

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

Date: 20 February 2024

Public Authority: Devon County Council
Address: County Hall
Topsham Road
Exeter
Devon
EX2 4QJ

Decision (including any steps ordered)

1. The complainant has requested information held by Devon County Council (the council) relating to speed restrictions, and any calming measures, in place at a specified road in the local area.
2. The Commissioner's decision is that, on the balance of probabilities, the council has provided all the information that it holds that is relevant to the complainant's request, and has therefore complied with section 1(1) of FOIA. Where the requested information could be categorised as environmental information, the Commissioner is satisfied that the council has also complied with regulation 5(1) of the EIR.
3. The Commissioner does not require the council to take further steps.

Request and response

4. On 5 May 2023, the complainant wrote to the council and requested copies of risk assessments and certain other information relating to road safety measures on Alverdiscott Road. The council's initial response advised that the requested information was not held. However, at the internal review, the council provided some other details, including confirmation that there is a 20mph zone around the entrance of a school on Alverdiscott Road, and also a multitude of safety features around the school.
5. On 9 August 2023, the complainant sent further correspondence to the council. The council has advised the Commissioner that it then provided advice and assistance to translate this correspondence as a new request for the following information:

"Please provide me with information about any speed restrictions and traffic calming measures or safety features in Alverdiscott Road, EX39 4DA, in particular the area around the school entrance."
6. On 4 September 2023, the council provided the complainant with details of the speed limit restrictions in place along Alverdiscott Road. Whilst the council confirmed that there are no traffic calming measures in place along the road, it went on to provide details of a footway that had been constructed, and also a zebra crossing that it said had been installed at the end of Alverdiscott Road in the 1990s as part of the Safer Travel to School Programme.
7. On the same day, the complainant wrote to the council. They questioned the information that had been provided relating to speed restrictions, and also said that there was no zebra crossing on Alverdiscott Road, as had been claimed by the council.

Scope of the case

8. The complainant contacted the Commissioner, saying that they had not received a proper response to their internal review request of 4 September 2023, or all the information that they required.
9. During the Commissioner's investigation, the council explained that it had not dealt with the complainant's correspondence of 4 September 2023, as a request for an internal review, as it considered it to be additional correspondence which primarily sets out further concerns about the traffic measures in place at Alverdiscott Road. However, given the concerns that had been raised by the complainant to the

Commissioner, the council said it would now carry out a full review of its handling of the complainant's requests of 4 May 2023, as well as the request of 9 August 2023.

10. The council's recent internal review response sets out the information and explanations previously provided to the complainant. The council then goes on to provide further detailed information about traffic and safety measures within, or close to, Alverdiscott Road, and also around the school that is situated close to the road. The council's response also clarifies that the zebra crossing was at the end of Alverdiscott Road, and not in the road itself, and it has included photographs which show the crossing and the 20mph zone.
11. Following receipt of the council's recent internal review response, the complainant contacted the council again, raising further queries. The council responded, providing further clarification on the speed restrictions in place at Alverdiscott Road. The council also provided the complainant with two links to its website where concerns about faults with road lighting or similar, and potential traffic and parking violations, can be reported.
12. The Commissioner considers part of the requested information, such as that relating to speed restrictions, to fall under the FOIA. However, he also considers part of the requested information, such as the installation of any calming measures on the road (such as speed bumps or similar) to be a request for environmental information, as he is satisfied it would fall under the definition of a measure given at regulation 2(1)(c) of the EIR.
13. The Commissioner will therefore consider whether the council has complied with its obligations under both FOIA and the EIR when deciding if, on the balance of probabilities, the council has provided the complainant with all of the information held that is relevant to the request.

Reasons for decision

Section 1 of FOIA – Information held/not held

Regulation 5 of the EIR – duty to make environmental information available upon request

14. Section 1(1) of FOIA requires a public authority to confirm whether it holds information that has been requested and to communicate the information if it is held and is not exempt from disclosure.

15. Regulation 5(1) of the EIR states that a public authority that holds environmental information must make it available on request if it is not exempt from disclosure. Regulation 5(1) is the equivalent of section 1 of FOIA.
16. It is very clear to the Commissioner that the road safety measures and speed restrictions in Alverdiscott Road, and around the vicinity of the relevant school, are matters that are causing the complainant some concern. He also notes that there has been a considerable amount of correspondence sent between the complainant and the council about such matters.
17. Having considered the information and responses that have been provided by the council, the Commissioner considers that the complainant has been provided with comprehensive information and explanations about the layout of Alverdiscott Road, any safety features that have been installed in, or near to the road, and also the speeding restrictions and measures that are, or are not, in place. The council has also confirmed where any information is not held, it has provided answers to all of the complainant's questions, and has also provided full details of the safety measures around the school. The complainant has also been directed to the relevant parts of the council's website where they can raise any concerns that they may have about any faults about equipment installed along the road, such as the lighting, or potential parking or traffic violations.
18. The Commissioner has considered all of the information available, and has found no evidence to suggest that there is any additional information that is likely to be held that is relevant to the complainant's request.
19. The Commissioner's decision is therefore that, on the balance of probabilities, the council has provided all of the information that it holds that is relevant to the request, and has complied with section 1 of FOIA. Where the requested information could be categorised as environmental information, the Commissioner is also satisfied that the council has complied with regulation 5(1) of the EIR.

Right of appeal

20. 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

21. 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.
22. 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

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