

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 August 2013

Public Authority: Wigan Metropolitan Borough Council

Address: Town Hall
Library Street
Wigan
Lancashire
WN1 1YN

Decision (including any steps ordered)

1. The complainant has requested information from Wigan Metropolitan Borough Council ("the council") about the annual insurance premium for Crompton House in Scholes. The council stated that it did not hold the requested information. This was not accepted by the complainant, who asked the Commissioner to investigate whether the council holds the information.
2. The Commissioner's decision is that, on the balance of probabilities, the requested information is not held.
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 2 October 2012, the complainant wrote to the council and requested the following information:

"The total annual building insurance premium" For Crompton House Scholes 2010/11. 2011/12/. 2012/13"

5. The council contacted the complainant on 17 December 2012 to advise that they did not hold the requested information.
6. The complainant requested an internal review on 2 January 2013.
7. The council provided an internal review on 1 February 2013, and maintained its position.

Scope of the case

8. The complainant contacted the Commissioner on 30 January 2013 to complaint about the way his request for information had been handled.
9. The Commissioner considers that the scope of this case is the determination of whether the council is likely to hold the requested information.

Reasons for decision

Section 1(1)

10. Section 1 of the FOIA states that any person making a request for information to a public authority 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 him.
11. Firstly, the Commissioner asked the council to provide details of the building insurance policy that covers Crompton House, and how the council would make an insurance claim for that specific property.
12. The council explained that its building insurance policy was procured on the basis of its entire property portfolio, and that the total policy premium was only broken into three figures based on the type of building. These building types were schools, housing, and all other buildings. The council explained the insurance policy as such:

"It is effectively a catastrophe block policy in the sense that it is subject to quite a high excess and which in return is then not developed from individual property details but one based on the insurance companies overall risk assessment of major property types."

The council elaborated that in the event of an incident, any costs that are below the excess would be paid by the council. If the costs exceeded the policy's excess then a claim would be made to the insurance company, who would then be responsible for appointing a loss adjuster and settling the claim.

13. Secondly, the Commissioner asked the council to indicate whether there were any means by which the exact insurance premium for Crompton House could be calculated.

14. The council explained that it is not possible for it to provide the exact insurance premium for Crompton House because of the insurance company's approach to providing coverage, as defined above. The council also explained that it would be inaccurate to try and calculate a reasonable estimate by dividing the overall housing premium by the total amount of buildings. This is because Crompton House is a high-rise property, and would be likely to be subject to different risks than detached or semi-detached properties.
15. Lastly, the Commissioner asked the council to confirm whether there was any business or statutory need for it to hold the requested information.
16. The council confirmed that there was no business purpose in having the insurance premium for its housing broken down into smaller groups of property or individual buildings. The council also confirmed that there was no statutory need for it to hold such information.

Conclusion

17. The Commissioner is satisfied that the council has no purpose to hold the requested information, nor that the council holds the means to calculate the requested information. Therefore, on the balance of probabilities, the Commissioner is satisfied that the council does not hold the requested information.

Right of appeal

18. If 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF