

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

**Decision notice**

**Date:** 14 March 2013

**Public Authority:** Islington Borough Council  
**Address:** Islington Town Hall  
Upper Street  
London  
N1 2UD

**Decision (including any steps ordered)**

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1. The complainant requested information on the council draft proposal to redevelop an area of Holly Park in Islington, London. The council provided some information but withheld other information under the exceptions in Regulations 12(4)(a), (information not held), 12(4)(e) (internal communications) and Regulation 12(4)(d) (material in the course of completion or unfinished documents). It also applied Regulation 12(4)(b) (manifestly unreasonable) to one part of the request. The complainant accepted that some information she asked for was not held, and so asked the council to consider information which it did hold. The council applied other exceptions to this information.
2. The Commissioner's decision is that Islington Borough Council was not correct to apply Regulation 12(4)(e) as correspondence between the council and the ALMO (Islington Homes), could not be considered internal communications for the purposes of the Regulations. It was however correct to apply Regulation 12(4)(a) as regards sections of part 3 of the request. The Commissioner therefore requires the council to disclose the information falling within the scope of part 3 of the request to the complainant which it holds.
3. The Commissioner has also decided that the council correctly applied the exceptions in Regulations 12(4)(b) to part 4 of the request and 12(4)(d) to part 1 of the request. The Commissioner's decision is that the public interest in the above rests with the exceptions being maintained.

4. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
  - to disclose the information it holds falling within the scope of part 3 of the complainant's request.
5. The public authority 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 Act and may be dealt with as a contempt of court.

### **Request and response**

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6. On March 2012 the complainant wrote to the council and requested information in the terms shown in Annex A.
7. The council responded on 29 March 2012. It applied the exceptions as outlined below:
  - Part 1 – It stated the some information was not held. Following further clarification from the complainant it then stated that the information it did hold was exempt under Regulation 12(4)(d)
  - Part 2 – it provided this information to the complainant
  - Part 3 – It stated that some information relating to car parking survey was not held, and that other information was exempt under Regulation 12(4)(e).
  - Part 4 – It stated that the request was manifestly unreasonable and applied Regulation 12(4)(b).
8. Following an internal review the council wrote to the complainant on 11 May 2012. It stated that the information was exempt for the same reasons.

### **Scope of the case**

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9. The complainant contacted the Commissioner 20 June 2012 to complain about the way her request for information had been handled.
10. The Commissioner considers that the complainant wishes the Commissioner to consider the refusal by the council of parts 1, 3 and 4

of the request, part 2 having been fully responded to by the council in its initial response.

11. In response to part 1 of the complainant's initial request the council stated that it did not hold a formal report from Homes for Islington (HfI) in respect of any developments. It stated:

*"There have been no report(s) provided by HfI to the Council in respect of proposals to provide additional housing on the Holly Park Estate. Naturally there have been informal internal discussions within the Council on the development potential on the estate and we have also commissioned initial studies to help understand the development potential on the Holly Park Estate."*

12. The complainant therefore wrote back to the council stating that the discussions and the initial studies fall within the scope of her request and should be considered for disclosure. The council then considered these under regulation 12(4)(d).
13. The Commissioner has not therefore considered whether reports from HfI are held further given that both the complainant and the council's correspondence then moved on to the discussions and initial studies. The complainant accepted the council's response that no report was held from HfI.
14. After the request had been refused the council said that it had subsequently shared some information with a residents association of which the complainant is a member. This group has subsequently suggested an alternative plan to the council which the council has agreed to consider. It has therefore put the plans which are the subject of the current request on hold whilst it considers the alternative solution. The complainant has therefore potentially had access to some of the information which has been withheld subsequent to her complaint to the Commissioner however this has not been disclosed to her in response to the request.

## **Reasons for decision**

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### Regulation 12(4)(a)

15. In response to part 3 of the request the council confirmed that it did not hold a car usage survey which the complainant says was referred to at the meeting with Council officials at the Ivy Hall Community Centre on Monday 27th Feb 2012.

16. It clearly informed the complainant that no such survey had been carried out, and explained how its statistics as regards car park usage had been gained:

*"There has been no formal survey carried out of parking usage at Ilex House and the Holly Park estate and therefore, no data is available. However, access to parking on the estate is not controlled and previous checks of tax discs displayed in vehicles using the parking areas indicates that, in addition to residents, parking facilities on the estate are being used by non residents, including commuters and possibly people living in the surrounding area(s). By implication, this suggests that there is some under-usage of parking by people who live on the estate. However, in working up development proposals we would need to better understand the parking requirements of residents of the estate and how we can mitigate against the loss of any parking spaces."*

17. Given that the council confirmed to the complainant that no such survey existed, and explained where it had obtained its information from in this respect the Commissioner did not ask the council to conduct searches to consider whether such information was actually held. It is also apparent from the withheld correspondence which he holds that the information it was relying upon was not obtained through a specific survey.
18. The Commissioner therefore considers that on a balance of probabilities the information for this part of the request is not held and the council was therefore correct to apply Regulation 12(4)(a).

#### Regulation 12(4)(e)

19. Regulation 12(4)(e) states that information will be exempt from disclosure where the request involves the disclosure of internal communications. In response to part 3 of the request the council also stated that the information was exempt under Regulation 12(4)(e).
20. The council argues that its correspondence with 'HfI' is internal communications for the purposes of the Regulations. HfI as, at the time of the request it was a separate Arm's Length Management organisation (an 'ALMO'), wholly owned by the council. The council argues that a relationship with an ALMO is not the same as the relationship with a separate contractor. It said that HfI operated on behalf of the council providing housing management and maintenance services to the council's tenants and leaseholders. HfI were also building new homes on behalf of the council. It said that HfI's relationship with the council was particularly close with regard to access to information requests. The council said that it took a common sense view when reviewing the exception and felt that it should not be penalised for managing its

housing management services via an ALMO – it should not have fewer rights than authorities where services were managed *in-house*.

21. The Commissioner's guidance at [http://www.ico.gov.uk/for\\_organisations/guidance\\_index/~media/documents/library/Environmental\\_info\\_reg/Detailed\\_specialist\\_guides/eir\\_internal\\_communications.ashx](http://www.ico.gov.uk/for_organisations/guidance_index/~media/documents/library/Environmental_info_reg/Detailed_specialist_guides/eir_internal_communications.ashx) considers that wholly owned companies are a separate legal entity and public authority in their own right. It therefore provides that correspondence between a wholly owned company and its owning authority cannot therefore be considered to be internal communications for the purposes of the exception.
22. The Commissioner is satisfied that HfI was a wholly owned company at the time of the request and therefore a separate legal entity for the purposes of the Regulations. The Commissioner does note however the HfI's functions reverted to the council in 1 April 2012, after the request had been made.
23. This cannot be taken into account as it occurred after the request was received. The Commissioner's decision is therefore that the council was not correct to apply Regulation 12(4)(e) to the withheld information.

#### Regulation 12(4)(d)

24. Regulation 12(4)(d) provides an exemption where the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data. In essence the intention behind the exception is to provide thinking space to allow civil servants space to freely discuss and develop policy and plans in private free from public or media interference.
25. The council said that the information it holds in relation to part 1 of the request was exempt under Regulation 12(4)(d).
26. The Commissioner asked the council to explain in what respects it considered that the information was unfinished or incomplete. It explained that:

*"The initial studies we referred to in our response to part 1 of the request (asking for the report produced by HFI) were used to inform the plans that were presented to residents at subsequent consultation events. The plans we consulted on were produced by an Architect (engaged after the date of the FOI request) so would have been more well developed than the initial feasibility studies. This is a further reason that the council does not usually share these initial feasibility studies."*

27. The council stated that it had taken 18 months to work up and assess the viability of the proposals. It said that this was not unusual for such an innovative and complex development. It added that at the time of the request, a robust options appraisal had been carried out, but no formal decision had been taken to proceed. The proposals were not well advanced in terms of having detailed plans. It said that the aim had always been to engage residents in the process at an early stage so that they were fully involved in the decision making process and help to shape any proposal which is taken forward. It added that it did not want to commit significant resources to the project until it was confident that those plans would be taken forward.
28. The complainant notes that prior to her request some details of the proposals had been disclosed to the local press, and that there had been a meeting held at the local community with a local MP, Leader of the Council, councillors and reps from HfI to discuss the nature of their proposal with the local community. The complainant therefore argued that information was already in the public domain and that the exception cannot therefore apply because the council could no longer claim that it required thinking space in order to make its decision.
29. The council however argued that at the time of the request a robust option's appraisal had been carried out, but no formal decision had been taken to proceed and the proposals were not well advanced in terms of having detailed plans. It added that all of the feasibility studies and internal communications generated prior to the request would be used to inform the next steps of the process. It stated that some data was incomplete and that this would evolve over time.
30. Material which is still in the course of completion can include information created as part of the process of formulating and developing policy, where the process is not yet complete. Although documents themselves may be complete, if the policy itself is still being considered then the material itself may be considered to be incomplete. In this case the information was requested at a time when the council had not decided whether to take this particular proposal forward. It was still in the process of considering the options available to it, albeit that it had identified this proposal as the potential preferred option.
31. The material requested was written at a time when the council was preparing its case in readiness for public consultation. At the time of the request it had raised the possibility of the development with the community and provided some information on its initial proposals in this respect.
32. The council said:

*"With this scheme we have commenced the consultation process at an earlier stage than with some of our earlier (smaller) new build proposals because of the complexities and range of stakeholders who need to be involved and have a say before a decision is reached on whether to progress a scheme, especially where this has an impact on community as well as housing provision in an area. This approach is being used on other significant development projects in order to engage and empower residents and local communities in a timely and meaningful way in the decisions that affect their homes and estates."*

33. The Commissioner is therefore satisfied that although some information had been shared with the local community, no proposals had been firmly set in place and no final decision had been taken at that time. The council, following the government's localism agenda had shared some information with the community at an early point to garner its views along with other stakeholders to help it formulate its decision. However the plans and documents which it had shared were not final plans, and the decision had not yet been taken to go ahead with the development at Ivy Hall. The council's final decision was to be taken taking into account the response of the community. The material itself was not at that time complete despite the fact that consultation had begun to take place.
34. Having considered the information and the situation in this case the Commissioner is satisfied that the proposals were still at an early stage in development and that the information was not complete. The fact that it was willing to share some of that information with residents likely to be affected by the proposals at this initial stage did not mean that that information was complete. The policy was to be decided taking into account the consultation responses it received.
35. The Commissioner is therefore satisfied that the information falls within the definition of 'material which is in the course of completion', and that the exception is therefore engaged.
36. Where an exception is engaged Regulation 12 requires that a public interest test is carried out to determine whether the information should be disclosed in spite of the exception being engaged. Regulation 12(2) provides a presumption towards the disclosure of the information.
37. The test is whether the public interest in the information being disclosed is outweighed by the public interest in the exception being maintained.

Public interest test

The public interest in the exception being maintained

38. The central public interest in the exception being maintained rests with the ability of the council to have 'thinking space' to develop proposals without interference during the period where it is considering and drawing together its proposals. It provided the following factors in support of its position:
- The council needs to be able to consider and fully explore all the options available to them and exchange views within a safe place.
  - To release draft information would likely result in further representation being made on the basis of incomplete and possibly incorrect material.
  - Any decision made by the council would be subject to the normal planning and consultation rules that are required under planning law. When final decisions are reached, the reasons for the decisions are likely to be released with that decision. Therefore during the public consultation the decisions of the council could be properly questioned.
39. The Commissioner agrees that these are relevant to this situation. At the time of the request the council was in the process of pulling together its ideas in order to provide these to the public during public consultation. Disclosing the information at that time would have been likely to increase public anger at the proposal and this may have prevented it entering into or continuing with discussion with the community on an open basis. It was already clear by that time that the Holly Park community users and residents were unhappy with the proposals. A disclosure of the plans which had been drawn up at that time may have prevented the discussions continuing in a constructive way as lines were drawn and views hardened over the issue
40. The Commissioner has also borne in mind the First-tier Tribunals decision in the case of Wirral Metropolitan Borough Council v Information Commissioner (EA/2012/0117). In that case the tribunal strongly endorsed the comment made in Mersey Tunnel Users Association v ICO, EA/2009/0001, at paragraph 27:

*"We consider that there may be little, if any, public interest in disclosing a draft which is an unfinished document, particularly if a finished or final version has been or is likely to be made public ...Presenting work in a draft form before a final discussion is made allows a public authority to consider matters at an early stage and to comment upon the final form such a report would take."*



41. It added that *"there may also be, as in this case, in our view, a strong public interest in protecting such draft reports from exposure because of the risk of fruitless public debate and interrogation of officials as to un-adopted positions and abandoned arguments."*
42. The council's response to the complainant's request has highlighted the early stage upon which the request was made. It's considerations at that time had rested mostly upon the financial viability of the different options, together with drawing together some idea of how the options might be applied in reality. A decision had been taken at that time that the option involving the complainant's area was likely to be the preferred choice, and plans for this prospect had therefore been developed further than any of the others. However it is also clear that no final decision had been made, nor was intended to be made without public consultation on the plan and without a further consideration of the options available. This consultation took into account the views of the residents and as a result of this, together with alternative solutions which were part provided by the residents it subsequently put these plans on hold whilst it considered the other option further.
43. The Commissioner places a weight on the fact that the council clearly did intend to consult with the community concerned at an early point in time before progressing its plans. This is evident from the correspondence and from the February meeting which was held to provide details of the proposals to residents. It is also clear that it wished to manage the disclosure of the proposals carefully given that it considered that the proposals could be contentious to the residents of Ivy Hall and was likely to raise significant public opposition.
44. The Commissioner understands that the council wanted to provide an informative package to the Ivy Hall residents in order to properly present the case for development. A disclosure of all of the withheld information at the time of the request would have damaged its ability to present this package in an informal way. It would potentially have hardened attitudes and fixed opinions against the development which would have made it difficult to do this. This strengthens the public interest in the information being withheld at the time of the request, albeit that there had already been some initial disclosure of information and plans during the February meeting.

#### Public interest in the information being disclosed

45. The Commissioner notes that the council considered the following options in favour of the information being disclosed:
  - The public would have a greater understanding of issues which were considered relevant to decision-makers.

- Public responses to consultations would be better informed if they were aware of some of the issues discussed. For instance, they would be able to address their concerns to areas where there was on going deliberation or where arguments were not as clear or strong.
  - The ability to take an active part in decision-making would be enhanced.
46. The Commissioner considers that there are additional factors in this respect however.
47. The proposal to build on the Holly Park area was both emotive and controversial. Holly Park itself is a recognised garden of public importance, and the suggestion is that this would potentially be damaged by the proposed development. Additionally the proposal involved the reduction in the size of a community centre which served the residents.
48. The Commissioner notes that one of the complaints laid against the proposals was that profits made as a result of the development would be used to fund the redevelopment of another community centre within the area. Councillors involved in the development of the proposals were trustees on the board of the other community centre. Residents opposing the development on Holly Park therefore raised the possibility that there was a conflict of interest involved.
49. The Commissioner asked the council to comment on this allegation. The council confirmed that 2 elected members were involved in the discussions, and that they were also trustees on the management committee of the other community centre. It said however that as these councillors would not have responsibility for making the decision on whether any development proposal went ahead. This would primarily rest with the planning committee. No scheme could go ahead without the requisite planning consents. The council therefore argued that there was no conflict of interest. It also said that the councils monitoring officer had investigated and responded to a complaint on this matter which had been raised by a local resident.
50. The Commissioner recognises that there is a public interest in residents knowing what influence the above councillors had in formulating and taking forward the initial proposals. Whilst the Commissioner accepts that the elected members would have no responsibility for taking planning decisions, they were nevertheless involved in the discussions and therefore the direction of the council as the proposals were being formulated.

51. There is therefore a public interest in the information being disclosed in order to create greater transparency and accountability for the actions of these individuals. This would help to alleviate any concerns about the influence these individuals had over the options which were preferred.

Balance of the public interest

52. The Commissioner has considered the above points. He recognises that it is unlikely that a disclosure of the information would create a chilling effect on this type of information being recorded. Councils are under a duty to consider proposals for development and to manage their land and assets appropriately. There is also an onus upon them to identify land for the development of housing (including affordable housing). As part of that process plans and information must be drafted and correspondence must take place with relevant parties to identify and discuss options, and draw up preliminary proposals to discuss the viability of those proposals. Plans and proposals must also be provided to councillors for their input and backing. The Commissioner considers therefore that there will always be a need for correspondence and information of this sort to be created regardless of whether this information is disclosed in this instance.
53. The Commissioner places more weight on the thinking space which officers and councillors require in order to formulate proposals to take the community. Robust proposals cannot develop within a vacuum, and there must be some work carried out to ascertain the viability of individual projects prior to consultations with those affected taking place.
54. The public interest may rest with initial work being withheld from disclosure before it is ready to be presented for consultation. In that way the proposal can be developed to a stage where the council has confirmed that in its view a particular option is viable and potentially preferred against other sites. If that were not the case, the initial work could be dogged by media and community pressure and interference. Communities may take action to prevent their area being designated for development.
55. Whilst the Commissioner recognises that in this case the council had already approached the community to raise the issue of development, at that stage it had not explained its proposal in greater detail or more widely than to residents of Holly Park.
56. The Commissioner recognises that councils will be cautious when initially considering taking forward such a project. Analysis would be required in order to confirm the viability of the area for development, or to compare

a specific area against other possible suitable sites. During this process there are strong public interest arguments that information should be withheld. During the information gathering and analysis stages there is a public interest in the information being withheld in order to allow officers the thinking space to analyse, develop and discuss ideas. Council officers will also need to converse and share information with councillors to confirm whether the idea is likely to achieve political support.

57. The Commissioner also recognises that it may need to manage the way that it presents proposals to the public. If it is not managed properly public attitudes to such development and change within their area may naturally harden and turn confrontational rather than open and engaged. This would prevent rather than be conducive to good working relations with the community and residents associations.
58. The requested information does not relate purely to the Holly Park Estate. The information covers all of the relevant areas and community centres which were (or are) under consideration and is likely to inform the final decision, albeit that further information and consultations and discussions with residents and users will have occurred. Additionally the planning application phase will allow for further representations to be made by the communities affected.
59. The Commissioner has addressed the issue surrounding the potential conflict of interest noted by the requestor and the area's residents. As stated, the Commissioner accepts that these individuals will not have responsibility for the final decision. However, as they were involved during the initial viability study it is possible that they will have had an influence on the initial proposal to take forward the development of Ivy Hall as the preferred option and there were allegations and rumours that this was the case. Greater transparency would serve to alleviate this.
60. Whilst the Commissioner notes this, he considers that at the time of the request, the public interest in maintaining the thinking space necessary to further develop the proposal for the development as a whole outweighed the public interest in the information being disclosed.
61. The Commissioner's decision is therefore that the public interest in the information being disclosed is outweighed by the public interest in the exception being maintained in this instance.

#### Regulation 12(4)(b)

62. Regulation 12(4)(b) states that information is exempt from disclosure where the request is manifestly unreasonable. The council has claimed

this exception only in respect of one section of the request, which was for "minutes, actions and papers from any council meeting (including sub committee's ... in the past 7 years'.

63. Manifestly unreasonable can refer to either a request is vexatious or where the request is so resource intensive that it would create a significant burden to the public authority to respond to that request. In this case the council has argued that the latter is the case.
64. The Commissioner recognises that if the Regulation is applicable to this part of the request the council could feasibly have applied the exception to the entire request, although the Commissioner would then have expected the council to take steps to narrow down the complaint to a point where it could respond. However the council only applied the exception to this part of the request. The council clarified that it had asked the complainant to narrow the terms of this part of her request however she did not do so.
65. The Regulations differ from the Act in that no specific limit is set on the amount of work required by an authority to respond to a request. Regulation 7(1) provides an additional 20 days for an authority to respond to a request where it reasonably believes that the information is particularly complex or is voluminous and it is therefore impractical for it to respond within 20 working days.
66. The Commissioner is satisfied that Regulation 12(4)(b) sets a fairly strong test upon an authority to pass before it is not under a duty to respond. The test set by the Regulations is that the request is 'manifestly' unreasonable, rather than simply being 'unreasonable' per se. The Commissioner considers that the term "manifestly" means that there must be an obvious or clear quality to the unreasonableness referred to.
67. The council provided the Commissioner with details of how its minutes are stored, and the practical difficulties it would have in locating that information. It also provided details of the number of documents it would need to search through to locate the information and estimated the time it would take for each document to be considered. It argued that this part of the request is very broad and that it would take a considerable amount of staff time to respond to it. It said that the information is not stored in one location and no single staff member has been involved. It said that this would be a manual process which would take considerable time to complete.
68. It stated that the council has in excess of 150 meetings per year which would equate to approximately 1050 over a 7 year period. The council does not have an index that identifies when the required subjects were

discussed, and therefore these would each need to be searched manually. Each meeting could have multiple documents and therefore the documents that would need to be reviewed would be likely to run into the thousands.

69. The council estimates that it would take approximately 10 minutes per document, (dependent upon the size of the document) to identify whether it falls within the scope of the request. At this estimate it would take in excess of 17.6 hours to respond to 1 year of the request. Estimating this over the 7 year period it considered that it would take in excess of 123 hours to comply with this part of the request. It explained to the Commissioner however that it considered that this was a conservative estimate.
70. As an example, it carried out a test search for the words 'Holly Park' for the period 2011/12 which returned 176 documents. It explained that some of these may not be relevant and so each document would need to be reviewed to see if they fall within the scope of the request.
71. It explained further that as the request was not only for entries for Holly Park Estate but also included 'Parking rights for residents in council/social housing in Islington and Provision of open space, green space and community centres on council/socials housing developments" these terms would also need to be searched for the full 7 years.
72. The council also pointed out that the minutes for all council meetings since 2002 are made available on its website at <http://democracy.islington.gov.uk/default.aspx>. The complainant disputes that minutes from all of the council committees are included on the website however. The council also provided further arguments in support of its position.
73. Having considered the arguments above, together with this further information, the Commissioner is satisfied that the council was correct to apply Regulation 12(4)(b). He must therefore carry out a public interest test to ascertain whether the information should be disclosed in spite of the exception being engaged.

#### The public interest in the exception being maintained

74. The central public interest in the exception being maintained relates to the work which would be involved in responding to the request and the significant burden on the resources of the council in locating, extracting and providing the information to the complainant this would create.
75. The council has provided detailed arguments of the levels of work which would be required to respond to this part of the request, and has also

asked the complainant to narrow her request however she failed to do so.

76. The Commissioner also notes that the minutes of meetings are already available on its website. It has explained however that due to the diversity of the meetings and committees in which the subjects of the request are likely to arise it is not able to specify to the complainant where the information she requested is likely to be held in these minutes. It states however that it has provided the complainant with its website address (which includes a search function), and that if the complainant were to ask for details on specific meetings it could provide her with a direct link to the records for that meeting.

#### The public interest in the information being disclosed

77. The central public interest arguments in favour of the disclosure of the information are the same as the issues raised in above. They relate to creating greater transparency over the issues and the decisions taken by the council over this proposal.
78. There is a public interest in the community having a greater understanding of the development of the proposal over time, and on the council demonstrating clearly why the proposals were formed in the way they were. This is particularly the case given the suggestion in some parts of the community that the decisions taken were unfair and based upon the conflicting interests of councillors as trustees of the community centre which it was proposed would benefit from the plans. The Commissioner has outlined the council's arguments countering this above.
79. The Commissioner would generally expect most minutes to be publically available. Many authorities include their minutes of meetings within their publication scheme. Were the complainant to have requested specific minutes the Commissioner considers that is highly likely, and indeed expected that the council would have been able to provide these to the complainant, subject to redactions for any exempted information. The Commissioner recognises that the issue with this request is not the content of the information which has been requested but that the terms of the request are wide. As minutes on specific issues are not cross-indexed by the authority to allow it to quickly identify which minutes from which committees would be relevant to the request it would cause a significant burden for it to search through and identify the relevant information.

Balance of the public interest

80. The Commissioner considers that there is a relatively strong weight on the fact that many of the minutes are already published on the council's website and therefore much of the information may be available to the complainant by other means. He recognises that the ability of the council to find that information would be greater than the applicants, however from the description of the searches which would be necessary it is clear that the resources required and the burden upon the council would be significant given the terms she has asked the council to search under.
81. The council is not seeking to hide information by means of the application of the exception. It is merely unable to carry out searches amongst all of the minutes which it holds based upon the search terms which the complainant has asked the council to provide. Doing so would cause a significant and manifestly unreasonable burden upon its resources, and it has demonstrated why that would be the case.
82. In conclusion the Commissioner's decision is that the public interest in the exception being maintained outweighs the public interest in the information being disclosed in this instance. The council was therefore correct to apply Regulation 12(4)(b).



## Right of appeal

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83. 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: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

84. 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.

85. 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 .....**

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

## **Annex A**

### The requests

- 1) A copy of the full original report submitted by HfI to the council relating to the provisional of additional housing on the estate grounds including copies of all evidence produced or assessments undertaken by HfI to support their view on the suitability of the estate as a site to accommodate additional housing.
- 2) The over-arching guiding principles or methodology used by the Council to assess suitability during the recent review of potential housing development sites across the borough. *(This request was responded to by the council and the complainant did not raise it as part of her complaint to the Commissioner).*
- 3) Any other evidence, reports or briefing notes compiled by the Council relating to the suitability of Holly Park Estate for development including (but not exclusively) how the estate was scored as a site when assessed and the car usage survey referred to at the meeting with Council officials at the Ivy Hall Community Centre on Monday 27th Feb 2012.
- 4) Copies of relevant minutes, actions and papers from any Council meeting (including sub committees) where the following subjects have been discussed in the past 7 years –
  - Development of any sort on the Holly Park Estate
  - Parking rights for residents in Council/social housing in Islington
  - Provision of open space, green space and community centres on Council/social housing developments