

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 2 November 2023

**Public Authority:** Waverley Borough Council  
**Address:** The Burys  
Godalming  
Surrey  
GU7 1HR

#### Decision (including any steps ordered)

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1. The complainant requested information from Waverley Borough 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.<sup>1</sup>
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

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<sup>1</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

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

"1. The full name, first and surname/last name and job title of the Waverley Borough Council employee who added [REDACTED] to the complaint list to the court and placed it in front of the Justice of the Peace/legal adviser/Court staff member with delegated powers requesting a Summons issued in [REDACTED]. I have attached summons number 415, dated 02 November 2022. The summons request must have been submitted to the Justice of the Peace on or before that date.

2. The full name, first and surname/last name of the Justice of the Peace/legal adviser/Court staff member with delegated powers sitting at Guildford Magistrates' Court, Mary Road, Guildford who granted permission to your employee, acting on behalf of Waverley Borough Council, to issue Summons number 415, dated 02 November 2022 (attached).

3. The full name, first and surname/last name and job title of the Waverley Borough Council employee who placed [REDACTED] in front of the Justice of the Peace/legal adviser/Court staff member with delegated powers requesting a "Liability Order" be ordered in [REDACTED] on 23 November 2022.

4. The full name, first and surname/last name of the Justice of the Peace/legal adviser/Court staff member with delegated powers sitting at Guildford Magistrates' Court, Mary Road, Guildford on 23 November 2022 who granted permission to Waverley Borough Council to proceed with a "Notice of Liability Order" and enforcement against [REDACTED]"

## Reasons for decision

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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 2 October 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

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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 .....**

**Roger Cawthorne**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**