

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

### **Decision notice**

**Date:** 9 January 2023

**Public Authority:** Rossendale Borough Council  
**Address:** Futures Park  
Newchurch Road  
Bacup  
Lancashire  
OL13 0BB

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

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1. The complainant requested information from Rossendale Borough Council (the Council) relating to Temporary Event Notices (TEN) for a specific venue.
2. The Commissioner is not satisfied that the Council has identified and provided all the information held that is relevant to the request. He has therefore decided that, on the balance of probabilities, the Council holds further information that falls within the scope of the request.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Issue a fresh response to part one of the request following a thorough search that identifies all the information the Council holds that falls within the scope of that part of the request. Any further information that is identified should either be disclosed to the complainant, or an adequate refusal notice issued.
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 FOIA and may be dealt with as a contempt of court.

## **Request and response**

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5. On 16 June 2022, the complainant wrote to the Council and requested information in the following terms:

“1. Please provide full details of all the Temporary Event Notices issued in relation to the Drop Off Cafe, Edenfield or its owner(s), over the past two years (from the date of this email).

2. Please provide details of any conversations or emails between Environmental Health and the owner(s), or their representatives (including Councillors speaking or messaging in support of the owner(s)) of the Drop Off Café Edenfield, in relation to planning or environmental matters over the past two years. (To include any records of appointments, agreements, advice given, meetings or telephone calls).

3. Please provide details of any conversations or emails between Planning and the owner(s), or their representatives (including Councillors speaking or messaging in support of the owner(s)) of the Drop Off Cafe, Edenfield or its (owner), in relation to planning or environmental matters over the past two years. (To include any records of appointments, agreements, advice given, meetings or telephone calls).”

6. The Council responded providing some information relating to parts two and three of the request. It advised that other information was exempt under section 40(2) of FOIA – personal data.
7. Following an internal review, in response to part one of the request, the Council then provided information which was published on its website relating to three TENS.

## **Scope of the Request**

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8. The complainant has only raised concerns about the Council’s response to part one of the request, believing that additional information is held which should be released.
9. The Commissioner will decide whether, on the balance of probabilities, the Council has provided all the information held relevant to part one of the request.

## Reasons for decision

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10. The Commissioner understands that if a person intends to carry out certain 'licensable' activities on unlicensed premises then they need to notify their local council (and police) by way of the submission of a TEN. A standard template TEN 'application form' can be downloaded from the Council's [website](#). The TEN sets out certain details, including where and when the event is to be held, what the event is, numbers of guests expected; the person is then required to display this TEN form throughout the duration of the event.
11. The Council appears to publish short summaries of the TENs that it receives and has not refused; however, this does not include all the details contained within the TEN document, such as the description of the event itself.
12. In response to part one of the request, the Council provided the complainant with summaries of the information contained within three TENs it has received from the same applicant in relation to a commercial business; however, only one of these fall within the timeframe specified by the complainant and is therefore relevant to the request.
13. The Council has failed to confirm to the complainant whether it holds all the details that were contained within the relevant TEN that it received from the third party, and if this information is held why it has been withheld in response to the request.
14. The Commissioner has attempted to contact the Council on several occasions to discuss why it has not provided all the information contained within the relevant TEN document. However, the Council has failed to respond.
15. In the absence of the requested engagement from the Council, the Commissioner is not persuaded from the evidence that is available that the Council has identified all the information that it holds that is relevant to part one of the complainant's request.
16. The Commissioner therefore requires the Council to issue the complainant with a fresh response to part one of their request. This response should be based on a thorough search for all information that the Council holds that falls within the scope of part one of the request. If the council does hold additional information, this should either be disclosed, or an adequate refusal notice should be issued.

## Right of appeal

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17. 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)

18. 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.
19. 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**