

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

### **Decision notice**

**Date:** 3 August 2022

**Public Authority:** Oxfordshire County Council

**Address:** County Hall  
New Road  
Oxford  
OX1 1ND

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

---

1. The complainant requested information relating to communications among council officers with regard to breaches of the Equality Act. By the date of this notice the Council had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
  - The Council must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Council must take this step 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 FOIA and may be dealt with as a contempt of court.

## Request and response

---

5. On 27 April 2022, the complainant wrote to the Council and requested information in the following terms:

"In the meantime, might I suggest you revisit the criteria upon which breaches occur, this highlighted in the full correspondence sent to the local representative ([redacted]) and deals with both individuals 'and' 'businesses' that suffer discrimination as result of local government policy.

The issuance of permits to guest houses and hotels within Quarry whilst denying these to other businesses within the same zone is discriminatory and breaches said Act.

The owner of QMC, his MP and others have on file correspondence from Council officers stating that: "QMC cannot be treated differently to other business", yet it sets policy that does exactly that.

It is the policy itself that in essence discriminates and by result the business and its owner.

I'm sure the owner of the business in this case will pursue the matter by way of an official complaint and if necessary, take the matter to the Ombudsman for adjudication.

The owner ([redacted]) has reached out to the Council on several occasions during the past year in an attempt to find a workable solution to save his business. He's asked for meetings with officers and elected representatives to discuss the plight of his business.

Even at this late stage he would be willing to sit down and discuss ANY possible options.

In preparation of the complaint on my return and to avoid 'further' unnecessary delay, could I request under a FOI request the following:

Copy of ALL documents and emails sent to and received by officers and elected representatives in regards the above matter."

6. To date, a substantive response has not been issued.

## Scope of the case

---

7. The complainant contacted the Commissioner on 12 July 2022 to complain about the Council's failure to respond to their request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

## Reasons for decision

---

9. Section 1(1) of 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."
10. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
11. On 15 July 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention the Council has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## 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: 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)

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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**