

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 27 June 2013

**Public Authority:** Norwich City Council  
**Address:** City Hall  
St. Peter's Street  
Norwich  
NR2 1NH

#### Decision (including any steps ordered)

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1. The complainant has requested information related to the fees and costs associated with an application to build a driveway at 9 Birkbeck Road, Norwich. Norwich City Council ("the council") has not responded to the request.
2. The Commissioner's decision is that the council has breached section 10 of the FOIA by failing to reply to the requests within 20 working days.
3. The Commissioner requires the council to take the following step to ensure compliance with the legislation.
  - Respond to the request in accordance with the obligations under 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

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5. On 11 April 2012, the complainant wrote to the council and requested information regarding 9 Birkbeck Road in the following terms:

*"In January 2009 permission was given to construct a driveway. A road opening permit was needed and has not been applied for. [redacted name] knew this but he continued for three years to prolong and distort all inquiries by myself and others by withholding this vital information. Under the freedom of information act I want to know the total cost to the taxpayer for the processing of this application and all*

*related costs incurred by [redacted name] in dealing with enquiries to this matter since January 2009."*

6. The council acknowledged receipt of this request on the 11 April 2012, but did not provide the requested information.
7. The complainant requested the information again on the 15 August 2012.
8. The council acknowledged receipt of this request on the 15 August 2012, but again did not provide the requested information.

### **Scope of the case**

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9. The complainant contacted the Commissioner on the 9 December 2012 to complain about the way his request for information had not been responded to.
10. The Commissioner contacted the council on 20 February 2013 and requested that a response to the request be provided within 10 working days.
11. The complainant subsequently informed the Commissioner on the 10 March 2013 that they had received no response.

### **Reasons for decision**

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12. Section 10 of FOIA requires that an information request should be responded to within 20 working days of receipt. In this case a response was not provided. The council, therefore, breached section 10 of the FOIA in relation to the complainant's request.

## Right of appeal

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13. 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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

14. 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.
15. 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 – Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**