

Environmental Information Regulations (EIR)

Decision notice

Date: 2 February 2015

Public Authority: Bolton Council
Address: Victoria Square
Bolton
BL1 1RU

Decision (including any steps ordered)

1. The complainant has requested information relating to a planning application. Bolton Council disclosed some of the requested information and withheld other information under the exceptions for adverse affect to the confidentiality of proceedings (regulation 12(5)(d) of the EIR) and adverse affect to the course of justice (regulation 12(5)(b) of the EIR).
2. The Commissioner's decision is that Bolton Council responded to the request outside the statutory time limit and breached regulation 5(2) of the EIR.
3. The Commissioner does not require the public authority to take any steps.

Request and response

4. On 7 January 2014, the complainant wrote to Bolton Council (the "council") and requested information in the following terms:

(In relation to Planning Application / Report ref no 80216/08; regarding 27 Kylemore Avenue, BL3 5RD)

"I request that copies of documents containing the following information be provided:

- *If an Ombudsman were involved, I require copies of all letters, sent to and from the Ombudsman.*

- *If a solicitor / Barrister were involved, I require copies of all letters, sent to and from a Solicitor / Barrister)*
 - *Has the council taken disciplinary action against case officer Jeannette Isherwood and/or other planning employees & councillors involved? Is case officer Jeanette Isherwood still acting as case / planning officer?"*
5. The council responded on 8 January 2014 and asked the complainant to provide clarification regarding the precise information their request sought.
 6. On 31 January 2014 the complainant wrote to the council providing the requested clarification. Following a chaser letter, on 23 April 2014 the council confirmed that it had not received the complainant's letter of 31 January.
 7. The complainant sent a further copy of their letter of 31 January 2014 and this was acknowledged as received by the council on 7 May 2014.

Scope of the case

8. On 3 July 2014 the complainant contacted the Commissioner to complain about the way their request for information had been handled.
9. The complainant confirmed that they wished to complaint about the council's failure to provide a substantive response to their request.
10. On 24 July 2014, during the course of the Commissioner's investigation, the council responded to the complainant's request. The complainant asked the Commissioner to issue a decision notice in relation to the delays incurred in the handling of their request.

Reasons for decision

11. Under regulation 5(2) of the EIR, public authorities have a duty to provide environmental information within 20 working days of the date of receipt of a request.
12. In this case the council confirmed that it received the request on 7 May 2014 but did not provide a substantive response until 24 July 2014.
13. As the council failed to respond to the request within 20 working days the Commissioner finds that it breached regulation 5(2) of the EIR.

Right of appeal

14. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

15. 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.
16. 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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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF