

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 20 December 2022

**Public Authority:** London Borough of Redbridge  
**Address:** Lynton House  
255-259 High Road  
Ilford  
IG1 1NY

### **Decision (including any steps ordered)**

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1. The complainant has requested information from the London Borough of Redbridge ("the Council") in relation to complaints against landlords/letting agents and any action taken against a specific letting agent. The Council provided the complainant with the information that it holds, advising that some further information may be held by the Citizens Advice Bureau.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold any further information in relation to this request. The Commissioner, however, finds that the Council breached section 10(1) of FOIA, as its refusal notice was not issued within 20 working days of receiving the request.
3. The Commissioner does not require the Council to take any steps as a result of this decision notice.

### **Request and response**

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4. On 5 November 2021, the complainant wrote to the Council and requested information in the following terms:  
  
"Under the Freedom of Information Act 2000, please provide me with copies of the following:

- (01) Number of complaints received by private tenants against landlords/lettings agents in 2020 & 2021?
  - (02) Number of actions taken against private landlords and letting agents i.e., revocation of property licence or fines?
  - (03) Number of complaints received for the properties managed by Spicer Haart lettings in the last 5 years, if any?
  - (04) Action taken against Spicer Haart lettings in the last 5 years, if any?".
5. The Council responded on 4 January 2022, providing a response to all of the questions asked by the complainant. It also stated that some information is not held by the Council but did not clarify which information it was referring to.
  6. Following an internal review, the Council wrote to the complainant on 15 February 2022. It stated that it upheld its original position, explaining that it has not received any complaints about the specific letting agent. However, it also advised that it had identified an infringement of property license from March 2019.
  7. During the Commissioner's investigation, he asked the Council to clarify some parts of their responses in both the initial response to the request and the internal review response. The Council explained to the Commissioner that all information had been provided at the time of responding to the request and with the internal review response.
  8. The Council also clarified to the Commissioner that it is aware that a report had been made through the Citizens Advice Consumer Service in relation to the complainant's request, but it does not hold that information and, therefore, the complainant would need to contact the Citizens Advice Bureau.

### **Scope of the case**

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9. The complainant contacted the Commissioner on 26 February 2022 to complain about the way their request for information had been handled.
10. The Commissioner considers that the scope of his investigation is to determine whether the Council holds the information for the purposes of FOIA.

## **Reasons for decision**

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11. Section 1(1) of 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 3(2) of FOIA states that:

"For the purposes of this Act, information is held by a public authority if—

(a) it is held by the authority, otherwise than on behalf of another person, or

(b) it is held by another person on behalf of the authority."

13. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the authority to check that the information is not held, and any other reasons offered by the public authority to explain why the information is not held. Finally, he will consider any reason why it is inherently likely or unlikely that information is not held.

14. For clarity, the Commissioner is not expected to prove categorically whether the information is held, he is only required to make a judgement on whether the information is held on the civil standard of the balance of probabilities.

## **The Council's position**

15. The Council has explained that every effort was made to locate and extract the information held at the time the request was received, however, after a more detailed review of all the information held on the database through manual record searches and discussions with individual officers, it revealed more information. This information was provided within the internal review response.

16. The Council also explained in more detail to the Commissioner about information held by the Citizens Advice Bureau. It explained that it has been made aware about a report made to Essex County Trading Standards, through the Citizens Advice Service. The Council explained that it does not hold the information and that it had pointed the

complainant in the direction of the Citizens Advice Service for further general complaints made against landlords/letting agents.

17. The Council explained to the Commissioner that searches had been carried out using their database systems and that it operates a paperless system.
18. The Council has explained the searches it has undertaken, including the details of where it has looked. This includes cross-checking the Council Housing Options database.
19. The Council has also advised that it consulted several different members of staff/teams to determine if they hold any information.

### **The Commissioner's View**

20. The Commissioner acknowledges the complainant's concerns and why they would consider some information had not been provided. However, the Commissioner advises the complainant that he can only investigate if the Council has complied with FOIA when responding to the request. Any concerns regarding how the Council has acted, along with concerns regarding the Lettings Agent, will need to be addressed with the relevant bodies.
21. In the circumstances of this case, the Commissioner is satisfied that the Council has provided the complainant with the information it holds.
22. The Commissioner acknowledges why the complainant may consider some further information would be held, however, from the information provided by the Council, he is satisfied that sufficient searches have been carried out and that any further information when it has been located, has been provided to the complainant.
23. The Commissioner is satisfied that the Council has complied with the requirements of section 1(1) of FOIA.

### **Section 10**

24. Under section 10 of FOIA a public authority is obliged to respond to a FOIA request within twenty working days. In this case the Council failed to respond to the request within the statutory time for compliance. It therefore breached section 10 FOIA in the handling of this request.

## Right of appeal

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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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**