

John Fullbrook

From: John Fullbrook
Sent: 04 October 2022 17:30
To: Paul Campbell
Subject: Freedom of Information case IC - 151369 - W6D8 response from SPC
Attachments: Document 1.pdf; Document 2.pdf; Document 3.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Cllr Campbell

On the 30th August 2022 the ICO sent SPC a 'Decision Notice' stipulating that the Council should reappraise its response to you in consideration of your Freedom of information request dated 2nd November 2021.

In the meantime I have been re-examining correspondence over the two and a half year period covered by the request and following the ICO guidance have compiled this updated response. - Please therefore find below and attached.

Your initial FOI request as follows

Please disclose any claims since the May 2019 election which have been intimated against SPC [Steyning Parish Council] and which have resulted in a referral to SPC's insurers and chargeable legal advice. Please redact the potential claimant's personal details. Please provide the response by email. As you know, there is a 20 working day limit for compliance'.

The Response

I have made a thorough search of all office emails over the period May 2019 and November 2021. I can reconfirm that there has not been a single claim made against the Council in that time. However the term 'intimated' within your request does include mere threats of action against the Council, and I have therefore needed to make greater efforts to find any references to possible action. My apologies for not alerting you to these earlier, but I have found three of these 'threats'. I have concluded there are no more to be found.

One threat was made on the 6th June 2020, but this threat was withdrawn shortly afterwards and no further action was necessary - {Redacted Correspondence attached – Document 1}. A Second threat of legal action was made by yourself on the – {Redacted Document 2 as a reminder}. Document three is a redacted copy of the correspondence notification made to the insurance solicitors. A third threat of legal action against SPC was made in April 2020. This threat of a possible claim against the Steyning Parish Council stems from court proceedings which I believe are ongoing and I further understand you are very much apart of and I therefore submit that on the advice of the insurers solicitors that I should continue to not send said correspondence to you at this stage as it might have a bearing on that case. With this in mind, and at the conclusion of the case, I would be happy to send out redacted correspondence as part of your initial Search Access Request. This third threat of court action I alluded to within the previous and initial response to this FOI request but refused disclosure under Section 32.

One could argue that none of these disclosures fall within the scope of your request as there has been no chargeable cost to SPC. All costs were covered by SPC insurance, other than the VAT, and these monies were claimed back by SPC. Hence the advice was free. However I don't feel it is necessary to be so pedantic as to argue this matter.

The Council apologises for not obtaining all references to past threats of action as they were not found in the initial search. However one of these two threats was made by you therefore one imagines you were aware of it. The other had already been sent to you in your capacity as Vice Chairman of the Council.

If you are not happy with this response then please respond to the Case officer in charge of this matter.

Your sincerely
John

John Fullbrook
Clerk to the Council
01903 812042

IMPORTANT NOTICE

This e-mail might contain privileged and/or confidential information. If you have received this e-mail in error, please notify the sender and delete the e-mail immediately; you may not use or pass it to anyone else. Whilst every care has been taken to check this outgoing e-mail for viruses, it is your responsibility to carry out checks upon receipt. Steyning Parish Council does not accept liability for any damage caused. E-mail transmission cannot guarantee to be secure or error free.

This e-mail does not create any legal relations, contractual or otherwise. Any views or opinions expressed are personal to the author and do not necessarily represent those of Steyning Parish Council. This Council does not accept liability for any unauthorised/unlawful statement made by an employee.

Information in this e mail may be subject to public disclosure in accordance with the law. Steyning Parish Council cannot guarantee that it will not provide this e mail to a third party. The Council reserves the right to monitor e-mails in accordance with the law.

If this e-mail message or any attachments are incomplete or unreadable, please telephone 01903 812042.

Any reference to "e-mail" in this disclaimer includes any attachments.