

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 March 2019

Public Authority: East Riding of Yorkshire Council
Address: County Hall
Beverley
HU17 9BA

Decision (including any steps ordered)

1. The complainant has requested information from East Riding of Yorkshire Council (the Council) in relation to a policy change to "*The Licensing Policy Hackney Carriage and Private Hire Services 2016-2019*".
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and therefore breached Section 10(1) of the FOIA.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with the FOIA.
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 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 21 January 2019, following correspondence with the Council, the complainant requested information in the following terms:
"Please, can we request under FOI Act 2000, to have all new information held by your council on your statement to the LGO that a final decision was made on 04/12/18 and was the amendments made this policy change to your statutory Taxi Policy of 2016-2019."
6. On 27 February 2019, the Commissioner contacted the Council to remind it about its obligations to respond to the complainant's request.
7. On 1 March 2019, the Council wrote to the Commissioner and asserted that it had already provided the complainant with a response to their request. In this correspondence, the Council attached a copy of its response to the complainant.
8. On 8 March 2019, the Commissioner contacted again the Council explaining that the response to this request did not fully comply with relevant provisions of the FOIA. Therefore the Commissioner extended the deadline to provide the complainant with a valid response to their request for information.
9. The Council had failed to provide a substantive response to the request by the date of this notice.

Scope of the case

10. The complainant contacted the Commissioner on 25 February 2019 to complain about the way his request for information had been handled.
11. On 26 March 2019, the complainant confirmed that no response had been issued by the Council in the meantime.
12. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

13. Section 1(1) provides 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."

14. Section 8(1) of the FOIA states:

"In this Act any reference to a 'request for information' is a reference to such a request which –

(a) is in writing,

(b) states the name of the applicant and an address for correspondence, and

(c) describes the information requested."

15. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

16. Section 10(1) provides that:

"Subject to subsections (2) and (3), 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."

17. The request was submitted on 21 January 2019 and a valid response has not yet been provided. The Commissioner therefore finds that the Council breached section 10(1) in failing to respond within 20 working days.

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@hmcts.gsi.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

Ben Tomes
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