

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 January 2023

Public Authority: Tameside Metropolitan Borough Council

Address: Tameside One
Market Place
Ashton under Lyme
OL6 6BH

Decision (including any steps ordered)

1. The complainant has requested information from Tameside Metropolitan Borough Council (the Council) about the decline of Droylsden Town Centre over the last 30 years. As of the date of this notice, the Council has not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has 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.
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 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 27 July 2022, the complainant made the following request for information to the Council:
 - 1) "What have Cllr. Cooney and his fellow Councillors been doing over the last ten, twenty, thirty years? in relationship to why

Droylsden Town Centre has been allowed to deteriorate into its present deplorable state – 'on their watch'.

- 2) Why should Cllr Cooney's present day Town Centre Vision for Droylsden prove to be more successful than Droylsden Town Team's 2013 Vision for Droylsden Town Centre in 2028?
- 3) Why did it prove impossible to house Droylsden Library Services in Droylsden precincts Concord Suite building?
- 4) Why weren't facilities for 'Prime Youth Club' provided in the Pensions Funds new library and community room?
- 5) Given that the Greater Manchester Pension Fund is the largest local authority pension scheme in the UK, with assets of £23 billion, as of 2018, and over 375,000 members :-

Why did Tameside Council use the following public assets to construct an office block in Droylsden for the Pension Fund?

£7 million and land giving away free of charge to the Council (value estimated at between £176K and £481K).

- 6) Why and when did Tameside Council's policy of selling off disused buildings change to a policy of demolishing disused buildings?
- 7) Why did Tameside Council waste public assets and Droylsden resident's time, in 2015 and 2021, consulting on the 'potential relocation of Droylsden Library' to the adjacent Greater Manchester Pension Fund building when Executive Cabinet report 'approved the relocation of Droylsden Library to the Pension Fund building' in 2013?
- 8) How does Tameside Council justify selling off public buildings and demolishing a large Ashton Town Centre Council building to make way for us constructing a multi-million pound Vision Tameside Phase two project incorporating a new Council Office which appears to have insufficient accommodation space for the Council's needs?
- 9) Why did Tameside Council put all its eggs in one 'Carillion Basket'?
- 10) Given that the Farley's Home Watch collapsed due to committee members relocating/ill-health – Cllr. Susan Quinn's above statement :- 'Your Home Watch scheme wants to keep improving the estate' - and that Cllr Mills lives on the Farley's Estate - Do Droylsden East Ward Councillors believe that they have a responsibility to form a new home watch and give present-day

Farley's Estate residents an opportunity to have a voice and part to play in the running of their own community and town centre?

11)

- a. Has Tameside Council completed a public accessible and comprehensive register of landlords in the borough?
- b. Has Tameside Council finished the process of examining what options are available to help improve the standards within the private rented sector in Tameside?
- c. Has Tameside Council decided on the next step after collecting and reviewing all the necessary evidence?
- d. Given that licensing private landlords benefits both home owners and tenants and that Selective Licensing will not happen on the Farley's Housing Estate; what powers/help can Tameside Council offered both home owners and tenants who encountered difficulties/problems from Private Landlords properties on our estate?

12) Why did the borough solicitor resort to such tactics to impede the ombudsman's investigation?"

6. The Council acknowledged receipt of the request for information on 3 August 2022 and provided the complainant with a reference number.

Scope of the case

7. The complainant contacted the Commissioner on 13 November 2022 to complain about the way their request for information had been handled.
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

Section 10 – time for compliance

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 3 December 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

Website: 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

Pamela Clements
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SK9 5AF