

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 December 2021

Public Authority: Great Bowden Parish Council

Address: clerk@greatbowdenparishcouncil.org.uk

Decision (including any steps ordered)

1. The complainant requested from Great Bowden Parish Council ("the Council") information relating to the feedback received from Leicestershire Highways concerning a specific junction. By the date of this notice 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 the 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 the 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 17 September 2021, the complainant wrote to the Council and requested information in the following terms:

"Thank you for your reply. I have a few questions if I may as I'm a little confused.

- *Will the feedback that Leicestershire Highways give you be made public? If so, then I would like to see a copy so that I can a) see what the public are saying and b) to make sure that my feedback to them has been included.*
 - *When you say that you require Financial and legal backing from Leics Highways and that they are not minded to intervene, what exactly does this mean? It was my understanding from our first conversation, that the funding was coming from Section 106 monies. If this is the case then do you not just require the approval from Leics Highways that your plans for the roads are legal and safe?*
 - *I am only interested in the junction at The Green and Sutton Roads and the parking on that corner. If you have had comments from residents who are against yellow lines at that junction then I would be very interested to hear their arguments when a) several accidents have happened at that junction and when b) the Highway Code states that vehicles should not be parked there."*
6. The Council wrote to the complainant on 18 November 2021 to acknowledge the request. By the date of this notice, the Council had not provided the complainant with substantive response to his request.

Scope of the case

7. The complainant contacted the Commissioner on 22 November 2021 to complain about the Council's failure to respond to their request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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."

10. Section 10(1) of the 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"*.

11. On 30 November 2021 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.

12. Despite this intervention, the Council has failed to respond to the complainant.

13. 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 the 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 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

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