

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 January 2022

Public Authority: Shropshire Council
Address: Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Decision (including any steps ordered)

1. The complainant has requested information from Shropshire Council ('the Council') about various road matters. The Council has now provided a response to the request but outside of the necessary timescale.
2. The Commissioner's decision is as follows:
 - The Council breached section 10(1) of the FOIA as it did not provide a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner does not require the Council to take any remedial steps.

Request and response

4. On 13 June 2021, the complainant wrote to the Council and requested information in the following terms:

"Can you please provide me with details of the request/instruction and/or brief issued by Shropshire Council to commence the Waterman SA2798 report? I do not expect this to be difficult but, if necessary,

you may consider this to be a Freedom of Information request. I expect to receive this information not later than 1700hrs on 9 July 2021.

In addition, can you explain why Waterman were not provided with, or asked to consider the design against the Governments Manual for Streets, Shropshire Council design specification for estate roads and the original 'developers' compliant drawing C6132-200_P0 s38 Highway Proposals. Why were Waterman only provided with the non-compliant P5 version of the drawing?

Whilst writing can you please explain the reasons for the following road measures in Shrewsbury?

Oteley Road: 3 raised speed tables with no properties in close approximation which have been in place for many years.

Town Walls: 20mph speed limit and speed bumps.

Roman Road: Narrowing between Porthill Roundabout and Copthorne/Mytton Oak Road

Lancaster Road: Narrowing and priority directions system.

Crowmere Road: Narrowing and priority directions system.

Bank Farm Road: Islands in centre of road.

Sutton Road: Speed tables constructed.

Red Deer Road - Squinter Pip Way: Stated to Council Members that the width will be 5.5m but constructed to 6.1 metres.

Mardol/Roushill: Raised speed table constructed.

Claremont Street

What is the Council Policy regarding the use of block paving for speed tables in Shropshire?"

5. The complainant did not receive a response to the request and contacted the Commissioner.
6. The Commissioner wrote the Council on 4 September 2021 and instructed it to respond to the request within 10 working days. The Council did not provide a response within that timescale, and it was necessary for the Commissioner to contact the Council again on 27 September 2021, 18 November 2021 and 4 January 2022.
7. On 12 January 2022 the Council advised the Commissioner that it had responded to the request that day.

Scope of the case

8. The complainant contacted the Commissioner on 6 August 2021 to complain that he had not received a response to his request.
9. Once the Council had provided its response to the request, the Commissioner noted the response and advised the complainant that he had recorded that the Council had breached section 10(1) of the FOIA. The Commissioner did not consider a formal decision was necessary because he routinely records breaches of section 10 and, since the complainant had received a response, there would be no benefit to the complainant from a decision notice. In the circumstances, to prepare a notice would not be an efficient use of his resources. However, the complainant did not consider that the steps the Commissioner had taken were sufficient.
10. The Commissioner will therefore conclude this case through a formal decision notice, which has focussed on the Council's obligation under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

11. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told whether the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
12. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
13. The complainant submitted his request to the Council on 13 June 2021 and the Council did not provide a response under section 1(1) until 12 January 2022. The Council therefore breached section 10(1) with regards to this request.

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@hmcts.gsi.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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF