

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 January 2018

Public Authority: Hartlepool Borough Council
Address: Civic Centre
Victoria Road
Hartlepool
Cleveland
TS24 8AY

Decision (including any steps ordered)

1. The complainant requested information about the number of times persons making an application for Planning Permission from the Hartlepool Borough Council ("the Council") had declared a connection to officers or elected Councillors of the Borough and for the Council's procedure when such an event occurs.
2. The Commissioner's decision is that the Council failed to provide a response within 20 working days and therefore breached Section 10 of FOIA.
3. As a response has now been issued, the Commissioner does not require the public authority to take any further steps.

Request and response

4. On 13 October 2017, the complainant wrote to the Council and requested information in the following terms:

On the planning application form it is asked

Are you currently employed by HBC

Are you related to any HBC employee

Are you related to HBC councillor

Are you a HBC councillor

What is your written procedure when yes is answered to any of the above questions

When has a yes been officially recorded and acknowledged apart from on the application form in the past year 12/10/16 -12/10/17 (broken down by month) [sic]

5. The Council responded on 20 November 2017 providing some information and stating that it did not hold information related to the last part of the request in recorded form.
6. The complainant contacted the Council again on 22 November 2017 to enquire about the delay in providing a response. The Council responded on 24 November 2017 accepting that there had been a delay and apologising to the complainant.

Scope of the case

7. The complainant contacted the Commissioner on 14 December 2017 to complain about the delay in the Council's response.
8. The Commissioner notified the Council, on 11 January 2018, that she had received a complaint about a late response. The Council responded on 12 January 2018 acknowledging the delay and reiterating its apology to the complainant.
9. The complainant contacted the Commissioner on 24 January 2018 to request a decision notice considering the Council's compliance with FOIA.
10. The Commissioner has therefore had to consider whether the Council handled the request in accordance with Section 10 of FOIA.

Reasons for decision

11. Section 10 of FOIA states that a request should be answered "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
12. From the information provided to the Commissioner in this case, it is evident that the Council provided the requested information on the 26th working day following the request – and therefore outside of the statutory timeframe of 20 working days. She has therefore found that the Council breached Section 10 of FOIA.

Right of appeal

13. 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

14. 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.
15. 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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF