

FOI Request received 27.01.15

Dear Rebecca,

FoI Requests

We are concerned that SPC is continuing with an unnecessary and counter-productive regime of secrecy regarding information which we believe should be in the public domain. Please treat this email as a five separate requests for production under the FoI Act - or much preferably for publication on the SPC website in accordance with the Local Government Act 1972 and the ICO Publication Scheme for Parish Councils

1 Minutes of Extraordinary Meeting 11 November 2014

The Council has refused to publish these minutes even though it has issued a press release describing the substance of the decision and it has distributed a leaflet to many, but by no means all, residents telling us that twelve of fifteen councillors attended and reporting the substance of the decision. We can see no good reason for withholding the official minutes which would reveal to all interested members of the public which councillors attended and what the voting majority was as well as the official record of what was decided.

We note that s228(1) of the Local Government Act 1972 gives the electorate an unqualified right to inspect the minutes of the Council. In fact there is a criminal penalty under s228(7) for refusing inspection.

The ICO Publication Scheme for Parish Councils requires that minutes be published on SPC's website.

2 Minutes of Extraordinary Meeting 19 August 2014

Nothing other than the agenda for this meeting has ever been made public and now even the agenda document has been removed from the website - effectively removing all public trace of this meeting.

Please see what is said at 1 regarding the LGA1972 and regarding the ICO Publication Scheme.

3 Minutes of Extraordinary Meeting 11th August 2014

Please see what is said at 2 above.

4 Agenda Items and Minutes on the SPC Website

We have previously made the point that agendas and minutes are two sides of the same coin and that the latter often cannot be understood without referring back to the former. See 5 below for examples of this. We thought this had

been accepted but have noticed that all the agendas for the full council meetings prior to September 2014 have recently been removed from the website and all minutes of the full council prior to June 2013 have also been removed.

Similarly, committee minutes have been removed for pre-July 2013 and agendas have been removed so that they are available for even shorter periods (varying with each committee).

One effect of this removal of agendas, coupled with the policy of not publishing the relevant part of, or in the case of confidential meetings, any of the minute, is that matters such as 1, 2 and 3 above disappear altogether from any public record and items such as 5 below become very difficult for the public to keep track of.

The ICO Publication Scheme lays down the minimum which should be on the website (current and previous years) which is thus no longer being complied with. Also, once uploaded it clearly is against the spirit of openness to remove them, and so ordinarily one would expect a growing archive going back many years.

We ask that all the removed records be restored to the website as that avoids the need for numerous FoI production requests – the reason for the Publication Scheme in the first place being to reduce the need for such requests.

5 Confidential Items of Business

During the period of the skatepark project there was a significant number of occasions on which the press and the public were excluded from meetings of the parish council and its committees. These are shown in the minutes as having been "Confidential" items, however without the agenda documents it is now impossible for the public to know to what items of business these records relate.

Accordingly there is a whole series of matters where there is no public record either as to what was discussed or what the decision was. While it might have been appropriate at the time to hold the discussions in confidential session we think it very unlikely that in most cases it was necessary for the decision itself to have been kept from the public and even less so now that the skatepark and the issues about the village green status have been resolved.

Accordingly we ask for copies of the agenda documents relating to the minutes in the schedule below – though as we have said, it would be our preference that they are just uploaded to the SPC website where they once were.

We also ask for SPC's written record of what was decided for each of these items.

Please see what is said at 1 above regarding the LGA1972 and regarding the ICO Publication Scheme.

Schedule of Minutes having Confidential Items of Business

8th February 2011	F & GP	Item 15.	Subject unknown
8th March 2011	F & GP	Item 14.	Subject unknown.
3rd May 2011	F & GP	Item 14	Subject unknown.
4th October 2011	F & C	Item 14	Subject unknown.
22nd May 2012	Play Fields	Item 13	Subject unknown.
6th November 2012	F & C	Item 18	Subject unknown
5th February 2013	F & C	Item 16	Subject unknown
13th May 2012	Annual	Item 18	Subject unknown
7 th May 2013	F & C	Item 16	Related to the village green status of the MPF and to the judicial review. Neither of these items is still current.

Furthermore ...) published immediately after this meeting on the skatepark supporters' Facebook site the claimed figure for the JR legal costs which had just been discussed in the absence of press and public, so it appears that there was a selective leak rendering withholding from everyone else the official record of the information even less justifiable.

6th August 2013	F & C	Item 18	Subject unknown
25th February 2014	Play Fields	Item 12	Subject unknown
8th July 2014	F & C	Item 16	Subject unknown

Thank you very much.

20th February 2015

Dear [REDACTED]

Following a Freedom of Information Request made to Steyning Parish Council on 27th January 2015, please find below the information requested. Councillors have taken advice from SALC, who confirm that although the minutes of confidential meetings shall remain confidential, the outcomes of such meetings can be made available to members of the public. Accordingly, please find the outcomes listed below.

Re: Minutes of the Extraordinary Confidential Meeting of 19th November 2014

Under Section 1 d) of Steyning Parish Council Standing Orders, and in accordance with LGA 1972, the meeting was held in confidence, since Councillors were discussing:

- a) Counsel's advice on the rectification of Village Green status and agreeing the way forward.
- b) Nominations for the Chairman's Millennium Award.

Councillors agreed that:

- 'This council shall not de-register VG65'
- 'No land swap of the land occupied by the clubs shall be considered, at this time, by this council'
- 'This council will not apply to the High Court for a rectification of VG93'
- 'At this meeting, decisions should not be made regarding the management of VG65 and VG93, but instead a meeting of a working party of the Full Council, should make a recommendation to Full Council'

As an outcome of the decisions above, the application for a skate park facility will not be progressed by this council, since Councillors have been advised by HDC that planning permission will not be granted while Village Green status is in place.

A full copy of the confidential minutes will not be released, but Steyning Parish Council are required to confirm that at the meeting Cllr Lloyd **proposed** that 'this council will not apply to the High Court for a rectification of VG93', **seconded** by Cllr Hopkinson. A vote was held, those **In favour** were Cllrs Barling, Muncey, Staines, Hopkinson, Toms, Marshall, Ness-Collins, Lloyd and Bowell. Those **Against** were Cllrs Muggridge, Toomey and Alexander. **Motion Carried.**

Chairman's Millennium Award winners were agreed.

Re: Minutes of the Extraordinary Confidential meeting of 19th August 2014

Under Section 1 d) of Steyning Parish Council Standing Orders, and in accordance with LGA 1972, the meeting was held in confidence, since Councillors were discussing:

- a) Correspondence from a group whose vice-chairman had taken SPC to a tribunal, with the possibility of further litigation.
- b) Legal advice and costs and the Council's way forward on the skateboard facility planning application regarding the Village Green (VG93).

Councillors agreed that:

- 'The Clerk should write to the Chairman of FoMPF and advise that a response will not be provided unless a name and address was provided'.
- 'The Parish Council ask the ICO to visit in order to give them an account of the situation and ask for their advice'.
- 'The Parish Council seek Counsel's advice on the rectification of the Village Green registration as a whole (with preference on the first older application rather than the most recent) and following that advice they would decide whether to seek rectification'.
- 'Owing to advice, only recently received from Horsham District Council, that due to the Village Green status, Steyning Parish Council is unable, at this present time, to deliver Skateboard facilities in the Memorial Playing Field to the young people of Steyning and therefore is, regrettably, withdrawing its planning application.

Having due regard to all other users of the Memorial Playing Field and, for their future benefit, the Parish Council will now seek legal advice to rectify the Village Green status on the Memorial Playing Field'.

Re: Minutes of the Extraordinary Confidential meeting of 11th August 2014

Under Section 1 d) of Steyning Parish Council Standing Orders, and in accordance with LGA 1972, the meeting was held in confidence, since Councillors were discussing:

- a) Correspondence from a group whose vice-chairman had taken SPC to a tribunal, with the possibility of further litigation.
- b) Legal advice and costs and the Council's way forward on the skateboard facility planning application regarding the Village Green (VG93).

Councillors agreed that:

- 'A further Extraordinary, Confidential meeting should be convened before any decisions were made'.

Re: schedule of minutes having confidential items of business

Please see attached sheet, detailing the subjects and outcomes.

Re: Agendas / Confidential items of business

Historically, it has been the practice to remove agendas from the Steyning Parish Council website in order to save visitors to the website from 'trawling' through the website to find current information. I can confirm that agendas will not be removed in future, although it may take some time to reload historic agendas.

Kind regards

Rebecca Luckin
Clerk to Steyning Parish Council

Freedom of Information Request from [REDACTED], 27.01.15, regarding Schedule of Minutes having Confidential Items of Business and a request for written record of what was decided for each of these items

Date	Meeting	Agenda Item	Discussion
08.02.11	F&GP	Item 15	15.1 Quotes have now been received for the Cleaning Contract for the Steyning Centre, Toilets, Bus Shelter and Pavilion. It was Agreed to continue with the services of our casual employee. Councillors noted that this per week price would increase slightly in the summer months when the toilets would receive two cleans per week.
08.03.11	F&GP	Item 14	14.1 The Council's 3 year option for insurance through the broker Cane and Company (Aviva) is now up for renewal. Quote for the inclusion of public liability is nil and for All risks for a skateboard facility £410 if required. Total £7123 for 40 months. The quotes are comparable in the cover they offer. It was Agreed to accept the quote from Aviva for 40 months. 14.2 The Deputy Clerk is due a further salary increment with effect from 1st April 2011. This would take her to scp [REDACTED]. This would be an increase of £[REDACTED] per annum. This was Agreed.
03.05.11	F&GP	Item 14	14.1 Re-evaluation and possible re-grading of the Clerk's post was discussed. It was unanimously Agreed that the Clerks post should be re-graded to LC [REDACTED] Band [REDACTED] (scp [REDACTED]) with immediate effect, starting at scp [REDACTED] with yearly incremental progression through to scp [REDACTED]. It was further Agreed that this re-grading applied only whilst the current Clerk was in post and should the job become vacant a further re-evaluation would take place at that time before any new recruitment. The Deputy Clerks post would remain within the current LC [REDACTED] Band [REDACTED] scp [REDACTED].
04.10.11	F&C	Item 14	12.1 There were 4 nominations for a Millennium Community Award for Jackie Campbell, [REDACTED] Lewis Whittaker and [REDACTED]. It was Agreed to give Jackie Campbell for her work for Steyning and continued work, and Lewis Whittaker for his outstanding work in achieving the refurbishment of the War Memorial Garden, awards at the Chairman's function in December.
22.05.12	PF	Item 13	13. At the last meeting it was reported that there had been a theft of manure from the allotments. Further to this the Clerk received a letter from Mr. & Mrs [REDACTED] who live in [REDACTED] and they produced a copy of their Deeds which they claim gives them a right to a rear access to their property and into the allotments. It has now come to light that the property concerned in [REDACTED] is For Sale and Committee Agreed the Clerk to write to the selling agents to alert them and the buyers and sellers solicitors to the access issue and that the Parish Council wishes the fence to be re-instated with no gate. This was Agreed
06.11.12	F&C	Item 18	18.1 Councillors received nominations for the Millennium Community Awards for 2013. It was agreed that all the nominations this year were excellent and some discussion took place as one of the nominees has been presented an award previously albeit for different community works. It was agreed to present awards to: Christine Aubrey, Rick Goring and Barbara Fisher and to present a gold star to Charles

			Ashby to add to his previous award. Councillors were reminded that the names of these recipients is to remain strictly confidential until the presentation. 18.2 Councillors will be aware that since May of this year the clerk, deputy clerk, chairman and some councillors have been receiving unprecedented numbers of emails from members of the public on a variety of issues requesting information and often asking for the same information repeatedly. There was considerable discussion on this issue and concern was expressed about the pressure and stress this was putting on staff and councillors. Some of the subjects already raised repeatedly include: CCTV, SDNP, Skateboard facility, Village Green, fencing of the play area. The Parish Council does not have the financial resources for this additional work beyond any short term solution agreed on a temporary basis. This was Agreed unanimously.
05.02.13	F&C	Item 16	No confidential item found on Agenda or Minutes for this meeting.
14.05.12	Annual	Item 18	Meeting stops at item 15. No confidential item.
07.05.13	F&C	Item 16	16.1 Some Village Green costs for legal advice have previously been agreed by this committee but further costs are now required in determining a protocol for the use of the Village Green and ensuring that this complies with the law It was proposed and Agreed to recommend to Full Council for up to £2,000 to be allocated for this further legal advice and the Clerk, Chairman and Vice Chairman be delegated to proceed with the protocol policy document as necessary. 16.2 Councillors were aware that a number of recent emails have been received regarding a threatened Judicial Review. The committee discussed the cost implications and insurance cover if this JR were to proceed and it was proposed and Agreed to recommend to Full Council to allocate £5K initially to defend the JR. 16.2 As part of the Clerks appraisal recently carried out by the Vice Chairman one area of concern was the Clerk's current workload and that normal committee work is piling up and not being done. It was proposed by, and Agreed to recommend to Full Council to advertise for a temporary, part time Admin.Asst. and the Clerk be delegated to proceed with an advert and to interview and appoint to the position in liaison with the Chairman and Vice Chairman.
06.08.13	F&C	Item 18	18.1 Staffing – the National Association of Local Councils have recommended, that a cost of living rise of 1% be paid with effect from 1st April 2013. It was proposed to delegate to the Chairman and Vice Chairman to research the salary scales and options and bring a further proposal back to committee for agreement. This was Agreed. 18.1 Urgent item to confirm with solicitors that we wish counsel to continue to represent us at appeal stage of the J.R's. This was proposed by and seconded by. This was agreed 12.
25.02.14	PF	Item 12	There were tenders from five companies regarding grounds maintenance. It was proposed to agree the lowest tender from D.Flynn. It was felt he is local, is flexible with additional work and the contract will be monitored. This was Agreed. To have a meeting with the contractor to go through the contract.
08.07.14	F&C	Item 16	16.1 It was reported that a Code of Conduct complaint had been made against Cllr [REDACTED] The Local Assessment Sub-committee has decided that no action should be taken on the allegations as the complaint is not within the jurisdiction of the sub-committee or the evidence as submitted does not demonstrate a prima facie breach of the

			Steyning Parish Council Code of Conduct. 16.2 It was reported that when the recent application for Village Green status was received from WSCC it was noted that this had originally been applied for in September 2012. This highlighted the application for the MPF which was applied for at approximately the same time but was heard and determined within 5 months. proposal that we send the letter, and if there is no satisfactory answer to make a formal complaint to the ICO. This was seconded by [REDACTED]. This was Agreed by a majority.
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