

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

### **Decision notice**

**Date:** 7 January 2022

**Public Authority:** London Borough of Croydon  
**Address:** Bernard Weatherill House  
8 Mint Walk  
Croydon  
CR0 1EA

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

---

1. The complainant requested information from the London Borough of Croydon ("the Council") about the design, scope and proposed timeline of the Sydenham Road Low Traffic Neighbourhood scheme. 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 regulations 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 19 March 2021, the complainant wrote to the Council and requested information in the following terms:

*"I came across a published FOI response from TfL relating to the allocation of dedicated cycling and walking funding from the active travel fund (tranche 2). This identified that Croydon council has been awarded £91,000 to deliver a low traffic neighborhood in sydenham road, however no information about this scheme has been published. Please could the council provide all relevant documents that set out the design and scope of the sydenham road low traffic neighborhood (including if available a map setting out the location on sydenham road), and could the council also release details about the proposed timeline to consult on and deliver the scheme."*

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

## **Scope of the case**

---

7. The complainant contacted the Commissioner on 1 December 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. On 10 December 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.
12. Despite this intervention the Council has failed to respond to the complainant.

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 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

---

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**