

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 5 January 2017

**Public Authority:** Forest of Dean District Council  
**Address:** High Street  
Coleford  
Gloucestershire  
GL16 8HG

#### Decision (including any steps ordered)

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1. The complainant requested information on a standards committee meeting regarding a complaint from one councillor about another. The council initially claimed section 44 of the Act applied (statutory prohibition) but during the course of the Commissioner's investigation it disclosed all of the relevant information to the complainant.
2. The Commissioner's decision is that the council failed to comply with section 10(1) of the Act in that it did not provide the information to the complainant within the 20 working days required by the Act.
3. The Commissioner does not require the council to take any steps.

## Request and response

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4. On 8 June 2016, the complainant wrote to the council and requested information in the following terms:

*"Under the Freedom of Information Act 2000 can you supply me with all the documents relating to the Forest of Dean District Council's Standards Committee meeting held on April 29 and the Standards Committee meeting held on May 12. In particular I would like the minutes of the meetings and all the relevant documents relating to agenda item 7. Code of Conduct Complaint 1 and item 8. Code of Conduct Complaint 2."*

5. The council responded on 14 June 2016. It confirmed that there was no meeting on 12 May 2016. As regards the meeting of 29 April 2016 it confirmed that a meeting took place and said that the relevant information was available from the council's website. It said that all of other relevant information was exempt under Schedule 12A of the Local Government Act 1972 and therefore exempt under section 44 of the FOI Act (statutory prohibition).
6. Following an internal review the council wrote to the complainant on 18 July 2016. It maintained its position that the information was exempt under section 44.

## Scope of the case

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7. The complainant contacted the Commissioner on 27 July 2016 to complain about the way his request for information had been handled. His complaint was that the information should have been disclosed to him and that section 44 was not applicable.
8. During the course of the Commissioner's investigation the council reconsidered its position and disclosed the relevant information to the complainant. The Commissioner therefore asked the complainant if he was willing to withdraw his complaint. The complainant's response however was that he wanted a decision notice in order to demonstrate that there had been a significant delay before the information was provided in response to the request.
9. The Commissioner therefore considers that the complaint is that the council failed to provide the complainant with the relevant information within the time limits set by section 10(1) of the Act.

## Reasons for decision

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10. Section 10(1) of FOIA states 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."*

11. The complainant made his request for information on 8 June 2016. The council disclosed some information to him by disclosing relevant minutes at that time, and further information was disclosed by the council publishing the information in November 2016.
12. After the Commissioner wrote to the council it disclosed the decision notice from the meeting to the complainant on 5 December 2016, and background papers on 21 December 2016.
13. The Commissioner is satisfied that these disclosures fall outside of the 20 working days from the date that the request was received on 8 June 2016.
14. The Commissioner is therefore satisfied that the council did not comply with the requirements of section 10(1) when responding to the complaint.

## Right of appeal

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15. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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 .....

**Ian Walley**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**