

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

### **Decision notice**

**Date:** 14 November 2022

**Public Authority:** Carterton Town Council  
**Address:** 19 Alvescot Road  
Carterton  
OX18 3JL

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

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1. The complainant requested information from Carterton Town Council (the council) about information held in regard to the use of the pavilion on Carterton Recreation Ground, as well as documentation relating to any infestations at the pavilion of Carterton Recreation Ground.
2. The Commissioner's decision is that the council breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

#### **Request and response**

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3. On 15 July 2022, the complainant made the following request for information:

"Please provide the information that CTC holds in relation to use of the pavilion on Carterton Recreation Ground regarding dates that it was used, the purpose of use and who it was used by since 1st January 2018.

Regarding the council's claim in the December 2021 edition of The Crier, that the pavilion is/was "infested with vermin", please provide copies of all evidence/documentation/communications relating to any such infestation, and all evidence/documents/communications relating to the eradication of such vermin, or any other remedial measures that might

have been taken to resolve the problem, as would be appropriate to comply with the trustees' health and safety obligations and their wider fiduciary duty of care. Please provide all information/communications relating to the success or failure of any action taken. (sic)"

4. The Council responded to the request for information on 27 October 2022.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 27 October 2022 to complain about the council's failure to respond to their request within the statutory time frame of FOIA.
6. 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**

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7. 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."
8. 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".
9. 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.

## Right of appeal

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10. 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)

11. 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.
12. 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**