



Neutral Citation Number:

**IN THE FIRST-TIER TRIBUNAL**  
**GENERAL REGULATORY CHAMBER**  
**(INFORMATION RIGHTS)**

**Appeal No: EA/2015/0118**

**ON APPEAL FROM:**

**The Information Commissioner's Decision Notice No: FS50572185**

**Dated: 13 May 2015**

**Appellant: Philip Bladon**

**Respondent: The Information Commissioner**

**Date of paper hearing: 4 August 2015**

**Venue: Fox Court**

**Before**

**HH Judge Shanks**

**Judge**

**and**

**Henry Fitzhugh and Narendra Makanji**

**Tribunal Members**

**Date of Decision: 10 August 2015**

**Subject matter:**

Freedom of Information Act 2000

s.1	Whether information held
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**DECISION OF THE FIRST-TIER TRIBUNAL**

The Tribunal dismisses the appeal.

**REASONS FOR DECISION**

1. At a meeting of Worcestershire County Council's Planning and Regulatory Committee on 23 September 2014 the committee considered an application for planning permission for a change of use of the Redditch library to a mixed use development. On page 9 of the minutes the following is recorded in relation to the application:

**The representative of the Head of Economic Development and Planning explained that the Worcestershire Wildlife Trust had been consulted because the application site was approximately 250 metres east of the River Avon which was a local wildlife site.**

2. The Appellant, Mr Bladon, says that the River Avon is nowhere near Redditch and that the nearest river is the Arrow which is about two kilometres away and he is concerned that the committee was provided with inaccurate information. On 21 December 2014 he asked the Council the following questions:

- (1) **Has the representative ever visited the Redditch Library site?**
- (2) **If the rep has visited the site would he/she kindly tell us the name of the nearest street or road, 250 metres away, next to where he/she thinks the river is?**
- (3) **Does [the Head of Economic Development and Planning] agree with this statement: "the application site ... is approximately 250 metres east of a river"?**
- (4) **Has this reference to Worcestershire Wildlife Trust and a river been introduced into the minutes by a copy/cut and paste error?**

**(5) Should this reference to [the Trust and the Avon] be in another (different) planning application ... ?**

3. On 19 January 2015 the Council answered the first question in the affirmative. On the second question the Council simply stated that the minutes say the river was *approximately* 250 metres from the application site. The third question was not addressed and the fourth and fifth were answered “No”.
4. Unsatisfied with this response Mr Bladon applied to the Information Commissioner under section 50 of FOIA. The Commissioner rejected his complaint stating that the questions were not valid requests for information under FOIA and he therefore did not require the Council to take any further steps.
5. Strictly speaking we think that the answer to the first question was probably recorded information held by the Council and therefore a request for information under FOIA but it has not been suggested that the answer given was not accurate. As to the other questions we have no doubt that the Commissioner was right to conclude that they were not requests for recorded information which would have been held by the Council at the time of the request. In the circumstances there was no obligation on the Council to supply such information under FOIA and no grounds for any complaint to the Commissioner.
6. In the circumstances we unanimously dismiss the appeal.

HH Judge Shanks

10 August 2015