

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: IG-1233247
Meeting / Decision: Single Member Decision - Cllr Richard Samuel, Cabinet Member for Resources
Date: On or after 4 March 2023
Author: Rob Dawson
Report Title: Wansdyke Business Centre, Midsomer Norton Appendix Title: Appendix 1: Wansdyke Business Centre Options summary Exempt Appendix 2: Wansdyke Business Centre Financial Impact

The Exempt appendix 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 exemptions:

- 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 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 member for Resources 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. Paragraph 3 of the revised Schedule 12A of the 1972 Act exempts information which relates to the financial or business affairs of

the organisations which is commercially sensitive. 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.

It is also 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.

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 strategic and financial information which could prejudice the commercial interests of the parties if disclosed at this time. It is in the public interest that the Council is able to deliver cost-effective solutions and achieve best value. This depends partly on the Council being able to protect its commercial position while the detailed terms of relevant schemes are agreed. It is also important that the Cabinet 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 negotiations.

The Council considers that the public interest has been served by the fact that a significant amount of information regarding the report has been made available – by way of the main report. Therefore it is recommended that exemptions set out above apply. 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).