

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 February 2017

Public Authority: Pittington Parish Council
Address: 14 South End
High Pittington,
County Durham
DH6 1AG

Decision (including any steps ordered)

1. The complainant has requested information relating to Pittington Parish Council meetings. After disclosing information to the complainant Pittington Parish Council explained that it did not hold any further information.
2. The Commissioner's decision is that Pittington Parish Council is correct to state that it does not hold any further information. The Commissioner therefore does not consider that Pittington Parish Council has breached section 1 of FOIA.
3. The Commissioner does not require Pittington Parish Council to take any steps as a result of this decision.

Request and response

4. On 19 May 2015, the complainant wrote to Pittington Parish Council (PPC) and requested information in the following terms:

'1. A Copy of the Public Notice for this months [sic] AGM showing Date, Time and venue.

2. A Copy of the Public Notice for Mays [sic] Ordinary Parish Council Meeting.

3. A Copy of the Public Council Schedule of ordinary Parish Council Meetings held each year or information that confirms the removal of Mays Ordinary Parish Council Meeting from this schedule.

4. A copy of the document convening the Parish Meeting and the minutes of the parish council meeting that set the time, date, venue and agenda.'

5. The PPC responded on 14 June 2015. It provided a copy of the notices that were advertised on its 3 noticeboards. With regard to point 1 it explained that the Annual General Meeting notice does not show a time but states that it will commence immediately after the Annual Parish Meeting (APM), which stated a time of 7.00pm. PPC also explained that it had decided not to allocate a time for the AGM as it wanted residents to have time to express all issues and concerns. PPC also explained that at the bottom of April's agenda, which it attached, it stated that there would be an APM and an AGM.
6. With regard to point 2, PPC explained that there had not been a notice for the ordinary monthly meetings that would be held each year. With regard to point 3, PPC explained that there was no schedule of ordinary parish meetings to be held each year. It also explained that historically there has always been a meeting on the 3rd Tuesday of every month except for August. With regard to point 4 PPC confirmed that its AGM is held every May. PPC also explained that there were no minutes setting out the time, date or venue.
7. Following an internal review the PPC wrote to the complainant on 10 July 2015. It stated that it could see that the complainant had submitted a question about its Annual Parish Meeting and it answered that question but did not change its original position.

Scope of the case

8. The complainant contacted the Commissioner on 15 February 2016 to complain about the way his request for information had been handled. He explained that PPC had not provided him with the requested information. The complainant went on to complain about various other issues which are not within the remit of the Commissioner to investigate.
9. The Commissioner contacted the complainant and explained that she could not consider whether PPC provided him with the correct information but could investigate whether it held any further information in relation to his request.
10. The Commissioner will therefore go on to consider whether PPC is correct to state that it does not hold any further information in relation to the request.

Reasons for decision

Section 1 – information held/not held

11. Section 1 of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and if so, to have the information communicated to him.
12. In cases where a dispute arises over the extent of the recorded information held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. She will also consider the actions taken by the public authority to check whether the information is held and any reasons offered by it to explain why the information is not held. In addition, the Commissioner will consider any reason why it is inherently likely or unlikely that the information is not held.
13. The Commissioner is required to make a judgement on whether, on the balance of probabilities, the PPC holds any additional information or not.
14. The Commissioner asked PPC what searches it had carried out for all of the recorded information it held within the scope of the request. PPC explained that it had carried out an electronic search on its own laptop. It also explained that it had also checked what its chairman holds, as he holds similar information to the PPC itself. PPC confirmed that it had used search terms which complied with the request.
15. The Commissioner enquired about the scope, quality, thoroughness and results of the searches carried out by PPC.
16. The Commissioner asked PPC whether the information held was manual or electronic records and whether any relevant recorded information held had been deleted. PPC explained that it holds hard copy as a legal requirement; it also holds electronic copies of minutes and agendas. PPC also confirmed that its records are made up of minutes and hard copy and are kept in perpetuity.
17. The Commissioner asked whether there was a business purpose for which the information should be held. PPC explained that holding the types of information requested, was a legal requirement.
18. Furthermore, the Commissioner considered whether PPC had any reason or motive to conceal the requested information, but she has not seen any evidence of this.
19. Taking everything into account, the Commissioner does not consider that there is any evidence that show that PPC holds any additional recorded information in relation to this request.
20. The Commissioner is therefore satisfied that, on the balance of probabilities, PPC does not hold any further recorded information in

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relation to this request. Accordingly, she does not consider that there is a breach of section 1 of the FOIA.

Right of appeal

21. 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: 0300 1234504
Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

22. 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.
23. 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

Jon Manners
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