

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 September 2011

Public Authority: Stamford Town Council
Address: Town Hall
St Mary's Hill
Stamford
Lincolnshire
PE9 2DR

Decision

1. The complainant requested information from Stamford Town Council ('the council') about s137 monies.
2. The Commissioner's decision is that the council did not deal with the request in accordance with the Freedom of Information Act ('the Act').
3. The Commissioner requires the public authority to either comply with section 1(1) of the Act by either:
 - o confirming whether the requested information is held, and if so, disclosing it to the applicant, or
 - o issuing a valid refusal notice in accordance with section 17.
4. The public authority 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 (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 3 February 2010 the complainant wrote to the council. This correspondence formed part of a wider dialogue between the complainant and council. Included within the letter were the following requests:

- "...Prior to the council reaching its decision to cap s137 monies this year what consultation with the community it undertook about the likely impact of this decision?"
- "How it plans to communicate the action it has taken?"
- "How many days prior to a scheduled meeting papers and requests need to be submitted?"

Scope of the case

6. The complainant contacted the Commissioner to complain about the way her request for information had been handled.

Reasons for decision

7. Section 1(1) requires a public authority in receipt of a request to confirm whether it holds the requested information, and if so, disclose it to the applicant. Alternatively a public authority can issue a refusal notice compliant with section 17. This should cite the specific exemption that the public authority relies upon in refusing a request.
8. The Commissioner understands that the council has not issued any response to this request. The Commissioner requires the council to confirm to the complainant whether it holds any information within the scope of her requests. If so, it should either disclose the information to the complainant or issue a valid refusal notice.

Right of appeal

9. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

10. 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.
11. 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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF