

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 August 2019

Public Authority: Lyneham and Bradenstoke Parish Council
Address: Jays Cottage
Compton Road
Hilmarton
Calne
Wiltshire
SN11 8SG

Decision (including any steps ordered)

1. The complainant twice requested information from Lyneham and Bradenstoke Parish Council ("the Council"). First, for information concerning recent financial transactions. Second, for copies of recent Council meeting minutes.
2. The Commissioner's decision is that the Council failed to respond to the requests within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to each of the two requests.
4. The Council must take these steps 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 15 May 2019, the complainant wrote to the Council and requested information in the following terms:

"I request a copy of Lyneham and Bradenstoke Parish Council financial transactions including payees and amounts from 19th March 2019 to date."

6. The Council acknowledged this request on 15 May 2019, and again on 28 June 2019, but had failed to provide a substantive response by the date of this notice.

7. On 29 May 2019, the complainant wrote again to the Council and requested further information in the following terms:

"As there are no minutes for Parish Council meetings in February, March, April and May 2019 on the Parish Council website or in the public domain, can you send me a copy of these minutes, please?"

Also, I believe, on 15th May 2019, I requested a copy of the Parish Council financial transactions from 14th March 2019 to date, is there any further news on this request?"

8. The Council acknowledged this further request on 29 May 2019, and again on 28 June 2019, but had failed to provide a substantive response by the date of this notice.

Scope of the case

9. The complainant contacted the Commissioner on 8 July 2019 to complain about the failure, by the Council, to respond to the requests.
10. In line with her usual practice, the Commissioner contacted the Council on 29 July 2019 to highlight the outstanding responses. She requested that the Council respond to the requests within 10 working days. Her correspondence was neither acknowledged nor responded to.
11. The complainant contacted the Commissioner on 15 August 2019 stating that they had still not received responses from the Council to their requests.
12. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

13. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

14. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

15. The Commissioner considers that the requests in question fulfilled these criteria and therefore constituted valid requests for recorded information under the FOIA.

16. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

17. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue responses to the requests within 20 working days, the Council has breached section 10 of the FOIA.

Right of appeal

18. 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@justice.gov.uk

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

19. 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.
20. 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

**Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**