

**Redcar & Cleveland Borough Council**  
**Freedom of Information Act 2000**  
**Information request**

<b>Number</b>	<b>FOI/16/0442</b>	<b>Date:</b>
<b>Your Question :</b>	<b>Requestor: Nigel Ward</b>	
<p>Following reports of R&amp;CBC Councillors having fallen behind on Council Tax payments to R&amp;CBC, I would like to lodge a request for information under the terms of the Freedom of Information Act 2000.</p> <p>Please provide the following information.</p> <p>For each of the financial years 2011/12, 2012/13, 2013/14, 2014/15 and 2015/16 until the date of your response:</p> <p>(1) which R&amp;CBC Councillors have been the subject of recovery action, either in the form of demands sent by letter or email, or by court action. Please specify which type of recovery action, where applicable.</p> <p><b>None.</b></p> <p>(2) which R&amp;CBC Councillors have been barred from participating in voting on budgetary decisions, contingent on Council Tax arrears of two months or more.</p> <p><b>None.</b></p> <p>The Council will no doubt be aware of the following judgement:</p> <p>Recently the Upper Tribunal Administrative Appeals Chamber heard and allowed an appeal against the refusal by Bolton Council to disclose Council Tax late payment information about one of their serving Councillors. The full case report can be accessed here:</p> <p><a href="http://www.bailii.org/uk/cases/UKUT/AAC/...">http://www.bailii.org/uk/cases/UKUT/AAC/...</a></p> <p>The office of the Local Government Lawyer has published an article which provides a synopsis. This can be accessed here:</p> <p><a href="http://localgovernmentlawyer.co.uk/index...">http://localgovernmentlawyer.co.uk/index...</a></p> <p>To quote directly from the above-mentioned references:</p> <p>"In substance, this involved carrying out an Article 8/Article 10 ECHR balancing exercise. It is apparent from the UT's decision that the critical element in that balancing exercise was the councillor's status as an elected official with public responsibilities, to which non-payment of council tax was directly and significantly relevant. In particular, a councillor is barred from voting on the council's budget if he has an outstanding council tax debt of over two months.</p> <p>So council tax default, per the UT, 'strikes at the heart of the performance of a councillor's functions'. Voters would want to know whether the councillor was carrying out his duties. That in turn meant that (i) a councillor could not have any expectation that his name would be withheld, even if his identification intruded significantly into his private life; and (ii) on the other side of the balance, there was a compelling legitimate interest in the public knowing his name.</p> <p>Judge Markus QC said that there might be exceptional cases in which the personal circumstances of a councillor were 'so compelling' that their name(s) should be protected; but these were not such circumstances – even though disclosure might cause some distress to the councillor, and damage to his reputation. In short, elected officials are not in the same position as other members of the public when it comes to disclosure of their names. They can expect their names to be disclosed in circumstances where ordinary members of the public might expect the opposite..."</p> <p>Based on the principle of the above case, the Council clearly has a duty to disclose the requested</p>		

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information, unless Councillors in question have, previously to the date of this FOIA request, lodged notice of exceptional personal circumstances 'so compelling' as to require non-disclosure of their failure to pay Council Tax in a timely manner.

**Our Response:**

I can confirm we \_\_\_ hold the information requested.

**Any Attachments**

**Any Exemptions Applied**

**The Public Interest Test**

**Review Procedure**

I hope that this satisfies your request for information. If you disagree with any exemption applied, you can ask for an internal review.

If you are not satisfied with how your request has been dealt with then you are free to make a complaint either to the Council or to the Information Commissioner.

You will find details of the council's complaints procedure on the council's website at [www.redcar-cleveland.gov.uk](http://www.redcar-cleveland.gov.uk) by using the A-Z Index from the home page.

The Information Commissioner is an independent person who has responsibility for overseeing the Data Protection Act 1998 and the Freedom of Information Act 2000. More details can be obtained from the Information Commissioner's website at [www.ico.org.uk](http://www.ico.org.uk).

**FOIA Officer**

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