

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 13 July 2023

**Public Authority:** Bristol City Council

**Address:** City Hall  
College Green  
Bristol  
BS1 5TR

#### **Decision (including any steps ordered)**

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1. The complainant requested information relating to a Tree Protection Order. By the date of this notice Bristol City Council ("the Council") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires the the Council to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response to the request in accordance with its obligations under the EIR.
4. The Council 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 Freedom of Information Act and may be dealt with as a contempt of court.

## Request and response

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5. On 27 January 2023, the complainant made the following request for information to the Council:
- “I would like: -
- the date [REDACTED] visited [REDACTED] road
- any notes, reports, emails, comms, photographs taken, regarding the visit, including how he gained access to a tree that is not visible from public pathways (only the very top can be seen)
  - the date the TPO was raised (not the letter sent), but the date the TPO was requested by [REDACTED]
  - all comms regarding the tree felling decision, and the tree, and TPO, not just from [REDACTED], but others involved, including:  
[REDACTED][@bristol.gov.uk](mailto:[REDACTED]@bristol.gov.uk)  
[REDACTED][@bristol.gov.uk](mailto:[REDACTED]@bristol.gov.uk)  
[REDACTED][@bristol.gov.uk](mailto:[REDACTED]@bristol.gov.uk)  
[REDACTED][@bristol.gov.uk](mailto:[REDACTED]@bristol.gov.uk)
  - council's policy (a document) on high risk structural items such as trees (in an official document), that pose significant risk to foundations, and the potential for subsidence, in a conservation area or whilst under a TPO. As in, what risk of very serious damage and human safety issues do the council take, and what liability do the council take, regarding the potential for trees in conservation areas damaging property”
6. the Council acknowledged the request on 31 January 2023. To date, a substantive response to the request has not been issued.

## Reasons for decision

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7. Regulation 5(1) of the EIR states that:
- “a public authority that holds environmental information shall make it available on request.”
8. Regulation 5(2) of the EIR states that:
- “Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date

of receipt of the request.”

9. The Commissioner contacted the Council on 14 June 2023 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. Despite this intervention the Council has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the EIR. The Commissioner’s decision is that the Council has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

## Right of appeal

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11. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. 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.
13. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**