

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 3 February 2022

Public Authority: Sedgeberrow Parish Council
Address: clerk@sedgeberrowpc.org.uk

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-99478-D0W7, for a decision whether a request for information made by the complainant to Sedgeberrow Parish Council (SPC) on 3 March 2021, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. On 3 March 2021 the complainant requested information of the following description:

- “1. Any correspondence between Brodie Planning and the Parish Council
2. Any correspondence between the NDP [Neighbourhood Development Plan] Steering Committee and Brodie Planning
3. Any documentation exchanged between the Parish Council and the Steering Committee that has not been publish [sic] to date”.
3. In correspondence with SPC, the complainant referred to this as his second FOI request.
 4. The complainant is dissatisfied with SPC’s responses of 31 May and 11 June 2021.
 5. This complaint is one of three complaints received by the Commissioner, from the same complainant, about SPC’s handling of his requests for information.
 6. Given that the requests were all responded to around the same time and concern the same subject matter - the Neighbourhood Development Plan - the Commissioner considered that it would be more efficient for all three complaints to be dealt with simultaneously.
 7. Following a telephone call with the public authority, the Commissioner wrote to SPC on 17 December 2021 summarising the situation as he understood it and explaining the information he required in order to progress his investigation. He asked SPC to respond by 12 January 2022, fully setting out its final position in relation to this request.
 8. At the time of writing this notice, he has not received its substantive response.

Information required

9. 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 Sedgeberrow Parish Council shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - full and final submissions explaining what provision of FOIA SPC is relying on to refuse the request and why; and,
 - copies of any and all of the information within the scope of the request that SPC wishes to withhold.

Failure to comply

10. 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

11. 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

12. 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

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