

PROSIECT GWYRDD JOINT SCRUTINY PANEL - 22<sup>ND</sup> JULY 2011

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS

SUBJECT: PRESENTATION: PROJECT GWYRDD

REPORT BY: PROSIECT GWYRDD SCRUTINY OFFICERS

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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 19).

**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 presentation will 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.

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

Due to the fact that the presentation will contain reference to current commercially sensitive information and ongoing negotiations with the 3 bidders, in my view the public interest is best served by presenting the information at a meeting where the public are excluded. This will ensure that the project does not breach procurement legislation.

**RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:**

This presentation should be presented on an exempt basis by virtue of the commercially sensitive information to be discussed.

Signed:

Dated: 13 July 2011

Post:



Head of Legal Services

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I accept the recommendation made above.

Signed:

  
Proper Officer

Date:

13.7.11