

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

Date: 27 August 2024

Public Authority: London Borough of Lewisham
Address: Laurence House
1 Catford Road
London
SE6 4RU

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Lewisham (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 the public authority 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.¹
4. The public authority must take these steps within 30 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

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

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 22 March 2024, the complainant made the following request for information to the public authority:

6. "1. How many Disrepair Claims were made against Lewisham Homes/Lewisham Council for Water leaks, damp and mould and water ingress repairs. In the years listed below please give the total amounts?

- 2020

- 2021

- 2022

- 2023

- 2024

2. How many 'Letter of Claims' were issued to Lewisham Homes/Lewisham Council for Water leaks, damp and mould and water ingress repairs. In the years listed below please give the total amounts?

- 2020

- 2021

- 2022

- 2023

- 2024

3. How many Complaints regarding Water leaks, damp and mould and water ingress repairs were received by Lewisham Homes/Lewisham Council. In the years listed below please list the total amounts?

- 2020

- 2021

- 2022

- 2023

- 2024

4. How much was the total compensation ordered by the Courts for Lewisham Homes/Lewisham Council to pay out regarding Disrepair cases for Water leaks, damp and mould and water ingress repairs. In the years listed below please list the total amounts?

- 2020

- 2021

- 2022

- 2023

- 2024

5. How much was the total compensation ordered by the Housing Ombudsman for Lewisham Homes/Lewisham Council regarding Disrepair cases for Water leaks, damp and mould and water ingress repairs. In the years listed below please list the total amounts?

- 2020

- 2021

- 2022

- 2023

- 2024

6. Please note that I would like the total figures for each year listed in the same format given to yourselves, so I can clearly see the difference from year to year for each question."

6. On 8 April 2024, the public authority asked for clarification in the following words:

"Please can you clarify question 3 of your Freedom of Information request, as request is not clear in its current form.

How many Complaints regarding Water leaks, damp and mould and water ingress repairs were received by Lewisham Homes/Lewisham Council. In the years listed below please list the total amounts? Are you asking for information on all repairs including delayed maintenance and Disrepair?"

7. On 8 April 2024, the complainant clarified their request:

"I'm asking for all the total number of complaints received Water leaks, damp and mould and water ingress repairs were received by Lewisham Homes/Lewisham Council. In the years listed as per original email. This would naturally include the other areas you have included anyway if it has been logged under the areas requested."

8. The public authority has failed to provide a response.

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 Commissioner contacted the public authority on [date] reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. Despite this intervention the public authority has failed to respond to the complainant.

12. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the public authority 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

13. 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

14. 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.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Information Commissioner's Office
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Water Lane
Wilmslow
Cheshire
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