

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 October 2011

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

Decision

1. The complainant requested information about matters recorded in minutes of a meeting of Stamford Town Council ('the council').
2. The Commissioner's decision is that the council has failed to respond to this request. He consequently 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

4. On 21 February 2011 the complainant emailed the council. She submitted the following requests which referred to information detailed in the minutes of a previous meeting of the council:
 - 1) "Can you please confirm exactly which items of correspondence were deferred to the Amenities Committee and when they will be on the agenda of this committee for discussion
 - 2) Also can you please explain why there has been such a lengthy delay in this action being taken?
 - 3) Can you please clarify which communications from Riverside were deferred to this committee to deal with?

- 4) Can you please advise what the subject matter of the two complaints reference numbers A/FPA010211 and B/FPA010211 given at Minute 433 relate to and whether these were in any way connected to Riverside?

Scope of the case

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

Reasons for decision

Section 1

6. The complainant states that she has received no response to her request. The council has informed the Commissioner that it has responded and that in fact, it is their "clear understanding that [the complainant] is already in possession of all responses to her requests for information".
7. However, the council has not provided the Commissioner with any evidence that it has in fact responded to this request. It has forwarded to the Commissioner a document which appears to be a response to a different request submitted by the complainant. The document states that it is a response to a request submitted on 22 February 2011. The Commissioner has reviewed this document and considers that the responses provided do not appear to bear any relevance to the complainant's requests. The Commissioner has pointed out the discrepancy between the request and the response to the council. However it maintains that this response addresses the complainant's requests.
8. The Commissioner is satisfied that this is not the case and consequently requires the council to either comply with section 1(1) of the Act by confirming whether the requested information is held, and if so disclosing it; or issue a valid refusal notice compliant with section 17.

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
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Wilmslow
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SK9 5AF**