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**Ealing Council**

Olivia Debbie Allen  
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Your ref:	Our ref:	Extension:	Date:
	<b>24-0625</b>	<b>0208 825 8367</b>	<b>3<sup>rd</sup> May 2024</b>

Dear Olivia Debbie Allen,

**FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST**

Thank you for your Freedom of Information request received by the Council on 8<sup>th</sup> April 2024.

**Your request:**

**Re: Freedom of Information Request relating to HMOs located in Perivale Ward and Polling District JU ("Medway Village")**

**I am making a Freedom of Information (FOI) request under section 8 of the Freedom of Information Act 2000, relating to privately owned Houses of Multiple Occupation (HMOs) (as defined by section 254 of the Housing Act 2004 (as amended)) located in Perivale Ward in LB Ealing.**

**Privately owned includes HMOs owned by a private limited company (including a community interest company or CIC) where the ultimate beneficial owner(s) are not public bodies.**

**Please can you accordingly provide the following information:**

**A For Perivale Ward in LB Ealing:**

**1) How many licensed licensable HMOs are there in this ward?**

93 Mandatory licences issued in Perivale (5 or more occupants).

40 Mandatory duly made applications still to be determined.

9 Additional licences issued in Perivale (3-4 occupants).

8 Additional duly made applications still be determined.

**2) How many non-licensable HMOs are there in this ward (where they are managed by a housing association, co-operative, other charitable organisation or public body and/ or because they provide accommodation to certain categories of tenants)?**

The council does not keep a record of exempt HMO's and there is no requirement for those running exempt HMO's to notify the councils Property licensing service of their existence.

**3) How many a) licensed and b) non-licensable HMOs in this ward house tenants who have been placed in supported or temporary/ emergency accommodation by Ealing LBC?**

Providing details of "How many licensed and non-licensable HMOs in this ward house tenants who have been placed in supported or temporary/ emergency accommodation by Ealing LBC", would require substantial interrogation and collation of data that would require excessive staff resources.

In accordance with section 12 of the Freedom of Information Act 2000, we are not obliged to comply with your request as the process of identifying, locating, retrieving and, where appropriate, extracting the information would exceed the 'appropriate limit' as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

This is currently £450- or 18-hours work.



Please note that this information may be subject to copyright. Supply of the information to you does not confer an automatic right to re-use it in a way that could infringe copyright.

We estimate that to identify and record the information requested would take a significant amount of resource and would exceed 18 hours work, given the volume of material we would need to review to draft a response.

A manual search is required to locate and collate the information into the breakdown requested would take an enormous amount of time to complete and to check for double entries.

- 4) How many of those a) licensed and b) non-licensable HMOs in this ward house tenants who have been placed in supported or temporary/ emergency accommodation by charitable organisations or public bodies other than Ealing LBC?  
If so which charitable organisations or public bodies?**

The council does not hold this information.  
Therefore, we are unable to provide this information.

- 5) For 3) and 4) above, how many of those HMOs house tenants who are ex-offenders who have unspent criminal convictions within the definition of the Rehabilitation of Offenders Act 1974 (as amended)?**
- 6) For 3) and 4) above, how many of those HMOs house tenants who are known substance abusers or undergoing assisted addiction recovery?**
- 7) For 3) and 4) above, how many of those HMOs house tenants who are listed in the Sex Offenders Register?**

For Questions 5, 6 & 7

The council can neither confirm nor deny that it holds the information you have requested.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities.

Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held.

The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.



Where exemptions are relied upon Section 17(1) of FOIA requires that we provide the applicant with a notice which

- a) states that fact,
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

The Council can Neither Confirm Nor Deny that it holds the information relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

**Section 40 (5B)(a)(i)**

**Personal Information - the duty to confirm or deny does not arise if to do so would contravene any of the data protection principles.**

**Section 38 (2)**

**Health & Safety - the duty to confirm or deny does not arise if, or to the extent that, compliance with Section 1 (1)(a) would or would likely endanger the safety of an individual.**

**Section 44(2)**

**Prohibitions On Disclosure – The duty to confirm or deny does not arise if the confirmation or denial would have to be given to comply with Section 1(1)(a) would (apart from this Act) fall within any of paragraphs (a) to (c) of Subsection (1)**

**Section 31(3)**

**Law Enforcement - The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1) (a) would or would be likely to, prejudice any of the matters mentioned in subsection (1).**

The full text of exemptions can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk) and further guidance on how they operate can be located on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk).



## **'Neither Confirm nor Deny' (NCND)**

There may be occasions when complying with the duty to confirm or deny under section 1(1) (a) would in itself disclose sensitive or potentially damaging information that falls under an exemption.

In these circumstances, the Act allows a public authority to respond by refusing to confirm or deny whether it holds the requested information.

The decision to issue a 'neither confirm nor deny' response is not affected by whether we do or do not hold the information but relates to the consequences of confirming or denying the information is held. The starting point and main focus in most cases will be theoretical considerations about the consequences of confirming or denying that a particular type of information is held. The decision to neither confirm nor deny is separate from a decision not to disclose information and needs to be taken entirely on its own merits.

Ealing Council follow the Information Commissioner's Guidance in relation to 'NCND' and you may find it helpful to refer to this at the following link: [https://ico.org.uk/media/fororganisations/documents/1166/when\\_to\\_refuse\\_to\\_confirm\\_or\\_deny\\_section\\_1\\_foia.pdf](https://ico.org.uk/media/fororganisations/documents/1166/when_to_refuse_to_confirm_or_deny_section_1_foia.pdf)

Section 31 and 38 are prejudice-based, qualified exemptions which means the public authority must demonstrate the harm in confirming or denying that the information exists and carry out a Public Interest Test.

Section 40 is a Class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure nor is it necessary to carry out a public interest test in this case.

Section 44 is an absolute exemption which means there is no requirement on PSNI to consider whether there is a public interest in disclosure.

## **Exemptions Explained Section 40(5B)(a)(i) - Personal Information**

The release of information under Freedom of Information (FOI) is a release into the public domain and not just to the individual requesting the information.

Once information is disclosed by FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general.



To confirm or deny that the council hold or do not hold information would in fact confirm information about an individual.

This would amount to a release into the public domain of personal information about an individual and likely to cause distress.

The individual would have no expectation that these details would be released into the public domain; therefore, the council would breach its data protection obligations and be unfair to individuals.

However, this response should not be taken as evidence that the information you requested is held or not.

### **Section 44 – Prohibitions on Disclosure**

The Freedom of Information Act does not override other laws that prevent the disclosure of information, referred to as 'statutory bars', and section 44 of the FOIA makes it clear that information is considered to be exempt from disclosure if as stated in Section 44(1):

re

“(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it –

- (a) is prohibited by or under any enactment,
- (b) is incompatible with any obligation, or
- (c) would constitute or be punishable as a contempt of court.”

Section 44 creates an absolute exemption so as to ensure that where information is subject to some prohibition on disclosure it will be exempt under the Freedom of Information Act.

In this case the council consider that some of the information you have requested is exempt under section 44 of the Freedom of Information Act.

### **Harm for NCND**

To confirm or deny that this information is held may endanger the safety of residents living in this area.

If the council confirm that information is held and an individual who lives in or near this specific area is suspected to be on the sex offenders register/known substance abusers or undergoing assisted addiction recovery/ex-offenders who have unspent criminal convictions then there is a likelihood of reprisals from members of the local community.

### **Public Interest Test Factors Favouring Confirmation or Denial – Section 38 (2)**



Confirmation or denial of the existence of the information would allow for better informed public awareness and debate and would assist the public in deciding whether they should take steps to protect themselves.

### **Factors Against Confirmation or Denial – Section 38 (2)**

Confirmation or denial of this information would create a significant risk to residents in the area who may be suspected of being sex offenders register/ known substance abusers or undergoing assisted addiction recovery/ex-offenders who have unspent criminal convictions.

Potentially there is a likelihood of reprisals/attacks against those suspected of being on the sex offenders register/ known substance abusers or undergoing assisted addiction recovery/ex-offenders who have unspent criminal convictions.

### **Factors Favouring Confirmation or Denial – Section 31(3)**

Confirming or denying whether any information is held would provide an insight into the council.

This would enable the public to have a better understanding of the effectiveness of the council.

It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation.

Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

### **Factors Against Confirmation or Denial – Section 31(3)**

By confirming or denying whether information is held could compromise law enforcement tactics which would hinder the prevention and detection of crime and impact on police resources which may need to be increased to reassure the public and protect the surrounding community.

This would result in more risk to the public and consequently require the use of more police resources.

Vulnerable areas could be identified by disclosure leading to more criminal activity placing the public in harm's way.



## **Decision**

Confirmation or denial of whether the council hold this information would amount to a release of information whether on this occasion or on other occasions where a similar request is made for details of registered sex offenders/known substance abusers or undergoing assisted addiction recovery/ex-offenders who have unspent criminal convictions residing in a certain area.

Whilst the council would always wish to be transparent and accountable, no release under FOI should be made where an individual's data protection rights would be breached.

Not only would this be a breach of Data Protection legislation by the council, but it would also leave the council open to action against it by any individuals concerned.

In addition, the council will not confirm or deny the existence of any information if this would be likely to endanger the physical or mental health of any individual or the safety of any individual.

The Public Interest therefore must favour neither confirming nor denying that the information is held.

None of this, however, should be taken as conclusive evidence that any information relating to registered sex offenders/known substance abusers or undergoing assisted addiction recovery/ex-offenders who have unspent criminal convictions who live in or near this area exists or does not exist.

### **8) For 3) and 4) above, how many of those HMOs house tenants who are victims of sexual exploitation or domestic abuse?**

#### **Section 38 (2)**

Health & Safety - the duty to confirm or deny does not arise if, or to the extent that, compliance with Section 1 (1)(a) would or would likely endanger the safety of an individual.





### Factors Against Confirmation or Denial – Section 38 (2)

Confirmation or denial of this information would create a significant risk to residents in the area who may be victims of sexual exploitation or domestic abuse.

Potentially there is a likelihood of reprisals/attacks against those victims.

**9) For 3) and 4) above, how many of those HMOs house tenants who are asylum seekers?**

The council does not hold this information.  
Therefore, we are unable to provide this information.

**10) How many HMO licenses in this ward has Ealing LBC refused, varied or revoked (under sections 64, 69 and 70 of the Housing Act 2004) and for what reasons were these licenses refused, varied or revoked?**

Zero.

**11) For each of 1) to 9) above, please provide, to the full extent disclosable by law, the addresses of these HMOs (it is understandable that for some of the information requested in 1) to 9) above addresses may be protected by law and non disclosable).**

This information is readily publicly accessible via our property licensing register webpage at:

<https://ealing.metastreet.co.uk/public-register>

Further information is also available at

[https://www.ealing.gov.uk/info/201086/housing\\_and\\_council\\_tax/2201/private\\_rented\\_property\\_licensing/12](https://www.ealing.gov.uk/info/201086/housing_and_council_tax/2201/private_rented_property_licensing/12)

**12) Is Ealing LBC making any payments to any landlords of any HMOs in this ward in relation to their HMO? If so what is the nature of these payments (e.g. housing benefit to fully or partially subsidise rent) and how much is being paid to each HMO landlord in receipt of such payment?**



Ealing Council will be providing Housing Benefit payments to tenants who meet government eligibility criteria within all private rented tenures, including tenants of HMO's. All council's fulfil this role on behalf of central government.

It is also worth noting that many people who qualify for government support with housing costs have or are due to migrate from Housing Benefit to Universal Credit except in limited circumstances. Universal Credit is administered by Department of Work and Pensions and not Ealing Council.

In terms of the value of the benefit, Local Housing Allowance rates and housing benefit are determined by the Valuations Office Agency based in central government for the entire country and as such Ealing Council does not have any role or involvement in determining the rate.

More information can be found at:

Search for Local Housing Allowance rates by postcode or local authority:  
DirectGov - LHA Rates ([voa.gov.uk](http://voa.gov.uk))

- 13) Is any other public body other than Ealing LBC making any payments to any landlords of any HMOs in this ward in relation to their HMO? If so what is the nature of these payments (e.g. housing benefit to fully or partially subsidise rent) and how much is being paid to each HMO landlord in receipt of such payment? If so, which public bodies?**

The council does not hold this information.  
Therefore, we are unable to provide this information.

- 14) On what date does Ealing LBC intend to make an Article 4 direction, under The Town and Country Planning (General Permitted Development) (England) Order 2015, reimposing a precondition for owners of houses in this ward to obtain planning permission prior to converting their house into an HMO?**

The planning team are currently developing the evidence base to support a Local Planning Authority wide non-immediate Article 4 to remove the permitted development right to turn C3 houses into HMOs.



Once that work is completed it will be taken to Planning Committee to consider if the Article 4 direction should be made (the first stage in the process).

While there is not an agreed date for this, the target is the summer.

**15) On how many days in the past year has the MPA attended Perivale ward in relation to incidents concerning tenants of HMOs?**

The council does not hold this information.

Therefore, we are unable to provide this information.

**16) And any other information that you know to be relevant to this request.**

N/A

**B Specifically for Polling District JU in Perivale Ward (also known as the Medway Village) (as marked "JU" in this map: <https://www.ealing.gov.uk/download/downloads/id/17028/perivale.pdf> )**

**1) How many licensed licensable HMOs are there in this polling district?**

20 Mandatory issued in the area marked JU (5 or more occupants)

13 Mandatory duly made application still to be determined.

0 Additional issued in the area marked JU (3-4 occupants)

**2) How many non-licensable HMOs are there in this polling district (where they are managed by a housing association, co-operative, other charitable organisation or public body and/ or because they provide accommodation to certain categories of tenants)?**

The council does not keep a record of exempt HMO's and there is no requirement for those running exempt HMO's to notify the councils Property licensing service of their existence.



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**3) How many a) licensed and b) non-licensable HMOs in the ward house tenants who have been placed in supported or temporary/ emergency accommodation by Ealing LBC?**

Providing details of “How many licensed and non-licensable HMOs in this ward house tenants who have been placed in supported or temporary/ emergency accommodation by Ealing LBC”, would require substantial interrogation and collation of data that would require excessive staff resources.

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This is currently £450- or 18-hours work.

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A manual search is required to locate and collate the information into the breakdown requested would take an enormous amount of time to complete and to check for double entries.

**4) How many of those a) licensed and b) non-licensable HMOs in the ward house tenants who have been placed in supported or temporary/ emergency accommodation by charitable organisations or public bodies other than Ealing LBC?  
If so which charitable organisations or public bodies?**

The council does not hold this information.  
Therefore, we are unable to provide this information.

**5) For 3) and 4) above, how many of those HMOs house tenants who are ex-offenders who have unspent criminal convictions within the definition of the Rehabilitation of Offenders Act 1974 (as amended)?**



- 6) For 3) and 4) above, how many of those HMOs house tenants who are known substance abusers or undergoing assisted addiction recovery?
- 7) For 3) and 4) above, how many of those HMOs house tenants who are listed in the Sex Offenders Register?

For Questions 5, 6 & 7

The council can neither confirm nor deny that it holds the information you have requested.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities.

Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in the request is held.

The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon Section 17(1) of FOIA requires that we provide the applicant with a notice which

- a) states that fact,
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

The Council can Neither Confirm Nor Deny that it holds the information relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

**Section 40 (5B)(a)(i)**

**Personal Information - the duty to confirm or deny does not arise if to do so would contravene any of the data protection principles.**

**Section 38 (2)**

**Health & Safety - the duty to confirm or deny does not arise if, or to the extent that, compliance with Section 1 (1)(a) would or would likely endanger the safety of an individual.**



### **Section 44(2)**

**Prohibitions On Disclosure – The duty to confirm or deny does not arise if the confirmation or denial would have to be given to comply with Section 1(1)(a) would (apart from this Act) fall within any of paragraphs (a) to (c) of Subsection (1)**

### **Section 31(3)**

**Law Enforcement - The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1) (a) would or would be likely to, prejudice any of the matters mentioned in subsection (1).**

The full text of exemptions can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk) and further guidance on how they operate can be located on the Information Commissioners Office website [www.ico.org.uk](http://www.ico.org.uk).

### **'Neither Confirm nor Deny' (NCND)**

There may be occasions when complying with the duty to confirm or deny under section 1(1) (a) would in itself disclose sensitive or potentially damaging information that falls under an exemption. In these circumstances, the Act allows a public authority to respond by refusing to confirm or deny whether it holds the requested information.

The decision to issue a 'neither confirm nor deny' response is not affected by whether we do or do not hold the information but relates to the consequences of confirming or denying the information is held. The starting point and main focus in most cases will be theoretical considerations about the consequences of confirming or denying that a particular type of information is held. The decision to neither confirm nor deny is separate from a decision not to disclose information and needs to be taken entirely on its own merits.

Ealing Council follow the Information Commissioner's Guidance in relation to 'NCND' and you may find it helpful to refer to this at the following link: [https://ico.org.uk/media/fororganisations/documents/1166/when\\_to\\_refuse\\_to\\_confirm\\_or\\_deny\\_section\\_1\\_foia.pdf](https://ico.org.uk/media/fororganisations/documents/1166/when_to_refuse_to_confirm_or_deny_section_1_foia.pdf)



Section 31 and 38 are prejudice-based, qualified exemptions which means the public authority must demonstrate the harm in confirming or denying that the information exists and carry out a Public Interest Test.

Section 40 is a Class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure nor is it necessary to carry out a public interest test in this case.

Section 44 is an absolute exemption which means there is no requirement on PSNI to consider whether there is a public interest in disclosure.

### **Exemptions Explained Section 40(5B)(a)(i) - Personal Information**

The release of information under Freedom of Information (FOI) is a release into the public domain and not just to the individual requesting the information.

Once information is disclosed by FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general.

To confirm or deny that the council hold or do not hold information would in fact confirm information about an individual.

This would amount to a release into the public domain of personal information about an individual and likely to cause distress.

The individual would have no expectation that these details would be released into the public domain; therefore, the council would breach its data protection obligations and be unfair to individuals.

However, this response should not be taken as evidence that the information you requested is held or not.

### **Section 44 – Prohibitions on Disclosure**

The Freedom of Information Act does not override other laws that prevent the disclosure of information, referred to as 'statutory bars', and section 44 of the FOIA makes it clear that information is considered to be exempt from disclosure if as stated in Section 44(1):

re

"(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it –

- (a) is prohibited by or under any enactment,
- (b) is incompatible with any obligation, or
- (c) would constitute or be punishable as a contempt of court."



Section 44 creates an absolute exemption so as to ensure that where information is subject to some prohibition on disclosure it will be exempt under the Freedom of Information Act.

In this case the council consider that some of the information you have requested is exempt under section 44 of the Freedom of Information Act.

### **Harm for NCND**

To confirm or deny that this information is held may endanger the safety of residents living in this area.

If the council confirm that information is held and an individual who lives in or near this specific area is suspected to be on the sex offenders register/known substance abusers or undergoing assisted addiction recovery/ex-offenders who have unspent criminal convictions then there is a likelihood of reprisals from members of the local community.

### **Public Interest Test Factors Favouring Confirmation or Denial – Section 38 (2)**

Confirmation or denial of the existence of the information would allow for better informed public awareness and debate and would assist the public in deciding whether they should take steps to protect themselves.

### **Factors Against Confirmation or Denial – Section 38 (2)**

Confirmation or denial of this information would create a significant risk to residents in the area who may be suspected of being sex offenders register/known substance abusers or undergoing assisted addiction recovery/ex-offenders who have unspent criminal convictions.

Potentially there is a likelihood of reprisals/attacks against those suspected of being on the sex offenders register/ known substance abusers or undergoing assisted addiction recovery/ex-offenders who have unspent criminal convictions.

### **Factors Favouring Confirmation or Denial – Section 31(3)**

Confirming or denying whether any information is held would provide an insight into the council.





This would enable the public to have a better understanding of the effectiveness of the council.

It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation.  
Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

### **Factors Against Confirmation or Denial – Section 31(3)**

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This would result in more risk to the public and consequently require the use of more police resources.  
Vulnerable areas could be identified by disclosure leading to more criminal activity placing the public in harm's way.

### **Decision**

Confirmation or denial of whether the council hold this information would amount to a release of information whether on this occasion or on other occasions where a similar request is made for details of registered sex offenders/known substance abusers or undergoing assisted addiction recovery/ex-offenders who have unspent criminal convictions residing in a certain area.

Whilst the council would always wish to be transparent and accountable, no release under FOI should be made where an individual's data protection rights would be breached.

Not only would this be a breach of Data Protection legislation by the council, but it would also leave the council open to action against it by any individuals concerned.

In addition, the council will not confirm or deny the existence of any information if this would be likely to endanger the physical or mental health of any individual or the safety of any individual.



The Public Interest therefore must favour neither confirming nor denying that the information is held.

None of this, however, should be taken as conclusive evidence that any information relating to registered sex offenders/known substance abusers or undergoing assisted addiction recovery/ex-offenders who have unspent criminal convictions who live in or near this area exists or does not exist.

**8) For 3) and 4) above, how many of those HMOs house tenants who are victims of sexual exploitation or domestic abuse?**

Section 38 (2)

Health & Safety - the duty to confirm or deny does not arise if, or to the extent that, compliance with Section 1 (1)(a) would or would likely endanger the safety of an individual.

Factors Against Confirmation or Denial – Section 38 (2)

Confirmation or denial of this information would create a significant risk to residents in the area who may be victims of sexual exploitation or domestic abuse.

Potentially there is a likelihood of reprisals/attacks against those victims.

**9) For 3) and 4) above, how many of those HMOs house tenants who are asylum seekers?**

The council does not hold this information.  
Therefore, we are unable to provide this information.

**10) How many HMO licenses in this polling district has Ealing LBC refused, varied or revoked (under sections 64, 69 and 70 of the Housing Act 2004) and for what reasons were these licenses refused, varied or revoked?**

Zero.

**11) For each of 1) to 9) above, please provide, to the full extent disclosable by law, the addresses of these HMOs (it is**



**understandable that for some of the information requested in 1) to 9) above addresses may be protected by law and non disclosable).**

This information is readily publicly accessible via our property licensing register webpage at:

<https://ealing.metastreet.co.uk/public-register>.

Further information is also available at

[https://www.ealing.gov.uk/info/201086/housing\\_and\\_council\\_tax/2201/private\\_rented\\_property\\_licensing/12](https://www.ealing.gov.uk/info/201086/housing_and_council_tax/2201/private_rented_property_licensing/12).

- 12) Is Ealing LBC making any payments to any landlords of any HMOs in this polling district in relation to their HMO? If so, what is the nature of these payments (e.g. housing benefit to fully or partially subsidise rent) and how much is being paid to each HMO landlord in receipt of such payment?**

Ealing Council will be providing Housing Benefit payments to tenants who meet government eligibility criteria within all private rented tenures, including tenants of HMO's. All council's fulfil this role on behalf of central government.

It is also worth noting that many people who qualify for government support with housing costs have or are due to migrate from Housing Benefit to Universal Credit except in limited circumstances. Universal Credit is administered by Department of Work and Pensions and not Ealing Council.

In terms of the value of the benefit, Local Housing Allowance rates and housing benefit are determined by the Valuations Office Agency based in central government for the entire country and as such Ealing Council does not have any role or involvement in determining the rate.

More information can be found at:

Search for Local Housing Allowance rates by postcode or local authority:  
DirectGov - LHA Rates (voa.gov.uk)

- 13) Is any other public body other than Ealing LBC making any payments to any landlords of any HMOs in this polling district in relation to their HMO? If so what is the nature of these payments**



**(e.g. housing benefit to fully or partially subsidise rent) and how much is being paid to each HMO landlord in receipt of such payment? If so, which public bodies?**

The council does not hold this information.  
Therefore, we are unable to provide this information.

- 14) On what date does Ealing LBC intend to make an Article 4 direction, under The Town and Country Planning (General Permitted Development) (England) Order 2015, reimposing a precondition for owners of houses in this polling district to obtain planning permission prior to converting their house into an HMO?**

The planning team are currently developing the evidence base to support a Local Planning Authority wide non-immediate Article 4 to remove the permitted development right to turn C3 houses into HMOs. Once that work is completed it will be taken to Planning Committee to consider if the Article 4 direction should be made (the first stage in the process). While there is not an agreed date for this, the target is the summer.

- 15) On how many days in the past year has the MPA attended this polling district in relation to incidents concerning tenants of HMOs?**

The council does not hold this information.  
Therefore, we are unable to provide this information.

- 16) and any other information that you know to be relevant to this request.**

N/A

**I have sent emails to the Met related to incidents pertaining to all of the above the response I received stated that '*this was a piece of work being done for MP, James Murray.*' I'm not sure why I needed to know about a separate project and why that would impact on a separate data request. I could use my phone to access the Met dashboard, but at a glance it does not look up to date compared to what I and neighbours in Medway have experienced over the last few weeks, months and years. The Met**



**has invested in upgrading their IT systems so it is strange that it is not fit for purpose to give a quick snapshot of what is going on in the wards.**

This question should be direct to the Met Police as the council are unable to provide a response for this question.

Please redirect to them via:

[foi@met.police.uk](mailto:foi@met.police.uk)

**With regards to data request to Met police, I was promised that the information would be ready in time for the community meeting that the LB Ealing Council and Met Police had organised. The information was not provided.**

This question should be direct to the Met Police as the council are unable to provide a response for this question.

Please redirect to them via:

[foi@met.police.uk](mailto:foi@met.police.uk)

**Why was the data requested not provided?**

This question should be direct to the Met Police as the council are unable to provide a response for this question.

Please redirect to them via:

[foi@met.police.uk](mailto:foi@met.police.uk)

**Residents were also left with a lot of unanswered questions because key stakeholders had not been invited to the meeting. Both agencies should have known to include MAPPA who may have been able to shed light on the problematic residents causing issues in the area, some including man masterbating in broad daylight in sight of children and residents, flashing in areas where children are, hanging outside nursery, incidents requiring armed police etc.**

**Why was MAPPA excluded from the community meeting?**

This question should be direct to the Met Police as the council are unable to provide a response for this question.

Please redirect to them via:



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[foi@met.police.uk](mailto:foi@met.police.uk)

**I would also call for the resignation of Jess Murray who appeared to be grinning throughout the meeting and unsympathetic to the issues residents raised. To be honest it seemed that none of the officers, council or police, were aware of the extent of distress residents have been through and the fact that senior officers could not provide stats or empathy is not acceptable. Even on the day of the meeting I had a stranger bashing my door and windows demanding access to my home. To date I have not had an update from Met police. This does not inspire trust or confidence the recent mission statements (RAP) alludes to or duty of care both agencies are supposed to have for the safety of women, children and the wider community.**

### **Follow the money**

**At the meeting, residents raised concerns about possible money laundering and conflict of interest.**

- 1. Please disclose which Officers in the Ealing administration, specifically connected to Medway are HMO owners and/or Landlords.**

We are applying an exemption under Section 40(2) Freedom of Information Act 2000 as "personal data other than that of the requestor".

Specifically, in terms of the provisions of the Freedom of Information Act 2000 we consider this information is exempt under Section 40(2) as "personal data other than that of the requestor".

The definition of personal data is set out in Article 4 of the General Data Protection Regulation:

(1) 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;



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In coming to this decision, we have taken account of Article 5 of the GDPR, Principles relating to processing of personal data and in particular: -

1. Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

In considering whether it would be fair to disclose the information we have considered the following: -

- the possible consequences of disclosure on the individual;
- the reasonable expectations of the individual, taking into account: their expectations both at the time the information was collected and at the time of the request; the nature of the information itself; the circumstances in which the information was obtained; whether the information has been or remains in the public domain; and
- the FOIA principles of transparency and accountability;

Consideration is also given to whether there is any legitimate interest in the public or the requester having access to the information and the balance between this and the rights and freedoms of the individuals who are the data subjects.

Such information should only be processed for specified, lawful and compatible purposes and I do not consider this to be a compatible purpose [Article 5 (b)].

In reaching a decision the Council has taken account of the individual's reasonable expectations of what would happen to their personal data, whether disclosure would be incompatible with the purposes for which it was obtained and whether disclosure would cause any unnecessary or unjustified damage to the individual.

**I recall a few months after becoming Leader to Ealing council, Mr Peter Mason, was able to afford himself a pay rise. He made his salary a priority.**



**With regards to Jess and the other officers, I find it hard to believe anyone who has a good length of service would not know to attend a meeting with notepad, pen and stats.**

**Please if you could look at this from my lens; we had a Panel of well paid men none able to evidence to me their concerns or commitment for women, children and residents of Medway.**

- 2. Under transparent working, and FOI laws, please may I request full breakdown of what the current administration is costing, and all officers involved in the Medway concerns, length of service and salary banding.**

This information is not held in a reportable format.

In accordance with section 12 of the Freedom of Information Act 2000, we are not obliged to comply with your request as the process of identifying, locating, retrieving and, where appropriate, extracting the information would exceed the 'appropriate limit' as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

This is currently £450- or 18-hours work.

We estimate that to identify and record the information requested would take a significant amount of resource and would exceed 18 hours work, given the volume of material we would need to review to draft a response.

- 3. How much money has Ealing Council made out of HMO activity in Medway and what has this money been spent on?**

£0.

Property licensing schemes don't generate revenue for the local authority because all income is used to cover the costs of delivery of the schemes including application processing, administration, enforcement and compliance activities.





- 4. When can we expect CCTV and regular police patrols in the areas requested only yesterday there was a lady fouling in plain sight by the entrance of the park ((Scorton entrance)).  
It is bizarre that CCTV and regular patrols have not already been provided because of the volume of visits already from emergency services.**

CCTV is being reviewed on this estate with a view to installing a deployable camera.

Questions on Police Patrolling should be directed to the Met Police.

Please redirect to them via:

[foi@met.police.uk](mailto:foi@met.police.uk)

You are free to use this information for your own use, including for non-commercial research purposes. It may also be used for the purposes of news reporting. Any other type of re-use, for example publishing the information, issuing copies to the public or marketing, will require our permission as copyright holder. If you intend to re-use this information in this manner you must apply to us.

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Governance Team at: [foirequests@ealing.gov.uk](mailto:foirequests@ealing.gov.uk).

Or by post to:  
Freedom of Information  
3<sup>rd</sup> Floor, North East  
Perceval House  
14-16 Uxbridge Road  
London W5 2HL

Details of complaints process can be found at:

[http://www.ealing.gov.uk/info/200640/freedom\\_of\\_information/1550/making\\_a\\_complaint\\_or\\_appeal](http://www.ealing.gov.uk/info/200640/freedom_of_information/1550/making_a_complaint_or_appeal)



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If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire, SK9 5AF

[www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely,

Stuart O'Brien

Information Governance Officer



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