HAMBRIDGE & WESTPORT PARISH COUNCIL

03/10/16

Dog Waste Bins Complaint

Below is a brief summary of a recent complaint & actions taken:

In May 2016 we received a complaint from Mrs Brandt relating to the placement of a new Dog Bin adjacent to the notice board near the Post Office in Hambridge.

Unfortunately there was a delay in providing a response to Mrs Brandt for which the Parish Council has unreservedly apologised. We have reviewed our response to complaints as a result.

Mrs Brandt requested information as to the 'process' followed by the Parish Council when positioning dog waste bins. Unsatisfied with the Parish Council responses to her requests, Mrs Brandt referred her complaint to the ICO (Information Commissioners Office) who act for the public in cases where there has been a failure to comply with the freedom of information act.

The findings of the ICO were that the Parish Council had no case to answer. South Somerset District Council have also agreed that the Parish Council have behaved correctly in all aspects of this subject & that we have conducted ourselves in a transparent & appropriate manner.

There are several pages of correspondence relating to this issue & in accordance with the Freedom of Information Act 2000, full copies of all related documentation is provided below for further reference

SMD 03/10/16

05/09/16

email from ICO - Case now closed[Ref. FS50636199]

casework@ico.org.uk

Mon 05/09/2016, 08:42 Parish Council

5th September 2016

Case Reference Number FS50636199

Dear Mr Denley

Thank you for your email.

As Hambridge and Westport Parish council has now responded to Ms Brandt's request, and she has not submitted any further complaint about the nature of that response, this case is now closed.

Thank you for your cooperation in this matter.

Yours sincerely

Laura Tomkinson

Senior Case Officer - Information Commissioner's Office

04/09/16

Sun 04/09/2016, 10:32 Parkway House Jenny Ludgate

Dear Jenny,

Thank you for your email 30/08/16

Unfortunately there is always a delay in publishing the minutes of each meeting as prior to them being officially available to the public, they have to be approved by the council at the following monthly meeting.

I have previously apologised for the delayed response to your initial emailed complaint, this was indeed an error on our part. We shall ensure that in the future any received complaint is acknowledged within a matter of days.

It is the view of the District Council & the Parish Council that we have behaved correctly in all aspects of this subject & that unless we are advised by the ICO otherwise, the PC now consider that this matter is closed.

In light of this, I regret that we have been advised by the Solicitor to the Council & Monitoring Officer that we are not obliged to participate in any further exchanges directly with you regarding this subject, as your complaint is currently being reviewed by the ICO. If the ICO find that we have not acted correctly then we will of course comply with any legal requirements imposed.

Best regards

Simon Denley

30/08/16

From: Parkway House
Sent: 30 August 2016 20:27
To: Simon Denley; Jenny Ludgate

Subject: RE: Letter Re Dog Waste Bin Official complaint to the InformationCommissioner

Thank you for your response.

I am concerned that my original complaint and request for information was apparently ignored until after the matter was referred to the ICO despite writing to the clerk to remind the Parish Council of its legal duty to provide information within a time scale.

I am also concerned that the Parish Council appears to have not undertaken the review into why the information was not provided, again this is a legal obligation. This was included in my email dated 17-7-2016.

I note that information on the work of the Parish Council is available through the agenda, minutes and attending the meeting. Unfortunately it is not possible for everybody to attend the meetings and so are reliant on the minutes. The minutes detailing the decision about the actual siting of the bin were not published on the web site until sometime after the bin was sited. Any perusal of the minutes, copes of which I have supplied, will show that there was no definite decision on where the bin would be located.

The minutes for 10th August 2015 show that an option was moving an existing dog litter bin sited on the middle of the Village Green to a site nearer the Post Office end of the Village Green. The minutes for 11th January 2016 show that Hundry Lane and adjacent to the Parish Council notice board were suggested as suitable sites for dog bins. The minutes for the 11th April 2016 show locations adjacent to the Post Office and in Hundry Lane had been suggested.

The minutes for 9th May 2016, which I have already indicated were not published until after the Bin was sited, show "Cllr Mike Evans had been advised that it was the intention to install the bins this week and he had suggested that they should leave the installation until we had decided exactly where they were going at tonight's meeting. The Clerk would be contacting Richard Combe to see if he was happy with the location on the Green and Cllr Mike Evans had taken a couple of photographs of the two areas proposed. Once the locations are approved he would mark them with a wooden stake to indicate where the bins should be installed. The siting of the dog bins was agreed based upon the discussions and photographs of the proposed sites provided by Cllr Mike Evans at the meeting".

I maintain that the Parish Council has not followed its own decision making process in that on the 14th December 2015 the decision was: "Enquiries would be made as to where the residents considered the best sites were for these bins and the Clerk would be advised." I cannot see any record of this happening.

The parish council represent Hambridge and Westport and I find it difficult to understand why the 3 bins that the district council have indicated as being suitable for the Parish should be located within a conservative 5 minutes' walk of each other when the Parish covers a distance of well over a mile, and that the additional bin be located close to one of the few, if not only, easily accessible benches in the Parish.

My complaint remains that the agreed decision made by the Parish Council has not been followed, that if the bin is needed in the rough location that it should be sited on the main road away from the bench. Had the Parish Council undertaken the consultation it said it would then this option could have been considered. In deed the site suggested by me is certainly closer than adjacent to the Post Office as detailed in the minutes of the 11th April 2016.

You quite rightly say that I am are free to peruse whatever course I wish yet the web site does not contain the complaints procedure that we should follow. As a public body and part of local government you should have a clear complaints procedure. I am unable to see what procedure has been followed to date.

Please advise me how to progress my complaint which is that the Parish Council has not followed its published decisions.

16/08/16

From: Simon Denley

Sent: 16 August 2016 23:53

To: Parkway House

Cc: Jenny Ludgate; David Cload; Paul Masters; RICHARD MAIDMENT; B FLACK; Sue

Steele; Christopher Le Hardy; Mike Evans

Subject: Re: Letter Re Dog Waste Bin Official complaint to the Information Commissioner

Dear Jenny,

Thank you for your email of the 17th July.

As a council we are very sorry that you feel the way that you do about the siting of the dog bin. We do endeavour as a council, to do all we can to improve things for the community as a whole and the provision of the dog bins were undertaken in that spirit.

The decision to place the dog bins at the present locations was made by the Parish Council during our meeting of the 9th May 2016 as recorded and posted in the minutes (refer to section146. b). The proposed locations were approved by the land owner & were marked with wooden stakes to identify the sites to the installation team. If the proposed sites did not meet with the approval of the Street Scene department of South Somerset District Council, then the installation team would not have installed the bins and we would have been informed. The process referred to in the minutes of the meeting 12th October 2015 (section 63. b.), is not a formal written procedure. It is to liaise with the Street Scene Department of South Somerset District Council & the Dog Warden (if necessary) to ensure that the proposed sites are suitable for emptying.

Our principle methods of communicating with the community is by way of the monthly meetings, minutes, agendas & more recently the newsletter. As I have previously stated the proposal to provide & site the dog bins has been on the agenda for quite some time & that if you had any objections or comments there is always an opportunity at one of our monthly meetings to raise any such concerns for consideration.

As a council we believe that we have acted in good faith to the complaints received regarding the very real problem of dog fouling in the area, and all discussions and decisions related to this issue have been conducted in a transparent & appropriate manner. An easier & cheaper solution was to make use of the existing waste bin adjacent to the bench, however it was considered that a dedicated dog waste bin with a close fitting lid would be more appropriate.

If you are unsatisfied with the way we have acted as a Parish Council then I suggest that you pursue whatever course you wish to achieve that goal, as is your right; however it is not our intention to alter any of our decisions on this matter.

With best regards
Simon Denley On behalf of Hambridge & Westport Parish Council

26/07/16

mail from ICO - FOI complaint received[Ref. FS50636199]

casework@ico.org.uk

Tue 26/07/2016, 07:50 26th July 2016

Case Reference Number FS50636199

Dear Mr Denley

Freedom of Information Act 2000 (FOIA) Complaint from Ms Jennifer Brandt Information request dated 16 May 2016

As you may be aware, we have received a FOIA complaint from Ms Jennifer Brandt regarding a request for information which she states she has not received a response to. Yesterday, I had a conversation with Hambridge and Westport Parish Council's clerk, Mrs Ludgate, and it appears that the council has received Ms Brandt's request dated 16 May 2016. However, for the avoidance of any doubt, a copy of the request can be seen below (request highlighted in yellow).

We would now ask that you respond to the request within 20 working days of receipt of this email.

Any public authority in receipt of such a request is under a duty to respond within 20 working days of receipt. You should state whether or not the information is held in a recorded form. If it is held, you should either provide the information or issue a refusal notice in accordance with the requirements of section 17 of the Freedom of Information Act or regulation 14 of the Environmental Information Regulations as appropriate. You can find more information on refusal notices contained in the guidance issued by the Commissioner which is available at:

http://ico.org.uk/for_organisations/freedom_of_information/quide

I would also draw your attention to the guidance issued in respect of the time in which a response to a request for information should be provided.

http://ico.org.uk/for_organisations/guidance_index/~/media/documents/library/Freedom_of_Information/Detailed_specialist_guides/time-for-compliance-foia-guidance.pdf

http://ico.org.uk/for organisations/guidance index/~/media/documents/library/Environ

mental info reg/Detailed specialist guides/time-for-compliance-eir-guidance.pdf

Finally you should be aware that the Information Commissioner often receives requests for copies of the letters we send and receive when dealing with casework. Not only are we obliged to deal with these in accordance with the access provisions of the Data Protection Act 1998 (the DPA) and the Freedom of Information Act 2000 (the FoIA), it is in the public interest that we are open, transparent and accountable for the work that we do.

For further advice on how to deal with information requests, please visit our website at www.ico.org.uk, or you can contact me on the number below. Please quote the case reference number from the top of this email.

Yours sincerely

Laura Tomkinson Senior Case Officer Information Commissioner's Office Tel: 01625 545634 (Monday to Wednesday)

COPY REQUEST

17/07/16

From: Parkway House **Sent:** 17 July 2016 14:37 To: Simon Denley Cc: Jenny Ludgate

Subject: RE: Letter Re Dog Waste Bin Official complaint to the Information Commissioner

Thank you for the acknowledgement of the request for information. The information requested has still not been provided, and is well outside of the required time scale. In my third email on this matter to the district Council I requested that an internal review be undertaken. The District Council have indicated that this is a matter for the Parish Council to undertake. I believe the Parish Council were copied into that response. In any event I await the outcome of the review and the provision of the information requested.

I note that in the Minutes of the meeting of the 9th May the following was agreed

Dog & Litter Bins – update The Clerk advised that she had received two demands for payment in respect of our order for bins, although we had not yet received an invoice or the bins. Cllr Mike Evans had been advised that it was the intention to install the bins this week and he had suggested that they should leave the installation until we had decided exactly where they were going at

tonight's meeting. The Clerk would be contacting Richard Combe to see if he was happy with the location on the Green and Cllr Mike Evans had taken a couple of photographs of the two areas proposed. Once the locations are approved he would mark them with a wooden stake to indicate where the bins should be installed. The siting of the dog bins was agreed based upon the discussions and photographs of the proposed sites provided by Cllr Mike Evans at the meeting.

I remind you that at the meeting on the 14 December 2015 the following was agreed

Enquiries would be made as to where the residents considered the best sites were for these bins and the Clerk would be advised. There was a procedure to be followed for the installation of a new bin.

I do not believe asking one person, Mr Richard Coombe, if he is happy with the location is what was agreed. Nor that the Parish Council have followed their own decision.

In my original complaint I raised the fact that the current location is unsavoury for the users of the bench and requested that the bin be removed and resited a few yards away facing the main road. This appears to have been ignored. I also note that the matter was reported to the Parish Council; as follows

Cllr Simon Denley said that we had received a complaint about the siting of the bins. When speaking to people, they had said that the area looks a lot better and how nice it was not to see dog fouling all over the place.

This would not appear to be an accurate reflection of the letter of complaint as it relates to one bin only, nor that a resolution was suggested and it is sad that the consultation with the community appeared to be after the fact. I also wonder how the question was posed. Clearly the removal of dog waste is to be benefit of all the community. Were users of the bench asked about the proximity of the waste bin?

I also understand that the original request for a second bin in Hundry originated from the amount of dog waste in Hundry Lane.

I still await the information requested, and an indication of whether the resolution suggested will be responded to.

04/07/16

From: Simon Denley
Sent: 04 July 2016 09:51

To: parkwayhouse

Cc: Jenny Ludgate; B FLACK; Christopher Le Hardy; David Cload; Mike Evans; Paul Masters; Sue Steele

Subject: Re: Letter Re Dog Waste Bin Official complaint to the Information Commissioner

Dear Jenny,

You should have received some acknowledgement of receipt of your email posted 16th May & if this is not the case, then I apologise.

If you have any concerns regarding Parish Council actions you are most welcome to attend any of the monthly meetings where you will have an opportunity to put forward any views or issues for consideration. My understanding of the 'process' to which you refer is I believe the process by which the District Council determine the quantity of bins & organising/agreeing the emptying of these bins.

If you wish to discuss any of your concerns further, then we would be happy to do so at the next Parish Council meeting to be held on Monday 11th July at 8.00 p.m.

Kind regards

Simon Denley

03/07/16

From: Miriam Ludgate

Sent: Sunday, July 03, 2016 1:15 PM

To: 'Brian Flack'; Christopher Le Hardy; David Cload; Mike Evans; Paul Masters; simon denley@hotmail.co.uk; sue.steele@southsomerset.gov.uk

Subject: FW: Letter Re Dog Waste Bin Official complaint to the Information Commissioner

Dear Councillor,

I am forwarding an email I have today received from Peter Brandt for your attention.

Regards Jenny Ludgate

From: PETER BRANDT Sent: 03 July 2016 12:28 To: casework@ico.org.uk;

Subject: Fwd: Letter Re Dog Waste Bin Official complaint to the Information Commissioner

Herewith my registration of complaint re lack of provision of information.

Jennifer Brandt
----Original message---From :parkwayhouse

Date: 26/06/2016 - 13:10 (GMTST)

To: m.ludgate legal@southsomerset.gov.uk Subject: Fwd: Letter Re Dog Waste Bin

Please find attached the original request for information which was sent to the Hambridge and Westport Parish Council using the email address provided. With it is the reminder email I sent relating to the 20 working day deadline.

I am now requesting the District Council undertake an internal review of why this request was not processed in accordance with the law.

I would further like to request a copy of the district Councils training plan to ensure that all its officers understand their obligation under the Freedom of Information act and the numbers of Clerks to Parish Councils who are so trained. As this second request is a new request you will have 20

working days to respond to it. The other information is already overdue. Please respond to that immediately.

----Original message----From <u>parkwayhouse</u>

Date: 12/06/2016 - 12:47 (GMTST)

To: m.ludgate

Subject: Fwd: Letter Re Dog Waste Bin

Please find attached letter which was sent to you. In it I have requested copies on procedures or direction to where those might be found. This is just a reminder that the Freedom of Information Act places an obligation on Public bodies to respond promptly and within 20 working days. That will be up on Tuesday 14 June as you will have received the email on the 17th May.

I look forward to your response.

17/05/16

FW: Letter Re Dog Waste Bin

Miriam Ludgate

Tue 17/05/2016, 08:34 **Dear Councillor**,

I am forwarding an email of complaint that I have received concerning the new dog bins. How do you wish me to respond?

Regards

Jenny Ludgate

From: PETER BRANDT Sent: 16 May 2016 21:53

To: m.ludgate

Subject: Letter Re Dog Waste Bin

Please see attached letter of complaint and request for information.

Parkway House

Hambridge

Langport

By email to

m.ludgate

Dear Sir/Madam

Reference the Dog Waste Bin newly installed on the village green adjacent to the bench by Hawkers Lane.

I note that there has been a newly installed dog waste bin on Hambridge Village Green. I have reviewed the minutes of the Parish Council to see how this came about.

I am surprised that what originally came to the Parish Council's attention as a request for an additional dog waste bin in Hundry lane in April 2015 has resulted in a further bin being added to the Village Green.

