

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 March 2022

Public Authority: Warrington Borough Council

Address: East Annexe
Town Hall
Sankey Street
Warrington
WA1 1UH

Decision (including any steps ordered)

1. The complainant requested information from Warrington Borough Council regarding the valuation of a property.
2. The Commissioner's decision is that Warrington Borough Council failed to respond to part of the request within 20 working days and has therefore breached section 10(1) of the FOIA.
3. As a response to the request has been provided no steps are required.

Request and response

4. On 26 November 2020 the complainant requested information from Warrington Borough Council ("the council") in the following terms:

"I listened to the ACGC meeting of 19th November 2020. In this, Lynton Green (Deputy Chief Executive & Director of Corporate Services) stated that [redacted] is now valued at £120 million.

1. Could the council confirm that Mr Green said this? It was at 1:15:35 on the recording
 2. Could the council confirm whether either [redacted] or [redacted] is currently valued at (or near) £120 million?
 3. Did Mr Green confuse customer deposits at the bank with its value as a company? I can't see this being the case, given that they are a CIPFA qualified accountant, but for completeness I thought it worth asking."
5. The council responded on 21 January 2021. In terms of each of the request questions it:
1. Provided confirmation of the speaker on the recording.
 2. Provided a link to a recording of the November meeting for the Committee. This is the meeting that the complainant had referred to in the request, and therefore did not answer the question.
 3. Denied holding the requested information.
6. The complainant requested an internal review on 22 January 2021, of request question [2], stating that the council had not answered the question.
7. The council responded on 3 February 2021. In respect of question [2], it directed the complainant again to the link of that meeting, advising that the information is in the public domain:
- "If you watch the video from about 1 hour 15 minutes and 35 seconds, you will hear Lynton Green state that [redacted] is valued over £120 million'. Here is the link to the video on YouTube again, <https://www.youtube.com/watch?v=ggS45WxJ...>"

8. On 19 January 2022 the council revised its response to confirm that it held no information in scope of question [2]. This response was given during the Commissioner's investigation.

Scope of the case

9. The complainant contacted the Commissioner to complain about the way the request for information had been handled. The initial complaint was that the council had not responded correctly to request question [2].
10. The complainant confirmed that they were satisfied with the revised response that was provided during the investigation. However they remained dissatisfied with the time taken by the council to provide the response.
11. The scope of this case is to determine whether the council has complied with its obligations at section 10(1) of the FOIA (time for compliance).

Reasons for decision

12. 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 them"
13. 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".
14. The complainant requested the information on 26 November 2020. The council did not provide a valid response to request question [2] until 19 January 2022 which is almost 14 months after the request was made.
15. The Commissioner finds that the council breached section 10(1) of the FOIA by failing to respond to the request within 20 working days.
16. As a response has now been provided, no further actions are required.

Right of appeal

17. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

18. 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.
19. 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

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