

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 June 2016

Public Authority: Warwick District Council

Address: Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

Decision (including any steps ordered)

1. The complainant has requested information relating to complaints made about councillors.
2. The Commissioner's decision is that Warwick District Council (WDC) has breached section 10 (1) of the FOIA.
3. The Commissioner does not require the public authority to take any steps.

Request and response

4. On 3 August 2015, the complainant wrote to WDC and requested information in the following terms:

"I should like to request under the Freedom of Information Act 2000 to see the Warwick District Council register of complaints against Councillors over the last five years which includes the following: -

Case No and date of each complaint

Whether the complainant was an officer, another County, Town or District Councillor, an officer from another authority or a member of the public

How long each case took to conclude

The costs involved in each case

The outcome in each case

5. WDC responded on 4 August 2015 seeking clarification. It asked if the complainant wanted information made about District Councillors or the costs associated with complaints about Parish/Town Councillors as well. The complainant responded on 5 August advising she was requesting the information about both.
6. On 10 September 2015 WDC provided its response to the complainant. Following its response the complainant wrote again as some of the information was illegible and querying other parts of the response.
7. There then followed a series of emails between the parties asking follow up questions and providing clarification on those issues.
8. Following intervention by the Commissioner WDC provided further information. However, the complainant remained dissatisfied that the information had been provided 'piece-meal' and took several months.

Scope of the case

9. The complainant contacted the Commissioner on 22 December 2015 to complain about the way her request for information had been handled.
10. The Commissioner considers the scope of this case to be to determine if WDC has dealt with the request in accordance with the FOIA 2000.

Reasons for decision

11. Section 10(1) provides that:

"Subject to subsections (2) and (3), 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."

12. Section 1(1) provides that:

"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."

13. The request was made on 5 August 2015 and a response was not made until 10 September 2015. The Commissioner therefore finds that WDC breached section 10(1) in failing to respond within 20 working days.

Right of appeal

14. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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.
16. 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

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF