

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

### **Decision notice**

**Date:** 7 December 2022

**Public Authority:** Derbyshire Dales District Council

**Address:** Town Hall  
Bank Road  
Matlock  
Derbyshire  
DE4 3NN

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

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1. The complainant made two information requests with regards to the maintenance of shrubs and trees for two areas of land.
2. The Commissioner's decision is that Derbyshire Dales District Council (the council) has provided the complainant with the requested information as per regulation 5(1) of the FOIA.
3. The Commissioner does not require any steps.

## Request and response

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4. On 2 March 2022 the complainant made the following two information requests recorded under two separate council reference numbers:

### **Council reference 471543/5896**

"3 trees on [area name redacted] have had their main leader branch cut. Location given below.

I have been told this has been done because residents and councillors have complained.

Please tell me how many residents and how many councillors have complained. Please give separate figures for each."

### **Council Reference 471528/5897**

"I have been told that local residents and district councillors have complained and asked for shrubs to be pruned in an area on [area redacted] (I attach a pin drop location below)

Please tell me how many residents/public and how many councillors have made this complaint and requested the shrubs be pruned. Please give separate numbers for each."

5. The council responded on 25 July 2022 stating that two councillors and two residents had complained about both of the requested areas.
6. The complainant queried the response stating that it seemed too much of a coincidence that two councillors and two members of public have complained about two entirely different areas.
7. The council carried out an internal review on the 26 August 2022. It clarified that for request 471543/5896 the initial response was correct.
8. For request 471528/5897 it amended its response advising that there was actually no information held for complaints, as this area is managed by local residents. The council apologised for the error of the initial response.

## **Scope of the case**

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9. The complainant contacted the Commissioner on 15 August 2022 wanting the council to tell her which area was complained about and which area is managed by residents.
10. The scope of the case is for the Commissioner to determine whether the council has provided the complainant with the requested information.
11. The complainant also wants the council to tell them why the area that has not received any complaints is being pruned. As neither of the two requests in this case has requested this specific information, the Commissioner cannot consider this part of the complainant's complaint. The complainant would need to make a separate information request to the council for that information.

## **Reasons for decision**

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### **Regulation 12(4)(a) of the EIR – information held/ not held**

12. Regulation 5(1) of the EIR requires a public authority that holds environmental information to make it available on request.
13. In this case the complainant wants the council to clarify which area was complained about and which area is managed by residents.
14. The Commissioner has reviewed the council's response and is satisfied that it has identified, following its internal review, that the complainant's request 471543/5896 was the area that complaints were received, and that the complainant's request 471528/5897 is the area managed by residents, receiving no complaints.
15. The Commissioner therefore finds that the council has complied with regulation 5(1) of the EIR.

## Right of appeal

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16. 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:

17. 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

**Daniel Perry**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**