

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 3 February 2016

**Public Authority:** Wychavon District Council  
**Address:** Civic Centre  
Queen Elizabeth Drive  
Persnore  
Worcestershire  
WR10 1PT

#### Decision (including any steps ordered)

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1. The complainant requested the name of the company that fitted a noise limiting device within the grounds of Eckington Manor. Having initially withheld the information, citing the exemption under section 40 (personal data), Wychavon District went on to release it to the complainant.
2. The Commissioner's decision is that Wychavon District Council has released to the complainant all the information that it holds that falls within the scope of the complainant's request and has complied with its obligations under section 1(1) of the FOIA.
3. The Commissioner does not require Wychavon District Council to take any further steps.

#### Request and response

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4. On 14 July 2015 the complainant wrote to Wychavon District Council ('the Council') and requested information in the following terms:

*"Condition 4 of the premises licence for Eckington Manor granted on the 15 April 2015 states:*

*'4. Noise limiting device to be fitted between the conservatory and the adjoining boundary of Eckington Manor and Hammock Road by and,*

*upon the advice of, an external professional body to an accepted industry standard.'*

*As a request under the Freedom of Information Act would you please let me know the name of the company or organisation that fitted the noise limiting device referred to in the condition, and the earliest date WRS became aware of this information."*

5. The Council responded on 20 July 2015. It said that it was withholding the information because it was the personal data of a third person and exempt from disclosure under section 40(2) of the FOIA.
6. In correspondence to the Council dated 24 July 2015, the complainant said that he wanted the name of *the "... company or organisation (more accurately "professional body") that fitted the noise limiting device..."*
7. Following an internal review the Council wrote to the complainant on 18 August 2015. It upheld its position and the matter was referred to the Commissioner.
8. Following correspondence with the Commissioner, the Council withdrew its reliance on section 40(2) and on 8 January 2016 it released to the complainant the information he had requested.

### **Scope of the case**

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9. The complainant initially contacted the Commissioner on 19 August 2015 because he was not satisfied with the Council's reliance on section 40(2). Once the information had been released to him, the complainant remained dissatisfied as he considers that the Council has not released to him the name of the "professional body" that fitted the noise limiting device.
10. The Commissioner has focussed his investigation on whether the Council has released to the complainant all the relevant information that it holds and has met its obligations under section 1(1) of the FOIA.

### **Reasons for decision**

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11. Section 1(1) of the FOIA says that anyone making a request for information to a public authority is entitled to be informed by the authority whether it holds the requested information and, if it does, to have that information communicated to him or her.

12. The Council has told the Commissioner that Eckington Manor is a business in the small village of Wychavon. It has grown from a cookery school on a modest scale to a more substantial business comprising accommodation and facilities for wedding receptions and other events. All this development has been carried out with the benefit of the necessary planning permissions and licences but it has attracted the strong disapproval of a number of local residents.
13. A noise limiting device was fitted in the grounds of Eckington Manor as a condition to a Premises Licence. The complainant has requested the name of the company, or organisation or 'professional body' that fitted that device and the Council released that information.
14. The complainant wrote to the Commissioner on 11 January 2016 to say that the Council had released neither the name of the 'professional body' nor the name of the 'natural person'. Correspondence between the complainant and the Commissioner followed.
15. The complainant is of the view that the Council should have released the name of the 'professional body' that fitted the device. The complainant appears to have interpreted the term 'professional body' in the licencing condition in question to mean a non-profit organisation that seeks to further a particular profession, the interests of the individuals engaged in that profession and the public interest. Examples of such professional bodies would be the Law Society and the Association of Chartered Certified Accountants.
16. In the Commissioner's opinion, which he put to the complainant, the 'professional body' in the licencing condition is more likely to mean that the device should be fitted by an appropriate, professional organisation with the necessary skills and experience. The Law Society is the professional body that represents solicitors. As such it would not draft a contract for an individual client. In the same way, the Institution of Lighting Professionals is a body that represents lighting professionals but it would not itself undertake a lighting or sound-related project on a building.
17. Irrespective of this, the Commissioner explained to the complainant that whether or not the status of the company that fitted the noise limiting device in question fulfils a particular condition of the premises licence is not a matter that falls within the scope of the Commissioner's role. The Commissioner's role is to investigate public authorities' compliance with their obligations under the Freedom of Information Act. In this case, the complainant requested the name of the company/organisation/professional body that fitted the device. The Commissioner is satisfied that one company fitted the device, that the Council has released the name of this company to the complainant and

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that it has consequently complied with its obligations under section 1(1) of the FOIA.

## Right of appeal

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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](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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** .....

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**