

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 16 January 2023

Public Authority: East Lindsey District Council

Address: Tedder Hall
Manby Park
Louth
Lincolnshire
LN11 8UP

Decision

1. The complainant requested information from East Lindsey District Council ("the Council") relating to a specific planning application.
2. The Commissioner's decision is that on the balance of probabilities, the Council does not hold further information within the scope of the request.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. The complainant made the following information request to the Council on 2 September 2021:

“I would like to request all documentation (including, but not limited to paperwork, emails, records of telephone calls meeting minutes) related to the planning application [reference redacted]. I live on the outskirts of the village and thus the decision will have impact upon me.”
5. The Council responded on 28 September 2021 and provided the complainant with some information within the scope of the request. The Council also provided the complainant with a link to where information within the scope of the request could be located on the Council’s website.
6. On 13 December 2021, the complainant requested an internal review. The Council responded on 13 January 2022 and 9 February 2022 and stated that all the information it holds within the scope of the request has either been disclosed to the complainant or is available on the Council’s website.

Reasons for decision

7. This reasoning covers whether the Council is correct when it says that all information held within the scope of the request has either been disclosed to the complainant or is available within the public domain.
8. The complainant considers the Council to hold further information within the scope of their request which has not been disclosed to them and is not available on the Council’s website.
9. The Council maintains that all the information it holds within the scope of the request is either available on the Council’s website, or has been disclosed to the complainant. In its submissions to the Commissioner, the Council explained the searches it conducted for information held within the scope of the request.
10. The Council explained that it conducted a search of its IDOX system for information within the scope of the request. The IDOX system is an electronic document and records management system used to store information relating to planning applications. The system contains both information which is available to the public and information which is only accessible to Council planning staff.

11. The Council explained that it also conducted a search of all emails held in the planning department's email mailbox for information within the scope of the request. When conducting its search for information within the scope of the request, the Council used the planning application reference number, the name of the individual who submitted the planning application and the address of the site which the planning application relates to as search terms.
12. The Council stated that following receipt of this complaint, it conducted a further search for information held within the scope of the request to make sure that it does not hold further information within the scope of the request which has not already been disclosed to the complainant and is not available on the Council's website. The Council did not locate any additional information.
13. The Council explained that it may have held some information relating to consultations and neighbour notifications in paper form which would have fallen within the scope of the request. However, this information would have been uploaded onto the Council's website when it was received and then destroyed, in line with the Council's planning disposal retention policy. Therefore, it would no longer be held by the Council.
14. The Commissioner considers that the Council has carried out adequate searches for information within the scope of the request. Therefore, his decision is that on the balance of probabilities, the Council does not hold further information within the scope of the request and so the exception provided by regulation 12(4)(a) (information not held) is engaged.
15. As no further information has been found to be held, the Commissioner can only find that the public interest in maintaining the exemption at 12(4)(a) of the EIR outweighs any public interest in disclosure, simply because there is no further information to disclose.

Right of appeal

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@justice.gov.uk

Website: 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

Ben Tomes
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF