

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 April 2015

Public Authority: Exelby Leeming and Newton Parish Council

Address: Russit House
Sycamore Lane
Leeming
Northallerton
North Yorkshire
DL7 9SU

Decision (including any steps ordered)

1. The complainant has requested information from Exelby Leeming and Newton Parish Council ("the council") about its auditors. The council responded outside the time for compliance.
2. The Commissioner's decision is that the council has breached section 10(1).
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 26 August 2014, the complainant wrote to the council and requested information in the following terms:

"After taking advice from The Communities Secretary, I write to request full contact details of both your Internal and External Auditors. This request is made under the Freedom of Information Act."

5. The council did not provide a response.

Scope of the case

6. The complainant wrote to the Commissioner on 24 September 2014 to complain that she had not received a response to her request. Following this, the council provided a response on 28 October 2014 in which it

provided some information, and a further response on 13 March 2015 in which it disclosed further information that was previously withheld in its first response. The complainant subsequently requested a decision notice that considered whether the council had complied with section 10(1).

7. The Commissioner therefore considers the scope of this case to be the determination of whether the council has complied with section 10(1).

Reasons for decision

Section 10(1) – Time for compliance

8. Section 10(1) requires that where a public authority has a duty under section 1(1), it must comply with that duty within twenty working days following receipt of the request.
9. In this case, the Commissioner has identified that the council did not respond during the time for compliance, and therefore breached section 10(1).

Right of appeal

10. 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@hmcts.gsi.gov.uk

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

11. 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.
12. 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
Group Manager
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Water Lane
Wilmslow
Cheshire
SK9 5AF