

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 February 2021

Public Authority: Bristol City Council

Address: City Hall

PO Box 3399

Bristol

BS1 9NE

Decision (including any steps ordered)

1. The complainant requested details relating to the Bristol City Council's (the Council) expenditure related to a playing field. By the date of this notice the Council had not provided a substantive response to this request.
2. The Commissioner's decision is that 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 step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under the 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 the Act and may be dealt with as a contempt of court.

Request and Response

5. On 17 July 2020, the complainant wrote to the Council and requested information in the following terms:

"Please can you supply details of the total amount of BCC expenditure related to Stoke Lodge Playing Fields, Stoke Bishop since 25/4/2019 to the present date to include:

- Legal action and procedural costs related to Town and Village Green Applications, Public Rights of Way, Judicial Reviews and any other legal queries.

- Complaints or enquiries by local lobbyists about the site or Cotham School

- A breakdown of BCC officer time (where it is documented/entered on timesheets) spent dealing with complaints about the handling of the site by BCC or Cotham School that was above and beyond normal maintenance requirements.

NB this follows a previous FOI request for similar information ref CRN00224080, that you kindly supplied up to April 2019.

From your response to that request, I appreciate that it is mainly legal officers who record their time, so to that end I would also like to work out the cost of an average legal hour. Please supply this figure if known or provide:

a) The annual budget for the legal department for the last 3 years, including any overheads or costs related to other departments.

b) The total number of staff employed by the legal department, including any support staff, for each of these 3 years.

c) The sum of the payroll for these staff.

d) The total number of person hours/ or equivalent these staff work annually.

e) Any other financial information that would allow me to calculate the average cost of an average BCC legal hour so that it is a fair comparison with a legal hour of a private law firm.

Please note, I am only looking for enough information for an approximate cost, and do not require detailed financial information. Also if you can confidently supply me with enough information to

work out a realistic BCC legal hour cost without answering all of the points a to e above, I'd be quite happy if that saves you time."

6. The Council acknowledged the request on 17 July 2020 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 16 December 2020 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 1 February 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 15 February 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 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 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 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.*"
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 Council 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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