

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 June 2021

Public Authority: Sheffield City Council

Address: Town Hall
Pinstone Street
Sheffield
S1 2HH

Decision (including any steps ordered)

1. The complainant requested from Sheffield City Council (“the Council”) information relating to the generation, approval and dissemination of a letter written by Councillor Bryan Lodge regarding the replacement of trees. By the date of this notice the Council had not provided a substantive response to the request.
2. The Commissioner’s decision is that the Council has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The 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 1 September 2020, the complainant wrote to the Council via the What Do They Know website and requested information in the following terms:

"On 26th [sic] 2017 The Guardian printed a letter from cabinet member responsible, Cllr Lodge quoting:

"Ultimately, there will be 600 more street trees by the end of the Streets Ahead programme because we are planting for the future, retaining Sheffield's credentials as one of the greenest cities in the UK."

<https://www.theguardian.com/uk-news/2017...>

Please provide any and all information associated with the generation, approval and dissemination of this letter.

I am also requesting details of where in the Streetsahead contract Amey is contractually obliged to provide "600 more street trees by the end of the Streets Ahead programme" as stated in the letter."

6. On 2 September 2020, the complainant wrote to the Council again to clarify his request for information. The complainant stated the following:

"My previous email should read 26th October 2017."

7. The Council wrote to the complainant on 2 September 2020 to acknowledge the request.
8. On 8 February 2021, as the complainant had not received a response, he wrote to the Council to ask for an update on the status of his request.
9. The Council wrote to the complainant on 9 February 2021 to provide the complainant with an update on the status of his request. The Council stated that it was carrying out the necessary searches for the requested information and apologised for its delayed response.
10. On 6 March 2021 and 3 May 2021, the complainant wrote to the Council again to ask for an update on the status of his request. The Council did not respond. By the date of this notice the Council had not provided the complainant with a substantive response to his request.

Scope of the case

11. The complainant contacted the Commissioner on 3 May 2021 to complain about the Council's failure to respond to his request.
12. The Commissioner contacted the Council on 1 June 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
13. The Commissioner also contacted the complainant on 1 June 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to his request.
14. The complainant has provided evidence that he has received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to his information request.
15. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

16. Section 10 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.*

17. 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.*"
18. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

Right of appeal

19. 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

20. 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.
21. 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

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