

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 February 2014

Public Authority: Brentwood Borough Council
Address: Ingrave Road
Brentwood
Essex
CM15 8AY

Decision (including any steps ordered)

1. The complainant requested information on the cost to Brentwood Borough Council ('the Council') of the William Hunter Way project.
2. The Commissioner's decision is that the public authority has breached section 10(1) of the FOIA by failing to respond to the request within the statutory time limit.
3. The Commissioner does not require the public authority to take any further steps.

Request and response

4. On 7 July 2013 the complainant wrote to the Council and requested information in the following terms:

"I would like to request the following information regarding the costs to Brentwood Borough Council to date of the William Hunter Way project: 2005-2013.

A) the land acquisition across the WHW car park.

B) the full costs of the Stopping Up process for North Road Avenue (e.g. 4 days in court, barrister etc.)

C) the updated costs that Brentwood Council has incurred up to July 2013."

5. The Council responded on 5 August 2013. It provided information on parts B and C of the request and stated that part A of the request would be provided "at the earliest opportunity".
6. The complainant contacted the Council on 19 August and 6 September 2013 chasing a response to part A. The Council acknowledged his emails and provided further information on 21 October 2013.

Scope of the case

7. The complainant contacted the Commissioner on 23 September 2013 to complain about the way his request for information had been handled. He explained to the Commissioner that his particular focus for complaint was as follows:

"My complaint is that I do not feel that the Brentwood Borough Council are taking the Requirements of the Freedom Of Information Act seriously, hence their failure to provide an answer to my request about a public asset that they have bought and current own."

8. The Commissioner notes that the complainant received the information he sought and subsequently confirmed with him the scope of this case as the time taken by the Council to respond to the request for information.

Reasons for decision

Section 10 – Time for compliance with request

9. Section 10(1) of FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1)(a) and (b) requires a public authority in receipt of a request to confirm whether it holds the requested information and, if held, to communicate that information.
10. The Council complied with section 1(1)(a) by informing the complainant that the requested information was held and providing some information within the statutory time period of 20 working days. However, the remaining information was not provided until 21 October 2013.
11. The request was submitted on 7 July 2013 and the complainant did not receive a complete response until 21 October 2013. The Commissioner

therefore finds that the public authority has breached section 10(1) by failing to comply with section 1(1)(b) within the statutory time period.

Other matters

12. The Commissioner notes the complainant's concern regarding the actions of the Council in respect of the FOIA. However, he is satisfied that the Council is aware of its responsibilities under the FOIA.

Right of appeal

13. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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

Alexander Ganotis
Group Manager – Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF