

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 October 2014

Public Authority: Canterbury City Council
Address: Council Offices
Military Rd
Canterbury
CT1 1YW

Decision (including any steps ordered)

1. The complainant has requested information relating to the revoking of a street trading licence. Canterbury City Council (the "council") responded but did not provide all the relevant information it held. During the Commissioner's investigation the council disclosed further information to the complainant.
2. The Commissioner's decision is that Canterbury City Council failed to provide the requested information within 20 working days and breached section 10(1) of the FOIA.
3. The Commissioner does not require the public authority to take any steps.

Request and response

4. On 23 December 2013, the complainant wrote to Canterbury City Council (the "council") and requested information in the following terms:

"If the Council decides to revoke a street trading licence, how would it undertake such a task?

Please give as much details as possible and let me know if the trader affected is able to trade until the conclusion of the appropriate stages."
5. The council responded on 22 January 2014. It directed the complainant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
6. Following an internal review the council wrote to the complainant on 18 February 2014. It stated that it had answered the complainant's questions in previous correspondence and upheld its handling of the request.

Scope of the case

7. On 8 May 2014 the complainant contacted the Commissioner to complain about the way their request for information had been handled.
8. During the Commissioner's investigation the council provided a further response to the complainant which disclosed additional information.
9. The Commissioner agreed with the complainant that his investigation would consider whether the council had provided the requested information within the statutory time limit.

Reasons for decision

Section 10(1) – time for compliance

10. Section 10(1) of FOIA states that:

"...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."

11. In this case the request was submitted on 23 December 2013 but the council did not provide all the relevant held information until 13 June 2014.
12. The Commissioner finds that the council has breached section 10(1) of the FOIA as it did not provide all the information it held within 20 working days.

Right of appeal

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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF