

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2015

Public Authority: Darlington Borough Council
Address: Town Hall
Feethams
Darlington
County Durham
DL1 5QT

Decision (including any steps ordered)

1. The complainant has made a request to Darlington Borough Council ("the council") for information relating to central heating boilers. The council responded outside the time for compliance provided by section 10(1) of the Freedom of Information Act ("the FOIA").
2. The Commissioner's decision is that the council has breached the requirement of section 10(1).
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 21 July 2014, the complainant wrote to the council and requested the following:

"A. How many new central heating boilers have Darlington Boprough Council bought in the following financial years ...2011-12, 2012-13, 2013-14, and 2014 -to present broken down by years please? (or break it down into financial years if that is easier).

B, Could I have a financial breakdown of the cost of purchasing new household boilers for ALL the above 4 year groups? Ie: 2011-12 £60K.(or break it down into financial years if that is easier).

C, How many new boilers were fitted in each of the above financial years?

D, Could I have copies of all purchase receipts for the above 4 year groups.(or break it down into financial years if that is easier).

E, Please provide a list of address's that have had new boilers fitted in the above year groups? (By year) Ie: 20 Branksome, 15 MSG etc.

F, If Boilers that have been bought have not been fitted yet, Where are they kept for safety (not exact address but depot etc.) and how many remain unfitted and in storage?

G, Is there a difference between the amount fitted and/or stored, compared to those bought? Please provide the number that were bought against the number that have been fitted?

H, How many boilers (if any) are unaccounted for at the cose of DBC business tonight 21st Jult 2014?

I, How much if any "outside" money was used to help in these purchases? Ie; energy grants, Gov grants etc."

5. The council provided a substantive response on 13 October 2014.

Scope of the case

6. The complainant contacted the Commissioner on 28 November 2014 to complain about the way his request for information had been handled.
7. The Commissioner considers the scope of this case is the determination of whether the council has complied with section 10(1).

Reasons for decision

Section 10(1) – Time for compliance

8. Section 10(1) requires that a public authority must issue substantive response within the time for compliance, which is 20 working days following the date on which the request is received.
9. In this case the Commissioner has identified that the council issued its response outside 20 working days, and therefore breached the requirement of section 10(1).

Right of appeal

10. 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@hmcts.gsi.gov.uk

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

11. 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.
12. 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