

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 24th November 2005

Name of Public Authority: Great Ness and Little Ness Parish Council

Address of Public Authority: Cruck House
Milford
Baschurch
Shrewsbury
Shropshire
SY4 2JU

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 23rd March 2005 the following information was requested from Great Ness and Little Ness Parish Council under section 1 of the Freedom of Information Act 2000 (the "Act"):

Copies of the Minutes of Little Ness Parish Council together with copies of the Newsletters from 2000 to the present date.

It is alleged that this request was not responded to in accordance with the Freedom of Information Act.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The request for information was originally made on 23rd March 2005 and a further copy of the request was sent by recorded delivery on 19th April 2005. The Parish Council has stated that they did not receive the request until 27th April 2005 when copies of the two letters were hand delivered to them.

The Parish Council responded on 23rd May 2005 by providing some of the requested minutes. On 9th June 2005, after taking advice from this office, it provided the rest of the requested minutes and advised the complainant that the requested newsletters were not held.

With regard to the receipt of the request, the Commissioner is unable to prove whether or not the original request was received by the Parish Council. He

has, however established from the Royal Mail tracking service that the recorded delivery letter of 19th April 2005 was not delivered.

However, even accepting the 27th April 2005 as the date of receipt of the request, a full response meeting the requirements of the Act was not sent until 9th June 2005, which is outside of the 20 working day limit for meeting a request.

The Commissioner's decision in this case therefore is that Great Ness and Little Ness Parish Council has not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Section 10 (1) states:

"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."

Action Required

As the request has now been responded to in accordance with section 1 of the Act, the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by Great Ness and Little Ness Parish Council

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 24th day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF