

**FREEDOM OF INFORMATION ACT 2000 (SECTION 50)**

**DECISION NOTICE**

**Dated 25<sup>th</sup> November 2005**

**Name of Public Authority: London Borough of Brent**

**Address of Public Authority: Brent Town Hall  
Forty Lane  
Wembly  
Middlesex  
HA9 9HD**

**Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on the 15<sup>th</sup> February 2005 the following request for information was received by the London Borough of Brent under section 1 of the Freedom of Information Act 2000 (the "Act"):

The complainant requested 7 pieces of information relating to the disposal of its former premises in Kingsbury, of which 5 were provided to the complainant.

It is alleged that the London Borough of Brent are in breach of section 1 of the Act by failing to supply the complainant with the following pieces of information

1. The letter which offered us the freehold as opposed to a long lease.
2. Our reply which turned down the freehold.

**The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The London Borough of Brent has stated that they failed to supply the 2 letters, to which the complainant alluded, simply because they did not hold them. The Commissioner recognises that the London Borough of Brent have taken several steps to comply with the request.

- The London Borough of Brent has interviewed Mr Marcus Perry, Head of Corporate Property Services. He has signed a statement to the effect that neither he nor any member of his department have seen, or have any recollection of, these 2 letters.
- The London Borough of Brent has carried out a thorough search of its files and neither letter was found. In addition the London Borough of Brent has stated that there is no record of either of these letters ever having being held.

The Commissioner is now satisfied that the London Borough of Brent do not hold the letters requested by the complainant. Consequently, the London Borough of Brent is not in breach of section 1 of the Act.

### **Action Required**

In view of these matters the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the London Borough of Brent.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

|                             |   |
|-----------------------------|---|
| Information Tribunal        | Tel: 0845 6000 877  |
| Arnhem House Support Centre | Fax: 0116 249 4253  |
| PO Box 6987                 | Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a> |
| Leicester                   |   |
| LE1 6ZX                     |   |

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 25th day of November 2005

Signed: .....

Richard Thomas  
Information Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF