

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 7 July 2022

**Public Authority:** Chislet Parish Council

**Address:** chisletparishcouncil@outlook.com

### **Decision**

---

1. The complainant requested information from Chislet Parish Council ("the Council") relating to the Council's financial accounts.
2. The Commissioner's decision is the Council failed to provide an adequate response to questions 4 and 6 of the request. Consequently the Commissioner finds that the Council breached section 1(1) and section 10(1) of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - The Council must issue a fresh response to questions 4 and 6 of the request which is adequate for the purposes of the FOIA.
4. The Council must take these steps 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. The complainant made the following information request to the Council on 13 September 2021:

"In reviewing the Chislet Parish Council financial accounts for the year 2020-2021, a financial summary provided by [name redacted], and the minutes for the same period, I have a few questions that I hope you can answer. I am making this request under the Freedom of Information Act.

1. The expenses reported in the minutes do not match those in the financial report. Specifically, there is a shortfall of £965.75 in the total reported in the minutes versus the annual accounts. Can you please provide a detailed accounting of the differences and an explanation as to why the minutes do not accurately reflect the actual expenses.

2. The VAT reported in the monthly minutes is less than that reported in the accounts. Specifically, the total in the accounts is £1262.08 but only £1127.18 is reported in the minutes. Can you please provide a detailed accounting of the differences and an explanation as to why the minutes do not accurately reflect the actual VAT amounts.

3. The minutes of the October 2021 meeting show an expense for a website of £409.99 but no VAT element is reported.

Is this correct?

Furthermore, this amount is shown as income in the financial report. Is this an error or was the cost reimbursed by the Canterbury City, Kent County Councils, or another public or private organisation?

4. There is a large sum in the short-term investment account. What projects have been funded from this in the last three years, if any? What criteria are used to decide if funds should be made available to a project and is this a policy or just a subjective 'in the moment' assessment?

Are there historical examples that demonstrate that the criteria used are consistent and transparent?

5. The June expenses, reported in the July minutes, do not include the Clerk's salary or grass cutting, although income tax on the former is. There is no record of these expenses in any of the remaining minutes from later in the year. Given that these are regular monthly expenses it is strange that the July minutes do not include a note that they are missing and an explanatory

note. There are other examples of missing expenses that are reported at a later date.

Why were the minutes approved when clearly the financial information was incorrect?

Is there a financial report provided at the monthly meeting that substantiates the reported expenses?

Including the account balances in the minutes would at least provide some further transparency to the public. A cursory check on the internet suggests that this is common practise in other parishes.

6. A significant amount of public money is spent on grass cutting and it is also a large proportion of the annual income.

What parts of the parish benefit from this and what if any statutory obligations are met by this work?

Is there a contract, when was it agreed and for what time period?

Given the cost, was the contract subject to tender and if not why not?"

6. The final position of the Council was that it has provided the complainant with all the information it holds within the scope of the request.

### **Reasons for decision**

---

7. This reasoning covers whether the Council has complied with its obligations under section 1(1) (general right of access to information) and section 10(1) (time for compliance) of the FOIA.
8. The position of the Council is that it has answered the questions within the request and provided the complainant with all the information it holds within the scope of the request.
9. The complainant considers that the Council has not answered all the questions they asked in their request. Specifically, the complainant considers the Council to hold further information within the scope of questions 4 and 6 of their request.
10. The Commissioner considers that the Council did not provide the complainant with an adequate response to questions 4 and 6 of the request. Whilst the Council provided the complainant with a response to questions 4 and 6 of their request, the response does not answer the complainant's specific questions.

11. The Commissioner decision is that the Council has failed to provide the complainant with an adequate response to questions 4 and 6 of the request and therefore, the Council has breached section 1(1) (general right of access to information) and section 10(1) (time for compliance) of the FOIA.
12. The Commissioner requires the Council to provide the complainant with a fresh response to questions 4 and 6 of their request which fully answers the questions. The Council should either provide the complainant with the requested information or an adequate refusal notice should be provided.

## 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: 0300 1234504

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

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