

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 April 2016

Public Authority: North Norfolk District Council

Address: Holt Road
Cromer
Norfolk
NR27 9N

Decision (including any steps ordered)

1. The complainant requested various types of information, which was to include the meeting minutes in relation to business rate relief. North Norfolk District Council (the council) provided the information it held, but advised it did not hold the requested meeting minutes as none were taken. The complainant believed that the council must hold meeting minutes or something to that effect.
2. The Commissioner's decision is that the council does not hold any further information within the scope of the request other than what it has already provided.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 15 April 2015, the complainant made the following request to the council:

*"Firstly, I am enclosing a copy of an e-mail dated 21st November 2014 which was sent to my Member of Parliament by the Council's Team Leader – Corporate Administration. The e-mail makes reference to 'audit trailed file notes' which I would like to see. On the copy I have highlighted the relevant part for your assistance. Specifically I wish to see **evidence of the written confirmation given to staff by [name redacted]** concerning the responses claimed to have been sent by her to [name*

redacted]. I look forward to receiving this information from the council.

Secondly I would like to know the total number of Liability Orders obtained by the Council against no-domestic charge payers in respect of unpaid business rates for the years 2005/6; 2006/7 ; 2007/8; 2008/9; 2009/10; 2010/11; and 2011/12.

Finally, following a prolonged delay the council has provided my Member of Parliament with a copy of my earlier Freedom of Information request which you referred to as long ago as the 6th February 2013 in your letter to me reference 1003. [name redacted] reasonably requested to be copied in so that he could independently see things for himself. The answer provided by the council did and does not answer my request which I now repeat.

*The information requested relates to the 2009 Recession Summit Action Plan, highlighted extracts enclose for your assistance. I wish to see the **individual monthly minutes** for the Steering Group/ Committee which I have highlighted in Blue and the details of the **instructions given to the Council's officers**, by [name redacted] or whoever took the lead, concerning the promotion of Business Rate Relief, which I have highlighted in Pink. From my letter to you dated 28th January 2013 under the headings of 'Paragraph 4' and 'Paragraph 5' you will recall the subject."*

5. The council responded on the 15 May 2015 providing the information requested except for the monthly minutes for the steering group as it advised none were taken due to them being internal office meetings.
6. The complainant requested an internal review on the 3 June 2016 with regards to the council's response to the third part of his request relating to the Steering Group. He considered that the council must have recorded some minutes of the meeting or hold records of the meetings taking place in some form or another, including decisions for action.
7. He also stated that [name redacted] led this group and suggested that the council speak with her in order to locate any information held on this.
8. The council provided its internal review response on the 10 July 2015. It upheld its decision that the information to the third part of the request was not held. It also advised that in February 2013, the council provided the complainant with a number of documents following a request made on the 12 November 2012. None of these documents constituted actual minutes of the Steering Group, but the council advised that this

correspondence did include everything that was held relevant to the activities of the Recession Summit Action Plan Steering Committee and Group.

Scope of the case

9. The complainant contacted the Commissioner on the 11 November 2015 as he considers that the council holds information in relation to the meeting minutes. He considers that this could also include information such as dates of when the group met, who attended, what work took place and what reports were made at the meetings by those attending. Also, he has told the Commissioner that he would have expected to see evidence of the council's officer [name redacted] attendance at the meetings and what took place during the course of the meetings, specifically in respect of her involvement.
10. The Commissioner considers the scope of the case is to determine whether the council holds information, with regards to the Steering Group, in the form of actual meeting minutes or in a form described as above that would show or provide information about the meetings taking place, attendees and possible actions decided. These meetings would post date the 2009 Action Plan mentioned in the complainant's request.

Reasons for decision

Section 1 of the FOIA – Information Held/ Not held

11. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds the information within the scope of the request, and if so, to have that information communicated to him.
12. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believe may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the civil standards of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
13. The Commissioner has asked the council to explain what searches it has undertaken and whether it is required to hold the types of information as identified in the 'scope of the case' section of this decision notice.

14. The council has responded to the Commissioner, firstly explaining that on 12 November 2012, the complainant made a previous information request to the council which included a request for these minutes of the steering group. The request at the time was referred to all departments that could have held this information, if such information were held.
15. It was determined in this request that the information was not held or recorded due to it not ever existing. The council advised the Commissioner that the complainant has been advised this information is not held by the officers involved in dealing with FOIA requests, the Leader of the Council and also its Chief Executive's Office on the following occasions: 6 February 2013, 19 March 2013, 16 April 2015, 15 May 2015, 10 July 2015, 26 August 2015 and 16 December 2015.
16. The council has told the Commissioner that both electronic and manual searches have been carried out for this information, including officer emails. And the following departments and officers have been contacted in order to determine if the information was held: The Chief Executives' Office, Democratic Services, Business Rates and the Economic Development team.
17. The council has confirmed to the Commissioner that as this was an internal officer meeting, no minutes were taken because there is no requirement for formal minutes to be made. Also discussions with officers who would have attended these meetings have also confirmed that no minutes were taken.
18. The council has told the Commissioner that it has not only been contacted by its Freedom of Information Team, but also directly by the complainant himself and the Chief Executive's Office has written to the council on several occasions confirming that no minutes are held. It says he has also exhausted the council's complaints system and an investigation by the Local Government Ombudsman on this matter.
19. The council has confirmed to the Commissioner that no other information is held in relation to this request other than what it has already provided him with.
20. The Commissioner sees that the complainant has been in correspondence with the council for several years, prior to this request, in trying to obtain these meeting minutes. Throughout this time the council has maintained that they are not held and were never created.
21. The Commissioner understands why the complainant would believe such minutes, or information to that effect, would be held or at least have been created at the steering group meetings. He can see how it is

reasonable to assume that some form of minutes or records of these meetings could have been taken.

22. However, on considering the explanations provided by the council of the searches it has carried out and reasons as to why the minutes and other such records of the meetings were not recorded, such as it stating it was not required to create this information, the Commissioner finds on the balance of probabilities, no further information is held within the scope of the request.

Right of appeal

23. 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

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

24. 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.
25. 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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF