

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 8 June 2023

**Public Authority:** Warwick District Council  
**Address:** Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5HZ

#### **Decision (including any steps ordered)**

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1. The complainant requested information relating to off street parking orders. By the date of this notice Warwick District Council ("the Council") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory timeframe 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 5 April 2023, the complainant wrote to the Council and requested information in the following terms:

“That WDC put in writing why the person who is responsible for implementing the WDC Off Street Parking Orders (Legal Oon Weston Close,in force with a Parking Permit Scheme in place explains the reason in refusing to accept the information described in an Email to me Dated 5--2--2020 from [NAME REDACTED] informing me that an objection I made to the Order.was considered by the Executive and was not upheld. The Executive made the decision to bring the Parking Order into force,and with regard to the Housing Car Parks,there's a new scheme in place. (These Orders are stillin place) (2) Emails and discussions between 1--1--2020 to 25--9--2021 on WDC Staff suggestions to take Weston Close out of the Orders and ,why, along with other places in the Order. (3) Email Conversations and discussions between 25--9--2021 to 1--11--2021 by WDC Staff to the making a new Order with changes from the 2020 Orders to be put forward for 2022.”

6. The Council acknowledged the request on 5 April 2023. To date, a substantive response has not been issued.

## Reasons for decision

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7. 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.”

8. 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”.

9. On 18 May 2023 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.

10. Despite this intervention the Council has failed to respond to the complainant.
11. 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

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12. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

13. 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.
14. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**