

# STADHAMPTON PARISH COUNCIL

Clerk & RFO : Michael Pawley – Nelhurst Cottage, Copson Lane,  
Stadhampton, Oxford OX44 7TZ

01865 400857 07795 180795

clerk@stadhampton.org

By e-mail: request-654333-44f0e9a2@whatdotheyknow.com

7th April 2020

Dear Mr Davis

a Thank you for your request for information dated 11th March 2020 concerning "Transparency Request relating to confusing public records, financial compliance and future budgetary provision".

b. In your request for information you have made some requests for information in your numbered paragraphs. There are also various paragraphs of comment that do not request any information within the meaning of either the Freedom of information Act 2001 ("FOIA"), or the Environmental Information Regulations 2004 ("EIR"), and therefore we do not respond generally to those comments in this letter. You refer to various minutes of parish meetings and to assist you we confirm that these are public documents published on our website, and that the minutes have been approved and are undisputed. If you did intend to request further documentation that we have not dealt with in this letter please do contact us to make any clarifications. If you need assistance with clarifying your request we are happy to help you.

c. As your requests for information numbered 1 to 5 relate broadly to allotment land we have dealt with these requests under the EIR. In respect of the information requested under the EIR, following careful consideration, I can inform you that we have decided to disclose some of the information that you have requested and that is set out below together with some comment, for ease of reference when referring to your requests we have adopted your numbering.

d. The remainder of the information requested is being withheld as it falls under the following exceptions in the EIR:

Regulation 12(4)(a), the authority does not hold the information that has been requested; and Regulation 12(5)(b), it would adversely affect formal legal proceedings.

e. In applying these exceptions we have had to balance the public interest in withholding the information against the public interest in disclosure. The factors we considered in deciding where the public interest lay are the interest in the Council obtaining confidential legal advice and the public interest in not undermining the legal procedures that govern access to court records and information under the Civil Procedure Rules.

**1. Can SPC clarify why it has referred to owning A13 yet has recorded consideration that others might instead be the owners?**

You have requested clarification of comments made in the minutes of Parish Council meetings. We confirm that the minutes of Parish Council meetings stand as a public record of the business that took place in those meetings. The Council does not keep a record of clarifications of Parish Council minutes or notes of the meetings.

So far as this request may relates to any other information held by the Council then we are unable to answer it as the request is too general (regulation 12(4)(c)) as we are unable to identify any other information that has been asked for. If you wish to rephrase or clarify your request please do so and if you require any assistance with this please get in contact with me.



**2. If not owners, why has SPC used that term and not clarified their position more accurately?**

You have requested clarification of comments made in the minutes of Parish Council meetings. We confirm that the minutes of Parish Council meetings stand as a public record of the business that took place in those meetings. The Council does not keep a record of clarifications of Parish Council minutes or notes of the meetings.

So far as this request may relate to any other information held by the Council then we are unable to answer it as the request is too general (regulation 12(4)(c)) as we are unable to identify any other information that has been asked for. If you wish to rephrase or clarify your request please do so and if you require any assistance with this please get in contact with me.

**4. Can SPC confirm how many designated allotments were vacant in May 2019?**

Yes, excluding allotment 13 which is the subject of ongoing legal proceedings there were 6 vacant in May 2019, one of which was let in June 2019.

f. So far as points 6 to 10 of your letter constitute requests for information then they have been dealt with under the Freedom of Information Act 2000. The points raised are largely queries in relation to the accuracy of the Parish Council's accounts and budgets rather than requests for information. In respect of the accounts we apply the exemption in section 21 of the Act in that the information that you have requested is already reasonably accessible as it is published on the Council's website. The Parish Council confirms that it publishes this information in accordance with the Transparency Code of Practice and the accounts are audited by the Parish Council's auditors. The Council also confirms that the budgets that the Council prepares are prepared with the best information that the Council has at the time that the budget is set.

g. In respect of your requests numbered 8 and 9 the Council does not hold the information requested. We do however refer you to the Parish Council's Standing Orders and Financial Regulations on the Council's website which set out the Council's procurement processes. The Council provides the below information in respect of your request for information numbered 6. We refer you to the updated payments and receipts information on the website.

h. The Parish Council has further applied the exemption set out in section 42 the FOIA - Legal Professional Privilege to some of the information that you have requested and in applying that exemption we have had to balance the public interest in withholding the information against the public interest in disclosure. The factors we considered in deciding where the public interest lay are a general assumption in favour of disclosure, and the interest in protecting communications between lawyer and client, confidence of communications in relation to contemplated litigation.

**6. Can SPC confirm the total expenditure on 'Legal & Professional' and Land Registration costs in relation to the 'land on Copson Lane' referred to as Allotment 13 from 01 January 2017 to date?**

There was no expenditure for the period from January 2017 until 1 April 2017. The remainder of the information requested appears on our website in the published accounts and records of payments and receipts referred to above.

i. If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:



The Chairman, Stadhampton Parish Council, Nelhurst Cottage, Stadhampton, Oxford  
OX44 7TZ (e-mail: [cllrstephendawson@stadhampton.org](mailto:cllrstephendawson@stadhampton.org))

j. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M J Pawley', written in a cursive style.

**M J Pawley**  
**Clerk & RFO**

