

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

**Decision notice**

**Date:** 24 June 2019

**Public Authority:** City of Bradford Metropolitan District Council

**Address:** City Hall  
Bradford  
BD1 1HY

**Decision (including any steps ordered)**

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1. The complainant has requested information regarding land owned or leased by the Council.
2. The Commissioner's decision is that the City of Bradford Metropolitan District Council ("the Council") should have dealt with the request under the FOIA and that it failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. As a response has now been issued, the Commissioner does not require further steps to be taken.

**Request and response**

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4. On 24 January 2019, the complainant wrote to the Council and requested information in the following terms:

*"please provide the following information:*

1. *Number of buildings that the council has a lease across the district?*
2. *Location and use of all council leased building including cost per year, number of years the lease still has and when the lease started*

*Eg. Bolton Wood, Main Street ,bd5 5rt, Swimming Pool,  
£56,000, 25 years left, 2000.*

3. *Number of buildings that the council has a lease outside of the district?*
4. *Location and use of all council leased building including cost per year, number of years the lease still has and when the lease started outside of the district?*
5. *Number of buildings that are owned by the council outside of the district*
6. *Location and use of all council buildings owned by the council outside the district and how much was paid and when.*
7. *All land that is owned by the council in the district including location and purpose of purchase and when it was bought and how much was paid?*

*Eg. West Bowling, Hill Street, BD7 7WE, Children's Hub, 2017 , £125,000.*

8. *All land outside of the district owned by the council including location and purpose of purchase and when it was bought and how much was paid?*

*Eg. Chapel Town, Leeds, LS4 4TT, investment, 2001, £56,000."*

5. The Council acknowledged the request on 31 January 2019 and informed the complainant that it was processing the request under the Environmental Information Regulations ("EIR"), but did not issue its substantive response until 6 March 2019.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 4 March 2019 to complain about the way his request for information had been handled.
7. Although the Council issued its response shortly after the complaint was made, the complainant contacted the Commissioner on 14 June 2019 to request a decision notice considering the Council's compliance with the FOIA.
8. The Commissioner considers that the scope of her investigation is to determine whether the Council has complied with section 10 of the FOIA.

## Reasons for decision

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*Which was the appropriate access regime?*

9. 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);*
10. The Commissioner does not consider that the requested information is information on a "measure" affecting the elements of the environment and it does not fit under any of the other categories of environmental information. She therefore does not consider the information to be environmental and thus the request should have been handled under the FOIA.
11. In any event, the Commissioner notes that, under either access regime, the Council was required to respond within 20 working days.

*Timeliness*

12. Section 1(1) of the FOIA states that:

*Any person making a request for information to a public authority is entitled –*

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

13. Section 8(1) of the FOIA states:

*In this Act any reference to a "request for information" is a reference to such a request which –*

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

14. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

15. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

16. 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 section 10 of the FOIA.

## Right of appeal

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

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

18. 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.
19. 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**