

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 October 2019

Public Authority: Halton Borough Council
Address: Municipal Building
Kingsway
Widnes
WA8 7QF

Decision (including any steps ordered)

1. The complainant has requested from Halton Borough Council ("the Council") research data about the availability of housing.
2. The Commissioner's decision is that, on the balance of probabilities the Council does not hold any recorded information falling within the scope of the request.
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 26 February 2019, the complainant wrote to the Council and requested information in the following terms:

"Your web site regarding your participation in the Syrian Refugee Dispersal Scheme states that research was done as to the availability of housing in Halton

*Can you publish that research?
Those who conducted it?
And the dates it was conducted?"*

5. The Council responded on 26 March 2019. It stated that a consultation with the housing providers was undertaken. A research report was not completed, but a report had been submitted to the Executive Board to obtain political agreement to participate within the resettlement programme.
6. On 28 March 2019, the complainant clarified that he was referring to the research that was mentioned on the Council's website.
7. After a further exchange of emails, on 31 March 2019 the complainant quoted from the Council's website, which stated: *"We'll be looking to accommodate these resettled Syrian refugees within both the private and social rented sectors, across Widnes and Runcorn. Using current data, we know that there is housing available across Halton to house both the Syrian refugees and still meet the needs of our existing communities."* He asked the Council:

"Will you publish the data? Together with the date of that data?"
8. Following an internal review the Council wrote to the complainant on 8 May 2019. It stated that since *"no formal recorded research was undertaken"*, it did not hold the requested information.

Scope of the case

9. The complainant contacted the Commissioner on 10 May 2019 to complain about the way his request for information had been handled.
10. The scope of this decision is to determine if the Council holds the requested information.

Reasons for decision

Section 1 of the FOIA – information held by public authorities

11. Section 1 of FOIA states that:

"(1) 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."

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 will consider the complainant's evidence and arguments. She will also consider the actions taken by the public authority to check whether the information is held and any other reasons offered by the public authority to explain why the information is not held. She will also consider any reason why it is inherently likely or unlikely that information is not held.
14. The complainant has explained that he considers that the Council holds a report regarding "spare capacity" in housing within the borough. He says that the Council would have needed "something to show" in order to join the Syrian Refugee Dispersal Scheme.
15. The Council advised that it has informed the complainant that it does not hold the requested information.
16. It went on to explain that it believes that the request was based on wording originally used within a Frequently Asked Questions sheet on the website, along with the complainant's belief that the Council was required to demonstrate excess housing capacity, in order to take part in the programme.
17. The Council provided the wording used originally on the website. This is as follows;

"Using current data, we know that there is housing available across Halton to house both the Syrian refugees and still meet the needs of our existing communities."
18. The Council explained that during the review process, it became clear that the use of the word "data" implied that there was information held in written form. It has since removed the wording from the Frequently Asked Questions sheet.
19. The Council informed the Commissioner that it engaged with other neighbouring local authorities in providing a regional commitment to take part in the Government's dispersal programme. A report containing the above information, was presented to the Council's executive board on 25 February 2016 and is available on the Council's website.

20. The Council has explained that its Lead Officer, responsible for the Council's engagement programme, confirmed that no recorded information regarding housing availability was generated in relation to this matter.
21. It also informed the Commissioner that, while no information was held by the Council, it is expected that the local housing providers would maintain their own records of their occupied and unoccupied properties.
22. With regard to the request, the Commissioner is satisfied that the Council has provided an adequate explanation for its use of the word "data" and has explained its procedures in detail. The Commissioner is satisfied that no recorded information is held, falling within the scope of the request.
23. The Commissioner is satisfied in this case that the Council has demonstrated that it has reasonable grounds for considering that it does not hold any further information falling within the scope of the request, and therefore that it has complied with the requirements of section 1 of the FOIA in this case.

Right of appeal

24. 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@justice.gov.uk

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

25. 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.
26. 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF