

Date: 28 October 2020

## FREEDOM OF INFORMATION REQUEST 1310

I write further to your email dated 14 September 2020.

Your request has been dealt with under the terms of the Freedom of Information Act 2000 (FOIA), explained on our [freedom of information](#) page.

Your request:

1. Details of "the consultants" used by the District Council to advise on the lease arrangement and to whom it should be awarded as referred to in point 124 Full Council Meeting 25-6-91.  
*The consultants were Debenham Tewson Chesshire Ltd and Wragge & Co.*
2. A copy of the report and presentation which were presented by these Consultants as referred to in point 124 Full Council Meeting 25-6-91.  
*Exempt from disclosure under Section 44 (a), details provided below.*
3. A copy of minutes/discussions held by District Council Officers with respect to negotiating the proposed lease as mentioned in point 124 Full Council meeting 25-6-91.  
*Exempt from disclosure under Section 44 (a), details provided below.*
4. A copy of the reports from the Chief Executive , Clerk and Council's solicitors mentioned in section 418 ("Ashby de la Zouch Town Hall proposed lease") of the Full Council Meeting Minutes dated 29-10-1991.  
*Exempt from disclosure under Section 44 (a), details provided below.*
5. Details of the "two amendments" agreed in relation to the proposed lease as discussed in section 418 ("Ashby de la Zouch Town Hall -proposed lease") of the Full Council Meeting Minutes dated 29-10-1991.  
*Exempt from disclosure under Section 44 (a), details provided below.*
6. Copies of the minutes and other outputs of the "Ashby Town Hall Working Party" as stated in point 848 of the Full Council meeting 16-4-91 and including all other minutes and outputs.  
*Exempt from disclosure under Section 44 (a), details provided below.*
7. A copy of the audited accounts submitted to NWLDC for the purposes of setting the rent for the Town Hall as defined in the Lease.  
*Information not held. For the purposes of setting rent the Council receives a letter confirming gross income from the leaseholders accountant. These however would be exempt from disclosure under section 43 of the FOIA.*
8. A copy of all discussions , minutes or other communications relating to the regular review of rent paid by Dunkin Rushton Ltd.  
*This information is exempt from disclosure under section 43 of the FOIA.*

I can confirm that North West Leicestershire District Council holds the information you have requested. However, this information is exempt from disclosure under sections 43 and 44 of the FOIA.

Section 43 (2) exempts information whose disclosure would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity). Disclosure of information pertaining to the business rent payable by any leaseholder is likely to prejudice both the councils and the leaseholders commercial interests.

To apply this exemption a public interest test must be completed. In this case, the public interest arguments in favour of disclosing are that the Council should be transparent in the way it sources its income and how that income is generated. However, in favour of non-disclosure, there is a public interest in allowing the Council to withhold information which would reduce its ability to negotiate or compete in a commercial environment if disclosed. Leaseholders should hold confidence in the Council to protect their commercial interests. Disclosing the requested information may damage the reputation of the Council and harm future negotiation and commercial opportunities.

Section 44 (a) applies where the requested information is prohibited from disclosure by or under any enactment. In this case, the information you have requested is exempt from disclosure under Schedule 12A Part 1 paragraph 9 of the Local Government Act 1972 and Schedule 1 Part 1 of the Local Government (Access to Information) Act 1985.

The supply of information in response to a freedom of information request does not confer the right to re-use the information. UK copyright law allows information supplied for the purposes of private study and non-commercial research to be used without permission. Information supplied can also be re-used for the purposes of news reporting except for in the case of photographs.

## **GOING FORWARD**

If you are dissatisfied with the information supplied please feel free to contact me on the number above for any queries in relation to this response. Please note that in responding to further enquiries I can only comment on the information contained within this correspondence and cannot provide any further information that may pertain to an additional FOIA request.

Please remember to quote the Authority's four digit reference number given at the top of this email in any future communications.

If you remain dissatisfied following the conclusion of the above informal review, you have the right to ask for an internal review. A request for a review whether formal or informal should be submitted within two calendar months of the date of receipt of the response to your original letter and should be sent to [DPO@NWLeicestershire.gov.uk](mailto:DPO@NWLeicestershire.gov.uk) or the address above.

Further details on our appeals and complaints procedure can be found on our website [here](#).

If you remain dissatisfied following the conclusion of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at [accessicoinformation@ico.org.uk](mailto:accessicoinformation@ico.org.uk).

Yours sincerely

Mackenzie Keatley  
Information Governance Officer