

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 December 2022

Public Authority: Bridgend County Borough Council

Address: Civic Offices

Angel Street

Bridgend

CF31 4WB

Decision (including any steps ordered)

1. The complainant has requested information held by Bridgend Council (the Council) with regards to HMO (House in Multiple Occupation) density by ward.
2. The Council initially refused the request. Following an internal review, whilst it provided a list of HMO properties by ward, it did not provide the specific information requested by the complainant, stating that this was not held.
3. It is the Commissioner's decision that the Council holds all of the requested information.
4. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Either provide all the outstanding information held that is relevant to the request to the complainant, or issue a refusal notice that complies with section 17 of FOIA.
5. The Council 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 FOIA and may be dealt with as a contempt of court.

Request and response

6. On 18 March 2022 the complainant requested the following information from the Council:

"The ward in Bridgend County with the greatest density of HMOs?
The density of HMOs in that ward as a percentage of all residential properties in that ward.
The number of HMOs in that ward."

7. The Council responded on 13 April 2022 stating "We are unable to provide any information for this FOI as we do not identify HMO's separately on our system."
8. On 14 April 2022 the complainant requested an internal review saying,
"It is not believable that Bridgend Council do not have access to this information. HMOs are supposed to be licensed and the license publicly viewable. It is not believable that you do not know approximately how many residential properties are in each ward. It is not believable or reasonable that you cannot work out my request."
9. The Council responded to the internal review on 24 May 2022 providing a list of HMO addresses by ward, but no other information.

Scope of the case

10. The complainant has argued that a large number of other public authorities have released all the information requested about licensed HMOs, and that the Council must also be in a position to be able to do so.
11. The Commissioner will decide if the Council holds the details of the ward with the greatest density of HMO's and the percentage figure, as requested by the complainant.

Reasons for decision

12. The Council has already confirmed to the complainant that it holds details of HMO's by ward (and has provided this information to the complainant).
13. The Commissioner is satisfied that the Council would also hold details of all the residential properties by ward, which is required in order to calculate the information requested by the complainant.

14. For example, the council would hold details of all residential properties in its area for the purpose of levying council tax. Given that the council has already been able to create a list of HMO's by ward, the Commissioner expects that it could also identify the total number of properties by ward.
15. Just because a public authority does not possess a piece of information in a particular form, it does not mean that that information is not held. It is the Commissioner's view that information will be held if the public authority holds the [building blocks](#) from which the information could be assembled.
16. The Commissioner is satisfied that the Council is able to identify both the number of residential properties by ward, and the number of HMO's by ward; therefore it has the 'building blocks' which would enable it to calculate the statistical information requested by the complainant.
17. The Commissioner has therefore decided that the Council does hold all the information requested by the complainant, and should have considered providing this in response to the complainant's request. By not doing so, the Commissioner concludes that the Council has failed to comply with its duties under section 1(1) of FOIA.

Right of appeal

18. 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

19. 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.
20. 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
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