

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 February 2014

Public Authority: Bottesford Parish Council
Address: 24 Devon Lane
Bottesford
Nottingham
NG13 0BZ

Decision (including any steps ordered)

1. The complainant has requested the dis-aggregation of a figure in financial information held by Bottesford Parish Council. Bottesford Parish Council claims it does not hold the requested information.
2. The Commissioner's decision is that Bottesford Parish Council does not hold the requested information.
3. The Commissioner requires the public authority to take no steps in light of his decision.

Background

4. Bottesford Parish Council ("BPC") is a small parish council, situated in Nottinghamshire, representing approximately 3,700 people.
5. The Parish Council Precept is a tax levied on properties in a parish to fund the parish council in order to meet its commitments.
6. On 20 February 2013 the complainant asked BPC for the following information,

"The January Minutes - Item 192 - indicate that the agreed Parish precept for 2013/2014 has been set at a figure of £77060.00

Please advise me where the details of how this figure has been arrived at - set out in terms of projected Capital and Revenue expenditure and thus totalling £77060.00 is available for public scrutiny."

7. On or around 15 March 2013 BPC responded by saying –

"The information you have requested has been available on our website since 13th March at the following link

<http://bottesford.leicestershireparishcouncils.org/uploads/175143aae16e139021785023.pdf>

8. On viewing the information (as linked above) the complainant identified that the total £77,060.00 included an overall figure of £61,670.00 for various items. The £61,670.00 was not broken down further so as to be able to see how much was attributable to any one item. The relevant items, as listed, were;

- "Grass and hedge cutting
- Playground and open-space maintenance
- Council administration (including salaries, utilities, subscriptions, and insurance)
- Public facilities maintenance (Old School Building incorporating Fuller room, Library and Youth Club)
- Street lighting
- Youth club
- Communications (covering village digest, website, telephone, etc.)"

Request and response

9. On 9 May 2013 the complainant, made to BPC, the following request for information:

"In the context of the Parish Precept, a breakdown of the £61,760, disaggregated in to the respective budget headings that are presently indicated only collectively within that one item."

10. BPC responded on 21 May 2013 and stated as follows;

"The Parish Council does not have a document which shows this breakdown of information so we cannot supply you with the information requested. The Parish Council is currently looking into different ways of reporting financial information for the coming financial year so more information may become available in due course."

11. Following an internal review BPC wrote to the complainant on 24 May 2013 and stated that it upheld its original decision.

Scope of the case

12. The complainant contacted the Commissioner 24 May 2013 to complain about the way his request for information had been handled. Following an assessment as to the exact information the complainant sought in this particular matter, the Commissioner proceeded to investigate whether BPC was correct to state that no information was held.

Reasons for decision

13. Section 1 of FOIA provides two distinct but related rights of access to information that impose corresponding duties on public authorities. These are:
 - the duty to inform the applicant whether or not requested information is held and, if so,
 - the duty to communicate that information to the applicant.
14. When a complainant complains that a public authority has not accounted for all the requested information it holds, the Commissioner will decide whether this is the case on the balance of probabilities. He will reach the decision based on the adequacy of the public authority's search for the information and any other reasons explaining why the information is not held, such as there being no business need to record it.
15. The Commissioner notes that the complainant was not seeking the information that the precept figure was derived from but rather how the figure (£61,760) was, or was to be, disaggregated into the respective budget headings as laid out in paragraph 8 above.
16. BPC explained that all financial information was held in a written day book identifying income and expenditure broken down into about 15 categories across the £77,060 precepted budget for each transaction. One particular category (predicted general running expenses) was totalled to £61,760 but without any further sub-categorisation (which

would require substantial work involving financial staff and varied councillor input). There was no other source of its financial information.

17. BPC explained that, in order to establish the precept required, it looked at the financial reserves that had become depleted over the previous years. The figures are kept in the written day book. There are approximately 20 columns of figures which included various headings such as "administration, maintenance and allotments". These figures were reviewed for the last 2 or 3 years. Costs and expenses that were considered exceptional, or one off items, were discounted. This resulted in an average figure of £61,760 for the year. This was explained as an essentially rule of thumb exercise that did not use a very specific formula. The same exercise could be conducted again and, quite legitimately, arrive at a slightly different figure.
18. The Commissioner accepts that BPC allocated the sum of £61,760 to the category of general running expenses but it holds no recorded information as to how the sum of money is to be attributed to each of the items as laid out in paragraph 8 above. It is not the Commissioner's function to evaluate the accountancy practises of a public authority; that is a function held by others. Accordingly the Commissioner finds that the information requested by the complainant on 9 May 2013 was not held by BPC.
19. The Commissioner understands that the complainant will be frustrated by his acceptance of BPC's assertion that the figure of £61,760 "cannot be disaggregated in to the respective budget headings". However the FOIA is not there to compel a public authority (on the facts of this matter) to create new information so as to meet an information request. The FOIA's primary purpose is to provide the public with access to pre-existing information held by a public authority.

Right of appeal

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

21. 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.
22. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF