

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 February 2023

Public Authority: Sandwell Metropolitan Borough Council

Address: Sandwell Council House
Oldbury
West Midlands
B69 3DE

Decision (including any steps ordered)

1. The complainant has requested information from Sandwell Metropolitan Borough Council (the Council) about a particular museum. The Council provided the complainant with some information within the scope of the request. The complainant believes that the Council has not responded to all of their request.
2. The Commissioner's decision is that the Council met its obligations under section 1 of FOIA, however it breached section 10(1) as it failed to provide its response within the statutory timeframe.
3. The Commissioner does not require the Council to take any further steps on this matter.

Request and response

4. On 4 October 2022, the complainant wrote to the Council and requested information in the following terms:

"I note with some concern that Sandwell Council has not applied to Arts Council England for Accredited Museum Status for the Oak House Museum in its most recent (August 2022) Application.

- 1) Please can you confirm that this is the case.

- 2) If this is the case, can you confirm that applications have been made for other Sandwell Museum premises, and which ones.
 - 3) I note the exclusion of Oak House Museum was not referenced in the Cabinet Report of 22.07.2022 approving the council's application for accredited status. Please can you explain why this was not referenced in the report?
 - 4) Please can you identify at what level of the council this decision was made, who took the decision, and any rationale for the decision.
 - 5) The report references a consultancy report by Wafer Hadley "A Strategic Overview Report of Sandwell Museums". Does this report recommend ending accredited status Oak House Museum or any other Sandwell Museums?
 - 6) Please can you provide a copy of this report.
 - 7) Please can you provide details of any and all consultations carried out prior to the cabinet report being prepared, prior to the submission of any accreditation application to ACE and prior to the preparation of the 6 Policies and Plans referenced in section 4.3 of the cabinet report of 22.07.2022. This should include names of organisations consulted, the actual request made to them by Sandwell council and the responses given. If a separate consultation was carried out for the Oak House Museum, please can similar details be provided."
5. The Council responded on 11 November 2022. It provided information for each of the seven points within the request.
 6. The complainant requested an internal review on 15 November 2022. Specifically they queried the Council's responses to points 2,3,4,5 and 7.
 7. Following an internal review the Council wrote to the complainant on 30 November 2022. It upheld the complaint about its initial response to point 2, and disclosed the outstanding information in response to that part of the request. However, it upheld its original responses to points 3,4,5 and 7.

Scope of the case

8. The complainant contacted the Commissioner on 21 December 2022 to complain about the way his request for information had been handled. In particular they were dissatisfied that the Council had not explained

why it had decided not to submit a renewal application for accredited status for Oak House Museum.

9. The Commissioner considers the scope of his investigation to be to determine whether the Council has met its obligations under section 1 of FOIA.

Reasons for decision

10. 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.
11. FOIA provides a right of access to recorded information; this does not extend to the right to ask questions, explanations, clarification of information or debate the contents of information unless the answer to those questions, explanations or clarifications are already held in recorded form.
12. In their request for an internal review the complainant makes queries such as, "what is the reason for not informing councillors (and indirectly the public) via the report that such a significant change has been made to the status of the Oak House?", and "Please can you as per my original request explain the decision NOT to submit an application for Oak House". The Commissioner is clear that these comments are seeking explanations, and therefore fall outside of the obligations placed upon the Council by FOIA.
13. The Commissioner considers that, between its initial response and internal review response, the Council has provided the information which it holds relevant to the scope of the request.
14. For the above reasons, the Commissioner is satisfied that the Council has complied with section 1 of FOIA in this case. He cannot compel a public authority to provide further clarification or explanation as this is not a requirement of 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

Catherine Fletcher
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF