

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 July 2014

Public Authority: Commissioner of the Metropolitan Police
Service

Address: New Scotland Yard
Broadway
London
SW1H 0BG

Decision (including any steps ordered)

1. The complainant has requested information about events at a public house; to date he has not received a substantive response. The Commissioner's decision is that the Metropolitan Police Service (the "MPS") has failed to provide a response to the request within the statutory time frame of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. The MPS 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 the Act and may be dealt with as a contempt of court.

Request and response

3. On 25 March 2014, the complainant wrote to the MPS and requested information in the following terms:

"Under the Freedom of information Act (FOIA), I am requesting the recorded information held on complaints about Heritage Inn's crime, disorder, public nuisance and anti-social behaviour to the neighbourhood of Mapesbury in Brent over the past 2-years, which forms the basis of objection to their application to Brent Borough Council for a Temporary Event Notice (TEN) on 5th-6th April 2014.

The specific information requested are as follows:

Details of applicants who lodged complaints (as highlighted above), arising from the Heritage Inn under the Environmental Protection Act 1990;

Details of Local Police Officers who responded to and investigated complaints (as highlighted above), arising from the Heritage Inn under the Environmental Protection Act 1990;

Itemised list of date incidents of complaints (as highlighted above), arising from the Heritage Inn under the Environmental Protection Act 1990;

Itemised list of time of incidents of complaints (as highlighted above), arising from the Heritage Inn under the Environmental Protection Act 1990;

Details of Brent Police Station licensing department's crime, disorder, public nuisance and anti-social behaviour investigation procedure.

Summary of findings, conclusions and recommendations of complaints of crime, disorder, public nuisance and anti-social behaviour (respectively), arising from the Heritage Inn under the Environmental Protection Act 1990"

4. The MPS acknowledged the request on 11 April 2014. To date it has not issued a response.

Scope of the case

5. The complainant contacted the Commissioner on 18 June 2014 to complain about the way his request for information had been handled. He specified that he had yet to receive a response.
6. The Commissioner contacted the MPS on 3 July 2014 to ascertain whether or not a response had yet been sent; to date there has been no response.

Reasons for decision

7. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
8. From the information provided to the Commissioner in this case it is evident that the public authority did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

Other matters

9. The delay will be logged as part of the Commissioner's ongoing monitoring of the MPS.

Right of appeal

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: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: 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

Jon Manners
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Wilmslow
Cheshire
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