



SPECIAL COUNCIL – 17TH JANUARY, 2013

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS SCHEDULE 12A

SUBJECT: SENIOR OFFICERS REMUNERATION

REPORT BY: CHIEF EXECUTIVE

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendations to the Proper Officer:-

EXEMPTIONS APPLYING TO THE REPORT:

Information relating to a particular individual (para 12). Information relating to the financial or business affairs of any particular person (including the Authority holding that information) (paragraph 14). Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Paragraph 16).

FACTORS IN FAVOUR OF DISCLOSURE:

The remuneration of senior officers employed by the Council is a matter of public interest. This factor can only be considered in relation to Appendix 3, as the exemption (under paragraph 16) is absolute in relation to Appendix 5.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

Appendices 3 and 5 to the report contains information about the financial affairs with individuals, disclosure of which would be in contravention of the Data Protection Act 1988. Appendix 3 also contains commercially confidential information from the Hay Group. Appendix 5 is legal advice and is therefore an Absolute Exemption (paragraph 16) applies and the consideration of the public interest does not apply.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

With regard to appendix 3 paragraphs 12 and 14 should apply. I am mindful of the need to ensure the transparency and accountability of public authorities for decisions taken by them in relation to the remuneration of senior employees. However, disclosure of the information contained with appendix 3 would in my view be in contravention of the Data Protection Act 1988 and breach the commercial confidentiality of the Hay Group.

The information is not affected by any other statutory provision which requires the information to be publicly registered. On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider these factors when determining the public interest test which they must decide when considering excluding the public from this part of the meeting.

Due to the reliance on paragraph 16 (legal privilege) Appendix 5 should be exempt and is not subject to a debate on the merits of a public interest test.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

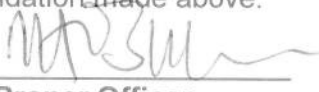
On that basis I feel that the public interest in maintaining the exemption in relation to Appendix 3 does outweigh the public interest in disclosing the information and that Appendix 5 should be exempt for the reasons outlined above.

Date: 14th January, 2013

Signed: Daniel Perkins

Post: *Head of Legal & Governance/Monitoring Officer*

I accept the recommendation made above.

Signed: 

Proper Officer

Date: 15.1.13
