

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 11 July 2013

Public Authority: Cheshire West and Chester City Council
Address: Nicholas Street
Chester
CH1 2NP

Decision (including any steps ordered)

1. The complainant requested copies of the entire contents of two land deeds to be sent to him by post.
2. The Commissioner's decision is that Cheshire West and Chester City Council (council) has breached regulation 5(2) of EIR by not providing the requested information in the 20 working day timeframe. As the council has now responded to the request, the Commissioner does not require any steps to be taken.

Request and response

3. On 20 August 2012, the complainant wrote to the council and requested information in the following terms:

"further to my previous correspondence in the above land deeds might you agree to provide me copy of the entire contents of both H50 & H98 and send them to me by post, please advise me of the cost in advance. Further that I would like to make application to you to receive a copy of the following document, CWAC Statement of Community Involvement Planning Applications,

To conclude that I am unable to open the file that you previously sent me, might you have different formats and if not might you send the material by post. Thank you for all of your assistance in these matters they are greatly appreciated."

4. The council acknowledged the request had been received on 20 August 2012.
5. The part of the request regarding the statement of community involvement was provided to the complainant by way of web link on 24 August 2012.

Scope of the case

6. The complainant contacted the Commissioner on 10 October 2012 to complain that the council had not responded to the information request.
7. The Commissioner contacted the council on 5 December 2012 with regard to the complainant's complaint about the non-response to his request for the land deeds.
8. The Commissioner notes that there was correspondence between the council and the complainant in which the council believed that the information had been provided to the complainant.
9. The council responded to the complainant on 9 January 2013 by sending the contents of deeds packets H50 and H98. However, they were not delivered and further copies were sent on or around 4 February 2013.
10. Following exchanges of correspondence with the complainant, the council conducted an internal review on 7 February 2013. It confirmed that prior to January 2013 the complainant had never been supplied the entire contents of the deed packets. It acknowledges that it did not provide a response to this request within the 20 working day timeframe of the request.

Reasons for decision

11. Regulation 5(2) of EIR states that information shall be made available as soon as possible and no later than 20 working days after the date of receipt of the request. In this the requested information was not provided until after 4 months from the receipt of the request. Therefore, the council breached regulation 5(2) of the EIR in relation to the complainant's request.

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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF