

Appendix

321



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ISLE OF ANGLESEY
COUNTY COUNCIL

Cynghorydd E Schofield
Olgra
Marianglas
Ynys Môn
LL73 8PL

ADRAN RHEOLWR GYFARWYDDWR/
DEPARTMENT OF THE MANAGING
DIRECTOR

LYNN BALL LL.B., (Hons). *Cyfreithiwr / Solicitor*
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PHWYLLGORAU/SWYDDOG MONITRO / DIRECTOR
OF LEGAL AND COMMITTEE SERVICES /
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Ein Cyf/Our Ref: HPP/SR/FOIA-012753-HPP
Eich Cyf/Your ref:

E-Bost / E-mail : hpps@anglesey.gov.uk

20 May, 2009

Dear Councillor Schofield

Request for information under the Freedom of Information Act 2000

We have received a request, made under the Act, for 'letters, notes or emails between Cllr Elwyn Schofield and the officers of the planning and legal departments' relating to the purchase of Craigwen, Amlwch.

I consider that the attached note, prepared by Dewi Francis Jones of the Planning Department to be relevant to the enquiry. The note relates to a telephone conversation, held between you and Dewi Francis Jones, during which you sought his advice on planning matters.

It is apparent that you made enquiries in a personal capacity. Therefore, I consider that certain elements of the note constitute your personal data. I am required by the Lord Chancellor's Code of Conduct to consider the request for information with a view to safeguarding your personal information.

I consider that whilst the fact that you contacted the planning department may be legitimately disclosed, the record of your discussions may be private. Therefore, I am writing to you to seek your comments in regard to the possible disclosure of the note.

I look forward to receiving your comments. Please do not hesitate to contact me if I can assist you in this matter.

Yours sincerely

Huw Pierce Pritchard
Corporate Information Officer

FOIA-012753-HPP/69250

Cllr E Schofield – Purchase of Craigwen by auction.

I refer to the above matter and have been asked to provide a note of my telephone conversation with Cllr E Schofield concerning the matter. I did not make a contemporaneous note and the following statement constitutes my recollection of the conversation.

I understand that an investigation is currently being conducted in relation to the auction process which I believe centres around the fact that the Council has purchased the property to provide access to development land to the rear of the property. I have not received any further information and consequently my statement is made without detailed knowledge of either the context or background involved;

I received a message via e mail from the Planning Service reception desk to telephone Cllr E Schofield at 3:11pm on Friday 13th July 2007. I do not recall whether or not I returned the call on that day, it may well have been on the following Monday.

Nevertheless, it would have been shortly afterwards and I do recall that when we did speak Cllr Schofield made it clear that he was seeking my advice in a private capacity. He informed me the property was soon to be sold by auction and that he was considering whether or not to make an offer.

He sought general advice regarding the planning status of the site and its development potential. I was able to confirm that the site was located within the development boundary and was therefore potentially suitable for re development. If my memory serves me correctly Cllr Schofield seemed interested in exploring whether or not a further dwelling could be erected in the rear garden of the property.

I do not recall any mention being made of the Council owned land to the rear of the property. I was left with the distinct impression that Cllr Schofields

interest in the property was restricted to the inherent development potential of the site itself. In my view there was nothing unusual in Cllr Schofields enquiries as they were those that any careful prospective purchaser would ask a local planning authority. Likewise, had anybody else have contacted me regarding the matter I would have offered the same advice.

Dewi Francis Jones

16th October 2007.



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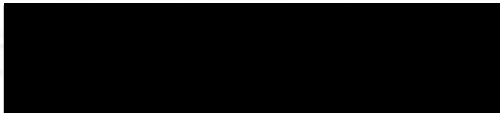
22 June, 2009

Dear Cllr Schofield

Note by Dewi Francis Jones

Further to my recent letter to you concerning an access to information request for the above note of your telephone discussion, I now attach for your information a copy of my response with disclosure.

Yours sincerely


Huw Pierce Pritchard
Corporate Information Officer



01248/751806

Ein Cyl/Our Ref: HPP/SR/FOIA-012753-HPP
Eich Cyl/Your ref:

E-Bost / E-mail : hppcs@anglesey.gov.uk

17 June, 2009



I refer to your recent request for information under the Freedom of Information Act 2000. You have requested 'letters, notes or emails between Cllr Elwyn Schofield and the officers of the planning and legal departments on this issue, especially anything before the decision was taken to buy Graig Wen (sic) by the Executive in July 2007'.

I consider the attached note to be relevant to your request. The note was prepared by Dewi Francis Jones of the Planning Department further to his telephone conversation with Cllr Schofield around 13 July 2007, during which Cllr Schofield sought the officer's advice on certain planning matters.

The note, which is not contemporaneous, was made further to a previous access to information enquiry. However, the note itself was not considered relevant to subsequent access to information enquiries and has not been disclosed before now.

Cllr Schofield made enquiries in a personal capacity and it is apparent that certain elements of the note constitute Cllr Schofield's personal data. I am required by the Lord Chancellor's Code under Section 45 of the Freedom of Information Act 2000 to consider your request whilst safeguarding information that is personal to Cllr Schofield. In this regard, I wrote to Cllr Schofield on 20 May 2009, in order to seek his views on the disclosure of the note, particularly as knowledge of his involvement in the auction is in the public domain. I have not received Cllr Schofield's comments at the time of writing.

I consider that, whilst the fact that Cllr Schofield contacted the planning department for advice may be legitimately disclosed, the matters discussed are personal information. A proportion of the document is exempt information under Regulation 13 of the Environmental Information Regulations 2004 (EIR), as disclosure would constitute unfair

processing and contravene the first data protection principle of the Data Protection Act 1998 (DPA), as none of the conditions set out in schedule 2 of the Act are met. Therefore, the information cannot be disclosed without breaching the DPA.

As you may appreciate, disclosures under the FOIA are deemed to be made to the world at large. Section 16 of the FOIA places the duty upon me to offer advice and assistance to you as requestor. In view of this duty, I advise you that two disclosures relating to the purchase of Craigwen, Amlwch have been made under the Act, which you may apply for.

If you are unhappy with the decision made to withhold information in relation to your request you may ask for an internal review. Please address your correspondence to the Complaints Officer, Managing Director's Department, Council Offices, Llangefni, Ynys Môn LL77 7TW (E-mail: LEGALPOLICY@anglesey.gov.uk).

If you are not content with the outcome of any internal review you have the right to apply directly to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF. Please note that the Information Commissioner is likely to expect internal complaints procedures to have been exhausted before beginning his investigation.

Yours sincerely

Huw Pierce Pritchard
Corporate Information Officer