

The new

independent-highlander.co.uk

Issue number 29 January 2012

*Beneath the rule of men entirely great
The pen is mightier than the sword*



Perseverance Prevails!

Readers will be well aware of the old adage 'A week is a long time in politics.' Personally I think a week can make a BIG difference in many spheres.

Take for instance the stance adopted by the Highland Council's *Freedom of Information Officer*, Mr Miles Watters, who, I believe tried his best to thwart my polite request for a copy of the public document held by Highland Council, namely a copy of the ICARE Petition relating to a Planning Application made by CPH (Highlands) Ltd. for the erection of an incinerator complex on the Cromarty Firth Industrial Park, Invergordon.

I won't bore my thousands of readers with a blow by blow account of the ensuing correspondence other than to say eventually I sent copy of all correspondence to The Scottish Information Commissioner, St Andrews, Fife.

As well as negative response from the said Information Officer, I had e-mails from the Highland Council Chief Executive, Mr Alistair Dodds and the Highland Council's PR man Gordon Fyfe.

But less than a week after my correspondence with 'The Commissioner' a bundle of photocopied paper was delivered to my door by our always cheery 'Postie'.

One of my reasons for demanding a copy of the said petition was to establish, not who signed it, but who did NOT sign it. Surprise, surprise, very few of the Invergordon business people signed the ICARE Petition.

For a while I was tempted to publish the 'missing persons' list, but then decided against such a course of action as later in this edition readers can access the petition for themselves, via the Internet.

Naturally I was eager to take a wee look at the Petition signatories so I started with the objectors first. After some time I realised that a number of PAGES of signatories were being duplicated! Oh dear what a revelation, page after page of duplicated names. What on earth is going on I ask myself?

I contacted the Highland Council's Chief Executive Alistair Dodds, as follows:-

Mr Dodds,

I have had a wee look at the pages belonging to the ICARE petition.

I see a number of them are DUPLICATED.

Is this a fault of the Highland Council's photocopier, or is there another reason? This is not meant to be a 20 day enquiry.

Reply;- *Dear Mr Ross,*

Our staff printed the documents from the Directorate for Planning and Environmental Appeals web site where the full set of representations can be found. It is possible that they printed some pages twice, but we did not keep a further copy so I am unable to comment.

This is the link to the DPEA web site.

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?T=6&id=qJ13291#Categories>

The petitions can be found on the 4th page of these representations. Yours sincerely, Alistair Dodds.

Such a Cavalier approach to something that may have a legal bearing on future planning for the Cromarty Firth Industrial Park, is not an attitude any Chief Executive should adopt. There again readers can see Mr Dodds is somewhat pi- -ed off with me but I can assure both him and you, that it is not my intention to stop here.

Its not yet Easter but Highland Council has egg on its face!

In addition to the photocopied document coming to me Mr Dodds also sent a letter by post, in it he claims that the Highland Council officials, specifically the FOI Officer, Miles Watters and the Head of Planning, Malcolm MacLeod, were within their rights not to send me a paper copy, as details pertaining to the ICARE petition and the aftermath, are available on the Internet. Now I must ask Mr Dodds what if someone did not have access to the Internet? Would he or she be denied the material requested under the FOI by Highland Council officials? His answer will be very revealing.

(It is my intention to raise the Section 25 Exemption under the FOI, with the Scottish Parliament. As under the Act, Highland Council could be seen to be discriminating against people who may request information but do not have Internet access.)

Mr Dodds must have been suffering from the Christmas spirit as he draws his epistle to a close by the following;-

“However, I note that, in response to our acknowledged email, you stated that you would be willing to pay reasonable photocopying charges. Section 15 of the Act states that a Public Authority must provide advice and assistance. I think it would have been reasonable, in this case, to have informed you of the costs of providing you a copy via the post. I have, therefore, as a goodwill gesture enclosed a copy of the information that you requested. I trust that the above is to your satisfaction”.

Perhaps I am just an old fashioned guy or just plain bloody stupid, but I was always under the impression that one could only rightfully object by petition to something ONCE and ONCE only.

But not so the signatories, cum objectors, on the ICARE paperwork. Not only as already pinpointed but perhaps excusable, pages of names being duplicated which could be down to clerical mistakes by staff of Highland Council during photocopying . However further examination of the numerous letters of objections proves that Petition signatories were also responsible for sending in, to the Highland Council Planning Department, dozens of duplicated letters, obviously dictated by ICARE and signed by Petitioners.

Now I ask myself did the somewhat ‘less than bright’ Highland Council officials cross check these objections

or did they in their innocence accept the documentation at face value.

There again did Highland Council Legal Department scrutinise the Petition and letters of objection?

With this in mind I telephoned the Chief Executive’s office, the Legal Department Office and the Planning Office but at the time there was no one who could help me.

However, Mr Ken McCorquodale, Principal Planner, (Development Management) Planning and Development Service, got back to me by email and I take delight in reproducing it here for my readers perusal.

Hi Mr Ross,

I tried to phone you without success to answer your questions in respect of the vetting of names on petitions submitted along with representations to planning applications handled by the Highland Council.

The Council acknowledges all representations to planning applications.

This usually confirms the validity of the name and address of any person.

Addresses that are fictions are usually returned by Royal Mail to the Council.

Where individual's names have been used under false pretences then the individuals usually contact the council on receipt of the acknowledgement to correct the actuality of their views.

With regard to petitions then the Council only acknowledges the submission of the petition by the person or party submitting the petition - if known.

The Council does not check the validity of the names on any petition, nor does it acknowledge each named person.

It is hoped that all names are true and therefore valid.

The Council increasingly makes information submitted to it - publicly available on its e planning portal.

In this way the system is self-policing as the public quickly advises the Council and elected Cont >

Scrambled eggs anybody?

