



3 June 2020

Dear

Request for Information – ATISN 13961

I wrote to you on 11 May regarding your request for information relating to Community Banking / ATMs. You asked the following –

You have asked for the following –

1. Information we hold regarding the legality or not of the guidelines issued by the Welsh Government with regards to issuing grants for owners of self-catering property units in Wales.
2. Information we hold regarding the economic impact to Wales and in particular to Gwynedd by withholding the £10,000 grants for owners of self-catering property units in Wales.
3. Information we hold regarding the economic impact to Wales and in particular to Gwynedd of the extra administrative costs in following the guidelines issued by the Welsh Government for grants for owners of self-catering property units in Wales.
4. Information we hold regarding who is providing the funding for the additional expenditure by the Welsh Government for grants for owners of self-catering property units in Wales. Will this be fully funded by the UK Government - if not fully funded, what proportion if any comes from the UK Government, the Welsh Government, or the local Councils. If the money comes entirely from the UK Government and is distributed by the Councils then you would like it stated that it is the UK Government that is fully funding the Grants.
5. Information we hold regarding which organisation/body will fund the cost of administering the distribution of the grants for owners of self-catering property units in Wales. Additionally, can the Councils claim the administration costs from the Welsh or UK Government.
6. Information we hold regarding whether any consideration has been given to self-catering property owners in Wales that are also accredited with Visit Wales,



considered eligible for the grants for owners of self-catering property units in Wales - whether they are on business rates or not.

7. Information we hold regarding whether any consideration has been given to self-catering property owners in Wales that are also accredited with Visit Wales, being given refunds for the Visit Wales inspection costs or if they will be given free inspections in the future.

I can confirm that we hold some information in relation to your request which can be seen below.

1. Welsh Government officials have received legal advice on the revised guidance and specifically in relation to alterations on self-catering businesses therefore this information is considered exempt under Section 42 legal professional privilege, of the Freedom of Information Act 2000. Full reasoning for applying this exemption is given at Annex A.
2. No such information on economic impact is held.
3. No such information on economic impact is held.
4. The budget for the Covid-19 non-domestic rates (NDR) grants was a Barnett formula consequential which came from UK Treasury to Welsh Ministers. Welsh Ministers decided to use the funding to administer a grant scheme in Wales. The grants are being administered in Wales by local authorities.
5. The Covid -19 NDR grants in Wales are administered by local authorities. The costs of administering the grant payments are being met by local authorities from within their existing budgets.
6. No such information is held. Visit Wales accreditation does not form part of the eligibility criteria for grant.
7. No such information is held.

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ
or Email: Freedom.ofinformation@gov.wales. Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

ANNEX A

Section 42 – Legal Professional Privilege.

This exemption states (inter alia):

(1) Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.

Legal professional privilege (LPP) covers communications between lawyers and their clients for the purpose of obtaining legal advice, or documents created by or for lawyers for the “dominant” (main) purpose of litigation. The information in question concerns confidential communications made for the purpose of providing or obtaining legal advice or for lawyers to use in preparing a case for litigation.

The section 42 exemption is qualified, which means that it is subject to a public interest test. That there is a public interest served in public authorities being able to access advice which benefited from professional legal privilege was noted in *Bellamy v the Information Commission and DTI* [EA/2005/0023] in which the tribunal, on the subject of LPP said:

"there is a strong element of public interest inbuilt into the privilege itself. At least equally strong countervailing considerations would need to be adduced to override that inbuilt interest....it is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion, save in the most clear case...".

The Welsh Government is of the firm view that it is highly important to maintain legal professional privilege and that, in the absence of at least equally strong countervailing considerations, any attempt to undermine the principle of legal professional privilege would result in substantial harm.

Legal advisers need to be able to present the full picture to their clients, in this case all UK Government and devolved administrations, which includes arguments in support of final conclusions and any relevant counter-arguments. This is the purpose behind the long-established principle of legal professional privilege.

It is in the nature of legal advice that it often sets out the possible arguments both for and against a particular view. If recipients or providers of legal advice believe that it is likely that the legal advice would be published, especially so soon after being sought and in a complex political environment, then it is unlikely that comprehensive advice would be commissioned or provided. This would be likely to result in substantial harm to the quality of decision-making since it would not be fully informed. It would also undermine the ability of legal advisers and their clients to rely confidently on the protection afforded by the principle of legal professional privilege.

Moreover, disclosure of legal advice has a significant potential to prejudice the governments' ability to defend its legal interests - both directly by unfairly exposing its legal position to challenge, and indirectly by diminishing the reliance it can place on the advice having been fully considered and presented without fear or favour.