

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 February 2021

Public Authority: Stockport Metropolitan Borough Council

Address: Fred Perry House
Edward Street
Stockport
SK1 3UR

Decision (including any steps ordered)

1. The complainant requested information from Stockport Metropolitan Borough Council ("the Council") relating to the collection of garden waste.
2. The Commissioner's decision is that the Council failed to respond to the requests within 20 working days and therefore breached section 10 of the FOIA.
3. No steps are required.

Request and response

4. On 5 September 2020, the complainant wrote to the Council and requested information relating to the Council's decision to suspend the collection of garden waste. This request stated the following:

"Can you please confirm who took this decision? I appreciate we are in difficult times but sometimes I think only minority are heard. I am a bit confused. Surely staff who do the green bins do not also do gardening which I would imagine is a skilled role? How much has the cost of waste collection been reduced by this

measure, the closure of tips and the reduction in waste collection services over the past months?

You have reinstated blue bins. I really do not understand the logic. If anything I would have thought that with more people staying at home the brown bins would be fuller. I'm not sure we are producing loads of cardboard.

In addition you have entirely missed the point. You are saying the council has a backlog of gardening. Do you not think residents do as well? The decision is flawed as it seems to be based on a normal year. Can you please let me have a copy of the data showing these figures?"

5. On 7 September 2020, the complainant wrote to the Council and submitted a further request for information relating to the Council's decision to suspend the collection of garden waste. This request stated the following:

"The problem is communication. I have been told different things by so many people. Also my questions are not all being answered.

As I have explained I have already been through the complainants process. I understand from my local Lib-Dem councillor that they have challenged your decision. If I go to the ombudsman as your complaints sections suggests it will take months and I should be grateful if you could confirm what action he could take? Can you make decisions without challenge as you say? You do not mention the ombudsman.

How many complaints has the council received about this?"

6. The Council wrote to the complainant on 9 December 2020 to acknowledge the information requests.
7. On 11 December 2020, the Council wrote to the complainant again to provide her with a reference number for her information requests.
8. On 31 December 2020, as the complainant had not received a response, she wrote to the Council to ask for an update on the status of her requests.
9. The complainant contacted the Commissioner 17 December 2020 to complain about the Council's failure to respond to her request.
10. The Council provided the complainant with its response to her information requests on 18 January 2021.

Scope of the case

11. On 3 February 2021, the complainant contacted the Commissioner to request a decision notice considering the Council's compliance with the FOIA.
12. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

13. Section 10 of the 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.*
14. The Commissioner considers that the requests in question fulfilled the above criteria and therefore constituted valid requests for recorded information under the FOIA.
15. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
16. The Council did not provide a substantive response to the requests within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

Right of appeal

17. 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@justice.gov.uk

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

18. 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.
19. 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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Wycliffe House
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Wilmslow
Cheshire
SK9 5AF**