

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

### **Decision notice**

**Date:** 19 April 2018

**Public Authority:** Royal Borough of Kensington & Chelsea

**Address:** The Town Hall  
Hornton Street  
London  
W8 7NX

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

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1. The complainant has requested information about the drop-in service at Notting Hill Methodist Church. She has also requested details of new training provided to staff.
2. The Commissioner's decision is that the Royal Borough of Kensington & Chelsea ("the Royal Borough") has failed to respond to either request within 20 working days and has therefore breached Section 10 of the Freedom of Information Act ("the Act").
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the Act, to each request.
4. 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

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### Request 1

5. On 7 December 2017, the complainant wrote to the Royal Borough via the whatdotheyknow.com website and requested information in the following terms:

*"Please provide all correspondence (letters, emails, memos, notes of phone conversations and all other correspondence, internal and otherwise) concerning the night-time drop-in service at Notting Hill Methodist Church to date. You may want to start with correspondence to and from [name redacted] and his predecessor, but I wish to receive all such correspondence to and from RBKC."*

She subsequently clarified her request to say:

*"Just in case it wasn't clear, I also wish to receive minutes of all meetings at which the aforementioned service was discussed."*

6. The Royal Borough acknowledged the request on 7 December 2017

### Request 2

7. On 22 December, the complainant sent an email to the Chief Executive of the Royal Borough, requesting information in the following terms:

*"When we spoke at the Grenfell Recovery Scrutiny Committee meeting on 5th December, you were keen to tell me about the new training you have introduced for council staff as part of the culture-change at RBKC. I seem to recall you saying that there were two parts to this training.*

*"I wonder if you could please send me further details of what training has been, or is being delivered to RBKC staff as a result of your commitment to change the culture at RBKC. If you wish to treat this as an FOI request, please do, or you could just tell me."*

8. Having received no response, the complainant then emailed the Royal Borough's FOI inbox on 3 January 2018 to highlight the contents of her email to the Chief Executive and stating that the request was made under the Act. On 9 January, the Royal Borough acknowledged having received a request on 22 December 2017.

9. Apart from the acknowledgements described above, at the date of issuing this decision notice, no further response has been issued to the complainant in respect of either request.

## Scope of the case

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10. The complainant contacted the Commissioner on 24 February 2018 to complain about the way her request for information had been handled.
11. In line with her usual practice, the Commissioner contacted the Royal Borough on 5 March 2018 to highlight the outstanding responses. She requested that the Royal Borough respond to both requests within 10 working days. The correspondence was neither acknowledged nor responded to.
12. The Complainant contacted the Commissioner on 12 April 2018 to request a decision notice considering the Royal Borough's compliance with the Act.
13. The Commissioner considers that the scope of her investigation is to determine whether the Royal Borough has complied with Section 10 of the Act.

## Reasons for decision

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14. Section 1(1) of the Act 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.*

15. Section 8(1) of the Act 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.*

16. The Commissioner considers that both the requests in question fulfilled these criteria, and therefore constituted valid requests for recorded information under the Act.
17. Section 10 of the Act states that response 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.*"
18. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue responses to either request within 20 working days, the Royal Borough has breached Section 10 of the Act.

## Right of appeal

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19. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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 .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**