

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 August 2020

Public Authority: Three Rivers District Council
Address: Three Rivers House
Northway
Rickmansworth
Herts
WD3 1RL

Decision (including any steps ordered)

1. The complainant requested information from Three Rivers District Council ("the Council") relating to policy, guidance, and training materials available to council officers who issue penalty charge notice cancellations.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and therefore breached section 10(1) of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - The Council must issue a substantive response to the request in accordance with its obligations under the FOIA.
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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 9 January 2020, the complainant wrote to the Council and requested information in the following terms:

"Query 1: I would like to request a copy of all policy and guidance documents that are available to council officers who are tasked with considering the question of whether a Penalty Charge Notice should be cancelled. For the avoidance of doubt, this request covers any policy that is published or otherwise publicly available, plus any internal council guidance or policy that is only available internally to council staff (such as any internal policy that outlines in what circumstances the council may exercise its discretionary powers to cancel a PCN).

Query 2: Please could you also disclose the training material that is used to train the council officers who make decisions regarding the cancellation of PCNs. This should cover only training material that is directly relevant to their role in deciding whether a council PCN should be cancelled, any other training material (such as generic council training, health and safety, GDPR or training related to other roles or functions) is not within the scope of this request.

Again for the avoidance of doubt, both queries above cover policies and training material available to council officers who deal with informal representations, formal representations and appeals to the tribunal."

6. Whilst the Council did not acknowledge this request, the complainant has provided evidence which shows that the request was sent to the Council's published email address. Therefore, the Commissioner has assumed that this request was received by the Council.
7. On 26 February 2020, as the complainant had not received a response to his request, he wrote to the Council again and requested an internal review. The Council did not respond.

Scope of the case

8. The complainant contacted the Commissioner on 25 April 2020 to complain about the Council's failure to respond to his request.

9. The Commissioner contacted the Council on 24 June 2020 reminding it of its responsibilities and asked it to provide a substantive response to the complainant within 10 working days.
10. The Commissioner also contacted the complainant on 24 June 2020 to explain that the Council had been given 10 working days from that date within which to provide a response to his request.
11. The Council did not acknowledge or respond to the Commissioner's correspondence of 24 June 2020.
12. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

13. Section 10 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.*
14. The Commissioner considered that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.
 15. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
 16. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA. The Council is now required to take the step as outlined at paragraph three above.

Right of appeal

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: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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
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