

FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

- 1. From 1980 to date, on how many occasions have the City Council resorted to County Court Proceedings to obtain a "forfeiture of Lease" relating to domestic dwellings where the Leaseholder has breached tenancy rules, and more specifically used the premises for "Business Purposes", thus breaching said tenancy rules**
- 2. Where the City council have successfully carried out Court actions of this type, I am requesting details of each action – a summary in each case will suffice, with names of persons involved in each omitted.**

Response:

You state that your request had been sent to the City Council in May 2011 and you had received no reply. I cannot see that your letter of May 2011 was ever received by the City Council but apologise for the frustration you may have felt in not receiving a reply.

You refer to cases where the Council has taken proceedings to "forfeit a lease" of residential premises specifically where they have been used for the purposes of running a business. I have assumed you may mean proceedings for possession of Council houses/ Flats as forfeiture proceedings can only be taken in relation to commercial leases where running a business would be expected.

We are legally only obliged to keep records of such cases for 6 years so details going back beyond 2006 would not be accessible in any detail. It is not possible for the Council to provide details of every case where possession proceedings have been taken against Council tenants for any breach of tenancy conditions as you requested.

This is because non payment of rent is a breach of tenancy conditions and the City Council has taken thousands of those types of cases to Court since 1980. It would not be reasonable to go through all those records, which are not stored in one central place to find out how many of those cases resulted in a possession order.

Between approximately 1990 – 2000, some 30,000 cases were taken to court for rent arrears. Not every case resulted in a possession order or eviction. It would not be reasonable to give details or information about those cases as:-

- 1) Central records are not kept of every case which went to court.

- 2) It would take an officer several weeks to locate which tenants were taken to court and the outcome of that case – even if that information were easily accessible.

Other court cases for repossession, on grounds other than rent arrears are not categorised by the nature of breach of tenancy conditions so to try to discover which of those cases related to possession for running a business from a residential tenancy would involve manually searching through all possession cases taken since 2006 to ascertain which, if any related to the running of a business at the tenancy address and which of those involved the making of a possession order. Not every case ends with a possession order.

Since 2004, Legal Services have recorded approximately 602 cases where they were requested to take legal action.

In order to provide you with the information you requested, on the scale that you have requested would require the City Council to undertake hours of searching manual files and computer records. It is estimated that it would take approximately 15 minutes per file which would equate to 150.5 hours.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for Local Authorities is set at £450. This represents the estimated cost of one person spending 2.5 working days in determining whether the department holds the information, locating, retrieving and extracting the information.

The information I have received from the Legal Department on an informal basis is that to the best of their knowledge and recall, no one has been evicted from a Council tenancy for running a business. To make a possession order the Court has to be satisfied to a very high standard that not only is there proof of a breach of tenancy conditions but that it is “reasonable” in all the circumstances for the family to lose their home. It has been usual for the person to cease running the business prior to any possession proceedings.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Head of Information Governance using the details below.

If you are dissatisfied with the handling of your request please write to:

**Head of Information Governance
Information and Support
Leicester City Council
FREEPOST (LE985/33)
New Walk Centre
LEICESTER LE1 6ZG**
e-mail: foia@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow SK9 5AF
Telephone: 01625 545 700**
www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to Head of Information Governance before contacting the Commissioner.

Yours sincerely
Lynn Wyeth
Head of Information Governance