

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 17 August 2022

**Public Authority:** St Helens Metropolitan Borough Council

**Address:** Wesley House  
Corporation St  
St Helens  
WA10 1HF

#### **Decision (including any steps ordered)**

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1. The complainant requested information from St Helens Metropolitan Borough Council ("the Council") about health and safety assessments for two libraries within the borough. The Council provided a partial response stating the information for the second part of the request would be provided by their estates department, which they failed to do within 20 working days.
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 does not require the Council to take any steps.

## Request and response

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4. On 30 May 2021, the complainant wrote to the Council and requested information in the following terms:

*"With regard to both Garswood and Billinge libraries that still remain closed due to the impacts of Covid could you please provide the health and safety risk assessments that have been carried out for these buildings and the reasons the buildings remain closed.*

*Additionally could you please provide details of the extent of the state of the roof of Billinge Library and whether or not quotations for repair have been sent out/prepared."*

5. On 7 June 2021, the Council provided a partial response which included the assessments for both libraries and stated: "In relation to the roof at Billinge Library, this has been passed to the Estates Team who deal with buildings and can provide further details."
6. Despite numerous chasers by the complainant over several months and the intervention of the Commissioner, a substantive response was not received until 22 April 2022.

## Scope of the case

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7. The complainant contacted the Commissioner on 3 November 2021 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

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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 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 9 November 2021, 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. Despite this intervention the Council failed to respond to the complainant.
13. 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.

**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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**