

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 February 2019

Public Authority: Commissioner of the City of London Police

Address: PO Box 36451

Bishopsgate

London

EC2M 4WN

Decision (including any steps ordered)

1. The complainant has requested information relating to fixed penalty notices issued for cycling on pavements and the number of people charged with dangerous / careless cycling.
2. The Commissioner's decision is that City of London Police (COLP) has breached section 10(1) of the FOIA 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 COLP to take the following step to ensure compliance with the legislation.
 - COLP must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. COLP 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 3 December 2018, the complainant wrote to COLP and requested information in the following terms:

"Under the Freedom of Information Act, please could you provide me with the number of fixed penalty notices issued for cycling on the footway (pavement) for each of the past three financial years (2015/16, 2016/17 and 2017/18).

Please could you also provide me with number of people charged with dangerous cycling and careless cycling in each of the above years."

6. The complainant wrote to COLP on 5 December 2018 to confirm receipt of the request.
7. COLP wrote to the complainant on 10 December 2018 to confirm it had received the request and explain that it was experiencing delays.
8. The complainant wrote to COLP on 4 January 2019 to chase her request.

Scope of the case

9. The complainant contacted the Commissioner on 11 January 2019 to complain about COLP's failure to respond to her information request.
10. On 24 January 2019 the Commissioner wrote to COLP, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
11. Despite this intervention COLP has failed to respond to the complainant.

Reasons for decision

12. Section 1(1) of the FOIA states that:

"Any person making a request for information to a public authority is entitled -

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

(b) if that is the case, to have that information communicated to him."

13. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
14. From the evidence provided to the Commissioner in this case, it is clear that COLP did not deal with the request for information in accordance with the FOIA. The Commissioner finds that COLP has breached section 10(1) 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 FOIA.

Right of appeal

15. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Carolyn Howes
Senior Case Officer
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Wycliffe House
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Wilmslow
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SK9 5AF