

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 5th December 2005

Name of Public Authority: Melton Borough Council

Address of Public Authority: Council Offices
Nottingham Rd
Melton Mowbray
Leicestershire
LE13 0UL

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint from the above person (the "complainant") which states that on 17th April 2005 the following information was requested from Melton Borough Council under section 1 of the Freedom of Information Act 2000 (the "Act"):

"With your letter dated 1 April 05, you enclosed a document which you advised was printed on 16 February 05 and from Item (5) under the section Receptacles for household waste was missing. What is the content, in full, of the missing item?"

It is alleged that:

The request was not responded to within 20 working days.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The complainant made his request by letter dated 17th April 2005. Melton Borough Council did not reply to this request until 25th May 2005. Melton Borough Council has therefore not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Section 10(1) of the Act states:

"...a public authority must comply with section 1(1) promptly and in any event no

Reference: FS50084406

later than the twentieth working day following the date of receipt.”

Action Required

As the information request in this instance was responded to, albeit late, the Commissioner hereby gives notice that he does not require any remedial steps to be taken by Melton Borough Council in connection with this matter.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 5th day of December 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF