

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

### **Decision notice**

**Date:** 26 October 2022

**Public Authority:** Cardiff Council  
**Address:** County Hall  
Atlantic Wharf  
Cardiff  
CF10 4UW

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

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1. The complainant submitted a request to Cardiff Council ("the Council") for information relating to houses in multiple occupation (HMOs).
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold any information within the scope of the request and has therefore complied with section 1 of FOIA.
3. The Commissioner does not require the Council to take any further steps.

## Request and response

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4. On 20 March 2022, the complainant made the following request for information under FOIA:

“Could you tell me the ward in Cardiff borough with the highest density of HMOs; could you then tell me the density of HMOs in that ward as a percentage of all residential properties in that ward; could you then tell me how many HMOs that is, as a number.”
5. On 23 March 2022, the Council responded stating that it did not hold the information requested, but that in line with the Councils obligation under the Act, it passed the request over to the Vale of Glamorgan Council (VoGC).
6. The complainant requested an internal review on 12 April 2022, and the Council provided a response on 25 April 2022, in which it upheld it’s position and advised the complainant to contact VoGC with their request.
7. After receiving the Commissioner’s initial correspondence, the Council reviewed the response provided by VoGC. The Council noticed that the complainant had not been provided with the density of HMOs in relation to all residential properties in that ward. This is because VoGC does not hold information on the number of residential properties within Cardiff. Therefore, on 25 May 2022, the Council provided this information, in order to help the complainant, work out the percentage of HMOs in each ward.

## Reasons for decision

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### Section 1 (Held/Not Held)

8. Section 1(1) of 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.
9. The Commissioner has sought to determine whether, on the balance of probabilities, the Council holds the requested information.

10. The Council advised the complainant that it does not hold the requested information, but that it is held by the Shared Regulatory Service, which is delivered by the VoGC and so the Council transferred the request.
11. The Commissioner notes the complainant's comments regarding the Council being "obstructive and avoidant". However, in transferring the request and in providing the number of residential properties, the Council fulfilled its duties as set in out section 45, the Code of Practice<sup>1</sup>.
12. On the balance of probabilities, the Commissioner is satisfied that the Council does not hold any information falling within scope of the complainant's request.

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<sup>1</sup> <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/section-45-code-of-practice-request-handling/>

## Right of appeal

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13. 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)

14. 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.
15. 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

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