

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 March 2023

Public Authority: Dorset Council

Address: County Hall
Colliton Park
Dorchester
Dorset
DT1 1XJ

Decision (including any steps ordered)

1. The complainant has requested information with regards to properties inherited from one previous council to another. Dorset Council (the council) provided some information and applied section 21 of FOIA to other information, as it determined it was reasonably accessible from the links it provided. The complainant considered that the council held more information.
2. The Commissioner's decision is that, on the balance of probabilities, the council has provided the information it holds.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 11 April 2022 the complainant made the following information request to the council:

"I specifically request to know the locations of all the archives that hold the details of properties once owned by Lyme Regis Borough Council which West Dorset District Council inherited in the local government reorganisation in 1974 and the recent reorganisation when they were transferred from West Dorset District Council to the newly formed Dorset Council but not including those transferred to the Dorset History Centre?

Also under the same acts I request a copy of the index/catalogue to these archives and a copy of the Borough Housing and Estates Committee minutes missing from the Lyme Regis Town Council office.

These missing minutes include:

1961/2: Pages 3 to 27, 30 to 45, 50 to 92, 96 to 112, 116 to 149, 151 to 158, 160 to 164, 167 to 248 and 251 onwards

1962/3: Pages 3 to 27, 31 to 45, 48 to 83, 90 to 124, 128 to 153, 156 to 186, 189 to 192, 195 to 222, 224 to 255, 259 to 287 and 290 onwards

1963/4: Pages 3 to 27, 31 to 55, 59 to 78, 80 to 83, 86 to 117, 122 to 145, 149 to 183, 187 to 201, 204 to 231, 234 to 263, 265, 266 and 269 onwards

1964/5: Pages 3 to 25, 29 to 50, 56 to 101, 107 to 135, 140 to 157, 162 to 187, 191 to 222, 226 to 246, 251 to 286, 292 to 329 and 333 onwards

1965/6: Pages 1 to 3, 7 to 44, 50 to 73, 76 to 89, 94 to 118, 120 to 139, 146 to 182, 186 to 210, 214 to 217, 222 to 239, 245 to 247, 251 to 305, 310 to 331 and 333 onwards

1966/7: Pages 1 to 4, 8 to 45, 49 to 84, 89 to 153, 157, 159 to 186, 191 to 230, 236 to 266, 270, 275 to 306, 310 to 360, 366 to 390, 392 to 400 and 404 onwards

1967/8: Pages 1 to 3, 9 to 47, 51 to 76, 80 to 133, 139 to 176, 183 to 221, 226 to 255, 258 to 299, 306 to 339, 344 to 391, 395 to 426, 428 to 438 and 443 onwards

1968/9: Pages 1 to 4, 8 to 38, 41 to 84, 88 to 124, 129 to 172, 178 to 209, 212 to 236, 241 to 291, 296 to 301, 303 to 335, 338 to 389, 392 to 418 and 421 onwards

1969/70: Pages 1 to 3, 7 to 36, 40 to 79, 84 to 125, 131 to 175, 179 to 201, 204 to 242, 246 to 275, 280 to 309, 313 to 369, 374 to 413 and 418 onwards

1970/1: Pages 1 to 4, 9 to 40, 45 to 79, 84 to 118, 123 to 158, 164 to 288, 292 to 315, 318 to 368, 373 to 422 and 426 onwards

1971/2: Pages 1 to 165, 168 to 217, 223 to 262, 266 to 270, 273 to 340, 346 to 388 and 395 from the June minutes onwards

1972/3: Complete Volume
1973/4: Complete Volume”

5. The council responded on 9 May 2022. It provided the complainant with a list of properties with Land Registry Title Numbers and the location of the deeds.
6. The council also applied section 21 of FOIA to part of the request – information reasonably accessible, and provided the complainant with a link to:
 - the Land Registry website where the register entries and title plans can be obtained.
 - A webpage which details what is held at Dorset History Centre.
7. The council also stated that ownership of some properties may have been transferred from Lyme Regis Borough Council to Lyme Regis Town Council, and it recommended that the complainant contact the latter directly.
8. The complainant requested an internal review on 6 June 2022, raising three issues with the council’s response to their request.
9. The council provided its internal review on 30 June 2022. It addressed each of the complainant’s three points individually:
 1. “I specifically requested to know the location of all the archives (Dorset Council store/strong rooms) that hold the details of properties once owned by Lyme Regis Borough Council and not transferred to the Dorset History Centre.”

The council responded advising that the documents in County Hall are held in a cabinet in the Legal Services office. It was unable advise how Iron Mountain store their records, but provided a link to Iron Mountains website where this information can be found.

2. “I also specifically requested a copy of the index/catalogue to these archives (the index/catalogue for all documentation held in Dorset Council store/strong rooms).”

The council responded to advise that this information was not held.

3. “I also specifically requested copies of the Lyme Regis Borough Housing and Estates Committee minutes removed from the Lyme Regis Town Council Office which you hold as evidenced on page 5 of the Cobbgate Incident attachment.”

The council responded to say that whilst it previously had advised that minutes were available at Dorset History Centre, it did not provide an appropriate link which would enable the complainant to view/ gain access to copies. It then provided a link to Dorset History Centres copying service on the council's website.

The council also advised that the remaining minutes (between 1961 to April 1971) are not held, and advised that Lyme Regis Town Council may hold them.

10. On 15 July 2022, the council then located and provided the complainant with the indexes of deed packets.

Scope of the case

11. The complainant contacted the Commissioner on 15 August 2022. He is not disputing the council's application of section 21 of FOIA, but he still considers further information is held by the council that has not been provided to him.
12. The scope of the case is for the Commissioner to determine whether the council has provided all of the information it holds falling within the scope of the request.

Reasons for decision

Section 1 of the FOIA – Information held/ not held

13. Section 1 of FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to him.
14. Where there is some dispute between the amount of information identified 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 decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
15. The council has told the Commissioner that its Democratic Services, and the Dorset History Centre teams within the council, were contacted to establish what information was held.

16. The council has also advised that if further information were held, it would be stored manually as paper records. It has confirmed that the information would not have been digitised.
17. The council has also stated that it has already advised the complainant that further information may be held by Lyme Regis Town Council, and has explained the reasons for this to him.
18. The council has confirmed to the Commissioner that the minutes of local authority committee meetings are generally preserved permanently as a record of decision making. However, it goes on to say that as some of the requested information pre dates the Local Government Act 1972, which placed a duty on local authorities to manage records effectively, this may explain the lack of comprehensive records of Lyme Regis Borough Council minutes that predate 1972.
19. The Commissioner has reviewed the council's response and the explanations provided as to why additional information is not held; he is satisfied the council has taken reasonable and proportionate steps to establish what information is held.
20. Based on the above, the Commissioner finds, on the balance of probabilities, that the council holds no further information falling within the scope of the request.

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@justice.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

Suzanne McKay
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF