

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 September 2023

Public Authority: Newcastle City Council
Address: Civic Centre
Barras Bridge
Newcastle
NE99 2BN

Decision (including any steps ordered)

1. The complainant requested information from Newcastle City Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of 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 public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority must take this step 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

5. On 21 June 2023, the complainant wrote to the public authority and requested information in the following terms:

"This is a request under the Freedom of Information Act 2000

It is for the provision in electronic form of the information detailed below.

In June 2023 a meeting was held between representatives, members, and/or officers of Newcastle City Council, and representatives of Northumbria Police.

It is believed that discussions at this meeting related to a response from Northumbria Police regarding a Freedom of Information request that had received a great deal of publicity both online and in the local press. The request related to the ability of Northumbria Police to provide adequate policing to the Jesmond area subsequent to the imposition of a Low Traffic Neighbourhood in the area.

Following the meeting a Joint Statement was issued by Newcastle City Council on behalf of The Council and The Police that appears to completely contradict the previous statements made by Northumbria Police.

This meeting related to a matter of intense public interest and scrutiny, and I hereby request:

- 1) the agenda for the meeting, full minutes of the meeting, and a full list of those present, both in person and remotely.
- 2) full details of any subsequent arrangements or considerations made between Newcastle Council and Northumbria Police as a result of the meeting.
- 3) transcripts or recordings of any phone conversations between the parties involved, relating to the matter in any way.
- 4) copies of all email or other electronic communications between the parties relating to the matter.
- 5) all other data or information that might reasonably be expected to form part of the meeting or discussions." (sic)

Reasons for decision

6. 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.”

7. 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”.

8. On 14 August 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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 FOIA.

Right of appeal

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

Website: 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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF