

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 November 2021

Public Authority: Bristol City Council
Address: The Council House
College Green
Bristol
BS1 5TR

Decision (including any steps ordered)

1. The complainant has requested information associated with Kingsdown Sports Centre from Bristol City Council ('the Council'). At the date of this notice, the Council has not provided a response to the request.
2. The Commissioner's decision is as follows:
 - The Council has breached section 10(1) of the FOIA as it has not provided a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation:
 - Provide a response to the complainant's request of 14 September 2021 that complies with the FOIA.
4. The Council 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

5. On 14 September 2021, the complainant wrote to the Council and requested information in the following terms:

"Due to the inadequacy of the background information associated with the report to the Cabinet meeting on the 14th September 2021, item 11 'Consultation on Leisure Investment Options', please could you supply the following information, or direct me to where it is already publicly available:-

(1) A copy of the strategy and any supporting documents (including options appraisal) referred to at para 49 of the report: i.e. 'the proposed strategy and the options which sit within it...as detailed options that have been considered and rejected'

(2) All records (including but not limited to emails, papers, reports, decisions etc to/from officers and to/from councillors and the mayor relating to the preparation of the strategy and options assessment

(3) Financial records relating to Kingsdown Sports Centre for each of the last five years, including any council subsidy

(4) Membership numbers for Kingsdown Sports Centre over each of the last five years

(5) Details of any initiatives the council has undertaken to support the Kingsdown Sports Centre operator to increase and sustain the membership, including improving accessibility to less advantaged members of the local community

(6) Details of any communications, formal or informal, between officers and councillors/mayor leading up to the preparation of the report to Cabinet on the 14th September, including any 'signing off' of the report by senior officers and councillors/mayor prior to publication."

6. The Council acknowledged receipt of the request on 13 October 2021.
7. The complainant did not go on to receive a substantive response and submitted a complaint to the Commissioner.
8. On 15 November 2021 the Commissioner wrote to the Council and instructed it to provide a response to the request within 10 working days.

9. On 26 November 2021 the complainant advised the Commissioner that he still had not received a response to his request and on the same day the Council also wrote to the Commissioner to advise that it would not be able to comply with the 10 working day deadline she had given it.

Scope of the case

10. The complainant first contacted the Commissioner on 6 November 2021 to complain about the way his request for information had been handled.
11. The Commissioner's investigation has focussed on the Council's obligation under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

12. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have the information communicated to him or her if it is held and is not subject to an exemption.
13. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
14. The complainant submitted his request to the Council on 14 September 2021 and to date has not received a response under section 1(1). The Council has therefore breached section 10(1) with regards to this request.

Right of appeal

15. 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: 0203 936 8963

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

16. 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.
17. 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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF