

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

**Date:** 21 March 2023

**Public Authority:** South Kesteven District Council  
**Address:** Council Offices  
The Picture House  
St Catherine's Road,  
Grantham  
NG31 6TT

**Decision (including any steps ordered)**

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1. The complainant has requested copies of internal reports. The above public authority ("the public authority") had failed to respond at the date of this notice.
2. The Commissioner's decision is that the public authority has failed to respond to the request within 20 working days and has therefore breached Regulation 5(2) of the Environmental Information Regulations.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the EIR, to the request.
4. The public authority 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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5. On 8 December 2022, the complainant contacted a specific officer within the public authority and requested information in the following terms:  
  
"Could you please ensure that I receive a copy of any internal reports and records resulting from this process."
6. The public authority appears to have acknowledged the request as it provided a reference number on the same day. However, no substantive response had been received at the date of this notice.

## **Reasons for decision**

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7. The Commissioner has not seen the requested information but the contextual information provided to him would indicate that the request relates to a dispute between neighbours over vegetation management. For procedural reasons, he has therefore assessed this case under the EIR.
8. The Commissioner contacted the public authority on 4 March 2023 to point out that the request had not been responded to.
9. The public authority responded to say that it was not aware of the request for information – although it had received a service complaint from the complainant on the same day that had been responded to.
10. The Commissioner followed up that correspondence by sending a copy of the request itself, to enable the public authority to carry out further searches. The public authority explained that the request may not have gone through the correct internal processes – however no further response was received.
11. From the evidence presented to the Commissioner in this case, he is satisfied that a request was made to and received by the public authority on 8 December 2022. It is clear that, in failing to issue a response to that request within 20 working days, the public authority has breached Regulation 5(2) of the EIR and must now respond to the request within 35 calendar days.

## Right of appeal

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

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

**Roger Cawthorne**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**