

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 1 November 2021

Public Authority: London Borough of Redbridge
Address: Lynton House
255-259 High Road
Ilford
IG1 1NY

Decision (including any steps ordered)

1. The complainant requested information from London Borough of Redbridge ("the Council") about its response to concerns by residents about traffic on Nightingale Lane. 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 breached regulation 5(2) of the EIR in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under the EIR.
4. The Council must take this step 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 9 July 2021, the complainant wrote to the Council and requested information in the following terms:

"A number of residents from Nightingale Lane, Wanstead have approached us to report longstanding problems with cars speeding, rat-running, and even driving on the pavements. They tell us that these problems have been brought to the attention of council officers and local councillors over a period of years, but that no action has been taken.

I would like to request information from you about:

Any reasons why representations from Nightingale Lane residents were not acted on and whether those reasons still apply.

Was a traffic count carried out?

What recent consideration – in the last two years – you have given to their representations?

Could you also please tell me where do the requests for traffic calming measures in Nightingale Lane now lie among priorities for this programme in Redbridge?

It would also be helpful to know what discussions you have had with the Metropolitan Police over the last two years about lack of enforcement of speed limits in Wanstead and in Redbridge generally.

Please treat all these requests according to Freedom of Information Act principles.

Finally, could you please tell me whether the council's policy (in the Third Local Implementation Plan) to introduce 20mph speed limits across residential streets in Redbridge is likely to have a bearing on the problems in Nightingale Lane in the near future."

6. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 27 September 2021 to complain about the Council's failure to respond to their request.

8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at regulation 5(2) of the EIR.

Reasons for decision

9. Regulation 5(1) of the EIR states that: "*a public authority that holds environmental information shall make it available on request.*"
10. 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.*"
11. 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.
12. On 12 October 2021 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
13. Despite this intervention the Council has failed to respond to the complainant.
14. 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 finds 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

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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Wycliffe House
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