

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

Date: 23 January 2018

Public Authority: Department for Communities & Local Government (DCLG)

Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested information about call-in requests to DCLG, on Planning applications from 2010 to 2017, including the name of the Local Planning Authority involved, reference number, site name, outcome of the Secretary of State's decision and the date of decision in each case.
2. The Commissioner's decision is that DCLG did not deal with the request for information in accordance with the EIR in the following ways:
 - a. It failed to provide the information requested within the statutory timeframe of 20 working days and has therefore breached Regulation 5(2) of the EIR
 - b. It failed to issue a refusal notice within the statutory timeframe of 20 working days and has therefore breached Regulation 14(2) of the EIR.
3. As both a response and a refusal notice have now been issued, the Commissioner does not require the public authority to take any steps.

Request and response

4. On 21 June 2017, the complainant wrote to DCLG and requested information in the following terms:

"With reference to the following document, do you record requests for call-in of planning applications and if so could you provide a searchable list sufficient to identify the LA, the planning application number, the organisation requesting the call-in (with requests by members of the public to be identified as such), reasons given by the requestor etc as well as the outcome.

"<http://researchbriefings.files.parliamen...>

"Should you have any queries or require me to limit the scope of the request please do not hesitate to contact me via WhatDoTheyKnow.com."

5. DCLG responded on 22 June. It stated that it held some relevant information but needed further clarification on the scope of the request. There followed an exchange of correspondence between the complainant and DCLG to discuss how the request might be narrowed.

6. On 12 July 2017, the complainant made a refined request to DCLG in the following terms:

Please supply a list of call-in requests over the same period as used in the report previously referenced (detailing numbers of call-ins over previous governments, going back to the last Labour administration) giving the name of the Planning Authority, the application number, the outcome and any other data fields that are readily accessible (eg dates).

7. DCLG acknowledged the refined request on 17 July 2017.
8. The complainant reminded DCLG on 30 August and 24 September 2017 that a response was required.
9. DCLG responded on 7 November 2017. It provided most of the information requested but it refused to supply the LPA Planning Reference numbers on the grounds that to do so was Manifestly Unreasonable under Regulation 12(4)(b).

Scope of the case

10. The complainant contacted the Commissioner on 17 October 2017 to complain that DCLG had not responded to her request for information.
11. The Commissioner contacted DCLG on 15 November 2017 noting that, whilst a response had been provided since the complainant brought her

complaint to the ICO, it had been provided outside of the statutory timeframe.

12. The Complainant contacted the Commissioner on 16 November 2017 to request a decision notice considering DCLG's compliance with the EIR.
13. The Commissioner has therefore had to consider whether DCLG has handled the request in accordance with Regulations 5(2) and 14(2) of the EIR.

Reasons for decision

14. Regulation 5(2) of the EIR states that a request should be answered "*as soon as possible and no later than 20 working days after the date of receipt of the request.*"
15. Regulation 14(2) of the EIR states that, where a request is refused, a refusal notice should be issued "*as soon as possible and no later than 20 working days after the date of receipt of the request.*"
16. From the information provided to the Commissioner in this case, it is evident that DCLG did not provide the requested information or issue a refusal notice within the statutory timeframe of 20 working days. She has therefore found that DCLG breached both Regulation 5(2) and Regulation 14(2) of the EIR.

Right of appeal

17. 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

18. 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.
19. 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

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