

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 30th November 2005

Name of Public Authority: Warrington Borough Council

Address of Public Authority: Town Hall
Warrington
WA1 1UH

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 11th January 2005 the following information was requested from Warrington Borough Council (the "Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"...the full audited accounts for the taxi licensing office for the last 5 years."

It is alleged that:

1. The information request was not responded to within 20 working days.
2. The information requested has not been provided and the Council have given no valid reason for this.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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:

1. The request was made on 11th January 2005. The Council responded to this request on 21st March 2005. Consequently, the Council have failed to comply with the requirements of Part I of the Act in that they have failed to comply with section 10(1).

Section 10(1) of the Act states:

“...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

2. In response to this request, the Council should either have provided the information requested, or given a valid reason as to why they could not provide this information. The Council have stated that they have requested further information from the complainant and that they are unable to provide information in response to the request until further information is provided.

Section 1(3) of the Act allows for further information to be requested in order to *identify* and *locate* the information requested. It is not clear why the Council would reasonably require further information to identify and locate “full accounts for the tax licensing office”. Further, the Council have not clarified this point in their correspondence with the ICO. If the Council believes that providing “full accounts” would not be required by the Act for any reason, this should be communicated to the complainant.

The Council have, therefore, failed to comply with the requirements of Part I of the Act in that they have failed to comply with section 1(1).

Section 1(1) of the Act states:

“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,
- (b) if that is the case, to have that information communicated to him.”

Section 1(3) of the Act states:

“Where a public authority-

- (a) reasonably requires further information in order to identify and locate the information requested, and
- (b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.”

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:

Warrington Borough Council shall, within 30 days of the date of this Decision Notice, respond appropriately to the information request made by the complainant, dated 11th January 2005. This response should either provide the information requested, or give a reason valid under the Act as to why the information requested will not be provided.

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: informationtribunal@dca.gsi.gov.uk
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 30th day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF