

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 03 February 2014

Public Authority: Bray Parish Council
Address: The Parish Office
Holyport War Memorial Hall
Moneyrow Green
Holyport
Maidenhead
Berkshire
SL6 2NA

Decision (including any steps ordered)

1. The complainant has requested information relating to communications between Bray Parish Council (the council), individual members of the council and the media. The council provided the information that it holds.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA as it did not provide all of the information it held within the required 20 working days from receipt of the request.
3. As the council has supplied all the information it holds, the Commissioner does not require the council to take any steps.

Request and response

4. The complainant had concerns that the council was attempting to restrict council members' contact with journalists, was lacking transparency, and had failed to follow proper procedures at meetings. So wrote to the council on 19 March 2013, provided some background information, and requested the following:

"Please therefore take this letter as constituting a formal request under the Freedom of Information Act to supply us with any information relating to communications between the parish council, or individual members of the parish council and the media including without limitation any discussions of this subject

at parish council meetings and/or any papers relating to this subject provided for consideration at any meeting or otherwise."

5. The council responded on 21 March 2013. It stated that the only information held within the scope of the request are the minutes of the main meeting held on the 18 March 2013. The council advised that these will be available on the 20 May 2013 when they are formally approved at the next council meeting and will be provided on the 21 May 2013.
6. On 21 May 2013, the council advised the complainant that the council had approved a number of changes to the 18 March 2013 minutes and are awaiting a final approval on the 3 June 2013. The council stated a copy would be provided on the 4 June 2013.
7. The complainant requested an internal review on the 21 May 2013.
8. The council wrote to the complainant on 21 May 2013. It stated that there were two email exchanges that refer to press communication and redacted copies will be sent. It maintained that the approved meeting minutes for the 18 March 2013 will be sent on the 4 June 2013.
9. The complainant contacted the Commissioner to complain about the way his request for information had been handled, namely that the council has not provided all of the requested information that it holds.
10. During the Commissioner's investigation, the council advised that it had provided copies of two emails on the 21 March 2013 and the 18 March 2013 and the approved minutes on the 4 June 2013.
11. The complainant advised the Commissioner that he has not received this information.
12. On the 9 October 2013, the council resent a copy of the approved minutes and also provided a redacted copy of the part II 18 March 2013 minutes and further copies of emails dated between the 6 March 2013 and 16 April 2013
13. Following this, the complainant advised the Commissioner that he still considered the following to be outstanding:
 - The draft part II minutes of the 18 March 2013 – he has only been provided with the approved version.
 - An email sent to all councillors on 12 March 2013 at 20:22 that reads: *"To all councillors, please note that individual councillors are not able comment on this matter until such time as this has*

been voted on and agreed at a parish council meeting, Kind regards, [name redacted]."

14. On the 7 November 2013, the council provided a redacted copy of the 12 March 2013 email. This was sent again on the 16 December 2013 as it had not been photocopied in its entirety. The council advised that it no longer held a copy of the draft minutes as once they are approved, they are replaced with the approved minutes.
15. Contrary to this, the complainant advised the Commissioner that he had been informed that a copy of the draft minutes are in existence and that they would be forwarded to the council shortly.
16. The council contacted the Commissioner on the 23 December 2013 and advised that a councillor had forwarded it a copy of the draft minutes. The council advised that it had previously asked all councillors on the 18 September 2013 whether they still held this information.
17. On the 20 January 2014, the council supplied a redacted copy of the draft minutes to the complainant.

Scope of the case

18. The complainant has advised the Commissioner that he is not satisfied with the time the council took to supply all of the requested information.
19. The Commissioner considers the scope of the case is to determine if the council has breached section 10(1) of the FOIA.

Reasons for decision

Section 10(1) of the FOIA.

20. Section 10(1) of the FOIA states that:

"... a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

21. The complainant requested the information on the 19 March 2013 and the council did not supply all of the information that it held within the required 20 working days of the request. Therefore the Commissioner finds that the council has breached section 10(1) of the FOIA.

Right of appeal

22. 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: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

23. 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.
24. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Andrew White
Group Manager
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Wycliffe House
Water Lane
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Cheshire
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