

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 10 May 2016

Public Authority: Flintshire County Council
Address: County Hall
Mold
Flintshire
CH7 6ND

Decision (including any steps ordered)

1. The complainant requested information about permitted distances between streetlights in Flintshire and a map showing the location and measurements of streetlights in a specific location. Flintshire County Council ('the Council') provided some information and confirmed other information was not held. During the course of the Commissioner's information, the Council disclosed some additional information. The Commissioner's decision is that the Council does not hold the specific information requested by the complainant. The Commissioner also finds that the Council complied with its obligations under regulation 9 to provide appropriate advice and assistance. He does not require any steps to be taken.

Request and response

2. On 23 November 2015 the complainant wrote to the Council and requested information in the following terms:

"under the freedom of information act 2000 I would like to know the maximum and minimum distances allowed between streetlights in Flintshire, also could I have a drawing of the locations of streetlights in kings avenue flint including all measurements".

3. The Council responded on 24 November 2015 and provided some information relating to the first part of the request, including a copy of the Council's approved specifications policy for streetlights. The Council confirmed that it did not hold a drawing of streetlights in Kings Avenue with associated measurements because "streetlights are not mapped specific to accurate measurements to each street light". In light of this the Council confirmed that regulation 12(4)(a) applied to the second part of the request.
4. On 3 December 2015 the complainant requested an internal review of the Council's response. He said that the information provided in respect of part one of the request "does not tell me any information at all" and disputed the Council's response that it did not hold any information relating to part two of his request.
5. The Council provided the outcome of its internal review on 4 December 2015. In relation to part one of the request, the Council repeated the information given in its original response and stated that "Therefore the question you have asked above is information not held". The Council also repeated that it did not hold information relating to part two of the request and as such it was relying on regulation 12(4)(a).

Scope of the case

6. The complainant contacted the Commissioner on 19 January 2016 to complain about the way his request for information had been handled.
7. During the course of the Commissioner's investigation, the Council advised that the information it had provided in its initial responses to the request was background/contextual information which had been provided in order to be as helpful as possible in explaining information held generally about street lighting. In addition, during the investigation, the Council provided the complainant with copies of the maps it held showing the location of streetlights in King's Avenue, Flint. However, the Council explained that the maps held were not accurate to specific measurements. The Council confirmed that its position is that it does not hold the specific information requested by the complainant.
8. In light of the above, the Commissioner has considered whether the Council holds any recorded information relevant to the request of 23 November 2015.

Reasons for decision

Regulation 5 – the duty to make environmental information available on request

Regulation 12(4)(a) – information not held

9. Under regulation 5(1) of the EIR public authorities have a general duty to make environmental information available when it is requested. When the information is not held, public authorities should issue a refusal notice, in accordance with regulation 14 that cites the exception under regulation 12(4)(a) of the EIR. This exception applies when information is not held.
10. In scenarios where there is some dispute about the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
11. In other words, in order to determine such complaints, the Commissioner must decide whether, on the balance of probabilities, a public authority holds any information which falls within the scope of the request (or was held at the time of the request).
12. The Council explained that its approved specification policy for street lighting provides guidance in line with the relevant industry and British Standards that the Council and its contractors adhere to. However, the Council maintains that none of the policies or industry standards relating to street lighting contains information relating to the minimum and maximum distances permitted between streetlights.
13. The Council explained to the Commissioner that, in relation to new designs or installations, the relevant British Standards provide clear, suggested, distances between streetlights to ensure optimum illumination, which the Council endeavours to adhere to. These “suggested” distances are obtained using a street lighting design package. In order to obtain the suggested distances, it is necessary to input a significant number of “variable factors” relating to the installation. These variable factors include the height of the column, the angle of the bracket arm & lantern, the lamp type installed, the light output/illumination from the optics, the distance from the lantern to the column, the road type and material, the number and width of the lanes in the road, the cleaning and maintenance regime, crime levels etc.
14. Once all the relevant variable factors are input, the lighting design package provides “suggested” distances for the streetlights to be

installed at in order to achieve optimum illumination levels for the road in question. As such, the distances between streetlights various significantly from location to location, and sometimes the distances between streetlights will vary even in the same road due to the lamp type installed, footway, height of the column etc.

15. The Council provided the Commissioner with screenshots of a lighting design package in use to demonstrate the number of variable factors that needed to be input in order to extract the suggested distance figure. It also provided evidence to show that even if one of the variable factors is altered, it can alter the distances suggested between streetlights. For example, changing the tilt angle of the bracket arm and lantern by 5° resulted in a change in the suggested distance between streetlights of almost five metres. The Council confirmed that, wherever possible, it adheres to the suggested distances obtained from the street lighting design package. However, it is not always possible to install lighting columns at the exact suggested distances due to other external factors on the road in question, for example, the existence of overhead or underground power lines, dropped kerbs etc. The relevant industry standards allow for these minor adjustments to the positioning of lighting columns.
16. The Council explained that the request in this case is linked to a dispute the complainant has regarding the positioning of a replacement street lighting column near his property. It explained that, where older installations are replaced such as the one near the complainant's property from a 35w Sox 5 meter column to a 45w CPO 6 meter column, it is not practical or reasonable to strictly adhere to such guidance on illumination. This is because the Council is governed and restricted by existing driveways, houses, junctions, bedroom windows etc. In these circumstances, the best spread of illumination is achieved, as close to the recommendations in the various British Standards as possible. If a column is then moved in either direction it will reduce illumination uniformity and cause potential dark spots in an area.
17. Turning to the second part of the request for a "drawing of the locations of street lights in kings avenue flint including all measurements". The Council provided the Commissioner with map extracts of the road in question. The Council explained that a mapping system, known as Mayrise, is used as the asset register for carriageways, footways and street lighting. However, the system is not accurate to specific measurements. The mapping system allows officers to plot the approximate location of streetlights for identification purposes, for example to enable them to be located in the event of a streetlight fault. However, there could be up to a 3 meter tolerance when an officer plots the location of a street light onto the mapping system. As stated earlier in this notice, although the maps do not meet the exact terms of the

request, the Council provided copies to the complainant during the Commissioner's investigation.

18. The Council explained that it has been in correspondence and discussion with the complainant since 2014 about the location of a replacement streetlight near his property. Following a site meeting with the complainant, a technician produced a hand-drawn sketch of the lighting columns near his property by measuring the lampposts in situ to assist the complainant in ascertaining measurement of the locations of those lampposts in the immediate vicinity to his property. A copy of this was provided to the complainant. However, the Council maintains that its mapping system for the location of streetlights does not provide accurate plotting of the distances between streetlights, and as such it does not hold a map showing the locations and measurements of streetlights in the road in question.
19. In terms of the searches undertaken to locate any information relevant to the request, the Council advised that searches were made of records held by its Streetscene and Transportation portfolio. The Council confirmed that both manual and electronic files were searched including internal databases that hold mail, e-mail records and its Mayrise system. In addition, in light of its previous dealings with the complainant about the matter, searches were conducted of the Council's complaints database and the email records of the officer who had been the primary contact for the complainant were searched.
20. To the best of the Council's knowledge, all correspondence with the complainant was by letter. However, it is possible that emails may have been sent to a technician who was also involved in the subject matter. The technician in question left the Council over 12 months ago and any such emails may have been deleted in line with normal retention procedures.
21. Based on the responses provided by the Council the Commissioner is satisfied that it has carried out adequate searches of all places and records where the information would be held. There is no evidence of any inadequate search or grounds for believing there is a motive to withhold information. Based on the searches undertaken and the other representations provided by the Council, the Commissioner is satisfied that, on the balance of probabilities, the Council does not hold the information requested.

Regulation 9 –advice and assistance

22. Regulation 9 provides that a public authority shall provide advice and assistance so far as it would be reasonable to expect the authority to do so, to applicants and prospective applicants. The provision of advice and

assistance is covered in part III of the code of practice issued under regulation 16¹.

23. The Council advised the Commissioner that the information it provided in its initial responses to the request in this case did not represent recorded information held and was provided in an attempt to explain what information was held relating to the positioning of streetlights. In addition, during the Commissioner's investigation, the Council disclosed the maps it did hold of the streetlights in the area requested (which did not include the measurements requested).
24. On reviewing the correspondence, the Commissioner is satisfied that the Council's intention was to try to provide an explanation on how the siting of streetlights is determined. The Council also directed the complainant to the recorded information it did hold on this case, albeit not the recorded information the complainant was after – that being the Council's approved specifications policy for Street Lighting, relevant extracts from the relevant British Standards, and the maps that were held of the streetlights in the King's Avenue, Flint. The Commissioner therefore finds that the Council complied with its obligations under regulation 9 of the EIR.

1

<http://webarchive.nationalarchives.gov.uk/20130822084033/http://www.defra.gov.uk/corporate/opengov/eir/pdf/cop-eir.pdf>

Right of appeal

25. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

26. 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.
27. 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

Anne Jones
Assistant Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF