

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 7 October 2024

**Public Authority:** Casterton Parish Council  
**Address:** Casterton Village Hall  
Casterton  
Carnforth  
LA6 2SB

#### **Decision (including any steps ordered)**

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1. The complainant requested the information from Casterton Parish Council on 27 May 2024.
2. A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner, by the date of this notice the public authority has not issued a substantive response to this request. Therefore the Commissioner finds a breach of section 10. The Commissioner does not require further steps to be taken.
3. The public authority must provide a substantive response to the request in accordance with its obligations under FOIA. The public authority must take this step within 30 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 FOIA and may be dealt with as a contempt of court.

#### **Request and response**

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4. On 27 May 2024, the complainant wrote to the public authority and requested information in the following terms:

"I request formally that all communications from 20th December 2023 - 15th June 2024 concerning Casterton Parish Council co-opting two

- vacancies on its Council be disclosed. These will include: all written and email correspondence between the Clerk and Parish Councillors during that period; all letters or emails between CPC and the three candidates for co-option; all letters, emails or telephone calls between CP Councillors themselves concerning this specific subject; any letters or emails between the Clerk, the Chair, the Vice-chair, and other Councillors, with residents/ex-residents of Casterton Parish regarding the suitability of a candidate for co-option as a Councillor.”
5. This version provided to the Commissioner was unsigned, however, the complainant advises that they signed off the request for information with their name in pen.
  6. On 9 July 2024, the complainant sent a follow-up to the public authority, with the original request for information attached. The version provided to the Commissioner was signed off with the complainant’s name.

### **Scope of the case**

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7. The Commissioner contacted the public authority on 19 August 2024 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. Despite this intervention the public authority has failed to provide a valid response to the complainant.

### **Reasons for decision**

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8. 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.”
9. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority

has breached section 10(1) by failing to respond to the request within 20 working days.

11. The public authority must provide a substantive response to the request in accordance with its obligations under FOIA. The public authority must take this step within 30 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 FOIA and may be dealt with as a contempt of court.

## Right of appeal

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12. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

13. 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.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**