

## Communications between Prestatyn TC and Simon Edge

08/02/2013

Response 1 of 2

Further to my email of 21 January 2013, I am writing in response to your email of 17 January 2013 in which you requested:

"A copy of the communication/s from Prestatyn (and Meliden) Town Council to Mr S. Edge for Auditor General. Plus the response/s from Mr S. Edge for Auditor General. As referred to by below document, please...19.10.12 Wales Audit Office - Mr S. Edge for Auditor General..."

I attach a copy of Mr Edge's letter of 19 October 2012.

With regard to the first sentence of your request, we do not hold information that meets your description. Mr Edge's letter was a response to a letter from Prestatyn Town Council of 10 October 2012 to the Auditor General rather than to Mr Edge. It appears that you may have intended to request the Council's letter to the Auditor General, but to ensure that I consider the correct information I must ask you to clarify whether that is the case.

Yours sincerely,

Martin Peters

Response 2 of 2

Thank you for your email of 9 February 2013 with which you clarify that you seek "a copy of the original letter by Mr Nigel Acott/Prestatyn (and Meliden) Town Council to the Auditor General on 10 October 2012".

I attach a copy of the letter from Mr Acott to the Auditor General, which meets your request.

I have redacted some information from the letter and have not supplied the copy email referred to in the letter as this is third party personal information and disclosure would breach the first data protection principle. The redacted and withheld information falls within the exemption from disclosure provided by section 40(2) of the Freedom of Information Act (by virtue of section 40(3)(a)(i) of the Act).

If you wish to complain about my handling of your request, please email or write to me.

I must also refer you to section 50 of the Freedom of Information Act under which you may apply to the Information Commissioner for a decision on whether or not your request has been dealt with in accordance with the Act. The Information Commissioner's contact details are:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
email : [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

Tel: 01625 545745

Fax: 01625 524510

You should note, however, that the Information Commissioner would normally expect you to have exhausted our internal complaints procedures before dealing with such an application. Further guidance may be found on the Information Commissioner's website <http://www.informationcommissioner.gov.uk>

Yours sincerely,

Martin Peters



WALES AUDIT OFFICE  
SWYDDFA ARCHWILIO CYMRU

Wales Audit Office / Swyddfa Archwilio Cymru

Date: 19 October 2012  
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24 Cathedral Road / Heol y Gadeirlan  
Cardiff / Caerdydd  
CF11 9LJ  
Tel / Ffôn: 029 20 320502  
Fax / Ffacs: 029 20 320600  
Email / Epost: wales@wao.gov.uk  
www.wao.gov.uk

Mr Acott  
Town Clerk/Financial Officer  
Prestatyn Town Council  
7 Ffordd Llys Nant  
Prestatyn  
LL19 9LR

Dear Mr Acott

#### **PRESTATYN TOWN COUNCIL – UNACCEPTABLE ACTIONS BY COMPLAINANTS POLICY**

Thank you for your letter of 10<sup>th</sup> October enclosing a copy of the Council's proposed Policy for dealing with complaints.

You will appreciate that as I need to safeguard my audit independence, I can only provide observations rather than provide advice to the Council in respect of this policy. However, I have two observations that I hope are helpful.

First, that in developing a policy for dealing with unacceptable complaints, I would suggest that in order to avoid the cost of compliance failure, it is important that the Council ensures that the policy is compatible with statutory rights of access to information. As you probably know, such rights are provided by the Data Protection Act 1998 (DPA), the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations (EIR) and the Public Audit (Wales) Act 2004 (PAWA)(together with the Accounts & Audit Regulations (Wales) 2005). For the FOIA, DPA and EIR, it might be helpful to seek the views of the Information Commissioner's Office if you have not already done so. (I see that you have copied your letter to Information Commissioner's Office, but I am not clear whether you have asked for comment.) As I am sure you are aware, this is a complex area. For example, while under section 14 of the FOIA a public body is not obliged to comply with a request if the request is vexatious, care will be needed to document a sound basis for relying on that section. Furthermore, there is no equivalent provision in the DPA.

