

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

Decision notice

Date: 17 August 2017

Public Authority: Luton Borough Council
Address: Town Hall
George Street
Luton
Bedfordshire
LU1 2BQ

Decision (including any steps ordered)

1. The complainant requested information relating to building works and planning permission given for an extension/extensions at a particular address in Luton. The Commissioner's decision is that the Luton Borough Council ('the Council') failed to provide a response to the request within the statutory timeframe of 20 working days. This constitutes a breach of regulation 5(2) of the EIR. She upholds the complaint but does not require any further action to be taken as a response has now been issued.

Request and response

2. On 17 October 2016, the complainant wrote to the Council and requested information in the following terms:

I have some questions about the extensive building work that has been taking place at this address; Luton Borough Council has given planning permission for an extension/extensions. I would like to know:

1/ Has all the work that has been carried out so far been 100 per cent in compliance with the planning permission(s) granted by LBC, or

2/ Has any of the work carried out so far been done without valid planning permission?

3/ If there has been a planning breach, please give details of the unauthorised work, including whether or not the council might consider any enforcement action.

3. The Council requested clarification of the address to which the request related on 14 November 2016, this was 20 working days after the initial request. The complainant provided the address on 15 November 2016 stating that it had been included in the initial request header.
4. On 18 January 2017, the Commissioner contacted the Council to remind it of its statutory obligations under the EIR and asked it to provide a response within ten working days.
5. The Council issued a response to the complainant's request on 2 February 2017. This was 75 working days after the initial request and 54 working days after the address had been clarified.
6. The complainant raised a complaint with the Council on 16 February 2017 stating that the information was provided late and that it was out of date.
7. Following an internal review the Council wrote to the complainant on 20 February 2017 with an updated response. This was 87 working days after the original request. The Council apologised for the late and previously incomplete response and explained that it was due to the service department being under-resourced to respond to requests. The Council provided the complainant with contact details to enable a swifter response to further planning permission related enquiries.

Scope of the case

8. The complainant initially contacted the Commissioner on 1 January 2017 to complain that he had not received a response to his information request. The Council subsequently provided some information on 2 February 2017 and further information on 20 February 2017 following an internal review.
9. On 17 May 2017 the complainant expressed dissatisfaction to the Commissioner about the length of time to respond to the request; that the Council took 20 working days to clarify the address to which the request related and that the original response was incomplete.

10. The Commissioner notes that the Council did respond to the request, albeit following her intervention. She also notes that the Council updated the response after a further complaint was raised by the complainant which resulted in an internal review.
11. The scope of the case is, therefore, to consider the Council's response in the context of its statutory obligations under the EIR

Reasons for decision

Regulation 5(2)

8. Regulation 5(2) of the EIR states that information shall be made available "*as soon as possible and no later than 20 working days after the date of the receipt of the request.*"
9. The authority took longer than 20 working days to respond to the request on this occasion. That was a breach of regulation 5(2) of the EIR.

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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: 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

Andrew White
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Wycliffe House
Water Lane
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Cheshire
SK9 5AF