

Freedom of Information Act 2000

Decision notice

Date: 22 March 2017

Public Authority: Stafford Borough Council
Address: Civic Centre
Riverside
Stafford
ST16 3AQ

Decision (including any steps ordered)

1. The complainant requested information in relation to the accounts of Stafford Borough Council (the Council).
2. The Commissioner's decision is that the Council breached section 10(1) of the Freedom of Information Act 2000 (the Act) as it has not provided a response to the complainant.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Issue a response to the complainant under the Act.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. The complainant was engaged in correspondence with the Council about its accounts. In this correspondence he had asked a number of questions about the Council's accounts, and had previously received responses from the Council in reply to those questions.
6. On 20 September 2016, the complainant wrote to the Council and requested information in the following terms:

"Will you forward the breakdown of costs and time allocated for each licence under each heading below.

Hackney Carriage and Private Hire

Drivers' Licences

1. *(a) Dual 1 year licence*
2. *(b) Dual 3 year licence*
3. *(c) Medical examination fee*
(c1) Admin fee for medical
4. *(d) Criminal Records Bureau search*
5. *(e) Replacement Badge*
6. *(f) Replacement Licence*
7. *(g) Knowledge Test*
8. *(h) Knowledge Test resit*

Vehicle Licences

1. *(a) Each licence*
2. *(b) Administration fee for late production of vehicle insurance documents*
3. *(c) Annual licence condition compliance inspection*
4. *(d) Replacement Licence (copy)*

Vehicle Plates

- (a) Replacement internal and external*
- (b) Replacement inside plate.*

Vehicle Transfer Administration Fee

- (a) Transfer fee as new vehicle*

Private Hire Operator's Licence

- (a) Private Hire Operator's Licence (office base)*

Please provide how many licences or item were issued"

7. Without receiving any response from the Council, the complainant submitted a further request to the Council on 21 September 2016:

"STAFF HOURS

You say staff total hours are 30.05% based on 2.5 staff can you give a breakdown of how this is achieved and how you have proportioned these hours to each licence."

8. The complainant contacted the Council again on 10 December 2016 to enquire when he would receive his response. To date, the complainant has not received a response to his requests from the Council.
9. The Commissioner contacted the Council on 2 and 17 February 2017 to enquire when the response would be provided to the complainant's requests. The Council did not respond to the Commissioner.

Scope of the case

10. The complainant contacted the Commissioner on 21 December 2016 to complain about the way his request for information had been handled.
11. The Commissioner considers the scope of the case to be whether the Council has complied with section 10(1) of the Act.

Reasons for decision

12. Section 1(1) of the Act states that upon receipt of a request a public authority must confirm or deny whether information is held, and if that information is held it must be communicated to the requester.
13. Section 10(1) of the Act states that public authorities must comply with section 1(1) within 20 working days of receipt of the request.
14. The complainant was already in contact with a Council officer when he submitted the requests, so the Commissioner is satisfied that the requests have been received even if they were not acknowledged by the Council.
15. The Commissioner notes that the complainant did not specify in his requests that he was asking for the information under the provisions of the Act. However, whilst this would be helpful it is not essential for a request to be handled under the Act. The Commissioner also notes that the complainant informed the Council that he would go to the Commissioner if no response was received, which would have given due

warning that he intended to have his questions viewed as requests under the Act.

16. The twentieth working day for response to the complainant's requests was 18 and 19 October 2016 respectively. As the Council did not issue a response by these dates it has breached section 10(1) of the Act. The Commissioner requires the Council to issue a response to the complainant under the Act.

Right of appeal

17. 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 123 4504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

18. 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.
19. 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
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