RESOURCES DIRECTORATE
CYFARWYDDIAETH ADNODDAU
Head of Legal Services
Pennaeth Gwasanaethau Cyfreithiol
Polly Ellis, Solicitor/Cyfreithwraig

TORFAEN COUNTY BOROUGH — BWRDEISTREF SIROL TORFAEN

Yourref/Eich cyf:
Our ref/Ein cyf: FOI 25/579
Date/Dyddiad: 23rd October 2025

Please contact/Cysyllter â Polly Ellis
Direct line/Llinell union: 01495 742896

Email/Ebost: polly.ellis@torfaen.gov.uk

[redacted]@[redacted]

Dear [redacted]

FREEDOM OF INFORMATION REQUEST 25/579
INTERNAL REVIEW

I have been asked to carry out an internal review in relation to the Council's response to your request for information under the Freedom of Information Act 2000.

Your request

On 10th October 2025 you submitted a request for information under the Freedom of Information Act 2000 in which you requested the following:

Under the Freedom of Information Act 2000, I am requesting disclosure of all documents and records held by Torfaen County Borough Council (or Pontypool Community Council if administered through them) concerning the award of ***£1,000 to "Jayne's Baby Bank"*** *recorded in council minutes and finance documents.*

The award is publicly referenced within the following published source:

Finance, Governance & Policy Agenda – February 2025
https://pontypoolcc.gov.uk/wp-content/uploads/Finance-Governance-Policy-Agenda-Feb-2025.pdf
(see page 6: £1,000 payment to "Jayne's Baby Bank", noted as paid on 19 December 2024).

Information Requested

1. *Copies of the* ***grant application form, assessment sheets, verification records, and approval documentation*** *relating to the £1,000 award made to "Jayne's Baby Bank."*
2. *Any* ***internal correspondence, emails, or officer notes*** *concerning eligibility or due diligence checks performed before approval (e.g., verification of charitable or business status).*
3. *The* ***financial code or budget line*** *under which the payment was recorded.*
4. *Any* ***supporting evidence*** *supplied by the applicant to demonstrate charitable status or community benefit, such as a charity number, constitution, or bank details.*
5. *Confirmation whether this entity was recorded as a* ***registered charity, company, or sole trader*** *at the time of approval.*

Context and Public Interest

*This request relates to the use of **public funds** and compliance with grant-award procedures. The requested information concerns the council's governance process, not personal financial data. It is therefore not exempt under Section 40 (personal data) or Section 41 (information provided in confidence).*
*Disclosure is supported by the **Local Government Transparency Code 2015** and the **Freedom of Information Tribunal decision EA/2011/0086 (Gordon v ICO & Craven DC)**, both of which confirm that information on the allocation of public funds and grant awards should be made public.*

The Council responded on the 16th October 2025 by stating the following:-

We do not hold this information. You will need to contact Pontypool Community Council.

Information supplied in response to any Freedom of Information Act request may be subject to copyright. A single copy of information supplied under the Freedom of Information Act may only be used for personal, non-commercial research or study, unless stated otherwise. It must not be passed to others, copied or re-published in whole or in part without permission from the copyright holder. Any copyright statement that forms part of or in any way refers to the information provided must not be altered or removed.

If you have any queries about this letter or are unhappy about the service you have received in relation to your request and wish to make a complaint or request a review, please do not hesitate to contact me in writing. A request for an internal review should be made within 40 working days of the date of the response.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office (Wales) cannot make a decision unless you have exhausted the complaints procedure provided by this Council. The Information Commissioner can be contacted at: The Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone 0330 414 6421 or e-mail Wales@ico.org.uk.

On the 16th October 2025 you replied and stated as follows:-

*Your response dated 16 October 2025 states that Torfaen County Borough Council "does not hold this information" and advises me to contact Pontypool Community Council directly. This response is inadequate and fails to meet your legal duties under the **Freedom of Information Act 2000**, in particular:*

- ***Section 1(1)** – obligation to confirm or deny whether information is held.*
- ***Section 16** – duty to provide advice and assistance to applicants.*
- ***Section 45 Code of Practice** – where information is held by another public authority, the receiving authority must either transfer the request or provide sufficient details to enable the applicant to pursue it effectively.*

*The £1,000 grant award to "Jayne's Baby Bank" is publicly recorded within a **Pontypool Community Council Finance, Governance & Policy Agenda (February 2025)**, indicating this is official public expenditure. As the principal local authority, Torfaen County Borough Council is legally obliged to either (a) transfer the FOI request under the Section 45 Code of Practice, or (b) provide specific and accurate redirection information, including the relevant contact point within Pontypool Community Council. Simply stating "we do not hold this information" does not discharge this obligation.*
*I am therefore requesting an **internal review** of your handling of FOI 25/579 on the grounds of non-compliance with Section 16 and the Section 45 Code of Practice. Should this not be resolved*

satisfactorily, I will refer the matter to the ***Information Commissioner's Office (Wales)*** *for determination.*

Other information

On the 6th October 2025 I issued an Internal Review decision letter relating to a separate request made under the FOIA (Ref 25/519) albeit relating to the same topic "Jaynes Baby Bank". This decision letter was sent to [redacted] on email [redacted]@[redacted]. A response to that email was received on the 6th October 2025 from the same email address [redacted]@[redacted]. That response stated the following:

I am writing in your capacity as Monitoring Officer regarding the public grant awarded to Jayne's Baby Bank by Pontypool Community Council.

My independent investigation, published at jaynesbabybank.co.uk, holds publicly available council documents confirming this award. These are:

- *Finance, Governance & Policy Agenda – February 2025*
- *Council Agenda – 27 November 2024*
- *Finance, Governance & Policy Quick Notes – 6 November 2024*
- *Finance, Governance & Policy Minutes – November 2024*

These records confirm that Jayne's Baby Bank received £1,000 in funding on 6 November 2024, under the "Food Banks" category.

However, in your own correspondence dated 6 October 2025 (FOI 25/418), you stated:
"The requested information is personal data as it relates to an individual as the entity known as Jaynes Baby Bank is not a registered company."

This creates a clear inconsistency: an unregistered, non-charitable entity appears to have received public money under the presentation of being a foodbank or charitable organisation.

Accordingly, I request that you review the following under your statutory duties as Monitoring Officer:
1. Due diligence: What verification of charitable or organisational status was undertaken before approving the £1,000 payment?
2. Governance: Did Pontypool Community Council comply with its Financial Regulations and Grant Criteria when approving funding to a non-registered entity?
3. Remedial action: Will the Council consider recovery of the £1,000 grant and review any subsequent payments?

Given the public concern and ongoing investigation, I request a formal written response.

The Council's FOI Team responded to you on 10th October 2025 by stating:

I write in reference to your email below. May I firstly clarify that the Head of Legal Services is not the Monitoring Officer for the Council.

I have consulted with the Monitoring Officer, whose view is that this is not a matter for the Local Authority and should be presented directly to the Community Council. On that basis, we advise that you send your queries to Pontypool Community Council, contact information is available via the following link: https://pontypoolcc.gov.uk/contact-us/.

Internal Review

I have been asked to conduct an internal review of the response given to you on the 16th October 2025. I have reviewed your request for information under the Freedom of Information Act 2000 ("FOIA"), relevant legislation and guidance.

In your request for an internal review, you state that the response given to you on the 16th October 2025 was inadequate and failed to meet the Council's statutory duties.

In respect of Section 1(1) of the FOIA the obligations to confirm or deny whether the information is held the response in its wording "we do not hold this information", while brief in my view adequately conveyed to you that the requested information was not held by the Council.

In respect of Section 16 of the FOIA, which places a duty, so far as it would be reasonable to expect, to provide advice and assistance to a requestor of information. The wording of the response whilst brief did let you know which other public authority may be able to assist with your request.

To note the duty to provide advice and assistance does not require the Council to provide contact details for the organisation albeit it is best practice for the Council to do so. I note that prior to your request for information you had on the 6th October 2025 received from the Council details of the organisation to contact together with a link which if followed would have provided you with the relevant contact details.

For reference the contact details for Pontypool Community Council are as follows: -

Contact Us - Pontypool Community Council

Telephone: 01495 365951
Email: pontypool@pontypoolcc.gov.uk
Emergency contact – Clerk – 01495 365952 or 01495 365954

35A Stryd Masnach/35A, Commercial St,
Pont-y-pŵl/Pontypool,
Torfaen,
NP4 6JQ

I note your comments about the requirement for the Council to transfer your request to Pontypool Community Council. The Council did not pursue this course of action as it is mindful of its data protection responsibilities to you as the requestor.

Other matters

I note the wording of your request for internal review i.e. that you are carrying out an "independent investigation". I have also looked at the external website on which you publish material. I would draw your attention to the following advice from the Information Commissioners Office specifically the paragraph in relation to "protect public money".

How to access information from a public authority | ICO

That concludes my review, and I trust that this answers your request. If you are not content with the outcome of this review, then you may apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at The Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff CF10 2HH Telephone Number 0330 414 6421 or email Wales@ico.org.uk.

Yours faithfully

P Ellis

Polly Ellis
Head of Legal Services | Pennaeth Gwasanaethau Cyfreithiol
Legal Services/Gwasanaethau Cyfreithiol