

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 June 2023

Public Authority: Cheshire East Council
Address: Earle Street
Crewe
Cheshire
CW1 2BJ

Decision (including any steps ordered)

1. The complainant requested information from Cheshire East Council ("the Council") about per capita spend by the Council by geographical area. The Council's position is that it does not hold the information requested.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold the information requested.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. On 9 February 2023, the complainant wrote to the Council and requested information in the following terms:

"I am writing to request information under the Freedom of Information Act 2000.

I would like information pertaining to per capita spend by Cheshire East Council across the localities of Crewe, Congleton & Macclesfield since Cheshire East Council's inception in 2009.

I would be interested in any information held by your organisation regarding my request. I understand that I do not

have to specify particular files or documents and it is the departments responsibility to provide the information I require. If you need further clarification please contact me by email.

I would like the information to be emailed to me in electronic form preferably as an Excel document as illustrated above."

5. The Council responded on 27 February 2023 and stated that it held the information requested. However, it also stated that the Council records expenditure by service area rather than by location, which appeared to contradict the statement that the requested information was held. The Council provided the complainant with links to the Council's budgets and statement of accounts for each year from 2009 and a table containing the estimated population of Cheshire East between 2011 and 2021.
6. The Council provided the complainant with the outcome of its internal review on 7 March 2023. It stated that it does not hold the requested information as the Council records expenditure by service area rather than by location.

Reasons for decision

Section 1(1) – duty to provide information held

7. The Council's explanation as to why it does not hold the information requested is that it records expenditure by service area rather than by location.
8. During the course of the Commissioner's investigation he asked the Council to clarify its position as to whether it holds the requested information due to the contradictory statements in its initial response to the complainant.
9. The Council stated that the statement that the Council did hold the requested information was included in the initial response in error due to the incorrect use of a template letter. It confirmed that its position is that it does not hold the requested information.
10. The Commissioner also asked the Council to consider, if it does not hold the information as requested, whether it holds the "building blocks" to produce the requested information ie information that could be pieced together to produce the requested information.
11. The Council stated that it does not hold the "building blocks" to produce the requested information as expenditure is not recorded by geographical area, even at service level.

12. The Council also provided the following further information from its Head of Finance and Deputy Chief Finance Officer as to why the information requested is not held.

“The Council provides services in accordance with its policies and approved budgets, across the whole of Cheshire East borough, and records expenditure by type of Service, as required by national local authority financial reporting standards; we do not record spending by area.”

“The budget is not allocated by area, nor on a per capita basis, but is allocated to the delivery of services and functions, as shown in the Council’s Medium Term Financial Strategy and Statement of Accounts (which was linked in our responses).”

13. The Commissioner accepts the Council’s explanation as to why the requested information is not held. The Commissioner’s decision is therefore that, on the balance of probabilities, the Council does not hold the information requested.

Right of appeal

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: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

Victoria James
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF