

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 February 2018

Public Authority: Brent Council

Address: Town Hall
Forty Lane
Wembley
Middlesex HA9 9HD

Decision (including any steps ordered)

1. The complainant has requested information on a consultation associated with a draft Cultural Strategy. Brent Council ('the Council') released relevant information and it has confirmed to the Commissioner that it has released all the relevant information that it holds.
2. The Commissioner's decision is that Brent Council has complied with section 1(1) of the FOIA and has released to the complainant all the information it holds that falls within the scope of the complainant's request.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. On 27 March 2017, the complainant wrote to the Council and requested information in the following terms:

"I would be grateful if you would supply me in paper form please with copies of all comments recommendations and decisions made by any

person in response to the 2016 consultation on the Draft Cultural Strategy."

5. The Council responded on 24 March 2017. It disclosed to the complainant responses from the consultation and findings from particular workshop sessions.
6. The Council provided a review on 15 June 2017. It acknowledged that it had omitted to provide to the complainant comments he had submitted to the consultation on the draft Cultural Strategy and provided him with these, with corresponding responses.
7. The Council advised that some of the comments the complainant had submitted were not relevant to the draft Cultural Strategy but that it had forwarded these comments to officers in the appropriate teams.

Scope of the case

8. The complainant contacted the Commissioner on 23 June 2017 to complain about the way his request for information had been handled. He was not satisfied that he had received all the information he has requested.
9. The complainant appears to have wider concerns about the Council including the way it ran the consultation on its draft Cultural Strategy. However, the Commissioner's investigation can only focus on whether the Council has complied with the FOIA in its handling of the complainant's request for information. Specifically whether the Council has complied with section 1(1) of the FOIA and released to the complainant all the information that it holds that falls within the scope of his request.

Reasons for decision

Section 1 – general right of access to recorded information

10. Section 1(1) of the FOIA says that anyone who requests information from a public authority is entitled (a) to be told if the authority holds the information and (b) to have the information communicated to him or her if it is held.
11. As a result of the Commissioner's investigation, the Council telephoned the complainant to clarify the situation and wrote to him in a letter dated 4 January 2018. The letter suggests that, in the telephone conversation, the complainant had advised that he had not received the

Council's correspondence of 24 March 2017. The Council re-sent to the complainant all the correspondence it had previously sent to him. It also invited the complainant to ring the Council if he had any further questions.

12. In addition, the Council has confirmed to the Commissioner that the information it sent to the complainant was obtained from an online consultation portal that the Council used during the period of the consultation on its Cultural Strategy. Other information was obtained via its digital post system; all paper correspondence that it receives is electronically scanned into that system and then sent to relevant officers. Searches for specific items are carried out by the name of the sender and/or subject heading. This enables officers to retrieve relevant information relatively easily.
13. The Council says that the data is stored on a shared, central drive that only Cultural Services staff can access. The data is not stored locally on, for example, officers' laptops.
14. It has confirmed that all of the responses to the Cultural Strategy received via the online portal were recorded and considered, as were the responses received via other media such as 'live forums'.
15. The Council has confirmed that none of the consultation data about the Cultural Strategy has been destroyed. It says it is for officers to decide what information is not needed for the proper running of the Council's business, and there is no time limit on the retention of records. The Cultural Services staff consider that the data they have accumulated from the consultation on the Brent Cultural Strategy should continue to be held. The feedback will continue to inform and shape the decisions made in the development of that Strategy.
16. The Council has told the Commissioner that there are no statutory requirements on it to retain the information the complainant has requested, but that it will nonetheless continue to retain it.
17. The Commissioner has reviewed the complainant's request and has noted that it includes a request for information on "*decisions made by any person in response to the* [Cultural Strategy]." She asked the Council to confirm whether or not it holds any information that falls within the scope of this element of the request.
18. The Council explained that the draft Cultural Strategy was put to public consultation in early 2016. At the end of this consultation, the Council's Culture Service reviewed the consultation responses. At this stage, relevant officers assessed the comments and made decisions ie revised the Strategy where relevant and appropriate. The revised version of the

Strategy was then submitted to the Lead Member for the Culture Service and the senior management team within the Council.

19. At this point, as a result of internal changes within the Council *and not as a result of findings from the consultation*, a decision was made to place the Cultural Strategy on hold and not take it forward for ratification at that time. The Council has told the Commissioner that it had intended to update stakeholders with further information as things progressed. However as no further decisions have been made to progress with the draft Cultural Strategy, there has been no additional information to disseminate.
20. The Commissioner asked the Council to ascertain whether, at the time of the request, it held any recorded information that might have been generated during the process described at paragraph 19, which appears to concern decision-making as a result of the consultation on the draft Cultural Strategy. The Council confirmed to the Commissioner that Council officers met to discuss the consultation responses and a 'Feedback to the Consultation' document, which it has released to the complainant, was produced as part of that process. It has confirmed that it does not hold any other information related to this element of the complainant's request. On the balance of probabilities, and having considered the matter thoroughly, the Commissioner is prepared to accept that the Council has released all the information it holds that falls within the scope of the complainant's request and has complied with section 1(1) of the Act.

Right of appeal

21. 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

22. 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.
23. 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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