

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

### **Decision notice**

**Date:** 4 February 2021

**Public Authority:** London Borough of Hackney

**Address:** 1 Hillman Street  
London  
E8 1DY

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

---

1. The complainant requested information from the London Borough of Hackney ("the Council") relating to a planning application to redevelop a specified location. By the date of this notice the council had yet to respond substantively to this request.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response to the request in accordance with its obligations under the EIR.
4. The Council 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 Freedom of Information Act and may be dealt with as a contempt of court.

## Request and response

---

5. On 27 October 2020, the complainant wrote to the Council and requested information in the following terms:

*"This request relates to the planning application to redevelop Thoresby House, Thoresby Street, N1, a decision in respect of which was made by the Council's planning sub-committee on 7 October 2020. Please may I have the following information:*

- 1. A copy of the officers' committee report as provided to the Councillors in advance of the hearing on 7 October 2020, ideally in full, or alternatively insofar as it concerns Thoresby House.*
- 2. Copies of all existing drafts of the officers' committee report provided to the Councillors in advance of the hearing on 7 October 2020, ideally in full, or alternatively insofar as they concern Thoresby House.*
- 3. Documents relating to Council/applicant discussions of retaining Thoresby House's historic facade.*
- 4. Plans or documentation submitted by the applicant to the Council relating to the possibility of retaining the building's historic facade.*
- 5. Documents setting out the Council's consideration of the feasibility of retaining the building's historic facade and its final reasons for deciding that it would not be possible to maintain the facade.*
- 6. Documents relating to the Council's consideration of the building's historic significance dating from 1 December 2019 onwards only.*
- 7. Information regarding whether any applications have been made to the Council to locally list Thoresby House.*
- 8. Information regarding whether the Council considered adding Thoresby House to its locally listed buildings and the reasons behind any such consideration.*
- 9. Copies of all Councillors' gifts and hospitality registers from January 2016 to date, ideally in fully but, alternatively, as*

*they relate to Arcadia University or its representatives and agents (i.e. lawyers, architects etc).*

10. *Copies of correspondence between planning sub-committee members (including email and WhatsApp) from 1 September 2020 to 8 October 2020 - both as a group and individually with the Chair.*
  11. *Information regarding which of the committee members, apart from the Chair, had visited the site prior to the sub-committee hearing on 7 October 2020."*
6. The Council wrote to the complainant on 27 October 2020 to acknowledge the request.
  7. On 1 December 2020, as the complainant had not received a response, she wrote to the Council and requested an update on the status of her request. By the date of this notice the Council had not responded to the complainant.

### **Scope of the case**

---

8. The complainant contacted the Commissioner on 15 December 2020 to complain about the Council's failure to respond to her request.
9. The Commissioner contacted the Council on 18 January 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. The Commissioner also contacted the complainant on 18 January 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
11. The complainant has provided evidence that she has received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to her information request
12. The scope of this notice and the following analysis is to consider whether the Council has complied with regulation 5(2) of the EIR.

## Reasons for decision

---

### Was the requested information environmental?

13. Regulation 2(1)(c) of the EIR defines environmental information as being information on:

*"measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;"*

14. The Commissioner notes that the wording of the request is for information about a planning application. She believes that this is likely to be information about policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in regulation 2(1)(a) and regulation 2(1)(b). For procedural reasons, the Commissioner has therefore assessed this case under the EIR.

### Regulation 5

15. Regulation 5(1) of the EIR states that:

*"a public authority that holds environmental information shall make it available on request."*

16. Regulation 5(2) of the EIR states that:

*"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."*

17. The Commissioner considers that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the EIR.
18. From the evidence provided to the Commissioner in this case, it is clear that the Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached regulation 5(2) of the EIR.

## Right of appeal

---

19. 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: 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)

20. 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.
21. 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** .....

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