

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **6 August 2021**

Public Authority: **Leeds City Council**
Address: **Civic Hall**
Leeds
LS1 1UR

Decision (including any steps ordered)

1. The complainant requested information held by Leeds City Council in relation to communications between Leeds City Council and Ward Councillors relating to Ledston Parish Council.
2. The Commissioner's decision is that Leeds City Council ("the Council") 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.
 - Issue a substantive response, under the FOIA, to the request.
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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 19 March 2021, the complainant wrote to the Council and requested information in the following terms:

"Dear Sir/Madam

Under the Freedom of Information Act, can you please provide me with a copy of the following documentation:

- 1. All communication sent by [name redacted] ([job title redacted]) to the Clerk and / or recognised Responsible Financial Officer for Ledston parish Council to include the period June 2020 and up to the end of February 2021 and to include all recorded responses / replies.*
- 2. All communications from [name redacted] ([job title redacted]) sent in regard to Ledston Parish Council to the Ward Councillors for Kippax and Methley [names redacted] to include the period June 202 and up to the end of February 2021 and to include all recorded responses / replies.*
- 3. All communications from [names redacted] ([job title redacted]) sent to [name redacted], [job title redacted] at Leeds City Council in regard to Ledston Parish Council to include the period June 2020 to February 2021 and to include all recorded responses / replies.*
- 4. All communications from [name redacted] ([job title redacted]) sent to Leeds City Council Legal Services and Financial Services in regard to Ledston Parish Council to include the period June 2020 and up to the end of February 2021 and to include all recorded responses / replies.*
- 5. All communications from Ward Councillors for Kippax and Methley [names redacted] sent to the Clerk / Recognised Responsible Financial Officer for Ledston Parish Council to include the period June 2020 and up to the end of February 2021 and to include all recorded responses / replies.*
- 6. All communications received by Leeds City Council from the Responsible Financial Officer of Ledston Parish Council for the period 2015 to 2021 and to include all responses, acknowledgements and replies from Leeds City Council.*

7. All communications undertaken by officers representing Leeds City Council in respect of Ledston Parish Council for the period 2015 to 2021.

I understand that under the Act I am entitled to a response within 20 working days of your receipt of this request.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all non-exempt material.

I reserve the right to appeal your decision to withhold any information or to charge excessive fees.

I would prefer to receive the information electronically.

If you require any clarification, I expect you to contact me to provide advice and assistance if you find any aspect of this Freedom of Information request problematic.

Please acknowledge receipt of this request, and I look forward to receiving the information in the near future.'

6. The Council acknowledged the request on 19 March 2021 and 22 April 2021 but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 17 May 2021 to complain about the failure, by the Council, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Council on 7 July 2021 to highlight the outstanding response. She requested that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The complainant contacted the Commissioner on 27 July 2021 to request a decision notice considering the Council's compliance with the FOIA.
10. 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

11. Section 1(1) 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.*

12. 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.*”

13. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached section 10 of the 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: 0203 936 8963

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

Phillip Angell
Group Manager
Information Commissioner's Office
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SK9 5AF