

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated 25<sup>th</sup> November 2005

**Name of Public Authority:** Cardiff County Council  
**Address of Public Authority:** County Hall  
Cardiff  
CF10 4UW

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 4<sup>th</sup> March 2005 the following information was requested from Cardiff County Council under section 1 of the Freedom of Information Act 2000 (the "Act"):

The answer to the following questions;

1. Has the Authority any plans to extend the existing Lamby Way landfill site?
2. What is the exact lifetime left available for land filling this facility?
3. Has the authority entered into any discussions and or contracts with outside bodies such as private waste management companies with a view to their developing any land filling capacity at the site at Lamby Way or abutting this site, or indeed any other area in the East of Cardiff?
4. Has the authority entered into any discussion and or contracts with any private landowners abutting or adjacent to Lamby Way site for the purpose of purchasing land for land filling and or the use by private companies for land filling on behalf of the authority?
5. Has the authority any plans to privatise the existing Lamby Way facility in total or in part thereof?
6. Has the authority any plans or in discussion with outside bodies such as private waste management services?
7. Has the authority received any planning applications from private landowners or waste management companies to establish any waste land filling or processing facility adjacent to or abutting the current Lamby way site?

It is alleged that: No response has been received to the request.

## **The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The Commissioner's decision in this case is that Cardiff County Council has not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1) or section 17. Section 10 states;

"Subject to subsection (2) and (3), a public authority must comply with section (1) promptly and in any event not later than the twentieth working day following the date of receipt."

## **Action Required**

In view of the matters referred to above the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he requires that:

Cardiff County Council shall, within 30 days of the date of this Decision Notice, –

- (a) inform the complainant whether it holds information of the description specified by him in the request and, if it does, provide that information to him, or
- (b) provide the complainant with a refusal notice in accordance with section 17 of the Act.

## **Failure to comply**

Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

## Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 25<sup>th</sup> day November 2005

Signed: .....

Richard Thomas  
Information Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF