

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 10 January 2018

Public Authority: South Cambridgeshire District Council

Address: South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Decision (including any steps ordered)

1. The complainant has requested information relating to Teversham Skate Park. The council responded disclosing some information. The complainant contacted the Commissioner, as he remains dissatisfied with the way in which his request was handled. Specifically, the complainant is unhappy that the council took more than 20 working days to respond.
2. The Commissioner's decision is that the council has breached regulation 5(2) of the EIR by failing to respond to the complainant's request within 20 working days. But as the council has now responded and the complainant has raised no concerns about the response provided, the Commissioner does not require any further action to be taken.

Request and response

3. On 18 September 2017, the complainant wrote to the council and requested information in the following terms:

"I would like to request the following under the Freedom of Information Act.

1) A copy of SCDC's current Environmental Health Enforcement policy.

- 2) A copy of SCDC's current Planning Enforcement policy
- 3) A table or diagram of the current staffing structure of SCDC's Environmental Health Department, including names of staff.
- 4) A copy of all information held relating to or connected with the Teversham Skate Park, nr. Borley Way, Teversham.

This to include all records, correspondence, notes, emails, logs, complaints, reports, including communications between departments, including Environmental Health, Planning, legal and Strategic Housing, sound recordings and any analysis undertaken of them, and copies of objections to the retrospective planning application for a fence on an earth bund at the Skate Park,

To also include all of the above items relating to or produced by, former Environmental Health Department employee/consultant [name redacted], and former Environmental Health Department employee/consultant [name redacted].

- 5) Details of the dates when [name redacted] and [name redacted] were

A) Employed directly by SCDC and B) Employed as a consultant by SCDC

- 6) The costs of any employment as consultants of [name redacted] and [name redacted]

7) Details of the reasons for, the houses visited, and the results of, the door-to-door enquiries soliciting resident's views on noise from the Teversham skate park carried out recently by Environmental Health or Planning staff."

4. The council contacted the complainant on 18 and 24 October 2017 to apologise for the delay in responding to his request.
5. On 7 November 2017 the council issued its response providing the complainant with some information.
6. The complainant requested an internal review on 15 November 2017 and this was completed by the council on 12 December 2017.

Scope of the case

7. The complainant first contacted the Commissioner on 16 November 2017 to complain about the way his request for information had been handled. At this time, the complainant had only just requested an internal review so there was no complaint to answer. However, on receipt of the council's internal review response the complainant contacted the Commissioner again (27 December 2017) to complain about the council's failure to respond to his request within 20 working days.
8. The complainant has therefore requested a decision notice to record any procedural breaches of the EIR. No complaint has been made to the Commissioner about the contents of the response the council provided.

Reasons for decision

9. Regulation 5(1) of the EIR states that 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.
10. Regulation 5(2) 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.
11. It is noted in this case that the complainant's request was received by the council on 18 September 2017. However, the council failed to respond until 7 November 2017. As the council took more than 20 working days to respond to the complainant's request, the Commissioner has found the council in breach of regulation 5(2) of the EIR.
12. But as the council has now responded its final response and the complainant has raised no concerns about the council's response, the Commissioner does not require any further action to be taken.

Right of appeal

13. 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

14. 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.
15. 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

Samantha Coward
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF