

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

**Decision notice**

**Date:** 20 July 2022

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

**Decision (including any steps ordered)**

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1. The complainant has requested information from Croydon London Borough Council ('the Council') about enforcement action. At the date of this notice, the Council has not provided a response to the request.
2. The Commissioner's decision is as follows:
  - The Council has breached section 10(1) of FOIA as it has not provided a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
  - Provide a response to the complainant's request of 10 May 2022 that complies with FOIA or the EIR as appropriate.
4. The public authority 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**

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5. On 10 May 2022, the complainant wrote to the Council and requested information in the following terms:

“...Anyway, in anticipation of CC making the wrong call on this, I would like to simultaneously:

(1) register a complaint for non-compliance with a Planning Inspectorate direction that was given on the basis of time being of the essence; and

(2) an FOI to understand how many times CC have taken enforcement action against persons for non-compliance with a Planning Inspectorate direction.”

6. The Council acknowledged receipt of the complainant’s correspondence on 20 May 2022.
7. The complainant did not go on to receive a response and contacted the Commissioner.

## **Scope of the case**

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8. The complainant first contacted the Commissioner on 28 June 2022 because they had not received a response to their request.
9. The Commissioner wrote to the Council on 4 July 2022 and instructed it to provide a response within 10 working days. On 19 July 2022 the complainant advised the Commissioner that they still had not received a response.
10. The Commissioner’s investigation has focussed on the Council’s obligation under section 10(1) of FOIA.

## **Reasons for decision**

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### **Section 10 – time for compliance**

11. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have the information communicated to them if it is held and is not subject to an exemption.

12. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
13. The complainant submitted their request to the Council on 10 May 2022 and to date has not received a response under section 1(1). The Council has therefore breached section 10(1) with regards to this request.

## **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@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.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**

**Cressida Woodall**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**