

Process for responding to requests relating to the planning department under the Environmental Information Regulations 2004

The following process should be considered alongside the overall process for responding to EIRs as detailed in the EIR internal guidance document available on the MKC intranet.

Simpler requests (for example, a request for the number of planning applications between set dates or the amount of Section 106 monies received or spent) will be responded to by the planning team directly as detailed in the EIR internal guidance.

More complex requests (for example, requests for correspondence or those involving more high-profile planning applications) will be responded to by the FOI team, following the below process.

Planning currently has three liaison officers who were all trained on both FOI and EIR in June 2021. As part of the process any new liaison officers will need to attend training prior to handling any requests.

Process:

1. New information request received and triaged by the FOI Team.
2. Request sent to planning liaison officers. Where a request is potentially unclear planning should advise the FOI team to contact the requestor to confirm their interpretation of the scope of the request within 5 working days and no later than 20 working days from receipt of the request. If clarification is required on only part of the request, then the remainder must continue to be processed within the 20-working day timeframe. Typical clarifications are identified in Appendix 1 but this is not an exhaustive list.
3. Planning liaison officers and a member of the FOI team have weekly calls while case is open.
4. If clarification is not required or when clarification is received the request should be processed. A checklist of identified systems for searching is detailed in Appendix 2 but this is not an exhaustive list.

Where a request refers to a planning application the planning team are also to determine if any other departments have been involved in the application and contact them for any relevant information they hold. A checklist of identified departments to be checked is detailed in Appendix 3, but this is not an exhaustive list and where the request makes clear other departments fall within the scope they should also be checked.

5. Planning return the relevant information to be disclosed to the FOI team within the 20-working day statutory deadline (or within 15-working days if redactions are required or exceptions considered).

The response must include, where relevant, the following:

- The requested information or details of why it cannot be disclosed. Where exceptions and the public interest test have been applied full details must be included in line with the Regulations and ICO guidance. Where information has been omitted from disclosure it must be stated (unless it would be in breach of the Regulations) what has been withheld and why. Where redactions have been made within a document these must detail why this information has been withheld (for example, the relevant exception or out of scope).
- A copy of all statutory planning documents as per the relevant planning legislation for the application or details of where they can be found if they are publicly available (for example,

online). If they cannot be disclosed or are not held it must be explained why this is the case.

- What searches were undertaken to source the requested information (where was searched, what search terms were used and why this was considered sufficient)

Appendix 1 – Typical Clarifications

- Date range for the information requested (or specific planning application or enforcement references)
- Which officers / departments the request covers (e.g., only planning or other departments also (and if so, which departments))
- Scope of the request (e.g., documents or communications)
- Are communications requested for only specific individuals
- Does the request cover internal or external communications, or both

Appendix 2 – Checklist of Systems to search

- Relevant officer mailboxes
- Shared mailboxes
- Shared planning drive
- Relevant officer local drives
- Line of business systems (Uniform / Info@Work)
- Relevant officer work phones (in the case of images)

Appendix 3 – Checklist of Departments

- Building Control
- Environmental Health
- GIS/LLPG
- Highways
- Housing
- HR
- Land Charges
- Landscaping
- Legal
- Planning (Development Control)
- Planning Enforcement
- Section 106
- Transport
- Urban Design