

From: Simpson, Trudi **On Behalf Of** Priest, Susan

Sent: 31 January 2019 10:51

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Subject: Princes Parade Cabinet Report - 12th & 13th February - Report No: C/18/69

EMAIL SENT ON BEHALF OF THE HEAD OF PAID SERVICE AND MONITORING OFFICER

Dear Cabinet Members

As you are aware, you have received correspondence from Richard Buxton Solicitors dated 24 January 2019 as well some correspondence from members of the public in relation to the above Cabinet report.

You will note that it is being argued by Richard Buxton Solicitors that the information contained in the Business Case is not exempt information and should therefore be in the public domain.

Part 1 of Schedule 12A provides for exemptions to the requirements to allow public access to meetings and reports to be considered, subject to a public interest test. The Council is seeking to rely on para 3 Part 1 of Schedule 12A which states that - *Information relating to the financial or business affairs of any particular person (including the authority holding that information may be exempt from publication.*

Part 2 of Schedule 12A contains qualifications to the exemptions in Part 1, which includes an exception at paragraph 9 which states that "*Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission or permission in principle pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.*

The Head of Paid Service and the Monitoring Officer have considered all the representations received. It should also be noted that the Monitoring Officer has obtained independent legal advice on this issue. Having considered that the legal advice the Monitoring Officer is of the opinion that the exception at paragraph 9 relates to information concerning the regulatory planning process prior to a

planning decision being made, rather than to the business case behind each respective development. As a result of this, the Monitoring Officer believes that the Council can rely on para 3 Part 1 of Schedule 12A which states that information relating to the financial or business affairs of the authority can be exempt information

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Head of Paid Service

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