



**PENSIONS/COMPENSATION COMMITTEE - 20TH APRIL 2011**

**PUBLIC INTEREST TEST - EXEMPTION FROM DISCLOSURE OF DOCUMENTS SCHEDULE 12A LOCAL GOVERNMENT ACT 1972**

**SUBJECT: APPLICATION FOR THE RELEASE OF PENSION BENEFITS UNDER REGULATION 30 (85 YEAR RULE)**

**REPORT BY: CHIEF EXECUTIVE**

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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 a particular individual (paragraph 12).

Information relating to the financial or business affairs of any particular person (including the authority holding the information) (paragraph 14).

**FACTORS IN FAVOUR OF DISCLOSURE:**

There is a public interest in the way in which the Council will be organising its management arrangements.

**PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:**

The report contains detailed information regarding management arrangement for the Directorate and an application for the early release of pension benefits which affects the particular individual and the affair of that individual.

**MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:**

That paragraphs 12 and 14 should apply. My view on the Public Interest Test is that whilst there is a need to ensure transparency and accountability of a Public Authority for decisions taken in relation to management structures which may have an effect of the budget, this must be balanced against the fact that these matters have not yet been concluded together with the right of the third party for privacy of their financial/business affairs at this stage outweigh the need for the information to be made public.

The 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 report should be exempt.

**Date: 11th April 2011**

**Post: Head of Legal Services and Governance**

**Signed:**

**Daniel Perkins**

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I accept/do not accept recommendation made above.

**Signed:**

  
**Proper Officer**

**Date: 11th April 2011**