

# Decision Notice 026/2020

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## 3G sports pitch revenue: failure to respond

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**Applicant: The Applicant**

**Public authority: South Ayrshire Council**

**Case Ref: 202000089**



Scottish Information  
Commissioner



## Summary

On 1 November 2019, the Applicant asked South Ayrshire Council (the Council) for information about 3G sports pitch revenue. This decision finds that the Council failed to respond to the request within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that the Council failed to comply with the Applicant's requirement for review within the timescale set down by FOISA.

## Background

Date	Action
1 November 2019	The Applicant made an information request to the Council.
	The Council did not respond to the information request.
4 December 2019	The Applicant wrote to the Council, requiring a review in respect of its failure to respond.
	The Applicant did not receive a response to his requirement for review.
16 January 2020	The Applicant wrote to the Commissioner's Office, stating that he was dissatisfied with the Council's failures to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
16 January 2020	The Council was notified in writing that an application had been received from the Applicant and was invited to comment on the application.
28 January 2020	The Commissioner received submissions from the Council. These submissions are considered below.

## Commissioner's analysis and findings

1. Section 10(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the request to comply with a request for information. This is subject to qualifications which are not relevant in this case.
2. It is a matter of fact that the Council did not provide a response to the Applicant's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
3. Section 21(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the requirement to comply with a requirement for review. Again, this is subject to qualifications which are not relevant in this case
4. It is a matter of fact that the Council did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.

5. The Council responded to the Applicant's requirement for review on 28 January 2020, so the Commissioner does not require it to take any further action in relation to the Applicant's application. He notes that the Council also apologised to the Applicant for its failures to respond.

## Decision

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The Commissioner finds that South Ayrshire Council (the Council) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by the Applicant. In particular, the Council failed to respond to the Applicant's request for information and requirement for review within the timescales laid down by sections 10(1) and 21(1) of FOISA.

The Commissioner does not require the Council to take any action in respect of these failures, in response to the Applicant's application, given that a review outcome was issued on 28 January 2020.

## Appeal

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Should either the Applicant or the Council wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

**Euan McCulloch**  
**Deputy Head of Enforcement**

**4 February 2020**



**Scottish Information Commissioner**

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