

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 January 2013

Public Authority: Aldingbourne Parish Council
Address: Council House Cottages
Flat 6, The Street
Walberton
BN18 0QB

Decision (including any steps ordered)

1. The complainant has requested information about the composition and costs of running Aldingbourne Parish Council (the council). The council did not respond within the time for compliance.
2. The Commissioner's decision is that the council has breached section 10 of the FOIA. As the council has now responded to the request, the Commissioner does not require any steps to be taken.

Request and response

3. On 16 January 2012, the complainant wrote to the council through the whatdotheyknow website and requested information in the following terms:

"I am writing to request a copy of the exact boundaries of the Council and exact the ward boundaries (if applicable), preferably in the form of a map.

I am also formally requesting a full list of the following:

all councillors;
all councillors political party affiliation;
all councillors claimed allowances and expenses;
all councillors' declaration of interests;
all councillors attendance records for all council meetings, committees and official council functions;

how much the cost of the previous ordinary/general council elections cost;
all vacancies which have occurred on the council since the previous election of members to the council;
how many of the vacancies on the council were filled by co-option;
how many vacancies on the council were filled by election after the submission of a petition calling an election;
how much each vacancy cost to advertise;
how much each co-option to fill a vacancy cost;
how much each election to fill a vacancy cost;
how much the annual council meeting cost;
how much each ordinary council meeting cost;
how much each extraordinary/special council meeting cost;
the reason(s) for each extraordinary/special council meeting.”

4. The complainant sent the council a reminder email through the whatdotheyknow website on 10 March 2012
5. As no response had been received, the complainant wrote to the council again on 17 April 2012 to request an internal review. He informed the council that failure to conduct an internal review may result in a referral to the Commissioner.
6. The council failed to provide a response to this request.

Scope of the case

7. The complainant contacted the Commissioner on 15 June 2012 to complain that he had not received a response.
8. The Commissioner therefore contacted the council on 9 August 2012 and recommended that it provide a response to the complainant.
9. The council initially informed the Commissioner that it was not able to respond to the request as it did not have a valid address to correspond with the complaint. The Commissioner explained this to the complaint who advised that he had received an acknowledgment of an earlier request sent in error to the council. He therefore contended that the council did have a correspondence address and that the request was therefore valid.
10. The council then responded to the complainant on 30 August 2012 through the whatdotheyknow website and disclosed the requested information.

11. Following this, the complainant informed the Commissioner that he remained dissatisfied with the time taken to provide this response. The Commissioner confirmed to the complainant that a decision notice recording the delay would therefore be issued.

Reasons for decision

12. Section 10 of the FOIA requires that an information request should be responded to within 20 working days of receipt. In this case a valid response was not provided until over 6 months following the date of the request. The council, therefore, breached section 10 of the FOIA in relation to the complainant's request.
13. Although this breach does not require remedial action, the council should ensure that there is no repetition of this delay in relation to future information requests. In particular it should be aware of the requirement to respond within 20 working days of receipt of an information request and that an email address generated by the whatdotheyknow website is a valid address for correspondence.

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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Andrew White
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