

South Willesborough and Newtown Community Council

Finance and General Purposes Committee (FGP22)

Monday 20th September 2021

MINUTES

In attendance:- Peter Porter (Chair) (PP) Sue Mullan (SM) Nirosha Thilagarajan (NT) Jacky Godden (JG) Steve Campkin (SC) Rob Woods (Co- Clerk)

49/21 Apologies for absence

Sarah Evans (Co- Clerk)

50/21 Declarations of pecuniary, other significant or voluntary interest

None made

51/21 To agree the Minutes of the last Finance and General Purposes Committee (July 2021) and sign

Resolved: Proposed SM Seconded NT and unanimously agreed

52/21 To note budget performance to date and bank reconciliation

Members noted the following:

- a) The low spend on Councillors' costs. **Agreed unanimously to recommend that full Council revisits the training policy (Action – Clerks)**
- b) The low spend on grants, donations and projects. **Agreed unanimously 1) that the number of grants and donations awarded is slowly increasing but take up is still low and 2) that if Ashford Borough Council approves the capital grant for the proposed COMF Mental Health/Inclusion project, the recommendation to Council would be that the gap funding could be found from underspend within the projects budget if no other funding sources are identified**
- c) The Clerks' salaries budget is insufficient to meet the costs of a job share Clerk covering for the other's absence from work where cover is needed to meet Council commitments. **Proposed NT – Seconded JG - Agreed unanimously in principle that the current arrangements are unsustainable and should be reviewed at the next meeting of the Committee (Action – Clerks to prepare report) Concurrently, the Staffing Committee be requested to consider any contractual issues arising.**
- d) That several small residual balances (both credit and debit) remain in the listing of earmarked reserves. **Agreed by unanimous decision to remove the following items/balances from the list of earmarked reserves and transfer the nett balance to the General Reserve**
 - 1) E-Mail Migration costs - £106 overspend
 - 2) Broadband/Telecom costs - £26 underspend
 - 3) Spring Clean Costs - £150 underspend**Nett transfer to General Reserve - £70**

53/21 To confirm the payment of invoices and note items of over £100
Proposed SM, Seconded NT and approved unanimously

PAYEE	NET	GROSS	VAT	CASH BOOK REF	REASON	RECORDED IN
Clerk Salary	£783.53	£783.53	£0.00	171a	Clerk Salary	Clerk Salary
Clerk -Salary	£908.64	£908.64	£0.00	171b	Clerk Salary	Clerk Salary
HMRC	£217.72	£217.72	£0.00	172	Employment taxes	Clerk Salary
NEST (direct debit)	£78.35	£78.35	£0.00	173a & 173b	Pension payments	Clerk Salary
Clerk 2 Expenses	£82.5	£96.96	£14.46	174	Stamps, Paper, Exhibition Board	Stationery and Equipment
PKF Littlejohn	£300	£360	£60	175	External Audit AGAR	External Audit
ASL Group Ltd	£18.78	£22.54	£3.76	176	Office Printing Charges	Stationery and Equipment
Agilico (direct Debit)	£39.95	£47.94	£7.99	177	Phone/Broadband	Phone/Broadband
SWAN WI Council Minute 118/21		£250		178	Grant Council Minute	Projects Grants
Ashfords LLP			£270	179	VAT only - Legal Advice	Legal Expenses
Interactive Media IL3713	£530	£106	£636	180	Printing of Residents guide for Community Plan 2250 copies	Printing and Distribution
Interactive Media IL3714	£240	£48	£288	181	Distribution of Residents Guide	Printing and Distribution

54/21 To consider a draft risk assessment for the Events Working Group

Members considered the recommendations of a previously circulated report/draft risk assessment.

Resolved: By unanimous agreement

- a) **To request nominations for the Safety Lead at the next Events Working Group meeting**
- b) **To purchase Hi-Vis jackets for use at all events. (Actions - SC to advise on supplier and Clerks to purchase)**
- c) **To adopt the draft risk assessment subject to the addition of trailing cables being covered by rubber covers or gaffer tape where necessary to alert people to a potential trip hazard**

55/21 To consider a notification from the River Stour (Kent) Internal Drainage Board advising that they intend to carry out de-silting works of the ditches that run through the Gas House Fields allotment site and nature reserve plus other locations adjacent to the ditches course.

Having considered the Drainage Board's letter, it was agreed that the Clerks should contact the Drainage Board to seek more information (see Annexe 1 – Notes of discussion with Internal Drainage Board)

56/21 To review Public Participation Policy and Policy and Procedure for Freedom of information Requests.

Members discussed the recommendations of a previously circulated report/draft strategy

Resolved: By unanimous agreement to

- a) Recommend Council to adopt the draft strategy (Appendix 2) to supersede the current Freedom of Information Act Policy subject to the revision of the author's name and other details
- b) Request the Clerks to revisit the current Privacy and GDPR policy, redraft if required and submit to next Committee meeting
- c) To recommend Council to agree fees to be charged for FOIA/EIR requests @ 11p per photocopy, postage Royal Mail rates, staff time (when applied to total the costs of a request and not to be passed on except in rare instances approved by the ICO and permitted within the Act) to be either the guided rate of £25 per hour or the average of the Clerks' hourly rate.

57/21 To note and review the response from the External Auditor

There being no comments to consider, the Chair thanked the staff and Committee members for their stewardship of the Council's finances.

58/21 Any other urgent correspondence relevant to the Finance and General Purposes Committee Terms of Reference received before the date of this meeting.

None

59/21 To agree the date of the next meeting as 22nd November 2021 and items to be included on the agenda.

Date agreed as 25th October 2021 and return to Baxendale Court meeting room

Items for inclusion –

- a) Staff pay issues
- b) GDPR Policy review

There being no other business, the Chair closed the meeting at 8.10 pm

Signed
Chair

Date

ANNEXE 1 –

KEY POINTS - DISCUSSIONS WITH THE RIVER STOUR (KENT) INTERNAL DRAINAGE BOARD

- 1) Work is likely to start in November 2021 on dredging the watercourse through the Gas House Fields allotments
- 2) Some preparatory weed cutting has been done
- 3) De-silting takes place every 7-10 years
- 4) The IDB recognises the difficulty of dredging in the allotments and at this stage considers that a manual de-silt is likely with the spoil pulled and deposited downstream.
- 5) Engineer to the Board to contact the Clerks nearer the time with a view to including SWAN in a site meeting

ANNEXE 2

South Willesborough and Newtown Community Council Freedom of Information Act 2000 Policy and Procedure for handling Requests for Information.

This Policy is written in light of the guidance from the Information Commissioners Office and the steps taken within it to support Freedom of Access Information Requests and Environmental Information Regulations need to refer to this policy and procedure advice.

The Freedom of Information Act 2000 **now referred to FOIA** provides public access to information held by public authorities and does this in two ways:

Public Authorities are obliged to publish certain information about their activities – our transparency code adopted May 2021 covers this,

Members of the Public are entitled to requests information from public authorities.

The Environmental Information Regulations 2004 (**now referred to as EIR**) provide access to environmental information held by Public Authorities. The Regulations do this in two ways

- 1) Public authorities must make environmental information available proactively *
- 2) Members of the public are entitled to request environmental information from Public Authorities. This request does not have to be in writing. It does include all elements of information held in Environmental information including Air, Water, Soil, land and so forth.

South Willesborough and Newtown Community Council is the Public Authority for the purposes of the Act and the Regulations in this policy.

THE FOIA and EIR cover all recorded information held by the Council. They are not limited to official documents and cover also drafts, emails, notes, recording of telephone conversations and video recordings. Nor are they limited to information created by the Council so the legislation also cover letters received from the public although the Council reserve the right to allow that there may be reason not to release them.

The FOIA and EIR do not cover information that is in someone's head. If a member of the public asks for information the only information the Council must provide is already in recorded form. It does not have to create new information or find the answer to questions from someone who may happen to know it.

Nor is the Council required to create information if it is not recorded in any way to meet a request.

The FOIA covers information held by the Council, not just held in its offices therefore members are required to ensure they share all recorded information if asked to ensure requests can be met.

The EIR requires that all information is shared whether the it is held as the Councils own produced information or any other body.

There are exemptions on information that can be shared and the guidelines and exemptions within the FOIA, EIR and UK GDPR regulation will always be followed.

The Council will always review the necessity and compliance of releasing information about staff before releasing it.

The FOIA and EIR do not give people access to their own personal data. This needs to be made as a Data Subject Access Request.

CHARGING

The Council may make reasonable charge for provision of information in line with guidelines from the ICO, these include the costs of transferring the information to the application not limited to but also including photocopying, printing and postage.

When calculating the cost to respond to a request the Clerk will include staff time. However, only in rare instances do the guidelines permit this cost to be passed onto the Applicant, therefore this part of the calculated charge would only be applied in line with ICO guidelines.

The presence of copyright, including third party copyright does not prevent the disclosure and communication of information in response to FOIA and EIR requests nor does publishing information on a publication scheme.

The Council will make its charging policy clear and in advance.

The Council will adjust the cost if it is finally found to be below the charge advised but will not pass on the costs if it is found to be above the charge advised.

If the charge is not paid within 3 months of issuing the notice of fees the request will no longer need to be met.

Procedures

The Council shall provide proper advice and help to any member of the public seeking information. Including releasing any information they may have recorded to assist with the request.

A request for information under the Freedom of Information Act 2000 must be made in writing and a request under the Environmental Information Regulations 2004 need not be in writing.

2. The Clerk shall decide whether requested information is freely accessible, whether it is available in the requested form, whether a Refusal Notice needs to be served in respect of all or part of the requested information. The clerk may seek advice from the Chair or externally if needed. The Clerk will refer to the ICO procedures when making these decisions.

3. The Clerk shall acknowledge a request in writing within three working days of receipt of the request and provide a) a date by which it is anticipated the information will be provided which shall be within 20 working days in normal circumstances, b) a notice of fees, c) if the request is an FOIA request or EIR request or a Data Subject Access Request or a breach of GDPR.

4. If the Clerk considers an application is not made in a real name such as a pseudonym or online character name the public authority can make the applicant aware it does not intend to respond to the request until further information is received from the applicant. This does not apply to EIR requests.

If there is not enough clarity to describe the information being requested the Clerk will ask for more details to enable them to identify the information sought. The 20 working days' response period will start from when the request is fully understood and a satisfactory reply has been received. The Clerk will make this timing clear in correspondence and if no satisfactory response is received within 2 months the request will be considered closed.

5 If it is not reasonably possible to provide the information within 20 working days of receipt of the request, the reasons for the delay and a target date shall be provided which must not exceed 40 working days.

6. If a Refusal Notice is issued in respect of all or part of the requested information it shall state that the Council is relying upon an exemption and why it applies. Details of the Internal Review procedure shall be enclosed with the Notice and the right of appeal to the Information Commissioner.

7. If a Refusal Notice is issued in respect of all or part of the requested information for any of the following reasons;

a. The cost of complying with the request will exceed £450

b. The Council is unable to identify the information despite every reasonable attempt to do so

c. The Council considers the request to be vexatious (i.e. to cause harm or annoyance rather than to obtain information)

d. The information has already been provided or is freely accessible without reference to the Council

e The information breach Council guidelines on managing staff or member information.

f The request repeats a previous request from the same person.

g a disclosure would be likely to prejudice a criminal investigation or prejudice someone's commercial interest.

h There is also an exemption for personal data if releasing it would be contrary to the UK General Data Protection Regulation (the UK GDPR or the Data Protection Act 2018 (the DPA2018)).

I There is an absolute exemption clear within the FOI Act or the EIR or the ICO guidelines. then details of the right of appeal to the Information Commissioner shall be provided.

8 If the requested information cannot be found within the Council records then the applicant shall be advised, accordingly, as soon as the search is completed. Details of the Internal Review procedure shall be provided and of the right of appeal to the Information Commissioner.

9. The Council shall maintain a record of FOIA requests and EIR requests.

10. A Freedom of Information Request Form is available either from the website or the Clerk by email clerk@swancc.org.uk or writing Suite 10 Invicta Business Centre, Monument Way, Orbital Park Ashford KENT TN24 0HP.

Author - Sarah Evans, September 2021

Adopted by Council – October 2021

Review May 2023

NB This document supersedes the Freedom of Information Policy adopted by Council in May 2019