

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

### **Decision notice**

**Date:** 4 March 2024

**Public Authority:** North Northamptonshire Council  
**Address:** Bowling Green Road  
Kettering  
Northants NN15 7QX

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

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1. The complainant requested information about a specific planning application. North Northamptonshire Council (the "council") disclosed information to the complainant. The complainant considers that the council has not disclosed all the relevant information that it holds.
2. The Commissioner's decision is that the council disclosed all the relevant information it holds and complied with regulation 5(1) but that it disclosed some of the information outside the time for compliance and failed to complete an internal review within the statutory timeframe and, in doing so, it breached regulation 5(2) and regulation 11(4).
3. The Commissioner does not require the council to take any steps.

## Request and response

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4. On 17 July 2023, the complainant wrote to the council and requested the following information:

"I am trying to view the full details of a Planning Application for the above property, The Talbot Barn / 35 High Street Gretton NN17 3DE. This building historically formed part of the property formerly known as The Talbot Inn (33) High Street, Gretton and was sold off as an individual plot circa 1997. HM Land Registry Title Number NN190592 refers specifically to the transfers. The Talbot Barn (35 High Street) before 1997 was utilised as a storage area associated with the Talbot Inn and uninhabitable at that time. The property was then purchased in February 2005 as a fully refurbished habitable premises. Therefore between 1997 and 2005 there will have been at least a single Planning Application to undertake such an extensive project. I have reviewed the Planning Portal at some length and can find no reference whatsoever to The Talbot Barn / 35 High Street, there are several associated with The Talbot Inn, but I do not think any pertain to the aforementioned building. Therefore I would sincerely appreciate your assistance in the investigation of such documents please."

5. The council responded on 15 August 2023 and disclosed the requested information.
6. On 16 August 2023 the complainant asked the council to carry out an internal review of its handling of the request.
7. On 13 December 2023 the council provided its internal review response. With this response the council provided additional information to the complainant.

## Scope of the case

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8. On 17 December 2023 the complainant contacted the Commissioner to complain about the way their request for information had been handled.
9. The Commissioner confirmed with the complainant that his investigation would consider whether the council disclosed all the relevant information falling within the scope of the request.

## Reasons for decision

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### Regulation 5 – duty to provide environmental information

10. Regulation 5(1) of the EIR provides that a public authority that holds environmental information must make it available on request.
11. Regulation 5(2) of the EIR requires authorities to provide requested information within 20 working days.
12. In this case, whilst the council disclosed information in response to the request, the complainant believes that further information should be held.
13. Where there is a dispute between a public authority and a complainant as to whether all requested information falling within the scope of a request has been provided to the complainant, the Commissioner, following the lead of a number of First-tier Tribunal decisions, must decide the matter based on the civil standard of on the balance of probabilities.
14. In order to determine where the balance of probabilities lies the Commissioner approached the council with a number of standard questions he asks in such cases. The questions (in bold) and a summary of the answers provided by the council are set out below.

### **What searches have been carried out to check no information was held within the scope of the request and why would these searches have been likely to retrieve any relevant information?**

15. The council confirmed that officers in the Technical and Administration Team carried out extensive searches on the planning and building control history of the site using the Uniform computer database. In addition, physical checks were carried out on older planning and building control records held on the microfiche system and all relevant planning and building control documents have been supplied. The council confirmed that these are the only checks available in relation to planning records and would be expected to return any relevant information.

### **Describe thoroughly any searches of relevant paper/electronic records and include details of any staff consultations.**

16. The council confirmed that it carried out keyword and address searches of electronic databases and a physical review of the address record microfiche in relation to the property.

17. In addition to the above responses the council also clarified that the request relates to a planning application made some 25 plus years ago to Corby Borough Council. The council explained that Corby Borough Council is no longer in existence following local government reform across Northamptonshire and that it has become part of North Northamptonshire Council.
18. Having considered the available evidence and the age of the planning application the Commissioner considers that the council carried out reasonable searches for relevant information and accepts that the steps it took would have been likely to identify information in the scope of the request.
19. The Commissioner is, therefore, satisfied that, on the balance of probabilities, the council has provided all the information that it holds that is relevant to the request and that it complied with regulation 5(1).
20. However, in disclosing information at the internal review stage outside the 20 working day time limit, the council breached regulation 5(2).

### **Regulation 11 - internal review**

21. Regulation 11 of the EIR sets out the duties of public authorities in relation to complaints about the handling of requests ("internal reviews").
22. Regulation 11(4) requires authorities to notify applicants of the outcome of an internal review no later than 40 working days after a request for review is received.
23. In this case the complainant submitted their request for internal review on 16 August 2023 and the council sent its review response on 13 December 2023.
24. In failing to provide its review response within 40 working days, the Commissioner has, therefore, concluded that the council breached regulation 11(4).

## **Right of appeal**

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25. 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)

26. 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.
27. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Christopher Williams**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**