

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 October 2024

Public Authority: Ashwell Parish Council
Address: 6A Back Street
Ashwell
Baldock
Herts
SG7 5PE

Decision (including any steps ordered)

1. The complainant requested information associated with a parish council agenda item. Ashwell Parish Council ("the public authority") disclosed some of the information it held falling within the scope of the request in its initial response. It subsequently disclosed the remainder outside of the statutory time frame of 20 working days.
2. The Commissioner's decision is that the public authority breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 10 May 2024 the complainant wrote to the public authority and requested information in the following terms:

"So, please allow me to ask again, for the papers associated with the pavilion item, including, but not limited to, any paperwork from the architects, referred to by the Chair and in the document that was circulated at the Annual Parish Meeting in the school hall. (For the avoidance of doubt, we are talking about the papers which were done

some time ago). I would also like to see any other emails or documents, including anything recently from the architect who [redacted], with whom there was a meeting.

It is very clear, these are background papers, because they have informed the debate. They should therefore, be available with the agenda."

5. The public authority responded on 28 May 2024 and provided some of the information within the scope of the request. The public authority stated that it was unable to provide all of the information, in the following terms:

"There has been a brief exchange of emails between the Chair and the [redacted] architect who has volunteered to advise but no professional input from [redacted] as yet. I am awaiting confirmation re the personal elements in these emails that might need redaction should you wish to see them."

6. The public authority disclosed the remainder of the information it held within the scope of the request, with redactions of personal data, on 26 June 2024.

Scope of the case

7. The complainant has confirmed that they are happy with the information they have now received, but wish to have the late response formally recorded.

Reasons for decision

8. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

9. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".

10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Minutes of the Parish Council Meeting
held on Wednesday 5 February 2025, at 7.00pm,
in the Parish Room.

Present: Councillors Graham Lee (Chair) Norton Mahy (Vice Chair), Chris Button (until 8.15pm) Martin Hoffman, Ian Duffy, Joan Yates (from 7.10pm)

Also in attendance: Clerk, Sally Roberts, Deputy Clerk, Nicky Forrester, District Councillor, Tom Tyson, 4 members of the public. The meeting was recorded on Zoom. Please contact The Clerk clerk@ashwell.gov.uk if you would like a recording of the meeting.

Please see website for appendices issued with agenda and referred to in the minutes. [Ashwell Village - 2025 Meetings Minutes and Agendas](#).

- 11 **Apologies for absence To receive and accept apologies for absence.** Apologies were received from Cllrs Hall and Sims who are unwell.
- 12 **Interests** (a) To receive declarations of interest from councillors on items on the agenda, (b) To receive written requests for dispensations for declarable interests, and (c) To grant any requests for dispensation as appropriate. Where any declaration of interest involved the Chair, the meeting to agree an alternative individual to take the Chair for that item(s). – None declared.
- 13 **Minutes Proposal** to approve draft minutes of the Parish Council meeting on 8th January 2025. It was proposed that the Minutes were passed as a true account of proceedings and resolved that the proposal be accepted. **Action: Clerk/Chair**

Standing Orders were suspended to allow members of the public to speak.

14 **Parish Issues and Public Participation** [Protocols for Public Participation in Council Meetings](#)

- 14.1 To hear any new matters raised (members of the public and councillors can raise any Parish related matters).

A parishioner enquired after monies under S106 and use of it.

Cllrs Button & Mahy are pursuing NHC regarding the total fund of approx £160K but was subject to grouping of S106 applications towards the general sports and rec facilities. Cllr Mahy reported the turnover of officers at NHC with different views and experience has been challenging and is in dialogue with the latest officer.

Cllr Button stated that one amount is time expired but he and Cllr Mahy are clarifying with the local authority as the Pavilion project began a number of years prior to time expiry. This is the sum of £17K out of the £160K. Unilateral undertakings are not time limited but S106 are.

There is no S106 money for the Station Road development because it was approved by the National Inspector at appeal. (The development had been rejected by NHC and the National Inspector overturned this decision.)

A parishioner raised the ICO Decision Notice. Cllr Lee advised that the issue would be discussed under Governance later in the Minutes with the aim of addressing all issues.

The parishioner addressed the Housing Needs Survey and identified immediate problems:

1. The data set of some numbers are small and potentially unreliable.
2. Affordable term of use at 80% of market value is not actually affordable and shouldn't be confused with social housing.
3. Relating to the Comments, none of the questions addressed key workers and that several comments made by the public referenced key workers.

Cllr Lee responded these are fair points, that the Parish Council have only just taken receipt of the survey and that Councillors need to read through it, then APC will feed collective comments back to CDA Herts and request a revised draft. After the final version is produced this can be published. The detail in the report will then be taken into account by NHC planning when judging applications for development by open market or private developers in Ashwell, tailoring in conjunction with the Ashwell Neighbourhood Plan.

14.1.1 To note any update on Ashwell Academical Youth Football Club (ACCIES) in an effort to keep more playing matches and training in the Village. [Appendix A & Appendix B](#)

No further updates.

14.1.2 To note update regarding [Station Road](#) development. [Correspondence from NHC](#)

Correspondence received from NHC to confirm that the site is the subject of an ongoing Breach of Condition Enforcement enquiry, specifically the unapproved access to site.

14.1.3 To note Highways meeting safety/traffic problems, to determine locations for painted [Double yellow lines](#).

To make better use of costs associated with adding double yellow lines in the village, two sites have been identified. Adding further sites would not significantly increase costs. Responding to feedback from parishioners the main identified sites are:

Hodwell & Church Path, the corner of Church Street & High Street (2 car lengths outside of dentist), and along the bend in the road near the village hall by Colbron Close in front of Chantry House, the numbers of cars parked there are a safety issue to those pulling out in the road to overtake parked cars on a bend.

Further areas identified in the above link will be presented to Highways at the March meeting. Other Highways issues addressed were parked cars on the bend in the road by Springhead and broken signage.

Cllr Jarvis said that the decision is made for double yellow lines by Highway Engineers and if it deemed a safety issue, monies could be made available in the 2025/26 budget. If unsuccessful financially at this time, it would be put on the list for consideration in the next financial year.

14.1.4 To receive note of [Speeding in Lucas Lane](#)

The Parish Council addressed two potential ideas:

1. Speed Monitoring System which flags up speeding vehicles registration numbers. There are a few in the UK that appear to be successful. However the location has to be assessed and it could be a lengthy process.
2. Cllr Hoffman requested that the speed monitoring "Drive Safe" scheme be re-introduced as these had been successful in the past. Cllr Jarvis advised that this scheme needs 8-10 people, 2-3 whom are trained by the Police on how to operate equipment. There is an application process via the Police & Crime Commissioner, and "Drive Safe" monitoring can only be conducted in 20 or 30mph areas. Parish Council to call for volunteers.

Action - Clerk

14.1.5 To note [HCC website](#) to register an interest to add [EV Chargers](#).

Cllr Duffy brought the Councils attention to register an interest to add EV chargers to the HCC Map of EV Chargers. Councillors resolved that should be publicised to the village.

Action - Clerk

14.1.6 To receive note of [water issue at Small Gains Allotments](#)

Water leakage report at Small Gains allotments - awaiting a quote.

14.1.7 To note [Village Football Fun Event](#) to celebrate the 25th anniversary season of the Accies 13th & 14th June 2025

The council noted the following considerations, subject to the Pavilion not being pre-booked and in use. The event includes use of the Pavilion for catering and of floodlights to play throughout the night that could impact local residents. The wear & tear to the pitch of such a heavy usage event, ie re-seeding, maintenance and clearing-up. It was resolved that whilst APC should support a community event, Cllr Lee would liaise with the ACCIES representative. Cllr Duffy commented that it should be the ACCIES responsibility to address neighbour concerns, along with safety and insurance. **Action – Cllr Lee**

14.1.8 To note correspondence from [Senuna Explorer](#) Scout Leader

Request received from Scout Leader to involve Senuna Explorers in community engagement. Activities identified are cemetery clean-up and litter picking. Cllr Mahy to contact Leader.

Action – Cllr Mahy

14.1.9 To note [Freedom of Information request](#) to the Parish Council and [decision notice](#) dated 10th September 2024 of ICO in relation to previous request.

To be addressed under Finance and Governance section 20.3.1

14.1.10 To receive update from [Shared Waste Services](#)

Shared Waste Services has agreed to 10 bins. Square bins are preferred to round bins. It was resolved APC would ask to substitute the Hodwell round bin and Partridge Hill round bin with new brown square bins.

Action – Cllr Mahy

14.2 To receive reports from representatives from outside bodies, local authorities and agencies.

14.2.1 To receive a report from County Councillor Steve Jarvis.

Cllr Jarvis confirmed that new cycle stands are on order for the High Street near the notice board and that 10 bollards will be re-painted, those identified are around Kingsland Way area, and outside of the Village Stores. In addition ground level vegetation to be cleared by the pathway of Kingsland Way.

Speed volume assessment in Claybush averaged at 34mph and was considered good compliance by Highways.

Potential of EV Charging solutions - Government grants may be available. Cross pavement charging, ie channelling out a cable route across a pavement to enable residents to charge electric vehicles is also being considered.

Local Government Devolution - Hertfordshire is not in the first batch. District & County Councils may possibly be replaced by Unitary Councils. Could potentially happen within the next 3 years. This will involve an elected Mayor for Hertfordshire who would deal with some planning and transport matters.

14.2.2 To receive a report from District Councillor Tom Tyson.

Results of Community Governance Review - Draft proposals could lead to a reduction of Parish Councillors for Ashwell from 12 to 7. The link to the full report is: ([Public Pack](#))[Agenda Document for Council, 23/01/2025 19:30](#)

A Parking Enforcement Officer attended on site at Ashwell to monitor parking but did not witness infringements. Further Officers may monitor more frequently.

Road sweeping to be scheduled for Dixies Close/Bear Lane, High Street, Swan Street, Newnham Lane, West End, Gardeners Lane.

Cllr Tyson to raise issue of inadequate drainage/lack of drains to deal with disposal of rain water running down from Claybush Hill.

Action – Cllr Tyson

Still no progress on numbering sign on the north side of Ashwell Street by Chalk Bank Close that was demolished by a refuse lorry. Cllr Tyson stated that enough requests need to be made to add weight to issue.

15 Reports from Working Groups. To receive oral updates from relevant leaders/members and agree any actions that require Parish Council input/approval.

15.1 Planning Advisory Working Group - To note, any further information regarding S106 and to note [correspondence received from CDA Herts](#) of the **Affordable Housing Survey**.

APC are in receipt of the Draft Housing Needs Survey Report for Ashwell. A hardcopy is available to members of the public to view upon request. Please contact Clerk to view (clerk@ashwell.gov.uk) Also see 14.1 above.

Update to S106 see above point 14.1.

15.2 Access to Ashwell station includes the cycle/footway route and car parking. (Cllr Lee).

Awaiting a report from Labour MP. Cllr Lee to chase up

Action – Cllr Lee

15.3 Trees and Hedges (responsibilities to be discussed).

Cllr Sims is likely to be unwell for some time. It was resolved that Councillors take individual responsibility to feedback issues in their area to the Clerk.

15.4 To receive Bids from an Invitation to Tender. Zero Carton Ashwell (ZCA) Group, (Cllrs Lee & Duffy).

It was resolved that ZCA working group make a group decision which bid it accepts after completing their due diligence and feed back to Ashwell Parish Council.

16 Planning matters: to include new and existing applications. To see full details of applications on the [NHC website](#) enter the reference number into the planning search box.

16.1 New consultations received from NHC. To note any correspondence and agree responses.

16.1.1 25/00019/FPH : 12 Silver Street, Ashwell, Hertfordshire, SG7 5QJ : Single storey rear extension including attached storage area following demolition of existing outbuilding.

Cllrs resolved not to object to the above planning application.

16.1.2 24/00862/S73 : Ashridge Farm Cottage, 7 Ashwell Street, Ashwell : Variation of condition 2 (revised plans) of planning permission granted 05.06.2024 for Two-storey front, single storey side/rear and first floor side extensions, enclosure of existing carport to form a garage and partial conversion of existing garage to habitable accommodation. Alterations to external wall finishes (as amended by plan received 3rd June 2024).

Cllrs noted the changes to the application were minor and resolved they had no objection.

16.2 Current Applications awaiting NHC Decision:

16.2.1 To note any updates to 24/01444/FP: Land Between Huntsridge and Ashwell House 5 High Street Erection of 14 dwellings (including affordable housing), (Hunts Close).

Cllr Mahy confirmed to NHC that £50,700 is the correct S106 application amount.

16.3 To note any updates to [Appeal Consultation 22/03094/FP](#): Land Between Huntsridge and Ashwell House 5 High Street Erection of 14 dwellings including creation of access from Ashwell Street, footpath link to Lucas Lane, associated infrastructure, public open space and landscaping – To agree a response to the appeal consultation. See [Appeal letter to Inspector](#) and [Appendix B](#). (Hunts Close).

No further updates

16.4 To note decision on [Kirby Manor Farm](#)

NHC have granted permission for the conversion of existing agricultural buildings to provide 8 residential units at Kirby Manor Farm.

To note the [Planning Summary](#) as of 30th January 2025.

17 Tree consultations (Conservation Area and TPO) received from NHC. To agree responses to any received.

None received.

17.1 To note the [Tree Planning Summary](#) as of 30th January 2025.

18 Reports from Committees

18.1 HR Committee. To receive any oral reports and agree any actions.

18.1.1 To note use of Clerk's time, potential impact on budget.

To be discussed under Governance due to the number of linked aspects. To recognise the Clerks time is being impacted by multiple correspondence which could have an impact on the staffing costs allocated in the 2025/26 budget. See below 20.3.1

19 Reports from parish councillors on premises and other responsibilities. To receive oral reports and agree any actions needed.

19.1 **The Springs** Report from Cllr Hoffman – More trees have fallen down this year than for a long time but they are under control.

19.2 **St Mary's Churchyard** Grounds Maintenance. Report from Cllr Hoffman – All under control there is a programme of recommended activity of tree safety and reserves for tree work should be adequate.

Church Clock repair due on Friday 7th February to fit a new motor cost circa £1000.

19.3 **Recreation Ground including the playground, pavilion and public toilets.**

To consider next steps (including formation of a working party). See [2024 Pavilion Consultation working documents](#) for discussion. To receive update to [working party applications](#).

Working party applications have been responded to – first meeting to discuss the project will take place later in February.

19.4 **Small Gains and Track** (Accies pitch and allotments).

To be discussed under item 23.2

19.5 **Cemetery** – To note a report from Cllr Mahy. Cemetery tidy-up is scheduled to be held on 22nd February. Removal of box hedges to be replaced by yew trees have been scheduled for 20th Feb to ensure this fits around planned burials.

19.6 **Street furniture** - To note any updates – See 15.1.10 above

20 Finance and Governance

20.1 **Budget tracking** and the monthly summary of accounts. To note the information up to month end to be circulated to parish councillors after the end of the month. Proposal that the summary of receipts and payments be issued with the draft minutes and the two nominated parish councillors sign off the accounts in accordance with internal control procedures.

To note any variances of actual expenditure compared to budget, monthly summary of payments published on website.

20.2 **Monthly bank reconciliations** – To approve monthly bank reconciliation. Accounts Clerk has reconciled monthly account and PC to approve prior to the audit. Cllr Mahy confirmed that all is in order. Cllrs resolved to approve.

20.3 **Budget 2025/26 Update** – To note. [Overspend of 2024/25 budget](#) on administration and war memorial budget to propose funding of supplementary estimate from general reserves.

The council has incurred two overspends of budget during 2024/25. These are:

Overspend on admin, the final sum to be advised at next meeting.

Overspend on war memorial, increasing insurance value, cleaning and minor repairs – overspend of £1900. Cllrs resolved to move from general reserves into budget to cover overspend.

