

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 May 2017

Public Authority: Liverpool City Council
Address: Municipal Buildings
Dale Street
Liverpool
L2 2DH

Decision (including any steps ordered)

1. The complainant has requested information relating to expenses claimed by the Mayoral team. Despite the intervention of the Commissioner, Liverpool City Council ('the council') has not provided a response to the request in accordance with the FOIA. The Commissioner therefore reminds the council of its obligations under the FOIA and requires that it either respond to the request in accordance with the legislation or issue a valid refusal notice under section 17(1).
2. The public authority must take this step 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

3. On 16 February 2016 the complainant wrote to Liverpool City Council ('the council') via the WhatDoTheyKnow website¹ and requested information in the following terms:
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¹

https://www.whatdotheyknow.com/request/amount_claimed_in_expenses_by_ma?unfold=1#incoming-769269

"Can you please give me a breakdown on how much Mayor Joe Anderson and his Mayoral team have claimed in expenses since being elected on 5th May 2012?"

4. The council acknowledged the request on 17 February 2016 and provided the reference number of 443408.
5. Having received no response, the complainant requested an internal review on 20 April 2016.

Scope of the case

6. The complainant contacted the Commissioner on 25 November 2016 to complain about the way his request for information had been handled.
7. The Commissioner has considered whether the council has responded to the request in accordance with the FOIA.

Reasons for decision

8. Section 10(1) of the FOIA states that a public authority in receipt of a request for information has a duty to respond within 20 working days.
9. On 16 December 2016, the Commissioner wrote to the council advising it to respond to the request within 10 working days. She provided a link to the request on the WhatDoTheyKnow website and informed the council to either provide the information or issue a refusal notice in accordance with the requirements of section 17 of the FOIA. She also provided links to her guide to freedom of information² and guidance issued in respect of the time in which a response to a request for information should be provided³.

² http://ico.org.uk/for_organisations/freedom_of_information/guide

³

http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/time-for-compliance-foia-guidance.pdf

http://ico.org.uk/for_organisations/guidance_index/~media/documents/library/Environmental_info_reg/Detailed_specialist_guides/time-for-compliance-eir-guidance.pdf

10. The Commissioner contacted the council again on 2 February 2017 and informed it that the complaint has been deemed eligible for formal consideration under section 50 of the FOIA.
11. On 19 May 2017, the complainant confirmed to the Commissioner that he has still not received a response to this request.
12. To date, the council has not provided a response to the complainant. It is clear to the Commissioner that, in this case, the council has failed to respond to the request in accordance with the legislation.

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

Deborah Clark
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SK9 5AF