

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 June 2024

Public Authority: Bournemouth, Christchurch and Poole Council
Address: BCP Council Offices
Town Hall
Bourne Avenue
Bournemouth
BH2 6DY

Decision (including any steps ordered)

1. The complainant has requested information about the number of requests to inspect accounts. Bournemouth, Christchurch and Poole Council ("the council") disclosed information.
2. The Commissioner's decision is that on the balance of probabilities, the council does not hold further information within the scope of the request.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 4 September 2023, the complainant wrote to the Council and requested information. The full text of this request is in Annex A.
5. The Council responded on 2 October 2023. It disclosed held information.
6. On 2 October 2023, the complainant queried an aspect of the Council's response.
7. The Council responded further on 16 October 2023. It corrected some information (being numbers) provided in its earlier response.

8. On 13 November 2023, the complainant asked the Council to provide an internal review, on the basis that further information was held.
9. The Council provided the internal review outcome on 20 December 2023. It maintained that no further information was held by it.

Reasons for decision

Section 1 – General right of access to information

10. Under section 1(1) of 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.
11. In scenarios where there is some dispute between the amount of information located 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 (Information Rights) decisions, applies the civil standard of the balance of probabilities.
12. In other words, in order to determine such complaints, the Commissioner must decide whether on the balance of probabilities a public authority holds any – or additional – information which falls within the scope of the request (or was held at the time of the request).

The Commissioner's conclusion

13. The Commissioner understands that the request seeks information about the number of individuals who have asked to inspect the council's accounts for specified time frames.
14. The Council has explained to the Commissioner that this information, being numbers, was collated by the Deputy Head of Finance, who is the relevant officer who receives these requests and therefore holds the relevant information. The Deputy Head of Finance is therefore considered to be the most appropriate officer to consult.
15. The Commissioner has reviewed the council's response to the request, and notes that information, being very low numbers, or 'nil', has been provided in response to the relevant parts of the request.
16. Having noted what information is sought (numbers) and the steps the council has taken to collate the information – consultation with the relevant officer who deals with public requests for inspections – the

Commissioner considers that the council has undertaken appropriate steps to compile the information.

17. There is no evidence available to the Commissioner that suggests that the steps taken by the council to compile the information are deficient.
18. The Commissioner is therefore satisfied, on the balance of probabilities, that no further information is held.
19. As such, the Commissioner has decided that the council has complied with section 1 of FOIA.

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.

Daniel Perry
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A

1. Regarding the Accounts and Audit Regulations 2015 (as amended) & Local Audit and Accountability Act 2014 (LAAA): ANNUAL PUBLIC INSPECTION PERIOD 1.8.22 to 14.9.22

Concerning the statutory rights of any person under the above legislation to obtain copies of BCP's accounting records or documents and the separate related rights of registered local government electors or their representatives in BCP's area to raise written questions and objections with the Council's external auditor, Grant Thornton, I require for the specific purpose of this FOIA request the recorded information below:

- 1.1 The total number of individuals - EXCLUDING THIS WRITER - from whom the above public requests were received by the Council DURING the above noted qualifying inspection period in respect of the FINANCIAL YEAR ENDED 31.3.22 (2021/22) relating to separately -

(a) The Statement of Accounts (ie financial Accounts per se);

(b) The Annual Governance Statement (AGS) accompanying the Statement of Accounts.

In the unlikely event that separate totals for 1(a) and 1(b) above are not recorded by BCP, the total of all individuals excluding this writer making those types of request to the Council is required and to be stated as such.

- 1.2 The total number of items of information requested by all individuals - EXCLUDING THOSE REQUESTED BY THIS WRITER - in respect of separately -

(a) The Statement of Accounts per 1.1(a) above;

(b) The AGS per 1.1(b) above.

The above totals to include those items that were considered by BCP as not eligible requests for release of information in accordance with the specific exempting provisions of the LAAA.

In the unlikely event that separate totals for 1.2(a) and 1.2(b) above are not recorded by BCP, the total of all items of information requested excluding this writer is required and to be stated as such.

1.3 In respect of the public requests in 1.1 above the total number of individual public requesters and separate total number of related items - EXCLUDING THIS WRITER - not provided by BCP with the information asked for relating to the Statement of Accounts and accompanying AGS analysed as to -

(a) The number of individual requesters and separately the number of related items excluding this writer where the information was considered by BCP not eligible for release in accordance with the specific exempting provisions of the LAAA;

(b) The number of requesters and separately the number of related items excluding this writer at the close of Council business on 14.9.22 where information had not been provided by BCP with the full information asked for excluding those individuals and items considered by BCP as not eligible requests per 1.3 (a) above;

(c) The number of requesters and separately the number of related items excluding this writer at the date and time of the Council's receipt of this email where information had not been provided by BCP with the full information asked for excluding those individuals and items considered by BCP as not eligible requests per 1.3 (a) above.

The separate total numbers for requesters and related items of information in 1.3 above excluding this writer are for simplicity to be stated as those in respect of both the Statement of Accounts and the AGS and to be identified as such ie not in respect of each of those documents.

1.4 The total number of individuals - EXCLUDING THIS WRITER - communicating in writing with the external auditor DURING the above statutory public period 1.8.22 to 14.9.22 under the provisions of the LAAA in respect of separately -

(a) The number of individuals asking questions on the Statement of Accounts;

(b) The number of individuals asking questions on the AGS accompanying the Statements of Accounts;

(c) The number of individuals submitting objections regarding "Any item which is alleged to be contrary to law";

(d) The number of individuals submitting objections regarding "Any matter in respect of which it is proposed that the auditor could make a public interest report under Section 24 of, and Paragraph 1 of Schedule 7 to, the [LAAA].".

In the unlikely event that separate totals for the above are not recorded by BCP in respect of each of 1.4(a) and 1.4(b), the combined totals of all such requests by individuals excluding this writer as comprise separately 1.4(c) and 1.4(d) above are required and to be stated as such.

Concerning my FOIA information requests under 1.1 to 1.4 above please note that FOIA exempted confidential information including the names of individuals is not being asked for in this FOIA enquiry.

2. Regarding the Accounts and Audit Regulations 2015 (as amended) & Local Audit and Accountability Act 2014 (LAAA): ANNUAL PUBLIC INSPECTION PERIOD 1.6.23 to 14.7.23

The recorded information EXCLUDING RELATING TO THIS WRITER is required regarding BCP's FINANCIAL YEAR ENDED 31.3.23 (2022/23) and is equivalent to all of the defined types requested under 1.1 to 1.4 above subject to the same italicised provisos noted there.

Additionally, the relevant date under 1.3(b) of course instead reads 14.7.23 for the purposes of 2.3(b).