

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 November 2018

Public Authority: Rushcliffe Borough Council
Address: Rugby Road
West Bridgford
Nottingham
NG2 7YG

Decision (including any steps ordered)

1. The complainant has requested information pertaining to Rushcliffe Council's (the Council) decision to add the White Horse Inn public house in Ruddington to their list of Assets of Community Value.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and therefore breached section 1(1)(a), section 1(1)(b) and section 10(1).
3. As a response has now been issued, the Commissioner does not require any further steps to be taken.

Request and response

4. On 22 August 2018, the complainant wrote to the Council and requested information in the following terms:

"The White Horse Inn public house in Ruddington was recently nominated as an Asset of Community Value

(ACV). Rushcliffe Borough Council accepted that nomination and listed the White Horse Inn as an ACV.

I would be grateful if you would provide copies of the following documents relating to the Council's acceptance of the White Horse Inn in Ruddington:

(1) Any objection or other representations received by Rushcliffe Borough Council by, or on behalf of, the owner or any third party before the Council made its decision to accept the White Horse Inn ACV nomination;

(2) Copies of any correspondence from Rushcliffe Borough Councillors, whether in support of, or in opposition to, the nomination before the acceptance of the ACV nomination of the White Horse Inn;

(3) A copy of the original ACV nomination for the White Horse Inn and any supporting documentation;

(4) A copy of the Rushcliffe Borough Council's internal ACV nomination assessment schedule showing where the ACV nomination for the White Horse Inn (i) did meet the requirements of the Localism Act 2011 and the

Regulations 2012 and (ii) did not meet the requirements of the Act and the Regulations and why;

(5) A copy of minutes for any Committee, departmental or ACV panel meeting at which the ACV nomination for the White Horse Inn was raised, discussed or decided."

5. The Council responded on 21 September 2018 and explained that the reason for the delay was due to an internal system issue.
6. On 25 September 2018 the complainant expressed his dissatisfaction with the Council's response to his request.
7. The complainant contacted the Commissioner on 3 October 2018 to complain about the delays encountered at the council regarding his request for information.
8. On 18 October 2018 the Council provided the complainant with information relating to his request.

Scope of the case

9. The complainant further contacted the Commissioner on 31 October 2018 to confirm the the information sought had been provided. However, the complainant remained dissatisfied as the information was disclosed outside of the statutory timeframe and he requested a decision notice for the delay.
10. The following analysis covers whether the Council breached with section 10(1) (time for compliance) of the FOIA.

Reasons for decision

Section 10 – time for compliance

11. Section 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."

12. Section 10 of the FOIA states that:

"a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt".

13. In this case the request was made on 22 August 2018 and the Council responded on 18 October 2018. From the evidence presented to the Commissioner in this case, in failing to provide the information within 20 working days, the Council has breached section 1(1)(a), section 1(1)(b) and section 10(1).
14. As the Council has now issued a response to the request, the Commissioner does not require it to take any further steps.

Right of appeal

15. 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

16. 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.
17. 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
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Cheshire
SK9 5AF