

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 29 January 2021

**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 made two requests for information from the London Borough of Southwark (the Council). The first request was for information regarding Council funding of third party groups and the second was for correspondence and impact assessments relating to Low Traffic Neighbourhood schemes. The Council had failed to provide a substantive response to either request by the date of this notice.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the FOIA, to the request.
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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 9 October 2020, the complainant wrote to the Council and requested information in the following terms:

*"I am writing to request the following information under the Freedom of Information Act 2000.*

*Please can you answer the following:*

*1) Has Southwark Council funded*

- a) Living Streets*
- b) London Living Streets*
- c) London Cycling Campaign*
- d) Southwark Cyclists*

*at any time either in the past or present?  
Please provide details of all such payments.*

*2) Does Southwark Council conduct regular consultation with any of these groups and if so, which? Please provide details of all such consultation.*

*Please confirm whether*

- a) Living Streets*
- b) London Living Streets*
- c) London Cycling Campaign*
- d) Southwark Cyclists*

*are statutory consultees and if so for which type of schemes (eg highways)."*

6. The Council acknowledged the request on 23 October 2020 but had failed to provide a substantive response by the date of this notice.
7. On 14 October 2020, the complainant wrote to the Council again and made a further request for information in the following terms:

*"Please provide copies of any correspondence between Southwark Council and the ambulance, fire or police services since March 2020 regarding experimental orders for road closures under the London Streetspace Programme, 'low traffic neighbourhoods' (LTN) schemes and Covid-19 - Post lockdown highway schemes.*

*Please also provide copies of any analysis conducted on the possible effects of these on emergency service response times and of any impact assessments carried out."*

8. The Council acknowledged this request on 15 October 2020 but had failed to provide a substantive response by the date of this notice.

### **Scope of the case**

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9. The complainant contacted the Commissioner on 15 December 2020 to complain about the failure, by the Council, to respond to the requests.
10. In line with her usual practice, the Commissioner contacted the Council on 13 January 2021 to highlight the outstanding response. She requested that the Council respond to the requests within 10 working days. The correspondence was neither acknowledged nor responded to.
11. The complainant contacted the Commissioner on 28 January 2021 to request a decision notice considering the Council's compliance with the FOIA.
12. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

### **Reasons for decision**

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13. Section 1(1) of the FOIA states that:

*Any person making a request for information to a public authority is entitled –*

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

14. Section 8(1) of the FOIA states:

*In this Act any reference to a "request for information" is a reference to such a request which –*

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

15. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
16. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
17. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the requests within 20 working days, the Council has breached section 10 of the FOIA.

## Right of appeal

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18. 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@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)

19. 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.
20. 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** .....

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**