

SHREWSBURY TOWN COUNCIL
Grievance Committee
Meeting held at Guildhall, Shrewsbury
At 5.30pm on 19th January 2019

PRESENT

Councillors D Vasmer, J Dean, N Laurens, Mrs Moseley & Pardy

IN ATTENDANCE

Helen Ball (Town Clerk)

4/18 DECLARATIONS OF INTEREST

Councillors Moseley & Pardy declared an interest in knowing the individual, as they had been present at the Central Planning Committee when the application to build houses on land adjacent to Greenfields Recreation Ground was considered. They were however not party to any decision on FOI that the Town Clerk made.

Councillors Mrs Moseley & Laurens declared an interest in knowing the content of the discussions at Finance & General Purpose Committee 3rd December as they were present. They were however not party to any decision on FOI that the Town Clerk made.

5/18 REVIEW OF A DECISION TO DECLINE INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

The Town Clerk reported that the Freedom of information Act gives the public rights to access any information by a public organisation. There are occasions where that information is not available to the public. These are set out in the act.

In the event a Council declines a request to release information, the member of the public has a right to have the decision reviewed and the Information Commissioners' Office expects that Councils have a mechanism to review such decisions.

The Grievance Committee has within its Terms of Reference authority to review decisions taken by the Town Clerk in relation to FOI Requests.

Background

The Finance Committee met on 3rd December 2018 to consider Council's position regards a Pre-Action Protocol Letter received from Dr Day's Solicitor regarding his intentions to seek a Judicial Review on the decision of Shropshire Council to grant planning permission on land adjacent to Greenfields Recreation Ground. The Town Council was cited in the letter as an "Interested Party" therefore it was imperative for the Town Council to consider its legal position. The Committee agreed to exclude members of the Press and Public on the grounds of legal client privilege. The Committee subsequently discussed its legal position and made resolutions as to legal direction.

Following the meeting, Dr Day requested copies of all of the information presented at the meeting. The Town Clerk declined the request in that the information presented was covered by legal client privilege.

Dr Day subsequently argued that this was not the case as the relationship was not between the Town Council and its legal representatives but the Town Council and the Greenfields Community and they had a right to know what was discussed. He asked that the FOI Decision to Decline be reviewed.

Members of the Committee considered the information presented to the Finance & General Purpose Committee and agreed that the information presented was solely around the preparation of a case in potential legal proceedings and included Counsel's opinion and that not only was the Finance & General Purpose Committee right to exclude the public but the Town Clerk was right to refuse the FOI request.

RESOLVED:

That having reviewed the background in relation to Dr Day's FOI request for information presented to the Finance & General Purpose Committee on 3rd December 2019, the Town Clerk was right to decline the request on Legal Client Privilege grounds.