

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 December 2022

Public Authority: London Borough of Bromley

Address: Civic Centre
Stockwell Close
Bromley
BR1 3UH

Decision (including any steps ordered)

1. The complainant requested from London Borough of Bromley (the Council) information relating to dwellings in Bromley. The Council provided a response to each question within the request. It subsequently confirmed that no further information was held within scope of question 2 of the request.
2. The Commissioner's decision is that, on the balance of probabilities, the Council has provided the complainant with the information it holds in relation to the request and has complied with section 1(1) of FOIA. The Commissioner cannot consider the accuracy of the information provided. He therefore, does not require the Council to take any steps as a result of this decision notice.

Request and response

3. On 16 February 2022, the complainant wrote to the Council and requested information in the following terms:

"Tab A in the local authority housing statistics produced by the Department of levelling up , Housing and Local Government (<https://www.gov.uk/government/statistica...>) shows Bromley council having 18 publicly owned properties in the borough and 1,056 (other public sector) in the borough.

Please let me know :

- 1> Who owns the 18 publicly owned dwellings in the borough?
- 2> Who owns the 1,056 other public sector dwellings, what exactly are they, do they sit in the council's general fund, what contribution do they make to the homeless situation in Bromley and which wards are they located in?
- 3> I understand that the council decided in principle to set up a housing revenue account. Has this in fact been set up and if so from what date?"
4. On 14 April 2022 the Council provided a response to each question contained within the request.
5. On 20 May 2022 the complainant asked the Council for a review of its decision. He believed the decision did not state what information the Council holds about the other public sector landlords which he requested.
6. On 14 June 2022 the Council informed the complainant it had provided him with full responses to his request. It also directed the complainant to his request and noted to him that it does not mention 'landlords' or 'council tax' and that this was later referenced in the complainant's letter of 20 May 2022. Therefore, the Council logged this again but as a multi-departmental request.
7. On 31 October 2022 the Council wrote to the complainant. It said, following extensive enquiries to a number of areas across the Council to establish whether more information was held about the ownership of public sector dwellings (question 2 of request), the Council confirmed it does not hold information that may enable it to answer question 2 of the request.
8. The following analysis focuses on whether, on the balance of probabilities, the Council holds any further information within scope of question 2 of the request, and whether it complied with section 1(1) of FOIA.

Reasons for decision

9. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.

10. Having reviewed the correspondence of this case, the Commissioner accepts that the Council provided the complainant with full responses to his request for information. The Commissioner acknowledges the extensive enquiries which the Council made to its other departments to establish whether additional information was held about the ownership of the public sector dwellings (referred to in question 2 of request). He also accepts that these enquiries confirmed no further information was held.
11. The Commissioner noted the complainant's comment; "the Council had not made enquiries to state definitely whether or not they hold the information I requested" and he considered the complainant's argument relating to the identity of the other public sector landlords in the borough. However, the accuracy of the information provided is outside the scope of FOIA and is beyond what the Commissioner can investigate as part of his remit.
12. For completeness, the Council was contacted for further clarification. The Council provided the Commissioner with an explanation and with emails relating to conversations between its Housing and Council Tax departments about the request – dwellings in Bromley, to support its determination of its responses. The Commissioner is satisfied that within the Council's original response, the complainant was advised that it does not own the properties in question. He notes its explanation; "they are not part of the Council's general fund and would not contribute to the homeless situation in Bromley." The Council stated that the panel convened and the responding service were asked to revisit question 2 of the request to check whether any information was held that would provide a more in-depth response. The Council confirmed it can identify empty dwellings and those that are publicly owned, however, it said that it does not ask for capture details of the actual owner, and the complainant had been advised of this in the Council's internal review response.

The Commissioner's conclusion

13. The Commissioner sees no reason to doubt the Council's explanation. He recognises that the Council responded to the complainant's questions, and confirmed in its internal review that it had provided a full response to the request.
14. Having considered all the circumstances of this case, the Commissioner accepts the Council's position that it does not hold any further information which may enable it to answer question 2 of the request. The Commissioner has therefore decided that the Council complied with section 1(1) of FOIA.

Right of appeal

15. 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

16. 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.
17. 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

Phillip Angell
Head of Freedom of Information Casework
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF