



Information Commissioner's Office

Promoting public access to official information
and protecting your personal information

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 29 March 2006

Name of Public Authority: Llandysul Community Council
Address of Public Authority: Awel Gerrd
Llanfihangel-ar-Arth
Carmarthenshire
SA39 9HX

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states, on 29 March 2005 the complainant requested the following information from Llandysul Community Council (the "Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

Sight of:

1. The original request from the public requesting a street light at Rock Mill entrance Llysoed in Capel Dewi.
2. Evidence that local residents have requested the reinstatement of the light.

It is alleged that Llandysul Community Council did not respond to the request within 20 working days.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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 information request made by the Complainant, dated 29 March 2005, was responded to by the Council, by letter dated 16 April 2005, stating:

"it was the Council's decision not to discuss your letters dated 23 and 29 March, copies are to be forwarded to the Legal Department of One Voice Wales".

The Information Commissioner is satisfied that the Refusal Notice was not issued by the Council until the 16th November 2005. Further, the Refusal Notice was not issued until after intervention by the Information Commissioners office.

The Commissioner's decision, in this case, is that Llandysul Community Council has not dealt with the complainant's 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;

"Subject to subsection (2) and (3), a public authority must comply with section (1) promptly and in any event not later than the twentieth working day following the date of receipt."

Action Required

The complainant decided not challenge the content of the Refusal Notice. In view of these matters, the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by Llandysul Community 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 29th day of March 2006

Signed:

Phil Boyd
Assistant Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF