

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 May 2018

Public Authority: London Borough of Newham
Address: Town Hall
Barking Road
London
E6 2RP

Decision (including any steps ordered)

1. The complainant requested a copy of a report on Newham Council's property licensing scheme.
2. The Commissioner's decision is that the London Borough of Newham ("the London Borough") failed to respond to the request within 20 working days and has therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. The Commissioner requires the London Borough to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The London Borough must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 19 January 2018, the complainant requested information through the London Borough's online request portal. The request was for:

"Please make available the report on Newham Council's property licensing scheme from Cambridge University using a household panel methodology into the impact of borough wide property licensing in the borough, especially the impact on tenants. If you are not able to accede to this request please state the reasons."
6. The London Borough acknowledged the request on 19 January 2018 but it had failed to provide a substantive response to the request by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 24 March 2018 to complain about the way his request for information had been handled.
8. In line with her usual practice, the Commissioner contacted the London Borough on 29 March 2018 to highlight the outstanding response. She requested that the London Borough respond to the request within 10 working days. The London Borough responded on 11 April 2018 to say that it was still "finalising" its response and was considering the application of an exemption.
9. The Complainant contacted the Commissioner on 28 April 2018 to request a decision notice considering the London Borough's compliance with the FOIA.
10. The Commissioner considers that the scope of her investigation is to determine whether the London Borough has complied with Section 10 of the FOIA.

Reasons for decision

11. Section 1(1) of the FOIA 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.*

12. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

14. Section 10 of the FOIA states that response to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the London Borough has breached Section 10 of the FOIA.

Right of appeal

16. 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

17. 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.
18. 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

Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF