



COUNCIL – 26<sup>TH</sup> JANUARY 2022

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

**SUBJECT: THE LAWNS, RHYMNEY – CULVERT ISSUES AND SUBSEQUENT COST  
OVERUN**

**REPORT BY: MONITORING 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) (Paragraph 14).

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

**FACTORS IN FAVOUR OF DISCLOSURE:**

There is a public interest in the way in which the Council manages its contracts.

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

The Report includes legal advice in relation to a number of contractual scenarios. The report also contains detailed financial information about the contractual arrangements.

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

That paragraphs 14 and 16 should apply.

In relation to paragraph 16, the exemption is absolute, and the public interest test does not need to be considered. In relation to paragraph 14, I am mindful of the need to ensure the transparency and accountability in the way the council manages its contracts. However, disclosure of the information contained in the report would result in financial information of the company being in the public domain which the company would expect to be confidential at this stage.

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:

Date: 18<sup>th</sup> January 2022

Post: Head of Legal Services and Monitoring Officer

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I accept the recommendation made above.

Signed:

Proper Officer

Date: 18<sup>th</sup> January 2022