

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 24 April 2023

Public Authority: Stanion Parish Council

Address: The Village Hall, Brigstock Road
Stanion, Kettering, Northants NN14 1BU
(email: stanion.clerk@gmail.com)

Decision (including any steps ordered)

1. The complainant requested information from Stanion Parish Council relating to its grounds maintenance works. By the date of this notice Stanion Parish Council had not issued a substantive response to this request.
2. By failing to ascertain whether or not it holds the information specified in each part of the request, and inform the complainant accordingly, Stanion Parish Council breached EIR regulation 5(2) by failing to respond to the request within 20 working days and is now required to respond to the request in accordance with the EIR.
3. Stanion Parish Council must now take such reasonable steps as are necessary to identify the relevant information it holds and, either provide to the complainant the outstanding information that is relevant to the request or, issue a refusal notice that complies with EIR regulation 14(1).
4. Stanion Parish Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Freedom of Information Act and may be dealt with as a contempt of court.

Request and response

5. On 15 August 2022, the complainant made the following request for information to Stanion Parish Council (SPC):

1. "I am writing to you under section 1(1)(a) and (b) of the Freedom of Information Act 2000 to request the following information:

Summer Sports Programme

(A) A copy of all quotations received (*required to be obtained as detailed in your Financial Regulations*) for the provision of a summer sports programme.

(B) A copy of the invoice submitted by LM Academy to SPC for the provision of a summer sports programme in 2022.

Village Verge Mowing

(C) A copy of the Specification of Work and the Mowing Map relating to verge mowing in the village in FY 2022/2023.

(D) A copy of all tenders received in response to the request for expressions of interest for the provision of verge mowing in the village in FY 2022/2023.

(E) Copies of all invoices supplied by [contractor's name redacted] to SPC in 2022.

Football Pitch

(F) Copies of all invoices submitted to SPC relating to any and all work undertaken in 2022 by a contractor or organisation, in relation to the football pitch, which detail the work that was undertaken.

Signed Declaration of Office forms

(G) Copies of the signed Declaration of Office forms for all Members of SPC.

If you cannot provide all of the above information, please provide what you can, and an explanation as to why you cannot provide the information in full.

Request to publish information and to publish information in accordance with the SPC Publication Scheme

2. (A) At our meeting of 13 July 2022 you agreed to obtain and publish on Stanionpc.net, the UTB bank statements for April, May and June 2021 and to continue to publish the UTB bank statements on the website on a monthly basis. Please publish the above without any further delay.

(B) Please publish (*under Class 2 of the SPC Publication Scheme*) the Budget for FY 2022/2023, showing the allocation by head of budget and nominal code.

(C) Please publish (*under Class 6 of the SPC Publication Scheme*) the contract, and the total value of that contract, between SPC and [contractor's name redacted] for the mowing of the verges in the village in 2022, and any subsequent amendments to that original contract and the additional costs agreed by SPC.

(D) Please publish (*under Class 6 of the SPC Publication Scheme*) the contract of employment for the position of SPC Clerk/RFO [redacted to protect personal information].

(E) Please publish (*under Class 6 of the SPC Publication Scheme*) the completed Register of Members Interest forms for Cllrs [names of three councillors redacted].

(F) Please publish the Authorised List of Payments (*under Class 2 of the SPC Publication Scheme*) for **March 2022** and the list of payments authorised by SPC on **9 August 2022**.

(G) Please publish (*under Class 1 of the SPC Publication Scheme*) a complete list of all Members of SPC, and their Cllr contact email addresses.

(H) Please publish (*under Class 1 of the SPC Publication Scheme*) the accessibility details for the Parish Council Office, listing the days and times that the office is open.

(I) Please publish (*under Class 5 of the SPC Publication Scheme*) the Clerk/RFO Post Profile and Person Specification.

Please treat this email address as the address for correspondence and provide the requested information in electronic format to this email address."

6. SPC provided some information within the scope of the request, including a map and some relevant invoices, but not yet the remainder. SPC did not provide an internal review despite being asked to do so.
7. On 16 September 2022 the complainant commented to the Commissioner about her concern at SPC's lack of response.
8. Early in 2023 there was a change of clerk at SPC; to date, no substantive response to the request has been issued.

Reasons for decision

9. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

10. EIR Regulation 5(2) states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

11. In her representations, the complainant told the Commissioner that her attempts to obtain information from SPC since September 2021 had proved difficult and often futile. There had been what she described as an obdurate refusal by SPC to act reasonably and discharge its statutory duties. She said that information which should have been on the website under the SPC Publication Scheme was not available. Information had been promised to her at a meeting with the then clerk but had not been provided. She said that her correspondence had been continuously and purposely ignored.
12. On 4 November 2022 the Commissioner reminded SPC of its responsibilities and asked it to provide a substantive response to him within 20 working days which it did not do.
13. In a later communication, the complainant noted that SPC had by then employed a new clerk and said that she had hopes of speedier responses to future correspondence.
14. On 11 January 2023 the Commissioner wrote again to SPC to begin his investigation, this time to the current clerk, who was then newly in post and who engaged positively with his investigation.
15. During the Commissioner's investigation, the current SPC clerk explained that she was experiencing difficulty in identifying parts of the

requested information from within the records that had been passed to her when she took office. She noted that there was some commercial and also some personal information that she considered likely to be exempt under the EIR exceptions.

16. The Commissioner is sympathetic to the situation in which SPC finds itself. However, SPC still needs to comply with its obligations under EIR and issue a full response to the request.

The Commissioner's decision

17. By failing to ascertain whether or not it holds the information specified in each part of the request, and inform the complainant accordingly within 20 working days, SPC breached EIR regulation 5(2). SPC is now required to respond to the request in accordance with the EIR.
18. SPC must now take such reasonable steps as are necessary to identify the relevant information it holds and, either provide to the complainant the outstanding information that is relevant to the request, or issue a refusal notice that complies with EIR regulation 14(1).

Right of appeal

19. 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

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

20. 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.
21. 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

Dr R Wernham
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF