

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 August 2017

Public Authority: Worth Matravers Parish Council

Address: Highlands
Haycrafts Lane
Swanage
Dorset
BH19 3EE

Decision (including any steps ordered)

1. The complainant has made a request to Worth Matravers Parish Council ("the Council") for information about an applied speed limit. The Council responded outside of the time for compliance provided by section 10(1) of the Freedom of Information Act ("the FOIA").
2. The Commissioner's decision is that the Council has breached section 10(1).
3. The Commissioner does not require the public authority to take any steps.

Request and response

4. On 9 December 2016, the complainant wrote to the Council and requested information in the following terms:

I would like to make a request for all correspondence regarding the Harmans Cross 30mph limit you hold, specifically but not limited to the information held backing up your claims it "had been discussed for 3 years prior to its installation and was supported by 90% of the

residents".

Please also provide records showing what was released to the Purbeck Gazette showing how the "matter was publicised in the Purbeck Gazette" please also provide financial records showing costs involved in any of these matters.

You say that communications were slipped through residents' letterboxes please provide financial records and the name of the company you used for the targeted mail drop if this is not available then please provide the coverage map of the letterbox drop and how this was effectively targeted at ALL residents.

5. The Council did not issue a response.

Scope of the case

6. The complainant contacted the Commissioner on 27 February 2017 to complain that he had not received a response to his request. The ICO contacted the Council on 21 March 2017 to advise it of its obligations under the FOIA. Following this contact, the Council then provided a response to the complainant on 26 March 2017. The complainant subsequently asked the Commissioner to issue a decision notice on whether the Council had complied with section 10(1).
7. The Commissioner considers the scope of this case to be the determination of whether the Council has complied with section 10(1).

Reasons for decision

Section 10(1) – Time for compliance with request

8. Section 10(1) states that:

Subject to subsections (2) and (3), 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.

9. In this case, the evidence available to the Commissioner indicates that the request was received on 9 December 2016 at the email address used by the Council. However a response was not provided until 26 March 2017.
10. On this basis the Commissioner finds that the Council has breached section 10(1).

Right of appeal

11. 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

12. 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.
13. 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
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