

Request Details – FOI5823

The leader of the council has claimed that the Economic Development Zone will deliver £700m revenue and a large number of jobs.

May I request the document that supports for both the claim on jobs and revenue. This should be a calculation in either a spreadsheet or report.

I am particularly interested in the breakdown of this claim and how the figure can be justified.

In addition to this may I have a copy of all electronic, written and written notes of communications between the LEP and any member of the council cabinet in relation to drawing up objectives and calculating the deliverables of the LEP and the Birmingham Economic Zone.

Response Details – FOI5823

In relation to your requests, Birmingham City Council considers that this information is exempt from disclosure under the following exemptions contained in the Act

s.43 Trade Secrets or Commercially Sensitive information

“(1) Information is exempt information if it constitutes a trade secret.

(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).

(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).”

and

s.41 Information provided in confidence

“(1) Information is exempt information if—

(a) it was obtained by the public authority from any other person (including another public authority), and

(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

(2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.”

Both these exemptions require a consideration of the public interest.

In respect of s.43, a consideration of the public interests in disclosure as opposed to withholding information is required before exercising the exemption and for s.41, a consideration of the public interest is required to determine whether or not any disclosure of confidential information would give rise to an actionable breach of confidence.

Whilst Birmingham City Council recognises that there is a strong public interest in being open and transparent and appreciates that the public have a right to know in relation to how or what their money is being spent on and how decisions are made, it has to balance that against any detrimental impact disclosure would have in relation to its developers and landowners.

It was decided, at the outset that the business case on the Enterprise Zone would go to Council Cabinet at an appropriate time. Given the ongoing discussions with Government it has only recently been possible to say that Birmingham City Council currently aims to present the business case to Cabinet in September. However, it is still in draft form as the boundaries of the Enterprise Zone are still being refined. Accordingly, at this early stage, discussions between Birmingham City Council and the Local Enterprise Partnership (LEP) in relation to the Enterprise Zone are commercially sensitive and confidential, as premature disclosure of the information,

even whilst the discussions are ongoing, could prejudice the commercial interests of, inter alia, businesses in the City.

The Enterprise Zone's Business Case is owned by the LEP. The Government gave the LEP a vanguard Enterprise Zone and it was for the LEP decided to locate the Enterprise Zone in Birmingham City Centre.

The Enterprise Zone is based around 30 sites within the city centre, only some of which have existing planning consents for redevelopment. On this basis, while some of the information used in calculating the potential retained uplift and number of jobs is publicly available, other information is commercially sensitive and having been shared with the LEP and Birmingham City Council by developers and landowners in confidence.

Enclosed is the methodology used to establish the figures, but does not provide details of individual developments. Also attached, the HCA Employment Densities Guide 2010 formed the basis of the calculation of jobs figures. This too was based on the data about proposed developments on individual sites.

The Business Case, in its draft form, is still subject to discussion with Government, and at the time of writing, no formal approval of the detail in writing of the Birmingham City Centre Enterprise Zone has been issued by Government. Whilst a site has been chosen for the Enterprise Zone, this may be subject to change as the LEP are still negotiating the agreed boundaries and sites.

The business rate relief is also still under negotiation and could change again depending on the boundaries of the Enterprise Zone. If we were to disclose details on the business case at this early stage and the boundaries were to change, it could give businesses a misleading impression of what potential business rates reductions could be available.

Whilst we recognise and accept that there is a high degree of public interest in disclosure, Birmingham City Council considers that disclosure of the business case at this early stage would not be in the public interest, as negotiations and discussions are still at an early stage, and would also breach existing confidentiality agreements between Birmingham City Council, its developers and landowners.

The LEP Secretariat has not had any correspondence with Council Cabinet Members on this issue, other than providing the attached documents and the 'The Big City Plan City Centre Masterplan, City Centre Enterprise Zone and Wholesale Markets Progress Report- PUBLIC REPORT' which is available from http://democracy.brm.pri/BCC_Website/Pages/AgendaDetail.aspx?AgendaID%3d61942

Birmingham City Council is not aware of any LEP Board Members, acting as LEP Board Members that have had any discussions with Cabinet Members in relation to *the drawing up objectives and calculating the deliverables of the LEP and the Birmingham Economic Zone.*

Accordingly, Birmingham City Council does not hold any correspondence in relation to drawing up objectives and calculating the deliverables of the LEP and the Birmingham Economic Zone.