

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 July 2021

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

Decision (including any steps ordered)

1. The complainant requested information from London Borough of Croydon ("the Council") about pre-planning application meeting reports for a proposed development.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
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 FOIA.
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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 25 April 2021, the complainant wrote to the Council and requested information in the following terms:

"With reference to the proposed development at 61-63 Valley road (21/01364/FUL). We note that the application makes reference to PRE-APP meetings between 15 Sep 2020, 28 Oct and 15th Dec 2020.

It would help our understanding of this planning application if we could be provided with copies of the Pre-App meeting reports provided by Croydon Council. Please can the relevant Pre-App reports be provided ASAP so that we can progress to write our objection letter."

6. Whilst the Council did not acknowledge this request, the complainant has provided evidence which shows that the request was sent to a valid Council email address. Therefore, the Commissioner has assumed that the request was received by the Council.
7. On 11 June 2021, as the complainant had not received a response, he wrote to the Council to ask for an update on the status of his request.
8. By the date of this notice the Council had not provided a substantive response to the request.

Scope of the case

9. The complainant contacted the Commissioner on 21 June 2021 to complain about the Council's failure to respond to the request.
10. The Commissioner contacted the Council on 5 July 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. The correspondence was neither acknowledged nor responded to.
11. The Commissioner also contacted the complainant on 5 July 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
12. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

13. 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.*

14. Section 10(1) of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

15. 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 section 10 of the FOIA.

Right of appeal

16. 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

17. 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.
18. 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

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF