



HILLINGDON

LONDON

Mr Peter Silverman
20 Kingsend
Ruislip
Middlesex
HA4 7DA

Sent by e-mail: request-35108-b8ded519@whatdotheyknow.com

Our Ref: 3E/04/GE/CF/FOI-1968 (AV3414/29)

30 June 2010

Dear Mr Silverman

Re: Environmental Information Request – Ruislip Lido Environmental Report

I have now considered your request for a review of the Council's decision not to disclose the Ruislip Lido Environmental Report as originally requested in your e-mail of 13 May 2010.

I have considered your request under the provisions of the Environmental Information Regulations 2004 (EIR) and have taken account of the following:

1. Environmental Report submitted to the Council.
2. Your e-mails of 8 June 2010 and 10 June 2010.
3. Decision Notices issued by the Information Commissioner relating to Plymouth City Council (2 March 2006) and Queen's University, Belfast (29 March 2010).
4. Guidance issued by the ICO on the EIR exceptions.
5. Guidance issued by the ICO on the Public Interest Test.

The EIR requires the Council to "apply a presumption in favour of disclosure".

Having considered the Environmental Report, I am satisfied that your request is covered by the exemption contained in Regulation 12(4)(d) of the EIR in that: "the request relates to

Legal Services

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material which is still in the course of completion, to unfinished documents or to incomplete data". The document has been commissioned by the Council to assist the evaluation of proposals for the improvement of Ruislip Lido; in particular to identify works for which a flood risk assessment and/or environmental impact assessment may be required. It is clear to me that this work is still very much work in progress.

I have considered the two decisions of the Information Commissioner referred to above. I consider that those circumstances are very different from those relating to the suggested improvements to Ruislip Lido; where this Council is considering the possibility of proposals being implemented.

I have also considered whether it is in the public interest to withhold disclosure of this report given the presumption in favour of disclosure referred to above.

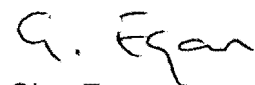
I note that the Council has confirmed that once the final report from the Consultant Engineers is available, it must be submitted to the Environment Agency for assessment. Once this process has been completed, the Council is committed to publishing the outcome as soon as possible. I therefore consider that it is in the public interest for disclosure of this documentation to be withheld..

In the circumstances I uphold the decision of Mr Ingle to refuse disclosure of the requested documentation.

You have the right to appeal to the Information Commissioner against my decision. Such an appeal must be made within two months of my letter. The Information Commissioner can be contacted at: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5HF. The website is www.ico.gov.uk

If you wish to discuss this matter please do not hesitate to contact me on the above-mentioned number.

Yours sincerely,



Glen Egan
Office Managing Partner