

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 1 July 2024

Public Authority: The London Borough of Ealing

Address: Perceval House
14/16 Uxbridge Road
Ealing
W5 2HL

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Ealing (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 30 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 15 January 2024, the complainant made the following request for information to the public authority:

"This FOI request concerns the application for retrospective planning approval for the ground floor extension built at 74 Mulgrave Road, Ealing W51LE. The request has 3 parts:

1) Please provide an electronic copy of the Case File for application 234302HH. Any material already published on PAM is not required as it is openly available.

2) Please provide an electronic copy of the Case File for Enforcement Enquiry 23EN0435

3) Please provide a complete record of all email, internal and external, sent by and received by the Case Officer, appertaining to Planning Application 234302HH.

Search selection criteria for the email system journal file:

Mailbox: Case Officers

Date range: between 25 October 2023 and 15 January 2024 inclusive.

Subject field: Includes "234302" AND/OR Includes "74 Mulgrave Road"

6. By the date of this notice, the public authority had not provided the complainant with a substantive response to the request.

Reasons for decision

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

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

8. 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."

9. The Commissioner contacted the public authority on 11 June 2024 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.
10. 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

11. 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

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

12. 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.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Victoria James
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF