

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 November 2021

Public Authority: The 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 the London Borough of Croydon ("the Council") relating to waste collection from a specific road. By the date of this notice the Council had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council 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 the Council to take the following step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council 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 October 2021, the complainant wrote to the Council and requested information in the following terms:

"I am re-submitting a request for the third time, since it was not fully answered on the previous two occasions.

The question is:

Please can you tell me the number and proportion of waste collections that took place after their scheduled day in [address redacted] from May to December 2018, broken down by type of collection (non-recyclable, paper, glass, food, garden)?

I received a partial answer previously, but it did not contain the figure for non-recyclable waste collections. It also didn't give the total number of scheduled waste collections of each type during the period.

This is a follow-up to this request sent on 17 and 24 July 2019: [link redacted] which was itself a follow-up to a request with reference [reference redacted] (case number [reference redacted] with the ICO), which received an incomplete response on 25 March 2019.

As you'll see from the link, I received a holding response from Croydon Council on 9 September 2019, which was never followed up. A request for an internal review on 17 January 2021 was ignored entirely.

To re-iterate, I am still waiting to know the number of late non-recyclable waste collections from [address redacted] between May and December 2018, and the total number of scheduled collections of each type during the same period."

6. The Council wrote to the complainant on 5 October 2021 to acknowledge the request. By the date of this notice, the Council has not provided the complainant with a substantive response to his request.

Scope of the case

7. The complainant contacted the Commissioner on 30 October 2021 to complain about the Council's failure to respond to their request.

8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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."

10. 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"*.
11. On 1 November 2021 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention, the Council has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Council 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

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@justice.gov.uk

Website: 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

Michael Lea
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