

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 October 2015

Public Authority: London Borough of Barking and Dagenham

Address: Barking Town Hall
1 Town Square
Barking
IG11 7LU

Decision (including any steps ordered)

1. The complainant has requested from the London Borough of Barking and Dagenham ("the Council") information broadly relating to an agreement between the Council and Newlyn Plc.
2. The Commissioner's decision is that the Council did not deal with the request for information in accordance with the FOIA in the following way:
 - It failed to provide a response to the request within the statutory timeframe of 20 working days.
3. As a response has now been provided, the Commissioner requires the Council to take no steps.

Request and response

4. On 5 August 2015, the complainant wrote to Council and requested information in the following terms:

"I would be grateful if you would provide the following information about the arrangements under which Newlyn PLC is able to issue documents "Final Notice – Removal" naming the London Borough of Barking AND Dagenham as "Client".

1. Is there an agreement or contract between LBBD and Newlyn currently in operation?

- 2. When was the present agreement made?*
 - 3. Was there an earlier agreement, and if yes, how many and when were they made?*
 - 4. What Committee or Official or Councillor approved the LBBB being party to this agreement?*
 - 5. Was the approval of the agreement referred to the Leader of the council, a Cabinet Member or the Chief Executive?*
 - 6. What steps were taken to ensure that Newlyn plc is fit and proper? For instance, were references taken?*
 - 7. Has any present or former member of the Council or any present or former employee received hospitality or any financial benefit from Newlyn?*
 - 8. Will you publish a copy of the agreement?*
 - 9. What processes are in place to verify Newlyn's compliance with regulatory requirements? (e.g. issue of Enforcement Notices in proper form)?*
5. The request was acknowledged by the Council on 6 August 2015. The Council advised the complainant that a response to the request would be sent by 4 September 2015.
 6. On 28 September 2015, the complainant contacted the Commissioner to complain that he had not received a response to his request. The Commissioner subsequently contacted the Council and asked it to respond.
 7. The Council responded to the request on 13 October 2015. It provided the complainant with the requested information.

Scope of the case

8. Upon receipt of the complaint, the Commissioner advised the complainant that he had asked the Council to respond. The complainant returned to the Commissioner and asked for a decision notice to be issued to consider the Council's compliance with section 10 of the FOIA.
9. The Commissioner has therefore had to consider whether the Council has handled the request in accordance with section 10 of the FOIA.

Reasons for decision

10. Section 10 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"*.
11. From the information provided to the Commissioner in this case, it is evident that the Council did not respond to the request within the statutory timeframe of 20 working days. The Council has therefore breached section 10 of the FOIA.
12. As a response has been provided to the complainant, the Commissioner requires the Council to take no steps.

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: 0870 739 5836

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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF