

Exemption 43 (2) ref FOI 1511539

In regard to Question (d) (e) I can confirm that Cambridgeshire County Council does hold this information, however the related information is exempt from disclosure to you.

The exemption applicable to the information you have requested is:

Section 43 of the Act – Commercial Interests

The Council has declined to provide you with the information requested under exemption 43, section (2) of the Freedom of Information Act, which states that:

2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)

Under Section 2, information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person; in this instance the Council considers that it would compromise future tenders.

This exemption carries a public interest test, and I have set out below the factors I have considered when applying the exemption:

Prejudice:

The prejudice to the commercial interests would relate to:

Would otherwise prejudice or be likely to prejudice the commercial interests of any person (including the public authority holding it) (S.43(2))

PUBLIC INTEREST TEST IN FAVOUR OF	
Disclosure of Information	Withholding Information
Where an existing contract is in place On grounds of Commercial Interest – Section 43 (2)	
Promoting accountability, transparency and scrutiny of the Council on the range of information relating to: Costs Specifications Public partnerships	Prejudice the commercial interests if prices were released with regard to a competitive edge with the risk of: • Putting the Council at a commercial disadvantage on renewal of the contract. • If/when the renewal of the contract goes to tender, release of the information would have a direct impact on the Council to compete on a 'level playing field'
Public interest in fair competitive environment	Ongoing relations between CCC and third parties could be prejudiced or damaged if prices on contract detail were released
	Prejudice the position of the Council in: • Maintaining its position as a Business Partner • Threatening the position of the Council to obtain future contracts

Public Interest Balancing Test:

We have provided some information about interest rates and length of loan, but we have not given exact interest rates or loan durations. We have not provided the schedule of loan interest payment dates.

We have not disclosed this information as we consider it relates to This Land's business activities and that if it were disclosed to a competitor it would be liable to cause harm to This Land's business.

This Land needs to ensure that it achieves competitive pricing from suppliers (constructors and contractors) and the best price from purchasers (whether they be other property developers or home buyers). Were further details about This Land's cash flow position or the points at which This Land has particularly large cash flow obligations to be made public, there is a significant risk that suppliers or purchasers could use that information to This Land's commercial disadvantage. In addition, revealing the detail of interest rates and cost of capital may give potential purchasers insight into This Land's internal development appraisals, and thereby give them an unusual advantage in pricing works or acquisitions, or indeed deter such a purchase. This Land needs to sustain confidence from professional and technical advisors and its supply chain, it is in the public interest for This Land to be commercially successful, revealing the technical details we have withheld may jeopardise its negotiating position.

The Council recognises that information relating to lending by the Council is a matter of public interest. That is why we have disclosed the loan amounts, the outbound loan transactions and confirmed the loans have been repaid according to schedule. We have not provided the full information requested where these specific details are liable to cause harm to This Land's business interests, and where on balance they have a greater bearing on This Land's commercial position than they do on the Council's own lending facility. We consulted with This Land Ltd in reaching this judgement.

Therefore in conclusion, the Council has reached the decision that the release of the information requested would be likely to be prejudicial to the commercial interests of the Council, and that the public interest in withholding the information is greater than the public interest in releasing the information, and as such the information is being withheld under section 43 of the Freedom of Information Act. This is our refusal notice in respect of your request.