

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 26 August 2022

Public Authority: Bristol City Council

Address: The Council House
College Green
Bristol
BS1 5TR

Decision (including any steps ordered)

1. The complainant requested information from Bristol City Council ("the Council") relating to a new loading bay on a road in the city. 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 failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the EIR.
4. The Council must take these steps 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 Freedom of Information Act and may be dealt with as a contempt of court.

Request and response

5. On 16 June 2022, the complainant made the following request for information to the Council:

"A Loading Bay has recently been marked on the footway on the south side of Nelson Street.

The loading bay appears to have been installed by a private developer and not by contractors working on behalf of Bristol City Council.

I am unable to locate a Traffic Regulation Order, or any formal consultation on a proposed Traffic Regulation Order, for a new loading bay at the footway at this location.

Please advise:

a. If the loading bay has been legally installed, please provide a copy of the Traffic Regulation Order (TRO) and details of the consultation for the TRO.

b. If the loading bay has been installed without a TRO, please advise the current status of the Loading Bay. For example, is it an offence for vehicles to park on the footway in the area marked as if it was a legitimate Loading Bay.

c. If the loading bay has been installed without a TRO, please advise what action the Council is to take to rectify the issue.

d. Please provide a copy of any (and all) correspondence (internal and external) regarding a new loading bay on the footway at this location.

I look forward to your prompt response to this FOI request. Please respond by email, with any documents provided being .pdf documents

6. The Council acknowledged the request on 16 June 2022. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 9 August 2022 to complain about the Council's failure to respond to this request.
8. The Commissioner contacted the Council on 11 August 2022 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

9. Despite this intervention the Council has failed to respond to the complainant.
10. The scope of this notice and the following analysis is to consider whether the Council has complied with regulation 5(2) of the EIR.

Reasons for decision

11. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

12. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

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 EIR. The Commissioner's decision is that the Council has breached regulation 5(2) 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 EIR

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

Claire Churchill
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Wycliffe House
Water Lane
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SK9 5AF