

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

### **Decision notice**

**Date:** 11 August 2016

**Public Authority:** West Devon Borough Council  
**Address:** Kilworthy Park  
Drake Road  
Tavistock  
Devon  
PL19 0BZ

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

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1. The complainant has requested information relating to the Register of Councillors Interests. The Commissioner's decision is that West Devon Borough Council (the Council) failed to provide a response to the request within the statutory time frame of 20 working days. She upholds the complaint but requires no further action to be taken as a response has now been provided to the complainant.

#### **Request and response**

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2. On 21 February 2016, the complainant wrote to the Council and requested information in the following terms:  
*'Can you please email me a copy of the current WDBC Register of Councillors Interests including all Parish Councils/Councillors within West Devon.'*
3. The Council responded on 31 March 2016. It provided the information requested stating:  
*'The information you have requested is available on the Councils website. I have provided the link to the relevant page below:*

<http://www.westdevon.gov.uk/article/4676/Councillor-Register-ofInterests>

<http://www.southhams.gov.uk/article/4647/Register-of-Interests>'

4. On 24 April 2016 the complainant informed the Council that this did not include the Parish Councillors for West Devon.
5. On 1 May 2016 the Council advised that the information is available on request from West Devon District Council Offices, but the Council should have been able to provide an electronic copy. The Council explained that it was currently updating the electronic Register of Interests for Parish Councillors: *'please accept our apologies for the delay in providing the information you have requested and the initial error in sending the incorrect email link.'*
6. On 31 May 2016 the Council sent a further response to the complainant with a link to the updated website page  
<http://www.westdevon.gov.uk/article/4663/Register-of-Interests>
7. There continued to be correspondence between the Council and the complainant concerning the contents of the links, a number of anomalies that are being worked on by the Council and the complainant's comments and queries about the statutory compliance with the Localism Act 2011.
8. The Commissioner is satisfied that the Council has answered the original request for information under FOIA and is continuing to respond to the further queries from the complainant.

## **Scope of the case**

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9. The complainant contacted the Commissioner on 29 April 2016. The Commissioner considers the scope of this case to be to determine if the response to the request for information has been dealt with within the required timescales under section 10 of the FOIA.

## **Reasons for decision**

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10. Section 1(1) of FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, to disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.

11. In this case the original request was made on 21 February 2016 and the Council responded on 31 March 2016, 27 working days later.
12. As the Council did not provide all information relevant to the scope of the request within 20 working days it did not comply with section 10(1) FOIA in handling this request.
13. The Commissioner has therefore recorded a breach of section 10(1) of the FOIA by the Council accordingly.

## Right of appeal

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14. 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](mailto:GRC@hmcts.gsi.gov.uk)

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

15. 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.
16. 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 .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**