

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

### **Decision notice**

**Date:** 18 November 2022

**Public Authority:** Lancashire County Council

**Address:** County Hall  
Fishergate  
Preston  
Lancashire  
PR1 8XJ

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

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1. The complainant requested information from Lancashire County Council ("the Council") relating to the implementation of wheelie bin stickers by the Council.
2. The Commissioner's decision is that the Council breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. As a response to the request has been provided no steps are required.

## **Request and response**

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4. The complainant made the following information request to the Council on 8 August 2022:

"I am writing following an exchange of emails with the Information Access Officer, following Freedom of Information Requests, who should also be able to provide the exchanges.

1. Please explain why some of the questions asked within a Freedom of Information Request are ignored, specifically the email of 27 July 2022 timeline 11.41.
2. Please explain why my request for information has been altered. I have not made a request for 'estimated costs'.
3. Bin stickers are stated in the response to me as "... they can be expected to continue to be noticed and maintain their effectiveness for a prolonged period of time". Please provide the evidence and research which has been undertaken, and, which recognised external and independent body has verified such for this to be an appropriate narrative for inclusion in a Freedom of Information response.

There are also a number of other anomalies such as no volunteer costs or expenses."

5. The Council responded to the request for information on 8 September 2022.

## **Scope of the case**

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6. The complainant contacted the Commissioner on 26 October 2022 to complain about the Council's failure to respond to their request within the statutory time frame of FOIA.
7. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

## Reasons for decision

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8. Section 1(1) of 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.”

9. Section 10(1) of 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”.

10. 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 FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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11. 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)

12. 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.
13. 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 .....**

**Ben Tomes**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**