

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 June 2015

Public Authority: Petersfield Town Council
Address: The Town Hall
Heath Road
Petersfield
GU31 4EA

Decision (including any steps ordered)

1. The complainant has requested information relating to lease and rent agreements for local sporting facilities. By the date of this notice the Council had yet to respond to the request. The Information Commissioner's decision is that the Council breached section 10 of the FOIA in that it has failed to provide a response to the request within the statutory timescale.
2. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation:
 - Issue a response to the request under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
3. The Council must take these steps 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

4. On 26 March 2015, following on from previous correspondence, the complainant wrote to the Council and made the following request for information:

"1) We wish to request under the FOIA copies of all documents, including letters, emails and meeting notes sent from PTC to the VOA

during the review of the rent to be charged to Petersfield RFC for its pitches and clubhouse in the rent review of 2014.

2) We wish to request under the FOIA copies of all documents, including letters, emails and meeting notes sent from PTC to the VOA during the review of the rent to be charged to Petersfield RFC for its pitches and clubhouse in the rent review of 2009.

3) We wish to request under the FOIA copies of all documents, including letters, emails and meeting notes sent from PTC to the VOA during the review of the rent to be charged to Petersfield RFC for its pitches and clubhouse in the period leading up to signing of the 2004 lease.

4) We wish to request under the FOIA the figures for the rent and/or lease of sports pitches to the different sports clubs in Petersfield in the 2014/5 season, and the 2013/4 season.

5) We wish to request under the FOIA the figures for the rent and/or lease of sports pavilions or clubhouses to the different sports clubs in Petersfield in the 2014/5 season and the 2013/4 season.

6) Wish to request under the FOIA the amount spent by PTC on legal fees to MacDonald Oates since July 2013 dealing with the dispute with Petersfield RFC."

5. The complainant did not receive a response to the request.

Scope of the case

6. The complainant contacted the Commissioner on 11 May 2015 to complain about the way his request for information had been handled.
7. The Commissioner wrote to the Council on 11 May 2015 to remind it of its obligations in respect of such requests and asking it to respond to the complainant. The Council confirmed receipt of the letter.
8. On 15 June 2015 the complainant confirmed to the Commissioner that he had received neither a response to the request nor a refusal notice from the Council.

Reasons for decision

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

1(1) 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.

10. Section 10(1) of the 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. From the information provided to the Commissioner it is evident that the Council did not respond to the complainant within the statutory timeframe in respect of this request.
12. The Commissioner's decision is that the Council did not deal with the request for information in accordance with the FOIA. It breached section 10(1) of the FOIA by failing to provide a substantive response to the request or a refusal notice within the statutory timeframe of 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

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF