

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 April 2023

Public Authority: London Borough of Bexley
Address: Civic Offices
2 Watling Street
Bexleyheath
DA6 7AT

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Bexley (the Council) regarding the petitions made to the Council.
2. The Commissioner's decision is that;
 - On the balance of probabilities, the Council does not hold additional information within the scope of the request.
 - The Council breached section 10(1) of FOIA, as it did not respond to the request within 20 working days of receiving the request.
3. The Commissioner does not require further steps.

Request and response

4. On 8 November 2022, the complainant wrote to the Council and requested information in the following terms:

"With regard to "Full Council debates" section of the council's Petitions Scheme,
<https://democracy.bexley.gov.uk/documents/s74351/PetitionsScheme.pdf>

Can you please

1. Confirm that (contrary to the section title) collection of 2,000 signatures does **not** entitle the organiser to a full-council debate of the petition.
2. With regard to the line "Therefore Petitions will be considered by the most appropriate body", clarify which officers or committees will determine "the most appropriate body".
5. The Council responded on 22 December 2022. It provided some information within the scope of the request and advised that the remaining information was being withheld as it was already reasonably accessible to the complainant.
6. Following an internal review the Council wrote to the complainant on 17 January 2023. It provided some additional information within the scope of the request.

Scope of the case

7. The complainant contacted the Commissioner on 21 January 2023 to complain about the way their request for information had been handled.
8. The Council issued a further response to the complainant on 21 February 2023, addressing some of the complainants concerns.
9. The complainant advised they were still not satisfied with the response and felt that more information was held.
10. The Commissioner considers that the scope of his investigation is to consider, on the balance of probabilities, if the Council holds any additional information within the scope of the request.

Reasons for decision

Section 1 – information held/not held

11. This reasoning covers whether the Council is correct when saying it does not hold the additional information within the scope of the request.
12. The complainant explained to the Commissioner that the responses to date failed to answer the questions which they raised in the request for information.
13. The Council has explained to the complainant that 2,000 signatures may not entitle the organiser to a full council debate. It explained to the

complainant that information relating to "Full Council debates" could also be found on the Council's website.¹ However, it clarified the following.

"If a petition contains more than 2000 signatures it may be debated by the Full Council unless it is a petition asking for a Council officer to give evidence at a public meeting. If this is the case the issue raised in the petition will be discussed at a meeting which all Councillors can attend...

Council Meetings are not always the most appropriate meetings for consideration of petitions, depending on the individual subject matter. The timing of Council meetings are restrictive on when a petition can be considered. Therefore, Petitions will be considered by the most appropriate body. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The meeting will decide how to respond to the petition."

14. In regards to the second part of the request, the Council explained that the most appropriate body to consider a petition, will depend on the nature of the petition. This can be a full Council, Committee or another part of the Council.
15. The Council informed the complainant that the Chief Executive has overall responsibility on the manner in which the Council's functions are co-ordinated, operational responsibility and decision-making process. Therefore, the Chief Executive in conjunction with the relevant Director and/or Deputy Director will consider whether it is appropriate for a petition to be considered at full Council, an Overview and Scrutiny Committee or an appropriate body e.g. another Committee. Guidance will be provided by the Head of Committee and Democratic Services and the Monitoring Officer.
16. The Council concluded that clarity regarding which part of the Council can consider a petition can only be provided when the nature of the petition is known.
17. The Commissioner is satisfied that the Council has provided clear responses to the complainant and has also provided relevant links for the complaint to review the additional information they may require.

¹ [Get involved with the business of the Council | London Borough of Bexley PetitionsScheme.pdf \(bexley.gov.uk\)](#)

18. He is therefore satisfied that, on the balance of probabilities, additional information is not held by the Council.

Procedural matters

19. The Council did not respond to the request within 20 working days and therefore breached Section 10(1) of FOIA.

Right of appeal

20. 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

21. 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.
22. 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

Catherine Fletcher
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF