

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 29 September 2022

**Public Authority:** London Borough of Croydon

**Address:** Bernard Weatherill House  
8 Mint Walk  
Croydon CR0 1EA

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the London Borough of Croydon (the Council) relating to a Service Improvement Notice issued by the Council to Veolia earlier in the year. By the date of this notice the Council had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council 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 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 Freedom of Information Act and may be dealt with as a contempt of court.

## **Request and response**

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5. On 15 May 2022, the complainant made the following request for information to the Council:

"I would like to make a FOI Request in the Freedom of Information Act 2000.

I understand that the council issued a "Service Improvement Notice" to Veolia in February this year following a number of issues with the contractor's performance.

Please can you:

1. Provide a copy of all correspondence issued to Veolia as part of this notice, including evidence of the poor performance issues supplied to the contractor
  2. Provide a copy of all correspondence provided by Veolia in response to the notice, including proposed improvement plans."
6. The Council acknowledged the request on 16 May 2022. To date, a substantive response to the request has not been issued.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 17 August 2022 to complain about the Council's failure to respond to this request.
8. The Commissioner contacted the Council on 24 August 2022 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. Despite this intervention the Council has failed to respond to the complainant.
10. 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**

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

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

12. 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."

13. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the Council 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

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14. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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 .....**

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