

**Freedom of Information Act 2000 (FOIA)  
Environmental Information Regulations 2004 (EIR)**

**Decision notice**

**Date:** 21 October 2019

**Public Authority:** Worcester City Council  
**Address:** The Guildhall  
High Street  
Worcester  
WR1 2EY

**Decision (including any steps ordered)**

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1. The complainant has requested information from Worcester City Council ('the Council') relating to land used for a development.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - The Council must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council 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 Act and may be dealt with as a contempt of court.

**Request and response**

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5. On 1 July 2019, the complainant wrote to the Council and requested information in the following terms:

*"Dear Worcester City Council,*

*Please can I request the complex and detailed study in relation to this development.*

*Please can I also have copies of any documents or email communications in relation to this development.*

*Please can I receive any documentation or emails in relation to the purchase of part of the land for this development, including any business case. You may exclude the minutes from the policy and resources committee as these are farcical.*

*Please can you detail the justification for making the decision in relation to the land purchase a 'behind closed doors' decision.*

*Please also can you detail any elected members and/or council employees involved with planning with a connection to Worcester Hockey Club or Royal Grammar School (either personal or professional).*

*Please can you advise whether the cost of the green belt land purchase has been factored into the cost of the loan interest?"*

6. The Council did not acknowledge this request.
7. On 30 August 2019 the complainant contacted the Council informing it that he had not received a response and asked for an update.
8. On 6 September 2019 the complainant asked the Council again for an update as he had not received a response to his request.

### **Scope of the case**

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9. The complainant contacted the Commissioner on 6 September 2019 to complain about the Council's failure to respond to his request.
10. The Commissioner contacted the Council on 1 October 2019 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
11. The Commissioner's email to the Council was undeliverable. A further email to the Council via a separate email address was also undeliverable.

12. On 3 October, the Commissioner wrote to the Council using an alternative email address. Her correspondence was neither acknowledged nor responded to. A follow up phone call and message also failed to elicit a response.
13. The Commissioner also contacted the complainant on 3 October 2019 to explain that the Council had been given 10 working days from 3 October 2019 within which to provide a response to their request.
14. The scope of this notice and the following analysis is to consider whether the Council has complied with Section 10 of the FOIA.

### Reasons for decision

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15. Section 1(1) of the 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.*

16. The Commissioner considered that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.
17. Section 10 of the FOIA states that responses to requests made under the Act must be provided, *'promptly and in any event not later than the twentieth working day following the date of receipt.'*
18. The Council did not respond to the request, nor did it acknowledge receipt of the request.
19. The Council did not respond to the Commissioner's correspondence of 3 October 2019. There had not been any clarifications regarding whether any responses or acknowledgements were issued.
20. The Commissioner has no reason to believe that a response was issued within 20 working days of receipt of the request. Therefore, her decision is that the Council has breached section 10 of the FOIA.

## Right of appeal

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21. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

22. 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.
23. 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**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**