

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CORPORATE PERFORMANCE PANEL

Minutes from the Meeting of the Corporate Performance Panel held on Monday, 10th June, 2019 at 6.00 pm in the Council Chamber - Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor S Dark (Chairman)
Councillors B Ayres, P Beal, J Collop, I Devereux, A Dickinson, C Hudson, H Humphrey, B Long, C Manning, J Moriarty, D Pope, C Rose and D Tyler

Portfolio Holders

Councillor I Devereux – Environment
Councillor P Kunes – Commercial Services

Officers:

Cara Jordan - Eastlaw

CP1 **APPOINTMENT OF VICE-CHAIRMAN FOR THE MUNICIPAL YEAR 2019/2020**

RESOLVED: That Councillor J Moriarty be appointed as Vice-Chairman for the Municipal Year 2019/2020.

CP2 **APOLOGIES**

There were no apologies for absence.

CP3 **MINUTES**

The Minutes of the Meeting held on 3 April 2019 were agreed as a correct record and signed by the Chairman.

CP4 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CP5 **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business under Standing Order 7.

CP6 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor A Rvyes attended under Standing Order 34 for item CP116.

CP7 CHAIRMAN'S CORRESPONDENCE (IF ANY)

There was no Chairman's correspondence to report.

CP8 PRESENTATION ON FREEDOM OF INFORMATION PROCEDURE

The Panel received a presentation from Cara Jordon, Principal Lawyer from Eastlaw on the Freedom of Information Overview and Procedure.

The Chairman thanked the Principal Lawyer for her presentation and invited questions from the Panel, which are summarised below:

- The Principal Lawyer explained outlined what was considered as excessive cost being 18 hours or more officer time which had been set by the Information Commissioner's Office. The Council could then contact that requester and explain that to complete the request would exceed the cost limit or they could reduce their request.
- There was a wide variety of people who submitted a Freedom of Information request.
- In relation to the total cost of the Council providing responses to FOIs, it was explained that Eastlaw carried out this work on behalf of the Council and was part of the Service Level Agreement with them.
- In response to a question regarding if there were penalties incurred for withholding information, the Principal Lawyer explained that officers were required to make reasonable enquiries to find out where the recorded information was held. If the person who had requested the information was not satisfied, then an internal review would be held and the matter could be referred to the ICO if the matter was not satisfactorily resolved. She added that the purpose of the Act was to be transparent and provide information.
- The Principal Lawyer explained that someone could not ask to see all Councillor emails as they could only ask for specific information. She also explained that Parish Councils should have their own FOI policy.

RESOLVED: That, the presentation be noted and a copy sent out with the minutes.

CP9 CABINET FORWARD DECISION LIST

The Panel noted the Cabinet Forward Decisions list.

Councillors were advised that the Cabinet Forward Decision List would be considered by each Panel and any items identified would be taken to the relevant Panel.

Councillors were further advised that they could attend any Panel meeting under Standing Order 34 and contribute to the debate but not take part in the vote.

The Leader, Councillor Long also outlined to the Panel the background to the Council Governance report.

CP10 **NOMINATIONS TO OUTSIDE BODIES AND PARTNERSHIPS - HUNSTANTON SAILING CLUB DEVELOPMENT SUB COMMITTEE**

In response to a question as to why the Council's representative would be an observer only, the Leader, Councillor Long explained that the Club had fulfilled its funding obligations, however it was considered important to have a representative on the Sailing Club's Sub-Committee to be able to report back to this Panel.

Both Councillors Beal and Collop, who had been the Panel's representative on the Sub-Committee, expressed concern at the lack of invitation to meetings and involvement.

It was proposed and seconded that the item be deferred until the meeting on 22 July 2019 when a representative from the Sailing Club would be in attendance to provide an update to the Panel.

The Chairman also agreed to write to the Sailing Club outlining the Panel's concerns.

RESOLVED: That, the item be deferred until after the Panel had received an update by a representative from the Sailing Club.

CP11 **PANEL WORK PROGRAMME 2019/2020**

The Panel's work programme was noted.

It was agreed that an update on the Town Hall Bar proposal be requested.

RESOLVED: That, an update on the Town Hall Bar proposal be requested.

CP12 **DATE OF NEXT MEETING**

The next meeting of the Corporate Performance Panel would be held on 22 July 2019 at 6pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn.

The meeting closed at 7.05 pm

1. Freedom of Information Overview and Procedure

Cara Jordan, Eastlaw

2. FOI Requests

- Freedom of Information Act 2000
- Environmental Information Regulations 2004

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- General Data Protection Regulation 2016
- Data Protection Act 2018

3. Statistics

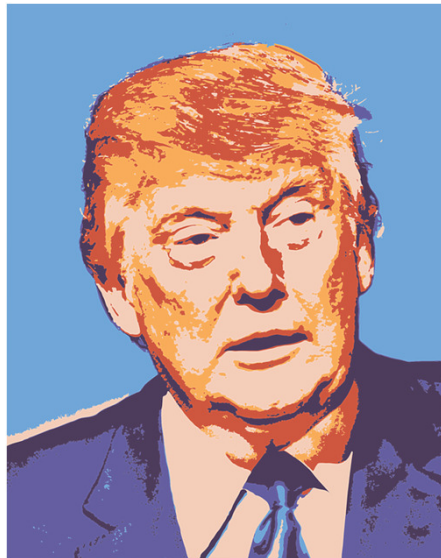
- Number of FOI requests
- Publication scheme

4. What is the Freedom of Information Act?

- Act of Parliament providing a right of access to information
- Public Authorities
- Procedure as to how requests are to be dealt with
- Regulator – Information Commissioner's Office [ICO]

5. Some general points about requests

- Everyone has a right to request information under the Act
- Blind requests
- To the world at large



6. Right of Access (unless a good reason to withhold information, permitted under the Act)

- Only relates to recorded information
- In writing (Equalities Act 2000)
- What information does the request actually ask for (should not 2nd guess the requestor – but advise and assist if unclear)
- Held by the Council
- Exemptions may apply
- Cost limit

7. General procedures

- 20 working days to respond with information/refusal notice
- Internal review
- Complaint to ICO

8. Receiving FOI requests

- Request to an officer, a FOI department contact or to eastlaw
 - Eastlaw logs FOI requests.
 - FOI contact for each department (eastlaw assistance – valid request? Cost limit? Applying exemptions)
 - Acknowledgement letter with date by which response. Letter with information or refusal letter with reasons
- As a councillor, what should I do if FOI sent to me?
 - FOI department contact
 - eastlaw
 - foi@west-norfolk.gov.uk

9. Additional considerations

- Criminal offence to destroy/deface/erase information relating to an FOI request
- Releasing information. Personal information, meta data and excel spread sheets.

10. The End

Thank you.