

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 19 June 2018

**Public Authority:** Liverpool City Council  
**Address:** Municipal Buildings  
Dale Street  
Liverpool  
L2 2DH

#### Decision (including any steps ordered)

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1. The complainant requested information relating to a health and safety risk assessment, and fire risk assessment of the Liverpool Echo Arena car park. Liverpool City Council (the Council) has failed to respond to this request.
2. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - The Council must provide the complainant with a response to this request in accordance with its obligations under FOIA.
3. 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

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4. On 4 January 2018, the complainant wrote to the Council and requested information in the following terms:

*"Please can I request the fire risk assessment for the Liverpool Echo Arena car park. I am requesting this under the freedom of information."*

5. The Council acknowledged receipt on 5 January 2018.
6. On 9 January 2018 the complainant submitted a reformulated request by complementing it with two additional requests:

*"...the first is the up to date fire risk assessment for the Echo arena car park and the second request for the latest up to date Health and Safety risk assessment that was carried out on the Liverpool Echo arena car park. To add to this information I request the risk assessment carried out for the stabling of the horses on the ground floor of the Echo arena car park."*

7. The Council responded on to the complainant stating that:

*"...additional requests, as below, have been added to the original FOI and are currently with Officers for a response."*

8. However, this was not followed with any substantive response to the complainant to date.

### **Scope of the case**

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9. The complainant contacted the Commissioner on 5 February 2018 to complain about the way his request for information had been handled.
10. The Commissioner has considered whether the Council dealt with this request in accordance with its obligations under section 10(1) FOIA.

### **Reasons for decision**

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11. 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."*

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 requests in question fulfilled these criteria and therefore constituted valid requests for recorded information under the FOIA.

14. 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."*

15. The requests were submitted on 4 and 9 January 2018 and a response has not yet been provided. The Commissioner therefore finds that the Council breached section 10(1) in failing to respond within 20 working days.

## Right of appeal

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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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**