I also note that a request was received and minuted on 13 July 2015 from a village resident to site the bin in an area it is more likely to be used. I am aware that the existing bin had been engulfed with brambles etc. and would assume that a location adjacent to the pavement would have been more suitable. The fact that the village green is steadily decreasing by the growth of the brambles is a matter that I believe should be taken up with whomsoever it is that negotiates the grass gutting contract. When I first move to the village it was quite possible to walk, and I have even seen cars drive, between the two halves of the green.

I am not sure why or by whom in August the decision to move the existing bin to by the Post office was suggested. Effectively the dog walkers who live to the north end of the village green would not have a bin should the existing bin be relocated to the southern end of the green.

I note in October 2015 it was minuted that there was a process that needs to be followed when siting a dog waste bin. I am requesting a copy of that process or directions to a web site where it is are available.

I note that in December 2015 it was minuted that Enquiries would be made as to where the residents considered the best sites were for these bins and the Clerk would be advised and there was a procedure to be followed for the installation of a new bin.

I live in the closest house to the new bin and at no point was I contacted about the proposed bin position. Had I been I would have objected on its location as it is a few feet from the only public bench at the southern end of the village green making it unsightly and unsavoury for local residents who use that bench. This is a popular and safe place for younger village residents to meet.

If we do need an additional bin, a decision which does not ever seem to have been reached by the Parish Council, then I would suggest that facing the main road 15 or so meters up from the Junction would both make it both easily accessible and make the bench more usable.

The resolution that I seek, as well as the copies of the process which should be followed when positioning dog waste bins, is that the newly installed bin be removed, proper consultation with residents as stated would happen in December 2015 occur and ideally the bin to be repositioned on the main road away from the bench.

I attach below the items from the Parish Council Minutes as published on the website.

Yours

Jennifer Brandt

13 April 2015 the minutes show

Provision of a Dog Bin at Hundry Lane

A request had been received for the provision of a dog bin in Hundry Lane and the Clerk would contact the Street Scene Department of the District Council.

11 May 2015 the minutes show

The Clerk had tried to speak to Chris Holley of StreetScene concerning the provision of a dog litter bin but, he had not yet returned her call. She would try to contact him in the morning to ascertain what the procedure is to obtain an additional bin.

8 June 2015 the minutes show

The Clerk had ascertained that the number of dog and litter bins provided in the Parish is decided by the District Council. Any additional bins would have to be purchased by the Parish Council who would also have to pay for them to be emptied. At the moment we have only one dog bin on the Village Green and the Clerk would again contact StreetScene with a request for a bin to be provided at Hundry Lane.

13 July 2013 the minutes show

Provision of a Dog Bin at Hundry Lane the Clerk advised that she had contacted the Street Scene Department at the District Council concerning an additional dog bin. They had taken her telephone number and email address and would get back to the Clerk advising her of the correct procedure. It was understood that each parish is limited to a certain number of dog bins and she felt that there were not many sited in

Hambridge or Westport and that there were a number of dogs in the area referred to. Cllr Paul Masters had received a request from a resident to re-site the dog bin on the Village Green to an area where it would be more likely to be used. At the present time, dog owners were depositing the dog faeces in the normal litter bin. The Clerk would take this up with the appropriate department.

10 August 2015 the minutes show

Provision of a Dog Bin at Hundry Lane the Clerk was still awaiting information from the Street Scene Department of SSDC. There was also the question of moving an existing dog litter bin sited on the middle of the Village Green to a site nearer the Post Office end of the Village Green and the Clerk would follow this up.

14 September 2015 the minutes show

Provision of a Dog Bin at Hundry Lane and re-siting of bin on the Village Green the Clerk was still awaiting information from the Street Scene Department of SSDC. She had made several unsuccessful attempts to speak to someone concerning the resiting of the dog bin on the Village Green. She would continue to follow up this matter.

12 October 2015 the minutes show

Provision of dog litter bin on Hundry Lane and re-siting dog bin on Village Green – update The Clerk had been in contact with the Street Scene Department of SSDC and had been advised there was a procedure that has to be followed in respect of the provision and siting of dog bins. She was awaiting receipt of this information. They had said they would get back to her with reference to re-siting the existing dog bin on the Village Green. Cllr Mike Evans suggested that if we were going to be charged to move the existing dog bin, we could arrange to re-site ourselves. The Clerk pointed out that if we moved it to another site, we might have to pay to have it emptied.

9 November 2015 the minutes show

Provision of a Dog Bin at Hundry Lane and re-siting of bin on the Village Green the Clerk had not heard anything further but would follow this up.

14 December 2015 the Minutes show

Provision of dog litter bin on Hundry Lane and re-siting dog bin on Village Green — update The Clerk had spoken to the Dog Warden about the provision of a dog litter bin on Hundry Lane and had been asked where we wished it to be sited. A dog fouling notice had recently been put up and the Clerk had said that this was the area we wished it to be sited on. However, we have to be precise as to exactly where we want it and we also have to be precise as to where on the Village Green we wish the existing bin to be re-sited. Enquiries would be made as to where the residents considered the best sites were for these bins and the Clerk would be advised. There was a procedure to be followed for the installation of a new bin.

11 January 2016 the minutes show

Provision of dog litter bin in Hundry Lane and re-siting dog bin on Village Green — update An email had been received from Chris Cooper, the Streetscene Manager, which advised that he was reviewing and improving the street cleaning work rounds to try to develop some additional capacity to collect more litter/dog waste. As a result they were able to offer the opportunity to have another 1 or 2 bins in the parish. If the Parish Council wished to take up the offer, they should confirm with location and numbers. The Parish Council would have to fund the purchase and installation of the bin/s but, the District Council would agree to the collection. Hundry Lane and adjacent to the Parish Council notice board were suggested as suitable sites for dog bins and the Clerk would obtain some costings from Streetscene. Cllr Mike Evans advised that he had obtained two quotations for refurbishing two of the litter bins. A new litter bin would be about £350 and an insert would be about £40. There would an additional cost for installation. One of the quotations to refurbish was £149 to replace the slats with hardwood and the other £247 for the same job. A metal insert would cost about £50.

8 February 2016 the minutes show

Provision of dog litter bin in Hundry Lane and re-siting dog bin on Village Green – update The Clerk said that she had contacted Chris Cooper, the Streetscene Manager, requesting the cost of purchase and installation of dog and litter bins. He had suggested that she should contact his supervisor, Nick Allen and he had advised that the cost of the Fido 25 dog waste

14 March 2015 the minutes show

Dog Bins – update The Clerk had received confirmation that two new dog bins requested had been ordered. Cllr Mike Evans also put notices on the existing litter bins because people were putting a substantial amount of dog mess into them and the new bins were urgently required. A reduction in dog mess had been noted. The cost to purchase a new Futuro litter bin would £257.88 plus vat. plus the fitting cost. Cllr Mike Evans proposed that it would be a cheaper option for Stan Male to repair the existing bin. This was seconded by Cllr Paul Masters and unanimously agreed. The cost would be confirmed and approved at the April meeting. bin was £126.69 plus vat and plus the fitting cost. The cost of the Futuro litter bin was £257.88 plus vat and plus the fitting cost. Following discussion, it was proposed by Cllr Mike Evans that we should purchase two Fido dog bins but, due to the high cost of a new Futuro litter bin, it would be cheaper to repair the existing litter bins which would save the installation cost. This was seconded by Cllr Brian Flack and unanimously agreed. The question of the increased amount of dog mess in various areas was discussed and agreed that the Dog Warden should be advised. The Clerk said that if the members advised her of the relevant areas she could pass this information on to the Dog Warden. The Village Green was one area that had a problem. People might not be aware that there was a penalty for dog fouling and that more notices could be displayed to warn them of the consequences.

11 April 2016 the Minutes show

Dog & Litter Bins – update The Clerk said that she had not received any information about the bins that had been ordered and she would chase this up. Locations adjacent to the Post Office and in Hundry Lane had been suggested and this would need to be advised to the Street Scene Department of the District Council. Cllr Mike Evans said that the repairs to the existing the bins had been undertaken and he was trying to locate a suitable inner lining for one of the bins.