



Scottish Information
Commissioner
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Decision Notice 152/2026

Littering and street cleaning – failure to respond

Authority: Glasgow City Council
Case Ref: 202600752

Summary

The Applicant asked the Authority for information about littering and street cleaning. This decision finds that the Authority failed to respond to the request and requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (the EIRs).

Background

1. The Applicant made an information request to the Authority on 19 January 2026.
2. On 16 February 2026, the Authority gave the Applicant notice that it was extending the time for complying with the request (in terms of regulation 7(1) of the EIRs) and advising that a response would be issued by 16 March 2026.
3. The Authority did not respond to the information request.
4. On 19 March 2026, the Applicant wrote to the Authority in respect of its failure to respond.
5. The Applicant did not receive a response to his requirement for review.
6. On 20 April 2026, the Applicant wrote to the Commissioner, stating that he was dissatisfied with the Authority's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA. The enforcement provisions of FOISA apply to the enforcement of the EIRs, subject to specified modifications – see regulation 17.
7. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.

Investigation

8. Section 49(3)(a) of FOISA requires the Commissioner to notify public authorities of an application and to give them an opportunity to comment. The Commissioner did this on 7 May 2026.
9. The Commissioner received submissions from the Authority on 27 May 2026. These submissions are considered below.
10. The Authority recognised that it had failed to respond to the Applicant's request and requirement for review within statutory timescales, for which it apologised, and explained that this had been the result of administrative errors.
11. The Authority acknowledged that it had failed to comply with its obligations under the EIRs on this occasion and stated that it would issue a substantive response to the Applicant, with an apology, as soon as possible.
12. It is apparent from the terms of the request that at least some of the information caught by it will be environmental information as defined by regulation 2(1) of the EIRs. In [Decision 218/2007 Transport Scotland](#)¹, the Commissioner confirmed at paragraph 51 that where environmental information is concerned, there are two separate statutory frameworks for access to that information and, in terms of the legislation, an authority is required to consider the request under both FOISA and the EIRs.
13. Section 10(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the request to comply with a request for information. This is subject to qualifications which are not relevant in this case. The same timescale is laid down by regulation 5(2)(a) of the EIRs (although, where the EIRs apply, the authority may – as the Authority did in this case – extend the timescale for response by up to a further 20 working days if the volume and complexity of the information requested makes it impracticable for the authority to comply with the request (regulation 7(1) of the EIRs).
14. It is a matter of fact that the Authority did not provide a response to the Applicant's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA. Neither did it provide a response within the extended period provided for in regulation 7(1) of the EIRs and so failed to comply with regulation 5(2)(a) of the EIRs, read with regulation 7(1).
15. Section 21(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the requirement to comply with a requirement for review. Again, this is subject to qualifications which are not relevant in this case. The same timescale is laid down by regulation 16(4) of the EIRs.
16. It is a matter of fact that the Authority did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA and regulation 16(4) of the EIRs.
17. The remainder of section 21 of FOISA and regulation 16 of the EIRs set out the requirements to be followed by a Scottish public authority in carrying out a review. As no review has been carried out in this case, the Commissioner finds that the Authority failed to discharge these

¹ <https://www.foi.scot/decision-2182007>

requirements: he now requires a review to be carried out in accordance with section 21 and regulation 16.

18. The Commissioner notes that the Authority intends to apologise to the Applicant for its failure to comply.

Decision

The Commissioner finds that the Authority failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) and with the Environmental Information (Scotland) Regulations 2004 (the EIRs) in dealing with the information request made by the Applicant. In particular, the Authority failed to respond to the Applicant's request for information and requirement for review within the timescales laid down by sections 10(1) and 21(1) of FOISA and regulations 5(2) (read in conjunction with 7(1)) and 16(4) of the EIRs.

The Commissioner requires the Authority to issue a response by **20 July 2026**.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Enforcement

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

Nick Murton
Freedom of Information Officer

5 June 2026