



Date: 9th November 2016

Request for Internal Appeal for FOI5734
Reference: IA16042/ FOI5734

Good Afternoon Mr Parry,

Thank you for your internal review requested on 6th January 2016 in relation to FOI5734. We are sorry to hear that you are dissatisfied with our response and have conducted an Internal Review as requested by yourself. The purpose of an internal review is an opportunity for an authority to revisit their response in the event of dissatisfaction from a requestor, it is not a method to enter into discussion about information held, or not held, by the council. An Internal Review is the last stage a public authority enters when looking at a FOI request, the next stage is referral to the Information Commissioner's Office.

On 29th November 2015 we received an FOI request in relation to "Leasehold Properties":

"On 1 October 2012 BHCC sold 52 '99 year leasehold properties' to Brighton and Hove Seaside Community Homes Limited (BHSCH). A BHSCH report, dated 14.9.15, states these properties were in need of refurbishment. The documents registered with Companies House and the Land Registry claim the properties were refurbished at the time of exchange. Please advise which description of the properties is correct".

A response was provided to you on 3rd December 2015 as detailed below:

"The Agreement is that up to 499 properties will be sold to BHSCHs. Some of the properties are refurbished before completion and some are refurbished post completion under a works agreement i.e. BHCC will undertake the refurbishment works on behalf of Seaside Homes. It is down to capacity and timing as to how many can be refurbished prior to completion of leases".

We then received your email on 4th December 2016, as seen below:

"I have received an email from you in response to 'Sale of leasehold properties.'

I assume the response has been sent in error as it does not attempt to answer the question which was regarding the discrepancy between the report by BHSCH/BHCC and the documentation published by Companies House and the Land Registry".

We responded again stating:

"The Agreement is that up to 499 properties will be sold to BHSCHs. All of the transferred properties required refurbishment at the time they were identified. Once identified depending on the circumstances some properties could be refurbished before transfer and some after. It is down to capacity and timing as to how many can be refurbished prior to completion of leases".

We then received your request for Internal Review on 6th January 2016:

"I am writing to request an internal review of Brighton and Hove City Council's handling of my FOI request 'Sale of leasehold properties'. The answer given does not in any way provide the information requested. The information required is not what is claimed by BHCC or BHSCH but why is there a discrepancy between information held by Companies House, BHCC and BHSCH and what is the truth? The issue of whether a property had been refurbished or not, or even if



it required refurbishment, at the time of its sale by the Council to the company is central to the value of the property”.

After reviewing the Freedom of Information Request and the response you received, I believe you were indeed not given the information you requested. The information you were provided with is the agreement that we are aware of and the information that we hold. The sold properties at the time of the report may well have been refurbished before the exchange or after exchange under a Works Agreement (as mentioned in our previous response) and that is why the information may be causing confusion. . We advise you to contact Companies House and Brighton & Hove Seaside Community Homes for clarification of where this information was sourced from as we believe this to be creating a lot of confusion. I feel there may have been some misinterpretation of the information but they should be able to assist you as I feel we are not best placed to do so as you are requesting clarification on information that is not owned/ held by us asides from our initial response.

I would also like to take the time to apologise for the delay in your request for an Internal Review carried out. This falls below the standards I would expect within the team and assure you we are working on our processes to ensure all our customers are satisfied to the highest standard. I would like to thank you for your co-operation and patience, it is much appreciated by Brighton & Hove City Council.

This completes our response to your appeal.

If you remain dissatisfied with the Council's response, you are entitled to appeal the matter to the Information Commissioner's Office. The ICO is the national regulating agency for matters associated with Freedom of Information and may undertake to investigate on your behalf. Should you wish to avail yourself of this option; the ICO can be contacted in the following ways:

Website: <http://www.ico.org.uk>

Phone: 0303 123 1113

Post: Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Katie Rees
Information Governance Officer
Brighton & Hove City Council