

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 August 2018

Public Authority: Staffordshire County Council
Address: 1 Staffordshire Place
Stafford
ST16 2DH

Decision (including any steps ordered)

1. The complainant requested information relating to the erection of concrete bollards at a particular address.
2. The Commissioner's decision is that Staffordshire County Council (the Council) has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. As a response has now been provided, the Commissioner does not require the Council to take any steps.

Request and response

4. On 11 January 2018, the complainant wrote to the Council and requested information in the following terms:

"Firstly the full information in relation to who requested and authorised the erection of the concrete bollards on the grass verge in front of the property known as [content redacted]."

As requested previously, in paragraph three of your letter to me dated 3 November 2017 you state/claim that the bollards were erected in error due to 'A neighbouring residents request', I again ask you to confirm under the Freedom of Information Act the full name and address of 'The neighbour' to which you make reference.

I wish to receive copies of all email and handwritten documentation relating to this matter which I am entitled to see under the Freedom of Information Act."

5. As the complainant had not received any reply from the Council, he wrote to them again on 5 March 2018 to request an internal review.
6. On 13 March 2018 the Council apologised for the delay and provided their substantive response to the request.

Scope of the case

7. The complainant contacted the Commissioner on 20 March 2018 to complain about the Council's handling of his request for information.
8. Having exhausted the Council's internal review process, the complainant contacted the Commissioner again in July 2018 and requested the Council's failure to respond to his request within the statutory time frame was formally recorded.
9. The scope of this decision is therefore to consider the Council's compliance with section 10 of the FOIA.

Reasons for decision

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

"Any person making a request for information 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."*

11. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
12. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Council breached section 10(1) by failing to respond to the request 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

**Ben Tomes
Team Manager
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Cheshire
SK9 5AF**