

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

### **Decision notice**

**Date:** 14 November 2023

**Public Authority:** London Borough of Southwark

**Address:** PO BOX 64529  
London  
SE1P 5LX

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

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1. The complainant requested information from the London Borough of Southwark (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority 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 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 Freedom of Information Act and may be dealt with as a contempt of court.

## Request and response

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5. On 31 July 2023, the complainant made the following request for information to the public authority:

"Background to FOIA request

This request relates to a Southwark planning application 19/AP/1867 and the lease of Greendale Fields to Dulwich Hamlet Football Club.

Information request 1 –

Please provide me with:

The communication that Wing Lau sent to the Greater London Authority (GLA) dated the 2nd February 2022 informing the London Mayor that the local planning authority was minded to grant planning permission for the above planning application.

Please note the communication was discussed by Jules Pipe CBE, Deputy Mayor for Planning, Regeneration and Skills, in his communication dated 14th Feb 2022 to the Southwark Council re Stage 2 of planning application 19/AP/1867. (Please note I have attached the communication from Jules Pipe to this email).

Information request 2 –

Please provide me with:

The 'Stage 2 pack' provided to the GLA by Southwark Council in respect of planning application 19/AP/1867.

Information request 3 –

Please provide me with:

The name of the Cabinet member who is responsible for enforcing the lease provided to Dulwich Hamlet Football Club in respect of Greendale Field's astro turf pitch and its immediate surrounding areas.

Information request 4 –

Please provide me with:

The details of the council officer who is responsible for enforcing the lease provided to Dulwich Hamlet Football Club in respect of Greendale Field's astro turf pitch and its immediate surrounding areas, including their name, designation and the contact details.

Information request 5 –

Please provide me with:

The lease provided to Dulwich Hamlet Football Club in respect of the land at Greendale provided from May 2023 onwards.

Further

I would like the above information to be provided to me as electronic information.

If this request is too wide or unclear, I would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed.

I understand that you are required to respond to my request within the 20 working days after you receive this letter. I would be grateful if you could confirm in writing that you have received this request.

I look forward to hearing from you." (sic)

## **Reasons for decision**

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

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

7. 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.”

8. The Commissioner contacted the public authority on 12 October 2023 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. Despite this intervention the public authority has failed to respond to the complainant.
9. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with the EIR. The Commissioner’s decision is that the public authority has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

## Right of appeal

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10. 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: 0203 936 8963

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)

11. 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.
12. 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** .....

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