



CABINET – 17TH SEPTEMBER 2014

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS PARAGRAPHS 14 & 16 SCHEDULE 12A LOCAL GOVERNMENT ACT 1972

**SUBJECT: UPDATE ON ONGOING LITIGATION IN RESPECT OF A
PROCUREMENT RELATED MATTER**

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES

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) (paragraph 14).

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

FACTORS IN FAVOUR OF DISCLOSURE:

There is a public interest in the way in which the Council enters into contractual arrangements and manages its financial affairs.

(Paragraph 16 is an absolute exemption)

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The report contains detailed sensitive information in relation to the proposed mediation in ongoing litigation in respect of a procurement related matter. The disclosure of the information contained in the Report is considered to be prejudicial to the interests of the Council in this matter as revealing this information at this stage has the potential to prejudice the successful outcome.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:


That paragraphs 14 and 16 should apply. I am mindful of the need to ensure the transparency and accountability of public authorities for decisions taken. However disclosure of the sensitive information contained in the report at this stage could be prejudicial to the interests of the Council in this matter. Furthermore the report contains details of the legal advice received in this matter which is legally privileged.

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 these factors 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 the basis set out above 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.

Signed: 

Dated: 4th September 2014

Post: Interim Deputy Monitoring Officer

I accept the recommendation made above.

Signed: 
Proper Officer

Date: 4/9/14