

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 August 2022

Public Authority: Steyning Parish Council
Address: The Steyning Centre
Fletcher's Croft
Steyning
BN44 3XL

Decision (including any steps ordered)

1. The complainant has requested information from Steyning Parish Council ("the Council") relating to claims made against the Council since the May 2019 election.
2. The Commissioner's decision is that the Council has failed to carry out adequate searches for the requested information and therefore, on the balance of probabilities, has not identified all information held within the scope of the request.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - The Council must issue a fresh response to the request following searches aimed at identifying all the information held within the scope of 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 2 November 2021, the complainant wrote to the Council and requested information in the following terms:

“Please disclose any claims since the May 2019 election which have been intimated against SPC [Steyning Parish Council] and which have resulted in a referral to SPC’s insurers and chargeable legal advice. Please redact the potential claimant’s personal details. Please provide the response by email. As you know, there is a 20 working day limit for compliance.”
6. The final position of the Council was that it does not hold information within the scope of the request.

Reasons for decision

7. This reasoning covers whether the Council is correct when it says that it does not hold any information within the scope of the request.
8. The position of the Council is that no third party claims had been made against the Council at the time of the request and therefore it does not hold information within the scope of the request.
9. The complainant believes that the Council had incurred costs for legal advice concerning a third party claim made against the Council. The complainant considers that the Council holds information relating to that claim and therefore holds information within the scope of their request.
10. Furthermore, the complainant has asked for information relating to any claims made against the Council since May 2019. However, it appears that when searching for information within the scope of the request, the Council only searched for information relating to third party claims.
11. The Commissioner considers that the Council has failed to conduct adequate searches for the requested information. Therefore, the Commissioner’s decision is that on the balance of probabilities the Council has not identified all the information it holds within the scope of the request.
12. The Commissioner requires the Council to issue the complainant with a fresh response to their request following searches aimed at identifying all the information held within the scope of the request. If the Council locates information within the scope of the request, that information should either be disclosed to the complainant or an adequate refusal notice should be provided.

Right of appeal

13. 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

14. 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.
15. 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

Claire Churchill
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF