

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 January 2018

Public Authority: Sheffield City Council
Address: Town Hall
Pinstone Street
Sheffield
S1 2HH

Decision (including any steps ordered)

1. The complainant has requested information on the Sheffield City Council's policy on drop kerb installation at bus stops as well as the number of these installed. The Council provided information on its policy but stated it did not hold information on the number of drop kerbs installed at bus stops.
2. The Commissioner's decision is that the Council has fulfilled its obligations under section 1(1) of the FOIA by stating that this information is not held. She therefore requires no steps to be taken.

Request and response

3. On 11 November 2016 the complainant wrote to Sheffield City Council ("the Council") and requested information on the subject of drop kerbs adjacent to bus stops in the following terms:

"In preparation for a public statement, could you please confer to state the Council's position on this issue.

Could you also please indicate how many drop kerbs have been installed as a result of the campaign to provide access to bus stops for disabled citizens."

4. The Council responded on 14 November 2016 and asked for clarification of the request. It asked the complainant to specify a timescale in regard

to the installation of drop kerbs and to confirm if the request was solely related to new installations. The complainant responded on the same date and confirmed the timescale was from January 2016 to date and the request was only to apply to bus stops where a new drop kerb had been installed as there was not previously access to a bus stop.

5. The Council provided its response on 5 December 2016 with a statement from its transport planning team who stated there was no Council policy or city-wide programme on the provision of drop kerbs adjacent to bus stops. It also stated the transport planning team had no knowledge of any meetings as referenced in the correspondence from the complainant and it did not keep a register of the number of dropped kerbs provided specifically at bus stops as part of capital projects.
6. Following an internal review the Council wrote to the complainant on 17 March 2017. It stated that in relation to the first part of the request – the Council's position on the issue – the Council maintained a factual response had been provided. For the second part of the request – the number of drop kerbs installed as a result of the campaign to provide access to bus stops – the Council stated it had provided a factual response.

Scope of the case

7. The complainant contacted the Commissioner on 17 March 2017 to complain about the way his request for information had been handled. He specifically stated he did not consider the Council had fully answered the questions he had asked.
8. During the Commissioner's investigation, further questions were asked of the Council to establish if any further information might be held that would specifically address the complainant's concerns. This led to further explanations being provided by the Council to the complainant.
9. The complainant accepted the further explanations answered the first part of the request about policy. However, the complainant maintained the second part of his request had not been properly answered.
10. The Commissioner therefore considers the scope of her investigation to be to determine whether the Council holds information which would provide an answer to the second part of the request.

Reasons for decision

Section 1 – information held

11. Section 1(1) of the FOIA says that anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have it communicated to him or her if it is held.
12. In response to the Commissioner's enquiries around the subject of drop kerbs the Council explained that it had consulted with its Transport Planning Team to understand better the issue of accessibility around bus stops and drop kerbs. The Transport Planning Team clarified there are three types of facilities provided:
 - Drop kerbs provided generally across the highway network;
 - Drop kerbs provided specifically at bus stops; and
 - Other mobility facilities at bus stops including tactile paving, raised footways and waiting restrictions.
13. The second part of the complainant's request related specifically to drop kerbs installed at bus stops. However, in order to explain why the number of these was not held the Transport Planning Team provided further detail on its "Streets Ahead PFI Highways Maintenance Contract" undertaken by Amey and its policies on drop kerbs in general.
14. The Council explained that Amey were undertaking a large programme of drop kerbs at road crossings but no aggregated list of all new drop kerbs provided in this way was kept by them. Outside of this, the Council had also allocated capital funding to provide a smaller number of drop kerb crossings across roads of all categories to improve general accessibility. The Council was able to state that it was aware of six drop crossings provided but these did not necessarily relate to bus stops as many requests to provide accessible crossing relate to drop crossing and not drop kerbs.
15. The Council went on to state that its policy is to provide drop kerbs wherever appropriate on all new capital transport projects both for bus stops and more generally to improve road crossings. New drop kerbs to bus stops are always one element of improvement works to crossing facilities but they may not always be adjacent to bus stops. It stated that the Council does not keep a register of the total numbers of new drop kerbs provided through its capital programme.
16. The Council explained that the majority of bus-related projects are sponsored by South Yorkshire Passenger Transport Executive in partnership with the Council. These projects aim to provide drop kerbs

and other facilities at bus stops within all new projects but there is no aggregated list kept by the Council of new facilities installed.

17. The Commissioner has considered the request, the Council's responses and explanations provided to her. The disputed part of the request is that asking for the number of drop kerbs installed at bus stops as a result of the campaign to provide access to bus stops. The Commissioner notes this is a very specific request and the explanations given by the Council set out why it is not possible to provide a figure for the number of drop kerbs installed at bus stops, not even taking into account that the request specifically asked for those installed as a result of a campaign. It stands to reason if it does not hold a figure for drop kerbs in general, the Council will not hold a figure for drop kerbs installed due to a campaign.
18. The complainant considered the answer to this part of his request was in fact zero but the Council refused to state this. The Commissioner, however, disagrees with this interpretation of the explanations given by the Council. It seems clear from the explanations that the Council cannot provide a figure as it does not hold recorded information on the number of drop kerbs installed as they are often installed as part of wider programmes. The Council cannot be expected to speculate on what the number might be and it is only obliged to consider what recorded information it holds relevant to the request and the Commissioner is satisfied that it does not hold recorded information specifically on the number of drop kerbs installed.
19. She therefore concludes that, on the balance of probabilities, the Council does not hold the requested information and has complied with section 1(1) of the FOIA.

Section 10 – time for compliance

20. Section 10(1) of the FOIA says that a public authority must comply with a request as soon as possible and within 20 working days following the date of receipt of the request.
21. In this case, the complainant submitted his request on 11 November 2016 and did not receive a response fulfilling part one of his request until 13 November 2017. The Council therefore breached section 10(1) on this occasion.

Right of appeal

22. 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

23. 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.
24. 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

Jill Hulley
Senior Case Officer
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Wycliffe House
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SK9 5AF