



Morecambe Town Council

Morecambe Town Hall,
Marine Road
Morecambe
Lancashire
LA4 5AF

www.morecambe.gov.uk
clerk@morecambe.gov.uk

Proper Officer: Mr Luke Trevaskis

[REDACTED]
Sent to address: [REDACTED]

Response to Request made for Information considered under Freedom of Information Act 2000
Reference: 2020/09

Dear [REDACTED],

I am writing to respond to the request made for information, considered under the Freedom of Information Act 2000 submitted to Morecambe Town Council on 4 November 2020.

For reference, Morecambe Town Council has incurred a cost of £75.00 in responding to this request.

It should be noted that public authorities are obliged to respond to requests under the Freedom of Information Act 2000 for recorded information held by the authority. Explanations to questions raised is not always information held by the authority in a recorded form, therefore it should be noted some of this correspondence does not fall within the scope of the Freedom of Information Act 2000.

If you would like to submit a revised request to be considered under the Freedom of Information Act 2000, please specify exactly what information you require. If you are not sure how to formulate a request under the Act, you may find the following guidance from the Information Commissioner's Office useful:

www.ico.org.uk/for-the-public/official-information/

Notwithstanding the above, please find the below responses to your correspondence.

Your correspondence advises "it highly deplorable that a Town Clerk/Proper Officer/Responsible Finance Officer allows the press and public to be excluded without imposing a vote at full council being taken, and that this vote is not recorded in the public interest, enabling the electorate to make an informed judgement/choice when voting at elections on existing members who stand for re-election. This conduct by a top ranking local government officer is, I believe, negligent and serious/wilful misconduct disabling the democratic process from working effectively to identify true public servant trustees worthy of voting for who will fulfil their duty to serve the public first at all times".

Response from Morecambe Town Council:

It is confirmed that any exclusion of the press and public has been resolved by a vote undertaken by the Council, in line with the Public Bodies (Admission to Meetings Act) 1960.

It is confirmed that on the requisition of any member of the Council the voting on any question shall be recorded so as to show whether each member present and voting gave his (or her) vote for or against that question, in line with the Local Government Act 1972 Schedule 12 Part 2 (13) (2).

Your correspondence advises "true public servants, especially those who volunteer without payment at the parish governance level, for their time or expenses or any personal gain, in carrying out this important society responsibility, at least deserve independent/non political professional support and guidance from a top quality, top ranking experienced leading officer who ensures full compliance with the law, legalities and council policies is maintained as well as delivering/arranging structured training and professional development for members making them fully aware of and understanding town council policies, the responsibilities of their role as an elected member/representative, and last but not least, the town council's commendable code of conduct".

Response from Morecambe Town Council:

It is confirmed that officer advice is non-political.

It is confirmed that the Council is working towards full compliance.

It is confirmed that a schedule of training is being offered to members of Morecambe Town Council.

Your correspondence refers to the meeting of Morecambe Town Council held on 3 September 2020 and states “it appears from the evidence of the minutes that the newly appointed Proper Officer is not acting in the public interest and serving the town and residents of Morecambe as he failed to implement a vote, nor advise, guide, address questions and make recommendations to full council before doing so”.

Response from Morecambe Town Council:

It is evidenced in Minute 20106 that the Council resolved to exclude the public and press. A “resolution” of the Council is indeed the outcome of a vote undertaken by members present. It is evidenced in Minute 20108 that a motion was moved to re-open the meeting to the public and press. However, as evidenced in the recorded vote, the motion was not passed and therefore the public and press remained excluded from the meeting.

Your correspondence refers to Minute 20108 and states a failure to record how a member voted on a motion and requests that this is clarified in the draft minutes and you are advised how a particular member voted.

Response from Morecambe Town Council:

It is confirmed that on the requisition of any member of the Council the voting on any question shall be recorded so as to show whether each member present and voting gave his (or her) vote for or against that question, in line with the Local Government Act 1972 Schedule 12 Part 2 (13) (2).

It is confirmed that a recorded vote was requested as evidenced in Minute 20108.

As the Local Government Act 1972 Schedule 12 Part 2 (13) (2) requires only that ‘each member present and voting’ shall be recorded, the legislation does not afford a member the facility to request that a vote be recorded from any member not present, or any member present and not voting.

It is confirmed the minutes of the meeting held on 3 September 2020 evidence all information held by the Council regarding the vote recorded in Minute 20108. The minutes were approved by the Council on 1 October 2020 and can be found on the URL below.

<https://www.morecambe.gov.uk/wp-content/uploads/2020/10/Minutes-3-September-2020-Approved-Budget-.pdf>

Your correspondence refers to an abstention as “cowardly, deceptive and definitely not in the public interest”.

Response from Morecambe Town Council:

It is confirmed there is no legislation to compel a member of a council to vote. Indeed there are many circumstances when a member may abstain from a vote, for example, in order to satisfy the Code of Conduct or their Register of Interests.

Your correspondence asks “who actually controls/dictates/takes the management lead at the Town Hall - is it the Proper Officer and or the Chairman or other? In the case of the Agenda for the meeting of 5 November 2020 how did the inclusion of the exemption item arise? Who instigated it? Did the Proper Officer carry out the public interest test (i.e that the public benefit of exempting the press and public was greater than public benefit for non exemption) and what substantiation/evidence was provided”.

Response from Morecambe Town Council:

It is confirmed Morecambe Town Hall is a different corporate body to Morecambe Town Council.

It is confirmed Morecambe Town Hall is operated by Lancaster City Council.

It is confirmed neither the Proper Officer or Chairman of Morecambe Town Council controls/dictates/ takes the management lead at Morecambe Town Hall.

It is confirmed the agenda for the meeting held on 5 November 2020 was prepared by the Proper Officer.

It is confirmed that any exclusion of the press and public has indeed been resolved by a vote undertaken by the Council, in line with the Public Bodies (Admission to Meetings Act) 1960.

It is confirmed the Public Interest Test must be used when considering whether or not information should be withheld under a Freedom of Information Act qualified exemption or any exceptions of the Environmental Information Regulations.

It is confirmed the Council did not resolve to withhold any information under the Freedom of Information Act 2000 and did not apply any exemption to the items discussed. The minutes of the meeting are publicly accessible, without redactions on the URL below.

<https://www.morecambe.gov.uk/wp-content/uploads/2020/10/Minutes-3-September-2020-Approved-Budget-.pdf>

Morecambe Town Council notes all your other comments.

Morecambe Town Council will consider appeals, referrals or complaints in respect of your Freedom of Information Act 2000 request and you must submit these in writing to clerk@morecambe.gov.uk within twenty days of receiving your response.

If you remain dissatisfied you may also apply to the Information Commissioner for a decision about whether the request for information has been dealt with in accordance with the Freedom of Information Act. The Information Commissioner's website is www.ico.gov.uk and their postal address and telephone number is as follows:

Information Commissioner's Officer
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113

Yours sincerely,



**Mr Luke Trevaskis
Proper Officer
Morecambe Town Council**