

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 January 2022

Public Authority: Liverpool City Council

Address: Municipal Buildings
Room 221
Dale Street
Liverpool
L69 2DH

Decision (including any steps ordered)

1. The complainant requested information from Liverpool City Council ("the Council") regarding road markings. By the date of this notice 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 the 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 the 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 14 October 2021, the complainant wrote to the Council and requested information in the following terms:

"I would like to request information relating to the recently installed colourful crossing which has been applied to the crossing Hannover Street, Liverpool. I believe it was installed on or around the 12th/13th of October 2021.

The information I am seeking relates to how the council and its partners have anticipated the potential impact or otherwise of such installation on disabled people. In using the term disabled people I am referring to a wide definition under the Equality Act which includes blind and partially sighted users, neurodivergent people (autism, dementia etc etc.) and people with mental health conditions. I would be pleased to receive any documents with relevant information and in particular any of the following if they exist (in whole, or part, draft or final versions):

- * All records of any internal discussion about the potential impact*
- * All records of any discussion with disabled peoples organisations/access groups or similar*
- * A copy of any equality impact assessment for the decision to proceed to trial - all versions if there are more than one, or other documents your organisation might use to demonstrate 'due regard' in line with your PSED obligations*
- * Any record within the authority regarding the potential impact (positive or negative) of such crossings on disabled people*
- * Any feedback received to date regarding the crossing and disabled people (excluding that now arriving via twitter)*
- * Any advice received from the DfT on the matter*

I should prefer to receive these in electronic format at this email address, however, I am happy to receive them by post if that is more convenient. I would also be happy to receive information in batches within the time frame required if that is easier.

It would be helpful if you were to provide any brief notes which might be necessary to understand the context of the information provided, although I recognise that you are not obliged to do this. If for any reason you feel this request is unclear, please do not hesitate to contact me. If you are not the appropriate authority for this request, or for part of it, please let me know as soon as is convenient.

If the information requested contains sections of confidential information, please blank out or remove these sections, and mark clearly that they have been removed.

I would also request you keep my name confidential out of fear of reprisals.

Thank you for your help."

6. The Council acknowledged the request on 14 October 2021. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 29 November 2021 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 the FOIA.

Reasons for decision

9. Section 1(1) of the 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 the 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 3 December 2021 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 the FOIA. The Commissioner finds that the Council 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 the 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF