

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 3 January 2024

Public Authority: St Helens Metropolitan Borough Council

Address: 4 Corporation Street

St Helens

WA9 1LD

Decision (including any steps ordered)

1. The complainant requested information about a housing site from St Helens Metropolitan Borough Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority 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.¹
4. 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 Freedom of Information Act and may be dealt with as a contempt of court.

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

Request and response

5. On 24 August 2023, the complainant made the following request for information to the public authority:

"My request for information concerns a piece of land belonging to [redacted name]. It is located to the West of the substation at 201 Gorsey Lane, Clock Face, St Helens. During the development of the Local Plan, part of the land was allocated to strategic housing site 4HA. The allocation was confirmed at a meeting of the Cabinet on 12 December 2018. I wish to ask: 1. What steps were taken by the Council to inform [redacted name] about the allocation of his land when the decision was made to include the land, at some point between the Preferred Options stage in October 2018 and the Submission Draft stage (ie the Cabinet meeting in December 2018)? 2. What steps were taken by the Council to inform [redacted name] about the allocation of his land after the allocation had been confirmed by the Cabinet in December 2018? 3. What documentation exists to confirm the contact with [redacted name] on these occasions?"

Reasons for decision

6. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

7. 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."

8. The Commissioner contacted the public authority on 20 November 2023 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. On 30 November 2023, the public authority advised the Commissioner it had responded to the request and provided a copy of its response. However, the response it provided to the Commissioner related to different request.
10. The complainant has informed the Commissioner that the public authority has failed to issue a response to the request that is the subject

of this decision notice and the Commissioner has not been provided with any evidence proving otherwise.

11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the public authority 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

12. 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

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

13. 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.
14. 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

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