

In case of enquiry contact Antoinette Jackson
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Chief Executive

John Lawton
By email:
request-126452-
836eabdb@whatdotheyknow.com

7 February 2013

Dear Mr Lawton

Thank you for your email of 10 January 2013 in which you have asked for a review of the handling of your FOI request about Neighbourhood Action Groups.

You raise three issues:

1. Your request was not handled within the proper timescale
2. Your request for minutes was unreasonably refused due to representations made by members of the 'NAG' that they would be unable to debate freely if their comments were disclosed in the meeting minutes
3. That the agendas released contained no useful information. Not even information on the participants of the NAG was disclosed

1. Your request was not handled within the proper timescale

I apologise for the fact that we were not able to respond to your initial request within 20 working days. The Council did advise you on 18 September that we would need longer to look at your request due to the need to consider whether or not the information you requested should be treated as exempt under section 36 of the Freedom of Information Act, 2000. A decision on whether section 36 is engaged may only be taken by the "qualified person" who, for the City Council, is its Monitoring Officer, Simon Pugh.

2. Your request for minutes was unreasonably refused due to representations made by members of the 'NAG' that they would be unable to debate freely if their comments were disclosed in the meeting minutes

Careful consideration to your request was made by the Council's Monitoring Officer who is the "qualified person" to make this judgment under the terms of the Act. As part of this review, I asked him to consider your representations, which he has done. He is still of the view that disclosure of the papers and minutes for all the Cambridge

Cambridge City Council
Guildhall, Cambridge CB2 3QJ



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Neighbourhood Action Group (NAG) meetings since February 2012 fall within the exemption set out in section 36 of the Freedom of Information Act, which relates to prejudice to the effective conduct of public affairs. would be likely to inhibit the free and frank exchange of views between members of the group for the purposes of deliberation. I have seen the reasons he set out in October 2012 for reaching this view and I agree with them. I enclose a copy of the record of the Monitoring Officer's earlier decision, by which he abides.

The exemption in section 36 is subject to a public interest test, which I have applied.

I have considered the arguments offered by both Mr Pugh and yourself and I have also reviewed a sample of minutes of the NAG meetings and the associated papers that go to each Area Committee before and after a NAG meeting.

At the Area Committee, priorities are agreed by the Committee in public which are then considered by the NAG. At a subsequent meeting, the NAG reports back on what action they have taken to respond to those priorities. This report is also considered in public. Councillors and members of the public have the opportunity to ask questions about these reports.

The NAG meetings are used by officers across agencies to consider who best to respond to the priorities set by the Committee. Those deliberations will include sharing of intelligence about perpetrators and consideration of the various options which might be used to tackle the issues under consideration. Some of the options suggested may not prove practical or desirable in practice but such discussions are an important part of formulating appropriate responses to the issues in question. I do not believe it is unreasonable for officers to have some space for that "blue sky thinking". There is a clear audit trail back to the Area Committee on what has happened as a result of their deliberations which means there is public oversight of the outcomes of NAG meetings.

I note that some minutes were released to you and others as a result of earlier FOI requests. You ask what has changed since then. As a result of the release of this information, there was press coverage of issues discussed by the NAG which were not agreed policy but simply possibilities of how an issue might be tackled. It is this kind of coverage which has led members of the NAG to express concern that they cannot have full and frank discussions without those issues being potentially reported in the press and taken out of context.

You suggest that the NAG should not minute items of concern. Minutes are a tool for use by the participants and those who may not be able to attend a particular meeting. Not minuting items defeats the purpose of those minutes. You suggest sensitive items should be redacted at the request of those who consider the issue sensitive. This would be administratively burdensome as each redaction would need to be justified under the appropriate sections of the Act and I do not believe the burden this places on the organisations concerned is outweighed by the public

interest arguments, given the outcomes of the discussions are reported publicly via the Area Committees.

I have applied the public interest in disclosure of the minutes. As the initial response to your request states:

- There is public interest in the activities of the Neighbourhood Action Group, as evidenced by this and previous requests for minutes of its meetings.
- There is also a public interest in ensuring that the Group is approaching its task properly, is considering all reasonable courses of action and is reaching proper conclusions; i.e. that it is working effectively in proposing and implementing measures to tackle issues and priorities raised at local level.
- There is also an intrinsic public interest in transparency.

I agree with this analysis.

I also agree that there is a public interest in the Group working effectively. As the earlier response stated:

- The Group tackles very important issues of direct concern to local communities and there is a strong public interest that its work is not impeded. For the reasons set out in the original response and in the enclosed record of decision, the Monitoring Officer has concluded that disclosure of the information requested would be likely to prejudice the free and frank exchange of views within the Group and that it is likely that this would be likely to inhibit the Group in developing solutions to the anti-social behaviour issues it is addressing.

In balancing the two aspects of the public interest, I have taken account of the way in which decisions of the Group are publicly reported. My conclusion is that the balance of the public interest lies in not disclosing the minutes you have requested.

3. That the agendas released contained no useful information. Not even information on the participants of the NAG was disclosed

I am sorry that you did not find the agendas you requested useful but these are the agendas used by the NAG and participants are not listed on them.

You were advised in an email of 26 September 2011 that the organisations represented at the NAGs are Cambridgeshire Constabulary, Cambridge City Council, Cambridge Business Against Crime (CAMBAC), Cambridgeshire Fire and Rescue and Cambridgeshire County Council.

There have been changes to NAG membership over time. I can confirm that current members of the Neighbourhood Action Group are:

Inspector Steve Poppitt – Chair, Cambridgeshire Constabulary
Terry Jordan - Cambridgeshire County Council
Jim Mickle - Fire and Rescue Service
Lynda Kilkelly - Cambridge City Council (Safer Communities)
Robert Osbourn or Richard Lord - Cambridge City Council (Environmental Services)
Vicky Hornsby - CAMBAC
Tom Kingsley - Cambridge City Council (Notes and Administration)

Not all officers attend all meetings and other officers occasionally attend at the invitation of the Chair if he feels it is appropriate, depending on the recommended priorities.

You have also asked what representations were made to whom and by whom over this matter leading to the eventual decision that was made not to disclose any of the minutes to you.

No representations were made about your specific FOI request. Members of the NAG have expressed concern about not being able to debate freely if their comments were disclosed in the meeting minutes. The minutes of the NAG East meeting on 19 April 2012 noted, "Number of FOI requests made for sight of the NAG notes. Concern over impact on ability of NAG to function as a business team." The remarks are not attributed to individuals in the minutes.

In April 2012, Councillor Tim Bick raised the release of NAG minutes with the Monitoring Officer following press coverage of issues which had been raised in NAG meetings as potential responses to an Area Committee priority. He was concerned that these had been reported as Council policy even though the Council had not formally considered the issues. He also raised concerns that officers should have the space to consider innovative responses to crime and disorder issues and was concerned that creativity might be stifled if they did not have that space.

These representations did not lead to the decision about disclosure of the minutes. That decision was made independently by the Monitoring Officer having considered the range of issues in the round as explained above.

I am sorry but having reviewed the decisions made I support the judgements made.

If you are dissatisfied with the outcome of this review, you are entitled to pursue an appeal with the Information Commissioner. Details of how to pursue an appeal are available on the Commissioner's website at: www.ico.gov.uk/complaints/

Alternatively, a complaint may be made in writing to:

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'AP Jackson', with a large, stylized initial 'A'.

Antoinette Jackson
Chief Executive

Enc: Record of application of section 36 decision dated 16.10.12

