

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)

1. The complainant requested information from the London Borough of Southwark ("the Council") relating to the allocation of social housing. 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

5. On 25 June 2021, the complainant wrote to the Council and requested information in the following terms:

"In a recent FOI (link at bottom of request), the council provided their procedure document for making direct offers of social housing. This procedure said the following about the direct offer waiting list: "The list will be managed by the allocations team and monthly reports will be provided to confirm the number of direct offers compared to general housing application bids".

Can I please be sent a copy of these monthly reports produced from 01.01.2017 to present?

[Link redacted]"

6. The Council wrote to the complainant on 2 July 2021 to acknowledge the request.
7. On 6 August 2021, as the complainant had not received a response, they wrote to the Council to request an update on the status of their request.
8. By the date of this notice, the complainant had not received a substantive response to their request.

Scope of the case

9. The complainant contacted the Commissioner 15 August 2021 to complain about the Council's failure to respond to their request.
10. The Commissioner contacted the Council on 26 August 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
11. The Commissioner also contacted the complainant on 26 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.
12. On 10 September 2021, the Council wrote to the Commissioner to advise her that it was in the process of collating a response to the request.

13. 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.
14. 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

15. 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.*

16. 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.”*
17. 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

18. 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

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

Michael Lea
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