

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 5 August 2024

Public Authority: London Borough of Haringey

Address: Alexandra House
10 Station Road
London
N22 7TY

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Haringey (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority 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 public authority must take these steps within 30 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 24 May 2024, the complainant made the following request for information to the public authority:

“As a council you have a duty of care to maintain the safety and usability of the roads that are kept at public expense the same as public footpath/pavements (I note from images using your map one such report uploaded regarding a defective pavement on 01/05/24).

Section 41 of the Highways Act 1980 (HiA 1980) provides that highways authority is under a duty to maintain the highway. It is the duty of the highway authority to maintain the road in such a state of repair as to be passable in safety at all seasons of the year.

Freedom of Information/Subject Access Request

Please provide the following information.

1. Evidence within the Highways Act 1980, stating public footpath/roads/ highways are inspected every six months.
 2. Evidence within the Highways Act, that the council is not legally required to keep the highway completely free from imperfections.
 3. Copy of the schedule of maintenance for the last 3 yrs for the exact spot on Awlfield Avenue, N17 where my accident took place up to and including 05/12/23.
 4. Copy of the reactive maintenance policy.
 5. Copy of the Highways Act 1980.
 6. Clarify what you mean Awlfield Road is unclassified.”
6. Based on evidence available to the Commissioner, by the date of this notice the public authority has not issued a substantive response to this request.

Reasons for decision

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

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

8. 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.”

9. The Commissioner contacted the public authority on 15 July 2024 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. Despite this intervention the public authority has failed to respond to the complainant.

10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with the EIR. The Commissioner’s decision is that the public authority 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

11. 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

12. 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.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF