

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

### **Decision notice**

**Date:** 24 November 2022

**Public Authority:** London Borough of Croydon

**Address:** 2 Borrowdale Drive  
South Croydon  
CR2 9JS

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

---

1. The complainant requested information relating to a planning enforcement file on a current development. By the date of this notice London Borough of Croydon (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**

---

5. On 14 September 2022, the complainant made the following request for information to the council:

“With regard to the current development at [LOCATION REDACTED]:

a) Please confirm the date on which the planning enforcement [REFERENCE REDACTED] was first opened, as well as any dates that it was closed and re-opened.

b) Please provide the dates on which any other RELEVANT planning enforcement files have been opened and/or closed and/or re-opened.

c) Please provide copies of all planning contravention notices, enforcement notices, temporary stop notices and stop notices issued with regard to the above development.

d) If none of the information in (c) is held, please confirm that no FORMAL planning enforcement has taken place.”

6. To date, the council has not acknowledged the request for information.

## **Scope of the case**

---

7. The complainant contacted the Commissioner on 31 October 2022 to complain about the council’s failure to respond to this request.

8. The Commissioner contacted the council on 8 November 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**

---

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

---

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**