

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

### **Decision notice**

**Date:** 16 April 2025

**Public Authority:** Westminster City Council  
**Address:** 64 Victoria Street  
London  
SW1E 6QP

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

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1. The complainant requested information about the cladding material on a specific building. Westminster City Council (the Council) provided the information held relevant to the request. The complainant does not consider the Council has provided the information they requested.
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 the 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**

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3. On 23 May 2024 the complainant wrote to the Council concerning Cottesloe House and requested information in the following terms:

"Please be kind enough to provide the following :

1. Full details of the nature and content of the material used in each of the various layers comprising the cladding ;
2. Documentary evidence in support of each answer given to 1. above

4. The Council responded on 16 July 2024 and provided the information held relevant to the request.
5. The complainant wrote back to the Council on 19 July 2024, stating that the response did not answer their question. They sent further follow up emails to the Council on 8 and 13 August 2024.
6. The Council provided the outcome of its internal review on 21 October 2024. The Council clarified some of the information that it had originally provided and confirmed that all the information held relevant to the request had been provided.

### **Scope of the case**

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7. The complainant contacted the Commissioner initially on 7 October 2024 regarding the delay in the Council providing the outcome of its internal review. Following receipt of the internal review response, the complainant contacted the Commissioner again on 12 February 2025 to confirm they remained dissatisfied with the Council's handling of the request.
8. The scope of the Commissioner's investigation into this complaint is to determine whether the Council holds any further recorded information falling within the scope of the request.

### **Reasons for decision**

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#### **Section 1 – information held**

9. Section 1 of the FOIA states that any person making a request for information is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and, if that is the case, to have that information communicated to them.
10. 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 he will consider any other reasons offered by the public authority to explain why the information is not held. The Commissioner will also consider any reason why it is inherently likely or unlikely that information is not held.
11. In its initial response the Council provided the following information which was recorded on its system in relation to the building in question:

"High rise building built circa 1965, registered with the Building Safety Regulator in 2023/4.

Concrete slab and post construction with a cavity brick / block external wall with concrete / stucco render finish.

Records indicate that the external wall construction is cavity brick/block with a concrete render / stucco finish and as such we do not hold an EWS1 [External Fire Wall Review].

Please note that we do not have EWS1 on file as this block does not appear to have cladding panels. Westminster City Council are in the process of commissioning PAS9980 External Wall Surveys across all our high rise stock. This will supplement existing condition and stock information".

12. The complainant considers that the Council has provided incomplete/inaccurate information in response to their request as they assert that external cladding/insulation was added to the building in question in 1999/2000. In an email to the Council dated 13 August 2024 the complainant referred to a document entitled "KBI survey – Cottesloe House" which included the following statement – "Outside Walls insulation type none". The complainant alleges that this statement is incorrect, as external cladding was installed on the building as part of an estate-wide regeneration scheme carried out from 1997 onwards.
13. In correspondence with the complainant the Commissioner explained that he was unable to assess the accuracy of information disclosed in response to a request. A public authority will have complied with its obligations under FOIA or the EIR where it has provided the recorded information that it holds in relation to a request irrespective of whether this information is accurate or not.
14. The Council advised the Commissioner that, on receipt of the request, officers within its Housing teams, and in particular Asset Strategy were consulted as they were best placed to know what records were held in relation to the building in question and how to locate them. Searches were undertaken within Microsoft Sharepoint using the key search term "Cottesloe House".
15. The Council's position is that the searches undertaken to date would have identified all of the information relevant to the request that existed at the time of the request.
16. The Commissioner asked the Council about the complainant's assertion that the Council "does not appear to have any record of the cladding". The Council refutes the assertion and confirmed that it has provided the complainant with several items of information it holds in relation to the

materials used, in line with the scope of the request. The Council has provided the following information in written responses to the complainant along with a copy of the KBI summary of information which the Council is required to provide to the Building Safety Regulator:

- “‘concrete / stucco render finish’ (council’s response)
  - ‘Structure Type Concrete large panel system - 1970 onwards’ (KBI summary)
  - ‘External wall materials Metal panels Render Glass’ (KBI summary)
  - ‘Percentage coverage Metal panels: 6% Render: 60% Glass: 34%’ (KBI summary)”.
17. As referred to in paragraph 11, in its initial response the Council advised the complainant that it was in the process of commissioning further surveys of its high rise buildings. In correspondence with the Commissioner, the complainant referred to an inspection, which was carried out in 2025 on the building in question. However, the Commissioner advised the complainant that any information relating to that inspection would fall outside the scope of the request which is the subject of this notice as it did not exist at the time of the request. The Commissioner suggested that the complainant may wish to consider submitting a new request for information relating to this inspection.

### **The Commissioner’s conclusion**

18. The Commissioner sees no reason to doubt the Council’s explanations, as detailed above. He recognises that the Council responded to the complainant’s question, and confirmed in its internal review that it had provided a full response to the request and that no further information was held.
19. Having considered all the circumstances of this case, the Commissioner accepts the Council’s position that it does not hold any further information relevant to the request. The Commissioner has therefore decided that the Council has complied with section 1(1) of the FOIA.

### **Other matters**

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20. The Commissioner finds it necessary to record within this decision notice the time taken by the Council to provide its internal review response. There is no obligation under the FOIA for a public authority to provide an internal review process. However, it is good practice to do so, and where

an authority chooses to offer one, the code of practice<sup>1</sup> established under section 45 of the FOIA sets out, in general terms, the procedure that should be followed.

21. The code states that reviews should be conducted promptly and within reasonable timescales. The Commissioner has interpreted this to mean that internal reviews should take no longer than 20 working days in most cases, or 40 in exceptional circumstances. In no case should the internal review exceed 40 working days.
22. In this case, the complainant requested an internal review on 19 July 2024 and the Council did not provide the outcome of its internal review until 21 October 2024. It is clear that in this case, the Council failed to complete its internal review within the Commissioner's guidance.
23. The Commissioner considers that in failing to conduct an internal review within the timescales set out above, the Council has not acted in accordance with the section 45 code. This is a matter that may be revisited should similar outcomes be noted by the Commissioner in any future cases relating to the Council.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/744071/CoP\\_FOI\\_Code\\_of\\_Practice\\_-\\_Minor\\_Amendments\\_20180926\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf)

## Right of appeal

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24. 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)

25. 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.
26. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Joanne Edwards**  
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**Information Commissioner's Office**  
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