

Councillor J Illingworth
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Asset Management Division
Property Services
The Leonardo Building
2 Rossington Street
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If telephoning ask for Chris Gomersall
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Fax: 0113 24 77855
Email: chris.gomersall@leeds.gov.uk

Your Ref:
Our Ref: CJG/HOS/SB

Date: 21 July 2008

Dear Councillor Illingworth

ST ANN'S MILLS

I refer to your email of 14th July 2008 to Chris Gomersall regarding the request for further information on the parties that have undertaken an internal inspection of the above premises, and I assume from what you have said about your contact with the Information Commissioner, that you wish us to treat this matter as an information request under the FOI Act. As you are aware, the Council received two offers for St Ann's Mills following the marketing exercise in September 07 which you already have copies together with details of those parties who submitted an expression of interest, and we anticipate that even when the property is marketed, in accordance with the June Executive Board decision, given the nature of the property and current market conditions, we are unlikely to get a large number of bidders. In fact the 'pool' of bidders may extend no further than those organisations and individuals who have already shown some interest in acquiring the property, and who may wish to renew their interest.

We are well aware that the Council's proposals for disposing of the property are sensitive with some people in the Kirkstall area, and that you and no doubt many others in the Kirkstall area are opposed to any disposal of the property for a variety of reasons. It is also the case that you have already contacted the Council's valuers about the property directly, and we consider it reasonable for us to assume that releasing these names into the public domain will result in some direct contact either by yourself or others who are similarly opposed to any disposal of this property. Clearly, that contact might raise apprehensions by the potential developers given that their own knowledge of the property and local conditions will be limited at this stage, and plainly there will be no way for the Council to know what information is being pressed upon them, or to give its own (possibly different) account in any way.

We think it is also possible that public opposition could be created to a particular developer or to a particular proposal, before the developer and the Council have really had time to start discussions and before any formal offer is made. Consequently, we consider it reasonable for us to conclude there is a real and significant risk of the Council's commercial interests being prejudiced at least to some extent, if the names of the companies were disclosed at this point in time, and as we are not expecting a large number of bidders for the reasons mentioned above, that prejudice could be significant. We take the view therefore, that disclosure of this information would, or would be likely to, prejudice the commercial interests of the Council, under sec 43(2) of the FOI Act.

We must of course apply the public interest test, in deciding whether or not this information is exempt. We acknowledge there is always some level of public interest in disclosure of information, but we can see no reason why this information should be needed at this point in time. We can see the argument that given the nature of the buildings, the degree of local controversy etc. people should know the identity of the purchaser, but we cannot see why it would be necessary for the purposes of public debate, to embroil those potentially interested parties who may or may not be inclined to make a bid to the Council in the forthcoming marketing exercise, in the various issues at this point in time. Conversely, the Council having decided to dispose of this property, there is plainly a strong public interest in the Council safeguarding whatever prospect there is of selling this property, and also to bring the property back into use in one way or another.

We regard the names of individuals as being plainly exempt under sec 40(2) of the FOI Act on the basis it would be a breach of the data protection principles to disclose this information, in particular the first principle that personal data must be processed fairly and lawfully, given that a general public disclosure of this information would go way beyond the legitimate expectation of the individuals concerned.

I enclose a copy of the Council's compliments and complaints policy should you wish to complain about the handling of your request for information.

As required by s17 of the Freedom of Information Act 2000, I would also notify you that you may apply to the Information Commissioner for a decision whether, in any specified respect, your request for information has been dealt with in accordance with the requirements of Part 1 of the Act. The commissioner is not obliged to make a decision unless you have exhausted the Council's complaints procedure.

The contact details for the Commissioner are F01/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or e-mail mail@ico.gsi.gov.uk .

Yours sincerely



Paul Brook
Chief Asset Management Officer

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