

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 July 2021

Public Authority: Central Bedfordshire Council

Address: Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

Decision (including any steps ordered)

1. The complainant requested information from Central Bedfordshire Council ("the Council") regarding the business rates paid in relation to specific property.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 24 March 2021, the complainant wrote to the Council and requested information in the following terms:

"We write to request information pursuant to the Freedom of Information Act 2000. The request relates to the following property:

Property Reference: EE059000400

Address: 4 Church Street Dunstable Beds LU5 4RU

- 1. Please confirm the party and/or parties liable to pay business rates at the property for the period July 2015 to March 2021 inclusive.*
 - 2. We note that the most recent published list shows Suntrap Dunstable Ltd as the 'ratepayer'. Please confirm the date that Suntrap Dunstable Ltd first became liable to pay business rates at the above property."*
6. Whilst the Council did not acknowledge this request, the complainant has provided evidence which shows that the request was sent to a valid Council email address. Therefore, the Commissioner has assumed that the request was received by the Council
7. On 30 April 2021, 5 May 2021 and 14 May 2021, as the complainant had not received a response, he wrote to the Council to ask for an update on the status of his request.

Scope of the case

8. The complainant contacted the Commissioner on 14 May 2021 to complain about the Council's failure to respond to his request.
9. The Commissioner contacted the Council on 11 June 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. The Commissioner also contacted the complainant on 11 June 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
11. The complainant has provided evidence that he has received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to her information request.

12. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

13. Section 1 of the FOIA states 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.*
14. Section 10 of the FOIA states that responses to requests made under the Act must be provided, *“promptly and in any event not later than the twentieth working day following the date of receipt.”*
15. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner’s decision is that the Council has breached section 10 of the FOIA.

Right of appeal

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

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