

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

### **Decision notice**

**Date:** 16 September 2021

**Public Authority:** London Borough of Southwark  
**Address:** 160 Tooley Street  
London  
SE1 2QH

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

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1. The complainant requested information from the London Borough of Southwark ("the Council") relating to social housing developments. By the date of this notice, the Council had not provided a substantive response to the request.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take these steps within 35 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

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5. On 4 June 2021, the complainant wrote to the Council and requested information in the following terms:

*"As part of their social housing waiting list the council operate a local lettings policy where properties in new social housing developments are reserved for local residents.*

*Can you please provide the following information.*

*1) For the last 3 years, please confirm how many new developments of social housing have been developed and please provide the address for each one? (Eg. Pelier Street etc.)*

*2) For the developments listed in answer to question 1, please confirm how many properties on each site were let as social housing?*

*3) Also for each site/development, please confirm how many of the properties in answer to question 2 were let as part of the local lettings policy? And how many were let without a condition that the new tenant had to be a local resident (ie. not under the local lettings policy)?*

*4) For each letting made under the local lettings policy in answer to question 3, can you please confirm the waiting time, number of priority star and priority band of the tenant who was awarded the property? Please do not give the site/development location for the information in answer to this question (to protect privacy of tenants).*

*5) For each letting in answer to question 3 which was \*not\* made under the local lettings policy, can you please confirm the waiting time, number of priority star and priority band of the tenant who was awarded the property? Please do not give the site/development location for the information in answer to this question (to protect privacy of tenants)."*

6. The Council wrote to the complainant on 9 June 2021 to acknowledge the request and to ask the complainant to clarify what was meant by the phrase "social housing".
7. On 14 June 2021, the complainant wrote to the Council to clarify their request for information. The complainant provided the following clarification:

*"When I used the phrase "social housing", I was referring to housing which is let to people on Southwark council's social housing waiting list (either by Southwark Homesearch website, or direct offer).*

*The request was referring to all developments where housing was let to people on Southwark council's social housing waiting list (either by Southwark Homesearch website, or direct offer).*

*The reason why it is not referring to the whole category of "affordable housing" is because this includes shared ownership, which is not let through the Council's social housing waiting list."*

8. The Council wrote to the complainant on 5 July 2021 to provide them with an update on the status of their request.
9. On 22 July 2021, as the complainant had not received a response, they wrote to the Council to request an update on the status of their request.
10. The Council wrote to the complainant on 23 July 2021 to provide them with a further update on the status of her request. By the date of this notice, the Council had not provided the complainant with a substantive response to their request.

### **Scope of the case**

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11. The complainant contacted the Commissioner on 15 August 2021 to complain about the Council's failure to respond to their request.
12. The Commissioner contacted the Council on 31 August 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
13. The Commissioner also contacted the complainant on 31 August 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
14. The Council wrote to the Commissioner on 7 September 2021 to advise her that it was in the process of collating a response to the request.
15. The complainant has provided evidence that they have received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to their information request.
16. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

## Reasons for decision

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17. Section 1 of the 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.*

18. Section 10 of the FOIA states that responses to requests made under the Act must be provided, *“promptly and in any event not later than the twentieth working day following the date of receipt.”*

19. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner’s decision is that the Council has breached section 10 of the FOIA.

## Right of appeal

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20. 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)

21. 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.
22. 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**