



COLWICH PARISH COUNCIL

Colwich Parish Council Disclosure Log

Request: CPC FOI 1/17

Subject: Burial Grounds

Question:

1. List the specific sites that you are considering
2. List which organisations and departments or individuals you are in discussion with for each site
3. List the contact you have had with each organisation, department or individual for each site
4. State how advanced you re in those negotiations for each of the site you list.

Response:

I have considered your request not against the Freedom of Information Act 2000 but rather under The Environmental Information Regulations 2004 (EIR) as it refers to environmental information under the same meaning as for Article 2(1) of Council Directive 2003/4/EC.

Taking your requests in order:

1. I have considered your first request and claim the exemption detailed in regulation 12(5)(e) of the EIR. There are four test which need to be addressed when considering this exemption:

Is the information commercial or industrial in nature?

The activity of the Council is the initial investigation of possible land within the parish boundary to create a municipal burial ground. Should any such land be identified then the Council would need to seek a valuation for this land ahead of opening negotiations with the current landowner for its sale and purchase. This is clearly a commercial activity.

Is the information subject to confidentiality provided by law?

Any landowners with whom the Council may have opened discussions would expect their commercial and economic interests to remain confidential so as not to alert others that they are considering selling their land. They have no urgent desire or need to sell their land but are prepared to talk to the Council, once a valuation has been received, as a good will gesture to the residents of Colwich. They have asked that this matter not be made public in exchange for allowing the Council to obtain a valuation. I am satisfied that both the Council's and the landowners' commercial interests would be prejudiced by the requested disclosure. In such regard I am satisfied that the information is subject to confidentiality provided by law.

Is the confidentiality required to protect a legitimate economic interest?

The council is unaware of any land within the parish boundary, and close to the urbanised area, which is currently on the market. Consequently, it is in the Council's interests not to disclose the names of landowners with whom it is in early discussions as to do so would alert housing developers to the possibility that the land is for sale. Their interest would increase the value of the

land and put it beyond the reach of the Parish Council. Consequently, I am satisfied that the Council should claim the exemption on the grounds of protecting its, and by extension the local residents who fund the Council via a charge on the Council Tax, legitimate economic interest.

Would the confidentiality be adversely affected by disclosure?

I am satisfied that, as the first three tests have been established, that disclosure into the public domain of the information you have requested would adversely affect the confidential nature of that information by making it publicly available and would consequently harm the legitimate economic interests of the Council and the landowners.

2. Regulation 12(4)(d) of the EIR states that a public authority may refuse to disclose information to the extent that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data. I am satisfied that this test is met in that the Parish Council has contacted the District Valuation Office and the Planning Department at Stafford Borough Council and awaits their reports.
3. See 2 above.
4. See 2 above.

With regard to your opening sentence, the Burial Committee, with the agreement of Colwich Union of Remembrance and Burial (CURB), was subsumed into the Environment and Leisure Committee and is a standing item on its agenda. The Environment and Leisure Committee last met on 10th November 2016 and is due to meet next on 9th March 2017 at which time it will receive a report from CURB following its meeting on 31st January 2017.

The funds raised by villagers, to which you refer, are a matter for CURB and the Parish Council, quite rightly, has no control or jurisdiction over the Charity's funds. The Parish Council has decided that it wishes to earmark £10,000 from the 2017/18 precept to compliment the funds held by CURB. These monies will not be received by the Council until the new financial year. I am sure you would agree that it is prudent financial management on the part of the Council to earmark funds in the expectation that the matter proceeds. To do otherwise would either result in having to move funds from another priority mid-year or delay the programme until the 2018/19 financial year when funds can then be earmark from that year's precept.

Date Received: 13th January 2017

Date Acknowledged: 13th January 2017

Date Full Response: 24th January 2017

Responded within 20 working days: YES

Estimated Cost to Council: £300