

Freedom of Information Act 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

For taxi tender documentation, the full proposal documentation submitted by the tenderers.

Section 17 of the Freedom of Information Act 2000 requires Leicester City Council, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which states that fact and specifies the relevant exemption.

Section 41 Information provided in confidence

Section 41 of the Act is being applied as this information was submitted in confidence. The tender documents in question were submitted to Eastern Shires Purchasing Organisation (ESPO) with the expectation that this information be used for this and no other purpose. Release of this information could prevent other companies submitting tenders in the future if they know the Council must release such information into the public domain.

S43 Commercial Interests

Under s43(2), information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it). S43 is a qualified exemption and we are obliged to apply the public interest test.

Public Interest Test.

Factors favouring disclosure:

Use of public resources - where public resources are being used, there is public interest in accountability and justification. One of the underlying principles of the Act is the need to be open and transparent. In this case, there is public interest in establishing that Leicester City Council has negotiated a competitive rate for its taxi provision.

Factors favouring non-disclosure:

Business rivals would benefit from knowing the benchmark for payments made and this would provide the opportunity for outbidding or undercutting, potentially damaging the commercial interests of the specific companies in question.

The disclosure of contractual information may also disadvantage the Authority in negotiating future contracts with the companies concerned and other taxi providers. There may be cases whereby contractors are unfairly advantaged over others who are not aware of the publication of this information.

Leicester City Council has a moral duty to protect the sensitive commercial information it holds about any private company it has dealings with.

Balancing Test

When balancing the public interest test, we have to consider whether the information should be released into the public domain. By releasing the requested information the commercial interests of a business may be compromised, along with the relationship the Authority has with that company. Therefore the factor favouring non-disclosure, interests of third parties outweighs the factor favouring disclosure, use of public resources.

The legislation allows you to use the information supplied for your own personal use, or for journalistic purposes. If the information is a dataset (which does not relate to the environment), you may also use the information for commercial re-use under an [Open Government Licence](#).

If you are dissatisfied with the handling of your request please write to:

Information Governance Manager
Leicester City Council
Bosworth House
Ground Floor
9 – 15 Princess Road West
LEICESTER LE1 6TH
e-mail: info.requests@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You may also seek independent advice from the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow SK9 5AF
Telephone: 01625 545 700
www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider requests until the internal appeals process of the Council has been exhausted. You are therefore advised to appeal to the Information Governance Manager before contacting the Commissioner.