

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 15 September 2021

Public Authority: London Borough of Southwark

Address: 160 Tooley Street
London
SE1 2QH

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Southwark ("the Council") relating to the installation of a fire alarm system at a specific property. By the date of this notice, the Council had not provided a substantive response to the request.
2. The Commissioner's decision is that the Council 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 20 March 2021, the complainant wrote to the Council and requested information in the following terms:

"This year in [name redacted] it had been installed a heat/ fire alarm system.

Please provide:

- 1. the technical specification of the design of the alarm*
 - 2. the subject matter expert survey/ documentation of recommendation of the above design*
 - 3. the yearly testing/ maintenance programme/ procedure*
 - 4. the ongoing yearly maintenance cost and who it is going to pay for it*
 - 5. the legislation in which shows that it is mandatory for LBS entered and had installed the heat alarm in my flat"*
6. The Council wrote to the complainant on 12 April 2021 to acknowledge the request.
7. The Council wrote to the complainant on 5 August 2021 to provide the complainant with an update on the status of her complaint.
8. On 6 August 2021, as the complainant had not received a response, she wrote to the Council to complain about the Council's delay in responding to her request.
9. By the date of this notice, the Council had not provided the complainant with a substantive response to her request.

Scope of the case

10. The complainant contacted the Commissioner on 6 August 2021 to complain about the Council's failure to respond to her request.
11. The Commissioner contacted the Council on 31 August 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. The Commissioner also contacted the complainant on 31 August 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.

13. The complainant has provided evidence that she has received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to her information request.
14. The scope of this notice and the following analysis is to consider whether the Council complied with regulation 5(2) of the EIR.

Reasons for decision

15. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

16. 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."

17. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached regulation 5(2) of the EIR.

Right of appeal

18. 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

19. 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.
20. 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
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