

SOUTH DERBYSHIRE DISTRICT COUNCIL AND ITS PARISH COUNCILS/MEETINGS

11th May 2005

PRESENT:-

Representatives of South Derbyshire District Council

Councillors Whyman M.B.E., (Chair) and Councillor Wilkins.

Officers

Frank McArdle (Chief Executive), Ian Reid (Deputy Chief Executive), Mark Alflat (Director of Community Services), Andrea McCaskie, (Head of Legal and Democratic Services), Gill Hague (Local Plans Manager), Brian Wood (DALC) and Julie Bellm (Democratic Services Assistant).

Parish Council Representatives

D. Adams, T. Beresford, K. Brentford, C. Bunston, R. Buxton, B. Cowley, H. Coyle, K. Fairbrother, B. Freeman, C. Gerrard, S. Green, R.F. Hill, N.B. Ireland, S. Jackson, P. Jesper, F. Mitchell, B. Payton, C. Peck, T. Statham, J. Storer,

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Carroll, S. Graham, C. Thurman, and C. Barker.

PC/17. **MINUTES**

The Open Minutes of the Meeting held on 26th January 2005 were received. It was noted that S. Jackson wished it to be recorded that she had tendered her apologies for this Meeting.

PC/18. **MATTERS ARISING**

K. Fairbrother referred to "concurrent expenses" (Minute No. PC/14) and asked the Chair how the District Council intended to use the information that had been gathered. In response to this question, the Chair referred to correspondence between K. Stackhouse (Head of Finance and Property Services) and M. South (Smisby Parish Clerk) which related to this matter (see attached). The Chair stated that concurrent expenditure could be reallocated on an alternative basis and confirmed that this forum would be used to determine this allocation. It was agreed that data already available would be discussed at the next Meeting.

PC/19. **A GUIDE TO PLANNING**

G. Hague gave a presentation on the Local Development Framework which had replaced the Local Plan. The Officer explained that the Government had changed the procedure as the Local Plan had been quite a lengthy process. It was noted that transitional arrangements were in place and that current adopted plans would be saved for three years from 28th September 2004.

It was reported that the Local Development Framework would contain Development Plan Documents, Supplementary Planning Documents, Local Development Scheme, Statement of Community Involvement and Annual Monitoring Report. The Officer explained that one of the benefits of this revised

system was that a particular issue could be reviewed independently of the whole document. The Officer then proceeded to explain the detail of each of these documents (see attached).

It was reported that the Government wanted more consultation with District and Parish Councils, as initial input would help to avoid conflict at a later stage. The Officer was asked by what process Parish Councils were selected for participation in the consultation of the Statement of Community Involvement. The Meeting was informed that random selection had been used.

Mr. Mitchell requested more detail of the sustainability appraisal. The Officer advised that the purpose of this document was to ensure that sufficient resources were left for future generations. It was noted that Government guidelines for this area were still only in draft form.

Various Parish Councillors commented that responding to requests for consultation within a timescale invariably posed a problem. G. Hague stated that the District Council tried to distribute documents as soon as possible but reminded the Meeting that it was a formal process. The Officer also advised that the documents could be downloaded from the website.

It was noted that the use of email to distribute information to parish councils could speed up the consultation process. The Chair requested that the District be informed of any Parish Councils requiring electronic communication.

PC/20. **FREEDOM OF INFORMATION**

B. Wood (DALC) gave a presentation to the Meeting on the Freedom of Information Act 2000. He explained that all local councils were included in the Freedom of Information Act as public authorities and that the Act created two principal obligations for public authorities. These were that a publication system be put into operation and that requests for information from 1st January 2005 must be complied with. The Officer explained that the Act gave applicants the right to be told whether information existed and the right to then receive this information. The right to access information could be exercised by anyone, i.e. either an individual or a legal person e.g. a corporate body.

The Officer advised that local councils were legally obliged to adopt and maintain a publication scheme and that the National Association of Local Councils (NALC) had produced a model scheme which had been approved by the Information Commissioner's Office.

B. Wood stated that a request for information must be made in a permanent form, for instance in writing or by email and must include basic contact details so that a reply could be sent. Information must then be released to the applicant within twenty working days of receipt of the request.

The Meeting was advised that the Act created 23 exemptions. Where it is believed an exemption occurs, the applicant must be informed within twenty days. Reasons for exemption would include information reasonably accessible by other means, information from or relating to certain security bodies and information contained in Court records. It was reported that where disclosure was refused, it was necessary to specify the exemption relied upon and also to state why the exemption applied. When notifying an application that a request had been refused, a local Council/parish meeting should also inform the applicant of the

Council's own Complaints Procedure and of the right of appeal to the Information Commissioner.

B. Wood then described the "public interest test". This test required local councils and parish meetings to make a judgement about the public interest. Where the balance between disclosure and withholding of information was seen as being equal, the information should be released.

The Meeting was advised that the instance of an applicant wishing to inspect information in person, where the Clerk's private residence was also the Council office, would give rise to issues of both privacy and security. In these circumstances, if a Council or parish meeting made alternative arrangements which were "reasonable", then this would be sufficient to meet the obligations under the Act. Such arrangements could include:-

- ❑ By prior appointment for the applicant to attend at the Clerk's residence but to ensure the attendance of a third party e.g. the Chairman.
- ❑ To hire a room as a "one off" arrangement in a village hall/community centre and invite the applicant to attend by prior appointment.
- ❑ Invite the applicant to attend prior to commencement of one of the Council's scheduled meetings and take the documents to that meeting.

In conclusion, B. Wood stated that core classes of information must be made available when requested and that good practice would be to place a notice on the Parish Council Notice Board to indicate that compliance with the Act was taking place. He thought that a model scheme needed to be in place to help deal with requests for information and that DALC could help with any specific problems and could also provide examples of model schemes.

PC/21. **QUESTION TIME AND SUGGESTIONS FOR FUTURE DISCUSSION ITEMS**

The Chair read a letter received from Barrow upon Trent Parish Council which requested that the District Council give serious consideration to allowing a member of a Parish Council to speak at meetings of Development Control Committee when an application of particular concern to that Parish is being considered (see attached). The Deputy Chief Executive advised that this was an issue being considered by the District Council but commented that all areas not having Parish Councils posed a problem.

It was suggested by the Meeting that anti-social behaviour/community policing, personal/prejudicial interests and risk assessment be considered as agenda items for future meetings.

B. WHYMAN

CHAIR

The Meeting terminated at 8.15 p.m.