

CLERKS REPORT FOR 3 JUNE 2024

1. FOI/SAR REQUEST

1.1.FOI

An FOI request was received on 17th January 2024 and responded to in full, save for point five where the clerk requested a date range and clarification as to who the requestor identified as 'admin staff'.

An exchange followed, in which the requestor offered to carry out the email search themselves using a piece of software, a request that was denied and has since been backed up by the ICO as being an inappropriate request.

The last communication was from the Clerk to the requestor on 22 February, suggesting they contact the Monitoring Officer at EDDC.

On 10th May (some 11 weeks after the last communication from the clerk to the requestor), the clerk received a further email relating to point five.

The ICO has been consulted for advice how to respond to the 'point 5' request. The advice is that the request falls under exemptions under FOI [s40 personal information](#) and [s40 requests for personal data about public authority employees](#).

Personal information: the question "What is personal data" and "what is an identifier" can be answered [here](#).

1.2.SAR

The ICO stated the 'point 5' request could be a Subject Access Request (SAR). Under SARs request an individual has the right to request a copy of their personal data from the council, as well as other supplementary information that relates to them. Information about SARs can be found [here](#).

A Subject Access Request was received on 28th June; Council has 30 days to respond (deadline 27th June). Due to the tone of the request and earlier interactions with the requestor, I believe the requestor is not going to accept anything I say as complete and accurate, and I am reluctant to lay myself open to further accusations of not following correct processes. I therefore suggest **the council outsources this piece of work either to its IT company (which has administrative access to the council's 365 account) or to council's solicitor and access can be arranged.**

Recommendation:

To discuss the suggestion in bold in paragraph 1.2 above and resolve a way forward, including the source of funding this work.

2. COMMUNITY CONSULTATION DURING PURDAH

The council finds itself in the somewhat unusual position of having a Member (Cllr Henry Gent) and an Officer (Jake Bonetta, Community Connector) standing as candidates in the General Election on 4th July.

The council approved a community consultation before the General Election on 4th July 2024 was announced. As part of his role, Jake is the officer responsible for the consultation and he plans to hold drop-in sessions across the parish to engage with residents, as well as to promote the consultation. He is therefore going to be very visible for the duration of the consultation.

The [LGA pre-election period guidance](#) suggests councils think carefully before they launch any new consultations during this time in this case unless it is a statutory duty or considered routine council business (such as a consultation on the budget). The council also cannot arrange proactive media or events involving candidates. [The LGA FAQs are really helpful as well.](#)

Advice from Devon Association of Local Councils (DALC), based on aforementioned guidance from the Local Government Association, is for council to delay the consultation until after the election. This is to protect the council from allegations of non-compliance with pre-election guidance on publicity, and to minimise the risk of consultation responses being skewed.

New dates:

Community Engagement protocol suggests public consultation should run for 6 weeks. It also suggests public consultation should not take place during August or over the Christmas/Easter periods.

Recommendation:

That owing to circumstances beyond its control, the council resolves to agree a new period for the consultation as **Monday 8th July** through until **Sunday 15th September 2024**, recognising the associated but unavoidable delay to the officer's analysis and subsequent report.

3. BROADCLYST MAINTENANCE AND TIMEVIEW TELEMETRY RENEWAL 2024-2025

The renewal quote for the river alarm and its service has been received at a cost of £993 (exc VAT). This is an increase of £54 on 23/24 price (£939). £1,000 has been included for this in the 24/25 approved budget.

Recommendation:

That the council resolves to continue the telemetry contract for 24/25.

This concludes my report.

Angie Hurren BEM
BA(Hons): Community Governance
Fellow SLCC
Broadclyst Parish Council Clerk

30.05.2024