



Scottish Information
Commissioner
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Decision Notice 140/2025

Council Tax Bandings – failure to respond

Applicant: The Applicant

Authority: Dunbartonshire and Argyll and Bute Valuation Joint Board

Case Ref: 202500666

Summary

The Applicant asked the Authority for information about Council Tax Bandings for specified properties and any Valuation Appeal Committee decisions which led to those properties being reviewed. This decision finds that the Authority failed to respond to the Applicant's requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. The Applicant made an information request to the Authority on 16 February 2025.
2. The Authority responded to the information request on 14 March 2025.
3. On 25 March 2025, the Applicant wrote to the Authority requiring a review of its decision.
4. The Applicant did not receive a response to her requirement for review.
5. The Applicant wrote to the Commissioner on 30 April 2025, stating that she was dissatisfied with the Authority's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.

Investigation

7. Section 49(3)(a) of FOISA requires the Commissioner to notify public authorities of an application and to give them an opportunity to comment. The Commissioner did this on 30 April 2025.

8. The Commissioner received submissions from the Authority on 15 May 2025. These submissions are considered below.
9. The Authority apologised that its failure to respond to the Applicant's requirement for review had to be escalated to the Commissioner.
10. Section 21(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the requirement to comply with a requirement for review. This is subject to qualifications which are not relevant in this case.
11. It is a matter of fact that the Authority did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
12. The Authority responded to the Applicant's requirement for review on 15 May 2025, so the Commissioner does not require it to take any further action in relation to the Applicant's application.
13. The Commissioner recommends that the Authority considers whether it would be appropriate to apologise to the Applicant for its failure to comply.

Decision

The Commissioner finds that the Authority failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in dealing with the information request made by the Applicant. In particular, the Authority failed to respond to the Applicant's requirement for review within the timescales laid down by sections 21(1) of FOISA. Given that the Authority has now responded to the Applicant's requirement for review, he does not require the Authority to take any action.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Jill Walker
Deputy Head of Enforcement

09 June 2025