

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 29 June 2021

**Public Authority:** Liverpool City Council  
**Address:** Cunard Building  
Water Street  
Liverpool  
L3 1AH

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Liverpool City Council ("the Council") about the number of premise variation applications that were rejected and granted in areas where Special Cumulative Impact Policies ("SCIPS") were in place.
2. The Commissioner's decision is that the Council failed to respond to the request within twenty working days and therefore breached section 10(1) of the FOIA.
3. As the request has since been responded to, the Commissioner does not require the Council to take any further steps in relation to this complaint.

## **Request and response**

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4. On 20 April 2021, the complainant wrote to the Council via Whatdotheyknow.com and requested information in the following terms:  
  
*"During the total period of time that SCIPs were in place across the city, how many premise license variation applications were rejected in those areas and how many were granted?"*
5. The Council wrote to the complainant to acknowledge the request on 21 April 2021.
6. The complainant wrote to the Council on 20 May 2021 requesting an internal review to be carried as they had not received any update or response to the request.
7. The complainant contacted the Commissioner on 28 May 2021 to complain about the Council's failure to respond to his request within twenty working days.
8. In line with her usual practice, the Commissioner contacted the Council on 11 June 2021 to highlight the outstanding response. She requested that the Council respond to the request within 10 working days.
9. The Commissioner also contacted the complainant on 11 June 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to his request.
10. On 25 June 2021 the Council wrote to the complainant and provided its response to this request.

## **Scope of the case**

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11. On 28 June 2021 the complainant contacted the Commissioner to request a decision notice considering the Council's compliance with the FOIA.
12. Therefore, the scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

## Reasons for decision

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13. 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.*

14. Section 10(1) of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

15. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of FOIA. As the Council has since provided a response to the request, the Commissioner does not require the Council to take any steps.

## Right of appeal

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16. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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 .....**

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**