

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 May 2021

Public Authority: Warwick District Council

Address: Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

Decision (including any steps ordered)

1. The complainant requested information from Warwick District Council ("the Council") relating to parking complaints within a specific area. By the date of this notice the Council had not provided a substantive response to the request.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council 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

5. On 20 January 2021, the complainant wrote to the Council and requested information in the following terms:

"I am making a formal FOI request to be answered within 20 working days and ask that it be logged dated and a reply given to me that it has been done so, thank you.

I make this request in two parts as follows in number 1 and 2.

(1) I ask for all copies of (emails, hard copy, microfilms, telephone, transcripts and verbal agreements) and outcomes of all meetings and discussions between Councillor Dave Skinner and WDC on parking issues and complaints brough [sic] about Weston Close Warwick CV34 4NW

(2) I ask for all copies of (emails, hard copy, microfilms, telephone, transcripts or verbal agreements) and outcome for all meetings and discussions between Councillor Dave Skinner and WDC about formal and written complaints brough [sic] to Dave Skinner about Western Close residents being placed in Off Street Parking Orders for 2012-2016-2020 and not being allowed their right to those orders. Along with complaints that the residents in Antelope Gardens were wrongfully charged for permits although included in the same order with no charge for permits. Also that residents were not being allowed free permits in Crompton Street although being in the same orders and members of the public being sold permits with no rights to permits and WDC charging residents included in Off Street Parking Orders for free. A matter we feel has the possibilities of fraud. Myself and [name redacted] have made a formal complaint to Dave Skinner to approach the Scrutiny Committee with our complaint so we request all information on the complaint Mr Skinner made to the scrutiny committee on our behalf and as requested already in this email this should include all electronic email, hard copy, microfilm, telephone transcripts, verbal agreements, outcomes of this complaint."

6. Whilst the Council did not acknowledge this request, the complainant has provided evidence which shows that the request was sent to a valid Council email address. Therefore, the Commissioner has assumed that the request was received by the Council.

Scope of the case

7. The complainant contacted the Commissioner on 1 March 2021 to complain about the Council's failure to respond to his request.
8. The Commissioner contacted the Council on 31 March 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. The Commissioner also contacted the complainant on 31 March 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
10. On 16 April 2021 the Council wrote to the Commissioner to ask for further time to respond to the complainant's request.
11. The Commissioner responded to the Trust on 29 April 2021 and asked the Council to provide a substantive response to the complainant within 5 working days.
12. On 1 May 2021 the Council wrote to the Commissioner to acknowledge her correspondence.
13. By the date of this notice, the complainant had not received a substantive response to his information request.
14. The scope of this notice and the following analysis is to consider whether the Council has complied with Section 10 of the FOIA.

Reasons for decision

15. Section 10 of the 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.

16. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

17. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

Right of appeal

18. 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@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. 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.
20. 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

[Name of signatory]

[Job title of signatory]

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF