



## PLANNING COMMITTEE – 3RD OCTOBER 2012

### PUBLIC INTEREST TEST - EXEMPTION FROM DISCLOSURE OF DOCUMENTS PARAGRAPH 12, PART 4 OF SCHEDULE 12A LOCAL GOVERNMENT ACT 1972

**SUBJECT: ENFORCEMENT REPORT ENF/12/123 WITHOUT PLANNING  
PERMISSION THE ERECTION OF ADDITIONAL FENCE PANEL**

**REPORT BY: DEVELOPMENT SERVICES MANAGER**

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I have considered grounds for exemption of information contained in the report referred to above and make the following recommendations to the Proper Officer:-

#### **EXEMPTIONS APPLYING TO THE REPORT:**

Information relating to particular individuals (para 12)

#### **FACTORS IN FAVOUR OF DISCLOSURE:**

There is a public interest in the way in which the Authority determines whether or not to take enforcement action regarding potential breaches of planning control

#### **PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:**

The report contains detailed information about the affairs of individuals, disclosure of such information would be in contravention of the principles of the Data Protection Act 1998.

#### **MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:**

That paragraph 12 should apply. I am mindful of the need to ensure the transparency and accountability of public authorities in determining whether or not to take enforcement action regarding potential breaches of planning control. However disclosure of the information contained in the report would be in contravention of the Data Protection Act 1998.

The information is not affected by any other statutory provision which requires the information to be publicly registered.

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

**RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:**

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the report should be exempt.

**Signed:**



**Dated: 25th September, 2012**

**Post: Head of Legal & Governance/Monitoring Officer**

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I accept the recommendation made above.

**Signed:**

  

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**Proper Officer**

**Date: 25th September 2012**