

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **8 September 2022**

Public Authority: **London Borough of Tower Hamlets**

Address: **Town Hall
Mulberry Place
5 Clove Crescent
London
E14 2BG**

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Tower Hamlets ("LBTH") relating to the Wapping bus gate. By the date of this notice LBTH had not issued a substantive response to this request.
2. The Commissioner's decision is that LBTH 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 LBTH to take the following step to ensure compliance with the legislation.
 - LBTH must provide a substantive response to the request in accordance with its obligations under FOIA.
4. LBTH 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 14 July 2022, the complainant wrote to LBTH and requested information in the following terms:

"In a Public Consultation document issued by Tower Hamlets Council on 7-7-22, it has been proposed to remove the Wapping bus gate in the St Katharine and Wapping Ward. The only justifications presented in the consultation document for this proposal are:

What has been described as "a significant number of objections and concerns by residents, and businesses."

"Concerns raised on the impact of the closures on the 1600 taxi-card users who live in Tower Hamlets and rely on travel in licensed taxis and private hire vehicles."

Drawing on this I would be grateful if you would now provide me with the following data:

1) Please quantify in relation to the Wapping bus gate precisely what "a significant number of objections and concerns by residents, and businesses" means in terms of actual numbers.

I would like this numeric data broken down by year as follows (note: no personally identifiable data is required for this):

2019
2020
2021
2022

2) Please quantify in terms of actual numbers how many taxi-card users have been "impacted adversely" by the Wapping bus gate by year, for the following years (no personally identifiable data is required for this):

2019
2020
2021
2022"

6. LBTH acknowledged the request on 14 July 2022. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 14 August 2022 to complain about LBTH's failure to respond to their request.
8. The Commissioner has considered whether LBTH 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 23 August 2022 the Commissioner wrote to LBTH, 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 LBTH has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that LBTH did not deal with the request for information in accordance with FOIA. The Commissioner finds that LBTH 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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