

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 January 2023

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

Decision (including any steps ordered)

1. The complainant has requested information regarding a specified fire safety consultation.
2. Southwark Council (the Council) provided the requested information outside of the statutory time for compliance.
3. The Commissioner's decision is that the Council breached section 10(1) FOIA in its handling of this request.
4. The Commissioner requires no steps to be taken.

Request and response

5. The complainant made the following information request on 23 August 2022:

"On 3rd Aug the Council responded to a Stage 1 complaint. The responding officer highlighted (detailed below in red) that the Council engaged an independent fire safety engineer consultancy, in which this independent body recommended building amendments and improvements to Columbia Point.

The council engaged a fire safety engineer consultant, to carry out a fire safety strategy on the Canada Estate, intended to describe fire safety features provided within the buildings, and recommend improvements that maybe required

Under FOI please can you provide us all reports and communications exchanged between the Council and this fire safety consultant. Specifically any reports they generated and notably documents denoting the recommendations they specified that the Council is adopting in changes to Columbia Point.”

6. The Trust responded on 29 November providing the information requested with some redactions to personal data of Council Officers and external contractors who had not given consent for their information to be disclosed. On 30 November 2022 the complainant requested an internal review due to the delay in the Council providing a response to the request. On 4 January 2023 the Council provided the internal review. It accepted that the response had been provided outside of the time requirements of the FOIA.

Scope of investigation

7. The complainant has asked the Commissioner to investigate the timeliness of the Council’s response to his FOIA request in this case.
8. The Commissioner has considered whether the Council complied with section 10(1) FOIA in its handling of this request.

Reasons for decision

Section 10(1)

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. In this case the request was made on 23 August 2022 and the Council did not respond to the request until 29 November 2022. The

Commissioner finds that the Council has breached section 10(1) FOIA by failing to comply with section 1(1) FOIA within 20 working days.

Right of appeal

12. 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

13. 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.
14. 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.....

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