



**CORPORATE HEALTH AND SAFETY COMMITTEE –
22ND NOVEMBER 2010**

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS

**SCHEDULE 12A LOCAL GOVERNMENT ACT 1972
EXEMPTION FROM DISCLOSURE OF DOCUMENTS**

SUBJECT: ASBESTOS CASE - FACCIATA – LEGAL CLAIM

REPORT BY: DEPUTY 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 in respect of which a claim to legal professional privilege could be maintained in legal proceedings (paragraph 16).

FACTORS IN FAVOUR OF DISCLOSURE:

That there is a legitimate public interest in having full disclosure with regard to the way in which the Authority has dealt with the treatment of asbestos found in public buildings.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The information contained within the report includes detail of the legal advice and a release of the information at this stage could seriously damage the prospects of reaching a settlement in this matter.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraphs 16 should apply. The Report makes reference to the terms of the legal advice received in this matter and therefore the Public Interest Test does not apply. The Report should therefore be exempt.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

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

Date: 19th November 2010



Signed: D Gareth Richards

Post: Principal Solicitor

I accept the recommendation made above.

Signed: 
Proper Officer

Date: 19.11.10