

Mr L Jefferson

BY EMAIL

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| My reference | FOI 11342 - 109062 | Enquiries to | Heidi-Anne O'Neill |
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Dear Mr Jefferson

Information Request – Internal Review

I write in response to your request, dated 23 November 2016, for an internal review of the Council's response to your information request. I was asked to carry out that review and I would like to offer my apologies for the delay.

Please be advised that I am a solicitor in the County Council's Corporate Services Department and I have had no prior involvement in this matter.

I understand you submitted a request for information on 27 September 2016 in the following terms:-

"Please kindly provide a list of the public service buildings (such as Libraries and Day Care Centres) your Council has had to close since 2010. Please provide the name of the buildings and the postcodes of the buildings"

On 25 October 2016, the County Council asked for clarification of your request. You responded on 26 October 2016 as follows:-

"Please kindly provide a list of all council-run buildings (including Libraries, Day Care Centres, Community Centres, Schools and Administrative bases) which your Council has had to close since 2010. Please provide the name of the buildings and the postcodes of the buildings."

Such closures would include those where people have had to seek the same type of service from a different location which already exists (or maybe there is no alternative available). *If there are any scenarios where a service*

provision is not closed but relocated across the road to another council building I don't require information on that (although if it's easier for you to include it that is fine).

I require the list to include buildings closed and disposed plus buildings that are re-let following service closures. If there is a scenario where the building is closed but still under council ownership then please include that in the list.

I'm only interested however in the buildings which you provided a service that you were forced to close due to Government cuts to your budget making it no longer financially viable for you to keep such buildings open. If you are unable to establish if the closures were due to Government cuts please kindly provide the information anyway but kindly indicate that you are unable to establish if they were closed due to Government cuts.

The reason why I require this information is to get a picture of the effect of any Government cuts to council budgets which in turn is forcing councils to find ways to make savings”.

I note that the County Council considered your clarification response and issued its formal response on 23 November 2017 stating that it does not record the information you have requested. In an effort to provide advice and assistance under section 16 of the Freedom of Information Act 2000 (FOIA), information was however given to you about a building closure in the County Council's Adult Services Department and links were provided to direct you to information concerning building closures in the Children's Services Department and for libraries.

Your request for an internal review was received on the same day and questioned whether the County Council had met its obligations under section 46 of the FOIA. This is a provision which allows for the issuance of a code of practice by the Lord Chancellor in relation to the record keeping and records management of public authorities. The code of practice, amongst other things, advocates that public authorities should know what records they hold.

Whilst you have not highlighted any specific areas of non-compliance with the code of practice, you have commented that the County Council should have known that it did not hold relevant information before it sought clarification. You have also commented that “does not record” information is not the same as “we hold no evidence that closures were due to Government cuts”. This would appear to be because a number of public authorities have responded to you with general details of building closures with a disclaimer that all the closures are not necessarily related to Government cuts.

In carrying out my review I have considered whether the department knew it did not hold the information you had requested at the time of seeking clarification. I have

also considered whether you should have been advised that the information was not held at the time the clarification response was sent.

I understand that the department involved with the response to your request was concerned about making any assumptions about the context of your request which could mislead your research. I understand that the department genuinely thought your request was unclear and that they considered there to be insufficient information to make a decision about whether the information the County Council held regarding property disposals was relevant to your request.

After the County Council received your clarification response, it became clear that the key focus of your research was in relation to enforced closures resulting from Government budget cuts and the removal of County Council services. The department concerned with the request decided, after receiving this clarification, that they could properly determine the scope of your request and were therefore in a position to decide that the information held was not relevant.

With this in mind, I am satisfied that the department knew the scope of information held by the County Council concerning property disposals at the time of your initial request. I am also satisfied that the request for clarification was borne out of a reasonable requirement to identify the exact information you wanted for your research and that this was in accordance with section 3 of the FOIA. It is therefore my view that your request was handled appropriately and that the County Council complied with the desired standards contained within the code practice issued under section 46 FOIA.

This concludes my internal review of your request. If you are not satisfied with my response then you have the right to apply directly to the Information Commissioner's Office for a further review. The address is: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Alternatively, you may make contact via the website www.ico.org.uk.

Yours sincerely

Heidi-Anne O'Neill

Solicitor

for Head of Law and Governance and Monitoring Officer