

When telephoning, please ask for :
Rachel Clack
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MonitoringOfficer@rushcliffe.gov.uk
Our Reference :RHC
Your Reference :
Date : 31st October 2025

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Dear Ms Deacon

Freedom of Information Act (FOIA)
Section 36 – Prejudice to the effective conduct of public affairs

As part of your recent Freedom of Information request, you have asked for a copy of the minutes "...from the Development Committee meeting when the "East of Gamston/North of Tollerton" draft SPD was put forward for approval by the committee, and accepted for the public consultation". The draft SPD was discussed at the meeting of the Council's Local Development Framework Group on 3 September 2025, which supported publication of the draft SPD for public consultation.

Under section 1(1)(a) FOIA I confirm that the Council does hold the information requested, however this information is exempt under section 36(2) FOIA which states:

*(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act-
(b) would, or would be likely to, inhibit-
(ii) the free and frank exchange of views for the purposes of deliberation*

Information released under the FOIA is released to the world at large and not to you as an individual. There is therefore a real risk that releasing the requested minutes would inhibit the deliberations of this Member Working Group, which is tasked to consider and assist in the formulation of Development Plan and SPD policy. . My view as Acting Monitoring Officer, therefore, is that such disclosure would or would be likely to prejudice the free and frank exchange of views for the purposes of deliberation. I am satisfied therefore that the section 36(2) exemption is engaged.

Section 36(2) is a qualified exemption and I have therefore considered the public interest test under section 2(2)(b) of the Act i.e. notwithstanding this exemption, is there a greater public interest in providing the information or in maintaining the exemption?

Public interest test

I consider the following public interest arguments support the decision to withhold the information:

1. Disclosure of this information would, or would be likely, to affect the Council's ability to have full and frank discussions in the early consideration and formulation of policy, before it goes forward to Council

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or Cabinet for determination, and which is an integral part of good decision making .

I acknowledge that there are the following public interest arguments in favour of disclosing the information:

1. There is public interest in disclosure of information by public authorities to promote transparency and accountability in relation to the activities of public authorities.

In considering the public interest test, I am satisfied that publication would incur a more negative than positive effect. I have weighed the competing public interest arguments in this case and have concluded that the public interest in withholding the information outweighs the public interest in disclosing it.

For your information this letter constitutes a Refusal Notice under section 17 of the Freedom of Information Act 2000, an exemption under section 36(2) is being applied in respect of the information not provided as explained above.

I trust that this response satisfies your request. If you have any queries please do not hesitate to contact me on telephone 0115 914 8419.

If you are not satisfied with how your request has been dealt with then you should complain by writing to the Chief Executive. Your complaint should be sent to customerservices@rushcliffe.gov.uk marked for the attention of the Corporate Complaints Officer.

If you are still not satisfied with the outcome of your complaint then you have a right of appeal to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF Telephone 01625 545 700 or www.ico.org.uk

Yours sincerely,



Rachel Clack
Borough Solicitor and Acting Monitoring Officer