

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 18 April 2024

Public Authority: Bodmin Town Council
Address: Shire Hall
Mount Folly Square
Bodmin
PL31 2DQ

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-280233-S4H1, for a decision whether a request for information made by the complainant to Bodmin Town Council on 13 October 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The complainant is not satisfied with the council's refusal to provide the information which they requested.
3. Following receipt of the complaint from the complainant, the Commissioner wrote to the council on 4 April 2024. He asked the council to respond to a number of questions, and asked it to provide its reasons for relying upon the exceptions it has cited for withholding the requested information from disclosure. The Commissioner asked the council to provide its full and final response by 18 April 2024.
4. The council wrote to the Commissioner on 9 April 2024. It said that it would need additional time in order to provide its response to the Commissioner's questions. It requested that the Commissioner allow the council until 10 May 2024 in order to provide its response.

Information required

5. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that Bodmin Town Council shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A copy of the withheld information (clearly marked to show where the exemptions have been applied).
 - A full response to the questions raised in the Commissioners letter dated 4 April 2024, (a copy of which is attached with this notice).

Failure to comply

6. Failure to comply with the steps described above 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 FOIA, and may be dealt with as a contempt of court.

Right of appeal

7. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

8. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed by

Ian Walley
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF