

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 17 October 2013

**Public Authority:** Wirral Borough Council  
**Address:** Municipal Building  
Cleveland Street  
Birkenhead  
Merseyside  
CH41 6BU

#### Decision (including any steps ordered)

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1. The complainant has requested information with regards to an independent consultant company being used by Wirral Borough Council (the council). The information sought was in relation to the work carried out by the consultancy company and monies paid by the council to them.
2. The Commissioner's decision is that the council has breached section 10 of the FOIA by not providing a response within 20 working days.
3. As the council has now provided a response, the Commissioner requires no steps to be taken.

#### Request and response

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4. On 12 May 2012, the complainant wrote to the council via the *WhatDoTheyKnow.com* website. He provided some background information and then requested the following:
  1. *Start date of first collaboration between Wirral Council and Anna Klonowski Associates, or the company she represented at that time.*
  2. *Between the above date and the current date, the total monies paid by Wirral Council to AKA Associates, or the company she represented during this period.*

*3. A complete list of declarations made by AKA Associates prior to any "independent" investigation being commissioned and authorised by the Council and undertaken by AKA Associates, or the company she represented at that time.*

*4. Document containing the full remit of the investigation commissioned and signed off by Council Leader Jeff Green – later undertaken by AKA Associates.*

*5. Copy of detailed Council policy and procedure pertaining to "external" or "independent" investigations. This would include a full explanation of the requirements necessary to ensure that an investigation would not be at risk of having its integrity compromised by e.g. "an undeclared prior association with the commissioning body".*

5. The complainant clarified question 3 of the request on the same day stating:

*"Further to the previous request (Item 3.)  
The declarations referred to here would be statements made to the commissioning body, required to satisfy any impartiality requirements /conflict of interest guidance listed within the external / independent investigations policy and/or procedure."*

6. The complainant requested an internal review on the 11 July 2012 as he had not received a response or acknowledgement of receipt from the council.
7. The complainant contacted the Commissioner on the 6 October 2012 as he had still not received a response or acknowledgment from the council with regards to his request.
8. Following contact from the Commissioner, the council acknowledged the complainant's request on the 12 December 2012 and provided a response on 7 June 2013.
9. The complainant informed the Commissioner that he was not satisfied with the council's response to question 5 of his request advising that the web link provided did not answer his question.
10. During the Commissioner's investigation the council revisited it's response to question 5 of the complainant's request and determined that the link it had provided was not related to the request. It advised that it did not actually hold any information relating to question 5 of the request.

## **Scope of the case**

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11. The complainant has advised the Commissioner that he is not satisfied with the time in which the council took to respond to his request and has asked for a decision notice to record a breach of this.
12. The Commissioner considers that the scope of the case is to determine whether the council breached section 10 of the FOIA.

## **Reasons for decision**

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13. Section 10(1) of the FOIA provides that 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.
14. The complainant made his information request on the 12 May 2012 the council did not provide the complainant with a response until over 1 year had passed, on the 7 June 2013. Therefore the Commissioner finds that the council breached section 10(1) of the FOIA in this case.

## Right of appeal

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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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

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 .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**