

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 March 2023

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 about the content of the Officer Report considered by the Planning Committee on 25 March 2021. By the date of this notice London Borough of Croydon ("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 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 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 29 December 2022, the complainant wrote to the Council and requested information in the following terms:

"This information request is based on the content of the Officer Report (OR) regarding 20/05696/PRE, as considered by the Planning Committee on 25 March 2021.

Prototype production and testing

The OR (5.2) states that feedback from a Place Review Panel in February 2021 had included that " ...prototyping is extremely important. A number of stakeholders will need to feedback on the design ...".

The OR (6.44) also states "The Applicant will produce a prototype which different groups can feedback on. User testing for various site types will be critical to refining the design of the bus shelters ... they will need to ensure issues raised during testing are designed out given the significance of the assets in the public realm across the borough.

1. Please provide copies of any information regarding the production of the prototype(s), the different groups that took part in any user testing (including dates) and the issues that were raised.

Design Code

The Report (6.16) states "The applicant has been developing a design code for the project ... to be submitted to the Local Planning Authority for assessment".

2. Please provide a copy of the finalised (or latest, dated version) of this 'design code' and of the Authority's assessment.

Final Design(s)

The OR (3.5) states "The sites are in areas of varying character, including sites in both urban, suburban and town centre locations ... in a mix of commercial and residential locations" and at that (4.10) " a modular approach is proposed to allow the design to adapt to the specifics of each individual location".

The OR (3.3) states that applications for the required advertisement consent for each of the 158 sites would be submitted FOLLOWING agreement on the final designs of shelters etc. Submission of those applications began (at least) as far back as February 2022 (22/00472/ADV)

3. Please provide copies of any information regarding the final designs, and confirm who it was who agreed those 'adaptable' designs on behalf of the Council, and the date(s) on which any formal agreement was reached."
6. The Council acknowledged the request on 30 December 2022. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 6 February 2023 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 FOIA.

Reasons for decision

9. Section 1(1) of 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 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 10 February 2023 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 FOIA. The Commissioner finds that [public authority] 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 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
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
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