



Llywodraeth Cymru
Welsh Government

29 March 2017

Dear ,

ATISN 11155 – Monitoring Report (Town Centre Loans)

Thank you for your request which I received on 3rd March 2017 about the December quarterly monitoring report submitted by Pembrokeshire County Council.

A copy of the information I have decided to release is enclosed.

I have decided that information described in the enclosed list is exempt from disclosure under section(s) 22 and 43(2) of the Freedom of Information Act and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex A to this letter.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

or Email: FreedomOfInformationOfficer@wales.gsi.gov.uk

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:



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Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex A



I have decided to withhold the following information:

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Information being withheld	Section number and exemption name
Financial information around the Ocky White building and the Pembroke House Hotel.	Section 22: Information intended for future publication. <i>(1) Information is exempt information if—</i> <i>(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),</i> <i>(b) the information was already held with a view to such publication at the time when the request for information was made, and</i> <i>(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).</i>
Financial information around the Ocky White building and the Pembroke House Hotel.	Section 43(2): Commercial interests. This exemption states: <i>(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).</i>

This Annex sets out the reasons for the engagement of section(s) 22 and 43(2) of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.



Engagement of section 22 (Information intended for Future Publication) of the Freedom of Information Act:

I Lwondraeth Cymru

The Welsh Government believes that Section 22 is applied in relation to the Ocky White information. We are content that step (a) and (b) of the exemption are satisfied in this instance. In regards to step (c), releasing the information at this stage could harm the successful conclusion of ongoing negotiations around the property as it would reveal the funding available to purchase the building. This could affect the price that the property owner would be willing to accept for the property, thus leading to a price being paid that was in excess of the market price, or negotiations becoming deadlocked. The information will be published once the Council's accounts become open to inspection after the loan is paid, and for the reasons set out above we believe it is reasonable in all the circumstances to withhold publication until that time.

Section 22 is also subject to the public interest test. This means that in order to withhold information under its provisions, any personal interest of the requester notwithstanding, it has to be shown that the public interest in withholding the information outweighs that in releasing it. Welsh Government acknowledges the public interest in openness and transparency that release would engender. We also acknowledge that publication would ensure accountability and transparency of public authorities for decisions taken by them. However, in this instance we believe that the potential harm outlined above would outweigh this and that the public interest would be better served in the information being published at the appropriate time.

To that end, I believe the information in relation to Ocky White should be withheld under s22 of the FOIA.

Engagement of section 43(2) (Commercial Interests) of the Freedom of Information Act:

Section 43(2) is also subject to the public interest test. Again, the Welsh Government acknowledges the public interest in openness and transparency that release would engender. However, in relation to the information about Ocky White and Pembroke House, I believe release of this information at this point in time would be likely to prejudice the commercial interests of PCC. Releases under the FOIA are made to 'the world at large' rather than individually to the requester and If PCC's budget for acquisition were made available in this way then they would be prejudiced in terms of being unable to obtain any



lower price; the seller will insist on obtaining the best price they can and, by virtue of the released information, they will know what that is. Further, any other property speculator will know what to offer to better the PCC price, and could then attempt to secure an even higher price for the building. If no agreement was reached there would be deadlock thus frustrating the purpose of the Town Centre Loan Scheme; if there was agreement on a higher price then the premium would constitute a tangible quantification of the prejudice to the Council's financial and commercial interests. Likewise, in the case of Pembroke House Hotel, knowledge of the loan proposed would be likely to influence the tenders being sought for the work, in turn generating a cost inflation which would result in the owner seeking a higher loan than would otherwise be the case.

To that end, I believe that the information in relation to Ocky White and Pembroke House Hotel should be withheld under s43 (2) of the FOIA on the grounds that its release would be likely to prejudice the commercial interests of PCC.