

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 December 2022

Public Authority: South Somerset District Council
Address: Council Offices
Brympton Way
Yeovil
Somerset
BA20 2HT

Decision (including any steps ordered)

1. The complainant submitted a request to South Somerset District Council ("the Council") for information relating to the restructure of the Senior Leadership Team (SLT).
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold any information within the scope of the request and has therefore complied with section 1 of FOIA.
3. The Commissioner does not require the Council to take any further steps.

Request and response

4. On 17 March 2022, the complainant made the following request for information under FOIA:

"Please treat this as a Freedom of Information request and pass to your Data Protection Officer without delay. Please confirm receipt of this request within 48 hours of this email being issued to you.

Please provide any documents, emails, recorded decisions or WhatsApp conversations in relation to myself Clare Pestell or the role of Director, Commercial Services and Income Generation being restructured, removed from, redesigned out and not re-recruited to the South Somerset District Council Senior Leadership Team between the dates of 1 June 2021 and 31 December 2021.

Please search under all variations of my name Clare Pestell and the titles

Commercial Director Commercial

Services Director

Director Commercial Services and Income Generation

Commercial Services Directorate

Please also provide any documents, emails or WhatsApp conversations held in relation to the restructuring of the Senior Leadership Team at SSDC between the dates of 1 June 2021 and 31 December 2021. Please search under all variations of names and the titles

Senior Leadership Team

SLT

Director and Directors

Assistant Director and Assistant Directors

In particular, please confirm the date at which it was formerly agreed that the responsibilities of the Commercial Director would be reallocated to other members of SLT.

Additionally, the date at which it was agreed that the role of Director, Commercial Services and Income Generation would no longer exist in the Senior Leadership Team structure and provide all of the supporting documents and correspondence to confirm this decision.”

5. On 11 March 2022, the Council responded stating that it did not hold the information requested. However, it provided the minutes of the meeting were matters regarding the later part of the request were agreed.
6. The complainant requested an internal review on 16 March 2022, and the Council provided a response on 13 April 2022, in which it upheld it's position.

Reasons for decision

Section 1 (Held/Not Held)

7. Section 1(1) of FOIA states that:

Any person making a request for information to a public authority is entitled-

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.

8. The Commissioner has sought to determine whether, on the balance of probabilities, the Council holds the requested information.
9. The Council confirmed to the Commissioner that it does not hold any information in relation to the complainant's request and that any related documentation held, in regards to the decision taken at the meeting on 28 February 2022, did not fall within scope of the complainant's request. This is because the requestor specifically asked for, in their request, a date range between 1 June 2021 and 31 December 2021.
10. The Commissioner is satisfied that appropriate searches and consultations were carried out to determine whether information in scope of the request was held. The Council confirmed that its Monitoring Officer has a working file, which is held within the Council's network and is where all correspondence and documentation relating to the requestor are held.
11. The Council also confirmed that it does not permit information, relating to Council matters, to be stored on personal devices.

12. The Commissioner notes the complainant's comments that they had been advised that "certain Director responsibilities had been redistributed in June". However, no evidence has been provided showing this, and the Commissioner has to base his view on the balance of probabilities.
13. On the balance of probabilities, the Commissioner is satisfied that the Council does not hold any information falling within scope of the complainant's request and that it has complied with section 1(1) of FOIA.

Other matters

14. As the Council failed to respond to the Commissioner's enquiries in a timely manner, it was necessary for him to issue an Information Notice in this case. The Information Notice will be published on the Commissioner's website.

Right of appeal

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

Phillip Angell
Head of Freedom of Information Casework
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF