

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 July 2013

Public Authority: East Devon District Council
Address: Council Offices
Knowle
Sidmouth
Devon
EX10 8HL

Decision (including any steps ordered)

1. The complainant requested details of dispensations issued by East Devon District Council ("the council") to allow vehicles to park on restrictions on the highway between particular dates. The council failed to respond within 20 working days. Following a complaint to the Commissioner, the council provided a response, providing some information and stating that other information was not held.
2. The Commissioner's decision is that the council breached section 10(1) of the Freedom of Information Act 2000 ("the FOIA") for failing to respond within 20 working days.
3. There are no steps to be taken.

Request and response

4. On 31 January 2012, the complainant requested information from the council in the following terms:

"Please provide me with details of any dispensations issued by East Devon District Council to allow vehicles to park on restrictions on the highway between May 2008 and 17th September 2010.

Also please provide copies of any communications between yourselves and Devon County Council regarding such a scheme being used by you during that period".

5. The council acknowledged receipt of the request on the same day.
6. On 20 March 2012, the complainant complained to the council about the delay in responding and asked it to conduct an internal review.
7. The council responded to the request on 29 May 2012.

Scope of the case

8. The complainant contacted the Commissioner to complain about the delay he experienced before the council responded to the request. He also complained that the council had failed to undertake the internal review he requested. The latter matter does not relate to any breaches of the legislation and has been considered in the Other Matters section of this notice.

Reasons for decision

9. Section 10(1) of the FOIA provides that public authorities should respond to requests for information within 20 working days. The council failed to do this on this occasion and therefore breached this section of the FOIA.

Other Matters

10. The Commissioner was concerned to note the length of the delay experienced by the requester in this case, which was clearly excessive. The council said in its response that the request had been overlooked, possibly because of a number of similar requests that had been received. The council has apologised to the requester. The Commissioner trusts that the council will take steps to ensure that no further excessive delays of this nature come to the Commissioner's attention in the future.
11. The complainant also complained to the Commissioner that the council had failed to undertake an internal review in response to his communication of 20 March 2012. By this date, the council had still not responded to the request so an internal review of the response could not have been undertaken. When the authority replied to the requester, it responded to the complaint about the delay and it apologised that it had occurred. In the Commissioner's view, this was reasonable and there is no need for it to send a response under separate cover dealing solely with the delay, which is what the complainant appears to be seeking.

Right of appeal

12. 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

13. 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.
14. 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
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Wycliffe House
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