

**Freedom of Information Act 2000 (FOIA)  
Environmental Information Regulations 2004 (EIR)**

**Decision Notice**

**Date:** 4 January 2022

**Public Authority:** Royal Borough of Kingston upon Thames  
**Address:** Guildhall  
Kingston upon Thames  
Surrey  
KT1 1EU

**Decision (including any steps ordered)**

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1. The complainant requested information relating to a review of parking undertaken by the Royal Borough of Kingston upon Thames (the Council). The Council took two months to issue a substantive response.
2. The Commissioner's decision is that the Council failed to comply with regulation 5(2) of the EIR. Since the Council has now issued a response the Commissioner does not require any steps to be taken.

**Request and response**

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3. The complainant in this case is in dispute with the Council regarding a parking enforcement matter. The complainant took a case to the Local Government Ombudsman (LGO) who made a number of recommendations.
4. In response to the LGO's findings the Council advised the complainant that it was undertaking a review of parking within the borough, including the use of delegated powers for enforcement of nuisance parking offences.

5. On 15 May 2021 the complainant requested the following information from the Council:

*"... please now supply full details of this review, including the dates that the meeting(s) around this matter took place, who attended, and any decisions reached.*

*Please ensure that included within this documentation, is proof that the matter of DVLA devolved powers was discussed and the outcome of that matter is clear to see."*

6. The Council wrote to the complainant on 16 June 2021 to apologise that it had not yet been able to respond to the request. It advised that it hoped to issue a response as soon as possible.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 1 July 2021 to complain that he had not received a response to his request.
8. Following the Commissioner's intervention the Council issued a response to the complainant on 13 July 2021. The complainant asked that the Commissioner issue a decision notice recording the time taken to respond to his request.

### **Reasons for decision**

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#### **Regulation 5: duty to make environmental information available**

9. Regulation 5(1) of the EIR states that a public authority that holds environmental information shall make it available on request, subject to any exceptions that apply. 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.
10. In this case the request was made on 15 May 2021, and the Council responded on 13 July 2021. This clearly exceeds the 20 working days allowed under regulation 5(2).

11. The Commissioner notes that regulation 7 of the EIR allows a public authority to extend the time for compliance to 40 working days. However this is only permissible if the authority reasonably believes it is impracticable to issue a substantive response within 20 days as a result of the complexity and volume of the requested information.
12. If a public authority wishes to extend the time for compliance under regulation 7 it is obliged to advise the requester of this within 20 working days. In this case the Council did not advise the complainant that it was extending the time for compliance under regulation 7.
13. In light of the above Commissioner records that the Council failed to comply with regulation 5(1) and regulation 5(2) of the EIR. However, since the response has now been issued the Commissioner does not require any further steps to be taken.

## Right of appeal

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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 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. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

**Signed** .....

**Sarah O’Cathain**  
**Senior Case Officer**  
**Information Commissioner’s Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**