

EXECUTIVE

Date: Tuesday 6 September 2022

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer on 01392 265477.

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street.

Membership -

Councillors Bialyk (Chair), Wright (Deputy Chair), Denning, Ghusain, Morse, Parkhouse, Pearce, Williams and Wood

Agenda

Part II: Items suggested for discussion with the press and public excluded

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 4 October 2022** at 5.30 pm in the Civic Centre.

A statement of the executive decisions taken at this meeting will be produced and published on the Council website as soon as reasonably practicable.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265115 for further information.

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Representations have been received in respect of item 15 in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, in that the items of business should be determined in the public section of the meeting for the following reasons:-

Item 14 - Exeter City Living 6 Month Update

"This item should be heard in public as it relates to proposed development by Exeter City Living Limited for which Exeter City Council, as both local planning authority and owner of Exeter City Living Limited, may grant itself planning permission or permission in principle pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

"As such, Paragraph 9 of Schedule 12A of the Local Government Act 1972 prevents this information from being exempt information by virtue of Paragraph 3, so it should be disclosed to the public.

"The scope of Paragraph 9 is not restricted to applications for planning permission, but to all information which relates to proposed development for which the local planning authority may grant itself planning permission

"Paragraph 10 does not apply to this information as it is prevented from being exempt by virtue of Paragraph 9.

"The public interest test described in Paragraph 10 only applies to the application of an information exemption which falls in any of paragraphs 1 to 7 if that information is not prevented from being exempt by virtue of paragraphs 8 or 9.

"As the information is prevented from being exempt by virtue of Paragraph 9, a public interest test does not apply and the information cannot be exempt.

"In addition, the scope of information exemption described by Schedule 12A of the Local Government Act 1972 is limited by the Freedom of Information Act 2000 and subsequent judgements.

"Information described by Paragraph 3 is not exempt information unless the sensitivity of that information has been demonstrated in detail with substantive reference to the probability of specific economic harm to specific commercial or industrial interests that would result from disclosure.

"Unless that sensitivity has been demonstrated the information is not exempt."

Response

The report does not relate to an application for planning development or to a proposed development. The report is a half yearly update, for information only, which will contain information relating to the financial or business affairs of Exeter City Living, as described in paragraph 3 of Part 1 of Schedule 12 A to the Local Government Act 1972.

Paragraph 10 of Part 2 Schedule 12A of the Local Government Act 1972, states that information which falls into paragraphs 1-7 of Part 1 Schedule 12A of the Local Government Act 1972 is exempt information 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.

The proposed reason for the exemption is that it is in the public interest to maintain the confidentiality of the company's business matters. Therefore our view is that the report will contain exempt information and that the exemption should be kept on this basis and therefore the recommendation that the item be taken under Part 2, will be maintained.

In accordance with Regulation 5, Paragraph 5, Part 2 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 concerning the procedures prior to private meetings, the details of the representation received have been included on the agenda with the statement of response to representations. The agenda has been published within five clear working days ahead of the meeting, in line with legislation.