

19 March 2013

Mrs J Giggins  
By email

**Strategic Support**

Council Offices  
Market Street Newbury  
Berkshire RG14 5LD

**Our Ref:** Fol/2013/26

**Your Ref:**

**Please ask for:** Sue Broughton

**Direct Line:** 01635 519747

**e-mail:**

scbroughton@westberks.gov.uk

Dear Mrs Giggins

**Request for information: Triangle Field, Hungerford**

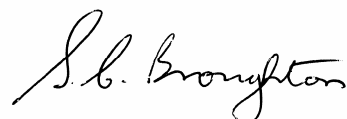
I have now completed your request for the information held on the Triangle Field at Hungerford. Please be aware however that this will only represent information accessed via the term Triangle Field, as used as a filing designation.

We have considered that a small part of the information requested is exempt under the provisions of the Environmental Information Regulations 2004, and the exceptions engaged are Regulation 12(4)(e) (the request involves the disclosure of internal communications); Regulation 12(5)(d) (the confidentiality of the proceedings of that or any other public authority where such confidentiality is provided by law); and Regulation 12(5)(e) (the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest).

The information which we are withholding pertains to an enquiry by Hungerford Town Council regarding the freehold of the Field. This information is commercially sensitive in nature, and includes legal advice, and it is our view that to provide it at this stage would adversely affect this authority's commercial interests as well as those of the Town Council. We have considered the public interest in this case, but because this enquiry is in its early stages, it is our view that at this present date there is no public interest in the information; moreover the appropriate processes will ensure that as and if this progresses, it will fall within the public domain through normal procedure, and the public interest will be served at that stage. However, to provide this information at this stage would be likely to impact on any future negotiations, and could lead to a loss of revenue to the Council. We are therefore withholding this information and a copy of the relevant exceptions are appended.

In respect of the right to an internal review, you have already taken up this right prior to the request being completed, although we had advised you that the response was incomplete and we were awaiting additional information. There is no further right to a review.

Yours sincerely

A handwritten signature in black ink, reading "Sue Broughton". The signature is written in a cursive style with a large, stylized 'S' and 'B'.

Sue Broughton  
Information Management Officer

## Annex

**12.** - (1) Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if -

(a) an exception to disclosure applies under paragraphs (4) or (5); and

(b) in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

(2) A public authority shall apply a presumption in favour of disclosure.

(3) To the extent that the information requested includes personal data of which the applicant is not the data subject, the personal data shall not be disclosed otherwise than in accordance with regulation 13.

(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that -

(a) it does not hold that information when an applicant's request is received;

(b) the request for information is manifestly unreasonable;

(c) the request for information is formulated in too general a manner and the public authority has complied with regulation 9;

(d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data; or

**(e) the request involves the disclosure of internal communications.**

(5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect -

(a) international relations, defence, national security or public safety;

(b) the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature;

(c) intellectual property rights;

**(d) the confidentiality of the proceedings of that or any other public authority where such confidentiality is provided by law;**

**(e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;**

- (f) the interests of the person who provided the information where that person -
- (i) was not under, and could not have been put under, any legal obligation to supply it to that or any other public authority;
  - (ii) did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it; and
  - (iii) has not consented to its disclosure; or
- (g) the protection of the environment to which the information relates.

*Factors for withholding*

- ◆ The commercial interests of the authority and the Town Council will not be served by publishing, at an early stage, discussions about the enquiry made by the Town Council. The authority requires a space to conduct any negotiations with the Town Council in private.
- ◆ In due course, the public interest will be served by information being made public through proper processes if negotiations continue. The Regulations are not intended to enable due process to be circumvented.

*Factors for disclosure*

- ◆ Transparency of the Council's commercial position and assets.