

COUNCIL MEETING held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN on 11 JANUARY 2016 at 7.00pm

Present: Councillor S Harris – Chairman
Councillors, K Artus, H Asker, S Barker, R Chambers, J Davey, A Dean, P Fairhurst, T Farthing, R Freeman, J Gordon, N Hargreaves, E Hicks, S Howell, D Jones, M Lemon, B Light, J Lodge, J Loughlin, S Morris, V Ranger, J Redfern, H Rolfe, H Ryles, G Sell and L Wells

Officers in attendance: R Dobson (Principal Democratic and Electoral Services Officer), R Harborough (Director of Public Services and Interim Head of Paid Service), A Knight (Assistant Director - Finance), M Perry (Assistant Chief Executive – Legal and Monitoring Officer), and A Webb (Director of Finance and Corporate Services)

C62 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Anjum, G Barker, Davies, Felton, Foley, J Freeman, Gleeson, Goddard, Mills, Oliver, Parr and Parry.

C63 REPORT OF THE MONITORING OFFICER PURSUANT TO SECTION 5, LOCAL GOVERNMENT AND HOUSING ACT 1989

Members considered the report of the Monitoring Officer, which had been prepared in accordance with the statutory duty under section 5 of the Local Government and Housing Act 1989, to inform members of breaches of the Data Protection Act 1988.

The Monitoring Officer explained the circumstances of the breach, which related to a request for information under the Environmental Information Regulations, received in July 2015 for information relevant to the activities of Countryside Properties in Takeley. A voluminous amount of material had been collated and supplied, and much personal data relating to individuals had been redacted. However, the person dealing with the collation of the documents omitted to redact the name and email address of one individual, the name and telephone number of two others, and the names and postal addresses of two further individuals. Those details were therefore passed to the person making the request.

The Monitoring Officer explained that the disclosure of this information breached the Data Protection principles in the Data Protection Act 1988. He summarised the steps which he had taken once the failing had been drawn to his attention, in that he had written to the four individuals concerned, informing them of the breach and apologising to them on the Council's behalf and informing them of their right to complain to the Information Commission should they wish to do so. He had also written to the Information Commissioner informing him of the breach.

The Monitoring Officer said that he had not received a response from those whose details had been revealed. He said the report had been brought to Council for noting and invited questions.

Councillor R Freeman asked why members had been summoned to a meeting regarding a matter which he considered officers could have dealt with.

The Monitoring Officer said he had a statutory obligation to prepare a report for consideration by the Council.

Councillor Asker asked which senior officer should be responsible for this error.

The Monitoring Officer said this was a question which was not appropriate to answer in this forum. Officers were subject to certain disciplinary rules, and it would not be appropriate to disclose the name of the officer.

Councillor Jones said the request for information related to activities of Countryside Properties in Takeley. As the company had been active at Takeley since 2006, the response to the request for information should have been limited to more recent work, which would have resulted in a lesser volume of papers and therefore less chance of error. For these reasons, in future officers should try to limit the scope of any such responses.

Councillor R Freeman said he sympathised with the onerous nature of the Freedom of Information Act, and was not blaming officers. However, he felt the report could have been dealt with by email or at the next scheduled Council meeting. He asked how members could be assured the situation would not recur.

The Monitoring Officer said there was a statutory obligation for the Council to meet to consider the report, within a reasonable timescale, and this evening was the only date available as it was an occasion when members were attending another event already scheduled. Steps had been taken to ensure in future the nature of requests was not vexatious, and that in place of spot checks, full double checking of responses would take place.

Councillor Loughlin asked whether this case was similar to one previously brought to Council. The Monitoring Officer said that this report had been prepared on the same basis as a previous case.

Members noted the report.

Councillor Rolfe said he wished to welcome the Council's new Chief Executive, Dawn French, who was attending tonight in an informal capacity prior to taking up her post at the end of February.

The meeting ended at 7.10pm.