



Information Commissioner's Office
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FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 1st August 2005

Name of Public Authority: Learning and Skills Council
Address of Public Authority: Cheylesmore House,
Quinton Road,
Coventry,
CV1 2WT

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 15 January 2005 the following information was requested from the Learning and Skills Council under section 1 of the Freedom of Information Act 2000 (the "Act"):

"Could you please brief me on what guidelines/requirements you issue and expect to be followed to ensure your approval of any application by an FE institution for major development in an area."

It is alleged that the Learning and Skills Council did not respond to the request within twenty working days.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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 Learning and Skills Council did not respond to the complainant's request until 12 May 2005 and has therefore breached section 10(1) of the Act. Section 10(1) states:



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“Subject to subsections (2) and (3), 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.”

Action Required

In view of the fact that the Learning and Skills Council responded to the complainant's request on 12 May 2005 the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the Learning and Skills Council.

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:

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|-----------------------------|---|
| 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 1st day of August 2005

Signed:

Richard Thomas
Information Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF