

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 October 2023

Public Authority: Warrington Borough Council
Address: East Annexe
Town Hall
Sankey Street
Warrington
WA1 1UH

Decision (including any steps ordered)

1. The complainant requested information from Warrington Borough Council ("the Council") on 3 July 2023. By the date of this notice the Council had not issued a substantive response to the request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The Council must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner

¹ The Commissioner expects the Council to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 7 June 2023, the complainant wrote to the Council and requested information in the following terms:

"Please provide me with.

1. A copy of the dog breeding and pet selling licences in place immediately before the issuing of the dog breeding and pet selling licence issued on 5 July 2022 under reference BRO1PS32. In response to a previous request you have claimed that as the licence is no longer valid it is not relevant and refused to disclose it. Should you continue to maintain this position please explain exactly which parts of the FOIA you are relying on as grounds to withhold the previous licence.
 2. All correspondence in relation to the dog breeding licence issued by Fermanagh & Omagh District Council in the names of [names redacted]. Please note all correspondence includes correspondence with [names redacted] (the existence of the licence is a matter of public record so I do not believe S40 will apply), Fermanagh & Omagh District Council and any other party."
6. The Council responded on 3 July 2023 and refused to provide the requested information citing section 12(1) (cost limit) of FOIA as its basis for doing so.
7. On 3 July 2023, the complainant submitted the following refined request for information to the Council:

"I am extremely sceptical that the information requested regarding correspondence about the Fermanagh & Omagh District Council dog breeding licence would take so long to locate. However, if Warrington Borough Council's position is that their information management is so poor that they can readily identify correspondence on a specific matter then so be it. I withdraw that part of my request.

I still require a copy of the previous dog breeding licence as per part 1 of my request."

8. By the date of this notice, the Council had not provided the complainant with a substantive response to the request.

Reasons for decision

9. This reasoning covers whether the Council met its obligations under section 10(1) of FOIA when handling the complainant's request of 3 July 2023.
10. Section 1(1) of 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."
11. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
12. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request in accordance with FOIA.
13. The Commissioner finds that the Council has breached section 10(1) of FOIA by failing to respond to the request within 20 working days. It is now required to respond to the request in accordance with FOIA.

Right of appeal

14. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

15. 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.
16. 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

Ben Tomes
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF