

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 3rd August 2005

Name of Public Authority: Oldham Metropolitan Borough Council

Address of Public Authority: Civic Centre
PO Box 33
West Street
Oldham
Lancashire
OL1 1UL

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 18th January 2005 and subsequently clarified on the 9th and 13th February 2005, the following information was requested from Oldham Metropolitan Borough Council (the "Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

Copies of car boot Sunday Attendance Sheets issued by council officers attending car boot sales within the Borough of Oldham

It is alleged that the Council have not provided the information requested.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

On 18th January 2005 the complainant requested copies of Sunday Attendance Sheets issued by council officers attending car boot sales. On 10th February 2005 the Council provided the complainant with copies of Sunday Attendance Sheets for the years 1998 to 2000. The complainant wrote to the Council on 9th and 13th February 2005 requesting copies of the Sunday Attendance Sheets for the years 2001 to 2004. On 14th February 2005 the Council informed the complainant that they did not hold this information. The Council subsequently satisfied the Commissioner that since

2000 it no longer utilises Council Inspectors to carry out inspections of car boot sales and therefore does not hold Sunday Attendance Sheets for the years 2001 to 2004.

(1) The Commissioner's decision is that the Council has complied with their duties under section 1(1) of the Act.

Section 1(1) states:

*"Any person making a request for information to a public authority is entitled:
a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
b) if that is the case, to have that information communicated to him".*

(2) In providing a response to the complainant's request by letters dated 10th and 14th February 2005, the Council has complied with section 10(1) of the Act.

Section 10(1) states:

"A public authority must comply with section 1(1) promptly and in any event no later than the twentieth working day following the date of receipt"

(3) The Commissioner has also considered whether the Council has complied with its duties under section 16 of the Act. Whilst the Council does not hold the information requested by the complainant, it has nevertheless endeavoured to provide some information concerning the particular car boot sale site of interest to the complainant.

Section 16 states:

"It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it"

The Commissioner is satisfied that the Council has complied with their duties under section 16 of the Act.

Action Required

In view of these matters the Commissioner does not require any remedial steps to be taken by the Council.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 3rd day of August 2005

Signed:

Richard Thomas
Information Commissioner

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF