

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 3 October 2016

Public Authority: Stoke Gifford Parish Council
Address: The Community Hall
Little Stoke Lane
Little Stoke
Bristol
BS34 6HR

Decision (including any steps ordered)

1. The complainant requested information regarding Stoke Gifford Parish Council's decision to charge parkrun for the use of facilities during parkrun's weekly events at a local park. The Commissioner's decision is that the Council failed to provide a response to the request within the statutory timeframe of 20 working days. This constitutes a breach of regulation 5(2) of the EIR. She upholds the complaint but does not require any further action to be taken as a response has now been issued.

Request and response

2. On 10 May 2016, the complainant wrote to the Council and requested information in the following terms:

"Could you please provide me with all relevant information which lead [sic] to Stoke Gifford Parish Council's recent decision to levy a charge on the Park Run runners such that I can understand the financial basis for the Council's decision.

I am particularly interested in the damage, over and above normal wear and tear, which Park Run is supposed to have done to the path, and the period over which the costs incurred by the council in resurfacing the path would be recovered. Please include, as a minimum:

1 Any and all papers produced by or sent to the clerk and/or councillors relating to the Park Run.

2. Any and all papers which make analyses, estimates or calculations of the damage caused by the Park Run runners to the path, and the time period over which this damage is caused.

3 Any and all papers relating to the cost of resurfacing/replacing the path

4 The estimated lifetime of the replaced path assuming a) that the Park Run does not take place; and b) that the Park Run does not take place.

5 Any and all papers relating to how the charge which would be made to the Park Run was calculated or estimated.

3. On 9 June 2016, the complainant contacted the Council to complain that his request had not been answered or acknowledged. He requested confirmation of receipt and an estimate of when the information would be supplied.
4. On 10 June 2016, the Council responded to the complaint and apologised for the delay. It stated that the request had been forwarded to the parish councillors and a response would be forthcoming.
5. The complainant contacted the Commissioner on 30 June 2016 to complain about the way his request for information had been handled.
6. On 16 July 2016, the Commissioner contacted the Council to remind it of its statutory obligations under the EIR and asked it to provide a response within ten working days.
7. The Council issued a response to the complainant's request on 25 August 2016.

Scope of the case

8. The Commissioner notes that the Council did respond to the request, albeit following her intervention. However the complainant requested that Commissioner issue a decision notice in this case.
9. The scope of the case is, therefore, to consider the Council's response in the context of its statutory obligations under the EIR.

Reasons for decision

10. Regulation 5 of the EIR states:

- (1) Subject to paragraph (3) and in accordance with paragraphs (2), (4), (5) and (6) and the remaining provisions of this Part and Part 3 of these Regulations, a public authority that holds environmental information shall make it available on request.*
- (2) 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."*

11. The complainant submitted his request on 10 May 2016. The twentieth working day following the request was 8 June 2016.

12. The Council did not contact the complainant to advise that it required an extension to the statutory timeframe as provided in regulation 7 of the EIR.

13. The Commissioner contacted the Council to remind it of its obligations under the EIR on 16 July 2016 and again on 17 August 2016.

14. The Council issued a response to the complainant on 25 August 2016.

15. As a response was issued 74 working days after the request for information was received, it is in breach of regulation 5(2) of the EIR.

16. The Council explained to the Commissioner that it had received an unprecedented number of requests for information following the decision to charge parkrun for the use of facilities and was currently working towards responding to all requests.

17. Following the Commissioner's intervention, the Council has made information relating to its decision to charge parkrun for use of the Council's facilities available on its website.

Right of appeal

18. 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

19. 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.
20. 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

Sarah O’Cathain
Senior Case Officer
Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF