

## Cabinet meeting – 13 February 2019

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – regulation 5

Council response to representations received by the decision-making body about why the Cabinet meeting on the 13 February 2019 should be open to the public

On the 13 February 2019 the cabinet will consider a report presenting the business case for the Princes Parade project setting out a proposal for the procurement of the contractor for the leisure centre and associated infrastructure, core consultant team and leisure centre operator.

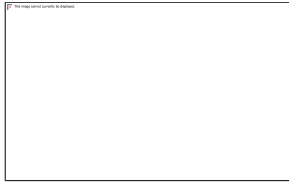
The council has indicated its intention to hold that part of the meeting considering the item in private. Part 1 of Schedule 12A Local Government Act 1972 (as amended) as applied by the above regulations provides for exemptions to the requirements to allow public access to meetings and reports to be considered, subject to a public interest test. The Council is seeking to rely on paragraph 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.

Representations concerning this proposal have been received and can be viewed on line at <http://www.folkestone-hythe.gov.uk/moderngov/ieListDocuments.aspx?CId=142&MId=4577&Ver=4> or at the council's offices at the address below during normal office hours.

The council's response is as follows:-

Part of the representation relates to one of the qualification to the exemptions in Part 1 which are contained in part 2 of Schedule 12A namely the 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 council's view is 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. Consequently the qualification does not apply.

On the question whether the matter should be discussed in public the information clearly falls within paragraph 3 above. Councillors will consider whether it is in the public interest to maintain the exemption.



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Date: 5 February 2018