Freedom of Information Act 2000

Decision notice

Date: **27 March 2014**

Public Authority: **Rutland County Council**
Address: **Catmose Park Road**
Oakham
Rutland
LE15 6HP

Decision (including any steps ordered)

1. The complainant requested information relating to the cost of Rutland County Council's (the Council) registrar services. The Council provided the complainant with a summation of its costs and income. The Commissioner's decision is that the Council holds further accounting information relevant to the complainant's request. The Council also breached section 10 of the Freedom of Information Act 2000 (the Act) as it did not provide a response to the complainant's request within 20 working days.

2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.

    - Provide the complainant with the accounting information or issue a refusal notice in accordance with section 17 of the Act explaining why it is exempt.

3. The public authority must take these steps 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 the Act and may be dealt with as a contempt of court.

Request and response

4. On 18 May 2013, the complainant wrote to the Council and requested information in the following terms:

"The information I am requesting is the direct cost of providing the necessary service of conducting and registering marriages on approval premises such as Normanton Church; in particular, the cost as billed to Rutland County Council by the Registry Office. As there are three tariffs involved could I please request that the figures provided cover each of the three circumstances."

5. The Council responded on 27 June 2013. It provided the three prices charged under its tariff system and a brief explanation about the relevant legislation which the Council views as justifying its charges. A further response was issued on 24 July 2014 which provided the complainant with information showing the budget of the registrar service for the past 3 years.

6. An internal review was carried out on 27 August 2013 by Peterborough City Council on behalf of the Council. It stated that all of the relevant information had been given to the complainant.

Scope of the case

7. The complainant contacted the Commissioner on 2 July 2013 to complain about the way his request for information had been handled. The Commissioner accepted the case on 5 September 2013 after the complainant provided a copy of the internal review.

8. The Commissioner considers the scope of the case to be whether the Council holds further information that is relevant to the complainant's request.

Reasons for decision

Section 10 – time for compliance

9. Under section 10 of the Act a public authority must respond to a freedom of information request promptly or within 20 working days after receipt of a request. The Council responded after 28 working days and therefore breached section 10 of the Act.

Section 1 – information not held

10. Section 1 of the Act provides that a public authority must respond to a request and confirm or deny whether the relevant information is held. If there is no reason why the information is exempt then the public authority must provide the information to the requester.

11. In this instance the Council claimed it had provided the complainant with all of the relevant information it holds, whereas the complainant believes that further information is held.

12. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes might be held, the Commissioner, in accordance with a number of First-Tier Tribunal decisions, applies the civil standard of the balance of probabilities.

13. Fees for registrar services are outlined in regulation 12 of the Marriages and Civil Partnerships (Approved Premises) Regulations 2005:

    (6) The superintendent registrar in whose presence persons are married on approved premises shall be entitled to receive from them a fee of an amount determined by the authority as reasonably representing all the costs to it of providing a registrar and superintendent registrar to attend at a solemnization.

14. The Commissioner enquired when the Council last determined what fee would be reasonable based on the costs of the service. In response the Council made it clear that it has never conducted a full financial review of the fees. Instead, this review was conducted by Leicestershire County Council. When the Council was created in April 1997 it decided to carry on using the same fees, and annually updates the figure to adjust it for inflation.

15. As well as trying to obtain information through requests, the complainant has also gone through the Council's formal complaints process. Stage 3 of this complaint was conducted by Peterborough City Council, which confirmed that the Council would undertake a full financial review of the costs of its registrar service.

16. It appears to the Commissioner that if the Council were to conduct a review it would need to know the direct costs of providing the service, otherwise it could not guarantee that the fee reasonably represented all the costs. He notes that the stage 3 complaint makes it clear that the Council has not adequately investigated the full extent of its costs base, but this does not guarantee that no relevant information is held about the direct costs.

17. In his correspondence to the Commissioner the complainant provided some examples of the type of information he considers would be held by the Council:

- Registry Office annual budget for stationery, and consumables
- the hours/numbers for the marriages of each type carried out each year
- the hours/numbers for the other registrar services carried out each year
- the travel costs relating to marriages on approved premises each year
- top hourly rates for the registrars (from their pay scales and not from the personnel records)
- the hours allocated for marriages on approved premises
- utility bills for the Registry Office building/rooms
- number of hours of IT time specifically booked against the registrar office annually
- annual depreciation of Registrar Office IT and other furniture and equipment

18. Having seen the information put forward by the Council and the stage 3 complaint findings by Peterborough City Council the Commissioner does not consider it likely that all of this information is held. However, on 24 July 2013 the Council provided the complainant with information showing costs of the registrar service. Further, in response to the Commissioner's questions the Council confirmed it holds accounting information which was summarised in the costs document provided to the complainant.

19. The Council decided that as this was a list of transactions it would not be relevant to the complainant's request, but the Commissioner disagrees. The individual transactions will provide information about what rates are charged by the registrar service, the amount that is spent in providing various supplies, and the cost of ancillary services which the Council considers necessary to meet its obligatory registrar function. The Commissioner's view is that this is relevant to the complainant's request, as it relates to the direct costs for the Council in providing this service. The Commissioner also considers it pertinent that the complainant expressed in his request that he wanted to know the various costs for the different tariffs, and is therefore seeking information about the range of costs incurred by the Council. The Council has acknowledged that it holds the list of transactions in addition to the summary of costs it has already provided, and the Commissioner considers that this information falls within the scope of the request.

20. The Commissioner's decision is that the Council does hold further information relevant to the complainant's request. He requires the Council to disclose this information to the complainant or provide him with a valid refusal notice detailing whether any of the information is exempt from disclosure.

Right of appeal

21. 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: 0116 249 4253
    Email: GRC@hmcts.gsi.gov.uk
    Website: http://www.justice.gov.uk/tribunals/general-regulatory-chamber

22. 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.

23. 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 .....

Alexander Ganotis
Group Manager – Complaints Resolution
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Wycliffe House
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Cheshire
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