

# Decision Notice

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**Decision 063/2015: Mr Stephen Baker and Glasgow City Council**

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**Penalty Charge Notices for bus lanes: failure to respond within statutory timescales**

Reference No: 201500597

Decision Date: 26 May 2015



Scottish Information  
Commissioner

## Summary

On 4 February 2015, Mr Baker asked Glasgow City Council (the Council) for information about weekly breakdowns of the number of Penalty Charge Notices issued for a specified bus lane. This decision finds that the Council failed to respond to the request within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA). The decision also finds that the Council failed to comply fully with Mr Baker's requirement for review within the timescale set down by FOISA.

## Background

Date	Action
4 February 2015	Mr Baker made an information request to the Council.
	The Council did not respond to the information request.
5 March 2015	The applicant sent a reminder to the Council, stating that it had not responded to his request.
5 March 2015	An automated acknowledgement was sent to Mr Baker.
6 March 2015	Mr Baker wrote to the Council, requiring a review in respect of its failure to respond.
6 March 2015	An automated acknowledgement was sent to Mr Baker.
12 March 2015	Mr Baker was provided with an acknowledgement to his requirement for review.
25 March 2015	Mr Baker was provided with a response to his requirement for review.
25 March 2015	Mr Baker wrote back to the Council, pointing out that it had not provided him with the weekly breakdowns he had requested.
31 March 2015	Mr Baker wrote to the Commissioner's Office, stating that he was dissatisfied with the Council's failures to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
31 March 2015	The Council provided the missing information.
31 March 2015	Mr Baker notified the Commissioner that the Council responded on 31 March 2015 with the missing information, but still wanted an investigation to be carried out. Mr Baker explained he was dissatisfied with the Council's failure to respond to his request on time.
14 April 2015	The Council was notified in writing that an application had been received from Mr Baker and was invited to comment on the application.
28 April 2015	The Commissioner received submissions from the Council. These submissions are considered below.

## Commissioner's analysis and findings

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1. The Council acknowledged its failure to respond to Mr Baker's information request on time. It also acknowledged that the original review outcome failed to address Mr Baker's request fully.
2. Section 10(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the request to comply with a request for information. This is subject to qualifications which are not relevant in this case.
3. It is a matter of fact that the Council did not provide a response to Mr Baker's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
4. The Council responded to Mr Baker's requirement for review on 25 March 2015. However, the response failed to have regard to the terms of Mr Baker's request. As a result, the Council failed to comply with Mr Baker's requirement for review in accordance with section 21 of FOISA.
5. After Mr Baker reminded the Council about the terms of his request, the Council disclosed further information on 31 March 2015. Consequently, the Commissioner does not require it to take any further action in relation to Mr Baker's application.

## Decision

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The Commissioner finds that Glasgow City Council (the Council) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by Mr Baker. In particular, the Council failed to respond to Mr Baker's request for information within the timescale laid down by sections 10(1) of FOISA and to comply with Mr Baker's request for review in accordance with section 21 of FOISA.

The Commissioner does not require the Council to take any action in respect of this failure, in response to Mr Baker's application, given that a response has been issued.

## Appeal

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Should either Mr Baker or Glasgow City Council wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

**Rosemary Agnew**  
**Scottish Information Commissioner**

**26 May 2015**

**Scottish Information Commissioner**

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