

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

### **Decision notice**

**Date:** 16 July 2021

**Public Authority:** Witherley Parish Council  
**Address:** c/o Cool Hill Farm  
Sibson Road  
Sheepy Parva  
Atherstone  
CV9 3RE

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

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1. The complainant requested information from Witherley Parish Council ("the Council") about the minutes of three of its Housing Group meetings.
2. The Commissioner's decision is that 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 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 10 May 2021, the complainant wrote to the Council and requested information in the following terms:

*"Thank you for your two letters of the 8th March enclosing the various items.*

*There are a couple of issues that arise -*

*a) The Theme Group Minutes - there appear to be minutes and agenda documents missing. I cannot see that the minutes from the following meetings were in the disclosed documents -*

- Housing Group Minutes from the 15/4/2019 which were ratified in the meeting on the 7/5/2019*
- Housing Group Minutes from the 27/8/2019 which were ratified in the meeting of the 24/9/2019*
- Housing Group Minutes from the 10/10/2019 plus an undated 'mini meeting' which were ratified in the meeting on the 23/10/19.*

*[...]*

*If it helps, you can treat this E Mail as an FOI request. Electronic copies of the requested documents are acceptable to save the need to hand deliver items."*

6. The Council wrote to the complainant and acknowledged the request on 10 May 2021.
7. By the date of this notice the Council had not provided a substantive response to the request.

## Scope of the case

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8. The complainant contacted the Commissioner on 19 June 2021 to complain about the Council's failure to respond to the request.
9. The Commissioner contacted the Council on 25 June 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. The Council acknowledged receipt of the Commissioner's letter on 30 June 2021.

11. The Commissioner also contacted the complainant on 25 June 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
12. The complainant has provided evidence that they have received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to their information request.
13. 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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14. 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.*
15. Section 10(1) 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: 0203 936 8963

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 .....**

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**