

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 February 2022

Public Authority: Solihull Metropolitan Borough Council

Address: Council House
Manor Square,
Solihull West
Midlands
B91 3QB

Decision (including any steps ordered)

1. The complainant requested information relating to an event held between 4 December 2021 to 12 December 2021 from Solihull Metropolitan Borough Council ("SMBC").
2. The Commissioner's decision is that SMBC failed to respond to the request within 20 working days and has therefore breached section 10 of FOIA.
3. As a response has been issued, the Commissioner does not require SMBC to take any further steps.

Request and response

4. On 12 December 2021, the complainant wrote to SMBC and requested information in the following terms:

“..details of any correspondence or other forms of contact between the organisers of Motorcycle Live, MCIA Events Ltd, its directors or personnel and the Trading Standards Department of Solihull Metropolitan Borough Council, relating to this years event held at the National Exhibition Centre between 4 December 2021 and 12 December 2021 both date inclusive: to include any contact relating to market surveillance and enforcement activity involving the sale of items at Motorcycle Live not conforming to the Personal Protective Equipment Regulation EU2016/425 (as brought into UK law and amended)”.

5. SMBC responded to the request, providing the complainant with the requested information on 4 February 2022.

Scope of the case

6. The complainant contacted the Commissioner on 31 January 2022 to complain about the failure, by SMBC, to respond to the request.
7. In line with his usual practice, the Commissioner contacted SMBC on 7 February 2022 to highlight the outstanding response. He requested that SMBC respond to the request within 10 working days. As stated above, SMBC provided their response on 4 February 2022.
8. The complainant contacted the Commissioner on 8 February 2022 to express steps needed to be taken to consider SMBC's compliance with FOIA.
9. Therefore, the scope of this notice and the following analysis is to consider whether SMBC has complied with section 10 of FOIA.

Reasons for decision

10. 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.

11. Section 8(1) of FOIA states:

In this Act any reference to a “request for information” is a reference to such a request which –

- (a) is in writing,
- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested.

12. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under FOIA.

13. Section 10 of 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.”

14. From the evidence presented to the Commissioner in this case in failing to issue a response to the request within 20 working days, SMBC has breached section 10 of FOIA. As SMBC has now responded to the request no steps are required.

Right of appeal

15. 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

16. 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.
17. 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

**Phillip Angell
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**