

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 January 2012

Public Authority: Hart District Council
Address: Civic Offices
Harlington Way
Fleet
Hampshire
GU51 4AE

Decision (including any steps ordered)

1. The complainant requested information about parking restrictions on a specific road.
2. The Commissioner's decision is that Hart District Council [the council] has breached sections 1 and 10 by failing to respond to the complainant within 20 working days.
3. The Commissioner does not require the council to take any further action.

Request and response

4. On 23 August 2011, the complainant wrote to the council and requested information in the following terms:

"Please provide copies of all email and letter correspondence to date to/from Council officers and members, to/from them and all other parties including the County Council, the Stilwell Partnership, the DfT, and the public since and including April 2011 that relate to parking restrictions in Fleet Road and the proposals for change now under consideration."
5. The council responded on 18 November 2011. The council provided the complainant with the information he had requested.

Scope of the case

6. The complainant contacted the Commissioner to complain about the way his request for information had been handled, he specifically requested a decision notice in relation to the delayed response. Therefore, this decision notices therefore concerns the council's late response.

Reasons for decision

7. Section 10(1) of the FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1) requires a public authority in receipt of a request to confirm whether it holds the requested information, and if so, disclose it to the applicant.
8. The request was submitted on 23 August 2011, and the council responded on 18 November 2011. Consequently the Commissioner finds that the council has breached section 1(1) and 10(1) of the FOIA.

Right of appeal

9. 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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

10. 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.
11. 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

Andrew White
Group Manager
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Wycliffe House
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Cheshire
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