

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 30 June 2021

Public Authority: Caerphilly County Borough Council
Address: Penalta House
Tredomen Park
Hengoed
CF82 7PG

Decision (including any steps ordered)

1. The complainant requested information from Caerphilly County Borough Council ("the Council") relating to the Council's correspondence with Hazrem, regarding an Environmental Impact Assessment.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. A response has subsequently been provided and no steps are required.

Request and response

4. On 3 April 2021, the complainant wrote to the Council and requested information in the following terms:

"To define and provide all correspondence, e mails between officers and elected Cabinet Members and any discussions with Hazrem over the past 12 months over an Environmental Impact Assessment and details of matters carried out prior and during Planning and Application approval stage with copies of all e mails and meetings with the Council including Officers and elected members with Hazrem, Agents and Representatives."

5. The complainant contacted the Commissioner on 12 May 2021 to complain about the Council's failure to respond to his request.
6. The Commissioner contacted the Council on 10 June 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
7. The Commissioner also contacted the complainant on 10 June 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
8. The Council responded the complainant's information request on 24 June 2021.

Scope of the case

9. The complainant contacted the Commissioner on 29 June 2021 to request a decision notice considering the Council's compliance with the EIR.
10. The scope of this notice and the following analysis is to consider whether the Council has complied with regulation 5(2) of the EIR.

Reasons for decision

11. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

12. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

13. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached regulation 5(2) of the EIR.

Right of appeal

14. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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.
16. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF