

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 September 2012

Public Authority: Wrexham County Borough Council
Address: The Guildhall
Wrexham
LL11 1AY

Decision (including any steps ordered)

1. The complainant requested costing information associated with Wrexham County Borough Council's ('the Council') bid for Wrexham to be awarded city status. The Council provided some information, and stated that other information was not held. The Commissioner's decision is that the Council provided the complainant with all the information it held relevant to the request. The Commissioner does not require the Council to take any steps.

Request and response

2. On 1 April 2012, the complainant wrote to the Council and requested information in the following terms:

"I would be grateful if you could let me know the total cost to the Council of work undertaken with regard to the bid for Wrexham to be awarded city status. I assume there are established procedures for ascertaining costs and that these procedures involve human resource costs as well as central administrative costs".
3. The Council responded on 14 May 2012, and confirmed that the "overall costs to the authority was £2027.72 including the human resource costs, the consultation exercise and the bid costs".
4. The complainant contacted the Council on or around 14 May 2012 requesting an internal review of the Council's handling of the request. He specifically asked the Council to confirm whether administrative costs were included in the figure of £2027.72.

5. The Council responded on 30 May 2012 and advised that its initial response was incorrect in that the figure provided did not include human resource costs. The Council clarified that the cost of producing the bid excluding human resources costs was £2,088.18. The Council confirmed that, although it did not hold specific human resource costs associated with the bid, a log had been kept showing that 43.5 officer and Member hours had been spent attending meetings associated with the bid. The Council also asked the complainant to clarify what he was referring to in relation to "administrative costs".
6. The complainant wrote to the Council on 31 May 2012 to clarify what he meant by the term "administrative costs". He gave an example to highlight his intended interpretation of the term and confirmed that it referred to items such as heating, lighting, maintenance, capital depreciation, employees NICs and pension contributions etc.
7. The Council responded on 15 June 2012 and confirmed that it did not hold information about administrative costs along the lines of the examples provided broken down at project level.

Scope of the case

8. The complainant contacted the Commissioner to complain about the way his request for information had been handled. He specifically expressed concern that the Council did not hold information about central establishment/administration costs in respect of the bid for city status for Wrexham ('the city status bid'). The complainant was of the view that even if the information he had requested was not held at such a project level "an estimate could easily have been made, and a formula, once determined, could be applied".
9. Under section 1 of the FOIA, in response to a request for information, a public authority is only required to provide recorded information it holds and is not required to create new information in order to respond to a request. The Commissioner therefore considers this complaint to be solely about whether or not the Council holds any further information about the administrative costs associated with the city status bid.

Reasons for decision

Section 1 – is further recorded information held?

10. Section 1 of the FOIA states that any 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 of the description specified in the request, and if that is the case, to have that information communicated to him.

11. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the authority to check that the information was not held and he will consider if the authority is able to explain why the information was not held. For clarity, the Commissioner is not expected to prove categorically whether the information was held. He is only required to make a judgement on whether the information was held "on the balance of probabilities"¹.
12. Firstly, in its response to the Commissioner, the Council confirmed that the costs associated with the city status bid was £2,088.18, as stated in its response of 30 May 2012. It advised that the costs quoted in its original response of 14 May 2012 (£2027.72) did not include courier delivery costs of £60.47.
13. The Council confirmed that the request was initially referred to its Corporate and Customer Services Department, which includes Communication who assisted in co-ordinating, identifying and retrieving all relevant information. The department holds a file on the city status bid and all officers involved in the project working group were contacted to ascertain all relevant information. Information about costs for the project is held within the Assets and Economic Development Department and relate to focus group consultation, production and printing of the bid and delivery costs. The number of hours that staff spent working on the city status bid is recorded on a spreadsheet held by the Council's Performance Unit.
14. The Council advised that, when the complainant queried its initial response and requested a breakdown of the administrative/establishment costs, further queries were made of its Finance department to ascertain whether any such breakdown of costs was held. The Head of the Finance department confirmed that such costs (heating/lighting/security/depreciation/maintenance) were not held at individual project level.

¹ This approach is supported by the Information Tribunal's findings in Linda Bromley and Others / Environment Agency (31 August 2007) EA/2006/0072

15. The Council confirmed that it holds information about central administrative costs and these are fully recharged to each department/service level. This is reflected in the Council's budget book². However, the Council stated that these administrative/establishment costs are not apportioned and reported at a project level, and that therefore it does not hold the information requested. The Council also confirmed that there is no requirement for it to hold the information at a project level and its budgetary and accounting processes comply with the CIPFA Service Reporting Code of Practice for Local Authorities.
16. As further background information to explain why the information is not held, the Council advised that following an Executive Board decision that a city status bid be submitted, an internal working group was set up to agree how to develop the bid. Promoting the County Borough is an existing function of the Council and officers involved in the city status bid undertook the work alongside existing projects as part of their current roles, within their existing teams, working at their normal places of work within the Council. The working group discussed the difficulty in separating out the time spent on developing the city status bid from existing work, as well as the lack of existing processes for doing so. In anticipation of the expected public interest in the city status bid, it was agreed that the most effective approach would be to maintain a log of the number of officer and Member hours spent in city status bid working group meetings. This figure totalled 43.5 hours and was provided to the complainant in the Council's response of 30 May 2012.
17. Based on the explanations and representations provided by the Council, the Commissioner was satisfied that on the balance of probabilities, no further information was held at the time of the request.

² http://www.wrexham.gov.uk/english/council/budget_book/index.htm#practice

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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Anne Jones
Assistant Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
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