

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 July 2024

Public Authority: Manchester City Council
Address: Town Hall Extension
Albert Square
Manchester
M60 2LA

Decision (including any steps ordered)

1. The complainant requested information from Manchester City Council ("the public authority") pertaining to claims made about damage to vehicles caused by potholes.
2. The Commissioner's decision is that the public authority breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 6 March 2024, the complainant wrote to the public authority and requested information in the following terms:

"Pothole Damage Claims

- I. The total number of claims made to the council relating to compensation for damage to vehicles caused by potholes.
- II. The total number of claims successfully defended by the council.
- III. The total number of claims unsuccessfully defended by the council.
- IV. The total number of claims settled before any court action ('out of court').
- V. The total amount of compensation paid for unsuccessfully defended claims and claims settled 'out of court'.

Please supply this information for the financial years:

- 2021 – 2022
 - 2022 – 2023
 - 2023 – date the data is extracted.”
5. The public authority responded on 28 June 2024 and provided the requested information. Though, confusingly, it labelled its response as an “internal review.”

Scope of the case

6. The complainant has confirmed that they are satisfied with the information they have now received, but wish to have the late response formally recorded.

Reasons for decision

7. 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.”

8. 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”.
9. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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.

**Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**