

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 23 November 2022

**Public Authority:** Flintshire County Council  
**Address:** County Hall  
Mold  
Flintshire  
CH7 6NB

#### Decision (including any steps ordered)

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1. The complainant requested from Flintshire County Council ("FCC") specific information in respect of council tax. FCC provided the information it held.
2. The Commissioner's decision is that, on the balance of probabilities, FCC has provided all of the information it holds in recorded form in respect of this request.
3. The Commissioner requires no steps to be taken.

#### Request and response

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4. On 3 February 2022, the complainant made a request to FCC under FOIA in the following terms:

**"Freedom of Information request Under the Freedom of Information Act 2000 please could you supply the following information:**

1. It is my understanding that Flintshire County Council is a registered company North East Wales Homes Limited 08977141. Can you

confirm that this information is correct? And/or provide me with the correct company registered no and address?

2. I would like to know whether Flintshire County Council pension funds are invested in any of the following company's or subsidiaries there of:

BAE Systems Company Number 01470151  
Lockheed Martin Company Number 00585852  
AWE /Aldermaston Company Number 02763902  
General Dynamics Company Number 01911653  
Northrop Grumman Company Number 05989428  
Raytheon Company Number 00406809

3. I would like to know if Flintshire County Council has invested in the installation of 5G Installation technology? & if so, have Flintshire County Council done a full and detailed risk assessment, inclusive of impact on public health of such technology and sought the public liability insurance?

4. I would like to know the amount of money invested by Flintshire County Council into the following:

Covid 19 posters, flyers, billboards and signage/ advertising of any form

Covid 19 enforcement Officers, wages and equipment

Covid 19 test centers staffing and equipment

Some parts of this request may be easier to answer than others and, in such case, please could you release any available data as soon as possible, rather than delay the entire request.

If you are not fully certain of what it is I am asking, then I look forward to contact from you as soon as possible to clarify what it is I am requesting in order to meet your obligations under legislation."

5. On 3 March 2022, FCC responded as follows (FCC responses in bold):

1. It is my understanding that Flintshire County Council is a registered company North East Wales Homes Limited 08977141. Can you confirm that this information is correct? And/or provide me with the correct company registered no and address?

**This information is not correct. Flintshire County Council is a Local Authority. It is not a registered company called North East Wales Homes Limited. North East Wales Homes Limited company number 08977141) is a company wholly owned by Flintshire County Council and owns and manages properties across Flintshire.**

2. I would like to know whether Flintshire County Council pension funds are invested in any of the following company's or subsidiaries there of:

BAE Systems Company Number 01470151

Lockheed Martin Company Number 00585852

AWE /Aldermaston Company Number 02763902

General Dynamics Company Number 01911653

Northrop Grumman Company Number 05989428

Raytheon Company Number 00406809

**The total of the pension fund at end of January 2022 was £2.4bn**

**Investments were made in two of the companies mentioned. Please see below for details:**

**Lockheed Martin Company Number  
00585852**

**£408,547    0.0168% of the total Fund**

**Northrop Grumman Company Number  
05989428**

**£293,643    0.0121% of the total fund**

**Total**

**£702,190    0.0289% of the total fund**

3. I would like to know if Flintshire County Council has invested in the installation of 5G Installation technology? If so, have Flintshire County Council done a full and detailed risk assessment, inclusive of impact on public health of such technology and sought the public liability insurance?

**No information held. The authority has not made any investment in 5G equipment of any nature.**

4. I would like to know the amount of money invested by Flintshire County Council into the following:

Covid 19 posters, flyers, billboards and signage/ advertising of any form

**All costs are recoverable from either Welsh Government or the Health Board depending on the service being advertised whether it is vaccination or antigen services.**

Covid 19 enforcement Officers, wages and equipment

**Primacy for enforcement in the majority of cases sits with the Police. The LA do not have dedicated enforcement officers but have delegated powers depending on the nature of enforcement required.**

Covid 19 test centre's staffing and equipment

**Testing sites are managed by the Health Board and use a company called Mitie to deliver testing. The LA provide some equipment for these sites including signage and welfare units whose costs are recovered from Health Board.**

6. On 3 March 2022, the complainant responded as follows:

"Can you please provide a response to question number 4 as this has not been fully answered.

In addition, if Flintshire County Council is not a company why is it registered as one on Dun and Bradstreet company number 228730834?

I asked for the amounts spent on Covid 19 advertising?"

7. On 8 April 2022 FCC provided its internal review response in which it stated (FCC responses in bold):

8. **In this case you asked for part of Question 4 of your original request to be answered :**

4. I would like to know the amount of money invested by Flintshire County Council into the following:

Covid 19 posters, flyers, billboards and signage/ advertising of any form

**You were advised that all costs are recoverable from either Welsh Government or the Health Board depending on the service being advertised whether it is vaccination or antigen services.**

**You have received an answer based on the information held at the time of the request in that Flintshire County Council did not invest money into Covid 19 posters, flyers, billboards and signage/advertising of any form as all costs were recoverable from either Welsh Government or the Health Board.**

## **Scope of the case**

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9. The complainant contacted the Commissioner on 13 July 2022 to complain about the way their request for information had been handled.
10. The complainant is concerned that FCC has not addressed the point they raised regarding the Dun and Bradstreet number 228730834 which the complainant believed was proof that FCC is a corporation.
11. The Commissioner considers the scope of his investigation is to determine if FCC has correctly provided the information requested under section 1 of FOIA.

## **Reasons for decision**

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### **Section 1 FOIA - determining whether information is held**

12. Section 1(1) of the FOIA states:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

If a public authority does not hold recorded information that falls within the scope of the request, the Commissioner cannot require the authority to take any further action.

13. In cases where there is a dispute as to the information held by a public authority, the Commissioner will use the civil standard of proof, i.e. the balance of probabilities. In order to determine such complaints, the Commissioner must decide whether, on the balance of probabilities, a public authority holds any information which falls within the scope of the request.
14. Accordingly, the investigation will consider the scope, quality, thoroughness and results of the searches, and/or other explanations offered by FCC as to why the information is not held.
15. The Commissioner will also consider any arguments put forward by the complainant as to why the information is likely to be held (as opposed to why it ought to be held).
16. Finally, the Commissioner will consider whether there are any further steps the public authority could be required to take if the complaint were upheld.

### **The complainant's position**

17. The complainant's argument is that FCC has not replied to their specific question:

"if Flintshire County Council is not a company why is it registered as one on Dun and Bradstreet company number 228730834?".

### **FCC's position**

18. FCC has explained to the complainant that it is not a registered company.

### **The Commissioner's view**

19. The Commissioner has carefully considered the points made by the complainant and FCC.
20. The Commissioner appreciates that the complainant believes that FCC is a registered company. However, the Commissioner considers that FCC has adequately addressed this point in clearly stating that FCC is not a registered company.
21. The Commissioner notes that company registration in the United Kingdom can only be made at Companies House [Companies House - GOV.UK \(www.gov.uk\)](https://www.gov.uk) and that registered company numbers are eight digit numbers.
22. The Commissioner notes that no registration can be found at Companies House for FCC which indicates without question that FCC is not a registered company.

23. The Commissioner notes that the Dun and Bradstreet number referred to by the complainant is the Data Universal Numbering System ("DUNS") number developed by Dun and Bradstreet to support their own credit reporting practice. The Commissioner also notes that any organisation or business can apply for a DUNS number, not just registered companies. Therefore, not all organisations who have a DUNS number will be registered companies.
24. The Commissioner acknowledges that FCC did not adequately explain to the complainant that whilst FCC does have a DUNS number, it is not registered at Companies House and is, therefore, not a registered company.
25. As set out above, as FCC is not a registered company then no further information is held in relation to that point.
26. In conclusion, the Commissioner finds, on the balance of probabilities, FCC does not hold any recorded information regarding its registration as a company.

### **Section 16 – advice and assistance**

27. Section 16(1) of FOIA states that:

"It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it."

28. The Commissioner acknowledges that FCC did not adequately explain to the complainant that an organisation does not need to be a registered company in order to have a DUNS number.

## **Right of appeal**

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29. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

30. 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.

31. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**