

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-2627136
Meeting / Decision: Single Member Decision
Date: On or after 13 th November 2025
Author: Simon Martin
Report Title: Establish a Limited Liability Partnership for the Regeneration of the Bath Quays Residential Development Plots Attachment 1: LLP Members Agreement Exempt Attachment 2: Business Case for the Aequus Regeneration Bath Quays LLP Attachment 3: Risk Assessment Attachment 4: Equalities Impact Assessment

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).*
- 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 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 Council Leader 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 to the organisations. Paragraph 5 exempts Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. The officer responsible for this item believes that this information falls within the exemption under paragraph 3 & 5 and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

- 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

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 developments 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 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.

Additionally, the exempt appendix contains legal advice subject to Legal professional privilege. The principle of ensuring access to full and frank legal advice is fundamental to the administration of justice. We consider that the safeguarding of openness in all communications between the client and lawyer overrides the public interest in disclosure.

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).