

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 March 2022

Public Authority: Shrewsbury Town Council
Address: Riggs Hall
Castle Gates
Shrewsbury
SY1 2AS

Decision (including any steps ordered)

1. The complainant requested from Shrewsbury Town Council financial information held in connection with the disposal of Greenfield's Recreation Ground. Shrewsbury Town Council provided website links to the information it held which was readily accessible to the complainant and clarified which information was not held.
2. The Commissioner's decision is that on the balance of probabilities Shrewsbury Town Council does not hold any further information and therefore it complied with Section 1(1)(a) of the FOIA.
3. The Commissioner does not require the public authority to take any steps.

Request and response

4. On 26 May 2020 the complainant emailed Shrewsbury Town Council (the Council) and requested:

"Can I make a FOI request on these monies Greenfield Recreation Ground. In accordance with the Local Government Act 1972 I have a number of requests of STC and Assertion 3 of the Accounts that 'all reasonable steps to assure yourselves that there are no matters of actual or potential non compliance with laws, regulation and proper practices have been met'

1. I would like any communications relating to YE18 and the decision to list the unlawful disposal of the Recreation Ground in the YE18 accounts.

2. The land was entered as a disposal "But had no value recognised as an asset'. Can you clarify through documents and emails who made the decision to unlawfully list this disposal as 'no value recognised as an asset'? and any correspondence relating to this, especially those of the Finance and General Purposes Committee.
3. It is a large sum of money was this challenged by yourself or other councillors, the finance committee? Can I see the minutes please that relate to this YE18 entry But had no value recognised as an asset. Can you confirm that this communities assertion that this land was in fact Recreation Ground were noted to yourself and at the Finance and General Purpose Committee for compliance.
4. Subsequently to the Judicial Review Dec 2019 can I see documents and emails that have been circulated that address this unlawful entry into the accounts and set the redress financially.
5. I assume you have now changed this entry in current accounts 2020? Can I see communication and emails that update this matter
6. Can you inform me of any dispersal of the monies from the sale of Greenfields Recreation Ground
7. The content of my email below applies and the Internal Audits, specifically on governance in this matter were met. I believe there are three major reports during any financial year can I see these please for 2018 and 19
8. Can I see the External Audit Report for this year YE18"

5. The Council responded on 25 June 2020 to each of the complainant's above questions as follows:

- "1. In accordance with the FOI Act S21 and our publication scheme this information is already available our accounts published at <https://www.shrewsburytowncouncil.gov.uk/town-council/finance/annual-report-accounts/>
2. We do not hold any specific information relating to this issue and are therefore unable to respond under the Freedom of Information Act. All Finance and General Purpose Committee minutes are available in line with FOI Act S21 and our publication Schedule at <https://www.shrewsburytowncouncil.gov.uk/council-meetings>
3. As above we do not hold any specific information relating to this issue and are therefore unable to respond under the Freedom of Information Act. All Finance and General Purpose Committee minutes are available in line with FOI Act S21 and our publication Schedule at <https://www.shrewsburytowncouncil.gov.uk/council-meetings>

4. We do not hold any specific information relating to this issue and are therefore unable to respond under the Freedom of Information Act.
5. We do not hold any specific information relating to this issue and are therefore unable to respond under the Freedom of Information Act.
6. In accordance with the FOI Act S21 and our publication scheme this information is already available our accounts published at <https://www.shrewsburytowncouncil.gov.uk/town-council/finance/annual-report-accounts/> under capital receipts in accordance with financial regulations.
7. In accordance with the FOI Act S21 and our publication scheme this information is already available our accounts presented to Finance and General Purposes Committee and published at <https://www.shrewsburytowncouncil.gov.uk/council-meetings>
8. This information has been sent to you previously”.

Scope of the case

6. The complainant contacted the Commissioner on a number of occasions in 2021 to complain about the way his request for information had been handled.
7. The scope of the Commissioner’s investigation will be to determine whether the Council holds any additional information falling within the scope of the complainant’s request apart from that already readily accessible to him on its website.

Reasons for decision

Section 1(1) of the FOIA – Information held / not held

8. Under Section 1(1) of the FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b) to have the information communicated to them if it is held and is not exempt information.
9. Where there is a dispute between a public authority and a complainant as to whether any recorded information falling within the scope of a request is held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, must decide the matter based on the civil standard of a balance of probabilities.

10. On 1 July 2021 the Commissioner wrote to the Council noting that of the information it held, some had already been disclosed and the rest was reasonably accessible to the complainant on its website. The Commissioner also said he would contact the complainant to clarify which aspects of its response were outstanding and why.
11. On 1 July 2021 the Commissioner also contacted the complainant to ask which of the Council's responses to the eight questions in his request he was dissatisfied with and why.
12. The complainant responded on 2 July in general terms stating many of his requests asked for the same information because of delays and changes of tact by the Council resulting in obfuscation and a lack of clarity. It therefore remained unclear to the Commissioner which aspects of the Council's response the complainant disagreed with.
13. On the 9 July 2021 the complainant contacted the Commissioner and requested an 'update' on all of his complaints including the one which is the subject of this Decision Notice.
14. The Commissioner responded on 12 July 2021 with a detailed schedule of all of his complaints. In relation to the one which is the subject of this Decision Notice, the Commissioner pointed out that the Council had either disclosed or made available on its website all the information it held falling within the scope of his request. Therefore, his comments were awaited as to which aspect of the response were unsatisfactory and why.
15. In the absence of a response from the complainant, the Commissioner contacted him again on 9 August 2021 for his comments. To date no response has been forthcoming.
16. As part of his investigation, the Commissioner contacted the Council on 18 February 2022 to request details of the enquiries and searches it carried out to identify, locate and extract all recorded information falling within the scope of the request.
17. The Council's Deputy Town Clerk responded on 9 March 2022 and explained the steps she had taken to search for relevant information in order to respond to the request in June 2020. These included speaking with the Responsible Financial Officer, who as the Council's accountant, held all of the relevant financial information. She confirmed that he had seen the request and considered all of the queries raised by the complainant. He gave directions as to where all the information relating to the accounts was published on the Council's website. He also searched through folders relating to the request and confirmed no

further recorded information was available. The Council then responded to the complainant on 25 June 2020 with details of the information held and provide website links to it.

18. The complainant has not supplied the Commissioner with any arguments as to why he considers that further information should be held. The Commissioner has also had regard to the nature of the questions posed which do not seek specified documents but which could be construed as general enquiries relating to the topic of the disposal of the site. On balance, the Commissioner is satisfied that the Council carried out reasonable enquiries and searches at the time of the request to locate information within the scope of the request.
19. the Commissioner is therefore satisfied, based on a balance of probabilities, that the Council does not hold any further information falling within the scope of the complainant's request apart from that already made available.

Right of appeal

20. 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

21. 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.
22. 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

**Laura Tomkinson
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**