

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2015

Public Authority: Darlington Borough Council
Address: Town Hall
Feethams
Darlington
County Durham
DL1 5QT

Decision (including any steps ordered)

1. The complainant has made a request to Darlington Borough Council ("the council") for information relating to the mayoral lamp post and information requests. The council responded outside the time for compliance provided by section 10(1) of the Freedom of Information Act ("the FOIA").
2. The Commissioner's decision is that the council has breached the requirement of section 10(1).
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 1 October 2014, the complainant wrote to the council and requested the following:

"A, How much does the Mayoral Lamp Post cost?"

B, Is it the same one moved every year or is renewed? If so at what cost and what department's budget does it come from?"

C, If it works (lights up) could I please have the costs of electrification for each of the last 10 Mayors homes please with it broken down by address's and cost to each address?"

Moving on to late FoIA requests....

1, How many requests have you had since jan 1st 2014?

2, How many were answered within the prescribed time frame?

3, How many requestors were asked for extra time to complete their request?

4, How many were simply late and nothing done till an Internal Review was requested?

5, How many requests for internal revues have you had since Jan 1st 2014?

6, How many of these were through a FoIA request not answered within the legal time frame?"

5. The council provided a substantive response on 30 October 2014.

Scope of the case

6. The complainant contacted the Commissioner on 28 November 2014 to complain about the way his request for information had been handled.
7. The Commissioner considers the scope of this case is the determination of whether the council has complied with section 10(1).

Reasons for decision

Section 10(1) – Time for compliance

8. Section 10(1) requires that a public authority must issue substantive response within the time for compliance, which is 20 working days following the date on which the request is received.
9. In this case the Commissioner has identified that the council issued its response outside 20 working days, and therefore breached the requirement of section 10(1).

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: 0870 739 5836

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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF