

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 01 March 2023

Public Authority: Trowell Parish Council
Address: Parish Office, Trowell Parish Hall
Stapleford Road
Trowell
Nottingham
NG9 3QA

Decision (including any steps ordered)

1. The complainant has requested information related to agenda item 49/22 in the minutes of the Trowell Parish Council (TPC) meeting of 12th July 2022 to determine why the contract for the hire of the Parish Hall was terminated.
2. The Commissioner's decision is that, on a balance of probabilities, TPC does not hold the requested information.
3. The Commissioner does not require TPC to take any further steps to ensure compliance with the legislation.

Request and response

4. On 14 November 2022, the complainant wrote to TPC and requested information in the following terms:

"I request full and specific details of the review and discussion which took place which resulted in the termination of the Hall hire of Trowell Women's Institute including the voting figures. I also request details of the letter sent by the chair of Trowell Parish Council, (name redacted), to the chairman of the Nottinghamshire Federation of WIs,(name redacted)."

5. TPC responded on 17 November 2022. It provided all documents requested.
6. Following an internal review TPC wrote to the complainant on 5 December 2022. It confirmed that it did not hold information recording the discussions at the Parish Council meeting.

Reasons for decision

S1 of FOIA– information not held

7. Section 1 of FOIA states that anyone who requests information from a public authority is entitled to be told if the authority holds the information and to have the information communicated to them if it is held.
8. FOIA concerns recorded information only. It does not require TPC to, provide opinions, explanations, generate answers to general questions, or create or obtain information it does not hold. The information must already be held at the point a request is made.
9. TPC confirmed to the Commissioner that it had issued the complainant with all recorded information that it held in relation to the complaint. TPC follows the guidelines on good practice for its decision making processes as required by law and the National Association of Local councils.
10. Additionally, TPC confirmed that it did not keep any verbatim written records other than basic minutes of agenda items discussed and relevant proposals and resolutions. There is no obligation for the council to keep detailed minutes.
11. The Commissioner is satisfied that TPC carried out appropriate searches of record systems and consulted with all Parish council members as to whether information within the scope of the request was held. It is not his role to determine whether TPC has followed the correct internal process.
12. Section 1 of FOIA is a matter of fact of whether information is held or not held. It is not an opinion on whether it should have been held or recorded and as such, the Commissioner is satisfied that on the balance of probabilities that the information requested and was not held at the time of the request and that TPC has complied with section 1(1) of FOIA.

Reference: IC-208398-K7B6

Right of appeal

13. 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

14. 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.
15. 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

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