

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 16 September 2021

**Public Authority:** London Borough of Southwark

**Address:** 160 Tooley Street  
London  
SE1 2QH

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the London Borough of Southwark ("the Council") relating to the installation of fire alarms 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 has failed to respond to the request within 20 working days and has therefore breached regulations 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

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

*"Currently LBS are installing fire/ heat alarms in [address redacted].*

*Can you please provide me with the following:*

- 1. The Fire Brigade assessment report for [address redacted] blocks.*
- 2. The LBS consultation paper with the Fire Brigade.*
- 3. The proposed alarm specifications to be chosen from, their comparative technical specification, their correspondent cost and the criteria on which this specific one had been chosen.*
- 4. What company recommended this specification which is now installed.*
- 5. The correspondence between LBS and the Fire Brigade assessment report re specifically the level of risk and how it is mitigated by the LBS proposed specification of the installed alarm*
- 6. The job numbers and pricing for the Fire Alarm systems in the communal areas.*
- 7. The job numbers and pricing for the Heat Censors in the communal areas. (Are these separate projects).*
- 8. The Section 20s for both Fire Alarms and Heat Censors, as I find receive these.*
- 9. Any acts or laws that state these works are mandatory.*

*I would like this information sent via email."*

6. The Council wrote to the complainant on 2 March 2021 to acknowledge the request.
7. On 18 March 2021, as the complainant had not received a response, he wrote to the Council to ask for an update on the status of his complaint.

8. The Council wrote to the complainant on 23 March 2021 to provide him with an update on the status of his complaint.
9. The complainant wrote to the Council on 23 March 2021 to ask the Council why its response to his request was delayed. The Council responded on the same date to apologise for its delay in responding to the complainant's request.
10. On 26 April 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.
11. The Council wrote to the complainant on 28 April 2021 to provide him with an update on the status of his request.
12. The complainant wrote to the Council again on 29 April 2021 and 12 May 2021 to ask for an update on the Council's response to his request.
13. On 12 May 2021, the Council wrote to the complainant to provide him with an update on the status of his request.
14. The complainant wrote to the Council again on 14 May 2021 to ask for another update on the status of his request.
15. On 20 May 2021, 3 August 2021 and 5 August 2021, the Council wrote to the complainant to provide him with updates on the status of his request. By the date of this notice, the Council had not provided the complainant with a substantive response to his request.

### **Scope of the case**

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16. The complainant contacted the Commissioner on 14 August 2021 to complain about the Council's failure to respond to his request.
17. 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.
18. 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.
19. The complainant has provided evidence that he has received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to his information request.
20. 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**

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

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

22. 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."*

23. 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

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24. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

25. 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.
26. 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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**