

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **6 August 2021**

Public Authority: **Liverpool City Council**
Address: **Municipal Buildings**
Room 221
Dale Street
Liverpool
L69 2DH

Decision (including any steps ordered)

1. The complainant requested information held by Liverpool City Council relating to work carried out on the Strand Street (A5036) site.
2. The Commissioner's decision is that Liverpool City Council ("the Council") failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
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 the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 28 May 2021, the complainant wrote to the Council and requested information in the following terms:

'Dear Liverpool City Council,

Can you please provide the following fiscal, statistical and/or documentary evidence;

- 1. The total cost, to date, of the road and pedestrian works carried out on the current Strand St (A5036) site.*
- 2. The total cost difference, to date, of the initial works estimate compared to the current amount spent.*
- 3. The total difference, if any, in days that the job has run over the original estimate.*
- 4. All minutes of any planning, council or other official meetings in relation to any aspect of this development.*
- 5. Any research carried out into the impacts of traffic flow during and after the works are completed.*
- 6. Confirm the tender process for this contract, including but not limited to; The time and date it was put to tender, the number of companies who placed a bid. Any meetings held with any company involved before the contract was handed out and finalised.*

Yours faithfully'

6. The Council acknowledged the request on 1 June 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 29 June 2021 to complain about the failure, by the Council, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Council on 16 July 2021 to highlight the outstanding response. She requested

that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.

9. The complainant contacted the Commissioner on 30 July 2021 to request a decision notice considering the Council's compliance with the FOIA.
10. The scope of this notice and the following analysis is to consider whether the Council 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 10 of the 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.*"
13. 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 the FOIA.

Right of appeal

14. 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

15. 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.
16. 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
Group Manager
Information Commissioner's Office
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Water Lane
Wilmslow
Cheshire
SK9 5AF