

Freedom of Information Act 2000 – supermarket planning applications

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

Please could you supply me with the following information:

· The total amount of money spent in each of the past five financial years on legal services related to supermarkets. For example: "In 2011/12 the council spent £X on legal services in relation to planning proposals submitted by supermarkets."

· Where possible, please break down of each annual amount into the following categories

The application number and/or details of the planning application that money on legal services was spent. For example: "£X was spent on legal fees on planning application no. X which related to a proposed Tesco development on X Street."

Whether any portion of the monies expended were used on legal services during the process of appeals made by the applicant. For example: "In 2009/10, £X was spent on legal fees in relation to Tesco's appeal to the planning inspectorate over the refusal of planning application no.X"

Where the monies have been spent on legal fees in appeal processes please, where possible, stipulate whether the fees relate to those of the appellant (where the appellant has been awarded costs) or those of the council.

By "supermarkets" I mean Tesco, Sainsburys, Asda and Morrisons.

Please let me know as soon as possible if only statistics are available rather than the statistics and details.

Answer:

Please find attached a table setting out the internal and external legal costs incurred in respect of planning applications for Sainsbury's, Tesco, Asda and Morrison's in the last five years.

We have also added an extra column (column E) to the table setting out costs recovered from developers as this ought to be offset against the internal costs listed. For clarity developers are asked to cover the Council's legal fees in relation to the preparation of S.106 agreements linked to planning applications. It is also worth noting that internal legal costs are non-traded. Costs are not incurred per case, but a block fee is transferred at the beginning of the year by the Planning department to the Legal department and all in-house legal work is paid for out of this block payment. The figures quoted in column D were not therefore actually charged, but merely record the equivalent value of the time spent on each application, for auditing purposes.

We do not hold all of the information requested in the format required. Legal cases do not run from financial year to financial year. Instead the fees are recorded against the file from start to finish and therefore will often overlap

between financial years. We are only able to provide the information as listed in the table attached.

Secondly our case management system does not record files by the Developer's name (e.g Tesco's, Sainsbury's etc), but usually by site address. We have therefore been unable to do a general search on the supermarket names and instead have had to provide the information based on our knowledge of supermarket cases and the relevant site addresses.

Lastly we can confirm that the Council has not been ordered to pay the Developer's costs in any of these cases.

The legislation allows you to use the information supplied for your own personal use, or for journalistic purposes. If the information is a dataset (which does not relate to the environment), you may also use the information for commercial re-use under an [Open Government Licence](#).

If you are dissatisfied with the handling of your request please write to:

Information Governance Manager
Information and Support
Leicester City Council
Bosworth House
9 – 15 Princess Road West
LEICESTER LE1 6TH
e-mail: info.requests@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You may also seek independent advice from the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow SK9 5AF
Telephone: 01625 545 700
www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider requests until the internal appeals process of the Council has been exhausted. You are therefore advised to appeal to the Information Governance Manager before contacting the Commissioner.

[Enc. 2014 07 14 6073 Supermarket legal fees](#)