

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 December 2017

Public Authority: Great Budworth Parish Council

Address: greatbudworthparishclerk@gmail.com

Decision (including any steps ordered)

1. The complainant has made three requests for various information about the costs relating to signposts. Great Budworth Parish Council ("the Council") responded to each request outside of the time for compliance provided by section 10(1) of the Freedom of Information Act ("the FOIA").
2. The Commissioner's decision is that the Council has breached section 10(1) in respect of each request.
3. The Commissioner does not require the public authority to take any steps.

Request and response

4. On 1 May 2017, the complainant wrote to the Council and submitted Request 1:

Under the Freedom of Information Act please provide me with, or allow me to see by arrangement:

1. All the invoices and receipts for the finials totalling £5020.
 2. Appendices 7a and 7b of the minutes of Jan 2015 PC Meeting and Appendix 2 of the minutes of PC Meeting March 2015; (why aren't they on the website with the minutes?)
 3. Minutes of the 3 September 2012 PC meeting.
5. The Council responded on 8 May 2017. It disclosed information.

6. On 12 May 2017, the complainant wrote to the Council and submitted Request 2:

In my previous email I forgot to ask for Appendix 3 of the 2 March 2015 PC meeting minutes, could you please send me a copy of that too under the FOIA?

7. The Council responded on 20 May 2017, it declined to action the request but did not cite any relevant part of the FOIA.

8. On 12 June 2017, the complainant wrote to the Council and submitted Request 3:

The DRAFT minutes of the Annual Meeting of the Parish Council on 8 May under Item 9 say the following:

"(iii) The Parish Council were informed that a notice from CWAC had been put in place on the Finials on Westage Lane.

Cllr [redacted name] advised that a member of the public had raised a query with CWAC Highways as to whether permission had been sought for their installation."

Your statement may be a true record of what you said but it is totally incorrect. Assuming that you are referring to me as 'a member of the public' (ie singular, so it must be me). I CATEGORICALLY DENY THAT I HAVE EVER QUERIED with CWAC HIGHWAYS WHETHER THE PC HAD SOUGHT PERMISSION FOR THE INSTALLATION OF THE WESTAGE LANE FINIALS. It is yet another misrepresentation of the truth.

Under the FOIA I formally ask you to provide me with the information you have to substantiate what you have reported, or withdraw your statement with a public apology.

9. The Council responded on 30 August 2017. It disclosed information in respect of Request 1 and Request 3.
10. On 5 September 2017, the complainant wrote to the Council and disputed that it had not responded to Request 2, and that further information was held in respect of Request 3.
11. The Council responded on 15 September 2017. It disclosed information in respect of Request 2 and Request 3.

Scope of the case

12. The complainant originally contacted the Commissioner 31 May 2017 to complain about the way his requests for information had been handled. The ICO subsequently contacted the Council to direct it to the Commissioner's guidance on the FOIA. Following this, and additional correspondence between the complainant and Council (including a third request made by the complainant), the Council disclosed further information.
13. The complainant asked the Commissioner to issue a decision notice that considered the time-scales in which the Council responded.
14. The Commissioner considers the scope of the case to be the determination of whether the Council has complied with section 10.

Reasons for decision

Section 10 – Time for compliance

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

Subject to subsections (2) and (3), 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.

16. In this case the Commissioner has identified that the Council disclosed information (in respect of all three requests), outside the time for compliance provided by section 10.

Other matters

17. The Commissioner reminds the Council that guidance on the terms of the FOIA is available at: <https://ico.org.uk/for-organisations/>
18. Further advice on the terms of the FOIA can be accessed through the ICO's helpline: 0303 123 1113.

Right of appeal

19. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

20. 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.
21. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF