

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 16 March 2017

**Public Authority:** East Hampshire District Council

**Address:** Penns Place  
Petersfield  
Hampshire  
GU31 4EX

#### Decision (including any steps ordered)

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1. The complainant made two information requests in relation to an area called Ramshill. East Hampshire District Council (the council) provided its response to both requests. The complainant was not satisfied with the time it took the council to provide its response.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA in relation to both requests as the responses were provided outside the required 20 working day timeframe following receipt of the requests.
3. As the council has provided its responses to the requests, the Commissioner does not require it to take any steps.

#### Request and response

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4. On 27 June 2016 the complaint requested the following information from the council:

*"You may be aware that there are outstanding issues from over 10 years ago at the Ramshill Estate (Ref 35364). Skinners Lane The footpath, known as Skinners Lane, has been the subject of frequent Committee Reports since the Council admitted its previous lack of action amounted to maladministration. Planning officers have been meeting the developer every 6 weeks. In March the Committee were told there would be another report in June. This did not happen. Will you please tell me : Did the Chairman of the Planning Committee agree to defer the report. What is the new date for the next report. Drainage Previous*

*reports on Ramshill stated : The drainage condition has been discharged and the outstanding landscaping matters agreed. I have checked and I find this is not true. The drainage condition was conditionally discharged in a letter dated 28/10/2009. The condition is full implementation of the recommendations in the ROSPA report dated 7th June 2007. The ROSPA safety report contains only 3 items classified as requiring action: The removal of a temporary monitoring well head - this has been done. The removal of a sharp protruding wall tie - this has been done. The planting of the flood area in the lower basin this has not been done. Extract from ROSPA Lower Basin Area report: This area is not suitable for use as an informal kickabout due to the water retained in it..... It is recommended that low level planting be installed at the high water mark.... This requirement has not yet been met. Would you please ensure the Committee are informed of the correct status in the next report with an update on proposed action to be taken to get planting implemented. Compensation for Loss of Kickabout Area The developer was required to make a commuted payment for the loss of kickabout area due to the construction of the drainage basin. Please tell me how much was this compensation and when was the payment received? Adoption By Southern Water Approval by Committee was conditional on confirmation from Southern Water that the drainage system had been built to adoptable standards. Could you post a copy of that confirmation on your website. (I have examined the Consultation Records on your website and the last communication with Southern Water appears to be in 2005). Please let me know when it is available. (FYI As far as I can see Councillors approving the drainage system were only told that officers understood Southern Water were preparing to adopt the system. I have no idea where this understanding came from but 7 years on the drainage is still not adopted).*

5. The council provided its response on the 29 September 2016.
6. The complainant had also requested, on the 10 September 2016:

*"I have established that the Planning Department has lost a number of documents relating to the Ramshill Development application. Although approved 14 years ago it is still active. There are still un-discharged conditions. I have searched the EHDC website for information on the Council's retention policy. I found a document headed : EHDC and HBC Classification Scheme - Complete Listing with Retention Guidance but that does not seem to cover planning applications. Could you direct me to the Council policy documents and schedules or whatever else that specify the retention requirement for planning documents. If not*

*available on the website could you please send me copies? Would you also send me the Councils policy on the retention, archiving and deletion of electronic information and the specific requirements for the retention and deletion of emails? If in separate documents can I see a copy of the policy and instructions for the recording of destruction/disposal of records?"*

7. On 22 October 2016 he contacted the council again as he had not received the requested information. The Complainant then complained to the Commissioner on the 30 November 2016 regarding the delayed responses to his requests.
8. Following contact from the Commissioner, the council provided its response on the 4 January 2017.

### **Scope of the case**

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9. The complainant has told the Commissioner that he is not satisfied with the time it has taken the council to respond to both of these requests.
10. The Commissioner considers the scope of the case is to determine whether the council has breached section 10(1) of the FOIA in the time it has taken to respond to these two requests.

### **Reasons for decision**

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11. Section 10(1) of the FOIA requires that a public authority responds to a request for information within 20 working days following receipt of the request and in accordance with section 1(1) of the FOIA.
12. The initial request was made on the 27 June 2016 and the council's response to this request was provided on the 29 September 2016.
13. The second request was made on the 10 September 2016 and the council's response to this request was provided on the 4 January 2017.
14. Both these requests were clearly responded to outside the required 20 working days and therefore the Commissioner has found that the council breached section 10(1) of the FOIA for both requests.
15. As the council has responded to these requests, the Commissioner does not require it to take any steps.

## Right of appeal

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16. 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](mailto:GRC@hmcts.gsi.gov.uk)

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

17. 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.
18. 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**