

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

### **Decision notice**

**Date:** 31 July 2023

**Public Authority:** Pencoed Town Council  
**Address:** Salem Chapel Vestry  
Coychurch Road  
Pencoed  
CF35 5LY

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

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1. The complainant requested copies of the Council's Annual Report for 2021-22 and a copy of its latest Training Plan. By the date of this notice Pencoed Town Council ("the Council") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
  - The Council must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Council must take this step 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**

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5. On 4 April 2023, the complainant wrote to the Council and requested information in the following terms:

"I would be grateful if you could send me a copy of Pencoed Town Council's Annual Report for 2021-22 and a copy of its latest Training Plan which I understand are both statutory requirements under the Local Government Wales Act 2021.

For the avoidance of doubt, this is a Freedom of Information request under the Freedom of Information Act (2000)."

6. The Council acknowledged the request on 5 May 2023. To date, a substantive response has not been issued.

### **Reasons for decision**

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7. Section 1(1) of 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."

8. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
9. On 14 July 2023 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days. The Council did respond to the ICO and provided a reason why they were unable to meet the deadline. The ICO provided guidance to help support the Council, however, a response was not provided to the complainant. Whilst the Commissioner is sympathetic to the demands on public authorities, he must also balance this against the rights of the requester.
10. Despite this intervention the Council has failed to respond to the complainant.

11. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

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12. 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)

13. 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.
14. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**