

**PUBLIC INTEREST TEST – CHECKLIST**  
**Schedule 12A Local Government Act 1972**

**Name of Project:**

**Committee:** Policy & Resources Committee (P&R)

Hendon Hub FBC

**Date:** 20th July 2021

**Category of exemption applied:**

For financial Annex 1 exempt from publication in accordance with paragraph 3 of Schedule 12A of the Local Government Act 1972 on account that it contains information relating to the financial or business affairs of any particular person including the authority holding the information)

**Public Interest Test Questionnaire**

This is not a definitive list. However, it does provide a series of questions that you should ask yourself when recommending confidentiality.

FACTORS WHICH SUPPORT DISCLOSING INFORMATION	
<b>Will disclosure help people to understand and participate in public debate about current issues?</b>  The public paper will enable the public to see the rationale for the business case and will facilitate public debate. The exempt information is limited to financial details of the funding decisions, including sensitivities, and the construction budgets. Release of these could prejudice the Council significantly in commercial negotiations.	Yes
<b>Will disclosure help people to understand why the Council has taken certain decisions?</b>  The public reports provide the business cases that back up the recommendations upon which the Council's decisions have been based. The exempt information largely provides the financial back up.	Yes
<b>Will disclosure give the public information about the personal probity (or otherwise) of elected members or council staff?</b>  Neither the exempt financial annex nor the public reports contain any information regarding elected members or council staff.	No
<b>Will disclosure encourage greater competition and better value for money for council taxpayers?</b>  Disclosing the financial information would risk weakening the council's negotiating position leading to worst value for money with regard to the deal with MDX, the proposed deal with funders and in commercial discussions with main contractors.	No
<b>Will disclosure allow individuals and companies to understand decisions made by the Council that have affected their lives?</b>  All this information is detailed within the main FBC report.	Yes

<p><b>Is the information about factors that affect public health and public safety? (NB you should be careful if considering the release of information which might adversely affect public health and safety)</b></p> <p>The exempt information is limited to financial detail only and does not impact health and public safety.</p>	No
<p><b>Will disclosure reveal incompetent, illegal or unethical decision-making or examples of malpractice?</b></p> <p>Due diligence processes are identified within the main FBC report which is to be made public. The public paper details the legal basis for the decisions that are to be made. The financial annex provides back up only and has been validated by independent consultants.</p>	No
<p><b>Will disclosure reveal that such maladministration has not in fact occurred?</b></p> <p>The exempt information has been validated by independent parties. Due diligence processes are identified within the main FBC report which is to be made public.</p>	Yes

FACTORS WHICH SUPPORT WITHHOLDING INFORMATION	
<p><b>Will disclosure damage the Council's interests without giving the public any useful information?</b></p> <p>Disclosure of the financial annex would release commercially sensitive information into the public realm that could prejudice the negotiating position of LBB in the financial market. The financial annex also discloses costs associated with appropriation and 3<sup>rd</sup> party acquisitions, placing LBB at risk of a breach of data protection and the duties owed to third parties.</p> <p>The disclosure of said information may impair the council's ability to negotiate the best value deal from the financial market.</p>	Yes
<p><b>Will disclosure damage another organisation or person's interests, without giving the public any useful information?</b></p> <p>Others' interests could be damaged in the process of disclosure due to their financial position and interest in the deal are jeopardised.</p>	Yes
<p><b>Will disclosure give an unfair, prejudicial, or inaccurate view of a situation?</b></p> <p>All costs, values, and soft market testing offers presented within the financial annex have been independently validated so would not give an unfair or inaccurate view of the position. All 'subjective' discussion is disclosed within the main body of the FBC report.</p>	No
<p><b>Will disclosure prevent the effective delivery of services without giving the public useful information?</b></p> <p>Disclosure could prejudice the negotiations in this project.</p> <p>In addition, a funding partner may not be prepared to proceed with financing the development if their rates and other commercially sensitive information are in the public domain.</p>	Yes
<p><b>Will disclosure put the health and safety of any group or individuals at risk?</b></p> <p>No – the financial annex purely contains financial information and pertains to no health and safety concerns.</p>	No
<p><b>Is there a clear and coherent reason why the community in general would benefit more from information being withheld?</b></p> <p>The public FBC paper provides full details of the scheme proposals, including the financial benefits and risks to the Council. The financial detail does not aid the community's understanding and will be available once the period of financial sensitivity has passed.</p> <p>Disclosing more details will prevent the council from getting best value in the project and will put more pressure on the public purse.</p>	Yes

**Justification of decision  
(Please provide explicit reasoning)**

The financial annex contains sensitive information regarding the potential funding deal with an investor, and other parties. Revealing this information jeopardises LBB's position in the market, preventing them from achieving best offers from funding partners.

Following appointment of a funding partner, and completion of third-party acquisitions and transactions, details presented in the financial annex will be made available to the public, at which stage it will not prejudice the council's proposals.

Other documents attached? No

Name and Title:

Date: 01/07/2021