

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 July 2016

Public Authority: London Borough of Hackney
Address: Town Hall
Mare Street
London
E8 1EA

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Hackney (the Council) relating to meetings in the last three years with Lea Valley Regional Park regarding a land transfer between them and LBH involving Horse Shoe Point Island.
2. The Commissioner's decision is that the Council did not deal with the request for information in accordance with section 10 of the FOIA in the following way:
 - It failed to provide a response to the request within that statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation:
 - Issue a response under the FOIA.
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 Act and may be dealt with as a contempt of court.

Request and response

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

"Please provide details under the Freedom Of Information Act of any meetings in the last three years with Lea Valley Regional Park regarding a land transfer between them and LBH involving Horse Shoe Point Island, which was registered with the Land Registry as belonging to LBH under title NGL 303375. In particular please provide details of any discussions or arrangements involving the inclusion in any deal of transfer of control or ownership of the semi-official mooring site off Spring Lane, described as Land North-East of Springfield Pk, on the same land registry title. Please also provide records or minutes of any discussions with the Canal and River Trust regarding the above Land North- East of Springfield Park, also known as Spring Lane L11 Mooring in the last three years."

6. The complainant informed the Commissioner that the Council has not responded to the request but has acknowledged receipt.

Scope of the case

7. The complainant contacted the Commissioner on 15 June 2016 to complain about the way his request for information had been handled.
8. The complainant specifically stated that the Council had not responded to his request.
9. The Commissioner has had to consider whether the Council has handled the request in accordance with section 10 of the FOIA.

Reasons for decision

10. Section 10 of FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
11. From the information provided the Commissioner in this case, it is evident that the Council did not respond to the request within the statutory time frame of 20 working days. The Council has therefore breached section 10 of the FOIA.
12. As no response has been provided to the complainant, the Commissioner requires the Council to issue a response under the FOIA.

Right of appeal

13. 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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

Rachael Cragg
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SK9 5AF