

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 June 2012

Public Authority: Wolverhampton City Council
Address: Civic Centre
St Peter's Square
Wolverhampton
WV1 1SH

Decision (including any steps ordered)

1. The complainant requested information about agencies responsible for the upkeep of an estate including ground maintenance of footpaths and tarmac. To date, Wolverhampton City Council has not provided a response to the complainant. The Commissioner's decision is that Wolverhampton City Council has breached section 10(1) of the FOIA in failing to respond within the statutory time limit. The Commissioner requires Wolverhampton City Council to take the following steps to ensure compliance with the legislation: provide a response compliant with section 1(1) of the FOIA, or provide a refusal notice compliant with section 17 of the FOIA.
2. The public authority 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

3. On 19 August 2011, the complainant wrote to Wolverhampton City Council and requested information in the following terms:

"...a list of all Council agencies that have the responsibility for the upkeep of the Dovecote Estate, ie who is responsible for the ground maintenance, footpaths, housing, the Haymarket shops and walkways upkeep of the cameras at the Haymarket also who is responsible for

the upkeep of the car parks is it the City Council or the management of the TMO."

"...what agencies of the Council are responsible for the re-tarmacking of the walkway and footpaths at the shops at the Haymarket on the Dovecote estate Pendeford."

"...I am requesting the following information regarding an email briefing note from [named officer] dated 26 March 2009. 'Subject [address] Pendeford, let to the Dovecotes TRA Association by Wolverhampton City Council."

Q1) was the Chair – Sec – or Vice Chair informed of this meeting that was taking place if they were please supply the times and place and date of the invite to the group if there was not an invite to the group who took the decision from Wolverhampton Homes recommending Dovecotes TMO not to invite (Q2) regarding section (3.1 who supplied you with this information was it by email) letters or other means. Q3.1 who supplied the information and who were the members in question. (Q3.2) who did the member complain to from the Council about the inappropriate behaviour if this happened as you say please supply times and dates and any witnesses to the said meeting. Q3 regarding section 3.4 of the B. note on the times that he has visited the Civic Centre what allegations did he make about the chair – and...and to whom was present at this meeting was there notes taken by the officer concerned also the date that this meeting took place on did the officer(s) concerned report this to the Dovecotes tenant management by email letter or any other means if so please supply me with the details Q4) regarding section (4.4) what are the four aims and objectives and who supplied the information that they were not complied with meaningful dialogue with the TMO if this is the case please supply any correspondence ie email letters or any other to the tenants residents ass. Q5 regarding the said conclusion...what difference with the TMO has it got please supply the said evidence..."

4. To date, Wolverhampton City Council has not responded to the complainant.

Scope of the case

5. The complainant contacted the Commissioner to complain about the way his request for information had been handled. He was dissatisfied with the lack of a response from Wolverhampton City Council.

Reasons for decision

6. Section 10(1) of FOIA states 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.”
7. The complainant provided the Commissioner with evidence that his requests had been hand-delivered to Wolverhampton City Council and that their receipt had been confirmed by an officer on the same day.
8. He confirmed in a recent telephone conversation with the Commissioner that he had not received a substantive response to any of his requests made last year.
9. The Commissioner therefore finds that Wolverhampton City Council has breached section 10(1) of the FOIA by failing to respond within the statutory time scale of twenty working days.
10. In order to comply with the FOIA, Wolverhampton City Council must now respond to the complainant. It must confirm or deny whether information relating to the requests is held, and if information is held it must either provide the information to the complainant or issue a valid refusal notice compliant with section 17 explaining the reasons why the information is being withheld.

Right of appeal

11. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

12. 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.
13. 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

Jon Manners
Group Manager
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