

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 August 2023

Public Authority: Southend-On-Sea City Council
Address: Civic Centre
Victoria Avenue
Southend-on-Sea
Essex SS2 6ER

Decision (including any steps ordered)

1. The complainant requested information from Southend-On-Sea City Council ("the public authority") about how many payments were made as a result of complaints.
2. The Commissioner's decision is that the public authority breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 29 May 2023, the complainant made the following request for information:

"Please accept this as a request for information pursuant to the FOIA 2000, as follows below:

For reference, see cached page from your website.

It is noted one of the ways by which the Council can 'put things right' is by making a payment.

- 1) In the annual year 2021, please advise how many payments were made as a result of an outcome to a response to a complaint
 - 2) In the annual year 2022, please advise how many payments were made as a result of an outcome to a response to a complaint"
4. The public authority responded to the request for information on 24 July 2023.

Reasons for decision

5. 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."
6. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
7. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

8. 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

9. 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.
10. 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

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