
Ealing Council

Mark Doyle
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Your ref:	Our ref:	Extension:	Date:
	20/0231	0208 825 8367	

Dear Mark Doyle,

FREEDOM OF INFORMATION ACT 2000 – INTERNAL REVIEW

Thank you for your request for an Internal Review in response to your Freedom of Information request.

Your original request was received on 5th February 2020 and the following response was provided on 6th February 2020:

Under the FOIA please supply the following information relating to the work of the designated Monitoring Officers of the Council in line with the duties outlined in the council constitution and Sections 5 and 5A of the Local Government and Housing Act 1989 covering the past 5 years

The number of investigations carried out

The areas of investigation (example: maladministration, contraventions of law, misconduct in office)

The number of reports made to the cabinet and or council (citing areas)

If none have occurred in the past 5 years, please indicate the date of the last investigation and report and relevant area.

In the last five years, Ealing Council's monitoring officer has carried out no investigations under sections 5 and 5A of the Local Government and Housing Act 1989.

You have also asked the date of the last investigation report and relevant area. The authority estimates that the cost of carrying out the necessary investigative work to respond to this aspect of your request would exceed the appropriate limit. Accordingly, the authority claims exemption from compliance, pursuant to section 12(1) of the Freedom of Information Act 2000

Section 12: Exceeds the appropriate limit

In accordance with section 12 of the Freedom of Information Act 2000, we are not obliged to comply with your request as the process of identifying, locating, retrieving and, where appropriate, extracting

the information would exceed the 'appropriate limit' as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This is currently £450 or 18 hours work.

We estimate that to identify and record the information requested would take a significant amount of resource and would exceed 18 hours work.

The manner in which the Council holds this information means that there is no way in which we can readily extract the requested information automatically.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for your request.

Your request below for an Internal Review was received on 6th February 2020

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Ealing Borough Council's handling of my FOI request 'Number of Investigations by the Monitoring officers and reports to the Council'.

The request centred around the duties of the Monitoring officer under S5 and S5A of the Local Government and Housing act 1989 which gives broad scope to the designated Monitoring officer of the Authority to which the request outlined key (but not all duties)

The request was made on the 5th February 2020 and a part response given in relation a single fact less than 3hrs of acknowledge proper a response was formulated covering information held for 5 years. That response in essence being that the Monitoring Officer has not investigated a single complaint (doubtful none made) or rendered a report to the council and or cabinet in the past 5 years.

Furthermore, S12 was cited in relation to the last question requesting the last date which such an investigation or report was made without S16 guidance in which to narrow the request in within a time frame in which the final question can be answered.

In stating that it should be noted by deduction of the period of discovery for 5 years would be in the region of 2hrs, the period to examine the very limited records of a monitoring officer going back to 1989 would not take longer than 13 hrs in it's entirety, unless that is, the response and information provided was incomplete.

I think it would be best consult Helen Harris on this matter and to review the files of Guy Hart in relation to the request prior to February 2015

Needless to say the Internal review should address the inconsistencies.

I have now taken the time to review your request:

The original response was provided quickly because the council's current monitoring officer was able to answer it from her own recollection and without any research. Information back to 1989 would

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require significant research and time input such as to greatly exceed the appropriate limit. The investigation and report information would not be contained in any one file, so in order to answer the questions it would be necessary to closely examine thousands of legal and other files. In addition, most legal services files are only retained for six years, so there is no guarantee that the information is held at all. Although the most recent legal files are electronic, files relating to matters more than five years old (if they are still retained by the council) will be held at off-site storage facilities in paper format.

The information provided related to formal investigations and reports made pursuant to sections 5 or 5A of the 1989 Act. A wide range of queries and complaints have been received, but none have (in the last five years) led to formal s. 5 / s. 5A investigations and reports.

The council does not believe that Mr Guy Hart has any relevance to the request. Mr Hart was never the council's monitoring officer.

Accordingly, the review upholds the original decision.

I hope this sufficiently answers your request. If you remain dissatisfied by the outcome of the Internal Review you have the right to submit your complaint to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Yours sincerely,

Lorraine Cox
Corporate Information Governance Manager