

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 12 October 2022

**Public Authority:** Oxford City Council  
**Address:** St Aldates Chambers  
109-113 St Aldates  
Oxford  
OX1 1DS

#### **Decision (including any steps ordered)**

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1. The complainant submitted a request to Oxford City Council ("the Council") for information in relation to the inspection regime for the River Cherwell.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached Regulation 5(2) of the EIR.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the EIR, to the request.
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Freedom of Information Act and may be dealt with as a contempt of court.

## **Request and response**

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5. On 27 June 2022, the complainant wrote to the Council and requested information in the following terms:

“Can you also advise what inspection regime is in place to ensure that the river is clear and that the various parties with riparian responsibilities are fulfilling their duties, and who, if anyone has any ability to police the matter. Please take this as an FOI Request in the hope that it will yield a response inside of two months.”

6. To date, a substantive response to the request has not been issued.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 6 September 2022 to complain about the way their request for information had been handled.
8. In line with his usual practice, the Commissioner contacted the Council on 10 September 2022 to highlight the outstanding response. He requested that the Council respond to the request within 10 working days. The Council acknowledged this correspondence but failed to provide a substantive response by the date of this notice.
9. The Commissioner considers that the scope of his investigation is to determine whether the Council has complied with Regulation 5(2) of the EIR.

## **Reasons for decision**

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10. Regulation 5(1) of the EIR states that:

“a public authority that holds environmental information shall make it available on request.”

11. Regulation 5(2) of the EIR states that:

“information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request.”

12. 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) and it is now required to respond to the request in accordance with the EIR.

## Right of appeal

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13. 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: 0203 936 8963

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)

14. 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.
15. 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

**Phillip Angell**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**