

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 January 2023

Public Authority: City of Bradford Metropolitan District Council
Address: City Hall
Centenary Square
Bradford, BD1 1HY

Decision (including any steps ordered)

1. The complainant requested a copy of a Traffic Regulation Order in a specific format. The City of Bradford Metropolitan District Council (the "council") disclosed information falling within the scope of the request and confirmed that it did not hold other information in the requested format.
2. The Commissioner's decision is that the council disclosed all the relevant information it holds and complied with regulation 5(1) and that it correctly directed the complainant to information already publicly available and easily accessible in another form or format in accordance with regulation 6(1).
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 28 October 2022, the complainant wrote to the City of Bradford Metropolitan District Council (the "council") and requested the following information:

"I hereby request, under the Environmental Information Regulations 2004, a copy of the Traffic Regulation Order that imposes waiting restrictions on Brearton Street. Please could this be provided in PDF format, with searchable / selectable text, and inclusive of all schedules."

5. On 1 November 2022 the council replied and provided a copy of the requested Traffic Regulation Order (TRO), a copy of an extract of Schedule 2 relating to the restriction on Brearton Street and a website link to its online database of traffic regulation orders.
6. On 1 November 2022 the complainant advised the council that their request sought "all schedules" and asked it to provide "a copy of the entirety of Schedule 1". The council advised that the requested information was available in map form via the previously provided links and explained why it was not held in the specific text based format requested.

Reasons for decision

7. The complainant has stated that, in relation to the specified TRO, the request asked for copies of all schedules but that the council failed to provide Schedule 1 in PDF format with searchable / selectable text.
8. Regulation 5(1) of the EIR states:

"Subject to paragraph (3) and in accordance with paragraphs (2), (4), (5) and (6) and the remaining provisions of this Part and Part 3 of these Regulations, a public authority that holds environmental information shall make it available on request."
9. Regulation 6(1) of the EIR states:

"Where an applicant requests that the information be made available in a particular form or format, a public authority shall make it so available, unless—

(a) it is reasonable for it to make the information available in another form or format; or

(b)the information is already publicly available and easily accessible to the applicant in another form or format.”

10. This section sets out the Commissioner’s conclusions in relation to the council’s position that it does not hold this information in the form requested by the complainant.
11. The complainant has stated that they have some expertise in relation to the form TROs take and the associated legal obligations imposed on councils. They dispute the council’s position that it does not hold the information in a text based, PDF format.
12. The council has explained that, for a number of years, it has been using map based schedules for all its parking restrictions as it considers that map based schedules are more accessible to the general public than text based information. It confirmed that, as a result of the change to map based information, production of separate text based schedules setting out lengths and types of restrictions to orders ceased.
13. The council has stated that, in relation to the complainant’s request for a text-based PDF of Schedule 1, whilst this is not held, access to the base information requested has been provided via the relevant online map based schedule. The council disclosed this information to the complainant via a link to its online system.
14. The Commissioner acknowledges that the complainant considers that, for reasons of legally enforcing the TRO, the council should hold the information in the format they requested. However, it is not the Commissioner’s role to assess the council’s compliance with The Road Traffic Regulation Act 1984. It is for public authorities to determine what information should be created and recorded in order to satisfy statutory obligations or for business purposes. Whilst statutory requirements to hold specific information or hold it in a certain format might make it seem more likely that information is held, in disputes of this nature, the Commissioner is reliant on public authorities providing accurate narratives regarding the extent of information actually held.
15. In this case, having considered the relevant evidence, the Commissioner is satisfied that, on the balance of probabilities, the council has disclosed all the relevant information that it holds and complied with regulation 5(1). He has also concluded that, in providing the complainant with a link to information contained in its map based system, the council complied with regulation 6(1).

Right of appeal

16. 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

17. 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.
18. 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
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF