

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 29 July 2021

Public Authority: London Borough of Southwark
Address: 160 Tooley Street
London
SE1 2QH

Decision (including any steps ordered)

1. The complainant requested from the London Borough of Southwark ("the Council") information relating to a Fire Assessment Report. By the date of this notice the Council had not provided a substantive response to the request.
2. The Commissioner's decision is that the Council 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 22 February 2021 the complainant wrote to the Council and requested information in the following terms:

"I just received the Fire Assessment Report which I requested in connection with the Major Works - installation of the heat alarms in the flats and fire alarms in the communal areas. However the Fire Assessment Report I received does not include any of these recommendations. Please send me:

- 1. The subject matter Expert Report in which the currently installed in the communal areas fire alarms specification had been recommended.*
 - 2. The subject matter expert Report in which the currently installed heat alarms in the flats had been recommended.*
 - 3. Any other documentation used as justification and risk mitigation to install the fire alarms in the communal areas.*
 - 4. Any other documentation used as justification and risk mitigation to install the heat alarms in the flats.*
6. The Council wrote to the complainant on 5 March 2021 to acknowledge the request.
 7. On 15 May 2021, as the complainant had not received a response, she wrote to the Council to ask for an update on the status of her request.
 8. By the date of this notice the Council had not responded to the complainant.

Scope of the case

9. The complainant contacted the Commissioner on 22 June 2021 to complain about the Council's failure to respond to her request.
10. The Commissioner contacted the Council on 7 July 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
11. The Commissioner also contacted the complainant on 7 July 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to her request.
12. On 23 July 2021 the Council wrote to the Commissioner to explain there was a delay in dealing with the response due to lack of availability of key members of staff.
13. The Commissioner responded to the Council on 26 July 2021 to acknowledge the Council's correspondence.
14. 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.
15. 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

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

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

17. 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."

18. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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.

Reference: IC-113891-X1N3



Signed

Susan Duffy
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