

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 May 2018

Public Authority: Royal Borough of Kensington & Chelsea

Address: The Town Hall
Hornton Street
London
W8 7NX

Decision (including any steps ordered)

1. The complainant requested information about the way the Royal Borough of Kensington & Chelsea (“the Royal Borough”) handled the aftermath of the Grenfell disaster and the associated costs it had incurred.
2. The Commissioner’s decision is that the Royal Borough failed to respond to the request within 20 working days and has therefore breached Section 10 of the Freedom of Information Act (“the FOIA”).
3. The Commissioner requires the Royal Borough to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The Royal Borough 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 29 January 2018, the complainant wrote to the Royal Borough via its online request portal and requested information in the following terms:

"In accordance with the FOI Act can you please provide the following information.

- 1. After the Grenfell Tower Fire how many council tenants needed rehoming?*
 - 2. After the Grenfell Tower Fire how many homes did the council have to find to rehouse all the Grenfell tenants?*
 - 3. How long from the date of the fire did it take the council to find a permanent home for 25%, 50%, 75% & 100% of the Grenfell Tower Tenants?*
 - 4. What are the council's current up to date costs related to the rehoming of the Grenfell Tower Fire Tenants such as:*
 - a) the total cost for temporary council & private rentals,*
 - b) the total cost for new house purchases,*
 - c) the total cost of employing additional council staff,*
 - d) the total cost for private sector consultants etc?*
 - 5. How many Grenfell Tower Tenants are still located within temporary accommodation?"*
6. At the point of issuing this decision notice, the Royal Borough had still not issued a substantive response to the complainant's request.

Scope of the case

7. The complainant contacted the Commissioner on 19 March 2018 to complain about the way his request for information had been handled.
8. In line with her usual practice, the Commissioner contacted the Royal Borough on 23 March 2018 to highlight the outstanding response. She requested that the Royal Borough respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.

9. The Complainant contacted the Commissioner on 26 April 2018 to request a decision notice considering the Royal Borough's compliance with the FOIA.
10. The Commissioner considers that the scope of her investigation is to determine whether the Royal Borough 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 response 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 Royal Borough 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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