

Freedom of Information Act 2000 ('FOIA')
Environmental Information Regulations 2004 ('EIR')
Decision notice

Date: 18 November 2013

Public Authority: Sunderland City Council
Address: Civic Centre
Burdon Road
Sunderland
SR2 7DN

Decision (including any steps ordered)

1. The complainant has requested information relating to how a figure of 15,000 dwellings was arrived at. Sunderland City Council ('the council') initially refused the request under section 22 of the FOIA and then amended its position upon review stating that the information was exempt from disclosure under regulation 12(4)(d) of the EIR. As the requested information was disclosed during the Commissioner's investigation, his decision is that the council did not meet the requirements of regulation 5 of the EIR in that it did not provide the requested information within 20 working days. He does not require the public authority to take any steps.

Request and response

2. On 10 April 2013, the complainant wrote to the council and requested information in the following terms:

"With reference to the Local Development Framework Revised Core preferred Options paper put to the Sunderland city Council Cabinet on 13th March 2013, paragraph 7.10 states "A locally derived target of some 15,000 dwellings is therefore proposed to be taken forward in the Core Strategy." 1) Please can you provide me with all of the data this projection is based upon. 2) Please state whether the data was put into time series. 3) If the answer is yes it was put into time series, please can you provide me with copies of the time series analysis. 4) If the answer is yes it was put into time series, please can you tell me which

time series was used and the particular method used to project population figures forward.”

3. The council responded on 10 May 2013. It confirmed that it does hold information within the scope of the request but it is exempt from disclosure under section 22 of the FOIA as the information is intended for future publication. It said that the information will be available in the document “Future Housing Numbers” which will form part of the evidence base to support the next iteration of the Core Strategy and that these documents will be collectively made available for consultation in mid-June 2013 and will be published on the council’s website and available to view at the libraries and the Customer Service Centres.
4. The complainant requested an internal review on 11 May 2013. He said that the council had not used the correct legislation as the information is environmental and therefore the request should have been dealt with under the EIR. He also provided reasons as to why it is in the public interest for the information to be released.
5. On 4 June 2013, the council provided its internal review response. It agreed that the request is covered by the EIR and stated that the information is exempt from disclosure under regulation 12(4)(d) as it is still in the course of completion and is due to be put in the public domain within the month for scrutiny and consideration.

Scope of the case

6. The complainant contacted the Commissioner on 1 August 2013 to complain about the way his request for information had been handled.
7. The Commissioner understands that the requested data was supplied to the complainant during the course of the investigation but was not made publically available as part of the consultation process. On 5 August 2013 he was provided with a paper entitled ‘Future Housing Numbers’ and on 9 August 2013 he was provided with raw data on an excel spreadsheet. The complainant has confirmed to the Commissioner that the information provided is the information he had requested.
8. As the requested information has now been provided the scope of this case is to consider whether the council has complied with the requirements of regulation 5 of the EIR.

Reasons for decision

Regulation 5

9. Regulation 5(1) states that a public authority that holds environmental information shall make it available on request. Regulation 5(2) states that this information shall be made available as soon as possible and no later than 20 working days after the date of receipt of request.
10. The complainant submitted his request for information on 10 April 2013. The council did not provide the complainant with the requested information until 5 and 9 August 2013. Consequently the Commissioner finds that the council has breached regulation 5(2) of the EIR, in that this information was not provided to the complainant within 20 working days.

Right of appeal

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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Andrew White
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