

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 May 2019

Public Authority: City of Bradford Metropolitan District Council

Address: Britannia House
Hall Ings
Bradford
BD1 1HX

Decision (including any steps ordered)

1. The complainant requested information on a number of subjects, namely: the total cost for the demolition of 'Jacobs Well', The cost of stationery and paper purchased by City of Bradford Metropolitan District Council (the Council) between the years 2015-18, the number, cost and name of the professional subscriptions that the Council subscribe to, the most expensive asset that the Council owns and its worth, the biggest debt owed by the Council, the biggest loan taken out by the Council, the number of Council buildings not in use and their cost as well as their maintenance cost.
2. The Commissioner's decision is that Bradford Council has breached Section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Bradford Council to take the following steps to ensure compliance with the legislation:
 - Bradford Council must issue a substantive response to the outstanding parts of the request in accordance with its obligations under the FOIA.
4. Bradford Council 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 30 January 2019, the complainant wrote to Bradford Council and requested information in the following terms:

"1. Total cost for the demolition of Jacobs Well?

2. Total cost for stationary that the council has purchased in 2015,2016,2017 and 2018?

3. Total money spent on paper for the council in 2015,2016,2017 and 2018?

4a Number of professional subscriptions that the council subscribe to

4b the total cost of these subscription

4c the names of these subscriptions

5. The most expensive asset that the council owns and what is it worth?

6. The biggest debt that is owned by the council and how much this is and what is it for?

7. The biggest loan that the council has taken out and how much this is and what is it for?

8a Number of council owned buildings that are not in use?

8b. The total cost of these buildings?

8c The total maintenance cost for these buildings"

6. On 4 February 2019, the Council acknowledged the request, and stated that it aimed to provide a response by 27 February 2019.
7. On 26 February 2019, the Council asked for an extension to fulfil the request, stating a response would be forthcoming by 5 March 2019.
8. On 13 March 2019 the Council provided its response to parts 1, 2 and 3 of the request, but failed to answer the remaining questions, and asked for a further extension until 20 April 2019.
-

Scope of the case

9. The complainant contacted the Commissioner on 18 March 2019 to complain about the way the request for information had been handled, specifically that the Council had asked for multiple extensions and had still failed to fulfil the request.
10. In line with her usual practice, on 3 April 2019 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. The correspondence was neither acknowledged nor responded to.
11. The complainant contacted the Commissioner on 3 April 2019 to request a decision notice considering the Council's compliance with the FOIA.
12. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance under section 10 of the FOIA.

Reasons for decision

13. 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."

14. Section 10(1) of the 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."*
15. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
16. 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."*

17. 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 Council has breached Section 10 of the FOIA.

Right of appeal

18. 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

19. 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.
20. 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

Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF