

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 16 April 2024

Public Authority: Royal Borough of Greenwich
Address: The Woolwich Centre
35 Wellington Street
Woolwich
SE18 6HQ

Decision (including any steps ordered)

1. The complainant has requested information regarding a yellow box junction.
2. The Commissioner's decision is that the Royal Borough of Greenwich ("the Council") breached regulation 5(2) of the EIR by failing to provide all the requested information within the statutory time frame of 20 working days.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 16 August 2023, the complainant made the following request for information to the Council:

"Re. Yellow Box Junction in Plumstead Common Road, jct/w Burrage Road SE18

Please provide a copy of the surveys (and any supporting documentation) conducted by RBG that were undertaken during the initial assessment, design and implementation of the above-named Yellow Box Junction.

Please provide details of the PCNs issued at this site since 1st June 2021.

Split by month of Contravention date, please provide the following detail:

- Number of PCNs issued
- Number of PCNs paid within 14 days (discounted charge)
- Number of PCNs paid within 15-28 days (full charge)
- Number of Representations where PCN is upheld
- Number of Representations where PCN is cancelled
- Number of Appeals to Tribunal Adjudicator
- Number of Appeals to Tribunal Adjudicator where evidence is submitted by RBG and PCN is upheld
- Number of Appeals to Tribunal Adjudicator where evidence is submitted by RBG and PCN is cancelled
- Number of Appeals to Tribunal Adjudicator where evidence is NOT submitted by RBG

Please provide the data as a table within an Excel spreadsheet.”

5. The Council responded on 15 September 2023 and provided some information within the scope of the request.
6. The Council provided its internal review on 16 October 2023. It stated that no further information was held for the first part of the request and provided information outside the scope of the request for the second part.
7. In response to the Commissioner’s investigation, the Council issued a further response on 3 April 2024 and provided the remaining requested information.

Scope of the case

8. The complainant has confirmed that they are happy with the information they have now received, but wish to have the late disclosure formally recorded.

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. 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 provide all of the information it held within 20 working days.

Other matters

12. The Commissioner would also like to take this time to remind the Council that where a complainant has specifically identified their remaining concerns in an internal review request, the Council should use this to guide their response and address the concerns in question.

13. In the circumstances of this case, the complainant specifically advised the following:

"Request 1. This request was for the surveys and supporting documentation "undertaken during the initial assessment, design and implementation". I had used the word "initial", but for the removal of any doubt, this request is for when the Box Junction was first designed, surveyed and installed. This will be the survey & supporting docs that check suitability, design and any nearby highway features etc that may need to be amended as part of the installation. Please supply these documents.

Request 2. The location in the data is given simply as "Plumstead Common Road", however there are 2 yellow box junctions in Plumstead Common Road (PCRd). Could you please clarify if the data relates solely to alleged offences recorded at the PCRd/Burrage Road junction or if it is combined with the alleged offences recorded at PCRd/Bloomfield Road junction. If combined, please re-issue the dataset with solely PCRd/Burrage Road data."

14. Despite the complainant providing specific details of their concerns, the Council requested further clarification regarding how the information provided was incorrect.
15. When the Council did issue their internal review, it failed to address the concerns raised by the complainant regarding the part of the request referred to as "request 2".
16. It is clear to the Commissioner that the attention to detail which he expects when handling such matters was not demonstrated by the Council. The Commissioner considers this to be an example of poor practice.

Right of appeal

17. 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

18. 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.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Michael Lea
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF