

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 June 2022

Public Authority: Bentley Parish Council

Decision

1. The Commissioner's decision is that Bentley Parish Council (the Council) disclosed all the information it held within the scope of the request, which concerned the development of a neighbourhood plan.

Request and response

2. The complainant made the following information request to the Council on 17 May 2021:

"All correspondence (including emails) passing between:

- (i) Bentley Parish Council and any member or officer thereof, and/or;
- (ii) The Bentley Neighbourhood Plan Working group and any member thereof, and / or;
- (iii) Places4People Planning Consultancy and any employee thereof.

Relating to:

- (iv) The formulation of the Bentley Neighbourhood Plan, and / or;

- (v) The conduct of the related Regulation 14 consultation, and / or;
 - (vi) The preparation and formulation of replies to the comments made by consultees in response to the Regulation 14 consultation.”
3. The final position of the Council was that some of the information requested by the complainant was held by third party organisations rather than by the Council. The Council stated that all the information it held itself within the scope of the request had been disclosed to the complainant.

Reasons for decision

- 4. This reasoning covers whether the Council stated correctly that it holds no further information falling within the scope of the complainant's request to that which it disclosed.
- 5. The position of the Council is that it disclosed all correspondence it held relating to the matters referred to in the request. The complainant believed that correspondence between the other organisations named in the request – the working group and the consultancy – should be considered held on behalf of the Council and thus covered by his request.
- 6. The Council has explained to the Commissioner its reasoning as to why it does not consider the communications between the third parties to be held on its behalf. It stated that the working group is a separate body to the Council and operated independently from it.
- 7. The Commissioner accepts this reasoning from the Council. On this basis, his conclusion is that on the balance of probabilities the Council disclosed to the complainant all the information it held within the scope of the above information request. The Commissioner requires no further action to be taken by the Council in relation to this request.

Right of appeal

8. 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

9. 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.
10. 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
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