

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 October 2021

Public Authority: Kirby Muxloe Parish Council

Address: Parish Council Office

Station Road

Kirby Muxloe

Leicester

LE9 2EN

Decision (including any steps ordered)

1. The complainant has requested information regarding objections to the council's accounts.
2. Kirby Muxloe Parish Council initially refused the request on the basis of section 14. This position was revised during the course of the investigation and the information was provided.
3. The Commissioner's decision is that Kirby Muxloe Parish Council failed to respond to the request for information within 20 working days and has therefore breached section 10 of the FOIA.
4. The Commissioner does not require any steps as the information has been provided.

Request and response

5. On 21 October 2020, the complainant wrote to Kirby Muxloe Parish Council ('the council') and requested information in the following terms:

"How many different people submitted correspondence describing objections to the council's accounts, in each of the five account years 2015-16 thru 2019-20?"
 1. *How many pages (very approximately) comprised each of these items of correspondence?*
 2. *Did the council receive this correspondence as electronic copy (eg pdf) or hard-copy?*
 3. *Did the council receive this correspondence directly from the author (ie, the objector) or via the External Auditor?"*
6. The council sent a response dated 5 November 2020 which the complainant received on 9 November 2020. It refused to provide the requested information on the basis of section 14 (vexatious and repeated requests).
7. During the course of the investigation, on 11 October 2021, the council revised its position and provided all of the information requested.

Scope of the case

8. The complainant contacted the Commissioner on 1 December 2020, to complain that the request was refused on the basis of section 14.
9. Following the council's revised response the complainant remained dissatisfied with the initial section 14 refusal and the lengthy period of time taken to provide the final response.
10. During a complaint investigation, the Commissioner will invite public authorities to review their position on a request. Decisions made by the Commissioner are based upon the final response that is given to a request. As the complainant has accepted the final response provided by the council, the Commissioner can only consider whether the council has failed to respond within the statutory time limits.
11. The scope of the case is to decide whether the council has breached section 10 by failing to respond to the request within the statutory time limit.

Reasons for decision

12. Section 1(1) (general right of access to information held by public authorities) 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 them."

13. Section 10 (time for compliance with the request) states that:

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

14. Whilst the council has provided the complainant with the information it holds that was within the scope of the request, it did so 12 months after the request was made. This is outside of the statutory 20 working days, therefore the council breached section 10 of FOIA.
15. No further action is required as the information has been provided.

Right of appeal

16. 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

17. 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.
18. 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

Janet Wyles
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF