

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 regarding the Council's consultation process for installing Fire Equipment at a specific location. 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:

"In Devon Mansions we are currently having fire/heat alarms installed.

Please can you provide:

- 1. The Fire Brigade assessment report for Devon Mansions blocks.*
- 2. The LBS consultation paper with the Fire Brigade.*
- 3. The proposed alarm specifications to be chosen from, their comparative technical specification, their correspondent cost and the criteria on which this specific one was chosen.*
- 4. What company recommended this specification which is now being installed.*
- 5. The correspondence between LBS and the Fire Brigade the level of risk and how it is mitigated by the LBS proposed specification of the installed alarm”*
6. The Council wrote to the complainant on 2 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 provided a substantive response to the request.

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 responding to the request due to a 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.

Signed

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Cheshire
SK9 5AF