



**CORPORATE HEALTH AND SAFETY COMMITTEE –
11TH NOVEMBER 2009**

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS

SUBJECT: ASBESTOS CONTRACT UPDATE

REPORT BY: DIRECTOR OF CORPORATE SERVICES

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) to any terms proposed or to be proposed by or to the Authority in the course of negotiations for settlement of these issues (paragraph 14).

FACTORS IN FAVOUR OF DISCLOSURE:

That there is a legitimate public interest in the way in which the Council contracts with third parties.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The report contains information relating to the business affairs of others. In that these negotiations are at a sensitive stage, release of this information at this point in time could prejudice the success of these negotiations.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraph 14 should apply. I am mindful of the need to ensure the transparency of decision making, however the release of sensitive information at this point in time would prejudice negotiations. This 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 this factor 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 that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the appendix to the report should be exempt.



Signed:

Dated:

2nd November 2009

Post:

Principal Solicitor

I accept the recommendation made above.

Signed:



Proper Officer

Date:

3 November 2009