

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 February 2024

Public Authority: St Ive Parish Council

Address: Millennium House
Century Square
Pensilva
Cornwall
PL14 5NF

Decision (including any steps ordered)

1. The complainant requested information from St Ive Parish Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority 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

5. On 27 June 2023, the complainant wrote to the public authority and requested information in the following terms:

“Please could you advise when the parish council discussed the publication of the 2024 budget, and the result.

When convenient, I would like to visit the parish office, to view the following financial records:

Budget Report 2022 to 2023 with variance analysis
Nominal Ledger Report 2022 to 2023
Purchase Ledger Report 2022 to 2023
Supplier invoices 2022 to 2023
Creditors Schedule 31 March 2023
Sales Ledger Report 2022 to 2023
Sales Invoices 2022 to 2023
Debtors Schedules – 31 March 2023 / Current
Bad Debt Write offs
Internal Audit Report
Dates of Parish Councillor inspections and reports
Monthly payments (12) – dates approved by Parish Council
Items of expenditure over £500, not included in budget, with RFO financial justification
Events – Receipt books used for ticket sales (cash / card), and monies paid on night / bar taking till receipts, with associated banking deposits
Stock Control – Opening stock / Purchases / Sales / Calculated Closing Stock / Actual Closing Stock – spirits
Bar purchases – March 2023 – Priced purchase orders / delivery notes with invoices.
Rent – ABW / Café – treatment of VAT for Café (PCA) purchases
Parish Council MH rates correct on website
Asset register
Parish Council mower – financial justification (prior year)
Grass cutting contracts.”

6. On 19 November 2023, the complainant explicitly confirmed that the request should be responded to in accordance with FOIA.

Reasons for decision

7. 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.”

8. 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”.

9. On 15 January 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

10. Despite this intervention the public authority has failed to respond to the complainant.

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

12. 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

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

13. 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.
14. 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

Roger Cawthorne
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF