

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 December 2022

Public Authority: Elmbridge Borough Council
Address: High Street
Esher
Surrey
KT10 9SD

Decision (including any steps ordered)

1. The complainant requested information held by Elmbridge Borough Council (the Council) relating to throwing cages at a local sports centre.
2. It is the Commissioner's decision that, on the balance of probabilities, the Council has provided the complainant with all the information held that is relevant to the request.
3. The Commissioner does not require the Council to take any steps as a result of this decision notice.

Request and response

4. On 2 December 2021, the complainant wrote to the Council and requested the following information [numbered for ease of reference]:
 1. "Please provide all information regarding the dates and test records of the two throwing cages at the Excel Centre used by Walton Athletic Club.
 2. Please provide the name of the Council Officer who authorised the removal of the warning notices on throwing cages on the week commencing 29 November
 3. Please provide current test certificates/reports on both cages

4. Please provide tensile strength of the fabric used on both throwing cages and the tensile strength of the electrical cable ties used to repair part of the netting.”
5. The Council responded on 24 December 2021 providing some information to the complainant.
6. Following an internal review the Council wrote to the complainant on 25 January 2022. It provided further information relating to point 4 above and confirmed that it was satisfied that it had already provided all the information that was relevant to the remaining parts of the request.

Scope of the case

7. The complainant contacted the Commissioner on 27 February 2022 to complain about the way his request for information had been handled.
8. The complainant stated that the council had either failed to provide the actual information that had been requested, or had not provided all the information that had been requested in each of the four parts of their request.
9. The Commissioner will decide whether, on the balance of probabilities, the Council has provided all the information that is held that is relevant to the request.

Reasons for decision

10. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
11. The Council has advised that it is satisfied that it has provided the information relevant to the various parts of the request, and that it does not hold any additional information.
12. In its submission to the Commissioner, the Council confirmed that, in order to locate all the relevant information, it carried out searches on the various shared drives on its computer networks and also within emails. It also confirmed that, as Council data is all held on a network and is not saved locally, the searches carried out would have identified all the information held.

13. Some of the concerns raised by the complainant, such as those that relate to the safety of the cages, go beyond the remit of the Commissioner and are not relevant to whether the council identified all the information it held falling within the scope of the complainant's requests.
14. The complainant claims that the council has misunderstood elements of their request and what they required. It is the Commissioner's view that the council has taken an objective reading of, and has appropriately addressed, all four parts of the request.
15. Furthermore, having considered all of the available information, the Commissioner is satisfied that, on the balance of probabilities, the council has provided all the information that it holds that is relevant to the request.
16. The Commissioner has therefore decided that the Council has complied with its obligations under section 1(1) of FOIA in this case.

Right of appeal

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

Ben Tomes
Group Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF