

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 February 2013

Public Authority: Cheshire West and Chester Council
Address: HQ Building
58 Nicholas Street
Chester
CH1 2NP

Decision (including any steps ordered)

1. The complainant has requested information relating to any individuals paid via a company set up for tax purposes. The Commissioner has decided that Cheshire West and Chester Council (the Council) breached section 10(1) of FOIA by failing to issue a response within the statutory time limit of 20 working days. No further action is required to be taken as a result of this notice.

Request and response

2. On 25 May 2012 the complainant wrote to the Council and requested information in the following terms:
 - 1) *The total number of people who hold/have held a management position, for any given period within the last 3 years who are/were paid via a specifically formed company for tax purposes.*
 - 2) *The names of the individuals, the positions they held and the name of the company the council paid for their services.*
3. The Council acknowledged receipt of the request on 29 May 2012.
4. In the absence of a substantive response, the complainant wrote to the Council again on 27 June 2012 and asked it to carry out a review of its handling of his requests. The Council subsequently completed a review, the findings of which were provided to the complainant on 23 July 2012. Among other things, the review found that the Council had breached

section 10(1) of FOIA due to the delay in responding and required the Council to deal with the request within the next 15 working days.

5. The Council's response to the requests was provided on 1 October 2012. This said that the Council did not hold the information asked for by the complainant.

Scope of the case

6. The complainant contacted the Commissioner on 9 October 2012 to complain about the delay associated with the Council's handling of his requests.

Reasons for decision

Section 10 – time for compliance

7. Section 10(1) of FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
8. It has come to the Commissioner's attention that the Council did not respond to the requests within the statutory time limit. He has therefore found that the Council breached section 10(1) of FOIA.

Right of appeal

9. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

10. 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.
11. 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF