



COUNCIL - 8TH OCTOBER 2013

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS

SUBJECT: EQUAL PAY

REPORT BY: ASSISTANT DIRECTOR OF CORPORATE SERVICES & S.151 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) 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)

Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under the Authority (paragraph 15).

Information in respect of which a claim to legal privilege could be maintained in legal proceedings (paragraph 16).

FACTORS IN FAVOUR OF DISCLOSURE:

That there is a legitimate public interest in the way in which the Council manages its financial affairs and financial risks.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

This Report contains detailed sensitive information, about the potential claims against the Authority, the negotiations undertaken to date and sets out in detail the options available to the Authority to settle claims. It also includes within the body of the Report, detailed legal advice on the benefits and dis-benefits of the various options. Revealing any of this information at this time could potentially prejudice the success of the Council's long term plans to manage and settle the ongoing financial risk to the Authority

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraphs 14, 15 & 16 should apply. I am mindful of the need to ensure the transparency of decision making by the Authority, however the release of information at this stage has the potential to prejudice the successful outcome of the Council's long terms proposal. 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. Furthermore, Members attention is drawn to the fact that the legal advice contained in the Report is not subject to a debate on the merits of a public interest test. Paragraph 16 is an absolute

exemption.

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 October, 2013

Post: **Interim Monitoring Officer**

I accept the recommendation made above.

Signed: 

Proper Officer

Date: 2 October 2013