

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 October 2018

Public Authority: Cambridgeshire County Council
Address: Shire Hall
Cambridge
CB3 0AP

Decision (including any steps ordered)

1. The complainant has requested information in relation to a named building. Cambridgeshire County Council (the council) responded that it did not hold the information.
2. The Commissioner's decision is that the council does not hold the requested information.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 2 March 2018, the complainant made the following information request to the council:

"Background

On either Wednesday 8th or Wednesday 15th of November 2000 lunchtime a member of the public called out the fire brigade after seeing smoke coming from the roof of the Drill Hall situated behind No [address redacted] in Ramsey. Ramsey's retained firefighters with two tenders and P.C [name redacted] found four teenage boys who had built a small fire.

Request

Please provide me with the complete investigation report by P.C [name redacted] together with any photographs taken by either

the Hunts Post Reporter or the residents of neighbouring properties.

Please provide me with the ages of the four teenagers apprehended by Pc [name redacted] at the scene of the crime.

Please provide me with the name(s) of the owner of the Drill Hall and Chapel."

5. The council responded on the 5 March 2018 advising that it does not hold the information requested. It stated that any investigation into such an incident would be most likely held by Cambridgeshire Constabulary and/or Cambridgeshire Fire and Rescue Services.
6. With regards to the ownership of Drill Hall, the council advised that this information would be held by the Land Registry.
7. The complainant requested the council to carry out an internal review on the same day as the council's response.
8. The council provided its internal review on the 23 March 2018 upholding its original response.

Scope of the case

9. The complainant contacted the Commissioner on 23 March 2018 dissatisfied with the council's response that it does not hold the information requested.
10. The Commissioner considers the scope of the case is to determine whether the council holds any information falling within the scope of the request.

Reasons for decision

Section 1 of the FOIA – Information held/ not held.

11. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds the information within the scope of the request, and if so, to have that information communicated to him.
12. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead

of a number of First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information within the scope of the request (or was held at the time of the request).

13. The Commissioner has asked the council to explain how it has determined that it does not hold the requested information for the two requests.
14. The Council has responded to the Commissioner stating that with regards to the fire information it reviewed its records of previous requests, correspondence and history of dealings with the complainant to see if this topic had ever been covered before and found no evidence that any such information was held.
15. The council is of the view that there is no service/ team or officer, based on their statutory obligations, who would have any reason to hold this information. The council noted that the information request was also made to the County Council and the Cambridgeshire Constabulary, the latter it considers would be the most likely authority to hold any relevant information.
16. With regards to the part of his request about land ownership, the council has responded to the Commissioner saying that this is one of various requests submitted by the complainant regarding the ownership of buildings/ land. As with the other requests, the council checked with its Highways Asset team who confirmed the council would not hold details of such ownership based on its own statutory responsibilities. The most likely place that the information could be found is the Land Registry as explained in its original response to the request.
17. The council has advised the Commissioner that if the information was held, then it could potentially be held both electronically and manually.
18. The council has told the Commission that it did complete some keyword search terms ("fire", "[redacted police constables name]") to double check it had not missed anything when looking through its records of previous requests from the complainant. AS noted, previously, the search primarily focused on confirming that there was no obvious reason why the council would hold such information. Aside from its information request records, there is no officer or service are where making keyword searches would be beneficial.
19. The council is adamant that it has no business purpose or statutory requirement which would lead to it holding information about a police report regarding a fire (the police would not normally share this type of

information) or land ownership (as it is not the organisations that registers land or property ownership).

20. The Complainant has provided the Commissioner with a covering letter addressed to Huntingdonshire District Council dated 21 March 2000 from a chartered surveyors and some other undated correspondence titled 'Maladministration Causing Abuses of Due Process'. It appears to be discussing the Army Drill Hall and under a subsection titled 'Section 106 agreement' it states:

"Only Huntingdonshire District Council and/or John Martin and Associates can confirm or deny if Royston Roofing Construction were the owners of these buildings between 16 October 2000 when Planning Application 00/00482/CAC was withdrawn and when that or another application was reinstated and granted on the 26 January 2001"

21. He also has told the Commissioner that an officer helped him discover some minutes of the meetings of the Ramsey Urban District Council, held in Huntingdon Library Archives.
22. Huntingdonshire District Council and the Library is clearly a different public authority to this council and, in the Commissioner's view, only adds to the council's findings that it does not hold the information requested.
23. The Commissioner on review of the above finds the council's reasoning that it is not the statutory body to hold land ownership details or be the body to deal with police reports on a fire to be very plausible. Especially given the fact that it has provided details of who the most relevant bodies would be.
24. In this case, the Commissioner is satisfied that on the balance of probabilities that the council does not hold the information requested.

Right of appeal

25. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

26. 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.
27. 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

Andrew White
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