

REPRESENTATIONS RECEIVED IN RESPECT OF AN ITEM INCLUDED IN PART 2 OF THE AGENDA

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Council is required to give at least 28 clear days' notice of the intention to consider a matter in private at a meeting of the Cabinet or a Portfolio Holder, that is, with the public and press excluded from the meeting. The notice, which is published on the Council's website as part of its Forward Plan, must include a statement of the reasons for the matter to be considered in private. A second notice must be published at least five clear days before the meeting which must include, in addition to the information above, details of any representations received about why the matter should be considered in public and a statement in response to any such representations.

An item has been included on the agenda for this meeting in relation to the Sale of Land at Longridge, Knutsford. The report includes an appendix which contains exempt information of the following categories:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Information is exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

It may be necessary for Cabinet to exclude the public and press from the meeting in order for the contents of the appendix to be discussed. Notice of this has been given on the Forward Plan in accordance with the 2012 Regulations. Initially, the Notice indicated that the whole item would be considered in Part 2; this was subsequently amended to refer to a partial exemption.

The Council has received the following representations from Debbie Jamison, Knutsford Residents in Over Ward (KROW):

"I have now seen the revised text in the forward plan notice on the website, indicating partial exemption.

I would like to confirm that I am still maintaining an objection that I wish you to communicate to the Leader Cllr Bailey and Acting Chief Executive Kath O Dwyer.

1. It would appear that the Local authority is in part protecting itself and this is a conditional sale which implies that the Council will benefit assuming it grants planning permission.

Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).

2. The decision requested still asks Cabinet to approve an outcome before a public consultation has been concluded and the results communicated to them. As this is part of a process, which if conducted incorrectly could lead to scrutiny by a Government minister, and threatens to override public interest, then I am sure that the Leader and cabinet would prefer that the matter is progressed in two stages - if at all!. I ask that the cabinet be requested only to consider the potential disposal of public open space, with all relevant information discussed to understand the circumstances of the request being made AND the potential risks to the Council reputation if it proceeds without emphatically exhausting all other options, and/or following due process.

When this decision was first put to Cabinet informally, it is clear that they were not made aware of all the facts which have come to light since. Or perhaps they were - hence the attempt to push through with a full exemption.”

The Council's response to these representations is as follows:

- 1) The exempt information contained within the appendix to the Cabinet Report relates to financial matters and information relating to legal professional privilege in respect of the proposed disposal of Council owned land. The report does not consider the planning merits of the future use of the land concerned.
- 2) The exempt information does not relate to proposed development of land by the Council nor the Council granting planning permission to itself.
- 3) The determination of planning applications is a non-Executive function of the Council is not determined by Cabinet.
- 4) The Council is required to follow a statutory process prior to the proposed disposal of public open space and this is set out in the Cabinet report.
- 5) The Council is satisfied that the information falls within paragraph 3 & 5 of the exempt information categories contained within paragraph 10.4 of the access to information procedure rules in the council's constitution and contains information relating to the financial or business affairs of any particular person and in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6) The public interest in maintaining the exemption outweighs the public interest in disclosing the information.