

The Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 May 2024

Public Authority: Chief Constable of Warwickshire Police

Address: Police Headquarters

Leek Wootton

Warwick

CV35 7QA

Decision (including any steps ordered)

1. The complainant requested information from Warwickshire Police about complaints from members of the public about the Warwickshire Hunt.
2. The Commissioner's decision is that the public authority has breached section 10(1) of 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 public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority must take this step within 30 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

5. The complainant wrote to the public authority on 27 February 2024, requesting the following information:

"I wish to seek information regarding the number of complaints made by members of the public to Warwickshire Police concerning trespass on their property and land, anti-social behaviour, and dangerous road use. Specifically, I would like to know:

The total number of complaints received regarding trespass on private property and land by the Warwickshire Hunt from October 2021 to the present date from private landowners, public landowners, and other landowners impacted by the trespass.

The total number of complaints regarding anti-social behaviour committed by the Warwickshire Hunt between October 2021 to the present date.

The total number of complaints of dangerous road use committed by the Warwickshire Hunt from members of the public and other road users.

The dates of each complaint made during the specified period"

6. To date the public authority has failed to respond to the request for information despite the Commissioner's intervention on 7 May 2024.

Reasons for decision

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 7 May 2024, the Commissioner wrote to the public authority, 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 public authority has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA.
12. The Commissioner therefore finds that the public authority has 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: 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.

Susan Duffy
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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF