

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

**Decision notice**

**Date:** 30 October 2013

**Public Authority:** Copeland Borough Council  
**Address:** The Copeland Centre  
Catherine Street  
Whitehaven  
Cumbria  
CA28 7SJ

**Decision (including any steps ordered)**

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1. The complainant made two requests for information from Copeland Borough Council relating to a planning application under reference 4/01/0437/0.
2. The Commissioner's decision is that Copeland Borough Council has breached Regulation 5(2) of the EIR by failing to respond to the complainant's requests within twenty working days.
3. The Commissioner does not require the Council to take any steps.

**Requests and responses**

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4. The complainant made two requests for information from Copeland Borough Council ("the Council").
5. On 9 June 2013 the complainant requested information in the following terms:  
"Please provide me with the following information:
  1. A copy of the information/evidence which supports the Council's statement, 'Furthermore it appears that individual homeowners have altered the levels of the land.' This statement is on the attached

document 191. I believe this statement was made to the Local Government Ombudsman.”

6. On 11 June 2013 the complainant asked for the following information:  
“I would be grateful if Copeland Borough Council could provide me with the following information:
  1. Is a case officer different to a planning officer in Copeland Borough Council.
  1. Who was the planning officer who primarily dealt with planning application 4/01/0437/0.
  2. If [name redacted] was the planning officer who primarily dealt with application 4/01/0437/0 please provide me with the information which confirms this.
  3. Please provide me with all the correspondence/notes/memos from and to [name redacted] in relation to planning application 4/01/0437/0 and all other planning applications which relate to the High grange Development at Beck Rise Beckermat.”
7. The Council responded to both requests on 1 August 2013.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 10 September 2013 to complain about the way her request for information had been handled. On 17 September the complainant informed the Commissioner that she had the information she had requested but remained dissatisfied with the failure of the Council to respond to her requests within the statutory time limit.
9. The Commissioner has considered whether the Council has complied with the EIR solely in respect of the date on which it responded to the complainant's two information requests.

## **Reasons for decision**

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### **Regulation 5(2) – Time period for response to a request**

10. Regulation 5(2) of the EIR requires a public authority to provide a response to a request under the EIR within twenty working days.
11. The Commissioner notes that the Council took thirty seven working days and thirty nine working days to provide its responses to the complainant.
12. Therefore the Council did not respond to the complainant's request within the required twenty day time period and consequently the Council breached Regulation 5(2).

## Right of appeal

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13. 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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

14. 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.
15. 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**