

**PROSIECT GWYRDD JOINT SCRUTINY PANEL -
11TH MARCH 2011**

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS

SUBJECT: LEGAL ADVICE FROM PINSENT MASONS
REPORT BY: PROSIECT GWYRDD SCRUTINY OFFICERS

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 five partner authorities scrutinise the project.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The report refers to the possible courses of action that are available to the five Authorities based on the receipt of legal advice, and details the risks linked to the options that are available regarding the future scrutiny of the project.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

Due to the fact that the report contains reference to legal advice that has been obtained the public interest test does not apply to a Section 16 exemption.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

This report should be presented on an exempt basis due to the legal position that has been detailed in the report, including the reference to legal advice.

Signed:  **Dated: 28 February 2011**
Post: **Head of Legal Services**

I accept the recommendation made above.

Signed:  **Date:** 28th February 2011
Proper Officer