

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 22 April 2015

**Public Authority:** Newcastle under Lyme Borough Council

**Address:** Civic Offices  
Merrial Street  
Newcastle under Lyme  
ST5 2AG

#### **Decision (including any steps ordered)**

---

1. The complainant has requested information from Newcastle under Lyme Borough Council (the council) relating to a specified business premises. The council has responded to the request, but outside the specified time frame.
2. The Commissioner's decision is that the council has failed to comply with section 10 of the FOIA as the response was not provided within 20 working days.
3. As a response has now been provided, the Commissioner does not require the council to take any steps.

#### **Request and response**

---

4. On 6 October 2014, the complainant wrote to the council. Within the detail of the letter, he made the following request for information:

*"Please confirm (via e mail and via one of your solicitors) within 24 hours of this e mail being sent what action you have taken to prevent this unlawful and/or unauthorised [specified activity] taking place and if no action was taken by your Council then why not; in the absence of such confirmation it will be assumed no action was taken."*

5. The council responded on 12 March 2015. It provided information to answer the request.

## Scope of the case

---

6. The complainant contacted the Commissioner on 7 February 2015 to complain specifically about the council's delay in responding to his request. He asked the Commissioner to serve a decision notice.
7. The Commissioner considers the scope of this case to be to formally record the delay.

## Reasons for decision

---

8. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
9. The Commissioner's decision is that the council did not deal with the request for information in accordance with the FOIA. It breached section 10(1) of the FOIA by failing to provide a substantive response to the request to the request within the statutory timeframe of 20 working days.

## Other matters

---

10. The Commissioner notes that if the complainant is now dissatisfied with the council's response, the correct course of action is for him to request that the council conducts an internal review of its response.

## Right of appeal

---

11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**