

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

Decision notice

Date: 8 January 2014

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

Decision (including any steps ordered)

1. The complainant requested from Sunderland City Council ("the Council") information about the cost to the Council of a proposed waste transfer station and also the method of repayment of a Private Finance Initiative loan in respect of the station. The Council provided some information to the complainant and provided additional information during the course of the Commissioner's investigation.
2. The Commissioner's decision is that the Council breached regulation 5 of the EIR by not providing the complainant with all of the information that it held within 20 working days of the date of the request. However, he is now satisfied that it has fully responded to the complainant's request and does not require it to take any further steps to ensure compliance with the legislation.

Request and response

3. On 10 February 2013, the complainant wrote to the Council and requested information about the Jack Crawford House Waste Transfer Station in Hendon, Sunderland. The waste transfer station was to be run by Sita UK as part of a waste management contract with South Tyne and Wear Waste Management Partnership which consisted of

representatives from Sunderland City Council, Gateshead Council and South Tyneside Council.

4. The complainant specifically requested:

"...a breakdown of the expense/costs to Sunderland's rate payers for their share of the Hendon /Sita operation to provide us their version of the WTS station mechanism and method of repayment of the PFI loan/ grant probably via the Partnership."

5. The Council responded on 11 March 2013. It provided some information to the complainant. Following further correspondence with the complainant, the Council provided some additional information.
6. Following an internal review the Council wrote to the complainant on 7 June 2013. It again provided some additional information to the complainant.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled. Specifically he did not believe that the Council had provided a full response to the request that he had made.
8. The Commissioner considered whether the Council has provided the complainant with all of the information he was entitled to receive in relation to his request for information.

Reasons for decision

9. As the complainant's request relates to information about a waste transfer station, which is a site used for the temporary depositing of waste materials before it is transferred to other sites, the Commissioner has determined that it was a request for "environmental information" under the Environmental Information Regulations 2004 ("EIR"). He has therefore considered the matter under that regime, rather than under the Freedom of Information Act.
10. During the course of the Commissioner's investigation, the Council provided the complainant with additional information related to his request on a number of occasions. On each occasion, the complainant raised some further queries about the information that had been provided to him. These further queries were again in turn responded to by the Council.

11. Following the final response by the Council, the Commissioner is satisfied that the Council has responded in full to the request and provided the complainant with the relevant information that it holds. The Commissioner does not therefore require the Council to take any further steps to ensure compliance with the legislation.
12. However, under regulation 5 of the EIR, a public authority must make information available within 20 working days of a request. By not disclosing all of the information that it held that fell within the scope of the complainant's request within 20 working days of the date of the original request, the Commissioner has determined that Council breached regulation 5.

Other matters

13. The Commissioner has determined that the Council did not comply with the law as it did not provide the complainant with all of the information that he was entitled to receive within the time frame set down by the legislation. However, he does note that in order to assist the complainant, the Council did subsequently undertake calculations to estimate of the likely running costs of the waste transfer station when it becomes operational which was then provided to the complainant. This meant that it went further than was legally required by the legislation by creating new information which it did not hold at the time that the request was made.

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: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.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

Rachael Cragg
Group Manager – Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF