



CABINET – 30TH JANUARY 2019

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS PARAGRAPHS 14 AND 16 OF SCHEDULE 12A LOCAL GOVERNMENT ACT 1972

SUBJECT: FUNDING FOR SETTLEMENT OF CONTRACT CLAIM

REPORT BY: INTERIM DEPUTY MONITORING OFFICER

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 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:

There is a public interest in the way in which the Council funds and settles contractual claims.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The Report includes legal advice in relation to the settlement of the contract claim. The report also contains detailed information about the financial affairs of a third party and disclosure of such information could breach their right to privacy of their financial business affairs.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraphs 14 and 16 should apply.

In relation to paragraph 16, the exemption is absolute and there is no right to require the information is made public.

In relation to paragraph 14, I am mindful of the need to ensure the transparency and accountability of public authorities for decisions taken by them in relation to settlement of contractual claims. However disclosure of the information contained in the report could breach the rights of a third party to privacy in respect of their financial//business affairs.

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.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

On the basis set out above I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the report should be exempt.

Signed:  Dated: 21st January 2019

Post: Interim Deputy Monitoring Officer

I accept/do not accept the recommendation made above.

Signed: 
Proper Officer

Date: 22/1/19.