

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 4 January 2017

**Public Authority:** London Borough of Waltham Forest  
**Address:** Waltham Forest Town Hall  
Forest Road  
Walthamstow  
London  
E17 4JF

#### Decision (including any steps ordered)

---

1. The complainant requested information from the London Borough of Waltham Forest ("the Council") about planning decisions relating to High Road, Leyton.
2. The Commissioner's decision is that the Council failed to respond to the request and therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation:
  - issue a response under the FOIA.
4. The Council must take this step 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

---

5. On 21 July 2016, the complainant wrote to the Council and requested information in the following terms:

*"Freedom of Information Request*

*Station Parade, High Road Leyton, E10*

### *Planning Approval*

*I understand that planning approval for an additional floor to be built on the top of these flats was granted by the Planning Officers rather than being referred to the Council Planning Committee. In view of the problems that have occurred with these premises in the past why was planning approval granted in this way? Additionally, why was the normal 'advertisement' procedure apparently not carried out when the planning application was received as no information signs were erected in the neighbouring road (Coopers lane)?"*

6. The Council responded on 28 July 2016. It stated: *"we are dealing with it under the terms of the Freedom of Information Act (2000), and in line with the Council's policy and protocols."*
7. The complainant sent reminders asking the Council to respond to his request on 1 September 2016 and 18 September 2016.
8. The Council did not issue any further response.

### **Scope of the case**

---

9. The complainant contacted the Commissioner on 27 September 2016 to complain that the Council had failed to respond to his request.

### **Reasons for decision**

---

10. The Commissioner is aware that planning decisions are regularly recorded by the Council.
11. Section 1 of the FOIA provides a right of access to information held by a public authority. On receiving a request for information the public authority must state whether it holds it and if so provide it unless there is a valid exemption under the FOIA.
12. Section 10 states that a public authority must comply with section 1 promptly and in any event within twenty days of receiving the request.
13. During the investigation of the case the complainant confirmed that he had not received a response from the Council in relation to his request.
14. By failing to respond to the request the Council breached section 10 of the FOIA.

## Right of appeal

---

15. 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: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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** .....

**Christopher Hogan**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**