

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 August 2021

Public Authority: Kirklees Council
Address: Civic Centre 3
Market Street
Huddersfield
HD1 2EY

Decision (including any steps ordered)

1. The complainant requested information from Kirklees Council ("the Council") relating to a Public Spaces Protection Order (PSPO) permit scheme.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. A response has subsequently been provided and no steps are required.

Request and response

4. On 10 May 2021, the complainant wrote to the Council and requested information in the following terms:

"Yateholme PSPO D21- 001PSPO

Can you provide the minutes of all meetings undertaken, where you have been in discussion with The Green Lane Association Ltd to administer the above PSPO permit scheme

Also can you inform of the reasons that The Green Lane Association Ltd, a private members club had been made Administrator over a permit scheme, to access a public right of way, rather than the the [sic] council."

5. The Council wrote to the complainant on 11 May 2021 to acknowledge the request.
6. On 15 June 2021, as the complainant had not received a response to his request, he wrote to the Council to request an internal review.
7. The complainant contacted the Commissioner on 9 July 2021 to complain about the Council's failure to respond to his request.
8. On 14 July 2021, the Council wrote to the complainant to provide him with the outcome of its internal review. Whilst the Council stated that it had not responded to the complainant's information request within 20 working days of receipt and had therefore breached the FOIA, the Council did not provide the complainant with a substantive response to his request.
9. The Commissioner contacted the Council on 4 August 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. The Commissioner also contacted the complainant on 4 August 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
11. The Council responded to the complainant's information request on 12 August 2021.

Scope of the case

12. On 23 August 2021, the complainant contacted the Commissioner to request a decision notice considering the Council's compliance with the FOIA.
13. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

14. Section 1(1) of the 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.*

15. Section 10 of the FOIA states that responses to requests made under the Act must be provided “*promptly and in any event not later than the twentieth working day following the date of receipt.*”

16. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner’s decision is that the Council has breached section 10 of the FOIA.

Right of appeal

17. 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

18. 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.
19. 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

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