

Tony Dixon

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Sent: 08 December 2008 12:23
Attach: Derek Waller reference to blind copies.pdf
Subject: Concerns on impartiality

Attn. Cllr. Gill Brown
 Leader
 Arun District Council

Concerns on impartiality

Dear Gill

I am aware that in recent weeks Councillors Oppler and Wells (and more recently Bognor Civic Society) have raised concerns relating to the impartiality of Arun's planning department.

I too have concerns, which I would like to bring to your attention, as follows:

On 28th August I made a Freedom of Information request for "Copies of all communications, and any records of meetings, between the council, including its councillors, and representatives of the Campaign Against Ford Eco-Town (CAFE)."

As a result I was sent a number of documents, including an e-mail from Mr Derek Waller of CAFE to Arun Chief Executive (and acting head of planning) Ian Sumnall (copy attached), in which Mr Waller said;

"Many thanks for, once again, hosting the CAFE meeting this morning. Also, many thanks indeed for the various updates; both useful and interesting. I am very pleased to see from the bcc's that Sue has sent me the action you have initiated re the BW Master Plan and the PWC financial study. It will be interesting to know what transpires."

You may be aware that bcc's are blind copies – in which blind recipients are effectively hidden or "invisible" from the openly copied recipients. Blind recipients are recorded on the sender's computer but are effectively "hidden" from view unless you know how to access them (I can advise how to do this if it helps).

The information blind copied to CAFE may or may not be important (I don't know because the e-mails in question were not provided in response to my Freedom of Information request), but the principle of a local authority blind copying e-mails or information to an action group raises a number of questions, for instance;

1. Why are planning officers blind copying rather than copying openly? Is it to deceive the other recipients of the e-mail? (including Price Waterhouse Coopers?) Or an attempt to avoid disclosure under the Freedom of Information Act? Or to avoid discovery by Councillors?
2. The Eco-Town proposals must also be considered within the Local Development Framework (LDF). Does blind copying to an action group by planning officers jeopardise the impartiality of the LDF process?
3. Is blind copying to CAFE likely to, or even deliberately intended to, disadvantage residents in other locations, for instance, Bersted and Lyminster/Toddington?
4. Clearly the Chief Executive (and acting head of planning) is aware of this practice. Was the officer concerned acting under instruction or independently? Is the practice of blind copying restricted to one officer only or are others also engaged in blind copying?
5. Are you as leader already aware of this practice by officers?
6. Is blind copying by planning officers confined to the Eco-Town proposals alone or is it happening on a

more widespread basis?

7. Exactly what information has been blind copied to CAFE?
8. Why are blind copies being withheld from Freedom of Information requests? Who makes that decision? Is it the Chief Executive and acting head of planning?
9. The attachments referred to in many of the e-mails are clearly a part of the communication yet they are not being provided – why?
10. Has any information that might be considered to be confidential or commercially sensitive been blind copied to CAFE?

I am advised that the Freedom of Information Act makes no distinction between open and blind copying and so blind copies must be disclosed. Not doing so would constitute a failure to comply.

Therefore, may I please request that my Freedom of Information request is revisited and that, this time, **all** communications are supplied, whether blind or open copies and including attachments where appropriate. May I further request that this is independently verified.

I am sure you will understand my concern that the practice of blind copying by planning officers to an action group could well undermine public confidence in the Council's ability to consider planning matters with impartiality. I sincerely hope that blind copying by planning officers is not considered to be acceptable practice at Arun District Council.

I call on you, and your fellow Group Leaders, to investigate this matter.

Yours sincerely

Tony Dixon
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Copies:

Group leaders: Cllr McDougal, Cllr Northeast, Cllr Mrs Olliver (by post)
Barnham Ward Councillors: Cllr Mrs Briggs, Cllr Mrs Goad
FEH: Harold Hall, John Penfold
For information: Cllr Oppler, Cllr Wells
Information Commissioner's Office