

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-2329005
Meeting / Decision: Single Member Decision
Date: On or after 23 rd April 2025
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Report Title: Somer Valley Enterprise Zone s172 Powers Exempt Appendix 1 - Survey Schedule Appendix 2 - EQIA Appendix 3 – Site Area

The exempt appendix contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemptions are set out below.

Stating the exemption:

6 Information which reveals that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

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 is withheld from publication on the Council's website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Cabinet Member for Economic and Cultural Sustainable Development 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 Head of Information Assurance.

The following exemptions are engaged in respect to this report:

6 Information which reveals that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 2018 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

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 about proposed development 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;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand.

Additionally, the exempt appendix contains strategic and financial information which could prejudice the commercial interests of the parties if disclosed at this time. 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 in the public interest that the Council is able to deliver cost-effective solutions. This depends partly on the Council being able to protect its commercial position while the detailed terms of relevant schemes are agreed.

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).