

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 24th November 2005

Name of Public Authority: Nottingham City Council

**Address of Public Authority: Severns House
20 Middle Pavement
Nottingham
Nottinghamshire
NG1 7DW**

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on the 5th January the following information was requested from Nottingham City Council (the "Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"Will you please forward me the following documents?

Minutes of the meeting of the
CULTURAL AND COMMUNITY SERVICES STRATEGIC BOARD
DATED JULY 2001

These papers should include all the reports and documents contained therein
From Items (1) to Items 14 inclusive."

It is alleged that the Council did not respond to the request within 20 working days and that upon responding to the request, they did not provide all of the information requested nor a Refusal Notice for the information that was not provided.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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:

The Council responded to the complainant's request by letter dated 24th January 2005. They provided the minutes of the meeting within that letter. The complainant received the report requested, with some details redacted, by

Reference: FS50068396

letter dated 28th June 2005.

In failing to respond in full to the complainant's request dated 5th January 2005 until 28th June 2005, the Council did not deal with the request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Section 10(1) states "...a public authority must comply with section 1(1) promptly and in any event, not later than the twentieth working day following the date of receipt."

The Council further failed to provide a Refusal Notice in accordance with section 17 of the Act providing the exemptions upon which they wish to rely in not providing the redacted information.

Action Required

In view of the matters referred to above the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he requires that:

The Council shall, within 30 days of the date of this Decision Notice, –

Provide the information requested by the complainant in accordance with section 1(b) of the Act or issue the complainant with a Refusal Notice in accordance with section 17 of the Act detailing any exemptions that the Council feels apply and explaining how they apply. The Council shall also provide the Commissioner with a copy if such a Notice is issued.

Failure to comply

Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

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
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 6000 877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

Reference: FS50068396

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 24th day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF