

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

### **Decision notice**

**Date:** 2 December 2022

**Public Authority:** Ceredigion County Council

**Address:** Town Hall  
Queens Square  
Ceredigion  
SY23 2EB

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

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1. The complainant has requested information held by Ceredigion Council (the Council) with regards to HMO (House in Multiple Occupation) density by ward.
2. The Council initially failed to respond to the request. Following an internal review, the Council then provided part of the requested information; however, it advised that some of the information was not held.
3. The Commissioner is satisfied that the Council holds all of the information requested by the complainant.
4. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Either provide the outstanding information that is relevant to the request to the complainant, or issue a refusal notice that complies with section 17 of FOIA.
5. 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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6. On 21 March 2022 the complainant requested the following information from the Council:

"Could you tell me the ward in Ceredigion with the greatest density of HMOs; the density of HMOs in that ward as a percentage of all residential property in the ward; and the number of HMOs in that ward."

7. On 21 April 2022 the complainant requested an internal review as the Council had not responded to his request.

8. On 19 May 2022 the Council responded stating:

"I have been in communication with the relevant Service regarding your request and can advise that the information you have requested is not readily available.

This is because information relating to the ward has not been recorded for all HMOs within Ceredigion. We are therefore unable to provide you with the information requested. However, the public register is available in map form which gives a visual indication of density.

The map is available on the Council's website which can be accessed here. [Public Register of Houses in - Ceredigion County Council](#) As you will see, it is clear from the map that the greatest density of HMOs is in Aberystwyth town. Please also note that, within the last year, the electoral wards in Ceredigion have changed following boundary commission decisions."

## Scope of the case

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9. The Council has provided the complainant with confirmation of the ward with the highest density of HMOs, that being Aberystwyth Town.
10. The Commissioner will decide if the Council holds the remaining information requested, that being the total number of HMOs, and the density of HMOs as a percentage figure of all residential properties, within its jurisdiction.

## Reasons for decision

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11. In order to provide the information requested, the Council would need to be able to identify how many residential properties, and how many HMOs, are in each of its wards. If it is able to establish this, then it should be able to compile the relevant information.
12. Just because a public authority does not possess a piece of information in a particular form, it does not mean that that information is not held. It is the Commissioner's view that information will be held if the public authority holds the [building blocks](#) from which the information could be assembled.
13. The Commissioner is satisfied that the council holds details of the number of HMOs by ward; it has already stated that HMOs within its area can be identified from the map of 'the public register of HMOs' which it publishes on its website. It has already used this information to determine that Aberystwyth Town is the ward with the highest density of HMOs. The Commissioner is satisfied that the Council could use this information in order to calculate the numbers of HMOs by ward.
14. The Council will also hold a record of all residential properties within its area; at the very least it will need to have this information in order to levy council tax.
15. The Commissioner is satisfied that that if the council has the tools to create a register and map of HMOs by ward (which then allows for the number of HMOs in each ward to be calculated), the same process can be followed to calculate the number of residential properties by ward.
16. The Council has confirmed that Aberystwyth Town is the ward that has the greatest density of HMOs. As the Commissioner has determined that the Council is able to identify both the number of residential properties within that ward (using council tax data), and the number of HMOs in that ward (using the public register), he is satisfied that it has the 'building blocks' which would enable it to calculate all the statistical information requested by the complainant.
17. The Commissioner has therefore decided that the Council does hold all the information requested by the complainant, and that it has failed to comply with its duties under section 1(1) of FOIA.

## Right of appeal

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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: 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)

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 .....**

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