

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 February 2022

Public Authority: Brighton and Hove City Council
Address: Bartholomew House
Bartholomew Square
Brighton
BN1 1JE

Decision (including any steps ordered)

1. The complainant requested information on 19 October 2020 relating to an eviction notice served upon a specific individual. The Council has not responded to this request.
2. The Commissioner considers that the Council has breached section 10(1) FOIA as it has failed to respond within the statutory time for compliance.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide a response to the request in compliance with FOIA.
4. The public authority 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 19 October 2020 the complainant requested information of the following description:

"I am writing on behalf of [name redacted] who lived at [address redacted]

He was served an eviction notice. I have attached below. I understand there was an issue raised regarding noise.

I am requesting all documents on the freedom of information act regarding this matter.”

6. The Council failed to respond to the complainant’s request despite a number of chase up emails sent by the complainant.
7. Due to the lack of response, the complainant submitted a complaint to the Information Commissioner’s Office on 18 November 2021.
8. The Commissioner wrote to the Council on 7 December 2021 and 11 January 2022 reminding it of its obligations under FOIA to respond to this request.
9. The Council failed to provide a response to the complainant or reply to the Commissioner.

Scope of the case

10. The complainant contacted the Commissioner as the Council failed to respond to the request.
11. The Commissioner has considered whether the Council complied with its obligations under section 10(1) FOIA in its handling of this request.

Reasons for decision

12. Section 10(1) provides that:

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

13. Section 1(1) provides 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. The original request was made on 19 October 2020 and a response is yet to be provided by the Council. The Commissioner therefore finds that the Council breached section 10(1) in failing to provide a response within 20 working days.

Right of appeal

15. 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

16. 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.
17. 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.....

Gemma Garvey
Senior Case Officer

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF