

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 April 2015

Public Authority: Oxford City Council
Address: St Aldates Chambers
St Aldates
Oxford
OX1 1DS

Decision (including any steps ordered)

1. The complainants have requested information relating to a planning application.
2. Oxford City Council (OCC) failed to respond to this request for information and the Commissioner's decision is that in doing so OCC breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires OCC to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
4. OCC 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 30 December 2014, the complainants wrote to OCC and requested information in the following terms:

"We request under the Freedom of Information Act that Oxford City Council provide us with the following information in connection with the above planning application:-

1) All correspondence between OCC & [name redacted] relating to plans etc. re letters/fax/email from the date of submissions to date.

2) A copy of the OCC Planning Officer's report to the Planning Committee.

The above information is requested in HARD COPY and is required in the connection with our appeal and may be used in our submission to the Government Planning Inspector."

6. At the time of writing OCC had failed to respond substantively to the request.

Scope of the case

7. The complainants contacted the Commissioner on 10 February 2015 to complain about the failure of OCC to respond to their request.

Reasons for decision

8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case OCC has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Right of appeal

11. 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: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

12. 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.
13. 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

Rachael Cragg
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SK9 5AF