

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 14 November 2018

**Public Authority:** Liverpool City Council

**Address:** Cunard Building  
Water Street  
Liverpool  
L3 1DS

#### **Decision (including any steps ordered)**

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1. The complainant requested from Liverpool City Council (the Council) information relating to compensation payments for damage caused due to the poor condition of roads from years 1990 to 2015.
2. The Commissioner's decision is that the Council failed to respond to the request within the statutory time limit of 20 working days and has therefore breached section 10(1) of the FOIA.
3. As the requested information has now been provided, the Commissioner does not require the Council to take any further steps.

#### **Request and response**

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4. On 17 April 2018 the complainant wrote to the Council and requested information in the following terms:

*"Please kindly provide us with details of compensation payments for damage caused due to poor condition of roads (potholes, etc.) by year from 1990 to 2015 inclusive.*

1. *Total claims for compensation your council received for year.*
2. *Total claims your council paid out compensation for year.*
3. *Highest single amount paid out in compensation for year.*
4. *Lowest single amount paid out in compensation for year.*

*5. Average amount paid out in compensation for year.*

*6. Total compensation paid out for year."*

5. On 23 April 2018 the Council acknowledged the request.
6. On 15 June 2018 the complainant wrote to the Council advising that its response to her request was late.
7. On 24 June 2018 the complainant asked the Council for an internal review.
8. On 26 July 2018 the Council provided its response to the request.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 26 July 2018 to complain about the way her request for information had been handled.
6. Although the Council had subsequently provided its response to the complainant relating to her request, she remained dissatisfied as the information was disclosed outside of the statutory timeframe. The complainant requested a decision notice for failing to comply with section 10 of the FOIA.
7. The following analysis covers whether the Council breached section 10(1) of the FOIA - time for compliance.

### **Reasons for decision**

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#### **Section 10 – time for compliance**

8. Section 1(1) of the FOIA provides 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."*

8. Section 10(1) of the FOIA states:

*"Subject to sections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt"*

9. In this case the request was made on 17 April 2018 and the Council responded on 26 July 2018. From the evidence presented to the Commissioner, it is clear that in failing to issue a response to the request within 20 working days, the Council has breached section 10 of the FOIA.
10. As the Council has now issued a response to the request, the Commissioner does not require it to take any further steps.

## Right of appeal

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11. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. 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.
13. 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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**