

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 July 2022

Public Authority: South Staffordshire District Council
Address: Wolverhampton Rd
Codsall
WV8 1PX

Decision (including any steps ordered)

1. The complainant requested information from South Staffordshire District Council ("the Council") about committee minutes regarding High Court action and the outcome of a High Court decision. By the date of this notice the Council has not issued a substantive response to this request.
2. The Commissioner's decision is that 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. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - the Council must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Council must take this step 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

5. On 21 April 2022, the complainant wrote to the Council and requested information in the following terms:

"Given the Council no longer holds the specific documents requested, would the Council be able to provide Committee minutes that:

- a) Set out the reasons behind High Court action being taken, and Members authorisation of legal action
- b) Set out to Members the outcome of the High Court decision

We understand the Council began the High Court process in May 2001, with the final High Court decision issued in February 2002, so assume there would have been Council meetings held around these dates where related matters were discussed.

We would be grateful if a response could be received sooner than 20 working days, but otherwise by 20th May."

6. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 24 June 2022 to complain about the Council's failure to respond to their request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

9. 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."

10. Section 10(1) of 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*".
11. On 29 June 2022, the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention the Council has failed to respond to the complainant.

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 FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

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