



The City of Liverpool

Enquiries to: Wendy Twigge
Your Ref:
Our Ref: WT/FOI/27310
Date: 28th April 2008

Dear Mr Todd
Re: FOI 27310

Thank you for your request for information, which we have processed under the Freedom of Information Act 2000.

In your request, you specifically requested the following information:-

1. the most up to date version of a) the 3 year business plan and
b) the service contract

I am able to provide you with the following information:-

- a) A copy of the 3 year business plan.
- b) A copy of the Agreement/contract. This document has been subject to redaction which is as follows; on page 55 the percentage figure has been redacted. The information is exempt from disclosure by virtue of Section 43 of the Freedom of Information act 2000. The information, if released, is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

Section 43 exemption is a qualified or conditional exemption and as such we are required to consider The Public Interest Test, to determine whether or not the public interest is best served by maintaining the exemption and withholding the information.

The Public Interest Test has been considered and it would be prejudicial to the parties involved in the agreement/contract to release this information as the information is of commercial interest and the release of this would have a detrimental effect on the business interests of the parties concerned and the public in general as this may effect any on going and/or contracts/agreement's which are being negotiated by either party at present or in the future.

Therefore, the public interest in maintaining the exemption outweighs the public interest in disclosure as the effect on the public purse and the ability to negotiate contracts/agreements would be adversely effected by the release of the information.

This information is also exempt from disclosure by virtue of Section 41 of the Freedom of Information Act 2000. This information if disclosed would give rise to an actionable breach of confidence. In other words, if the public authority disclosed the information the provider or third party could take the authority (Liverpool City Council) to court. This is a real threat as the disclosure could effect the day to day business and future business projects being tender/negotiated by 2020 Liverpool and any other parties.



Liverpool City Council
Information Team, Chief Executive's Office,
Municipal Buildings, Dale Street, Liverpool L2 2DH.
tel: 0151-225 3601 fax: 0151-225 2017 web: www.liverpool.gov.uk



2/.

On page 57 again a figure has been removed because this information is exempt from disclosure by virtue of Section 43 of the Freedom of Information act 2000. The information, if released, is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

Section 43 exemption is a qualified or conditional exemption and as such we are required to consider The Public Interest Test, to determine whether or not the public interest is best served by maintaining the exemption and withholding the information.

The Public Interest Test has been considered and it would be prejudicial to the parties involved in the agreement/contract to release this information as the information is of commercial interest and the release of this would have a detrimental effect on the business interests of the parties concerned and the public in general as this may effect any on going and/or contracts/agreement's which are being negotiated by either party at present or in the future.

Therefore, the public interest in maintaining the exemption outweighs the public interest in disclosure as the effect on the public purse and the ability to negotiate contracts/agreements would be adversely effected by the release of the information.

This information is also exempt from disclosure by virtue of Section 41 of the Freedom of Information Act 2000. This information if disclosed would give rise to an actionable breach of confidence. In other words, if the public authority disclosed the information the provider or third party could take the authority (Liverpool City Council) to court. This is a real threat as the disclosure could effect the day to day business and future business projects being tender/negotiated by 2020 Liverpool and any other parties.

Page 72 has been subject to redaction and a figure has been removed as the information is exempt from disclosure by virtue of Section 43 of the Freedom of Information act 2000. The information, if released, is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

Section 43 exemption is a qualified or conditional exemption and as such we are required to consider The Public Interest Test, to determine whether or not the public interest is best served by maintaining the exemption and withholding the information.

The Public Interest Test has been considered and it would be prejudicial to the parties involved in the agreement/contract to release this information as the information is of commercial interest and the release of this would have a detrimental effect on the business interests of the parties concerned and the public in general as this may effect any on going and/or contracts/agreement's which are being negotiated by either party at present or in the future.

Therefore, the public interest in maintaining the exemption outweighs the public interest in disclosure as the effect on the public purse and the ability to negotiate contracts/agreements would be adversely effected by the release of the information.

This information is also exempt from disclosure by virtue of Section 41 of the Freedom of Information Act 2000. This information if disclosed would give rise to an actionable breach of confidence. In other words, if the public authority disclosed the information the provider or third party could take the authority (Liverpool City Council) to court. This is a real threat as the disclosure could effect the day to day business and future business projects being tender/negotiated by 2020 Liverpool and any other parties.

Page 82 has had the figures removed as the information is exempt from disclosure by virtue of Section 43 of the Freedom of Information act 2000. The information, if released, is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

Section 43 exemption is a qualified or conditional exemption and as such we are required to consider The Public Interest Test, to determine whether or not the public interest is best served by maintaining the exemption and withholding the information.

3/.

The Public Interest Test has been considered and it would be prejudicial to the parties involved in the agreement/contract to release this information as the information is of commercial interest and the release of this would have a detrimental effect on the business interests of the parties concerned and the public in general as this may effect any on going and/or contracts/agreement's which are being negotiated by either party at present or in the future.

Therefore, the public interest in maintaining the exemption outweighs the public interest in disclosure as the effect on the public purse and the ability to negotiate contracts/agreements would be adversely effected by the release of the information.

This information is also exempt from disclosure by virtue of Section 41 of the Freedom of Information Act 2000. This information if disclosed would give rise to an actionable breach of confidence. In other words, if the public authority disclosed the information the provider or third party could take the authority (Liverpool City Council) to court. This is a real threat as the disclosure could effect the day to day business and future business projects being tender/negotiated by 2020 Liverpool and any other parties.

Page 83 has also had the figures redacted as the information is exempt from disclosure by virtue of Section 43 of the Freedom of Information act 2000. The information, if released, is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

Section 43 exemption is a qualified or conditional exemption and as such we are required to consider The Public Interest Test, to determine whether or not the public interest is best served by maintaining the exemption and withholding the information.

The Public Interest Test has been considered and it would be prejudicial to the parties involved in the agreement/contract to release this information as the information is of commercial interest and the release of this would have a detrimental effect on the business interests of the parties concerned and the public in general as this may effect any on going and/or contracts/agreement's which are being negotiated by either party at present or in the future.

Therefore, the public interest in maintaining the exemption outweighs the public interest in disclosure as the effect on the public purse and the ability to negotiate contracts/agreements would be adversely effected by the release of the information.

This information is also exempt from disclosure by virtue of Section 41 of the Freedom of Information Act 2000. This information if disclosed would give rise to an actionable breach of confidence. In other words, if the public authority disclosed the information the provider or third party could take the authority (Liverpool City Council) to court. This is a real threat as the disclosure could effect the day to day business and future business projects being tender/negotiated by 2020 Liverpool and any other parties.

Pages 84 to 87 inclusive and entitled Schedule 3 has been removed in its entirety. The reason for this Redaction is that Schedule three is a detailed list of all staff to be TUPED under the agreement. The Information contained in this schedule to assist you in understanding our reason for the redaction is identification numbers/works id number, team, title, initials and forenames, known as details, surnames job title. This information is exempt from disclosure by virtue of Section 40 of the Freedom of Information Act 2000 as this information is personal identifiable information which if disclosed would be an actionable breach of the Data Protection Act 1998.

Page 89 has been subject to redaction, the figure has been removed as the information is exempt from disclosure by virtue of Section 43 of the Freedom of Information act 2000. The information, if released, is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

Section 43 exemption is a qualified or conditional exemption and as such we are required to consider The Public Interest Test, to determine whether or not the public interest is best served by maintaining the exemption and withholding the information.

The Public Interest Test has been considered and it would be prejudicial to the parties involved in the agreement/contract to release this information as the information is of commercial interest and the release of this would have a detrimental effect on the business interests of the parties concerned and the public in general as this may effect any on going and/or contracts/agreement's which are being negotiated by either party at present or in the future.

Therefore, the public interest in maintaining the exemption outweighs the public interest in disclosure as the effect on the public purse and the ability to negotiate contracts/agreements would be adversely effected by the release of the information.

This information is also exempt from disclosure by virtue of Section 41 of the Freedom of Information Act 2000. This information if disclosed would give rise to an actionable breach of confidence. In other words, if the public authority disclosed the information the provider or third party could take the authority (Liverpool City Council) to court. This is a real threat as the disclosure could effect the day to day business and future business projects being tender/negotiated by 2020 Liverpool and any other parties.

As we have applied exemptions to elements of the information which you have requested, we are required to serve you with a Section 17 Notice. Please treat this letter as such a Notice.

Section 17 Notice

The City Council will consider appeals, referrals or complaints in respect of your Freedom of Information Act 2000 request under the first stage of the Have Your Say Scheme. You can either complete a form on-line at our website – http://www.liverpool.gov.uk/feedback_form/index.asp or you can complete a form at any One Stop Shop or Library. Alternatively, you can write to us at Liverpool Direct, Freepost, NWW 3400A, Liverpool L1 3ZZ. Your complaint/appeal/referral will be investigated by a different senior officer within ten working days.

If you remain dissatisfied you may also apply to the Information Commissioner for a decision about whether the request for information has been dealt with in accordance with the Freedom of Information Act 2000.

The Information Commissioner's website is www.ico.gov.uk and the postal address and telephone numbers are:-

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Fax number 01625 524 510, DX 20819, Telephone 01625 545745. Email – mail@ico.gsi.gov.uk (they advise that their email is not secure).

Yours sincerely



Miss W Twigge
Information Manager

Encs