information regarding the tender process and reasons for choosing Record have been made available by way of the main report.