In terms of the PAWA and its related regulations, I would suggest that to avoid confusion the policy should make clear that it is without prejudice to the statutory rights of access provided by that Act and related regulations. Similarly, it could also set out that the Council may seek to resist oppressive demands that amount to an abuse of such rights.

Direct Line: 029 2032 0503

E-mail: [simon.edge@wao.gov.uk](mailto:simon.edge@wao.gov.uk)

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Second, the Wales Audit Office has produced a complaints leaflet, and I provide guidance to auditors across Wales on dealing with unacceptable actions by complainants or others making contact with the Wales Audit Office. Both are currently being updated (although the extant Complaints leaflet can be found at [http://www.wao.gov.uk/assets/englishdocuments/WAO\\_Complaints\\_Leaflet\\_A5\\_english.pdf](http://www.wao.gov.uk/assets/englishdocuments/WAO_Complaints_Leaflet_A5_english.pdf) or [http://www.wao.gov.uk/assets/welshdocuments/WAO\\_Complaints\\_Leaflet\\_A5\\_welsh.pdf](http://www.wao.gov.uk/assets/welshdocuments/WAO_Complaints_Leaflet_A5_welsh.pdf) ). I will send copies of both documents when they are updated and hope that you will find them of use.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Edge', written in a cursive style.

**Simon Edge**  
**AUDITOR GENERAL FOR WALES' PRIVATE SECRETARY**





## Cyngor Tref Prestatyn Prestatyn Town Council

WALES AUDIT OFFICE  
SWYDDFA ARCHWILIO CYMRU

11 OCT 2012  
HUT 2145  
→ BD CC HT  
+ SE/MR/DE

Pan fyddwch yn ein ffonio, neu'n galw heibio, gofynnwch am:  
When telephoning or calling, please ask for:

Eich Cyf / Your Ref:

Ein Cyf / Our Ref:

NA/JT/73(1)

Dyddiad / Date:

10th October 2012

Mr H. Vaughan Thomas  
Auditor General  
Wales Audit Office  
24 Cathedral Road  
Cardiff

Dear Mr Vaughan Thomas

### Unacceptable Actions by Complainants Policy

I enclose a copy of the above policy being introduced by Town Council in an attempt to manage unacceptable actions by complainants.

Over the course of last few years Prestatyn Town Council and Councillors have been bombarded with requests for information, subjected to vexatious complaints, personal attacks and audit challenge. Due to legislation these actions are made at no expense to individual concerned but are extremely costly to public purse, democracy and public services.

There has been a successful prosecution by North Wales Police for posting of malicious You Tube video depicting three Prestatyn Town Councillors. Unfortunately no restraining order was granted and at next Full Council meeting the convicted person attended and sat behind the victims in public gallery. Several Councillors subsequently resigned or stood down because of the threats and intimidation they felt and experienced whilst trying to serve their community.

Unfortunately it would seem my Council is not alone in suffering such unacceptable actions and I also attach a copy of email received from [REDACTED]. Sadly I am aware there are several other Town/Community Councils in Wales feeling equally oppressed.

The proposed policy is an attempt by one Town Council to manage a difficult situation. Your observations and comments would be most welcome by 7<sup>th</sup> November 2012.

Yours sincerely

Nigel Acott  
Town Clerk/Financial Officer

7 Ffordd Llŷs Nant, Prestatyn, Gogledd Cymru. LL19 9LR  
Ffôn: 01745 857185 Ffacs: 01745 887814  
e-bost: nigel.acott@prestatyntc.co.uk

7 Nant Hall Road, Prestatyn, North Wales. LL19 9LR  
Tel: 01745 857185 Fax: 01745 887814  
e-mail: nigel.acott@prestatyntc.co.uk

Nigel Acott FCIS CIEH  
Clerc y Dref / Swyddog Cyllid  
Town Clerk / Financial Officer

