

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 23 January 2014

**Public Authority:** Norwich City Council  
**Address:** City Hall  
St. Peter's Street  
Norwich  
NR2 1NH

#### Decision (including any steps ordered)

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1. The complainant has requested information related to the fees and costs associated with an application to build a driveway at 9 Birkberk Road, Norwich. Norwich City Council ("the council") provided held information in response to this. The complainant contested that not all held information had been provided.
2. The Commissioner's decision is that the council has provided all held information in response to the request.
3. He requires no steps to be taken.

#### Request and response

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4. On 11 April 2012, the complainant wrote to the council and requested information regarding 9 Birkberk Road in the following terms:

*"In January 2009 permission was given to construct a driveway. A road opening permit was needed and has not been applied for. [redacted name] knew this but he continued for three years to prolong and distort all inquiries by myself and others by withholding this vital information. Under the freedom of information act I want to know the total cost to the taxpayer for the processing of this application and all related costs incurred by [redacted name] in dealing with enquiries to this matter since January 2009."*

5. The council responded on 24 April 2012 and provided held information about a highway inspection fee, and confirmed that further information was not held.

## **Scope of the case**

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6. The complainant contacted the Commissioner on 21 November 2013 to complain about the way his request for information had been handled. The complainant has advised that he did not receive the council's response sent on 24 April 2012, and has only recently received a copy of this. This is the reason for the delayed complaint to the Commissioner.
7. The Commissioner considers that the scope of this case is the determination of whether the council fulfilled its obligations under section 1(1) of the FOIA by providing all held information in response to the request.

## **Reasons for decision**

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### **Section 1(1) – Duty to make information available on request**

8. Section 1(1) of the FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information, and if so, to have that information communicated to them. This is subject to any exemptions or exclusions that may apply.
9. On 10 December 2013, the Commissioner wrote to the council to request information about highway inspection fees, and the recording of officer time spent on individual applications. The council subsequently provided these details.
10. The council has explained that the highway inspection fee is a standardised amount of £150, which is based on a reasonable assumption of how long an average inspection is likely to take. The council is authorised to charge for this service under the New Roads and Street Works Act 1991 ("NRSWA"). The Commissioner has viewed the council's webpages where the amount of this fee is confirmed:  
  
<http://www.norwich.gov.uk/TransportAndStreets/RoadsAndPavements/Pages/VehicleCrossoversHighwayNoteHI19.aspx>
11. The council has confirmed to the Commissioner that while it records officer time spent on different broad functions and projects such as 'NRSWA administration' or 'Inspections', it does not record the time that

officers spend on individual applications or inspections due to the lack of any business or statutory need to do so.

12. In the circumstances of this complaint, the Commissioner must decide on the balance of probabilities whether any further information is likely to be held by the council in relation to the complainant's request. The factors that have been considered in coming to a conclusion have included the publically available information about fees, and the absence of any business or statutory need to record the time that council staff have spent in administrating specific applications and inspections. The Commissioner would not realistically expect a public authority to record the exact time that had been spent in relation to a specific matter, when there is little or no tangible benefit to be derived from it. Consequently the Commissioner has come to the conclusion, based on the balance of probabilities, that it is unlikely the council holds further information within the scope of the complainant's request.

## Right of appeal

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13. 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: 0116 249 4253

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

14. 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.
15. 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 .....**

**Andrew White**  
**Group Manager – Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**