

## Improving People's Lives

**To: All Members of the Planning Committee**

**Bath and North East Somerset Councillors:** Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

**Co-opted Voting Members:**

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Planning Committee: Wednesday, 23rd September, 2020**

Please find attached a **SUPPLEMENTARY AGENDA DESPATCH** of late papers which were not available at the time the agenda was published. Please treat these papers as part of the agenda.

Papers have been included for the following items:

### **COMMITTEE ENFORCEMENT CASE UPDATE**

Yours sincerely

Marie Todd  
for Chief Executive

<p><b>If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.</b></p>
---

<p>This Agenda and all accompanying reports are printed on recycled paper</p>
---



## Access to Information Arrangements

### Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1070/20
Meeting / Decision: Planning Committee
Date: 23 <sup>rd</sup> September 2020
Author: Richard Stott
Exempt Report Title: Enforcement Case Update

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Exempt Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

#### PUBLIC INTEREST TEST

If the Committee wishes to consider a matter with press and public excluded, they must be satisfied on two matters.

Firstly, they must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The Officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. We also consider that disclosure of this information at this time could prejudice the enforcement action.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about Planning Enforcement being disclosed into the public domain. Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. We also consider that disclosure at this time could prejudice the enforcement action. Therefore it is recommended that the exemptions apply. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A).

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank