

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated 27<sup>th</sup> January 2006

**Name of Public Authority:** Medway Council

**Address of Public Authority:** Civic Centre  
Strood  
Rochester  
Kent  
ME2 4AU

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 21<sup>st</sup> April 2005 the following information was requested from Medway Council under section 1 of the Freedom of Information Act 2000 (the "Act"):

The number of fly-tipping incidents, for the period April 2004 to March 2005, that were reported to the Council by the public. Of those reported, the number that were categorized by council staff or contractors as fly-tipping.

and

The Council's policy, if existent, on reporting fly-tipping to central government agencies. Given a reporting policy, the number of fly-tipping incidents reported and the central government agencies to which the reports were made.

It is alleged that Medway Council did not respond to the complainant's request 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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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 in this case is as follows:

The complainant made his request by email dated 21 April 2005. Medway Council did not respond substantively to the request until 17 June 2005 when it supplied the information that had been requested. Medway 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 not later than the twentieth working day following the date of receipt.”

**Action Required**

In view of the above the Information Commissioner does not require that any remedial steps be taken by Medway Council.

**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  
Arnhem House Support Centre  
PO Box 6987  
Leicester  
LE1 6ZX

Tel: 0845 6000 877  
Fax: 0116 249 4253  
Email: [informationtribunal@dca.gsi.gov.uk](mailto:informationtribunal@dca.gsi.gov.uk)

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 27<sup>th</sup> day of January 2006

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner’s Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF