

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 February 2022

Public Authority: South Somerset District Council

Address: Council Offices
Brympton Way
Yeovil
Somerset
BA20 2HT

Decision (including any steps ordered)

1. The complainant submitted a request to South Somerset District Council ("the Council") requesting a breakdown of spending and a copy of the accounts for the building of Chard Leisure Centre. By the date of this notice, the Council had not issued 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 FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 27 November 2021, the complainant wrote to the Council and requested information in the following terms:

“Chard Leisure Centre, off High Street, Somerset. Please can you provide: (a) a breakdown of how the 16.5 million was spent; and (b) a copy of the accounts for the build of the Leisure centre and any other buildings included in the cost.

<https://www.southsomerset.gov.uk/news/2021/10/chard-leisure-centre-set-to-welcome-visitors-in-november-as-opening-date-is-set/>”

6. The Council acknowledged the request on 30 November 2021 but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 22 December 2021 to complain about the failure, by the Council, to respond to the request.
8. In line with his usual practice, the Commissioner contacted the Council on 19 January 2022 to highlight the outstanding response. He requested that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of FOIA.

Reasons for decision

10. Section 1(1) of 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.

11. Section 8(1) of 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.
12. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under FOIA.
13. Section 10 of 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."
14. 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 FOIA.

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

Phillip Angell
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