

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 3 May 2022

**Public Authority:** Cherwell District Council

**Address:** Bodicote House

Bodicote

Banbury

Oxfordshire

OX15 4AA

### **Decision (including any steps ordered)**

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1. The complainant requested information from Cherwell District Council ("the Council") about documents relating to the creation of the Graven Hill Village Development Company.
2. The Commissioner's decision is that the Council has breached regulation 11 of the EIR by failing to provide a reconsideration (internal review) of a response within 40 working days. No steps are required.

### **Request and response**

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3. On 16 January 2022, the complainant wrote to the Council and requested information in the following terms:

"I am a resident in Graven Hill, Bicester. As you will be aware, the delivery of the development is being undertaken by the Graven Hill Village Development Company (GHVDC) and associated companies, with Cherwell District Council (CDC) the creator and shareholder of these companies.

I would like to see the documents in the possession of CDC recording the purposes for which GHVDC was created."

4. The Council responded to the request on 9 February 2022. This was within the 20 working day time period for a response to be provided under the EIR.
5. The complainant requested an internal review on 14 February 2022.
6. The Council provided an internal review response on 27 April 2022.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 19 April 2022 to complain about the way this request for information had been handled and on 29 April 2022 reiterated their dissatisfaction with the time taken by the Council to provide the internal review response.
8. The scope of the Commissioner's investigation is to determine whether the Council has complied with regulation 11 of the EIR.

### **Reasons for decision**

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9. Regulation 11<sup>1</sup> of the EIR states that:
  - “(3) The public authority shall on receipt of the representations and free of charge—
    - (a) consider them and any supporting evidence produced by the applicant; and
    - (b) decide if it has complied with the requirement.
  - (4) A public authority shall notify the applicant of its decision under paragraph (3) as soon as possible and no later than 40 working days after the date of receipt of the representations.”
10. From the evidence presented to the Commissioner in this case it is clear that, in failing to carry out an internal review within 40 working days, the Council has breached regulation 11 of the EIR.

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<sup>1</sup> <https://www.legislation.gov.uk/ukxi/2004/3391/regulation/11>

## Right of appeal

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11. 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](mailto:grc@justice.gov.uk)

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

12. 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.
13. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**