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Has Judge's Strike-Out of Potto Council's Appeal been properly handled?

[RileyA Cooke](#) made this Freedom of Information request to [Potto Parish Council](#)

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Riley A Cooke 25 April 2023

Delivered

Dear Potto Parish Council,

I read that your Appeal EA-2022-0223 against providing some public information was Struck-Out by the Tribunal Judge and you were informed about this last December. But this important failure of Potto Councils policy has not been published so far in 2023. So I want to ask you for information:-

- 1) for the date the Tribunal informed you your Appeal was Struck-Out.
- 2) for a copy of the Clerks email (or similar) informing all Councillors the Appeal had failed.
- 3) for a copy of the email (or similar) the Council sent to the original information requester in order to comply with the now affirmed ICO decision notice.
- 4) for information to explain why this Judgement has not been included or shown on the January, February or March 2023 agenda or minutes.

A final word - I have been looking at quite a few of the Council's responses on this website and I find them often to be evasive and unhelpful and unlawful, which I think explains why this big failing was part of the condemnatory 2022 Public Interest Report. But I see you are claiming this big problem has now all been sorted out, so if it has, I expect to receive helpful and accurate responses to my information request - thanks very much in anticipation.

Yours faithfully,

Riley A Cooke

https://www.whatdotheyknow.com/request/has_judges_strike_out_of_potto_c#out

Link to this

Report

Auto-reply from PottoPC@btinternet.com, Potto Parish Council 25 April 2023

Thank you for Contacting Potto Parish Council;

We acknowledge receipt of your email and will endeavour to respond as soon as possible.

https://www.whatdotheyknow.com/request/has_judges_strike_out_of_potto_c#in

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Report

Potto Parish Council 9 May 2023

1 Attachment



Email to Requester.pdf

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Potto Parish Council

Mr Cooke,

Further to your request, Unfortunately you are somewhat misinformed, Potto Parish Council did not appeal against providing public information, it appealed against the FIOC changing the process half way through, after providing one set of instructions changing them to another without informing the parish council..

To answer your questions;

1. for the date the Tribunal informed you your Appeal was Struck-Out

PPC can confirm that it received the Decision Notice on the 23rd December 2022

2. for a copy of the Clerks email (or similar) informing all Councillors the Appeal had failed.

PPC can confirm that it does not hold any documents relating to this request

3. for a copy of the email (or similar) the Council sent to the original information requester in order to comply with the now affirmed ICO decision notice.

PPC have attached a copy of the email sent to the original requester.

4. for information to explain why this Judgement has not been included or shown on the January, February or March 2023 agenda or minutes.

PPC can confirm that there was an agenda item for any ICO business for each of the months you referred to in your request.

If you are not satisfied that we have complied with the Act in responding to your request, you have the right to request an internal review. Please contact us explaining what you would like us to review. If you are not satisfied with the internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.gov.uk/>.

Potto Parish Council

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Info still missing from Potto Council's meeting documents

Potto Parish Council

Mr Roger Alan Brisley FCA

Potto Parish Council

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⊖ Riley A Cooke 12 May 2023

✓ [Delivered](#)

Dear Clerk to Potto Parish Council,

I was seeking bits of information (thanks for sending most of it) so I could work out if you handled the rejection of your appeal properly.

You told me you knew about the rejection last December but you have not yet informed the Councillors (why delay?), you didn't contact the original requester until 8th May (why wait over four months?) and the rejection is not on any meeting minutes (why?). What's going on here?

So I conclude

(i) the appeal rejection was NOT properly handled.

(ii) that the Recommendations in the Public Interest Report about handling correspondence or information requests have not been sorted out – and this proves it.

(iii) that governance and accountability remains really dreadful at Potto Council, just as the audit or said.

Do you agree with my conclusion?

Yours faithfully,

Riley A Cooke (Mrs)

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⊖ Auto-reply from PottoPC@btinternet.com, Potto Parish Council 12 May 2023

Thank you for Contacting Potto Parish Council;

We acknowledge receipt of your email and will endeavour to respond as soon as possible.

⊖ Potto Parish Council 6 June 2023

Mrs Cooke,

Further to your question, Potto Parish Council can confirm that it does not agree with your conclusions.

(i) the appeal rejection was NOT properly handled.

The appeal was properly handled and to be clear, it was not about the content of the complaint rather about the change in processes made by ICO.

(ii) that the Recommendations in the Public Interest Report about handling correspondence or information requests have not been sorted out – and this proves it.

As per the PIR Action Plan, and as noted above the PIR recommendations have all been adopted.

(iii) that governance and accountability remains really dreadful at Potto Council, just as the audit or said.

This is a clear error on your part as the Auditor has never stated that Governance and Accountability is dreadful at Potto Parish Council.

It is clear therefore that your conclusions are inaccurate.

It was noted that you are not a resident of Potto Parish, and that you would appear to be misrepresenting yourself.

If you are not satisfied that we have complied with the Act in responding to your request, you have the right to request an internal review. Please contact us explaining what you would like us to review. If you are not satisfied with the internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.gov.uk/>.

Regards,

Potto Parish Council.

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⊖ Riley A Cooke 4 August 2023

? [Unknown](#)

Dear Clerk at Potto Parish Council,

(i) You accept your appeal was Struck Out by the Judge on 23 December 2022 as 'having no prospect of success'. You accept you didn't reply to the request or for over 4 months, when 20 days is the max legal time. You admit you still haven't informed Councillors of the appeal failure, which is also still not written on published minutes.

But you perversely claim this appeal was 'properly handled'. I see a journalist has picked up on my story <http://nyenquirer.uk/potto-post-pir-acco>, and raised concerns about your appeal handling.

If you really have any info to support your claim this appeal was 'properly handled' I'd like to know what it is.

(ii) You then say 'the PIR recommendations have all been adopted'. But this North Yorks Enquirer article has another Tribunal decision you lost - Judge Goodman (what a whizzo name!) determined the requester is not vexatious, nor the requests. The Judge also found your claim about vexatious was 'not in accordance with the law'. So any previous claims from 2016/19 are now overturned and annulled or void. If the 2022 PIR really had been properly sorted out, your unlawfulness couldn't have happened again – but the Judge said in June 2023 it did.

So we now know all your comments about whistle blowers vexatious behaviour are unlawful. I also guess libellous is a fair description.

(iii) You claim an 'error on my part'. The auditor said the 'identified weaknesses' [followed by a long list of 17 failings] are 'of sufficient significance to warrant a PIR'. I think all sensible and fair minded people would think that is 'really dreadful'

I see another article <http://nyenquirer.uk/worst-parish-council/>, says audit body SAAA published data that meant Potto Council was the worst out of 10,000 others for governance and accountability. I think this data supports my view.

I suggest it is 'a clear error on your part' to pretend all is well at Poto Council – nobody believes you anymore.

(iv) You then make insinuations about my address and that I am misrepresenting myself. You haven't provided any details to support these antagonistic claims – I kindly ask that you now do so.

Please treat this as a Subject Access Request for information you hold about me.

Yours faithfully,

Riley A Cooke

https://www.whatdotheyknow.com/request/has_judges_strike_out_of_potto_c#out

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Report

Auto-reply from PottoPC@btinternet.com, Potto Parish Council 4 August 2023

Thank you for Contacting Potto Parish Council;

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