

The Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 October 2023

Public Authority: London Borough of Wandsworth
Address: The Town Hall
Wandsworth High Street
Wandsworth
SW18 2PU

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Wandsworth (the Council) about proposed developments and the related feasibility studies (IC-234146-Q0P5). The Council stated it required more time to carry out the Public Interest Test (PIT) which it eventually conceded was not necessary and disclosed the requested information.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA, in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Council has now provided its response.
3. The Commissioner does not require the Council to take any steps as a result of this notice.

Request and response

4. On 14 March 2023, the complainant wrote to the Council and requested information in the following terms:

"I would like to request the following information:

Please find attached a pdf copy of the Paper No. 22-252 – Wandsworth Borough Council – Housing Committee – 14th September 2022 Report by the Director of Housing and Regeneration on the 1,000 Homes Programme (All wards).

<https://democracy.wandsworth.gov.uk/documents/s96835 /22-252%201000%20Homes%20programme%20update%20report.pdf>

On page 6 of the Paper No. 22-252, paragraph 31 in reference to Innes Gardens, SW15 3AB, West Putney it states that 'Feasibility studies have been produced, delivering 36 new apartments on two sites, subject to design development and public consultation'.

- Please provide copies of the Feasibility studies for the above site Innes Gardens, together with any plans / pre-plans available
- Please provide a breakdown of property sizes of the 36 new apartments on the two sites (i.e. how many studios, 1 beds, 2 beds, 3 beds, 4 beds etc), stating also breakdown for Innes Gardens East and Innes Gardens West proposed site
- Please confirm the date when the Feasibility studies have been completed
- Please provide details of who prepared the feasibility studies (name, company, position)
- Please provide the cost of the feasibility studies

On page 6 of the Paper No. 22-252, paragraph 32 in reference to Hayward Gardens, SW15 3BZ, West Putney it states that 'Feasibility studies have been produced, delivering 46 new apartments on two sites, subject to design development and public consultation'.

- Please provide copies of the Feasibility studies for the above site Hayward Gardens, together with any plans / pre-plans available
- Please provide a breakdown of property sizes of the 46 new apartments on the two sites. (i.e. how many studios, 1 beds, 2 beds, 3 beds, 4 beds etc)

- Please confirm the date when the Feasibility studies have been completed
- Please provide details of who prepared the feasibility studies (name, company, position)
- Please provide the cost of the feasibility studies

On page 6 of the Paper No. 22-252, paragraph 33 in reference to Tildesley Road / Corøes Road, SW15 3AH West Putney it states that 'Feasibility studies have been produced, delivering up to 20 new apartments on one site, subject to design development and public consultation'.

- Please provide copies of the Feasibility studies for the above site Innes Tildesley Road / Corøes Road, together with any plans / pre-plans available Please provide a breakdown of property sizes of the 20 new apartments on one site.
- Please provide a breakdown of property sizes of the 20 new apartments on one site
- Please confirm the date when the Feasibility studies have been completed
- Please provide details of who prepared the feasibility studies (name, company, position)
- Please provide the cost the feasibility studies

On page 6 of the Paper No. 22-252, paragraph 34 in reference to Whitnell Way, SW15 6DF, West Putney it states that 'Feasibility studies have been produced, delivering forty-four new apartments on three sites, subject to design development and public consultation'.

- Please provide copies of the Feasibility studies for the above site Whitnell Way, together with any plans / pre-plans available Please provide a breakdown of property sizes of the 44 new apartments on the three sites
- Please provide a breakdown of property sizes of the 44 new apartments on the three sites
- Please confirm the date when the Feasibility studies have been completed
- Please provide details of who prepared the feasibility studies (name, company, position)

- Please provide the cost of the Feasibility studies.

I am also requesting a permission to share / re-use the information with news reporters, journalists, with local community of Ashburton Estate SW15, Wandsworth Borough Councillors, Conservative politicians, and MPs.”

5. The Council contacted the complainant on 14 April 2023 to say that it required a further 20 working days to consider the PIT. However, the Council later considered the PIT was not necessary and disclosed information in scope of the case on 23 May 2023 which was outside the additional 20 working days.
6. On 5 July 2023 the Council responded to the complainant’s internal review request of 15 June 2023 answering each point in turn and apologising for the delay in its initial response.

Scope of the case

7. The complainant contacted the Commissioner on 22 July 2023 to complain about the Council’s handling of their request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

9. Section 1(1) of FOIA states 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.”
10. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
11. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA, ICO guidance states that it should not take more

than an additional 20 working days to consider the PIT, and in any case should be completed as soon as is possible. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

- 12. 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

- 13. 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.
- 14. 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

**Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**