

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 25 January 2023

Public Authority: Swansea Council
Address: Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Decision (including any steps ordered)

1. The complainant has requested Swansea Council (the Council) to disclose a list of all Traffic Regulation Orders (TROs) that have been issued to amend any restricted street in a specified area and which are not already listed on its website. The Council disclosed the requested information to the complainant.
2. The complainant has disputed whether they have received all the recorded information the Council holds or not.
3. The Commissioner is satisfied that, on the balance of probabilities, the Council has disclosed all the recorded information it holds. He does not require any further action to be taken.

Request and response

4. On 10 May 2022, the complainant wrote to the Council and requested information in the following terms:

"Please provide a list of all Traffic Regulation Orders (TROs) that have been issued to amend any restricted street listed in Area 5 of the

(Prohibition and Restriction of Waiting Loading and Unloading and Parking Places) Consolidation Order 2011 that are not already listed on <https://www.swansea.gov.uk/TROsearch>

For this request, you do not need to sort or filter the data if it is easier or more expedient for you not to do so. For example, you do not need to restrict it to just Area 5 streets, if it is easier to provide a dataset that includes other areas."

5. The Council responded on 1 June 2022 and disclosed the requested information.
6. The complainant requested an internal review on 9 August 2022.
7. The Council carried out an internal review on 7 September 2022. It confirmed that it had disclosed all the recorded information it holds.

Scope of the case

8. The complainant contacted the Commissioner on 7 September 2022 to complain about the way their request for information had been handled. They believe the Council has not disclosed all the recorded information it holds.
9. The Commissioner has obtained additional submissions from the Council on this point. He is satisfied that, on the balance of probabilities, the Council has disclosed all the recorded information it holds. The following section will explain why.

Reasons for decision

10. The complainant considers the disclosed information is incomplete. In his internal review request he pointed out that the list contained TRO's which pre-dated the 2011 order, ones that had been superseded and stated that the list was also missing some.
11. More specifically, in their complaint form to the ICO, they stated:

"After working with the data received, I established that the disclosed list was not a complete list: - Traffic Regulation Orders that pre-dated the Prohibition and Restriction of Waiting Loading and Unloading and Parking Places) Consolidation Order 2011 (for example, The Strand - Revocation of Taxi Rank CPZ was dated 2008) - Traffic Regulation Orders that have not been sealed (for example, matter ref 00228943, matter name Permanent traffic regulation order - City Centre Cycling

Route, opened 02/08/2017) - Traffic Regulation Orders that have since been superseded in full by new orders (for example, matter ref 00223014, matter name Permanent Traffic Order Glynn Vivian Art Gallery, Alexandra Road, Swansea, opened 16/12/2016 since superceeded by TRO Kingsway Infrastructure Project 2021) - Missing traffic regulation orders suggested by other sources (for example, Controlled Zone on Castle Street, which appears to be part of a Kingsway Urban Park..."

12. The Commissioner put these outstanding concerns to the Council and asked it to reconsider the complainant's request on that basis and determine whether any additional recorded information is held.
13. The Council stated that its legal team initially advised the complainant that it did not hold a list in the format he requested but were able to provide a list of TROs to scrutinise and from which they could request any specific order that he wanted details of. It said the list provided included all the TROs on the system, irrespective of their status. Consequently, it had orders which had not proceeded to sealing and orders which had been superseded.
14. The Council commented that it was anticipated that any specific details required by the complainant on any road in the area would be provided on request so that he would have an accurate understanding of the restrictions that were in place on any given section of the road. This is confirmed in its exchanges with the complainant and it understood the complainant was happy with this proposed arrangement and in fact wrote to the legal team thanking them for its efforts.
15. The Council advised that it obtained the following statement from the Highways and Transportation Department:

"As you will appreciate, the maintenance of the TRO records for a city is a fluid issue as there are constant changes being made to reflect the varying demands of the road users of the city. This may mean that orders are progressed which impact on certain sections of road, but not others. Every few years these varying orders are consolidated to give a complete listing. However, for various reasons, the Authority has not carried this out since 2011, meaning there are many orders, some overlapping operating in the city today. It is this which appears to have been the cause of frustration to [name redacted], rather than any compliance with his request.

Our need to address this has been recognised, and we are in the process of seeking tenders to develop a digitised record of all orders on a live basis. The completion of this will assist in overcoming the issues of

concern to [named redacted]. However, it is not a requirement for local authorities to maintain their records in this format, and although it will be beneficial, it is an issue which has to be resourced.”

16. It said that the complainant raised concerns with the first list provided so it provided a revised list as part of its internal review. The complainant then expressed his satisfaction with this revised list and was informed how to obtain copies of each TRO.
17. The Commissioner is satisfied that, on the balance of probabilities, the Council has disclosed all the recorded information it holds. It has explained why the list may not reflect the current position in all areas and how it is looking to develop a digitised record of all orders on a live basis. But this is the information it held, as it stood at the time it responded to the request. It provided other arrangements for the complainant to request individual TROs should they require that information; an arrangement the Council understood the complainant was happy with.
18. Whether the information disclosed is accurate or not does not detract from the fact that the Council has disclosed what it currently holds to the complainant. Regulation 5 of the EIR provides a right of access to the recorded information that is held, whether accurate or inaccurate, up to date or out of date.

Right of appeal

19. 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

20. 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.
21. 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

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