

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 July 2023

Public Authority: London Borough of Tower Hamlets

Address: Town Hall
160 Whitechapel Road
London
E1 1BJ

Decision (including any steps ordered)

1. The complainant requested information about energy bill support payments. By the date of this notice, London Borough of Tower Hamlets (the public authority) had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - the public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority must take this step 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 31 March 2023, the complainant wrote to the public authority and requested information in the following terms:

"This FOIA request relates to the £150 energy bill support payments (sometimes called a 'council tax rebate') issued to Council Tax band A-D households in your area as at 1 April 2022.

Further information is here:

<https://www.gov.uk/government/publications/the-council-tax-rebate-2022-23-billing-authority-guidance/support-for-energy-bills-the-council-tax-rebate-2022-23-billing-authority-guidance>

On 2 September 2022, the Department for Levelling Up, Housing & Communities reminded local authorities in England to place any unclaimed "core" £150 payments onto council tax accounts for eligible households. This allowed for payment after the "core" scheme closed. See the section titled "Crediting council tax accounts" here:

https://web.archive.org/web/20221116231926/https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102995/220902_Final_CT_Rebate_CTIL-next_steps_for_Sept_2022_update.pdf

The questions below only relate to the "core/main" £150 scheme. No information is required concerning the separate "discretionary" schemes.

- 1) For properties where you are the local council, how many properties have an unclaimed "core" £150 on their council tax account?
- 2) How many of the properties in "1)" had at least one individual in council tax exemption class N as at 1 April 2022?
- 3) For properties where you are the local council, how many were recorded as a Home in Multiple Occupation (HMO) for planning purposes but not for council tax purposes as at 1 April 2022? If such data are not available, how many are currently classed as such?
- 4) How many of these properties in "3)" have an unclaimed "core" £150 on their council tax account and had at least one individual in council tax exemption class N as at 1 April 2022?

5) What decision(s) has the council made regarding distribution of these unclaimed "core" £150 payments to the eligible 1 April 2022 occupants?

Please provide this information above as at 31 March 2023 by return email.

If time allows, please also provide the above information as at 30 November 2022 (again by return email).

I look forward to hearing from you by the statutory deadline."

6. The public authority acknowledged the request on 3 April 2023. To date, a substantive response has not been issued.

Reasons for decision

7. Section 1(1) of 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."

8. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
9. On 20 June 2023, the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention, the public authority has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

12. 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

13. 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.
14. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF