

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 June 2019

Public Authority: Pendle Borough Council
Address: Number One
Market Street
Nelson
BB9 7LJ

Decision (including any steps ordered)

1. The complainant requested information from Pendle Borough Council ("the Council") about financial information in relation to land and property sales, where money raised from the sales was spent and council tax funds raised for the year 2017-2018.
2. The Commissioner's decision is that the Council has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with 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 30 March 2019, the complainant wrote to Pendle Borough Council and requested information in the following terms:

"We wish all finances information under F.O.I. Act on council tax payment incoming plus what is was spent on in 2017 -2018

We wish all finances information under F.O.I. Act on Land sold off and what the cash was used for.in 2017-2018 time frame?

We wish all finances information under F.O.I. Act on properties sold off and what the cash was spent on in 2017-2018 time frame?"

6. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 29 April 2019 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10 (1) of the FOIA.

Reasons for decision

9. 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.

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
11. On 21 May 2019 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

12. Despite this intervention the Council has failed to respond to the complainant
13. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Pendle Borough Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

14. 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

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

15. 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.
16. 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF