

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 October 2024

Public Authority: Ticehurst Parish Council

Address: The Village Hall
Lower High Street
Ticehurst
TN5 7BB

Request:

The complainant submitted a follow-up request to Ticehurst Parish Council (the Council) on 19 August 2024 seeking information about a specific planning application.

"Having received a response from the ICO I am again asking for the information missing from my earlier requests under FOI and EIR.

1. This includes a copy of the Khift invoice shown in your may Council meeting with a value of £3390.
2. Correspondence in relation to funding requested by Ticehurst Parish Council in relation to the first Judicial Review of planning application RR/2022/840/P. I understand from other Parish Council agendas and minutes these requests have been made and commitments given by them to you."

Commissioner's Decision:

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. On 16 September 2024, the complainant wrote to the public authority, reminding it of its responsibilities and asking it to provide a response to their request. The public authority sent a partial response on the same day stating it believed the complainant was vexatious, but also asking for clarification of part two of the request.

The complainant clarified part two of their request on 17 September 2024 and followed this up on 28 September 2024 as they had not received a response.

The commissioner wrote to the public authority on 3 October 2024 to remind it of its obligations, the public authority claimed it had responded on 16 September 2024, however, it was pointed out that the complainant had further responded on 17 September 2024 and the public authority has failed to respond appropriately despite advice and assistance from the Commissioner. Based on the evidence available to the Commissioner, by the date of this notice the public authority has failed to issue a substantive response to this request. Therefore, the Commissioner finds a breach of section 10.

Steps:

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:

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

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

Reference: IC-335630-W9B3



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