

MINUTES OF A MEETING OF THE COMPLAINTS COMMITTEE OF ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL (A&LCC) HELD ON 25 APRIL 2018 at 5.30pm in the Council Chamber, Mitre Street, Abertillery

PRESENT: Councillors: Keri Bidgood, Gill Clark, Nick Simmons and Trudy Williams

Officers: Richard Gwinnell, Clerk

Others: None

272. ELECTION OF CHAIR

Councillor Gill Clark was nominated and seconded.

RESOLVED that Councillor Gill Clark be elected to Chair the Committee.

In the absence of members of the public from the meeting, the committee moved to the Clerk's office, in order to see evidence (in the form of past emails, from and to the person concerned, which were contained on the Clerk's computer) relating to the internal review under consideration.

273. APOLOGIES FOR ABSENCE

None received. All expected members were present.

274. DECLARATIONS OF INTEREST

No members declared any personal interests.

275. EXCLUSION OF PRESS AND PUBLIC

The Committee **RESOLVED** to exclude the press and public from the meeting for the following item of business, by virtue of The Public Bodies (Admission to Meetings) Act 1960, on the grounds that disclosure of the matters to be discussed would be prejudicial to the public interest by reason of the confidential nature of those matters.

276. FREEDOM OF INFORMATION (FOI) REQUEST: REFUSAL NOTICE: INTERNAL REVIEW

The Clerk informed members that:

- the appellant had been offered the opportunity to attend the meeting and present his case, but he had not arrived and had not said he would attend
- the committee was tasked with undertaking an internal review of a decision to refuse FOI requests from a person
- the person had in the past submitted a complaint to the Council
- that complaint had been dealt with by the Complaints Committee in June 2017
- there was no right of further appeal to the Council if he was not satisfied
- the committee was not required to consider the issues raised by the person in his requests, his previous complaint or any other correspondence
- the committee was tasked with considering whether the refusal of the person's FOI requests was reasonable and justified in light of the volume and subject matter of previous correspondence with the person

- the person could complain to the Information Commissioner's Office (ICO), that the Council had refused their FOI requests
- if that happened and the ICO asked the Council to justify that refusal, the Council needed to be sure the refusal was justified
- the ICO guidance advised the organisation to log correspondence, so that it could show why a "tipping point" had been reached
- the ICO would ask if the Council had undertaken an internal review of its decision (to refuse the requests), if it was asked by the person to do so
- the person concerned had asked for an internal review of the decision
- this was why the committee had been called, to undertake this review
- the members of the committee had been chosen because they were independent of any previous dealings
- they had not been involved with the refusal of the person's FOI requests and they were not members of the HR Committee (which had decided that the Council would no longer correspond with the person on certain subjects)
- the committee had been supplied with:
 - a letter to the person dated 4 April 2018, following a meeting of the Human Resources Committee held on 28 March 2018
 - a letter to the person dated 6 April 2018, refusing his FOI requests
 - the ICO guidance on refusing vexatious requests and
 - Section 14 of the Freedom of Information Act 2000.

The Clerk:

- showed members (on a computer screen) how many emails had been received from, and how many emails had been sent to, the person concerned during the last 18 months
- showed members a number of emails received from the person concerned, including the email received on 3 April 2018.

Members asked:

- to see a correspondence log and a copy of every email from or to the person concerned since the Council's email records with the person concerned began
- the Clerk to estimate the number of hours spent on corresponding with the person concerned over the last 18 months or so.

The Clerk stated that he could send members a log of all the correspondence from or to the person concerned but this would take a few weeks, as there were several hundred emails and the Council had only two part time staff, who had many other responsibilities. He estimated that hundreds of hours had been spent already, corresponding with the person concerned. He undertook to keep a time log from now on and to estimate more robustly, how much time had already been spent.

The Committee **RESOLVED:**

- (1) to await copies of the log of past correspondence with the person concerned
- (2) to await further work by the Clerk on a log of time spent dealing with this matter
- (3) to meet again to make a determination, when the above information is available
- (4) that the Clerk write to the person concerned, explaining that Councillor Gill Clark has been elected Chair of the committee and that the committee will meet again when it has further evidence on which to base its determination.

The meeting ended at 6.30pm.

Signed as a correct record by the Chairman

*NB these minutes are a summary of the proceedings and record of the decisions taken.
They are not intended to be a verbatim record.*

Minutes produced by Richard Gwinnell, Clerk