

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 October 2022

Public Authority: Rotherham Metropolitan Borough Council

Address: Riverside House
Main Street
Rotherham
S60 1AE

Decision

1. The complainant requested information from Rotherham Metropolitan Borough Council ("the Council") relating to faculties for a specific church.
2. The Commissioner's decision is that on the balance of probabilities, the Council has disclosed all the information it holds within the scope of the request.

Request and response

3. The complainant made the following information request to the Council on 19 April 2021:

"Please could you provide me with copies of all faculties relating to St James' Church in South Anston."
4. The final position of the Council was that it has provided all the information it holds within the scope of the request.

Reasons for decision

5. This reasoning covers whether the Council is correct when it says that it has disclosed all the information it holds within the scope of the request.
6. The complainant considers that the Council holds further information within the scope of their request. Whilst the Council has provided the complainant with a faculty document from 2015, as the churchyard at St James' Church closed in 1980, the complainant considers the Council to hold faculty documents which predate the 2015 document. Furthermore, as the faculty document from 2015 went out of force in 2020, the complainant considers the Council to hold a faculty document that postdates the 2015 document.
7. As part of the Commissioner's investigation, the Commissioner wrote to the Council and asked it to explain what searches it has carried out for information within the scope of the request. The Commissioner also asked the Council to explain what specific searches it had conducted for faculty documents which predate and postdate the faculty document from 2015 which has been disclosed.
8. In its submissions to the Commissioner, the Council stated that it has disclosed all the information it holds within the scope of the request. The Council explained that the Council's Legal Services and Green Spaces department has carried out searches for information held within the scope of the request. This involved searching for agreements and licenses between the Council and St James' Church or the Diocese of Sheffield.
9. The Council explained that whilst initially no information within the scope of the request was located, the Council later identified a faculty document from 2015. This document was not originally identified as being within the scope of the request as the document refers to Barnsley Council rather than Rotherham Metropolitan Borough Council even though all the churchyards listed within the faculty document are within the Rotherham area.
10. The Commissioner considers that the Council has carried out adequate searches for the requested information. Therefore, the Commissioner's decision is that on the balance of probabilities, the Council has disclosed all the information it holds within the scope of the request.

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

Ben Tomes
Group Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF