

Dear Cllr Campbell

The FOI panel have agreed a response to your several recent FOI review requests following their meeting on the 5th October.

Apologies for the delay in getting this response back to you – it took a little while for the notes to be agreed by all members – Please therefore find attached.

If you are unhappy with how this request has been dealt with then you can also apply to the Information Commissioner at the ICO – The link being

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-informationconcern/>

Yours Sincerely
John

John Fullbrook
Clerk to the Council
01903 812042

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FOI Panel – Meeting October 5th 2023

Cllrs. present at meeting: Norcross, Sharp, Johnson and Lloyd

Absent: Cllr. Hanson

Subject: review 5 FOI requests from Cllr. Paul Campbell

Review Request 1

To be sent information concerning a 'legal claim against the Council' – Original request dated May 2021.

The FOI panel noted that full council were appraised in confidence on the 21st of November 2022 of the possibility that a claim could arise and were advised that legal advice was being sought at that time. The FOI panel also noted that should a claim be lodged, this will come to full council at the appropriate time.

The FOI Panel rejected the request on the grounds that there is no legal claim. The panel reviewed and determined that there has not been, nor is there currently, a legal claim against the Council and that full council has been appraised of this.

Review Request 2

To be sent a copy of the Twenty's Plenty Working Party Minutes.

The FOI panel rejected the request on the grounds that the request is exempt as the information was published on the SPC web site as a supporting paper to the 5th September Community Committee meeting (when they and the WSCC response was due to be discussed), and they were distributed to all councillors on the 30th August.

Review Request 3

To be sent a copy of previous and current SPC Gas supply agreements, all correspondence and file notes as per details of the request, plus 24 months of gas bills.

The panel determined that Cllr. Campbell does not provide a case as to the reasoning behind why he deems it necessary to be sent a copy of previous and current SPC Gas supply agreements, all correspondence and file notes as per details of the request, plus 24 months of gas bills at this point in time.

The panel noted that the correct time to review such contracts was prior to its signing and, going forward, towards the end of the 3-year period. At both these points the information might be actionable. At this moment it is unactionable. The request is therefore pointless and can not be logically justified as in any way necessary to properly perform his duties as a councillor.

The FOI Panel rejected the request on the ground that it is intended to be vexatious and made to overburden the clerk.

Request 4

To be sent a copy of the Steyning Ukrainian Refuge Charity Accounts.

NB It should also be noted, that SPC, as a full Council, recently approved a change to the Grant Policy – whereby the need to scrutinise accounts of grant seekers was delegated to the Proper Financial Officer and the Chair of the relevant committee.

This is consistent with the good practise of many other local councils who have adopted protocols such as:

- *“The Council is obliged to take particular care when dealing with confidential information relating to the financial and business affairs of the Council and third parties and when dealing with personal data” and*
- *“ Where a Councillor’s ‘need to know’ is not obviously apparent that Councillor may be asked to explain why they want the information and the uses to which it will be put. Councillors are requested to co-operate with such requests.”*
- *In the event of a dispute as to a Councillor’s ‘need to know’ the decision of the Chief Executive or the Monitoring Officer shall be final.*

Source: Protocol on Councillors’ Rights of Access to Information – Kensington Council.

The FOI panel rejected the request on the grounds that it is intended to be vexatious as the grant request has been withdrawn by the Charity and can no longer logically be justified by Cllr Campbell as in any way necessary to properly perform his duties as a councillor.

Furthermore, as a Registered Charity, the accounts will soon appear in the public domain.

In the absence of any useful or actionable need for obtaining this information the only alternative explanation the FOI Panel can perceive is that Cllr. Campbells request is intended to be vexatious.

Request 5

To be sent information concerning the maintenance records associated with a swing on the MPF.

The common law “need to know” is clear on this subject: *“ If not a member of that committee or sub-committee, the councillor would have to show good cause why sight of them is necessary to perform their duties (See R v. Clerk to Lancashire Police Committee ex parte Hook [1980] Q.B. 603).”*

Cllr. Campbell has not shown any cause (good or otherwise) why his inspection of the records is needed in addition to that of the existing 9 Community Committee members.

Nevertheless he would be entitled to come to the Committee meeting as a member of the Public to make his case.

The FOI Panel rejected the request on the grounds that the request is intended to be vexatious and intended to overburden the Clerk.

The panel could find no useful reason why Cllr. Campbell needs to have the maintenance records associated with this swing. The Community Committee already sees the inspection records

NB: It should be noted that in reaching our decisions as a Panel, we additionally took into account the CONFIDENTIAL 25 page letter from Thomas Thwaites, Senior Case Office, sent to Mr John Fullbrook (Clerk) on June 7th 2018, in reference to Cllr. Paul Campbell.