

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 October 2020

Public Authority: Caerphilly County Borough Council
Address: foi@caerphilly.gov.uk

Decision (including any steps ordered)

1. The complainant requested information about legal fees relating to the Sports and Leisure strategy and Pontllanfraith Leisure Centre. The Commissioner's decision is that Caerphilly County Borough Council ('the Council') failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. However, as the Council has now provided the complainant with a response, the Commissioner does not require any steps to be taken as a result of this decision notice.

Request and response

2. On 6 March 2020, the complainant wrote to the Council and requested information in the following terms:

"1. The costs of Legal Fees in Regard to the Sports and Leisure strategy paid to internal/external solicitors and barristers in all court proceedings.

2. The total cost of all Legal Fees including Solicitors/Barristers fees internal and external in regard to the recent court fees in May and on 19 June in regard to Pontllanfraith Leisure Centre and all other costs borne by the Council in relation to these matters".

3. The Council responded on 10 July 2020 and confirmed that it did not hold any recorded information falling within the scope of the request.

Scope of the case

4. The complainant contacted the Commissioner initially on 27 May 2020 and again on 13 August 2020 to complain about the delay experienced in the Council's response to his request. He asked the Commissioner to issue a decision notice relating to his complaint.
5. The scope of this notice is therefore to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

Section 10 – time for compliance

6. Section 1 of FOIA provides for a general right of access to information held by public authorities. Section 10(1) provides that a public authority must comply with section 1 promptly and in any event not later than the twentieth working day following the date of receipt of a request for information.
7. In this case the complainant made his request for information on 6 March 2020. The Council responded to the request on 10 July 2020. As the Council failed to issue a response to the request within the required timescale it breached section 10(1) of the FOIA.

Right of appeal

8. 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

9. 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.
10. 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

Joanne Edwards
Senior Case Officer
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