

Information Request 01762

Please find Devon County Council's response below in **bold** text.

Recent developments at Morwellham Quay have demonstrated that decisions taken in regard to the site affect the environment for the purposes of the Environmental Information Regulations 2004.

Therefore, please provide the following under those regulations.

1) A copy of the joint report of the Executive Director of Environment, Economy and Culture, the Director of Finance and the County Solicitor on Morwellham Quay prepared in August 2009 and discussed on 1st September 2009.

A redacted version of the Committee Report is available at the link below. Please note save this document to your computer as soon as possible as the document may be deleted from the link after 1 month.

[FOI 01762 Committee report.pdf](#)

Please note that some information is exempt under Regulation 12 (3) (Personal Information) of the Environmental information regulations. I consider that disclosure of this information would breach the Data Protection Act 1998 principles.

In addition please note that I am unable to disclose some of the information in the report and documentation provided as we believe this information to be exempt from disclosure under Regulation 12(5)(e) (Confidentiality of commercial information) of the Environmental Information Regulations 2004 as release of this information would be likely to prejudice the interests of the Council and those of other parties.

The Council has considered the public interest arguments for disclosure around transparency and accountability of spending of public money and the fair and open discussions which had taken place under section 100A of the Local Government Act 1972. Exception Regulation 12 (5) (d) applied. We would consider that at this stage the public interest lies in withholding some of the information to ensure that any third party organisations or commercial interests are not affected to their detriment or that of Devon County Council.

Further to the above, the Council considers that disclosure of some of the information contained in the report and other documentation would be likely to damage the competitive position of third party's, in respect the company's commercial business and its direct competition with like business' in the private sector.

Following consideration of all the factors highlighted above, we consider that the balance of public interest is found in favour of upholding the exemption under Regulation 12(5)(e) (Confidentiality of commercial information) of the Environmental Information Regulations 2004 at this time for the reasons mentioned above.

2) All communication with third parties made in the preparation of the report at 1). These third parties include but are not limited to:

- Morwellham Quay and Tamar Trust
- West Devon Borough Council
- The Heritage Lottery Fund
- Potential purchasers of the site

Please find copies of the requested documentation at the below link. Please note save this document to your computer as soon as possible as the document may be deleted from the link after 1 month.

[FOI 01762 Correspondence.pdf](#)

Please note again some information has been removed under Regulation 12(3) and 12(5)(e) of the Environmental Information Regulations.

In addition to the reasons as outlined above in response to Q1 in relation to Regulation 12(5)(e), the balance when undertaking the public interest test has been in favour of maintaining the exception for the following reasons

- **Whilst the information may not be considered 'live' it is considered to be sensitive information.**
- **There is a likelihood that the disclosure would prejudice the individuals who may have been involved with and to the commercial interests of the site and cause detriment to them and to any commercial benefit**
- **We wish to maintain the County Councils integrity in safeguarding its relationships with other parties involved**

3) The complete contents of minute 35 of the cabinet meeting of 1st September 2009.

This detail is available on the County Council web site at:

http://www.devon.gov.uk/index/councildemocracy/decision_making/cma/cma_document.htm?cmadoc=minutes_exc_20090901.html

4) A copy of the report on the consequences of the withdrawal of support, the production of which was resolved at the meeting of the 1st September 2009.

With the Trust going into Administration on the 25th September, the requested Cabinet report was no longer relevant and therefore did not

go ahead. Subsequently a question about Morwellham Quay was asked by Councillor Greenslade at the Cabinet meeting of 9 June 2010.

Please see Question 4 in the Cabinet report minutes which can be found on the Authority's website at

http://www.devon.gov.uk/index/councildemocracy/decision_making/cma/cma_document.htm?cmadoc=minutes_exc_20100609.html

5) All communication with third parties made in the preparation of the report at 4).

Please see response to question 4.

If you wish to speak with someone regarding the above request, please contact the Freedom of Information team on 01392 384678 or email xxxxxxxxx@xxxxx.xxx.xx