

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 10 October 2022

**Public Authority:** Stanion Parish Council  
**Address:** Old Brigstock Road  
Stanion  
Kettering  
NN14 1BU

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Stanion Parish Council about annual financial accounts. By the date of this notice, Stanion Parish Council ("the Council") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
  - The Council must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Council must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 28 July 2022, the complainant wrote to the Council and requested information in the following terms:

"Dear Clerk,

I arranged to meet with you at Stanion Village Hall at 13:00 hours on 13 July 2022, so as to inspect the SPC accounts for FY 21 although you attended at the agreed time, you were ill-prepared for the meeting, as you had neither the electronic version of the full accounts nor all of the supporting hard copy information required to enable me to examine the accounts.

[...]

As I have had to write to you to request this information, you will understand that this now constitutes a request for recorded information under FOIA 2000.

For reference, I have provided below the list of the documents and actions that you agreed to provide and undertake:

1. (A) Provide a complete and detailed breakdown by Heads of Budget and Nominal Code of the transfer from the Reserves, in the amount of £4,750.00, into the Operating Budget for FY 2021/2022 and provide a copy of the transcript/worksheet you (and the Chairman) used to brief the Council on the detailed requirements for the transfer from the Reserves proposal at the Council meeting of 4 November 2021.

(B) You agreed that your Finance Report (Budget Spend v Actual Spend 2021/2022, published at web location: Budget & Precept 2021/2022) only accounts for £3,718.00 of the total transferred amount of £4,750.00. You agreed to consult the detailed category breakdown, which you stated is held at your home, to enable you to identify all of the nominal codes that received transferred funds, and explain why there is a shortfall of £1,032.00 of that (£4,750.00) transferred amount in your Finance Report.

(C) You were unable to confirm whether any part of the transfer from the Reserves of £4,750.00 was given to Stanion Village Hall, and agreed to research this question and provide an answer.

2. (A) You agreed to review the detailed breakdown (held at your home) and provide the invoices in support of a spend in the amount of £1,047.00 against the nominal code for Health & Safety, and

(B) Provide an explanation as to why this expenditure was incurred, when there was no funding against the H&S nominal code in the approved Budget for FY 2021/2022, and

(C) Why there is no resolution of the Council supporting virement action, prior to incurring the expenditure, and

(D) Why a H&S nominal code was added to the approved Budget without a resolution of the Council to amend the approved 2021/2022 Budget to include an additional nominal code.

3. (A) Provide invoices in support of a spend in the amount of £1,400.00 against the nominal code for Property Repairs and Maintenance, and

(B) Explain why this expenditure was incurred, when there was no funding against the Property Repairs and Maintenance nominal code in the approved Budget for FY 2021/2022, and

(C) Explain why there is no resolution of the Council supporting virement action prior to incurring the expenditure.

4. You agreed that the March 2022 List of Payments for Authorisation had not been published. That the March 2022 document was a copy of the January 2022 document, and that you were unable to find the List of Payments for March 2022 on the red cased laptop. You agreed to find and publish the approved March 2022 List of Payments for Authorisation.

5. (A) You agreed to confirm whether the transfer from the Earmarked Reserves in the amount of £1,262.00 had been transferred against the nominal code for grass cutting, and if so,

(B) Explain why the Earmarked Reserves had been used for a purpose for which it was not originally intended. (I explained that the agreed uses for this earmarked funding was approved by the previous iteration of the Parish Council and the details of the scope of use was filed in the official electronic files of SPC.)

6. You agreed to publish the UTB bank statements for the months of April, May and June 2021, which are missing from the list of bank statements that you recently published.

7. You agreed to tell me to which months the payment of £248.40 to WDSI relates and provide the invoices supporting that payment amount..

I trust that you will give these matters your prompt attention.”

6. To date, a substantive response has not been issued.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 16 September 2022 to complain about the Council’s failure to respond to their request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

### **Reasons for decision**

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9. Section 1(1) of FOIA states that:

“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.”

10. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.

11. On 20 September 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

12. Despite this intervention the Council has failed to respond to the complainant.

13. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council has

breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

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14. 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)

15. 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.
16. 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**