

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 April 2018

Public Authority: Lewannick Parish Council

Decision (including any steps ordered)

1. The complainant has requested information with regards to a contract. Lewannick Parish Council provided information it held but the complainant considered the council would hold further information.
2. The Commissioner's decision is that the council has provided the information it holds within the scope of the request.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 16 June 2017 the complainant requested the following information from the council:

"The minutes for the Parish Council Meeting n 15 June 2016, under item 5c read:

Website for Parish Council-following discussion it was proposed by DP 2nd MW and all were in agreement that we would source companies that can reconfigure our website.

A – Was the sourcing of companies carried out under the rules for Tenders in the Standing Orders in force at the time?

B – Please provide a copy of the Standing Orders in force at the time.

The minutes for the Parish Council Meeting on 20 July 2016 under item 6d read:

Parish Council Website – It was proposed by NW 2nd JP and all were in agreement that we would appointment Davis Eno to

design our website. It was also agreed that we would pay a maintenance fee.

In relation to the "sourcing of companies to reconfigure the Parish Council website", please provide:

C. Copies of any advertisements placed, and details of where they were placed.

D. Names of all companies contacted directly,

E. Names of all companies who responded,

F. Complete copies of all responses received, including costs, conditions and a description of the service to be provided.

G. Please confirm that it was a requirement of the Tender or sourcing request that the reconfigured web site would comply with the latest legislation.

In relation to the "appointment of David Eno to design our website", please provide:

H. A list of the criteria used to assess the suitability of each offer received.

I. Details of what any maintenance charges would cover.

J. Length of the contract awarded.

Please send all responses in electronic form (e.g. pdf) to [email redacted]."

5. The council responded on the 17 June 2017 providing the Web Design Proposal and a copy of the council's requirements for the website. The council also advised that [name redacted] was appointed to design the website following a debate and the council felt the logical thing to do was to instruct a local company.
6. The complainant requested an internal review on the 21 June 2017 as he did not consider that the council had provided him with information to several parts of his request.
7. On 8 July 2017, the council provided its internal review response confirming the following information is held and attached the information to the response:

- a) A copy of the council's standing orders in place at the time of the meeting with the contract to provide a website that conforms to the requirements of the Transparency Code.
 - b) A minute of the council meeting held on 20 July 2016 which demonstrates the council's agreement to the decision.
 - c) A copy of the outline contract with [name redacted] which confirms the work and ongoing maintenance requirement.
8. The complainant wrote to the council again on the 27 July 2017 outlining further information he considered had not been provided to the request.
9. The council responded on the 5 August 2017 providing:
- a) A copy of an advert placed in the Cornish and Devon Post
 - b) A copy of the invoice relating to the maintenance of the website together with the set up
 - c) A copy of the contract with [name redacted] for the ongoing maintenance of the website.
10. The complainant contacted the council further on the 28 August 2017 stating that he has still not been provided with part 'L' of his internal review request:
- "the complete document of which the following part, and confirmation whether or not the items on the list formed part of the contract given to [name redacted]. Please provide the full document as requested."*
11. Following further correspondence between the complainant and the council it was confirmed that the council would not be reviewing this request any further.

Scope of the case

12. The complainant contacted the Commissioner on 13 September 2017 to complain that he has not received the information highlighted in part 'L' of his internal review request.
13. The Commissioner considers the scope of the request is to determine whether the council holds any information falling within part 'L' of his internal review request of 21 June 2017, as listed in paragraph 10 above.

14. The complete document the complainant is requesting is in relation to an undated extract headed "I would like to have the web site up and running by September 2016".

Reasons for decision

Section 1 of the FOIA – Information held/ not held

15. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to him.
16. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
17. In response to the Commissioner's enquiries the council has stated that it sincerely believes that it has provided all the information it holds within the scope of the request.
18. It has explained that it awarded the contract for creating its website to [name redacted] because it considered his cost of £170 was the best value, he was known to the council and it would be using a local business. The council drew up a simple contract confirming the acceptance of terms over a four year period.
19. The council explained to the Commissioner that once the website was set up, it contacted its legal adviser to carry out an internal audit to ensure the website was compliant.
20. The council has told the Commissioner that it contacted its clerk to ensure all the information held has been provided. It has advised that the information is initially communicated by email and copies are printed off.
21. The council has advised the Commissioner that it does not have a computer, the clerk uses her own laptop which she checked for all held correspondence.

22. The council has stated to the Commissioner that it does not have formal records management policy but retains its hard copy correspondence for a period of five years.
23. The council has told the Commissioner that it is required to retain information on financial matters for a period of five years and it would hold the information it does in relation to this request for contractual terms.
24. The council has confirmed to the Commissioner that no information has been deleted or destroyed.
25. On review of the above, the Commissioner has considered the council's responses to her enquiries, and the council maintains no further information is held other than that already provided. As the council has carried out relevant checks, the Commissioner finds on the balance of probabilities, no further information is held.
26. The Commissioner does not require the council to carry out any steps.

Right of appeal

27. 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@hmcts.gsi.gov.uk

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

28. 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.
29. 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

Andrew White
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