Members of the validity of the names as submitted in a petition.

I appreciate that this was not the case with the incinerator application, as eplanning was not available at that time.

The petitions as submitted in the case of the incinerator, arrived at the Council's planning service through elected Members, just before the committee.

The petitions were accepted in good faith.

The information is now all available to the Department for Planning and Environmental Appeals.

I trust that answers your questions in respect of the Council's actions in receipt of any petition submitted in relation to its processing of a planning application.

Kind regards. Ken McCorquodale.

Mr McCorquodale,

Please advise me where I can get a list of the 'Elected Members' who produced the Petition 'just before the committee?' Many thanks. Euilleam.

Hi Mr Ross,

I was passed the petition by the local elected members namely **Cllrs Smith** and **Rattray** who had been presented the information from local campaigners in advance of the local planning committee meeting.

Kind regards. Ken.

Well readers, in view of the revelations in this edition of the New Independent-Highlander, (No.29) relating to the ICARE Petition and the associated letters of objection, can anyone truly believe that that Petition reflects the true feeling of the MAJORITY of residents in Easter Ross.

What the hell does someone residing in South Africa have to do with incineration in Invergordon? Yet Tina McCaffery and her cohorts are happy to include an objection from there in their suspect Petition! And Highland Council is happy to accept that, and more at FACE VALUE. Re-education would be something that the intelligent readers of the 'Highlander' recommends for all concerned!

Wattering Down?

Dear Mr Ross,

The Chief Executive has asked me to reply to your email.

Mr Dodds stated in his review response that our initial response should have indicated the cost of providing photocopies of the information requested. This option would be available to someone who does not have internet access and is not able to visit our planning offices. Free internet access is, however, available in local libraries.

In relation to the FOI legislation a public authority has to maintain a publication scheme. Information which is within this publication scheme is exempt from FOI under Section 25 of the Act. The information Commissioner approves publications schemes in order to ensure that he is content that the information in them is actually available. The legislators intended this to reduce the burden of complying with FOI requests. The result is that a public authority is able to charge for providing information from their publication scheme where they might not be able to in response to a request under FOI.

To complicate matters planning information is considered to come under the definition of Environmental Information. Environmental Information is also exempt under section 39(2) of FOI. This is because it can be accessed via the Environmental Information (Scotland) Regulations 2004. These regulations state that an authority can charge an applicant for providing them with information. These charges should cover the cost of the provision of information and no more.

To sum up

A member of the public can access information via the internet for free, whether on their own computer or a public access computer.

A member of the public may visit a planning office and review the files for free

A member of the public may request that the Council posts a copy of a file to them. The Council is entitled to make a charge to cover the costs of provision.

In each of the above scenarios the information in question is exempt from the FOI Act

I hope that the above explanation is sufficient. Please let me know if you require anything else.

Yours sincerely,

Miles Watters

Miles Watters, Freedom of Information Officer, Chief Executive's Office,

The Highland Council, Glenurquhart Road, Inverness IV3 5NX.

Tel. 01463 702029 Fax 01463 702830

Letters

Thank you very much Mr Watters for your explicit e-mail regarding FOI. While you quote the actual Act, per se, and to me it does make sense, other old age pensioners may not be able to grasp the fundamentals, and this is where Local Authorities, such as Highland Council, are obliged to 'be helpful'.

As I have already expressed on the 'Net', personally I have found Highland Council Officials obstructive rather than helpful.

But lets put your offer to the test, *if you require anything else.*

I require a copy of the council minutes of the Planning Meeting where Local Councillors **Smith** and **Rattray** presented the ICARE suspect Petition to the Planning Committee.

Be so kind as to advise me how much a paper copy will cost?

Many thanks.

Euilleam Ross. (OAP)

Kilmuir & Logie Easter Community Council

www.kalecc.org.uk

Chair: John Boocock
Rosslyn, Barbaraville, IV18 0NA
01862 842641 email john@boocock.net

Secretary: Marilyn Wallace
4 The Sidings Arabella, IV19 1QH
01862 863047 email secretary@kalecc.org.uk

19th December 2011

Dear Euilleam,

Re Wire Fencing on B817 at Barbaraville

A number of people in the village have commented about the deplorable state of the above stretch of fencing and it appears that it was installed by the former Ross-shire County Council.

As this now forms part of the "estate" of Highland Council it is our intention to raise the matter of its state of disrepair with their Area Community Works Manager, John Bonthrone.

As with all issues like this, we channel them through the Community Council's Vice Chair, Mr George Dobbie who is our named contact for Mr Bonthrone.

It was agreed after our last meeting that this issue (and a number of others which are outstanding in the Community Council's area) will be raised with Mr Bonthrone. These included the state of repair of the B817 at the western end of Barbaraville.

If any of your many readers have other Community Works issues which they would like the Community Council to consider pursuing, they may contact us either via our website at www.kalecc.org.uk or via our secretary whose details are in the heading of this letter.

We will contact you with the outcome after we have spoken to Mr Bonthrone.

Wishing you and your readers all the best for the festive season,

John Boocock

John Boocock
(Chair KALECC)

Mr E Ross
Editor, The Independent Highlander, Seacrest, Barbaraville West.
By Electronic mail

WISHING INDEPENDENT HIGHLANDER
READERS A GUID NEW YEAR AND MAY
2012 BRING YOU PROSPERITY AND
HAPPINESS.

Euilleam.

Scottfab-Osprey Publishing 'Seacrest', Barbaraville West, Delny, Ross & Cromarty, Scotland. IV18 0NA.

Editor:- Euilleam Ross © waived unless stated otherwise. Copying encouraged

Scottfab-Osprey Publications is a Voluntary Non Money Making Scottish Organisation.