



Peter Black

Request-520467-5c2d5168@whatdotheyknow.

Dear Sir

Re: FOI Request – Institute Building Llandarcy Village

I refer to your attached Freedom of Information request dated 18th September 2018 and please accept my apologies for the delay in replying.

As requested I attach copies of relevant correspondence between the Council and the Community Council since January 2015 regarding the above premises together with a copy of the relevant section of the Cabinet Board report of Economic and Community Regeneration Cabinet Board of 19th March 2015.

I also attached copy correspondence between a local resident and the Council on the same subject.

We have of course removed the name and address of the resident concerned as it includes their personal data and they will not have expected it to be released by us.

In respect of the attached heads of terms for the proposed lease attached to the letter dated 8th June 2016 I have blanked out the proposed annual rent.

I wish to inform you that in doing so the Authority intends to rely upon section 43 of the FOI Act 2000.

The authority considers that it is entitled to rely upon the exemption available to it under Section 43(2) of the FOI Act 2000: which states that information held by a public authority need not be disclosed in response to an FOI request where “the release of this information would prejudice the commercial interests of the

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public authority and/or a third party”.

In coming to its decision to apply this exemption the Authority has taken the view that the information is commercially sensitive and if released into the public domain would prejudice the Authority’s own commercial interests by having a detrimental effect on the Authority’s future negotiating position when agreeing such leases: as any future third parties intending to negotiate such leases would be placed at a competitive advantage in such negotiations by virtue of the fact that they would have knowledge of the methodology of the authority in setting a release figure. It is our view that such information would not be released by private entities [in the event that they were asked to release it] because those private entities would regard such methodology as being commercially sensitive and such commercial sensitivity is not diluted merely because in this instance that information is held by ourselves as a public authority.

The Authority recognises that the exemption under Section 43(2) is not an absolute exemption and is subject to a “public interest test” being satisfied before it can be relied upon. In this regard, whilst it is acknowledged that there is always a public interest in the Authority being open and transparent in the way that it carries out its affairs, in this instance, the Authority takes a view that there is a greater public interest in ensuring that the release of the information does not have a detrimental effect on the Council’s ability to negotiate the leases on a commercial standing. Fundamentally, the release of this information will prejudice the Council’s ability to maximise any future rentals achieved through negotiation and it is considered that this further outweighs the public interest test. Any rental that the Council receives from the lease is utilised by the Council to enable it to carry out its various public functions. It is considered that providing this information would not be in the public interest as it would result in a diminution to the public purse and would negatively affect the Council’s ability to fund and sustain services to the general public.

If you are not satisfied with the response to your request, under the Authority’s FOI Policy, you may appeal in writing setting out the reasons why you think the decision is erroneous, to the Authority’s Monitoring Officer at the following address:-

Head of Legal Services & Monitoring Officer
Civic Centre
Port Talbot
SA13 1PJ

Please be advised that in the event that you decide to appeal to the Monitoring Officer and are dissatisfied with his response, you are entitled under the FOI legislation to appeal directly to the Information Commissioner, whose address is:-

Wycliffe House
Water Lane
Wilmslow
SK9 4AF
Website: www.ico.gov.uk.

Yours faithfully



HEAD OF PROPERTY & REGENERATION

If you require this information in larger print, or in an alternative format, please contact the above named officer.

