

**Joy Norris**

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**From:** Town Council  
**Sent:** 12 December 2014 09:21  
**To:** Joy Norris  
**Subject:** FW: Confirmation from ICO to PA - complaint from [Redacted]  
[Ref. FS50564781]  
**Attachments:** Request for information (09\_07\_14).pdf

**From:** casework@ico.org.uk [mailto:casework@ico.org.uk]  
**Sent:** 11 December 2014 15:21  
**To:** Town Council  
**Subject:** Confirmation from ICO to PA - complaint from [Redacted] received [Ref. FS50564781]

11th December 2014

**Case Reference Number FS50564781**

Dear Ms Norris

**Freedom of Information Act 2000 (FOIA)  
Complaint from [Redacted]  
Information request made 09/07/14**

The Information Commissioner has received a complaint from [Redacted] stating that no response has been sent to an information request submitted to your organisation on 09/07/14, which asked for the names of councillors in receipt of information. A copy of the request is attached for your information.

Any public authority in receipt of such a request is under a duty to respond within 20 working days of receipt. As the matter was the subject of ongoing correspondence between you and Mr Drayton, please now respond within 10 working days of receipt of this letter.

You should state whether or not the information is held in a recorded form. If it is held, you should either provide the information or issue a refusal notice in accordance with the requirements of section 17 of the Freedom of Information Act or regulation 14 of the Environmental Information Regulations as appropriate. You can find more information on refusal notices contained in the guidance issued by the Commissioner which is available at:

[http://ico.org.uk/for\\_organisations/freedom\\_of\\_information/guide](http://ico.org.uk/for_organisations/freedom_of_information/guide)

I would also draw your attention to the guidance issued in respect of the time in which a response to a request for information should be provided.

[http://ico.org.uk/for\\_organisations/guidance\\_index/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/time-for-compliance-foia-guidance.pdf](http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/time-for-compliance-foia-guidance.pdf)

[http://ico.org.uk/for\\_organisations/guidance\\_index/~media/documents/library/Environmental info reg/Detailed specialist guides/time-for-compliance-eir-guidance.pdf](http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Environmental%20info%20reg/Detailed%20specialist%20guides/time-for-compliance-eir-guidance.pdf)

In the event of other, similar complaints, the Commissioner may consider taking enforcement action under section 52 of the FOIA.

Finally, you should be aware that the Information Commissioner often receives requests for copies of the letters we send and receive when dealing with casework. Not only are we obliged to deal with these in accordance with the access provisions of the DPA and the Freedom of Information Act 2000, it is in the public interest that we are open transparent and accountable for the work that we do.

For further advice on how to deal with information requests, please visit our website at [www.ico.org.uk](http://www.ico.org.uk), or you can contact me on the number below. Please quote the case reference number from the top of this letter.

Yours sincerely

Jim Dunn (01625 545673)

Case Officer

**Information Commissioner's Office**

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From: I  
Subject: Re: Great Crested Newts  
Date: 9 July 2014 15:48  
To: Joy Norris town.clerk@lincs.gov.uk

9th July  
2014

And that is the whole point.

My details were not redacted in the email sent out to councillors, and yet in the GCN evidence to the Local Plan inquiry the 'to' and 'from' and 'cc' sections were redacted. This is the detail that I suspect might hold the clues to how this email chain became a part of the council's official response to the local plan.

I take it from your reply that councillors are categorically stating that none of their names appear in those spaces or that they were involved in the presentation of this email chain. If it transpires that a councillor's name does appear there then that is not only misguided but also improper and illegal. It might be that they don't, but your later comments suggest otherwise! It is certainly very unusual for a Council not to have any record of what it considers important enough evidence to present, on behalf of its residents, to an official public inquiry as an official document. But then it is not unusual for this council because it has echoes of an earlier FOI request regarding the Lord Cameron plan for an eastern relief road for Shudrick Valley which the council also put forward as an official document and also has no record of how it got it, whether it was discussed by the council or why it was presented at meetings with the district council. ( please refer below to a new FOI request).

And yet you now admit that ' a Councillor was stopped in the street and told about the Newts and as a result it was agreed that they would be sent the relevant email chain which duly happened and was then included in the submission'

Is it not obvious to councillors that is the information I am seeking? Is that the correct procedure for the council to produce evidence for a local inquiry? Did the other councillors know about this? Was it discussed by the council?

I would like the name of the councillor involved, as it is obvious that information is available, I want to know when this was discussed by the town council to be included in its local plan evidence - and I want to know why councillors are trying to hide this information. I am not looking for a paper chain from councillors to you or anyone else, I want the information - that is what Freedom of Information is all about, and I want to bring this public interest issue out into the open.

If the council has nothing to hide, then why the prevarication?

I believe that, because of its stance over the Save Shudrick Valley Group - yes, please confirm to the mayor that IS the name of our campaign, after the valley - and because of my connection with the SSVG campaign, the council is deliberately withholding information from me, not for the first time, and is refusing to answer perfectly acceptable questions from a resident of a council which purports to 'represent the community'.

Thankyou for the information regarding the FOI complaints procedure. I am actually referring to making a complaint to the principal authority for continuing poor practice by this council, to me and to others, which cannot be allowed to continue. The council should take this as formal notice that is what I intend to do.

In the meantime, please quickly get back to me with the information I require regarding the GCN issue to complete my FOI request. As I said from the outset, the GCNs can be mitigated for, it is how this information, from the former 'affected' by the Canal Way direction of growth and her ally, her nextdoor neighbour, came to be in the hands of the town council as part of its local plan evidence. In that evidence no reference was made as to whom the two individuals actually were to identify them to the inspector, which was misleading.

#### New FOI request

From an earlier Freedom of Information request, I am in possession of an email from Cllr Carol Goodall to SSDC officer Jo Manley dated 2nd March 2011 which states 'when I spoke to one of the town councillors last night, he reminded me that a document relating to a possible south east link road had already been created .... The work in the document was commissioned by Lord Cameron and it offers two alternatives with regard to the road'.

In view of the similarity between this and the item above, ie the origins of important material falling into the hands of the council which is then used as official council documents, I would ask that you request councillors to think again about this matter and that the council produce the name of the councillor referred to. Some of the councillors of that time are still members of the council and should certainly have a recollection of this important matter. The importance is that the document was then used in discussions over the local plan and getting the council's eastern relief road and direction of growth moved to Shudrick Valley. I have twice previously asked for information on this issue. This information is not confidential. The issue is important and in the public interest over how it was introduced into the local plan.

I would remind you of an outstanding FOI request dated 9th June 2014

