

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 17 December 2015

**Public Authority:** The London Borough of Bromley  
**Address:** Civic Centre  
Stockwell Close  
Bromley  
BR1 3UH

#### Decision (including any steps ordered)

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1. The complainant requested various information regarding inspections carried out on a specified property by inspectors employed by the London Borough of Bromley.
2. The London Borough of Bromley disclosed some of the requested information promptly but failed to disclose all of it within 20 working days in accordance with sections 1 and 10 of the FOIA.
3. The Commissioner does not require the London Borough of Bromley to take any steps.

#### Request and response

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4. On 17 September 2015 the complainant wrote to the London Borough of Bromley (the Council) and requested information in the following terms:
  - "3. *With reference to the issue of accountability, it is both unfortunate and entirely due to the abhorrent lack of response to date that we now require you to provide the following:*
    - i. *The name(s) of the building control inspector(s) involved in carrying out building inspection and approval of (address redacted).*
    - ii. *The dates when Bromley building control inspector(s) involved in carrying out building inspection and approval of (address redacted).*
    - iii. *A description of the stage(s) of inspection.*

- iv. *Information about any other matters the inspector(s) witnessed, observed, found or had reason to believe had gone on that the inspector(s) knew, thought or had reason to believe meant they (the building control inspector inspector(s) should either take action themselves (e.g. by actually controlling building/taking enforcement action etc) or referring/reporting matter(s) up to another department/someone else within the London Borough of Bromley or on another outside body or agency (e.g. Health and Safety Executive, Environment Agency, Police, Gas Board etc.)."*
5. The Council responded on or about 25 September 2015. It disclosed the information in respect of questions 3ii, 3iii and 3iv of the request but in reply to question 3i simply stated that, 'various Building Control officers were involved in these works'.
6. On 7 October 2015 the complainant requested an internal review pointing out that the Council had failed to answer question 3i of his request for the name(s) of the building control inspector(s).
7. Following an internal review the Council wrote to the complainant on 7 October 2015 and simply reiterated what it had stated in its initial response dated 25 September 2015.
8. The Council wrote to the complainant again on 4 November 2015 stating that it was responding to his request for a review and disclosed the names of the building control inspectors.
9. The complainant replied 9 November 2015 thanking the Council for disclosing the outstanding information he had requested and at the same time pointed out a few minor errors in the Council's letter.

### **Scope of the case**

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10. The complainant contacted the Commissioner 20 October and again on 12 December 2015 to complain about the way his request for information had been handled. In particular, the complainant expressed his dissatisfaction that the entirety of the information he requested was not disclosed within 20 working days.
11. The Commissioner contacted the Council in relation to the matter on 8 December 2015 which replied the same day confirming that the outstanding information in relation to the names of the building control inspectors had been disclosed to the complainant on 4 November 2015.
12. The Commissioner contacted the Council again 16 December 2015 to point out that the scope of his investigation would be limited to the time

it took to disclose the entirety of the information requested by the complainant.

## **Reasons for decision**

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### **Section 1 of the FOIA - General right of access to information**

13. Section 1(1) provides 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'.

### **Section 10 of the FOIA - Time for compliance with request**

14. Section 10(1) provides that;

'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'.

15. In this case the Council disclosed some of the requested information within 20 working days. However, it failed to specifically confirm whether it held the remainder of the information and then failed apply an exemption or to disclose it within twenty working days.
16. Accordingly, the Commission finds that the Council breached sections 1 and 10 of the FOIA. However, now that the information has been disclosed in its entirety he does not require the Council to take any action.

## Right of appeal

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17. 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)

18. 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.
19. 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 .....**

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