

**FREEDOM OF INFORMATION ACT 2000 (SECTION 50)
ENVIRONMENTAL INFORMATION REGULATIONS 2004**

DECISION NOTICE

Dated 20 July 2005

Name of Public Authority: King's Lynn and West Norfolk Borough
Council

Address of Public Authority: King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint from the complainant which states that on 23 February 2005 the following information was requested from King's Lynn and West Norfolk Borough Council (the "Council"):

Photocopies of the complainant's planning application file.

It is alleged that the Council will not provide the complainant with copies of the above information free of charge.

The Commissioner's Decision

Under section 50(1) of the Act, (as amended by the Environmental Information Regulations 2004 (the "Regulations")), except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part 2 and 3 of the Regulations and to issue a Decision Notice to both the complainant and the public authority.

The information requested by the complainant is environmental information as defined in paragraph 2 of the Regulations and the Council has requested the following charges for providing copies: £6.50 for the Planning Decision Notice, £12.50 for an A2 sized plan, and 50p for all other A4 sized sheets.

The Commissioner's decision in this case is that the Council has complied with its obligations under Part 2 of the Regulations. The information requested by the complainant is available for inspection at the Council's offices free of charge in accordance with paragraph 8(2)(b) of the Regulations. Paragraph 8(2)(b) provides that a charge must not be made for allowing an applicant "...

to examine the information requested at the place which the public authority makes available for that examination”.

The Council is also satisfied that the charge made for the provision of copies of the information requested is a reasonable amount in accordance with Regulation 8(3). Paragraph 8(3) of Part 2 of the Regulations states that any charge made by a public authority to make environmental information available “shall not exceed an amount which the public authority is satisfied is a reasonable amount”.

Action Required

In view of the matters referred to above the Commissioner requires no further action to be taken.

Right of appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 20th day of July 2005

Signed:

Graham Smith
Deputy Information Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF