

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 1 November 2019

**Public Authority:** Craven District Council  
**Address:** 1 Belle Vue Square  
Broughton Road  
Skipton  
North Yorkshire  
BD23 1FJ

#### Decision (including any steps ordered)

---

1. The complainant requested information from Craven District Council ("the Council") relating to a public consultation on waste collection.
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. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation:
  - The Council must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

#### Request and response

---

5. On 14 September 2019, the complainant wrote to the Council and requested information in the following terms:

*"I would be grateful if you could provide me with the following information.*

*1) Any and all documentation and correspondence (including meeting minutes) from the 2014 policy introduction which you refer to in your letter; specifically any documentation or correspondence (paper or electronic) relating to the introduction of wheelie bins in Gladstone and surrounding streets, what health and safety considerations were taken into account at the time and subsequently and what assessment was made of the street width and its suitability for waste collection vehicles.*

*2) Any and all documentation and correspondence, (paper or electronic, including meeting minutes) regarding discussions on a possible council tax rebate for residents of the areas which are now receiving a lesser service from Craven District Council with regard to waste management."*

6. The Council did not acknowledge this request.
7. On 14 October 2019, the complainant wrote to the Council informing it that she had not received a response to her request and asked for an update.
8. On 24 October 2019, the complainant asked the Council again for an update as she had not received a response to her request.
9. The complainant has provided evidence that she has received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to her information request.

### **Scope of the case**

---

10. The complainant contacted the Commissioner on 14 October 2019 to complain about the Council's failure to respond to her request.
11. The Commissioner contacted the Council via telephone on 30 October 2019 to enquire whether this information request had been received by the Council.
12. The Council confirmed that this request was received on 14 September 2019 but that it was not logged as an information request.
13. The Council also confirmed that this request was logged as an information request on 14 October 2019, once the complainant had chased this request.
14. 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

---

15. 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.*

16. The Commissioner considers that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.

17. 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.*"

18. The Council did not provide a substantive response to this 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

---

19. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

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

20. 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.
21. 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 .....**

**Ben Tomes  
Team Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**