

## **Freedom of Information Act 2000 (Section 50)**

### **Decision Notice**

**Date: 15 August 2011**

<b>Public Authority:</b>	<b>Preston City Council</b>
<b>Address:</b>	<b>Town Hall</b>
	<b>Preston</b>
	<b>PR1 2RL</b>

#### **Summary**

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The complainant requested information relating to the cost of sealing and checking taxi meters, along with copies of specified accounts. The complainant did not receive a substantive response within the statutory timeframe and therefore complained to the Commissioner. Prior to the Commissioner commencing his investigation, the Council provided the information to the complainant. The complainant remained dissatisfied with the handling of his request and requested a formal Decision Notice to address the delays he had experienced. The Commissioner finds that the public authority breached section 10(1) of the Freedom of Information Act 2000 in its handling of the request. An appropriate response has now been provided and the Commissioner does not therefore require remedial steps to be taken in this case.

#### **The Commissioner's Role**

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

## The Request

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2. On 12 November 2010 the complainant wrote to the Council and requested:

*"A) Prove [sic] the full cost to Preston city council licensing unit for the sealing and checking of Taxi meters for the 2008 increase in fare.*

*B) Provide the full estimated cost to Preston City Council licensing unit for the forthcoming re-sealing and checking of taxi meters in the forthcoming fare increase approved by council on the 11.11.2010*

*C) Provide a full copy of the accounts for the licensing unite Preston for 2008/2009 2009/2010".*

3. The Council formally acknowledged the request on 15 November 2010.
4. On 14 January 2011 the complainant wrote to the Council and stated his intention to complain to the Commissioner about the Council's failure to respond to his request.
5. On 18 January 2011 the complainant wrote to the Council and stated that he had made a complaint to the Commissioner about the Council's failure to respond to his request.
6. The Council issued its response on 10 February 2011, responding in full to the complainant's request of 12 November 2010.

## The Investigation

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### Scope of the case

7. On 15 January 2011 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the delays in the Council's handling of his request.
8. During the course of the Commissioner's investigation, a full response was issued by the Council on 10 February 2011. Therefore this Notice only addresses the complaint about the Council's delay in complying with the request.

## Analysis

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### Procedural Requirements

9. As noted above, this Decision Notice is solely concerned with the delays the complainant experienced in this case.

### Section 10(1)

10. Section 10(1) provides that:

*"Subject to subsections (2) and (3), 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".*

11. In this case the Council failed to process the request within the twenty working days stipulated in section 10(1). The information request was made on 12 November 2010 and the Council issued its formal response on 10 February 2011.
12. In failing to process the request within twenty working days, the Council failed to comply with section 1(1)(a) (confirmation or denial that it held the information) within twenty working days.
13. The Council therefore breached section 10(1) in its handling of the complainant's request.

### The Decision

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14. The Commissioner's decision is that the public authority did not deal with the request for information in accordance with the Act. It breached section 10(1) because it failed to comply with section 1(1) within twenty working days.

### Steps Required

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15. The Commissioner requires no steps to be taken.

## Right of Appeal

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16. 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,  
Arnhem House,  
31, Waterloo Way,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

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.

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

**Dated the 15<sup>th</sup> day of August 2011**

**Signed .....**

**Jon Manners  
Group Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## Legal Annex

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### **General Right of Access**

#### **Section 1(1) provides 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."

### **Time for Compliance**

#### **Section 10(1) provides that –**

"Subject to subsections (2) and (3), 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."