

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 February 2024

Public Authority: Hyndburn Borough Council
Address: Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

Decision (including any steps ordered)

1. The complainant requested information from Hyndburn Borough Council ("the Council") relating to caravan sites.
2. The Commissioner's decision is that on the balance of probabilities, the Council does not hold information within the scope of the request.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. On 2 June 2023, the complainant wrote to the Council and requested information in the following terms:

"I would be pleased if you could provide the requested information for your administrative area.

The public register of licenced residential caravan sites which is expected to indicate

Site name and address
Max no licenced pitches

Licence holder
Date of issue
Site rules
Site category (residential/holiday and numbers)
Time limits
Fit and proper person
Other notes.”

5. The Council responded on 21 August 2023. It stated that it only has one licenced caravan site and that it does not have an online caravan licence register on its website. On the same date, the complainant wrote to the Council to complain about its response to their request.
6. The Council responded on 14 September 2023 and stated that it was currently in the process of updating its caravan licence register. However, it also stated that it did not hold the requested information.

Scope of the case

7. The complainant contacted the Commissioner on 14 September 2023 to complain about the way their request for information had been handled. They stated that they consider the Council to hold information within the scope of their request, specifically a public register of licenced caravan sites.
8. On 27 November 2023, during the course of the Commissioner’s investigation, the Council revised its position and provided the complainant with a further response to their request. In that response, the Council provided the complainant with some information relating to a caravan site which it stated was held on its caravan licence register.
9. Following receipt of the Council’s further response to their request, the complainant informed the Commissioner that they consider the Council to hold further information, relating to a specific caravan site, which falls within the scope of their request. The Council then amended its position again, stating that it does not hold a register of licenced caravan sites.
10. Whilst the complainant has informed the Commissioner that they consider the Council to hold further information relating to a caravan site, as the request asks for the Council’s public register of licenced caravan sites, only that register or information held on that register would fall within the scope of the request. Therefore, the scope of this case and the following analysis is to determine whether the Council holds information within the scope of the complainant’s information request of 2 June 2023 for “the public register of licenced residential caravan sites”. The following analysis does not cover whether the

Council holds any other information about the one identified caravan site.

Reasons for decision

The complainant's position

11. In their initial complaint to the Commissioner, the complainant stated that they consider the Council to hold a public register of licenced caravan sites as under the Caravan and Control of Development Act 1960 and the Mobile Homes Regulations 2020, the Council is required to hold such a register. They therefore consider the Council to hold information within the scope of their request.

The Council's position

12. In its submissions to the Commissioner, the Council stated that it does not hold a public register of licenced caravan sites. It explained that as it only has one licenced caravan site, any information held by the Council relating to that site is held in single paper folder rather than on a register.
13. The Council explained that whilst it stated in its response of 23 November 2023 that it was disclosing information held on its register of licenced caravan sites, the disclosed information is actually held in the paper folder referred to above. The information was disclosed by the Council in acknowledgement that this information should be held on a public register of licenced caravan sites, but nonetheless the Council maintained that it does not hold such a register. The Council stated that whilst it does not currently have a public register of licenced caravan sites, it is in the process of creating that register.

The Commissioner's position

14. The Commissioner acknowledges that the complainant considers that the Council should hold a public register of licenced caravan sites. However, based on the explanations provided by the Council, the Commissioner is satisfied that the Council does not hold a public register of licenced caravan sites.
15. Therefore, the Commissioner's decision is that on the balance of probabilities, the Council does not hold information within the scope of the request.

Other matters

16. The Commissioner is disappointed by the Council's handling of the request and the poor quality of its submissions to his office. The Council has amended its position multiple times which will have likely caused confusion for the complainant. During the course of his investigation, the Commissioner had to contact the Council multiple times to obtain clarification on its position.
17. In the future, the Council must ensure that it has reached the correct reading of the request and have a clear position at the earliest opportunity to avoid amending its position multiple times. The Council should be able to present its position to the Commissioner in a clear way when a complaint has been made.

Right of appeal

18. 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

19. 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.
20. 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

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