



**FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
Information Rights**

Tribunal Reference: EA/2013/0002
Appellant: Neil Gilliatt
Respondent: The Information Commissioner
Judge: NJ Warren

DECISION NOTICE

1. Mr Gilliatt is very concerned about the controls on the behaviour of bailiffs who recover council tax arrears on behalf of local authorities. He is not alone in that. There have recently been television programmes and proposals for central government action.
2. On 24 June 2012 he made a request for information under the Freedom of Information Act (FOIA) to the North East Lincolnshire Council. It is fair to say that the request included what might be described as “loaded questions”. It asserted that the Council had a policy to lie about the bailiffs and it was “no better than a mafia organisation”. He asked whose responsibility it was to decide a policy requiring staff to refute allegations of maladministration without investigating; whether this was an instruction from central government; at what level were Council staff allowed to investigate a complaint rather than simply dismissing it; at what level were they allowed to uphold a complaint; and finally, what means of redress local residents had when they had been fobbed off by the Council’s “lying policy”.
3. The Council supplied some general information about their complaints policy but said that they did not hold the remainder of the information requested. Mr Gilliatt complained to the Information Commissioner’s Office (ICO) who confirmed that the Council had complied with its obligations under FOIA. Mr Gilliatt now appeals to the Tribunal against the ICO decision.
4. I’ve carefully read all the material which Mr Gilliatt has supplied dealing with cases involving more than one district council. I do not doubt that his concerns are genuinely held. There may well be legal remedies available through the Local Government Ombudsman or through challenges to the bailiff’s costs. The Tribunal cannot however give those remedies.

Appellant: Neil Gilliatt**Date of decision: 28 February 2013**

5. For Mr Gilliatt's appeal to succeed he must first of all demonstrate that the Council has a policy to lie and obstruct. He must also demonstrate that having adopted such a policy the Council recorded it in writing so as to make it disclosable under FOIA. After a careful review of the evidence I conclude there is simply no material before the Tribunal on which it could reach such a decision. It follows that the appeal cannot succeed. In my judgement the proportionate action is for me to stop the appeal in its tracks by striking it out under Rule 8(3)(c) on the ground that it has no reasonable prospect of success.

(Signed on the original)**NJ Warren****Chamber President****Dated 28 February 2013**