

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

Date: 12 June 2019

Public Authority: Huntingdonshire District Council

Address: Pathfinder House
St. Marys Street
Huntingdon
Cambridgeshire
PE29 3TN

Decision (including any steps ordered)

1. The complainant requested information from Huntingdonshire District Council ("the Council") about the number of call outs made to its Environmental Health Department relating to pests in a specified postcode area between 31 December 2016 and 31 December 2018.
2. The Commissioner's decision is that the Council failed to respond to the complainant's request within 20 working days of receipt and has therefore breached regulation 5(2) of the EIR.
3. Since the request has now been responded to, the Commissioner does not require the Council to take any further steps in relation to this complaint.

Request and response

4. On 8 January 2019, the complainant wrote to the Council and requested information in the following terms:

"Would you please provide me with the number of call outs made to your Environmental Health Department to deal with the following pests in Post Code PE26 2NU between 31 December 2016 to 31 December 2018

- *Ants*
- *Booklice*
- *Carpet beetles*
- *Cockroaches*
- *Fleas*
- *Flies*
- *Larder beetles*
- *Mice*
- *Moths*
- *Rats*
- *Wasps*

I am particularly interested in infestation by Rats."

5. The Council provided a response on 19 February 2019.

Scope of the case

6. The complainant contacted the Commissioner on 14 February 2019 to complain about the way his request for information had been handled.
7. The Commissioner contacted the Council on 5 March 2019 to highlight the outstanding response and request that a response be issued to the request within 10 working days.
8. The complainant contacted the Commissioner on 25 April 2019 to request a decision notice considering the Council's compliance with the EIR.
9. The Council contacted the Commissioner on 1 May 2019 and provided a copy of its response of 14 February 2019.
10. The following analysis covers whether the Council complied with regulation 5(2) of the EIR.

Reasons for decision

11. Regulation 2(1) of the EIR defines environmental information as being information on:
- (a) *the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;*
 - (b) *factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);*
 - (c) *measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a)...as well as measures or activities designed to protect those elements;*
 - (d) *reports on the implementation of environmental legislation;*
 - (e) *cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and*
 - (f) *the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c);*
12. The Commissioner has not seen the requested information but has considered the wording of the request and notes that it is for number of call outs made to the Council's Environmental Health Department that dealt with pests in a postcode area. She believes that this is likely to be information about the state of human health and safety, including conditions of human life inasmuch as they are or may be affected by the state of the elements referred to in Regulation 2(1)(a). For procedural reasons, she has therefore assessed this case under the EIR.
13. Regulation 5(1) states that: "*a public authority that holds environmental information shall make it available on request.*"

14. Regulation 5(2) states that such information shall be made available "*as soon as possible and no later than 20 working days after the date of receipt of the request.*"
15. The Commissioner considers that the request in question constituted a valid request for information under the EIR.
16. Regulation 7(1) provides that an authority may extend the time for compliance to 40 working days if it reasonably believes that the complexity and volume of the information requested means that it is impracticable either to comply with the request or to make a decision to refuse to do so. However regulation 7(3) states that the authority is obliged to notify the applicant as soon as possible and no later than 20 working days after the request is received. The Commissioner has seen no evidence that the Council advised the complainant that it was relying on regulation 7(1).
17. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached regulation 5(2) of the EIR.

Right of appeal

18. 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

19. 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.
20. 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
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF