

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

### **Decision notice**

**Date:** 10 June 2022

**Public Authority:** Hampton-in-Arden Parish Council

**Address:** The Parish Office  
Fentham Hall  
Marsh Lane  
Hampton-in-Arden  
Solihull  
West Midlands  
B92 0AH

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

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1. The complainant requested information from Hampton-in-Arden Parish Council ("the Council") relating to a meeting that took place between the Council and Solihull Metropolitan Borough Council, and the attendees of that meeting.
2. The Commissioner's decision is that the Council does not hold the CV requested in question 1 of the request. The Commissioner does not require the Council to take any steps.

## Request and response

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3. On 14 May 2021, the complainant wrote to the Council and requested information in the following terms:

"I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000.

As you are aware [name redacted] provided expert advice on traffic calming to the Parish Council and attended a meeting between the Parish Council and Solihull Metropolitan Borough Council on Friday, 6th March 2020. The scheduled time and place of the meeting was 12.00 to 13.00 at the Solihull Civic Suite, Committee Room 5. Also in attendance were [names redacted]. The subject matter of the meeting was "Road Safety and Traffic Calming in Hampton in Arden."

Please send me:

1. The Curriculum Vitae of [name redacted] in respect of her employment with Warwickshire County Council on traffic calming projects, and in particular:
  - a. Description of [name redacted] road design expertise i.e., Qualifications and dates obtained.
  - b. Dates employed with Warwickshire County Council on road design and associated traffic calming.
  - c. Highest position held with Warwickshire County Council in respect of road design and associated traffic calming.
2. Copy of proposals, including plans, diagrams, notes and similar, submitted to the local authority during the "Road Safety and Traffic Calming in Hampton in Arden Meeting," held on Friday, 6th March 2020 at Solihull Civic Suite, Committee Room 5.
3. Copy of the Minutes of the meeting "Road Safety and Traffic Calming in Hampton in Arden," held on Friday, 6th March 2020 at Solihull Civic Suite, Committee Room 5.
4. Copy of contemporaneous notes taken during the meeting "Road Safety and Traffic Calming in Hampton in Arden," held

on Friday, 6th March 2020 at Solihull Civic Suite, Committee Room 5.

5. Copy of proposals, including plans, diagrams, notes and similar, used to prepare the "Traffic Calming and Road Safety for Catherine-de-Barnes" published on the Catherine-de-Barnes Residents Association website by [name redacted] dated 18th January 2021.
6. All documents including emails, correspondence and minutes of meetings with HS2 in relation to the HS2 Road Safety Fund.
7. All documents including emails, correspondence and minutes of meetings with Solihull Council, subsequent to 16th November 2020, in respect of Traffic Calming in Hampton-in-Arden and Catherine-de-Barnes.

I would like the above information to be provided to me as electronic copies.

If this request is too wide or unclear, I would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed.

I understand that you are required to respond to my request within the 20 working days after you receive this letter. I would be grateful if you could confirm in writing that you have received this request."

4. The Council responded on 11 June 2021 and provided the complainant with information in response to questions 4 and 5 of the request. It denied holding information in relation to questions 1, 2, 3 and 6 of the request and provided the complainant with a link to its website where the information requested in question 7 of the request could be found.
5. The Council clarified in its response that whilst the complainant had requested the Curriculum Vitae (CV) of a '[name redacted]', it was in fact, [name redacted] who attended the meeting between the Council and Solihull Metropolitan Borough Council on 6 March 2020.

6. The complainant wrote to the Council on 2 July 2021 to request an internal review. The complainant stated that they consider the Council to hold the CV of [name redacted].
7. Following an internal review, the Council wrote to the complainant on 29 July 2021. It maintained that it does not hold a copy of the requested CV.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 5 August 2021 to complain about the way their request for information had been handled. The complainant stated that they dispute the response from the Council that it does not hold the requested CV.
9. The scope of this case and the following analysis is to determine whether the Council is correct when it says it does not hold the CV requested in question 1 of the request.

### **Reasons for decision**

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#### **Section 1 – general right of access to information**

10. 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.”

11. Section 1(1) requires that any person making a request for information to a public authority must be informed in writing by the public authority whether it holds information relevant to the request, and if so, to have that information communicated to them. This is subject to any exclusions or exemptions that may apply.
12. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.

13. In other words, in order to determine such complaints, the Commissioner must decide whether on the balance of probabilities a public authority holds any or additional information which falls within the scope of the request (or was held at the time of the request).

### **The complainant's position**

14. In their complaint to the Commissioner, the complainant stated that they consider the Council to hold [name redacted] CV as [name redacted] attended a meeting between the Council and Solihull Metropolitan Borough Council on 6 March 2020 on behalf of the Council.
15. The complainant stated that they therefore, consider [name redacted] to be an advisor of the Council and as a result of this, the Council holds a copy of [name redacted] CV.

### **The Council's position**

16. As is the practice in a case where there is some dispute over the amount of information located by a public authority and the amount of information that a complainant believes the public authority to hold, the Commissioner asked the Council to provide him with a detailed explanation of the searches it had conducted for information within the scope of the request.
17. Specifically, the Commissioner asked the Council to explain what searches it has undertaken for the CV of [name redacted].
18. In its submissions to the Commissioner, the Council stated that it has never held the CV of [name redacted]. It confirmed that [name redacted] is not an employee and has never been an employee of the Council, and is not and has never been a Councillor of the Council.
19. The Council explained that if it were to hold the requested CV, it would be held in both electronic and paper format.
20. The Council stated that has conducted a search of both its electronic and paper files for the requested CV. The Council explained that when conducting its search, its used the search terms "CV", "[name redacted]", "[name redacted]", "[name redacted]", "CV of [name redacted]" and "CV of [name redacted]". A further search of all the Council's files was also undertaken. The CV of [name redacted] was not located.
21. The Council confirmed that there are no statutory requirements for the Council to retain the CV's of its Councillors.

### **The Commissioner's position**

22. The Commissioner has considered the Council's position in relation to whether it holds the CV of [name redacted], as requested in question 1 of the request.
23. The Commissioner accepts the Council's reasoning for not holding the requested CV. In particular, he does not accept the reasoning of the complainant as to why the Council should be expected to hold this information. He considers that the Council has carried out adequate searches for the CV and is satisfied that on the balance of probabilities, this information is not held. The Commissioner requires no further action to be taken by the Council in relation to this request.

## Right of appeal

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24. 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)

25. 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.
26. 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 .....**

**Ben Tomes**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**