

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 6 September 2016

**Public Authority:** Wrexham County Borough Council

**Address:** Guildhall  
Wrexham  
LL11 1AY

#### Decision (including any steps ordered)

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1. The complainant requested copies of correspondence between Wrexham County Borough Council ('the Council') and Geldards LLP Solicitors with regard to the former Grove Park School site in Wrexham. The Council failed to respond within the statutory 20 working days prescribed by FOIA. The Commissioner's decision is that the Council breached section 10(1) of the FOIA as it did not respond to the request within the timescale for compliance. As a substantive response has been provided to the complainant, he does not require any remedial steps to be taken.

#### Request and response

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2. On 18 April 2016, the complainant wrote to the Council and requested information in the following terms:

"Please provide copies of all correspondence (both written and electronic) which have taken place between Wrexham County Borough Council, and Geldards LLP Solicitors, with regard to the former Grove Park School site in Wrexham, from January 2014 to present day.

This would include (but is not limited to) any pre-contract negotiations, and the restrictive covenants which currently burden the land".

3. The complainant wrote to the Council on 20 and 23 May 2016 to chase a response to his request.
4. The Council responded to the request on 3 June 2016.

## **Scope of the case**

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5. The complainant contacted the Commissioner on 29 June 2016 and asked him to issue a decision notice in respect of the Council's failure to respond to the request within the statutory timescale.

## **Reasons for decision**

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### **Sections 1 and 10**

6. Sections 1 and 10 of the FOIA provide a general right of access to recorded information held by public authorities. These sections provide that when a written request for information is made, the public authority must state whether it holds that recorded information within 20 working days. If it does, it must provide that information within 20 working days unless a valid reason for not doing so exists under the FOIA. If such a reason does exist, a refusal notice should be issued in accordance with section 17 of the FOIA, again within 20 working days.
7. In this case the Council failed to respond to the request within the 20 working day timescale. By not complying with section 1(1) within twenty working days of receipt of the request, the Council breached section 10(1) of the FOIA.

## Right of appeal

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8. 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: 0870 739 5836

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

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

9. 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.
10. 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**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**