

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 16 March 2022

Public Authority: London Borough of Croydon

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

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Croydon ("the Council") concerning data gathered by "vivacity" traffic monitoring cameras and air pollution monitors in the Auckland Road low traffic neighbourhood area. 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 London Borough of Croydon ("the Council") has failed to respond to the request within 10 working days and has therefore breached Regulation 5(2) of the Environmental Information Regulations ("the EIR").
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the EIR, 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 Freedom of Information Act and may be dealt with as a contempt of court.

Request and response

5. On 9 November 2021, the complainant wrote to the Council and requested information in the following terms:

“Under the FOI Act please will you provide the following information.

 - 1) All data gathered by "vivacity" traffic monitoring cameras within the vicinity of the proposed Auckland Road LTN area.
 - Please include the cameras on Lancaster Road / Southern Avenue and Cypress / Auckland Road plus any others in the local area.
 - Please include data for motor vehicles, cycles and pedestrians.
 - If there is data on vehicle turning movements please include that.
 - 2) All data gathered by the air pollution monitors in the same area.
 - Please include the ones on Goat House Bridge, Auckland Road, South Norwood Hill and any other locations in the same area.”
6. The Council acknowledged the request on 11 November 2021, but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 12 December 2022 to complain about the way their request for information had been handled.
8. In line with his usual practice, the Commissioner contacted the Council on 16 February 2022 to highlight the outstanding response. He requested that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The Complainant contacted the Commissioner on 5 March 2022 to request a decision notice considering the Council's compliance with the EIR.
10. The Commissioner considers that the scope of his investigation is to determine whether the Council has complied with Regulation 5(2) of the EIR.

Reasons for decision

11. Regulation 5(1) states that: "a public authority that holds environmental information shall make it available on request."

12. Regulation 5(2) states that such information shall be made available “as soon as possible and no later than 20 working days after the date of receipt of the request.”
13. The Commissioner considers that the request in question constituted a valid request for information under the EIR.
14. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached Regulation 5(2) of the EIR.

Right of appeal

15. 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

16. 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.
17. 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
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Water Lane
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