

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 February 2025

Public Authority: London Borough of Lambeth
Address: Lambeth Town Hall
London
SW2 1RW

Decision (including any steps ordered)

1. The complainant has requested information relating to building works carried out on a specific property.
2. The Commissioner's decision is that the public authority has failed to provide a substantive response to the request in accordance with its obligations under FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority must take these steps within 30 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 18 June 2024, the complainant wrote to the Council and requested information in the following terms:

"This request is in relation to (address redacted).
The response to a previous FOI requests show that chargeable

elements of our service charge breakdown include an element for servicing: <https://www.whatdotheyknow.com/request/s...>
I wish to be provided with copies of the details of the servicing that was performed and any reports produced.

For each of the service charge years 18/19, 19/20, 20/21, 21/22, 22/23, please provide copies of the servicing reports and dates on which the servicing was performed for Fire Ventilation Maintenance where this was charged to our service charge.

I would expect your response to this FOI request to include a list of dates on which contractors attended to perform the servicing, PDF copies of the reports that the contractors produced (for each of the years in question), and possibly a list of works undertaken.

6. The complainant contacted the Commissioner on 16 September 2024 to complain about the Council's failure to respond to the request.
7. The Commissioner contacted the Council on 24 September 2024 and asked that it provide a response to the request within 10 working days.
8. Having received further correspondence from the complainant the Commissioner again wrote to the Council on the 8 October and 16 October 2024 asking that it provide a response.
9. The Council responded to the Commissioner on 16 October 2024 and said:

"These have been noted as "duplicate requests" on our casework system. I will seek clarification as to whether the "communal ventilation" and "fire ventilation" are in fact referring to the same ventilation system in respect of our services/records.

We note that the case has now been accepted for formal consideration. We will continue to review and ensure any response(s) are copied to the ICO."

10. At the time this decision notice was issued the public authority had not provided a substantive response.

Commissioner's decision

11. A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days.
12. Based on evidence available to the Commissioner, the Council did not provide a substantive response within 20 working days of the request.

13. Therefore the Commissioner finds a breach of section 10.

Right of appeal

14. 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

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

15. 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.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Stacey Edwards
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF