

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 13 May 2015

**Public Authority:** Worcestershire County Council

**Address:** County Hall, Spetchely Road, Worcestershire  
WR5 2NP

### Decision (including any steps ordered)

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1. The complainant has requested from Worcestershire County Council ('the Council') information about meeting minutes. He has also asked the Council a number of supplementary questions. The Council says it does not hold the information that the complainant requested. It answered his supplementary questions.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold the requested information and has met its obligations under section 1 of the FOIA. He considers that the complainant's supplementary questions are not for held, recorded information and are therefore not valid requests under the FOIA. He has consequently not considered the Council's response to these.
3. The Commissioner does not require the public authority to take any further steps.

### Request and response

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4. On 11 December 2014, the complainant wrote to Worcestershire County Council and requested information in the following terms:

*"For the minutes of meetings for council committees, cabinet, and the full council:-  
in the last five years how many errors have been discovered and reported after the draft minutes have been approved as a true and accurate record?"*

*And where errors have occurred kindly provide details together with information about how the official record has been corrected."*

5. The Council provided a response to both parts of this request on 17 December 2014. It said one error had been discovered in the minutes of the Planning and Regulatory Committee, 23 September 2014. With regard to the second part, the Council explained that the error was a mistake made in the record of the discussion (the river 'Avon' had been typed, rather than the river 'Arrow'), not the recommendation that followed the discussion. It said the validity of the recommendation had therefore not been affected and the Council provided the complainant with a link to a webcast of the meeting in question.
6. The complainant wrote to the Council on 21 December 2014 and expressed his dissatisfaction with its response. He also asked a number of supplementary questions about the Redditch library site, specifically:

*Has the representative (of the Head of Economic Development & Planning) ever visited the Redditch Library site?*

*If the rep has visited the site would he/she kindly tell us the name of the nearest street or road, 250 metres away, next to where he/she thinks the river is?*

*Has this reference to Worcestershire Wildlife Trust a river, been introduced into the minutes by a copy/cut and paste error?*

*Should this reference to Worcestershire Wildlife Trust and the River Avon be in another (different) planning application, concerning a location that is not in Redditch but is actually approximately 250 metres from the River Avon?*

*"Does [Named Individual] really think it's acceptable to say 'approximately 250 metres' is accurate enough to describe a distance of about one and a half kilometres (1 500 metres)?"*

7. The Council answered the first four of these questions on 19 January 2015.
8. Following an internal review the Council then wrote to the complainant on 16 February. It said it was satisfied with its response to the complainant's request of 11 December and had satisfactorily addressed all the questions the complainant asked in his correspondence of 21 December.

## Scope of the case

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9. The complainant contacted the Commissioner on 20 February 2015 to complain about the way his request for information had been handled. He is concerned about a particular planning application and considers that the Council is providing and publishing incorrect and misleading information about this application.
10. The Commissioner has focussed his investigation on whether the complainant's requests and questions are for held, recorded information and so valid requests under the FOIA. Where this is the case, he has considered whether the Council has met its obligations under section 1 of the FOIA.

## Reasons for decision

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11. **Section 1** of the FOIA says that anyone making a request for information to a public authority is entitled be informed whether the public authority holds the information and if so to have that information communicated to them.
12. The Commissioner is prepared to accept the possibility that the Council could have held information relating to the request the complainant submitted on 11 December. This makes the request valid under the FOIA and the resulting complaint within the Commissioner's scope to investigate. When queried by the Commissioner, the Council acknowledged that it does not, in fact, hold this information. As a result, the answers that it provided to the complainant were given outside of the FOIA, and as part of its day-to-day business.
13. The Council subsequently confirmed to the Commissioner that it does not hold this particular information and, on the balance of probabilities, the Commissioner accepts this is the case. He notes, however, the duty of public authorities to tell an applicant whether or not they hold the information they have requested in recorded form. Not having the information in recorded form does not, however, prevent an authority from providing answers or explanations as a matter of normal customer service. The Council provided answers, to this and the complainant's subsequent questions.
14. With regard to the supplementary questions the complainant asked on 21 December, the Commissioner does not consider these are requests for recorded information under the FOIA; they appear instead to require answers and opinions. The Commissioner explained this to the complainant. He suggested to the complainant that it may be more

appropriate for him to progress his concerns about this particular planning application, and the wider service he has received from the Council, through the Council's general complaints procedure. The complainant did not accept this, choosing to progress to a decision notice.

## 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 .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**