

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 November 2022

Public Authority: London Borough of Southwark
Address: PO Box 64529
London
SE1P 5LX

Decision (including any steps ordered)

1. The complainant requested information from London Borough of Southwark (the Council) about the Canada Estate QHIP 17/18 Major Works.
2. The Commissioner's decision is that the Council breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 21 March 2022, the complainant made the following request for information:

"June 2020 the Canada Estate QHIP Major Works was authorised as attached. Even with Covid restrictions coming into force in March three months earlier, work commenced on both tower blocks Regina and Columbia Point in 2020.

Scope of work had identified the following residential units on the estate:

Block Address

1-80 Regina Point
1-80 Columbia Point
1-18 Calgary Court
1-18 Manitoba Court
1-18 Niagara Court
1-18 Scotia Court

1-21 Edmonton Court

Under Freedom of Information please can you provide the following:

- Formal reasoning no work commenced on Calgary, Manitoba, Niagara, Scotia and Edmonton Court?
 - All the dates and email exchanges between the Council and London Fire Brigade of proposed FRA and ventilation amendments to Regina and Columbia Point?
 - Direct email exchanges between the project team and the estates TR&A on topics around delays to the Canada Estate QHIP Major Works”
4. The Council responded to the request for information on 14 June 2022 providing four redacted documents.
 5. The complainant requested an internal review on 20 and 27 June 2022, stating that the Council had only responded to the last bullet point of their request and had not responded to the first two bullet points.
 6. The Council responded on 22 September 2022, providing a response to the first two bullet points of the request for information.

Scope of the case

7. The complainant contacted the Commissioner on 5 October 2022 to complain about the Council’s failure to respond to their request within the statutory time frame set out in FOIA.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

9. Section 1(1) of FOIA states 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.”

10. Section 10(1) 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 evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council has breached section 10(1) of FOIA by failing to respond to the request within 20 working days.

Other matters

Internal review request

12. The Commissioner notes that the time taken for the Council to respond to the internal review request exceeded 40 working days. Although there is no statutory time set out in FOIA within which public authorities must complete a review, the Commissioner takes the view that a reasonable time for completing an internal review is 20 working days from the date of the request for review, and in no case should the total time taken exceed 40 working days. The Commissioner therefore recommends that the Council review the Section 45 code of practice¹.

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

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