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From: David Roper-Newman
Information Governance Officer
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Our ref: IR 2016-013

11 November 2016

Dear Mr [REDACTED]

As explained in my letter of 18 July 2016, your email of 15 July has been treated as a request for an internal review of the decision sent to you following your original requests for information dated 1 and 2 June 2016.

Following our subsequent discussions, you helpfully agreed for the Council to defer making a decision on this request for an Internal Review. This was because a separate complaint had been made to the Information Commissioner's Office concerning a decision by the Council which related to a broadly similar request for information to the ones that you had made. Deferring the decision until the outcome of that separate case had been determined saved otherwise unnecessary action on your and the Council's part.

The Original Request

On 1 June 2016, you observed: 'the following has been reported in the Yorkshire Post:

"Craven Council served a final notice on one councillor for £324 and had obtained a liability order from court against another councillor for £229 but refused to identify either."

In March of this year the Telegraph and Argus received a ruling from upper tribunal judge Kate Markus QC that such information should be made public and I would be obliged to be informed of the names of the (apparently) 2 councillors involved'.

The Council's original decision

On 10 June you were informed that the Council declined, under on S40 (2) of the FOIA, to provide individual names and any personal information linked to such individuals. The decision went on to state:

I can confirm that during the period you have listed, 1 member received a final notice and we obtained a liability order against another member. The amounts being £324.00 (09/11/2015) and £229.00 (24/02/2016) made up of £164.00 and £65.00 costs. Additionally I can confirm that all outstanding Council Tax was subsequently paid without the need for further action.

The authority follows section 106 of the local government finance act and ensures only eligible members are allowed to vote. In the above cases the balances were paid in full and no member had to be excluded.

Your request for an internal review

On 15 July you requested an internal review of the above decision.

Decision following Internal Review

An Internal Review has now been completed, and in the light of the recent Decision Notice made by the Information Commissioner (FS 50628059), which I have already shared with you, I am providing you with the following information:

1. In 2015/16, reminders for non-payment of Council Tax were issued to the following elected members, with the amounts shown in each case: Councillor Heseltine (£324) and former Councillor English (£164).

2. In 2015/16, one Councillor was served with a liability order: former Councillor English for the amount of arrears as shown above, plus £65 costs.

3. All outstanding Council tax was subsequently paid without the need for any further action, and former Councillor English stood down at the last election.

Your rights following the internal review

If you are not satisfied with the outcome of the internal review, you may apply direct to the Information Commissioner's Office for a decision. The Information Commissioner's Office can be contacted at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, website: https://ico.org.uk/

Once again, thank you for allowing me to defer completing this decision on your request for an Internal Review until the outcome of the ICO's consideration was completed.

Yours sincerely,

Sent by email

David Roper-Newman
Craven District Council