

CHAIRMAN' REPORT TO MONKS ELEIGH PARISH COUNCIL MEETING ON MONDAY 25 SEPTEMBER 2017

(As approved by full Council and read by the Chairman at the above meeting).

Ladies and Gentlemen,

I have to report to you that over the last few months this Parish Council has been dealing with a Freedom of Information request.

That started for us in January 2017. In fact we learnt subsequently that the complaint had been made to the Information Commissioner's Office in early December 2016. We were notified in January 2017 but did not receive details of the complaint until four months later, in early April, just before the Easter break. It had taken the Information Commissioner's Office (ICO), four months to let us have details of the complaint. We had two weeks to respond, although we did manage to extend that time limit a little.

It may surprise you to know, given that a Freedom of Information request is all about transparency, that the complainant would not let us see a copy of his complaint to the ICO. Under the Data Protection Act the ICO could not release that to us without his consent. His consent was requested but he refused.

We put in our defence. We submitted with it a file of approximately 400 pages of documents that we considered to be evidence in support of our defence. We were disappointed to learn that the ICO rejected our defence. Although they could see the strong terms that the complainant had used in his communications with us over a significant time, they did not consider him to be vexatious in terms of the Freedom of Information legislation.

We drafted an appeal and submitted it. We resubmitted our 400 pages of documents which, as before, had an explanatory guide to the relevance of the documents. The General Regulatory Chamber rejected our documents but asked us to submit a description with each document as to why it was relevant. The whole process has been very time consuming and exhausting. We do not have the funds to seek legal advice and have been shouldering the burden of the Freedom of Information Act request alone. It is supposed to be a simple process for anyone to navigate but we have found it baffling.

Reluctantly we withdrew our appeal on 22nd August citing that while we still considered that our defence of vexatious was justified we did not have the money or resources to carry on fighting. By resources we mean not just money, but time and ability to deal with this on our own, whilst dealing with the other day to day Parish Council work.

Parish Councillors are drawn from volunteers. We are unpaid and we all have other commitments in our lives. A Parish Clerk is paid a little over minimum wage, which is poor recompense for the weighty subjects on which a Parish Clerk is supposed to advise the Council and the exacting timeframes in which she has to deal with things. Our Clerk's hours have recently increased from 6 hours to 8 per week, but during some weeks over the last two years our Clerk has been doing almost full-time hours for this Council without payment, just to help us through.

You might wonder why we are in a position where we are being ordered to release documents. The danger is, I know, that people consider that we are keen to keep information from public view. That is not the case.

The background to this is that for several years a contingent in this village has sought to suggest that the village does not have the ability to use Church Walk/The Avenue in the way required to implement the planning permission for the new village hall on the Parish owned Recreation Ground. We have been dealing with a situation in which claims to that land by others have altered. We have been trying to manage that situation in a manner which protects the Parish's interests and also is mindful of the duty of the Council to run seemly Parish meetings. Some of us remember times five years or so ago when the day to day business of the Parish Council was made increasingly difficult because of the heated nature of meetings.

We have now produced a bundle of documents to the complainant's solicitors (to answer their request, save for refusal of one request on Data Protection grounds) and there are more documents, in terms of meeting minutes for example to provide them. What we have made available to the complainant we will make available to all. In time those documents were always intended to be made public, but we wished to complete matters on the Church Walk issue before we did so.

Over the last two and a half years, so the life of this Council, we have had to work very hard trying to keep abreast of demands made of us from both within by a former Councillor, and latterly outwith the Council. A Councillor resigned last summer, who wished to see documents which related to the previous Council term. There is a principle in Local Government, indeed public service, that Councillors are entitled to information on a need to know basis. They should not go on a fishing exercise. It is also the case, of course, that Councillors should raise concerns within the Parish Council meeting and not outside of it, or through third parties.

In the first fifteen or so months we have lost a long standing Clerk and a Vice Chairman and we have now lost our new Clerk. She sits here with us at the moment to help us out, but she could leave at any time.

The rest of us have remained, and of course we managed to co-opt Cllr Patti Derry.

We will be delighted, now the FOI request has been and is in the process of being answered, to discuss very little, if anything, in camera. It has been very difficult for us all as I know that the allegations have been that we are secretive and have been hiding something. All we have been doing actually, is trying to keep two difficult situations from escalating, so that we can fulfil the most fundamental role of a Parish Council, namely to remain intact and serving the community.

We have now resolved to make public minutes of an in camera meeting of January 2016. We took that decision on 21st August 2017 in a meeting. January 2016 was the culmination of a very stressful time in this Council. As an example, it included me receiving a letter by email from a councillor who announced he was going to come to see me once he had returned from holiday to tell me how I could be a better Chairman, having "taken inputs" from some in the village to explore just how disappointed people were with me and with us as a body, and the same councillor writing to our new clerk 45 minutes before her first meeting very strongly implying that the former clerk and I had unilaterally altered Standing Orders. Of course, we had done no such thing, he just did not

understand something and had jumped to a rather extraordinary conclusion. In December 2015 after a very busy and difficult three months we received three challenging letters between 18th and 23rd December, necessitating some of us having meetings on Christmas Eve. One letter contained a complaint about an informal meeting that had taken place two and a quarter years earlier, and another contained a complaint about a disagreement in a meeting of an unrelated body in the village that was nothing to do with the Parish Council.

Incidentally, it has been made clear over and over that Councillors should raise concerns in Parish Council meetings. That is the whole point of a Parish Council.

It is a shame that this situation exists and that I have to report it to you, but it is important for you to know that the Freedom of Information request has not been made because we are an inherently secretive body, but because we have been dealing with some extraordinary challenges and we acted in the way that we considered at the time to be in the best interests of the Parish.

We are still here. And we are still working, very hard, on your behalf.

Jacqueline Clarke

Chairman

Monks Eleigh Parish Council.