

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 7th December 2005

Name of Public Authority: Llandudno Town Council

Address of Public Authority: Town Hall,
Lloyd Street,
Llandudno,
North Wales,
LL30 2UP

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint from the above person (the "complainant") which states that on 26 May 2005 the following information was requested from Llandudno Town Council under section 1 of the Freedom of Information Act 2000 (the "Act"):

"Information regarding the costs and receipts of ALL matters to do with the Town Twinning arrangements for the year 1 April 2004 until 31 March 2005".
"This information should include documentation indicating ALL payments OUT and ALL amounts RECEIVED from participants and organisations."

It is alleged that Llandudno Town Council did not respond to the request within twenty working days.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

In a letter to Llandudno Town Council dated 15th April 2005, the complainant requested "a full Account of all receipts and Payments in respect of Town Twinning broken down into each particular visit". Llandudno Town Council responded to this request in a letter dated 18th May 2005, refusing the request.

The complainant did not enter into correspondence with Llandudno Town Council regarding this decision or request any review.

On 26th May 2005 the complainant made a further request for “Information regarding the costs and receipts of ALL matters to do with the Town Twinning arrangements for the year 1 April 2004 until 31 March 2005”. “This information should include documentation indicating ALL payments OUT and ALL amounts RECEIVED from participants and organisations.”

The Commissioner regards the request of 26th May 2005 as a separate and new request for information.

The complainant has raised no complaint regarding the handling of the request of 15th April 2005 and, therefore, the Commissioner makes no comment upon the handling of that request.

The Commissioner’s decision is as follows:

Llandudno Town Council did not respond to the complainant’s request until 20 July 2005 and has therefore breached section 10(1) of the Act. Section 10(1) states:

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

The reason given to the Commissioner by Llandudno Town Council for failing to respond in time is that for a short period (during which time this request was received) Llandudno Town Council resolved after taking legal advice not to enter into any correspondence with the Complainant, whilst further legal advice was sought regarding the content of some of the communications received from him.

Action Required

In view of the fact that Llandudno Town Council responded to the complainant’s request on 20 July 2005 and subsequently provided copies of the information requested to the complainant, the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by Llandudno Town Council.

However the Commissioner has written to Llandudno Town Council emphasising the importance of timely compliance with the provisions of the Act, and making particular reference to the Commissioner’s Awareness Guidance on the time limits for compliance with requests.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Reference: FS50083727

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 6000 877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 7th day of December 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF