

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 April 2022

Public Authority: North East Lincolnshire Council (the Council)

Address: Municipal Offices Town Hall Square
Grimsby
DN31 1HU

Decision (including any steps ordered)

1. The complainant requested information on 30 January 2022 relating to the disqualification of members of Irby upon Humber Parish Council. The Council responded to the request on 16 March 2022.
2. The Commissioner considers that the Council has breached section 10(1) FOIA as it has failed to respond within the statutory time for compliance.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 30 January 2022 the complainant requested information of the following description:

"Following my concerns sent to North East Lincolnshire Council on 23 January 2022 in relation to Irby upon Humber Parish Council, on 28 January 2022 I received a communication from your organisation which also states:

"The members of Irby Parish Council have not met for some considerable time and are therefore deemed disqualified. As principal authority we are looking to reconstitute the parish council and will then be in a position to address your concerns."

I would be grateful if North East Lincolnshire Council could provide me with full and complete copies of the following information:

1. The date of the last quorate meeting held by Irby upon Humber Parish Council.

2. Names of the Members at Irby upon Humber Parish Council who are deemed to be disqualified.
3. All communications sent to and received from Irby upon Humber Parish Council since the date of its last quorate meeting.
4. How North East Lincolnshire Council will process all matters, from start to finish, in relation to the disqualification of the Members and the reconstitution of Irby upon Humber Parish Council.
5. Notices of casual vacancies in the office of councillor at Irby upon Humber Parish Council since 1 December 2018.

Additionally, I would also be grateful if your organisation could provide me with full and complete copies of the information which confirm the total amount of local taxpayers money currently held by Irby upon Humber Parish Council and/or North East Lincolnshire Council and how these public funds are presently safeguarded."

5. The Council provided a response to the request on 16 March 2022.

Scope of the case

6. The complainant contacted the Commissioner on 11 March 2022 as the Council failed to respond to the request.
7. The Commissioner has considered whether the Council complied with its obligations under section 10(1) FOIA in its handling of this request.

Reasons for decision

8. Section 10(1) provides that:

"Subject to subsections (2) and (3), 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."

9. Section 1(1) provides 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. The original request was made on 30 January 2022 and a response was provided by the Council on 16 March 2022. The Commissioner therefore finds that the Council breached section 10(1) in failing to provide a response within 20 working days.

Right of appeal

11. 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@Justice.gov.uk

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

12. 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.
13. 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.....

Gemma Garvey
Senior Case Officer

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF