

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 November 2022

Public Authority: Oxfordshire County Council

Address: governance@Oxfordshire.gov.uk

Decision

1. The complainant requested information relating to a street works permit scheme. Oxfordshire County Council (the "council") disclosed some information and confirmed that further information was not held.
2. The Commissioner's decision is that, on the balance of probabilities, the council has disclosed all the requested information that it holds and that it complied with section 1 of the FOIA.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 5 November 2021 the complainant made the following information request to Oxfordshire County Council (the "council"):

"In relation to the new Street Works Permit scheme which was introduced in February 2020. Could you please forward to me the following;

1. The monthly reports showing performance against the 'monthly' KIPs as defined by the DfT's Statutory Guidance for Highway Authority Permit Schemes.
 2. The quarterly scorecards produced by Oxfordshire County Council and submitted to the DfT.
 3. The year 1 evaluation report covering the areas defined (May 2021)
 4. Income levels by 'month' since the permit scheme started (February 2020) showing both sums invoiced and sums paid."
5. The council disclosed some information and confirmed its final position, namely, that it does not hold the KPI information identified in part 1 of the request or the invoice information in part 4.

Reasons for decision

Section 1 – duty to provide information held

6. The complainant considers that the council should hold the KPI information in part 1 of the request and the invoice information in part 4.
7. This reasoning covers whether the council is correct when it says that it does not hold this information.
8. In relation to the KPI information, the council confirmed that it does not hold this information as it cannot be obtained from information held in the Department for Transport's Street Manager system. The council explained that Street Manager has not been set up yet to provide these reports.
9. In relation to the invoice information in part 4 of the request, the council confirmed that, following discussion with the council's Corporate Finance Teams, it was unable to determine when each invoice was paid.

10. The council clarified that income is paid into a holding account and then allocated based on the invoice number and this is not completed and finalised each day. Therefore, even if it could be determined when the income was received for an invoice, the transaction date on the system may not be an accurate record of when it came in. The council confirmed that searching against each individual invoice would not be feasible and, in any event, it is not required to report this information for its own purposes.
11. The Commissioner recognises why the complainant might consider that the requested information is held. However, having considered the steps taken by the council to determine whether the information can be retrieved and whether it is held for the purposes of the FOIA, the Commissioner is satisfied that, on the balance of probabilities, the information is not held.

Right of appeal

12. 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@justice.gov.uk

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

13. 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.
14. 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

Christopher Williams
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