

SPECIAL COUNCIL - 26TH FEBRUARY 2013

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS

SUBJECT: PREFERRED BIDDER, FBC AND JWA2 REPORT APPENDICES A, B C AND E AND BACKGROUND PAPERS

REPORT BY: CHIEF EXECUTIVE

I have considered grounds for exemption of information contained in the presentation 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 (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:

That there is a legitimate public interest in having full disclosure with regard to the way in which the five partner authorities scrutinise the project.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

Preferred Bidder, FBC and JWA2 Report Appendices A, B, C, and E and background papers refer to project specific commercially sensitive bid information and associated risks. This information is commercial in confidence and subject to an ongoing high value and strategic procurement governed by public procurement regulations. The Project Gwyrdd partner authorities have a duty to ensure bidders commercially sensitive information remains confidential during the procurement process and contract period. Appendices also contain legally privileged information. Disclosure of legally privileged information could materially prejudice the authority's ability to defend its legal interests.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

Due to the fact that the Preferred Bidder, FBC and JWA2 Report Appendices A, B, C, and E and background papers will contain legally privileged information and current commercially sensitive information and negotiations with the preferred bidder will be ongoing, in my opinion the public interest is in favour of maintaining an exemption regarding the content of the report.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

Preferred Bidder, FBC and JWA2 Report Appendices A, B, C, and E and background papers should be presented on an exempt basis by virtue of the commercially sensitive and legally privileged information to be discussed.

Signed: 

Date: 18th February 2013.

Post: **Head of Legal and Governance**

I accept the recommendation made above.

Signed: 
Proper Officer

Date: 18-2-13