

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 December 2016

Public Authority: Bath and North East Somerset Council
Address: The Guildhall
High Street
Bath
BA1 5AW

Decision (including any steps ordered)

1. The complainant has requested a copy of a Service Level Agreement between Bath and North East Somerset Council (the council) and a specific debt recovery agency. The council informed the complainant that the information was not held.
2. The Commissioner's decision is that, on the balance of probabilities, the council does not hold the requested SLA.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 28 April 2016, the complainant made the following request to the council:

"Please facilitate me with a copy of the Service Level Agreement existing between Rundles and the council."
5. On 3 June 2016, the complainant contacted the council again as he had not received a response to his request.
6. The council responded on the 6 June 2016 advising that the information is not held as it does not currently have a SLA in place with them.
7. The complainant requested an internal review on the 9 June 2016 as he was not satisfied with the council's response. As part of the review

request, the complainant provided a copy of a letter which he considered proved that the council does in fact have a SLA with Rundles.

8. This letter was a response from the council to an associate of the complainant in which it stated that the council has a SLA with Rundles, but there is no formal contract in place.
9. The complainant contacted the Commissioner on the 24 June 2016 as he was not satisfied with the council stating the information is not held.
10. The council provided its internal review on the 10 August 2016 maintaining the requested information is not held.

Scope of the case

11. The complainant contacted the Commissioner again to advise he still considered the information is held.
12. The Commissioner considers the scope of the case is to determine whether the council holds a copy of a SLA with Rundles.

Reasons for decision

Section 1 of the FOIA – Information held/ not held

13. Section 1 of the FOIA states that an person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to him.
14. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
15. In this case, the complainant is of the view that the council holds a SLA with Rundles.
16. The council has told the Commissioner that Rundles are an enforcement agent who collects unpaid council tax and business rates on their behalf. However it has confirmed to the Commissioner that it does not have a SLA in place with it.

17. It has explained to the Commissioner that this is because technically Rundles are still under trial with the council and that is why they do not have a formal agreement in place with it yet. It has told the Commissioner that it is aware that some council's do require a SLA and some have a full contract. But others, like the council, have no current formal agreement with them.
18. It has also told the Commissioner that although it has not got a SLA in place with Rundles it does have an agreement in place with two other agents, Bristow's and DG.
19. The Commissioner asked the council whether it has any other recorded documentation that details its relationship with Rundles, because if so, this could have been advised to the complainant as advice and assistance. The council has responded to the Commissioner stating that it does not hold any information of this nature.
20. The council has told the Commissioner that any agreement would be held by the Customer Services Team and it would be held both electronically and manually. The council has explained that the Customer Service Team Leader is aware of the SLA's with the other two companies and he is also aware that there is no recorded agreement in place with Rundles.
21. It has also confirmed to the Commissioner that no information relevant to this request has ever been deleted or destroyed.
22. The Commissioner has also asked the council about the letter which was sent from the council to the complainant's associate stating a SLA was in place, but no formal contract. The council has responded to the Commissioner on this after discussing it with its Customer Services Team. It has told the Commissioner that the letter sent was incorrect and an error on the part of Customer Services.
23. The council maintains that there is no SLA in place with Rundles and no information is held relevant to this request.
24. In consideration of the above, the Commissioner understands why the complainant would be of the view that the council holds the requested SLA due to the letter he provided as evidence and the fact that the council has SLA's in place with two other enforcement agents and it has confirmed it uses Rundles as a collection agent.
25. However, the council has explained to the Commissioner that this letter it sent stated incorrect information and it has also explained that the reason why no SLA is held is due to the fact that Rundles is still on trial with the council.

26. As the council has also contacted the relevant department who would be aware of who it has SLA's with and they are maintaining one is not held with Rundles, the Commissioner in this case can only find that, on the balance of probabilities, the council does not hold the requested SLA.

Right of appeal

27. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

28. 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.
29. 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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF