



**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
INFORMATION RIGHTS**

Case No. EA/2015/0234

ON APPEAL FROM:

**The Information Commissioner's
Decision Notice No: FS50580990
Dated: 16 September 2015**

Appellant: ALED POWELL

Respondent: INFORMATION COMMISSIONER

Additional Party: WREXHAM COUNTY BOROUGH COUNCIL

On the papers on: 16 MAY 2016

Date of decision: 24 JUNE 2016

Date Promulgated: 27 June 2016

Before

ROBIN CALLENDER SMITH
Judge

and

ANNE CHAFER and MALCOLM CLARKE
Tribunal Members

Written submissions:

For the Appellant: Mr A Powell

For the Respondent: Ms E Kelsey, Counsel instructed by the Information
Commissioner

For the Additional Party: Mr T Coxon, Head of Corporate & Customer Services,
Wrexham County Borough Council

GENERAL REGULATORY CHAMBER

INFORMATION RIGHTS

Subject matter: Freedom of Information Act 2000

Whether information held s.1

DECISION OF THE FIRST-TIER TRIBUNAL

The Tribunal allows the appeal and substitutes the following decision notice in place of the decision notice dated 16 September 2015

SUBSTITUTED DECISION NOTICE

Dated 20 June 2016

Public authority: Wrexham County Borough Council

Address of Public authority: The Guildhall, Wrexham, Clwyd, LL11 1A

Name of Complainant: Mr A Powell

The Substituted Decision

For the reasons set out in the Tribunal's determination, the Tribunal allows the appeal and substitutes the following decision notice in place of the decision notice dated 16 September 2015.

Action Required

Within 35 working days Wrexham County Borough Council is to release the information it has now identified as holding to the Appellant.

24 June 2016

Robin Callender Smith

Judge

**GENERAL REGULATORY CHAMBER
INFORMATION RIGHTS**

REASONS FOR DECISION

Introduction

1. Mr Aled Powell (the Appellant) asked Wrexham County Borough Council for information about the numbers and locations of Give Way signs installed or replaced by it since 2007.
2. Initially the Council informed him and the Information Commissioner that it did not hold the relevant information.
3. The Council had first conducted an internal review of its position in relation to this on 27 April 2015.

Conclusion and remedy

4. Very close to the date on which the Tribunal was due to consider this case – and in the light of the Information Commissioner’s suggestion originally made on 4 December 2015 that the Council be joined as an additional party and when the Tribunal panel received the papers in the case – the Tribunal Judge issued Directions that Wrexham County Borough Council be joined as an additional party.
5. As a result of that Joinder Direction the Council filed a response on 12 May 2016, before the appeal was considered.
6. It had noted that the Appellant, in his grounds of appeal, had highlighted the fact that some of the requested information appeared on the Council’s website and therefore, logically, should be held by the Council in a database.

7. The Council's Highway and Asset Management Plan 2010 – 2015 noted that the Council had a complete inventory of street signs and lit traffic signs and referred to a database that contained each type of assets.
8. The Council conceded that the map was available on the Council's website showing street lighting and lit signs only.
9. That was not a comprehensive list of all "Give Way" signs in respect of what the Appellant originally requested on 16 March 2015.
10. The Council did, however, concede that it was correct that it did hold complete inventory of streetlights and lit traffic signs using the Street Lighting Information Management System (SLiMS).
11. That inventory held details of the type of sign illuminated, such as "Give Way" signs.
12. The Council conceded that it did actually hold this information and that it had been a genuine oversight to suggest it was not held.
13. It was only because there had been a further investigation with the software provider that it was possible to collate a list of illuminated "Give Way" signs or "Advanced Warning Triangles".
14. The Council had genuinely believed that the SLiMS system contained a list of all signs which were illuminated without being able to identify each type of sign.
15. It did not, however, have a comprehensive inventory of all signs but only signs which were illuminated.
16. It followed that it held the information at the time of the original request, the subsequent review and the investigation by the Commissioner.

17. There had been no deliberate attempt to frustrate the request or its general duty under Section 1 FOIA.

18. The Council confirmed that under Sections 1 and 16 FOIA it could provide some of the information as originally requested by the Appellant.

19. For that reason, the Tribunal makes the substituted decision notice in respect of the Council, requiring it to disclose to the Appellant, within the terms at the beginning of this Decision the information that it does hold in relation to his information request of 16 March 2015.

20. Our decision is unanimous.

21. There is no order as to costs.

Robin Callender Smith

Judge

24 June 2016