

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 11 October 2022

Public Authority: North Lincolnshire Council

Address: Church Square House
30-40 High Street
Scunthorpe
DN15 6NL

Decision (including any steps ordered)

1. The complainant requested information from North Lincolnshire Council ("the Council") relating to grass verge cutting and public footpath maintenance.
2. The Commissioner's decision is that the Council failed to disclose the requested information within 20 working days and has therefore breached regulation 5(2) of the EIR. No steps are required.

Request and response

3. On 5 June 2021, the complainant made a multi-part request about the department which looked after grass verges, public footpaths and green areas. The complaint received by the Commissioner relates to the following parts of the request:

Request 2: "Can you please let me know how many members of staff made up this department [Neighbourhood Services] for each of the last 10 years including this present year?"

Request 5: "Can you please supply a time line of which town and parish councils accepted devolved responsibilities for the grass verge and public footpath maintenance and when, including

situations where one town or parish council look after more than just their own area?"

Request 6: "Can you please let me know the budget for the relevant department of the council that carries out the cutting of grass verges and maintenance of public footpaths for each of the last ten years?"

Request 8: "Can you please let me know how many complaints the council have received (if any) about the standard of grass verge cutting and public footpath 2 maintenance in areas that have accepted devolved responsibility since that responsibility was taken."

4. On 2 July 2021 the Council responded. It provided the following responses:

- Request 2 response: "Due to several organisational reviews over this period, it is not feasible to give meaningful information. However, I can inform that there has been no staff redundancies in the last 10 years."
- Request 5 response: "All Town and Parish Councils were contacted on the 27th February 2020 to offer the opportunity. The deadline to accept the offer was 25th March 2020. However, the communication also stated "should your Council be interested in pursuing this opportunity, but are unable to meet this deadline, please contact me where alternative dates for accepting and commencement may be possible." When Town and Parish Councils declined the offer, neighbouring councils were offered the opportunity during late March /early April 2020."
- Request 6 response: "The overall budget for grounds maintenance does not separate grass cutting from all the other activities within this heading. Other activities include work such as hedge maintenance, shrub beds and flower beds, path edging etc. Grass cutting within Scunthorpe, large open spaces, parks and cemeteries continue to be cut by the inhouse team at North Lincolnshire Council."
- Request 8 response: "It is difficult to give accurate figures as many of the contacts from the public are not necessarily complaints, but enquiries and seeking clarification or requests. North Lincolnshire council has only received a small number of complaints in 2020 and these were mainly over a few missed panels, as contractors were not familiar with the

areas and sometimes we needed to clarify issues and mapping data needed to be updated. Some residents may have gone directly to Town and Parish Councils, although feedback has again indicated that complaints were very low and significantly reduced over previous years. This year complaints have risen. This is mainly due to a very wet May and limited cutting days available, followed by rising temperatures in early June when the grass grew very quickly over a short period of time.”

5. Following an internal review the Council wrote to the complainant on 17 September 2021. It revised its position to the following:

- Request 2 internal review position: “[The Council] does not hold the requested information because organisational reviews have meant the team has not existed in the same way over the last 10 years.”
- Request 5 internal review position: “Not held in reportable format.”
- Request 6 internal review position: “due to the number of organisational changes that have taken place it is not possible to provide this information. At times, as explained above functions have been merged and these tasks could have been undertaken by a wide range of operatives.”
- Request 8 internal review position: “the council did not receive any complaints in 2020 about the standard of grass verge cutting and public footpath maintenance. The council does not hold details of complaints made directly to Town and Parish Councils.”

Scope of the case

6. The complainant contacted the Commissioner on 11 October 2021 to complain about the way their request for information had been handled.
7. During the course of the Commissioner’s investigation the Council maintained it’s position in relation to request 8, that the council did not receive any complaints in 2020 about the standard of grass verge cutting and public footpath maintenance, however, it revised its position in relation to requests 2, 5 and 6. On 7 October 2022 the Council disclosed information held within the scope of requests 2, 5 and 6.

8. The scope of this notice and the following analysis is to consider whether the Council has complied with its obligations in relation to the time for compliance at regulation 5(2) of the EIR with respect to requests 2, 5 and 6.

Reasons for decision

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

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

10. 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."

11. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the Council has breached regulation 5(2) by failing to disclose the requested information within 20 working days.

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

Victoria James
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF