

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 November 2017

Public Authority: Taunton Deane Borough Council
Address: Deane House
Belvedere Road
Taunton
Somerset
TA1 1HE

Decision (including any steps ordered)

1. The complainant has requested information about the cost of temporary accommodation used by Taunton Deane Borough Council ("the council") to accommodate families that it has a statutory responsibility to house. The Commissioner's decision is that the council has failed to respond to the request within the statutory time for compliance, and therefore breached sections 1(1) and 10(1) of the FOIA.
2. The Commissioner requires the council to take the following step to ensure compliance with the legislation.
 - Provide the complainant with a response to her request which complies with the requirements of section 1(1) of the FOIA, or issue a valid refusal notice.
3. 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

4. On 3 August 2017, the complainant wrote to the council and requested information in the following terms:

"Under the Freedom of Information Act, please could you provide me with the gross cost of a. bed and breakfast hotels and b. all other temporary accommodation used to accommodate households that the council has a statutory responsibility to house, in 2009/10, 2010/11, 2011/12, 2012/13, 2013/14, 2014/15 and 2015/16.

Please provide the information as a spreadsheet or CSV."

5. The council responded on the same day and acknowledged the request. It advised the complainant that it intended to respond to her request within 20 working days from the date of receipt.

Scope of the case

6. The complainant first contacted the Commissioner on 2 October 2017 to complain about the council's failure to respond to her request for information.
7. On 19 October 2017 the Commissioner wrote to the council about its failure to provide a response. The Commissioner reminded the council of its obligations under the FOIA. The Commissioner advised the council that it should confirm whether or not the information requested was held in recorded form. If it was held the Commissioner confirmed that it should either provide the information or issue a refusal notice in accordance with the requirements of section 17 of the FOIA. The Commissioner also provided links to her guidance on how to respond to FOIA requests.
8. The Complainant contacted the Commissioner on 17 November 2017 to confirm that she had still not received a response to her request.
9. The Commissioner has therefore considered whether the council has dealt with the request in accordance with its obligations under sections 1(1) and 10(1) of the FOIA.

Reasons for decision

10. Section 1(1) of FOIA 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"

11. Section (10) (1) of the FOIA states:

"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."

12. In this case, the council has breached sections 1(1) and 10(1) of the FOIA by failing to respond to the request within 20 working days. At paragraph 2 above the council is now required to provide a response to the complainant's request of 3 August 2017 in accordance with the provisions of the FOIA. Any response should confirm or deny whether the information requested is held. If the information requested is held, the council should either provide the requester with a copy of it or issue a refusal notice which complies with the requirements of section 17 of the FOIA.

Right of appeal

13. 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

14. 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.
15. 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

Pamela Clements
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