

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 May 2013

Public Authority: Bath & North East Somerset council

Address: The Guildhall
High Street
Bath
BA1 5AW

Decision (including any steps ordered)

1. The complainant has requested Bath and North East Somerset council (council) records on the conviction or any legal or formal proceedings taken against dog owners in regards to acts of dog fouling and/ or nuisance dogs in the "BATHNES" area for dates ranging from the year 2000 to present day.
2. The Commissioner's decision is that the council has breached section 10 of the FOIA in failing to respond to the request within the 20 working day timeframe from receipt. As the council has now responded, the Commissioner does not require any steps to be taken.

Request and response

3. On 4 February 2013, the complainant wrote to the council and requested information in the following terms:

"I herein formally request full disclosure of the councils records on the conviction or any legal or formal proceedings (including issuing fines) taken against dog fowlers [sic], dog owners in regards to acts of dog fouling and/or nuisance dogs in the BATHNES area for dates ranging from year 2000 to present day. I request that these records be disclosed in the public interest. I also ask that any fines issued by the council that fall within the above date range be listed in human readable format such as; date of fine issued, number of fines, amount of fine in British Pounds Sterling."

4. The council acknowledged receipt of the information request on 12 February 2013 advising that it would respond within the 20 working day timeframe.

Scope of the case

5. The complainant contacted the Commissioner 19 March 2013 to complain that the council had not responded to his information request.
6. The Commissioner contacted the council on 9 April 2013 in regards to non-response of the information request.
7. The council responded to the Commissioner acknowledging the delay and advised a response had been sent to the complainant on 4 April 2013.
8. The complainant informed the Commissioner that he wanted a decision notice to be served due to the length of time it took the council to provide the information.

Reasons for decision

9. Section 10 of FOIA states that an information request should be responded to within 20 working days following the receipt. In this case, a response was not provided until over 2 months following the initial request receipt. Therefore, the council breached section 10 of the FOIA in relation to the complainant's request.

Right of appeal

10. 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

11. 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.
12. 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
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