

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 839/21

Meeting / Decision: Cabinet

Date: 20th July 2021

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Report Title: Bath City Centre Security

Exempt Appendix 1 – NaCTSO Report

Appendix 2 – Correspondence from Chief Constable – Avon & Somerset Police – February 2019

Appendix 3 – Proposed Bath City Centre Security Map

Appendix 4 – Correspondence from Chief Constable – Avon & Somerset Police – May 2021

Appendix 5 - Proposed HVM for Protective Measures

Appendix 6 – City Centre Legal Advice

Appendix 7a to 7h– Risk and Impact Assessments

Appendix 8 – Equality Impact Assessment

Appendix 9 – Accessibility Study

Appendix 10 – Consultation Report

Appendix 11 – Additional Feedback Report from 19 May to 1 June 2021

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:

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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 Exempt Appendix 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 Cabinet wishes to consider a matter with press and public excluded, they must be satisfied on two matters.

Firstly, they 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 exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information relating to the City Centre Security being disclosed into the public domain. Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;

Weighed against this is the fact that the exempt appendix contains detailed information which if disclosed into the public domain would prejudice the prevention or detection of crime and the ability to safeguard national security. It is considered that the disclosure of this information would undermine the ability to properly police on a day to day basis and would undermine both national security and the prevention of crime. The Council must ensure that information which would extend any risk to the security of the City Centre and jeopardise public safety is not disclosed into the wider public domain.

It would not be in the public interest if advisors and officers could not express in confidence opinions which are in good faith and on the basis of the best information available. 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.

It is considered that the public interest is best served in this matter by not releasing this information at this time and that a significant amount of information regarding the matter has been made available on these issues – by way of the main report. Therefore it is recommended that exemption 7 applies. 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).