

LOUGHBOROUGH TOWN DEAL

PUBLICATION OF BUSINESS CASES – PROTOCOL

General

1. Generally, the default presumption is that Town Deal papers will be publicly available; this is as public money is being used to fund the Town Deal, and as such, transparency of Town Deal activities is important.
2. Notwithstanding (1) above, it may be appropriate for some papers, in whole or part, to be identified as not suitable for publication. This identification should be equivalent to the legislation applying to local authorities – specifically, Part 1 of Schedule 12A to the Local Government Act 1972 (LGA1972).
3. Reasons to restrict publication under LGA1972 are as follows:
 - I. Information relating to any individual.
 - II. Information which is likely to reveal the identity of an individual.
 - III. Information relating to the financial or business affairs of any particular person (including the authority holding that information) – ie. commercial confidentiality.
 - IV. Information relating to any consultations or negotiations in connection with labour relations matters.
 - V. To give under any enactment a notice under or by virtue of which requirements are imposed on a person
 - VI. To make an order or direction under any enactment.
 - VII. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

In practical terms, the need for commercial confidentiality, (III), is likely to prove the most relevant in respect of the Town Deal.

Publication of business cases

4. Where the Town Deal Board or Town Deal Delivery Sub-Group identify a business case that they wish to be exempt from publication they should identify and justify this decision in relation to the criteria above and consider whether exemption should apply to the document in whole or in part. Any such decision or recommendation should be recorded in the relevant minutes.
5. In respect of the publication of business cases:
 - Publication of business cases will only be undertaken once it has received approval from DLUHC
 - Project sponsors will be informed before publication

- Redaction of text may be considered at the request of the Project sponsor, Accountable Body, or Town Deal Board
- Publication will be via links on the Loughborough Town Deal website
- Prior to publication, the communications team of the Accountable Body will be consulted to assess whether additional explanatory or contextual information should be provided alongside the business case documentation

Other town deal documentation

6. Other Town Deal documents (but including business cases) may from time to time be requested from members of the general public. In these cases the Freedom of Information Act (FOI) will be presumed to apply and requests will be considered in the light of the Act, and also LGA1972, as described above.
7. Under FOI an entire request may be refused under the following circumstances:
 - It would cost too much or take too much staff time to deal with the request.
 - The request is vexatious.
 - The request repeats a previous request from the same person.
8. In addition, the Freedom of Information Act contains a number of exemptions that allow you to withhold information from a requester. Some exemptions relate to a particular type of information, for instance, information relating to government policy. Other exemptions are based on the harm that would arise or would be likely arise from disclosure, for example, if disclosure would be likely to prejudice a criminal investigation or prejudice someone's commercial interests.

Advice and decision making

9. Advice on requests of this nature should be sought from the Accountable Body's Monitoring Officer in the first instance.
10. The Town Deal Board will be the decision maker in these matters.