

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

### **Decision notice**

**Date:** 14 September 2021

**Public Authority:** Newcastle City Council

**Address:** Civic Centre  
Newcastle upon Tyne  
NE1 8QH

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

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1. The complainant requested from Newcastle City Council ("the Council"), copies of specified communications between the Council and Adderstone Group and its representatives. By the date of this notice, the Council had not provided a substantive response to the request.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.

The Commissioner requires the Council to take the following steps to ensure compliance with the legislation:

- Issue a substantive response to the request in accordance with its obligations under the FOIA.
3. The Council 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

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4. On 24 May 2021, the complainant submitted an online request for information to the Council in the following terms:

*"Please provide me with all communication (written, electronic or phone records) since 2005 between Newcastle City Council and Adderstone Group (of Nelson House, Jesmond) or their appointed persons and/or Ian Baggett (Founder, CEO of Adderstone Group) regarding Jesmond Exchange, Manor Court in particular:*

- i) the bollards at the junction of Jesmond Gardens and Back Manor House Road*
- ii) access from Jesmond Exchange to Jesmond Gardens (or vice versa)*
- iii) fire safety of Jesmond Exchange*
- iv) any proposed changes to land under their ownership on Jesmond Gardens*
- v) further development of Jesmond Exchange outside of Jesmond Gardens*
- vi) changes to access to Jesmond Exchange"*

5. The Council wrote to the complainant on 25 May 2021 to acknowledge the request. It stated that:

*"Thank you for your request for information. We are dealing with it under the terms of the Freedom of Information Act 2000. We have passed your request to relevant colleagues who will respond within 20 working days starting the working day after receipt of your request."*

6. On 27 June 2021 and 15 July 2021, as the complainant had not received a response, he wrote to the Council to chase for a response. By the date of this notice, the Council had not provided a substantive response to the request.

## Scope of the case

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7. The complainant contacted the Commissioner on 23 July 2021 to complain about the Council's failure to respond to his request.
8. The Commissioner contacted the Council on 18 August 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. The Commissioner also contacted the complainant on 18 August 2021 to explain that the Council had been given 10 working days from 18 August 2021 within which to provide a response to their request.
10. By the date of this notice, the complainant had not received a substantive response to his information request.
11. The scope of this notice and the following analysis is to consider whether the Council has complied with Section 10 of the FOIA.

## Reasons for decision

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12. Section 1(1) of the FOIA states 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. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
14. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

## Right of appeal

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15. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

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

16. 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.
17. 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 .....**

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**