

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 January 2021

Public Authority: Warrington Borough Council
Address: East Annexe
Town Hall
Sankey Street
Warrington
WA1 1UH

Decision (including any steps ordered)

1. The complainant requested a copy of the "follow-up finance review" from the Local Government Association commissioned by Warrington Borough Council (the Council). By the date of this notice the Council had failed to provide a substantive response to this request.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner's decision is that Warrington Borough Council breached section 10 (time for compliance) of the FOIA by failing to respond to the request within 20 working days of receipt.
4. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under the FOIA.
5. The Council must take this step 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

6. On 8 October 2020, the complainant wrote to the Council and requested information in the following terms:

"I am writing to request information under the Freedom of Information Act 2000. In order to assist you with this request, I am outlining my query as specifically as possible.

Warrington recently commissioned a follow-up finance review from the Local Government Association.

The council previously said that it would publish a final report and recommendations 'in due course' -

<https://www.themj.co.uk/EXCLUSIVE-Council-rejects-budget-control-review/216839>

This has not happened and I would like to request all versions of this report the council has received (including drafts) and any associated correspondence."

7. The Council acknowledged the request on 10 November 2020 but had failed to provide a substantive response by the date of this notice.

Scope of the case

8. The complainant contacted the Commissioner on 16 December 2020 to complain about the failure by the Council to respond to the request.
9. In line with her usual practice, the Commissioner contacted the Council on 13 January 2020 to highlight the outstanding response. She requested that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
10. 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

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 Council 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

Ben Tomes
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