

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2015

Public Authority: Darlington Borough Council
Address: Town Hall
Feethams
Darlington
County Durham
DL1 5QT

Decision (including any steps ordered)

1. The complainant has made a request to Darlington Borough Council ("the council") for information relating to disability impact surveys. The council responded outside the time for compliance provided by section 10(1) of the Freedom of Information Act ("the FOIA").
2. The Commissioner's decision is that the council has breached the requirement of section 10(1).
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 1 October 2014, the complainant wrote to the council and requested the following:

"A, Copies of all Disability Impact Surveys (DIS) you have done in the last 24 months or since Jan 1st 2013 whichever is easiest, in relation to the addition and renewing of yellow lines (parking restrictions of any sort to include "Kerb Blips") within the town centre inside the inner ring road area, to include then from the Majestic/old Odeon up Woodlands road as far as Stanhope Road, Along Stanhope Road (North and South) and back to the inner ring road at the roundabout at the top of Victoria road? I can provide a map if you are unsure of the area I refer to.

B, A list of all law's, Byelaws and Act you have used to instal

these restrictions?

C, A copy of any documentation you hold whereby a trader can pay "extra" to break these rules to unload their deliveries? To include all paperwork where this was discussed (including emails, memos and minutes) along with a copy of all legislation that allows you to charge this premium for retailers and their suppliers to unload at an extra cost?

D, What date did this "premium" unloading offer start ?

E, How much has DBC made from this extra premium unloading fee since its inception?"

5. The council provided a substantive response on 4 December 2014.

Scope of the case

6. The complainant contacted the Commissioner on 28 November 2014 to complain about the way his request for information had been handled.
7. The Commissioner considers the scope of this case is the determination of whether the council has complied with section 10(1).

Reasons for decision

Section 10(1) – Time for compliance

8. Section 10(1) requires that a public authority must issue substantive response within the time for compliance, which is 20 working days following the date on which the request is received.
9. In this case the Commissioner has identified that the council issued its response outside 20 working days, and therefore breached the requirement of section 10(1).

Right of appeal

10. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. 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.
12. 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
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Wycliffe House
Water Lane
Wilmslow
Cheshire
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