

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 August 2014

Public Authority: London Borough of Enfield
Address: Civic Centre
Silver Street
Enfield
EN1 3XA

Decision (including any steps ordered)

1. The complainant has requested the council to release information about private rented property and anti-social behaviour. The council responded to all questions and applied section 12 of the FOIA to one element of the complainant's request. As this response was late, the Commissioner has recorded a breach of section 10 of the FOIA in this case.
2. The complainant then submitted a new, narrowed request to the council on 6 June 2014. The council responded on 30 July 2014. It stated that it no longer wished to rely on section 12 of the FOIA and disclosed all recorded information it holds which falls within the scope of this refined request to the complainant.
3. The Commissioner has noted that the council's response of 30 July 2014 was again late and issued outside of the 20 working day timeframe prescribed by the FOIA. He has therefore recorded a second breach of section 10 of the FOIA in this case.

Request and response

4. On 15 March 2014, the complainant wrote to the council and requested information in the following terms:
5. "1) FOI: Firstly as a landlord and past tenant, I'm not sure of the correlation between private rented property and anti-social behaviour

verses private owned property and council owned property and antisocial behaviour. Can you please share ALL your research on this topic?

2) I can see a revenue benefit to the Council of such an exercise but the issue of anti-social behaviour is still not dealt with.

3) I can see how licensing could have a negative impact on working people's property values living in Enfield as investors move their property funds to boroughs who don't have a licensing policy?

4) Why is the Council moving the responsibility of dealing with anti-social behaviour to landlords, this is clearly a potential very frustrating problem for them to. Why not give Councils, Landlords and the Courts more powers to deal with and evict anti-social tenants or property owners?

5) FOI: Can you please provide all internal meeting minutes, internal correspondence and emails on this topic within Enfield Council (past 6 months)?

6) A licensing policy is more likely to result in council paid tenants not being given access to privately rented property, this will just further compound the council housing shortage.

7) FOI: As part of the policy considerations will any additional powers to choose tenants be granted to landlords? If not, why not, has this been considered; again please share all documents?

7. As the complainant received no response, he sent a further email to the council on 26 March 2014 chasing the matter up.
8. As the complainant received no response from the council he complained to the Commissioner on 27 May 2014.
9. The Commissioner wrote to the council on 4 June 2014 requesting that a response is issued in accordance with the FOIA in the next 10 working days.
10. The Council responded the same day. It provided a response to each of the questions listed in the complainant's original request. In relation to question 5, the council informed the complainant that it was unable to comply with this element of his request as to do so would exceed the appropriate limit prescribed by the FOIA. The council had therefore applied section 12 of the FOIA to this element of the request. It however asked the complainant to consider narrowing this element of his request or to be more specific as to what information it is he requires.

11. In relation to question 5, the complainant responded on 6 June 2014. He stated:

"I am particularly interested in the correspondence and minutes as they relate to incremental tax collection or revenue generation for the Council."
12. As the council failed to respond to this narrowed request, the complainant contacted the Commissioner again on 26 July 2014.
13. The Commissioner contacted the council again and as a result of this fresh response was issued addressing the complainant's refined request on 30 July 2014.

Scope of the case

13. The complainant is unhappy again that the council failed to respond to his narrowed request in 20 working days. He is also concerned about the persistent delays he has suffered and how the Commissioner is going to address this with the council.
14. As the council has now released all the recorded information it holds falling within the scope of the complainant's revised request of 6 June 2014 and no complaint has been raised about the council's earlier application of section 12 of the FOIA, this notice will only address whether there has been any procedural breaches of the FOIA.

Reasons for decision

15. Section 10 of the FOIA states that subject to subsections (2) and (3), a public authority must comply with section (1) promptly and in any event not later than the twentieth working day following the date of receipt.
16. Section (1) 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.
17. The complainant first submitted an information request to the council on 15 March 2014. As the council did not respond until 4 June 2014, it failed to respond to the complainant's request within 20 working days of

its receipt. The Commissioner has therefore recorded a breach of section 10 of the FOIA in this case.

18. The complainant also submitted a new, narrowed request to the council on 6 June 2014. The council failed to respond to this new request until 30 July 2014.
19. As this new request was clearly received by the council on 6 June 2014 and the council failed again to respond within 20 working days of its receipt, the Commissioner has recorded a second breach of section 10 of the FOIA in this case.

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: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF