

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated 5<sup>th</sup> July 2005

**Name of Public Authority:** Hull City Council  
**Address of Public Authority:** Guildhall  
Hull  
HU1 2AA

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 4 January 2005 the following information was requested from Hull City Council (the "Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

- "Copies of all the registers of officers' interests held by the council."
- "Copies of all the documents relating to the decision and authorisation to acquire the large TV screen in King Edward Street, Hull, last year."
- "All documentation relating to the booking of the cabinet room on December 9 last year."
- "A full list of social bookings for the above room over the last two years."
- "Copies of correspondence between the district auditor and the council chief executive into the investigation into the conduct of chief legal officer Margaret Taylor."
- "Copies of all the reports drawn up by the council relating to the operation of the register of officers' interests in the last six years and any reports on the role of Mrs Taylor in its operation."

It is alleged that:

- (1) The Council failed in its duty to provide the complainant with adequate advice and assistance.
- (2) The Council did not respond to a request within the statutory time limit.

#### **The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

(1) On several occasions the complainant wrote to seek clarification of the information that the Council was going to supply in response to his request. In terms of offering advice and assistance to the complainant the Commissioner has decided that the Council complied with their duties under section 16(1) of the Act. Section 16(1) states:

“It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made requests for information to it.”

(2) The Council responded to different aspects of the complainant’s request on 17 January, 21 January and 28 January. In doing so the Commissioner has decided that the Council complied with their duties under section 1(1) and section 10(1) of the Act. Section 1(1) states:

“Any person making a request 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.”

Section 10(1) states:

“...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.”

### **Action Required**

In view of the matters referred to above the Commissioner hereby gives notice that he does not require any remedial steps to be taken by Hull City Council in relation to the complainant’s request.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 277
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 5th day of July 2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF