

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 May 2014

Public Authority: Helperby Parish Council
Address: 11 Dunroyal Close
Helperby
York
YO61 2NH

Decision (including any steps ordered)

1. The complainant has requested information from Helperby Parish Council ("the council") about a planning application. The council has not responded to the request.
2. The Commissioner's decision is that the council has breached section 10 of the FOIA.
3. The Commissioner requires the council to take the following steps to ensure compliance with the legislation.
 - Respond to the request in accordance with the obligations under FOIA.
4. The public authority 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 25 June 2013, the complainant wrote to the council and requested the following:

- 1) All information you have on my planning application for the barn.*
- 2) All information you have regarding to and relating to my two letters dated 1st May and 16th May.*

6. The council did not provide a response to this request.

Scope of the case

7. The complainant contacted the Commissioner on 20 August 2013 to complain that his request for information had not been responded to.
8. The Commissioner contacted the council on 12 September 2013 and requested that a response to the request be provided within 10 working days. The Commissioner further wrote to the council on 1 April 2014 to confirm whether a response to the request had been provided, but did not receive a reply.
9. The complainant subsequently informed the Commissioner on the 26 April 2014 that he had not received a response.

Reasons for decision

10. Section 10 of FOIA requires that an information request should be responded to within 20 working days of receipt. In this case a response was not provided. The council, therefore, breached section 10 of the FOIA in relation to the complainant's request.

Right of appeal

11. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

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

12. 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.
13. 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
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Wycliffe House
Water Lane
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Cheshire
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