

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

### **Decision notice**

**Date:** 23 February 2021

**Public Authority:** Bristol City Council

**Address:** City Hall  
PO Box 3399  
Bristol  
BS1 9NE

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

---

1. The complainant requested information held by Bristol City Council (the Council) relating to the main entrance area of Bristol City Council House between 2014 to 2020. The Council had failed to provide a substantive response by the date of this notice.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the FOIA, to the request.
4. The Council 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 FOIA and may be dealt with as a contempt of court.

## Request and response

---

5. On 2 March 2020, the complainant wrote to the Council and requested information in the following terms:

*"Freedom of Information Act: Freedom of Information request  
Please could you provide the information listed below (I understand that of course this will be redacted to hide any personal information).*

*The information requested is in relation to the Main Foyer/main entrance area of the Bristol City Council House (entrance is up the ramps from College Green), including the access/signage/stairs to the ladies or gentlemen's toilets at each end of this space.*

*Please provide all information held by Bristol City Council in whatever form such as email/letter/documents/notes/other, whether internal to the Council or external, for the period 01 November 2014 to the date of this request, being 02 March 2020:*

- 1. Comments, concerns, complaints or any other feedback made to the Council or internally in relation to the above listed areas of the Council House, and any responses given to these,*
  - 2. Risk assessments and reviews of risk assessments undertaken in respect of the above listed areas of the Council House, and any correspondence related to these assessments,*
  - 3. Information, instructions and correspondence relating to the nature and timing of actions taken as a result of comments made and risk assessments and reviews thereof (as listed at 1. and 2. above), and*
  - 4. In November 2017 there was a gold directional sign with black lettering at the top of the stairs leading down from the Main Foyer to the ladies' toilet. Please provide all information, documentation and instructions regarding the removal of this sign, including when and why it was removed."*
6. The Council acknowledged the request on 2 March 2020 but had failed to provide a substantive response by the date of this notice.

## Scope of the case

---

7. The complainant contacted the Commissioner on 11 January 2021 to complain about the failure, by the Council, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Council on 27 January 2021 to highlight the outstanding response. She requested that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

## Reasons for decision

---

10. Section 1(1) of the 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. Section 8(1) of the FOIA 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.*

12. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
13. Section 10 of the FOIA states that responses 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.*"

14. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached section 10 of the 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: 0300 1234504

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)

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 .....**

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**