

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

### **Decision notice**

**Date:** 5 August 2019

**Public Authority:** Bury Council  
**Address:** Town Hall  
Knowsley Street  
Bury  
BL9 0SW

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

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1. The complainant requested information from Bury Council ("the Council") about pantomime productions and Christmas shows on premises owned or managed by the Council during the period 1 April 2018 to the date of the request.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. As a response has been issued, the Commissioner does not require the Council to take any further steps.

### **Request and response**

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4. On 1 December 2018, the complainant wrote to the Council and requested information in the following terms:

*"Dear FOI Team*

*I would like to request the following information under The Freedom of Information Act and Environmental Information Regulations.*

*I understand my request will take 20 working days to process but I would be grateful if you could acknowledge receipt via [name redacted]*

*Please note the reference to council in the questions should be taken to mean the council's press and marketing teams, the council's legal department, any member of staff(s) with specific responsibility for the licensing of public performances and public venues which house public performances and any actual venue which is owned and or managed by the council and which stages public performances including but not limited to pantomimes and Christmas shows.*

*Please note my request is specifically about pantomime productions and Christmas shows which have opened or are about to open either on premises owned or managed by the council or on premises which fall within the council's geographical area. Please do also include correspondence and communications about the pantomime productions and Christmas shows which were planned for this year but for whatever reason are not going ahead.*

*Please note that I am only interested in information which relates to the period 1 April 2018 to the present Day.*

*1...During the aforementioned period has the council and or any of the venues within its area received correspondence and communication (including emails) from The Performing Rights Society. Please note that I am only interested in those correspondence and communications which relate to pantomime productions and Christmas shows within the council's area. This correspondence and communication will include but will not be limited to matters relating to the choice of music to be played in pantomime productions and Christmas shows.*

*2...If the answer to question one is yes can you please provide a copy of this correspondence and communication including emails?*

*3...Has the council sent a reply to this communication from the PRS. If the answer is yes can you please provide a copy of this correspondence and communication including emails.*

*4...During the aforementioned period has the council received correspondence and communications from any of the following organisations. Please note that I am only interested in those correspondence and communications (including emails) which*

*relate to the use of musical numbers in pantomime productions and other Christmas shows.*

*The organisations are...*

*Walt Disney.*

*Universal Music acting on behalf of Universal Music and or Walt Disney.*

*Warner / Chappell Music.*

*Twentieth Century Fox Film Productions*

*5...If the answer to question four is yes can please provide a copy of this correspondence and communication including emails. Can you also provide a copy of any reply sent by the council including emails.*

*6...During the aforementioned period has the producer of any pantomime or Christmas show exchanged correspondence and communications with the council about the use of musical numbers in pantomimes and Christmas shows. If the answer is yes can you please provide a copy of this correspondence and communication including emails. Can you also provide a copy of any reply sent by the council including emails.*

*If you have any queries I would be grateful if you could contact me via [name redacted]*

*You can also reach me via [name redacted]*

*All good wishes*

*[named redacted]."*

5. The Council responded to this request on 1 May 2019.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 4 June 2019 to complain about the way his request for information had been handled and he specifically requested a decision notice recording the late response provided by the Council.
7. This decision notice deals with the timeliness of the response to the request submitted to the Council on 1 December 2018.

## Reasons for decision

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8. Section 1(1) of the 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 the 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 in failing to issue a response to the request within 20 working days, the Council has breached Section 10(1) of the 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: 0300 1234504  
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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**