

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 July 2014

Public Authority: Potto Parish Council
Address: 34 The Birches
Coulby Newham
Middlesbrough
TS8 OVA

Decision (including any steps ordered)

1. The complainant requested information concerning apologies received by the council for non-attendance at a meeting.
2. The Commissioner's decision is that the council failed to respond to the request and therefore breached section 10 of the FOIA.
3. The Commissioner requires the council to take the following step to ensure compliance with the legislation.

- issue a response under the FOIA.
4. The council must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 19 February 2014 the complainant made the following request with reference to a parish council meeting of December 2013:

"Can you please confirm if you received apologies of absence for this meeting from either Cllr Griffin or Cllr Courtman-Stock?"
6. On 20 February the parish council replied that all councillors bar the requester had responded to an email notification about the meeting.

7. The complainant re-submitted his request on seven further occasions. The council did not respond apart from an email on 10 April 2014 which offered to provide the complainant with a copy of the same reply that had been sent on 20 February.

Scope of the case

8. The complainant contacted the Commissioner on 29 May 2014 to complain that the council had failed to respond to his request.

Reasons for decision

9. The Commissioner is aware that apologies for absence at council meetings is information that is regularly recorded by the council.
10. Section 1 of the FOIA provides a right of access to information held by a public authority. On receiving a request for information the public authority must state whether it holds it and if so provide it unless there is a valid exemption under the FOIA.
11. Section 10 states that a public authority must comply with section 1 promptly and in any event within twenty days of receiving the request.
12. By failing to respond to the request the council breached section 10 of the FOIA.

Right of appeal

13. 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

14. 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.
15. 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

Rachael Cragg
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SK9 5AF