

Scrutiny Committee - Resources - 7 January 2016

Questions from Councillor Thompson

Question to the Portfolio Holder Under Standing Order 20

Why following my request to view the external professional advice concerning the Bus Station redevelopment proposals have I been informed 'their advice is, of course, confidential to the Council and as such we are not able to release it as you request'.

ANSWER –

The Corporate Manager Legal had offered advice in writing to Members of the Scrutiny Committee – Resources as they would be considering support for the Executive to recommend that full Council approve additional funding to deliver a new bus station for Exeter.

Members were entitled to see documents held by the City Council which related to business to be transacted at a council meeting. However, this general rule does not apply where the documents sought fall within the category of “exempt information”. It was the opinion that both documents sought by the Member fall within the definition of “exempt information” and therefore cannot be disclosed. Exempt information is defined in Schedule 12A of the Local Government Act 1972 as follows:

- 1). Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*
- 2). Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

The legal advice document falls within the definition set out in 1 above and the external professional advice falls within the definition set out in 2 above. It was noted that the legal advice was summarised for Members information and included in a report to the Executive dated 23 March 2010. This report was available to Members on request.

It was noted also that the exemptions apply where the matter relates to a development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992. The planning application for the bus station redevelopment has been submitted by The Crown Estate and partners and therefore the issue about the City Council granting itself permission does not apply in this case. In other words, the exemptions set out above still apply.