

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 July 2022

Public Authority: Bromham Parish Council
Address: clerk@bromhamwiltshire.org

Decision

1. The complainant requested information from Bromham Parish Council ("the Council") relating to a neighbourhood plan steering group.
2. The Commissioner's decision is the Council failed to provide an adequate response to the request. Consequently the Commissioner finds that the Council breached section 1(1) and section 10(1) of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - The Council must issue a fresh response to the request which is adequate for the purposes of the FOIA.
4. The Council must take these steps within 35 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

5. The complainant made the following information request to the Council on 15 September 2021:

"As you know I've emailed you a couple of times about the Neighbourhood Plan and your request for volunteers to join. I've offered my name but you haven't replied, despite [name redacted] saying he would ask you to do so. It would be helpful if you could explain why I haven't heard from you. I mentioned this at Monday's Parish Council meeting. You didn't comment but did say you now had more names. I think you said there are now eight, so presumably the five Parish Councillors [name redacted] has told me about plus three new ones.

It's not easy to track down but I've found a list of 20 potential development sites on the Parish Council's website, despite the Council's desire to keep them confidential. I assume these are the sites identified by the Steering Group but I'm sure you'll correct me if I'm wrong. As you know, three of the 20 are owned by PC members, one of whom is also a Wiltshire Councillor. Given the current constitution of the Steering Group the PC's request to the Steering Group not to make public that list of sites is redundant. The importance of this issue relates to the core aim of the Neighbourhood Plan.

In these circumstances it's difficult to have confidence in the work of the Steering Group as it's currently constituted. Things may change of course if membership is expanded to include people from the main village as well as its hamlets and if there's more transparency in its work.

So I'd like to ask you:

- Are the 5 PC members that [name redacted] has told me about still members of the Steering Group?
- What are the names of the newcomers?
- Do they live in the village or its hamlets?
- Why does the Parish Council want the list of sites to be kept confidential?

Please regard these as a Freedom of Information request. I look forward to hearing from you. Thanks."

6. The final position of the Council was that it has provided the complainant with all the information it holds within the scope of the request.

Reasons for decision

7. This reasoning covers whether the Council has complied with its obligations under section 1(1) (general right of access to information) and section 10(1) (time for compliance) of the FOIA.
8. The position of the Council is that it has answered the questions within the request and provided the complainant with all the information it holds within the scope of the request. The complainant considers that the Council has not answered the questions they asked in their request.
9. Whilst the complainant asked the Council several questions rather than requesting specific pieces of recorded information, a question can be a valid information request under the FOIA¹. In this case the complainant specified in their request that they expected the Council to handle their questions as a freedom of information request. Therefore, the Council should have handled the questions under the FOIA.
10. The Commissioner considers that the Council did not answer the complainant's specific questions in its response to the request. Instead the Council provided the complainant with some general information relating to Bromham Neighbourhood Plan. The response issued did not, however, appear to address the actual questions the complainant posed.
11. The Commissioner considers that the Council has failed to provide the complainant with an adequate response to their request. Therefore, the Commissioner's decision is that the Council has breached section 1(1) (general right of access to information) and section 10(1) (time for compliance) of the FOIA.
12. The Commissioner requires the Council to provide the complainant with a fresh response to their request which answers the questions within the request. The Council should either provide the complainant with the requested information or an adequate refusal notice should be provided.

¹ [recognising-a-request-made-under-the-foia.pdf \(ico.org.uk\)](https://ico.org.uk/recognising-a-request-made-under-the-foia.pdf)

Right of appeal

13. 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@justice.gov.uk

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

14. 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.
15. 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

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