

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

### **Decision notice**

**Date:** 3 February 2023

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

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

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1. The complainant requested information from the London Borough of Lambeth ("the Council") relating to money received from the Central Hill Estate for rent and service charges and other income in the financial year 2019 - 2020.
2. The Council stated it had supplied all the information within scope of the request.
3. The Commissioner's decision is that the Council has complied with section 1(1) of FOIA by disclosing all relevant information in scope of the request.
4. The Commissioner does not require any steps to be taken as a result of this decision notice.

## Request and response

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5. On the 17 January 2022, the complainant submitted a request for information in the following terms:

“Please could you inform me of how much money has been received from the Central Hill Estate from rent and service charge and any other income in the financial year 2019 - 2020?

Could you break it down into overall total, social rent, private rent, service charge and any other income (specified)?

Please could you inform me into which account/pot of money did this revenue go into?”

6. On 1 February 2022, the Council responded to the complainant with a copy of an Excel spreadsheet containing relevant information.
7. The complainant requested an internal review of the Council’s response on 6 February 2022 stating: “I thank you for this information. I have been given the Service Charges elsewhere, but I have not been told of any other income, just to finish this off. If it is none, pls specify 'none'.”
8. The Council responded on 17 March 2022 stating that the information requested in the internal review was not held by them.
9. The complainant requested a further internal review on 6 May 2022.
10. The Council responded on 1 July 2022 with a further explanation and clarification of their response of 17 March 2022.
11. The complainant requested a further review on 3 July 2022 saying they did not understand the format of the response and asking a further question.
12. The Council provided a reformatted table and a further response on 12 August 2022, and in subsequent correspondence stated that all the information within scope of the request had been provided and advised the next steps the complainant needed to take if they remained dissatisfied with the responses provided.

## **Scope of the case**

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13. The complainant contacted the Commissioner on 20 December 2022, to complain about the way their request for information had been handled.
14. The Commissioner considers the scope of his investigation is to determine if the Council is correct when it says it has provided the information falling within scope of the request.

## **Reasons for decision**

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### **Section 1 FOIA - determining whether information is held**

15. Section 1(1) of the FOIA states:

“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.”

16. In cases where there is a dispute as to the information held by a public authority, the Commissioner will use the civil standard of proof, i.e., the balance of probabilities. In order to determine such complaints, the Commissioner must decide whether, on the balance of probabilities, a public authority holds any information which falls within the scope of the request.
17. Accordingly, the investigation will consider the scope, quality, thoroughness, and results of the searches, and/or other explanations offered by the Council as to why the information is not held.
18. The Commissioner will also consider any arguments put forward by the complainant as to why the information is likely to be held (as opposed to why it ought to be held). Finally, the Commissioner will consider whether there are any further steps the public authority could be required to take if the complaint were upheld.

### **The Complainant's position**

19. The complainant has argued that: "I have asked the council to provide the information in a way that is easy to understand, such as in a table, but the council refuse to do this."

### **The Council's position**

20. The Council said on 23 September 2022: "We confirm we have provided all recorded information in response to this request", which they reiterated in their response on 3 October 2022. "We have provided all recorded information for this request. Please contact the Information Commissioner if you remain dissatisfied with the response."
21. In their response to the Commissioner's investigation letter, they stated: "We believe that we have duly answered the requests in full." And included copies of correspondence sent to the complainant via the What Do They Know (WDTK) website, this included a more conventional table format with details under each title, as requested, and a further detailed response to questions regarding service charges as well as how all dwellings are considered whilst removing costs to former leasehold properties, private lettings, and void properties.

### **The Commissioner's view**

22. The Commissioner has carefully considered the points made and information supplied by the complainant and the Council.
23. The Commissioner appreciates that the complainant has concerns about the way their request was handled by the Council, in particular the way in which the information was presented to them initially. However, the Commissioner considers that the Council's responses have adequately addressed these points.
24. In addition, the Commissioner is unable to identify any further action that the Council could reasonably be expected to take as part of its statutory obligations under FOIA.
25. In conclusion, the Commissioner finds that the Council has complied with its duties under FOIA with its disclosures to the requester and provided clarification when requested as well as reformatting their

response to assist the requester with their understanding of the information provided.

## Right of appeal

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26. 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](mailto:grc@justice.gov.uk)

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

27. 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.
28. 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 .....**

**Joanna Marshall**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**