

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 May 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 about the cost of a council office building in Time Square. By the date of this notice, Warrington Borough Council ("the Council") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step 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 this step 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 28 October 2021, the complainant wrote to the Council and requested information in the following terms:

"In the minutes of the Full Council meeting scheduled for [redacted] there was a letter from [redacted] regarding the cost of the new Council office in Time Square.

[redacted] stated:

1. "This question also been subject to FOI requests which have previously had to be declined due to the commercial nature of the information"
 2. "What is clear is that the move to the Council's new offices has saved the Council in excess of £0.5m per year compared to the Council's previous offices at NTH and Quattro, and has helped bring another site forward for regeneration in our town centre"
 3. "The Council is still in the process of remedying the last remaining "snags" with the new building, however it has already committed to publish this information this financial year"
1. Previous FOI requests have been answered with a claim by WBC that it does not know the cost of the office, so I am confused by [redacted] claim that the core issue is commercial confidentiality. Could the Council explain what is commercially confidential about the cost of a public building?
 2. Please provide the calculations which show a £0.5M revenue saving. I need to understand whether the stated £0.5M p.a. saving is net of the interest and other charges
 3. As the Council clearly has this information – the cost of the new Council office in Time Square – please provide it in response to this FOI request."

6. The Council sent an automatic acknowledgement on 28 October 2021 and a personalised acknowledgement on 1 November 2021. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 14 March 2022 to complain about the Council's failure to respond to their request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

9. 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.”

10. 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”.
11. On 24 March 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. The Council emailed the Commissioner on 10 April 2022 to advise that they were “undertaking a detailed assessment of the information needed to fully respond to the question raised ... We expect the analysis to take 2/3 weeks to complete and verify ...”.
13. Despite this intervention, the Council has failed to respond to the complainant.
14. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with 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: 0203 936 8963

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

Michael Lea
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