

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 May 2014

Public Authority: St Mabyn Parish Council

Address: Branston Farm
Bodmin Road
Bodmin
Cornwall
PL30 4BB

Decision (including any steps ordered)

1. The complainant requested information on three separate issues from St Mabyn Parish Council (the Council). The Council failed to respond to any of the requests and the Commissioner's decision is that the Council breached sections 1(1) and 10(1) of FOIA as a result. The Commissioner requires the Council to provide a response to the request in accordance with the legislation.
2. 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 pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

3. Following earlier correspondence sent to the Council, the complainant wrote again on 9 December 2013 and requested information in the following terms:
 - *"I am now making another formal and official application under the Freedom of Information Act, 2000, requesting the Parish Council to produce/provide to me a copy of the; original Cornwall Council Rate Demand Notice dated 2010, for the Public Toilets Payments, Council Tax payments, with recorded details of the original cheques numbers, the amounts paid and dates, and*

showing an alteration to the second cheque number to read as the first cheque number."

- *"Now that the Council have received the Invoice, I am formally and official making an application under the Freedom of Information Act, 2000, for the Parish Council to forward to me a copy of the Cornwall Council invoice sent to the Parish Council with the amount of costs, fees incurred for such legal given."*
 - *"The condition of, costs of repairs to, and when the Junior Football Goals will be re-instated in the Playing Fields."*
4. At the time of writing the Council had failed to provide a substantive response to the request.

Scope of the case

5. The complainant contacted the Commissioner on 29 January 2014 to complain about the failure by the Council to respond to his information requests. He confirmed on 15 May 2014 that he had still not received a response despite the fact that the Commissioner had written to the Council to remind it of the requirement to do so.

Reasons for decision

Sections 1 and 10

6. Section 1(1) of FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. Section 10(1) of FOIA states that a public authority must respond to a request promptly and not later than the twentieth working day following the date of receipt.
7. In this case the Council has breached sections 1(1) and 10(1) by failing to respond to the requests within 20 working days. The Council is now required to provide a response to the complainant's requests in accordance with FOIA.

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

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