

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 13 November 2018

Public Authority: London Borough of Wandsworth
Address: The Town Hall
Wandsworth High Street
London
SW18 2PU

Decision (including any steps ordered)

1. The complainant requested information relating to a decision affecting rental costs for a premises used by the Sea Cadets organisation.
2. The Commissioner's decision is that London Borough of Wandsworth ("the London Borough") failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the London Borough to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The London Borough must take these steps 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 22 April 2018, the complainant wrote to the London Borough and requested information in the following terms:

"Dear Sirs,

This is a Freedom of Information Act request for all information relating to the Council decision to eliminate the discount on the rent of the Sea Cadets premises at Ashlone Buildings. The Embankment, Putney SW15 1LB.

Please include in the information the basis of the assessment of the rent on the premises and any assessment of the economic and social effects should the rent increase cause the Sea Cadets to cease to operate, in particular what consideration has been given to alternative uses for the property."

6. The complainant chased a response to the request on 20 June 2018. On 13 July 2018, the London Borough confirmed that their request had been forwarded to the correct team. The London Borough has failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 7 September 2018 to complain about the failure, by the London Borough, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the London Borough on 25 September 2018 to highlight the outstanding response. She requested that the London Borough respond to the request within 10 working days.
9. The complainant contacted the Commissioner on 31 October 2018 to explain that the public authority had acknowledged the correspondence but had not provided a response to the request.
10. The scope of this notice and the following analysis is to consider whether the London Borough has complied with section 10 of the FOIA.

Reasons for decision

11. Section 1(1) of the 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.*

12. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

14. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the London Borough of Wandsworth has breached section 10 of the FOIA.

Right of appeal

16. 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

17. 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.
18. 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

Jonathan Slee
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SK9 5AF