

FOUR MARKS PARISH COUNCIL

**Meeting of the Finance & General Purposes Committee
Held on Wednesday 6th May 2015, commencing at 8.40pm
At the Village Hall, Four Marks**

Members Present: Cllr J Foster (Chair) Cllrs S Sensier and A Tomlinson
Attending: S Goudie (Clerk)
Apologies: None

OPEN SESSION

This being the final Finance & General Purposes Committee of this term, the Clerk asked for agreement to an Agenda item to amend the Terms of Reference to include the formation of new Committee, and it should be at least 4 members, and must include the Chairman, Vice Chairman and Planning and Open Space Committee Chairmen, if one is 'wearing two hats', then an additional member should be included. This was approved in principle.

Cllr Sensier raised his concern over the handing over of the Website following his retirement, the Clerk confirmed that she was able to add information but was not comfortable doing much else, but would continue, and hope that one of the new Councillors may be able to take over Cllr Sensier's role, otherwise the Clerk did have an alternative option if required.

The Open Session concluded at 8.50pm, Standing Orders were applied.

15.17 FGP APOLOGIES FOR ABSENCE
There were no apologies for absence.

15.18 FGP MINUTES OF THE LAST MEETING

- The minutes of the Finance & General Purposes Committee held on Wednesday 4^h March 2015 were proposed as accurate by Cllr Sensier, seconded by Cllr Tomlinson, and signed by the Chairman.
- Matters arising:
 - The Clerk confirmed she was now an active member of the Hampshire LGPS, (Local Government Pension Scheme), with effect from 1st May 2015.
 - No further progress had been made with the updating of the Cemetery Regulations, but that this would now be on the priority list to be completed ready for presentation at the next Finance & General Purposes Committee meeting, scheduled for July.
 - Fixed Asset register. This had been updated, but still required more detail, including a photographic register. Cllr Tomlinson offered the services of her daughter, Kathryn, to carry out the photography aspect and catalogue the photographs. The Clerk to liaise with Cllr Tomlinson over which items needed to be included.
 - The Clerk confirmed that Tichborne Cricket Club had not yet taken up the offer of taking on the maintenance of the cricket pitch, but hoped a decision would be reached shortly.
 - Further to the offer to purchase the plot of land beside the Pavilion, the owner although open to offers would not consider anything less than £10,000 and it was felt that this was probably more than the Parish Council should pay. However the owner had agreed to maybe applying for Change of Use to clear the ground, and it was suggested that the Parish Council offer to lease the land

from the owner, keep it maintained as public open space for the duration of the lease. Clerk to progress.

15.19 FGP INTERNAL AUDIT

The Clerk confirmed the audit had gone well, with only a couple of queries on the day. There were no new recommendations, and only one outstanding issue, the Fixed Assets register, which was now in the process of being updated and expanded. The Chairman thanked the Clerk for her work with the accounts and 'issue free' audit.

15.20 FGP DATA PROTECTION POLICY FOR RELEASE OF CCTV FOOTAGE

It was agreed to compose a sign, with CCTV ownership details for Mr Darren Dance, the proprietor of the Fish & Chip shop (its host) to display.

It was also agreed, temporarily, to design a form that the Parish Council can email Mr Dance to enable him to complete for permission to release footage as appropriate.

However concern was expressed over the issue that a non-Parish Council member was able to access the footage ad lib, and it was agreed to look into a different system that could link the footage directly to the Clerk's computer system.

Cllr Foster agreed to contact Excel for appropriate advice and costs.

15.21 FGP INTERNAL REVIEWS OF FREEDOM OF INFORMATION REQUESTS

The Committee discussed both Freedom of Information requests that had subsequent Internal Review requests and suitable responses were agreed. Clerk to prepare and email response, which are attached to these Minutes for reference.

15.22 FGP DATE OF NEXT MEETING

The next meeting is scheduled for Wednesday 1st July 2015, however the Clerk is away that week, and an alternate date is to be arranged following the new Committee's formation.

15.23 FGP The Chairman closed the meeting at 9.50pm and thanked all members for their input and attendance over the last year, and wished Cllr Sensier well with his move.

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Chairman

4th APRIL 2015

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Four Marks Parish Council's handling of my FOI request 'Details of open space land owned by the Parish Council'.

Following a request for an Internal Review on the Freedom of Information request as detailed, the Finance & General Purposes Committee conducted the Internal Review on behalf of Four Marks Parish Council, and submit the following response to issues as raised by the Requestor:

Although a response has been provided it is unsatisfactory in the following ways:

1. The response was not given within 20 working days as required by the relevant legislation. No explanation has been offered for this.

Due to the receipt of two requests under the same heading on the same day, the second request was overlooked, this was an oversight and not intentional.

2. The response includes an extract from the Parish Council's asset register converted to PDF format, apparently from a Microsoft Excel spreadsheet. However this has been incorrectly formatted and not all the information is visible.

This document has now been updated and reformatted and is attached, with all information now visible.

3. Copies of title documents were not provided as requested. Although it is noted that certain title documents are available from the Land Registry, this is not the case for the leasehold land or for the land which is stated to be subject to "Voluntary First Registration awaiting completion".

The title documents for the leased land are not held by the Parish Council, other title documents as stated are available from Land Registry, and those currently awaiting first registration will be available from Land Registry once the applications are completed.

4. The information provided does not include the full address of each parcel of land or other information sufficient to identify it unambiguously.

The information given is as referenced on the Title documents, all parcels of land are in Four Marks, except for Swelling Hill Pond, which is in Ropley. There is more detail on the land assets contained within the Annual Accounts, which are available on the Website.

5. The rent payable in respect of leasehold land has not been stated.

There is no rent payable on the leasehold land.

6. No response has been provided to the request for details of activities undertaken by the Parish Council by way of day to day administration and management of the land in the period from 1 April 2014 to the date of the request. A request for clarification was included in the response, but I believe that the original request was quite clear. I note that the words "day to day administration and management" were used by the Parish Council in its response to a previous information request which can be found here: https://www.whatdotheyknow.com/request/information_and_documents_relati_2. The present request simply seeks an explanation of the Parish Council's own language. It could have been met by a simple description of the activities which the Parish Council has undertaken in the period and which, in its opinion, fall within this description.

The term 'day to day administration and management of land' was thought to be self-explanatory, however to expand further, this includes:

- Answering telephone calls, and taking telephone messages relating to any aspect of the parish council owned land; and responding as appropriate
- Receiving, reading and answering emails, relating to the above and responding as appropriate;
- As a result of either of the above, actions that may arise from queries, for example contacting a sub-contractor to carry out any repairs to damage or, for example, remove fallen trees, fixing broken equipment, organising emergency repairs.
- Contacting sub-contractors to instruct general maintenance works, for example mowing the grass, strimming the footpaths, clearing litter, and other regular tasks in association with regular land management;
- Organise and carry out safety inspections, and routine servicing, as appropriate;
- Office administration, which may include writing letters to residents, as a result of either a telephone, email or letter enquiry, for action.

The Finance & General Purposes Committee believe this response answers all the queries raised and concludes the Internal Review on this matter.

Four Marks Parish Council.
6th May 2015

A full history of my FOI request and all correspondence is available on the Internet at this address:
https://www.whatdotheyknow.com/request/details_of_open_space_land_owned

Stephen Whitehead

Please use this email address for all replies to this request:
request-255840-64a01669@whatdotheyknow.com

9TH April 2015

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Four Marks Parish Council's handling of my FOI request 'Legal report on Land to the South of Gloucester Close'.

Under item 7 I requested copies of all correspondence and other documents held by the council which relate or refer to the 'Legal report' discussed under item 15.25 of the Parish Council meeting on 18 February 2015, which is now understood to have been a verbal report by the Clerk to the Council of a meeting with an unidentified 'legal representative'. This request has been refused under Regulation 12(5)(b) of the Environmental Information Regulations 2004.

Regulation 12(5)(b) applies to disclosure which would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature. Reliance on this exception has been justified by reference to the need for free and frank discussion between a client and his legal representative. Reference to this principle, however, is not sufficient to establish that any of the requested material falls within paragraph 5(b). The Parish Council's response did not provide specific information about the issues discussed with the legal representative, but it is hard to see how disclosure of any legal matter relating to this land could

adversely affect the course of justice or have even the remotest relevance to any trial or criminal or disciplinary enquiry.

Even if this were the case, the public interest in maintaining the exception would have to be balanced against the public interest in disclosing the information. The Parish Council's response asserts that the public interest test has been applied. It is relevant to note, however, that the requested information relates to the deliberations and decisions of a publicly elected body. As the Parish Council's response makes clear, there is no record of these deliberations or decisions as they were not minuted. Further, the Parish Council's response to this information request gave no specific information about the matters considered or any decisions taken. It follows that if the related correspondence and documents are not disclosed, the actions of the Parish Council in this connection will be entirely closed to public scrutiny. Such secrecy of decision-making cannot be in the public interest and therefore exceptionally strong weight should be given to the public interest in disclosure in this case.

In addition Regulation 12(11) makes clear that even if some part of the information requested falls within the exception, this does not justify withholding any other information unless it is not reasonably capable of being separated from the excepted information. If necessary, therefore, the requested documents should have been made available in redacted form.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/legal_report_on_land_to_the_sout

Stephen Whitehead

Following a request for an Internal Review on the Freedom of Information request as detailed, the Finance & General Purposes Committee conducted the Internal Review on behalf of Four Marks Parish Council, and submit the following response:

The issues surrounding this piece of land, Land to the South of Gloucester Close, are contentious and any legal issues regarding clarification over any actions taken in the past, and potentially to be taken in the future, should not be discussed in the public domain. As stated in the earlier response, "although there is always a need to be transparent and assist in the public understanding of the decision-making process, it is more important to allow for free and frank discussion between a client and their legal representatives".

As agreed by the Parish Council at the Full Council meeting held on Wednesday 18th March 2015, legal advice on the initial response to this Freedom of Information request was sought to ensure that they were complying with the FOI regulations in withholding the information that was requested.

The Parish Council's stance on this remains unchanged and this response concludes the Internal Review on this matter.

Four Marks Parish Council
6th May 2015