

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 25 July 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 documents and internal Council correspondence concerning the sale of a property.
2. The Commissioner's decision is that the Council breached Regulation 5(2) of the EIR by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. As a response has been issued, the Commissioner does not require the Council to take any further steps.

Request and response

4. On 3 November 2021, the complainant made the following request for information to the Council:

"This email is an open request for the information to be supplied to me under the Freedom Of Information Act 2000.

Please send me:

- All documents and internal council correspondence relating to the property [ADDRESS REDACTED] .

- All documents and internal council correspondence relating to the sale of the property [ADDRESS REDACTED].

- All documents and internal council correspondence relating to the advertisement for sale of the property [ADDRESS REDACTED].

- All documents and internal council correspondence relating to the provisional sale of the property [ADDRESS REDACTED] specifically as a whole unit with four acres and additional farm buildings, prior to and during its tendering process.

Please supply me the required information as hard copies by email or digital copies by email."

5. The Council provided a response to the request on 22 July 2022.

Scope of the case

6. The complainant contacted the Commissioner on 7 March 2022 to complain about the Council's failure to respond to this request.
7. The Commissioner contacted the Council on 11 July 2022 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
8. On 22 July 2022, the Council issued a response to the complainant.
9. The scope of this notice and the following analysis is to consider whether the Council has complied with regulation 5(2) of the EIR.

Reasons for decision

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

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

11. 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."

12. 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 respond to the request within 20 working days.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF