

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 31 March 2025

**Public Authority:** Birmingham City Council  
**Address:** Council House  
Victoria Square  
Birmingham  
B1 1BB

#### **1. Request**

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In June 2024 the complainant submitted a request via an online FOI form to which Birmingham City Council (the "council") failed to respond. The complainant subsequently resubmitted the request by email on 18 August 2024, for the following information:

"I also send [sic] an email requesting information as to where £200k had gone from an allocated SPF Culture budget to Birmingham City Council. Councillors were presented with a budget for £595K, with £400K being distributed between Yr 1 SPF cultural organisations and £195K being distributed to Birmingham Museums Trust. However, only £200K was given to Yr 1 SPF Cultural Organisations, with £195K allocated to BMT.

If you are not able to say whether [sic] £200K of this funding is, that is a misuse of public funds and may even constitute embezzlement. I have for months asked the department directly and they have chosen not to answer."

On 9 September 2024 the council responded. It said that the request fell outside the scope of another request from the complainant it was already in the process of dealing with, but it confirmed that the request would be passed to its information governance team to consider.

The Commissioner had subsequent correspondence with the council asking it to respond to the request, however the complainant confirmed that it has not yet done so.

## **2. Commissioner's decision**

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A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner by the date of this notice, the council has not issued a substantive response to this request. Therefore, the Commissioner finds a breach of section 10.

## **3. Steps**

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The council must provide a substantive response to the request in accordance with its obligations under FOIA. The council must take this step within 30 calendar days of the date of this decision notice.

Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

## **4. Right of appeal**

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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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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.

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**