

East Renfrewshire Council - Freedom of Information - Annual Report 2019/2020

Posted by RM64 - 23 Jun 2020 12:35

----- Original Message -----

To: "Geddes, Craig";

Cc:

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Sent: Tuesday, 23 Jun, 2020 At 12:24

Subject: RE: Freedom of Information Annual Report 2019/20

Hi Craig(Graeme)

Thanks for this.

I agree it is a statistical report but I refer back to my emails of 24 April 2018 and 27 April 2019 below regarding the use of the FOI report by Cabinet Committee members and Councillors.

We have to remember that Councillors Tony Buchanan, Paul O'Kane, Caroline Bamforth, Danny Devlin, Alan Lafferty, Colm Merrick are still currently members of the Cabinet Committee and have previously hijacked this report and used it in what can only be described as bordering on a 'witch-hunt' to attack those Residents/Council Tax Payers who make FOI requests.

Keep well.

Thanks

----- Original Message -----

From: "Geddes, Craig"

Sent: Monday, 22 Jun, 2020 At 12:30

Subject: RE: Freedom of Information Annual Report 2019/20

The FoI annual report will be going to Cabinet on 13th August, so I am working to a 22nd July deadline for that.

I am currently collating the stats and will bring that together in the next couple of weeks.

Thanks for your comments - I will indeed try to emphasis the benefits of FoI, although there will not be much narrative in what is essentially a statistical summary.

Yours

Craig

Sent: 15 June 2020 14:59

To: Geddes, Craig ; Maxwell, Graeme

Subject: Freedom of Information Annual Report 2019/20

Hi Folks

I write regarding Freedom of Information Annual Report 2019/20.

When is the report to be compiled and published.

Again, referring back to previous problems with these reports, I would suggest -

There should be a balanced view on the benefits of Freedom of Information and the Democratic right to hold Councils and Administrations etc to account.

The Report is a statistical report.

The report should not be giving opinions on the financial implication to the Council.

The report should not be giving opinions on the use of exemptions or fees.(If needed, under the fees section it should give the regulations of what fees can be charged and the statistical numbers of request where fees were charged).

If the report wishes to introduce these matters then to remain impartial, the report must also attempt to quantify the benefits of Fol .

Your help with this matter is appreciated.

Keep well

Thanks

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**Re: East Renfrewshire Council - Freedom of Information - Annual Report
2019/2020**

Posted by RM64 - 23 Jun 2020 12:44

As said,

We have to remember that Councillors Tony Buchanan, Paul O'Kane, Caroline Bamforth, Danny Devlin, Alan Lafferty, Colm Merrick are still currently members of the Cabinet Committee and have previously hijacked this report and used it in what can only be described as bordering on a 'witch-hunt' to attack those Residents/Council Tax Payers who make Fol requests.

We have to be very vigilant regarding this latest report and how it is used by Councillors when published.

----- Original Message -----

To:

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Cc:

This e-mail address is being protected from spambots. You need JavaScript enabled to view it

Sent: Saturday, 27 Apr, 2019 At 12:55

Subject: RE: RE: Freedom of Information Annual Report 2018.

Hi Craig

I write in regard to my request of 17/2/2019 and again wish to raise my concerns and to make my requests.

I would request that to be more balanced and fair the report includes more on the problems/views etc from those East Renfrewshire Council Tax payers who make FOI requests and are users of the system(and pay for the system).

You should actively seek these views as they are relevant to the Report.

I would also request that my email of 25/04/2018 to the Cabinet is included in the 2018 report as fallout from the 2017 report and is indeed essential to the background of the 2018 report.

The 2017 report was hijacked by the Cabinet and used in what can only be described as bordering on a 'witch-hunt' to attack those Residents/Council Tax Payers who make FoI requests.

East Renfrewshire Council Residents and Council Tax Payers were attacked by the Cabinet, the tone towards them was hostile and words used by Councillors against East Renfrewshire Residents such as 'weeded out' and 'grapple'

- 'that those who use FOI laws, should be "weeded out." '

- 'it's bad enough that we have to grapple with our local residents'

were unnecessarily inflammatory.

There was no attempt to give a balanced view on the benefits of Freedom of Information and the Democratic right to hold Councils and Administrations etc to account.

Again, I am concerned that at the Cabinet meeting of 5 April 2018 it was my understanding that the Cabinet requested the following be included in the 2018 Report -

- The Cabinet asked and wanted the Council Records Manager to provide a list of the names of East Renfrewshire Council Tax Payers who make FoI requests and make this list available to Cabinet.

- The Cabinet asked and wanted the Council Records Manager to provide details of what East Renfrewshire Council Tax Payers do with the information received as a result of their FoI request, and make this information available to Cabinet.

- The Cabinet asked and wanted the Council Records Manager to provide details of On Line WebSites to identify what East Renfrewshire Council Tax Payers do with the information received as a result of their FoI requests, and make this information available to Cabinet.

- The Cabinet asked and wanted the Council Records Manager to provide details specifically of an On Line WebSite known as East Renfrewshire Neighbourhood Watch, and make this information available to Cabinet.

I would request that details of Fol requests for reviews that were the result of ERC errors/mistakes/lack of knowledge of the Fol act be included.

There is additional costs and time associated with these reviews to those who make requests.

The report should not be giving opinions on the financial implication to the Council.

The report should not be giving opinions on the use of exemptions or fees.(If needed, under the fees section it should give the regulations of what fees can be charged and the statistical numbers of request where fees were charged).

If the report wishes to introduce these matters then to remain impartial, the report must also attempt to quantify the benefits of Fol .

Freedom of Information is now more important than ever due to -

- Council refusal to webcast Council Committee meetings
- Cabinet Committee refusing to allow audio recording of meeting.
- 3 month delay in publishing Leisure Trust Board Meeting minutes
- Threats from Council Officials to deny FOI requests.

Your help with this matter is appreciated.

Thanks

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Re: East Renfrewshire Council - Freedom of Information - Annual Report 2019/2020

Posted by RM64 - 23 Jun 2020 14:03

It is very important that we defend Freedom of Information regarding this annual report and defend the rights of Residents/Council Tax Payers to make requests despite the 'hostility' from these Councillors.

We have to remember that Councillors Tony Buchanan, Paul O'Kane, Caroline Bamforth, Danny Devlin, Alan Lafferty, Colm Merrick are still currently members of the Cabinet Committee and have previously hijacked this report and used it in what can only be described as bordering on a 'witch-hunt' to attack those Residents/Council Tax Payers who make Fol requests.

Sent: 27 April 2018 09:41

To: Mahon, Gerry; Geddes, Craig

Subject: Fwd: Cabinet Meeting - Fol attack - A Personal Opinion and View from the Public Gallery

Hi Gerry and Craig

You will be interested in below.

Would appreciate if you could say why the Annual Report did not give any details of Fol requests for reviews that were the result of ERC errors/mistakes/lack of knowledge of Fol act.

I have listed 3 examples.

I am sure there are more. There was additional costs and time associated with these reviews due to the

ERC errors/mistakes/lack of knowledge of FoI act, to myself and I presume to ERC.

Thanks

-----Original message-----

Date : 25/04/2018 - 15:32 (GMTST)

To :

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Subject : Cabinet Meeting - Fol attack - A Personal Opinion and View from the Public Gallery

Dear East Renfrewshire Council Cabinet Member

A Personal Opinion and View from the Public Gallery

Meeting of the Cabinet held in the Council Chamber, East Renfrewshire Council(ERC)on Thursday 5 April 2018 at 10:00am.

Agenda Item No. 5 - Report by Chief Officer (Legal & Procurement) Freedom of Information Annual Report 2017.

I was present in the Public Gallery for this Item.

Make no mistake, in my opinion, this meeting was conducted by the Cabinet in a hostile and aggressive atmosphere towards ERC Residents/Council Tax Payers who make Fol requests.

In my opinion this Agenda Item was hijacked and bordered on a 'witch-hunt' to attack those Residents/Council Tax Payers who make Fol requests.

There was no attempt to give a balanced view on the benefits of Freedom of Information and the Democratic right to hold Councils and Administrations etc to account.

Barrhead News subsequently reported -

'An East Renfrewshire councillor has attacked the press and public over Freedom of Information requests.

He demanded that those who use FOI laws, which give everyone the right to ask for any information held by a Scottish public authority, be "weeded out."

Councillor Lafferty also complained about residents' use of FOIs after it was claimed the local authority spends in excess of £100,000-a-year responding to requests.

"It's bad enough that we have to grapple with our local residents but at least they are our residents."

Independent councillor Danny Devlin claimed that some information being used by community groups was "on the verge of cyber-bullying."

And council leader Tony Buchanan questioned why details of FOI applicants aren't made public.

He said: "I do have some concerns as to how some of this is used, particularly in terms of the cost to the taxpayer.

"Freedom of Information allows transparency of what we do but there seems to be no transparency on the individuals who have made the requests on several occasions." '

I agree that East Renfrewshire Council Residents and Council Tax Payers were attacked, the tone of the meeting towards East Renfrewshire Council Residents and Council Tax Payers was hostile and that words such as "weeded out." and 'grapple' were unnecessarily inflammatory.

The tone of the meeting and the language used against law abiding East Renfrewshire Council Residents and Council Tax Payers made me feel, as one who has made FOI requests, and sitting in the Public Gallery, intimidated and threatened.

Making a FOI request is not illegal but part of the Democratic process.

I have made several Fol requests to ERC.

I have included my name and address (and email address) on ALL my Fol requests to identify myself as an East Renfrewshire Resident/Council Tax Payer and that the request is of interest to myself and East Renfrewshire Resident/Council Tax Payers.

I did not have to provide this information.

Cllr Lafferty knows my name & address.

Cabinet knows my name and address as Cllr Lafferty is a member of Cabinet.

The Council's Records Manager knows my name & address as as I have provided them in exchanged emails regarding Fol requests.

Gerry Mahon, Chief Officer Legal and Procurement knows my name & address as as I have provided them in exchanged emails regarding Fol requests.

As my name & address are known, why would Cabinet and especially Cllr Tony Buchanan

'And council leader Tony Buchanan questioned why details of FOI applicants aren't made public.'

want to compile a list,

- if it is not for the purpose to name & shame those who make Fol requests.

- use this list as a 'Blacklist' to be used against those who make Fol

requests.

I would not expect my name (and any other details) to appear on a list compiled by the Council's Record Manager to be submitted to Cabinet for the purpose of being named and in the opinion of the Cabinet, shamed by them for making a FoI request.

My name & address is known to all the relevant ERC Officials and ERC Councillors.

They don't need to produce a list.

If there is a problem they can contact me directly.

Again to be clear in my opinion -

The Cabinet asked and wanted the Council Records Manager to provide a list of the names of East Renfrewshire Council Tax Payers who make FoI requests and make this list available to Cabinet.

The Cabinet asked and wanted the Council Records Manager to provide details of what East Renfrewshire Council Tax Payers do with the information received as a result of their FoI request, and make this information available to Cabinet.

The Cabinet asked and wanted the Council Records Manager to provide details of On Line WebSites to identify what East Renfrewshire Council Tax Payers do with the information received as a result of their FoI requests, and make this information available to Cabinet.

The Cabinet asked and wanted the Council Records Manager to provide details specifically of an On Line WebSite known as East Renfrewshire Neighbourhood Watch, and make this information available to Cabinet.

I would ask Cabinet to confirm -

- My FoI requests have been within the FoI act legislation.

- I have done nothing illegal as regards these Fol requests and have done nothing illegal with the provided answers/replies.

- that using, in any way I see fit, the information received from an Fol request as long as it is within the law, is not illegal.

- an On Line WebSite known as East Renfrewshire Neighbourhood Watch is operating within the law.

Cllr Lafferty had the opportunity to demonstrate that this was not a 'witch-hunt' by raising the issues I had highlighted regarding the Annual Report.

I considered my comments regarding these issues both constructive and relevant to the overall balance of the report and worthy of debate by Cabinet.

Cllr Lafferty refused to do so.

In my opinion this confirmed that this Agenda Item had nothing to do with the Annual Report but was hijacked to attack those Residents/Council Tax Payers who make Fol requests.

I have attached my request to Cabinet member Cllr Lafferty below. I do not think this was an unreasonable request -

Have read the report further.....

This is only a statistical report.

The author seems to be giving their own opinion on matters which do not concern the report -

FINANCE AND EFFICIENCY

6. The continued growth in the volume of requests is having a financial implication on the Council in terms of demands on the staffing resource. This has not been formally quantified but the impact is considered in the report

This is not relevant to this statistical report -

'It also considers the use of exemptions and fees',

If needed, under the fees section it should give the regulations of what fees can be charged and the statistical numbers of request where fees were charged.

Again this is not relevant to this statistical report -

Further guidance on the use of fees is being developed and the issue is being considered by Cabinet.

Again this is not relevant to this statistical report and anyway with the inclusion of may, casts doubt on the figures -

It is difficult to accurately quantify the financial impact of FoI but in terms of man hours, the 1296 requests received in 2017 may have cost the equivalent of approximately 4 FTE "man/years"

If the report wishes to introduce these matters then to remain impartial, the report must also attempt to quantify the benefits of FoI .

Again along with below, can you raise with the committee(and any other relevant persons) regarding the reports shortcomings.

I refer to meeting of the Cabinet to be held in the Council Chamber, East Renfrewshire Council on Thursday 5 April 2018 at 10:00am.

I refer in particular to agenda Item No. 5 - Report by Chief Officer (Legal & Procurement) Freedom of Information Annual Report 2017 and

Para 6 Fees

Further guidance on the use of fees is being developed and the issue is being considered by Cabinet.

Can you give more details on this please.

Can you give assurances that the use of fees are not to be used to deter East Renfrewshire Constituents from making Fol requests.

Can you raise the following with the committee (and any other relevant persons) regarding the reports shortcomings -

Most of the Fols where I have had to request a review were due to ERC errors/mistakes/lack of knowledge of Fol act. These are not represented in the report.

3 recent examples of apologies from Gerry Mahon regarding Fol wrongly refused -

- 'I am however conscious that the Trust did not ask if you wished to refine your request to make it more manageable in terms of their obligation to provide reasonable advice and assistance in terms of section 15 of the Act. I would therefore apologise for this oversight and make such an offer now. Please advise if there are any specific aspects of your request which are of particular significance to you in this regard.'

- '"What confusion are you apologising for?" - I understand that the reference to confusion arose as a result of the department initially indicating to you that they held no information regarding a building conditions survey and then upon further investigation identifying and intimating that such a survey was in existence. '

- 'Having considered the terms of the Council's response I am satisfied that it does not fulfil the requirements of the Freedom of Information (Scotland) Act 2002 insofar as it does not provide identification of the statutory basis upon which certain information has been withheld from disclosure. This being the case, I would apologise unreservedly on behalf of the Council.'

Again the report does not emphasise that Gerry Mahon has stated Fol is normally a 2 Stage process -

'Mr Mahon, Chief Officer – Legal and Procurement, has previously clarified -

'As you will be aware the Council's response to an FOI request does not merely revolve around the initial request but also the review process. '

'It is hoped that any human error in relation to the 1st part of the process is properly remedied at the 2nd stage.' '

In my opinion the Barrhead News report reflects my opinion and view of how this Agenda Item was conducted by Cabinet.

A Council Official made a long comment at the end of the Agenda Item, but as they turned their head sideways and did not speak directly into the microphone, I did not hear what they said.

I presume their comments will be minuted.

++++No Councillor replied to the above email++++++

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