

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 27 November 2019

**Public Authority:** Keelby Parish Council  
**Address:** 16 Marklew Avenue  
Grimsby  
North East Lincolnshire  
DN34 4AB

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Keelby Parish Council ("the Council") relating to individual councillors' comments on a specific planning application.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - The Council must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. On 11 September 2019, the complainant wrote to the Council and requested information in the following terms:

*"Planning Application No. 139028,*

*6 Church Lane, Keelby.*

*With reference to my questions put to the Chairman of Keelby Parish Council at the Parish Council meeting on 30<sup>th</sup> July 2019, under the Freedom of Information request please could you kindly provide me with copies of the comments made by individual councillors regarding the above planning application.*

*I enclose a stamped addressed envelope for your convenience.*

*Please also find enclosed copy of the letter sent from Keelby Parish Council to W.L.D.C. Planning dept and also of page 1042 of the Parish Council Minutes.*

*I look forward to receiving the information within the next five days."*

6. On 24 September 2019, the complainant contacted the Council and requested an update on his request.
7. The Council did not acknowledge the complainant's request.

## Scope of the case

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8. The complainant contacted the Commissioner 29 September 2019 to complain about the Council's failure to respond to his request.
9. The Commissioner contacted the Council on 21 October 2019 reminding it of its responsibilities and asking it to provide a response to the complainant within 20 working days.
10. The Commissioner also contacted the complainant on 21 October 2019 to explain that the Council had been given 20 working days from 21 October 2019 within which to provide a response to his request.
11. The Council neither acknowledged nor responded to the Commissioner's correspondence.
12. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

## Reasons for decision

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13. Section 10 of the FOIA states that:

*Any person making a request for information to a public authority is entitled –*

*(a) To be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) If that is the case, to have that information communicated to him.*

14. The Commissioner considers that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.

15. Section 10 of the FOIA states that responses to requests made under the Act must be provided, *“promptly and in any event not later than the twentieth working day following the date of receipt.”*

16. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner’s decision is that the Council has breached section 10 of the FOIA.

## Right of appeal

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17. 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](mailto:grc@justice.gov.uk)

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

18. 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.
19. 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  
Team Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**