General Reserves account stands at £57,000

20.3.1 To note any updates on [Fees for Club use of Rec & Pavilion](#)

Letters have been issued to the ACCIES, Football Club and Cricket Club increasing the fees to be paid. The proposed fees brings each club into a situation where they would be paying approximately 75% of costs allocated to them based on their usage. APC will still subsidise 25%. Checking other clubs fees and putting into context, our proposed fee for 2025/26 amounts to 57p per user per hour of rec & pavilion.

The football club has requested a meeting with Cllr Lee to discuss.

To address points 14.1.9 FOI Request, Decision Notice and 18.1.1 Use of Clerks Time

FOI Request & Decision Notice – We have received Requests 1 & 2 from a parishioner for information under the Freedom of Information Act regarding the Neighbourhood Plan and a response is being prepared and will be sent to the parishioner tomorrow before the Clerk goes on annual leave.

Historically a [Decision Notice](#) was issued by the ICO in favour of the parishioner as the Parish Council took longer than the set number of days to respond. (The parishioner had requested information pertaining to the Pavilion under FOI). The Parish Council accepted the decision of the ICO. The extended response time was caused by the intention of complying with GDPR. In addition, to avoid spending further money from the public purse in Clerk's time the Parish Council did not lodge an appeal.

Cllr Hoffman asked if there had been any financial implication and Cllr Lee confirmed there had not.

This was the sequence of events:

Friday 10 May 2024

Request received (this followed an exchange with the requester and 'the clock' starts from this date) .

Tuesday 28 May 2024 (12 working days from 10 May)

Response and supply of the majority of the information.

This response included the reason for withholding one item, ie consideration of GDPR implications prior to any release. The item in question was the email exchange between the Chair and a private individual who had volunteered to give *pro bono* input as the person was employed as an architect.

Wednesday 26 June 2024 (33 working days from 10 May)

Email exchange supplied with personal and sensitive information redacted.

It is felt that the GDPR consideration triggers the need to consider the 'Public Interest Test', ie whether an exemption applies and in such circumstances 'the clock' of 20 working days does not apply. The guidelines in this situation state that a response should be given within 40 working days. However, it was the Clerk's view that no appeal should be made against the ICO decision, which would require a Tribunal, because the ICO decision states:

'The Commissioner does not require further steps to be taken.'

And

'The complainant has confirmed that they are happy with the information they have now received, but wish to have the late response formally recorded.'

Use of Clerks time - As a result of the same parishioner's involvement with the Parish Council it has become obvious that a significant amount of time is being spent by the Clerk and Deputy Clerk on dealing with it and we face a situation where if it continues we may need to allocate additional resources to handle this which will put the new budget under pressure. This is being raised now because a meeting with the parishioner has been requested and agreed in principle and we will hopefully reach a conclusion which dramatically reduces the level of correspondences.

Cllr Mahy commented that we have experienced a high level of enquiries and we need to keep this under observation in case we need additional budget funds.

20.3.2 To note any updates on [Allocation of costs for upkeep of Small Gains Lane](#)

An estimate of circa £1000 to repair potholes in Small Gains Lane following a request for repair. Cllr Lee advised after visiting the site, that the stretch used by two households is in good condition. The biggest pothole occurs alongside the ACCIES playing field (there is another smaller pothole), but the rest is in reasonable condition. The council resolved that the quote was too high for the budget to sustain and therefore the work would not be undertaken.

- 20.4 Annual Audit** for the 2023-24 financial year. To note the Interim review received from the External Auditor, but a final report is pending their review of [correspondence from a Parishioner](#). To consider the parish council's response and costs which would subsequently be charged to the Parish Council.

The external auditor has advised APC that they are in correspondence with the objector, who has written to them querying the eligibility decision. APC will be informed if any decisions are amended. Decisions should be copied to the Council in a few weeks.

- 20.5 Bank Signatories** - To note any updates to change to reflect new Clerk.

Despite chasing by the Accounts Clerk and promises by the bank that this will be given high priority, the update is still outstanding.

- 20.6 Next APC Meeting** - To note date of next APC meeting and Parish Meeting 2025

- Wednesday 5th March 2025 at 7pm
- Advance notice of the Parish Meeting in the School Hall at 7pm on Wednesday 19th March 2025.

The meeting closed at 8.52pm