

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 1st November 2005

Name of Public Authority: London Borough of Barnet

**Address of Public Authority: Hendon Town Hall
The Burroughs
Hendon
London
NW4 4BG**

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 18 January 2005 the following information was requested from the London Borough of Barnet (the "Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

- "(1) The Housing Services Manual;
- (2) All allocations monitoring data collected in the past 3 years and any reports, policy or other documents relating to the monitoring of and the outcome of the monitoring of your housing allocation schemes;
- (3) All reports and enclosures or other documents prepared for or sent to councillors or relevant council committees or sub-committees regarding your housing allocation scheme and any amendments or proposed amendments to it that have been produced in the past 3 years;
- (4) Any other reports, policy or practice documents, memorandum, internal guidance or other documents relating to your allocation scheme which have been produced in the past 3 years."

It is alleged that, with the exception of (1) above, the Council have failed to provide the information requested.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

Section 1(1) of the Act states:

“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.”*

Section 10(1) of the Act states:

“... 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.”

In response to the complainants' initial request for information the Council wrote to them on 15 February 2005, explaining that a fee would be payable for the provision of the requested information. On 24 February 2005 the complainants replied to the Council questioning the fee and repeating their information request. The Council failed to reply to the complainants' letter but, following intervention by the Commissioner's office, they wrote on 22 July 2005 to the complainants apologising for the delay and providing information relating to the Housing Services Operations Manual. They also undertook to provide the remaining information separately without charge. However, to date, they have not supplied any further information to the complainants.

The Commissioner's decision is as follows:

The Council have confirmed that they hold the information requested. They have undertaken to provide the information to the complainants but have repeatedly failed to do so. Therefore, the Commissioner's decision is that the Council have not dealt with the complainants' request in accordance with Part 1 of the Act in that they have failed to comply with section 1(1)(b) within the time limit set out in section 10(1).

Action Required

In view of the matters referred to above the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he requires that the Council shall, within 30 days of the date of this Decision Notice:

- (a) provide the complainants with information meeting the description specified in (2) to (4) of their request; and
- (b) confirm to the Commissioner that the above action has been taken.

Failure to comply

Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 1st day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF