

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 31 October 2011

**Public Authority:** Stamford Town Council  
**Address:** Town Hall  
St. Marys Hill  
Stamford  
PE9 2DR

### Decision

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1. The complainant requested information about matters recorded in minutes of a meeting of Stamford Town Council ('the council').
2. The council has failed to respond to that request and the Commissioner consequently finds a breach of section 10(1) of the Freedom of Information Act ('the Act'). He requires the council to either comply with section 1(1) or issue a valid refusal notice compliant with section 17.
3. 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

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4. On 1 April 2011 the complainant emailed the council to submit requests for information. The complainant then chased up a response to this request on 14 May 2011.
5. The council provided the complainant with "an internal review" on 25 July 2011, although it had not issued any response. This review however focused on whether the council was correct to set the precept at a certain level rather than whether it complied with the Act when dealing with the complainant's request for information.

## **Scope of the case**

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6. The complainant contacted the Commissioner to complain about the council's failure to respond to her request.

## **Reasons for decision**

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### ***Section 1***

7. Section 1(1) provides that a public authority in receipt of request must confirm whether it holds the requested information, and if so provide this. Section 10(1) provides that this must be done within 20 working days.
8. The complainant's request was submitted on 1 April 2011. As yet she has received no response. The Commissioner consequently finds the council has breached section 10(1). He requires the council to either comply with section 1(1) or issue a valid refusal notice in accordance with section 17.

## Right of Appeal

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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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://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**

## Annex A

- 1) "Copies of any and all documents that were used by the council when determining their decision to cut the Section 137 budget for Grants and Donations when agreeing the budget for 2011/12
- 2) Details of what consideration if any was given to my request made on this topic at the public form on the 13 December 2010 which I subsequently supplied you with a written copy of in my email of 15 December 2010 ahead of Full Council adopting and approving the final budget and precept.
- 3) I am particularly interested in any documents or information the councillors relied upon when:
  - a. Deciding to prioritise this budget heading over others in reaching the decision of where to make cuts
  - b. Whether any consideration was made to using the council's unallocated financial reserves to meet any shortfall while still setting a zero increase in precept rather than cut this budget heading
- 4) Information about whether the council took any account of the additional number of households in its area when calculating the total budget it would have available to it if it presented a case for a zero charge precept an issue which was flagged up at the recent Annual Town Meeting
- 5) I would also ask for information about whether any review of the decision to cut this budget has been conducted following The Secretary of State for Communities and Local Government's announcement which I advised you about in my email of the 2<sup>nd</sup> March 2011, if so what the outcome was and if a review had not been carried out why not.