

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 20 March 2017

**Public Authority:** Pittington Parish Council  
**Address:** 14 South End  
High Pittington  
County Durham  
DH6 1AG

#### Decision (including any steps ordered)

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1. The complainant has requested information about Pittington Parish Council's stage 2 complaints policy.
2. The Commissioner's decision is that Pittington Parish Council has breached sections 1 (right of access to information) and 10 (time for compliance) of the FOIA.
3. The Commissioner does not require Pittington Parish Council to take any steps as a result of this decision notice.

#### Request and response

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4. On 22 November 2015, the complainant wrote to Pittington Parish Council (PPC) and requested information. For ease and convenience, the Commissioner has numbered the points:

*"I would like to see the following information having read the councils complaints policy:*

1. *How many stage 2 complaints have been heard by the parish council since the May 2013 local government elections?*
2. *How many stage 2 complaints have been heard in public and private during the same period?*

3. *How many stage 2 complaints have taken place without the complainant being present and under what circumstances has the complainants chosen not to attend during the same period?*
4. *How many complainants have refused to provide evidence to support their position at stage 2 complaint meetings and on the contrary how many times have the parish council refused to provide background evidence prior to the meeting to a complainant to support the parish councils [sic] position?*
5. *I would like to see all summons, minutes, all background documents, advice relating to any stage 2 complaints heard in public by the parish council (any meeting at which the public have been not excluded by resolution under the Public Bodies (Admission to Meetings) Act 1960)."*
5. Initially PPC did not respond to the request. The complainant contacted the Commissioner about this on 7 April 2016. The Commissioner contacted PPC explaining that it had to respond to the request.
6. PPC responded on 11 April 2016, explaining that it did not hold the requested information.

### **Scope of the case**

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7. The complainant contacted the Commissioner again on 4 May 2016 to complain about the way his request for information had been handled. He explained that PPC could not claim that it did not hold the requested information, as the claim clearly contradicted information included on its Facebook page.
8. During the Commissioner's investigation, PPC confirmed that it did hold some of the requested information. It apologised for the confusion, explaining that the parish clerk was new. It issued the complainant with a fresh response on 16 June 2016.
9. The complainant explained to the Commissioner that he was complaining about the fact that initially PPC had stated that it did not hold information regarding its stage 2 complaints procedure, when it actually did.
10. The Commissioner will consider whether PPC has complied with sections 1 (right of access to information) and 10 (time for compliance).

### **Reasons for decision**

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11. Section 1(1) provides that anyone who requests information from a public authority is entitled to be told (a) whether the authority holds the information and (b), if it does, to have the information communicated to him or her.
12. Section 10(1) provides that a public authority must comply with section 1(1) as soon as possible and within 20 working days.
13. In the present case, in response to the complainant's request, PPC stated that it did not hold the requested information. However, during the Commissioner's investigation, PPC confirmed that it did hold some of the requested information. It issued a fresh response to the complainant on 16 June 2016, confirming that it did hold some information in relation to points 1-4 and provided the complainant with the information. In relation to question 5, PPC explained that it did not hold any information.
14. The Commissioner's decision is that PPC did not deal with the request for information in accordance with the FOIA. In this case PPC has breached sections 1(1) and 10(1) by initially stating that it did not hold the requested information when it did hold some and failing to respond to the request within 20 working days.

## **Right of appeal**

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15. 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:

Reference: FS50623995

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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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 .....

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**