

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 24 April 2013

**Public Authority:** Worthing Borough Council  
**Address:** Adur & Worthing Councils,  
Worthing Town Hall,  
Chapel Road,  
Worthing,  
West Sussex,  
BN11 1HA

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to council tax payment. Worthing Borough Council ('the council') responded and said that it did not hold any information that falls within the scope of the request but this statement was not accepted by the complainant.
2. The Commissioner's decision is that, on the balance of probabilities, the requested information is not held and therefore the council responded appropriately to this request.
3. The Commissioner requires no further action to be taken.

#### Request and response

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4. On 16 March 2012, the complainant wrote to the council and requested information in the following terms:  
*"Could you tell me if I have to pay council tax by law or is it statute legislation?  
Is this tax made against [name redacted] (the person and a corporation) or [name redacted] (a freeman of the land)?"*
5. The council responded on 2 April 2012. It stated that it did not hold any recorded information that falls within the scope of the request.
6. Following an internal review the council wrote to the complainant on 11 May 2012. The council stated that it does not hold any information that

falls within the scope of the request, because the information requested does not exist at all.

## Scope of the case

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7. The complainant contacted the Commissioner on 28 September 2012 to complain about the way his request for information had been handled.
8. The Commissioner considers the scope of this case to be whether or not the council holds any information falling within the scope of the request. The Commissioner has considered whether, on the balance of probabilities, it is likely that the council would hold any such information.

## Reasons for decision

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9. Section 1(1) provides that –

*"Any person making a request for information to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

10. The council has explained to the commissioner that, after considering what the complainant was requesting, it concluded that the information described in the request does not exist. The council argued that its response to this request had been based on the fact that this request is for information which is not held or in existence anywhere.
11. The council explained to the commissioner that Council Tax is required to be paid by legislation, and that this had been explained to the complainant. The council argued that as the request is not for this piece of legislation, the information requested does not exist. The council explained that the complainant had clarified that the request is for information that shows the law, and not the piece of legislation, that requires human beings to pay council tax.
12. The commissioner notes that in his request for internal review, the complainant clarified the request as follows:  
  
*"Could you please provide written evidence of the law that requires flesh and blood human beings to pay council tax?"*

*"I am looking for the law that applies to those human beings that have not mutually consented or have withdrawn their consent from a particular society, i.e. those human beings that are no longer subject to the rules of that society. So please provide evidence of the law (not the statute) which states that all humans (not persons) are obliged to pay council tax."*

*"Also, please do not direct me to acts, statutes or legislations... I wish to know what law (not statute or act) obliges me, a man, to pay council tax. Please provide also, a copy of the law which states a council may prosecute a human being of flesh and blood for council tax arrears in order to recover what they term a debt."*

The commissioner therefore considers that it is reasonable for the council to conclude that no information of the type specified in the request is held or exists anywhere.

13. The commissioner further notes that in its initial response to the request the council informed the complainant that *"the Local Government Finance Acts 1992 is the legal basis alone that requires Local Authorities to collect council tax"*, but that no further information was held. It is the commissioner's view that in so doing the council complied with the request and fulfilled its obligations under the FOIA.
14. The complainant has not supplied any arguments as to why he believes the council holds information that falls within the scope of the request.
15. In the light of the above, it is the commissioner's view that on the balance of probabilities the council does not hold any information that falls within the scope of the request.

## Right of appeal

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16. 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: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

17. 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.
18. 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 .....**

**Pamela Clements**  
**Group Manager, Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**