

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 9 March 2023

Public Authority: Longstanton Parish Council
Address: Longstanton Village Hall
24 High Street
Longstanton
CB24 3BS

Decision (including any steps ordered)

1. The complainant requested information from Longstanton Parish Council (the public authority). The Commissioner's decision is that the public authority was entitled to refuse to comply with the request in accordance with section 12(1) (cost limit) of FOIA. The Commissioner also finds that the public authority complied with its obligations under section 16 of FOIA to offer advice and assistance.
2. The Commissioner does not require the public authority to take any steps.

Request and response

3. On 5 September 2022, the complainant made the following request for information to the public authority:

"This is a request for all information held concerning the hydrology consultancy services provided by HR Wallingford, including, but not limited to, all communications between or amongst members and officers of the council, any communications between the parish council and the local planning authority, which is South Cambridgeshire

District Council, any communications between the parish council and HR Wallingford and all records of all meetings and phone calls.”

4. The public authority refused to provide the requested information citing section 12 (cost limit) of FOIA as its basis for doing so.

Reasons for decision

Section 12 – cost of compliance

5. This reasoning covers whether the public authority is correct to apply section 12(1) (cost limit) of FOIA to the request.¹ The appropriate limit² for the public authority in this case is £450 (18 hours at £25 per hour).
6. The public authority considers that the cost of complying with this request would exceed the appropriate limit under FOIA. It has explained that it has estimated that it would take an estimated 26-40 hours to comply with this request, plus additional time if it needed to check archive records, broken down as follows:

“The Parish Council estimated that it would take approximately 8-10 hours to search through the electronic records plus 8-10 hours to search the parish office for any paper records. There was also an unknown time element to retrieve and search through any papers which may be stored in the archives, both at CBS and the County Archives, as it was not know what, if anything, was held in archive or if the papers are also available in electronic or paper format in the office.

It is expected that searching the laptop would include searching emails, initially using key words (including known names), some of these key words would however bring up a significant amount of information which may not be relevant and need to be filtered. It would also be necessary to search the electronic files by searching for key words and file location. Searches of the Council’s mobile phone and landline bill for any relevant phone records would also be necessary to comply with the request, it would take a significant amount of time to determine which entries relate to relevant telephone calls. Subject to what is found in these searches it is likely that further more detailed searches

¹ <https://www.legislation.gov.uk/ukpga/2000/36/section/12>

² <https://www.legislation.gov.uk/uksi/2004/3244/regulation/4/made>

will be necessary to find additional relevant information which is referenced but was not found by the initial searches. Searches of the office would include searching the filing cabinets, safe, meeting papers, project files etc, again subject to what is found additional searches may be required to fill in missing information.

If required to search papers from the archives this would involve either visiting the facilities (one approx 15 minutes drive, the other 30 minutes drive) or having the papers delivered (at Council cost).

Information is searched for in as efficient manner as possible although the type of information requested is held in a number of different mediums and due to the scope of the request cannot be provided without significant staff time.

It was also estimated that it could take Councillors an average 1-2 hours each to search their records for any information that they may hold on their email accounts or in paper format. It was noted that some Councillors would have significantly more to check through while others would have less as they joined the Council more recently. At the time of the request there were 10 Councillors so this was estimated at approximately 10-20 hours.

The Councillors searches were expected to include searching of emails held (with similar searching to the Council laptop) and any other SMS/IM/telephone records that may be held , plus searching any paper records or notes held.

This gives a total estimated 26-40 hours combined hours plus any additional time if checking archived papers is required."

7. The Commissioner is satisfied that the public authority's arguments above are justified because it has explained that, due to the broad scope of the request, lengthy searches would need to be conducted, covering various mediums and the approximate time that it has estimated to do this is clearly in excess of the cost limit.
8. The Commissioner's decision is that the public authority was correct to apply section 12(1) of FOIA to the request.

Section 16(1) – The duty to provide advice and assistance

9. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice³ in providing advice and assistance, it will have complied with section 16(1).
10. The Commissioner notes that, its initial response, the public authority referred to it having previously offered to meet with the complainant to discuss how it could provide support and stated that that offer still stood. The public authority has explained to the Commissioner that this was:

“with a view to helping him narrow down the scope of the request by explaining what we hold and in what format and providing a summary of the HR Wallingford procurement history. In the past [redacted] has attended numerous Parish Council meetings and requested meetings with the Parish Council so this was thought to be a reasonable way to proceed and would assist [redacted] in obtaining the information he wanted.”
11. The Commissioner is therefore satisfied that the public authority met its obligations under section 16 of FOIA.

Other matters

12. The Commissioner asked the public authority to confirm whether any of the information requested would be covered by the Environmental Information Regulations and the public authority responded as follows:

“The Parish Council did not explicitly consider if the information fell under the EIR. The request was understood to be relating to the provision the consultancy services as such is was understood that it was a request for administrative information. The resulting reports from this consultancy, which contain the environmental information, are published on the Parish Council’s website and [redacted] has copies of these.”

³ <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

13. Were the information deemed to be environmental in nature, the Commissioner is satisfied that regulation 12(4)(b) of the EIR would apply in the alternative to section 12 of FOIA.

Right of appeal

14. 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

15. 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.
16. 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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
Wilmslow
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SK9 5AF