

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 copies of Stamford Town Council's terms of reference for its cemetery allotment and meadows committee.
2. The Commissioner's decision is that Stamford Town Council ('the council') breached regulation 10(1) by failing to disclose this information within the statutory time for compliance. He does not require the council to take any further action.

Request and response

3. On 7 September 2009 the organisation represented by the complainant wrote to the council and requested "a document which specifies the responsibilities and areas of jurisdiction of the Cemetery & Allotments Committee".
4. The council disclosed the requested information on 25 November 2009.

Scope of the case

5. The complainant contacted the Commissioner to complain about the way her request for information had been handled. The Commissioner notes that the requested information has now been disclosed to the complainant and so the scope of the investigation is restricted to considering whether the council complied with the statutory time limits.

Reasons for decision

6. Section 10(1) of the Act provides that a public authority should comply with section 1(1) within 20 working days. 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.
7. The request was submitted on 7 September 2009, and the council did not disclose the information until 25 November 2009. Consequently the Commissioner finds that the council has breached section 10(1) of the Act.

Right of appeal

8. 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

9. 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.
10. 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
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