

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 June 2023

Public Authority: Warwick District Council
Address: Riverside House
Milverton Hill
Royal Leamington Spa
DV32 5HZ

Decision (including any steps ordered)

1. The complainant requested information held by Warwick District Council (the Council) relating to resident parking permits.
2. The Commissioner's decision is that the Council failed to disclose the requested information within 20 working days and therefore breached section 10(1) of FOIA.
3. The Commissioner does not require further steps.

Request and response

4. The complainant submitted the following request to Warwick District Council (the Council) on 22 May 2022:

"I have been advised to write to you to show me where in the above housing car parks OSPOs 2020 and previous, where WDC have made provision for elderly, disabled none car owners under 149 of the Public Sector Duty to apply for carer and visitor passes to meet their care needs.

We have been told by Councillor [REDACTED] that elderly and disabled persons without a car cannot apply for passes to help with their care regardless of their needs only car owners can. Could you please confirm this is correct.”

5. Following the intervention of the Commissioner, the Council responded to the complainant on 15 December 2022, stating that the complainant’s understanding of the procedure was correct. It confirmed that ownership of a vehicle is required and went on to provide details regarding the definition of ownership of a vehicle.
6. An internal review was requested by the complainant on 20 December 2022. The Council did not provide a response.

Scope of the case

7. The complainant confirmed to the Commissioner that the scope of their complaint is:
 - the timeliness of the response,
 - to consider if the Council has addressed the request under the correct access regime.
 - the failure of the Council to carry out an internal review
8. The following analysis covers these three points. It does not cover the failure to carry out an internal review, however, as internal reviews are not a formal requirement of the FOIA.

Reasons for decision

9. The complainant has questioned whether their request should have been considered under the Environmental Information Regulations 2004 (EIR).
10. The Commissioner is satisfied that the information requested would not fall within the definition at regulation 2(1)(c) of the EIR and that the Council were correct to consider the request under FOIA.
11. 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”.

12. Following the intervention of the Commissioner, the Council responded to the complainant on 15 December 2022. It did not respond to the complainant's request for an internal review.
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 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

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: 0203 936 8963

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

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