

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

**Decision notice**

**Date:** 14 March 2022

**Public Authority:** South Somerset District Council ("the Council")  
**Address:** Council Offices  
Brympton Way  
Yeovil  
Somerset  
BA20 2HT

**Decision (including any steps ordered)**

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1. The complainant requested information from the Council about planning applications for homeless housing provision. By the date of this notice the Council had failed to provide a substantive response to this request.
2. The Commissioner considers some parts of the request to fall under the EIR and some parts under the FOIA
3. The Commissioner's decision is that the Council has breached regulation 5(2) of the EIR and section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
4. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - The Council must provide a substantive response to the request in accordance with its obligations under the EIR and FOIA.
5. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

**Request and response**

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6. On 25 October 2021, the complainant wrote to the Council and requested information in the following terms:

"Following on from the provision of the output of the three FOI's requested of SSDC, I have a number of follow up questions. Some of these maybe additional questions however some are querying the output provided where I believe this has not full satisfied the scope of the FOI requests.

FOI 1420

There only seems to be one document submitted on the back of my FOI from SSDC in relation to this planning application both pre and post the application submission. This document is from [redacted] and I assume responses from SSDC. Is this genuinely the only communications that took place, I can confirm at least one other documents myself which was from a SSDC meeting at which this proposal was discussed in detail. I don't believe that SSDC have completed their duty for an FOI here.

SSDC have granted £390,00 for this proposal, why are there no documents in relation to this, as I believe the grant is on the provision that this planning application is successful therefore directly linked to Acacia Lodge?

Likewise it is noted in what has been provided, that the building has been "deemed to be unfit for purpose" What evidence was submitted by either SSDC or BCHA (what assessments carried out) to obtain the conclusion of the building being unfit for purpose?

The document noted that other options were considered but rejected. Could you provide the documented assessments and output of these, as this would form part of this FOI.

Additionally, there was a quoted estimate of £5 million to make Pathways 'fit for purpose' the documents that relate to this conclusion have not been provided in this FOI (or FOI 1421) therefore these should be provided.

FOI 1421

With regards the anti-social behaviour at Pathways, Avon and Somerset Police have received more than 1700 calls related to Pathways and had to attend over 80 times (this is Pathways and not [redacted] as a whole) this calendar year up to August. The local Town Council themselves have raised this as their council meetings (some of whom are part of SSDC), therefore it is unreasonable to believe that this has not been discussed and communicated at SSDC level and that they are not aware

of this or spoken with Avon and Somerset police in regards to this. Therefore there should be documented output in relation to this?

BCHA must be accountable to SSDC for the provisioning of Pathways, therefore they must be regular reviews of the success of Pathways and surely the crime rate related to this would be assessed during this? If this doesn't happen then this is a huge failing on the part of SSDC who are paying significant fees to BCHA for accommodating homeless people (without ensuring success?).

FOI 1453

Could you provide a breakdown of the homeless provisioning and the breakdown of their connection to South Somerset for the assessment carried out between 1/6/221 - 12/10/21

Out of the 253 assessed during the above period how many of these were housed in accommodation in Yeovil?

Aside from Pathways, how many homeless housing provisions (number of beds and number of buildings) are there within the Yeovil area, we understand that BCHA have at least another 11.

Additionally, how many buildings / beds are homeless exist outside of Yeovil within South Somerset District?

Of the 253 Homeless for the period of 1/6/221 - 12/10/21 how many of these were also classed as homeless on the previously assessed period?

I'd appreciate your feedback on these as they do indicate that largely this FOI has not been correctly fulfilled by SSDC and therefore I would like this reassessed."

7. To date, a substantive response has not been issued.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 8 February 2022 to complain about the failure by the Council to respond to his request.
9. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance under regulation 5(2) of the EIR and section 10 (1) of the FOIA.

### **Reasons for decision**

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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. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.

13. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt.”

14. The Commissioner considers that some parts of the request are likely to fall under the EIR. This is because the requested information was information on “measures and activities affecting, or likely to affect, the elements and factors of the environment”. Therefore, the information would fall within the definition of environmental information at regulation 2(1)(c) of the EIR.

15. The Commissioner considers the remainder of the request to fall under the FOIA.

16. On 14 February 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

17. Despite this intervention the Council has failed to respond to the complainant.

18. 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 and the FOIA. The Commissioner finds that Council has breached regulation 5(2) of the EIR and section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR and the FOIA.



## Right of appeal

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19. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**