

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 May 2023

Public Authority: North Tyneside Council
Address: Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Decision (including any steps ordered)

1. The complainant requested information from North Tyneside Council ("the Council") relating to a traffic regulation order.
2. The Commissioner's decision is that the Council breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. The complainant made the following information request to the Council on 1 December 2022:

"Having considered the content of your reply I now request that you be so kind as to provide the information originally asked for in the first three points of my initial request;

1. Copies of the traffic survey data arising from any surveys conducted prior, during, and post creation of the BEN1 TRO, and pertaining to it. Along with

2. Any interpretation, summary, commentary or other documentation of the traffic survey data gathered and used in direct relation to the BEN1 TRO,
3. Any commentary, minutes, correspondence or other documentation pertaining to Belvedere Gardens and the BEN1 TRO, including the decision to exclude residents of Belvedere Gardens from the CEA (Civil Enforcement Area) and consultation regarding the creation of the TRO, (excluding any email correspondence to or from the email account [complainant's email address redacted]).

As I hope is clear to you, I am not requesting generic commentary on the BEN1 TRO, but specifically the traffic survey data and it's use, and Belvedere Gardens and it's exclusion from the CEA - for the avoidance of doubt and repetition I am not seeking duplicate copies of email correspondence which I have previously sent or received from this account."

5. The Council responded on 25 January 2023.

Reasons for decision

6. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

7. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
8. 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 FOIA. The Commissioner finds that the Council breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

9. 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

10. 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.
11. 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

Victoria James
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF