

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 July 2024

Public Authority: London Borough of Hillingdon
Address: 3E/04 Civic Centre
High Street
Uxbridge
Middlesex
UB8 1UW

Decision (including any steps ordered)

1. The Commissioner's decision is that, on the balance of probabilities, London Borough of Hillingdon ('the Council') holds no further information within scope of the request for a lease. The Council didn't comply with section 1(1) or 10(1) of FOIA, however, as it didn't communicate the relevant information it holds within the required timescale.
2. It's not necessary for the Council to take any steps.

Request and response

3. The complainant made the following information request to the Council on 29 February 2024:

"Under the freedom of information act 2000 - please can you forward me the report or the section of the report which explains the CCTV situation as I will need to know this information going forward myself due to the CCTV still creating the noise."
4. In its response to the request dated 28 March 2024 the Council advised the complainant that it doesn't maintain the CCTV at this location and that it isn't on DSSL's contract (DSSL Group is a security organisation).

The Council advised the complainant to seek independent legal advice on the responsibilities of the leaseholder of the café in question.

5. In an internal review dated 18 April 2024 the Council advised that its Housing Repairs Service had confirmed that the requested report doesn't exist. The complainant wrote to the Council again on 18 April 2024. They said,

"Both I and the Cafe owner [redacted] have been trying now to get this report, because according to [redacted] he is only in charge of CCTV if [redacted] installs it in the cafe, not for the CCTV on the exterior of the building. Please can the report which [redacted] and her team referenced be sent to both myself and [redacted] so we can resolve this issue."
6. As a result of the complaint to the Commissioner on 2 May 2024, the Council provided the Commissioner with a copy of a letter from it to the complainant dated 24 May 2024. In this letter, which is a further internal review, the Council states that the complainant had clarified that they're seeking a "...copy of the document which states who is responsible for the outside CCTV for [redacted]." The Council has provided the Commissioner with a copy of this correspondence, which is an email to the Council dated 19 April 2024.
7. In its letter, the Council went on to advise that it's the freeholder of the café in question. It said it was possible that the café lease could be disclosed but it would need to check with the café owner, and it named a particular individual.
8. In response to correspondence from the complainant dated 10 June 2024, on 27 June 2024 the Council wrote to them again. It now said that it hadn't been correct about who the leaseholder of the café was and noted that the leaseholder was in fact the complainant. The Council provide the complainant with a copy of the lease between the complainant and the Council.

Reasons for decision

9. This reasoning covers section 1(1) of FOIA and whether the Council holds further information within scope of the complainant's request. More detail about FOIA section 1 can be found in the Commissioner's ['Decision notice support materials'](#).

10. Under section 1(1)(a) a public authority must confirm whether it holds information that an applicant has requested. Under section 1(1)(b) the authority must communicate the information to the applicant if it's held and isn't exempt information.
11. Section 10(1) of FOIA obliges a public authority to comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
12. In its submission to him, the Council provided the Commissioner with the update on its more recent correspondence with the complainant, outlined above, and noted that it had now provided the requested information. The Council also confirmed that the relevant Service Area has confirmed that maintenance of the CCTV on the site isn't included in the Council's maintenance contract.
13. On the basis of the Council's correspondence with the complainant and its submission to him, the Commissioner considers that the Council has now addressed the complainant's request and, on the balance of probabilities, holds no further relevant information.
14. However, the complainant clarified their request on 19 April 2024, and the Council didn't disclose the relevant information it holds until 27 June 2024. The Council therefore didn't comply with section 1(1) or 10(1) as it communicated the information outside the 20 working day requirement.

Right of appeal

15. 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

16. 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.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF