

Freedom of Information Act 2000 (Section 51)

Environmental Information Regulations 2004 (Regulation 18)

Information notice

Date: 16 August 2024

Public Authority: Fylde Borough Council
Address: Town Hall
South Promenade
Lytham St Annes
FY8 1LW

Section 51

Regulation 18 of the Environmental Information Regulations 2004 ("the Regulations") states that "the enforcement and appeals provisions" of the Freedom of Information Act 2000 ("the Act") shall apply for the purposes of the Regulations. Therefore any reference to "this Act" in Part IV of the Act should be substituted with reference to "these Regulations". Part IV of the Act contains the enforcement and appeals provisions and includes section 50, 51 and 54 as mentioned in this Notice. All references to "the Act" should therefore be read as also referring to "the Regulations".

Under section 51 of the Freedom of Information Act 2000 (the "Act"), 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 she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

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

she may serve the authority with a notice (in this Act 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-302382-Y1T8 for a decision whether a request for information made by the complainant to Fylde Borough Council on 17 January 2024, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The Commissioner wrote to the Trust on 25 July 2024, instructing it to provide its submissions in respect of the complaint.
3. To date, the Trust has not provided a response to the Commissioner in relation to this request.
4. As the Trust has failed to provide any response to the Commissioner, a formal legal deadline for it to provide its response has been imposed.

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 the Act she requires that Fylde Borough Council shall, within 30 days of the date of this notice, furnish the Commissioner with a copy of the following information.
 - A substantive response to his letter dated 25 July 2024.

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 the Act, 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: 0300 1234504

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

Catherine Fletcher
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF