

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 24 October 2023

**Public Authority:** Oxfordshire County Council  
**Address:** County Hall  
New Road  
Oxford  
OX1 1ND

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Oxfordshire County Council ("the Council") in relation to low traffic neighbourhoods (LTNs) in Cowley and East Oxford, including regarding bollards and ANPR (automatic number plate recognition). The Council disclosed some information within the scope of the request and provided a link to the agenda, decisions and minutes for a cabinet meeting which contained some information within the scope of the request. The complainant believes that the Council holds further information within the scope of the request.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold further information within the scope of the request. However, the Commissioner has also concluded that the Council has failed to comply with regulation 11(4) of the EIR in this case as it failed to provide an internal review decision within 40 working days of the date of receipt of a request for review.
3. The Commissioner does not require the Council to take any steps.

## Request and response

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4. On 21 March 2023, the complainant wrote to the Council and requested information in the following terms:

“Could you please advise when councillors in administration were made aware of the changes to Cowley and East Oxford LTNs. This includes ANPRs and Timber bollards.

The official communication that was before the by election stated East Oxford LTNs not Cowley LTNs. There is also another FOI which prevented this information being shared until after by election.

I would like to know when it was decided and communicated to all county councillors especially those in administration.

If decided before the by election who and why did they stop this message from communicated to rest of the public?”

5. The Council responded on 20 April 2023. It stated that the information was exempt from disclosure under regulation 6(1)(b) of the EIR because the information is already publicly available and provided a link to the agenda, decisions and minutes for a cabinet meeting of 19 July 2022. It also provided a response to some of the questions asked in the request.
6. On the same date, the complainant requested an internal review on the grounds that the link provided did not include the information they had requested.
7. Having been made aware, on 10 July 2023, that the Commissioner had accepted this case for investigation, the Council subsequently carried out an internal review and provided the outcome of this review to the complainant on 23 August 2023. At internal review the Council highlighted specific sections of the minutes containing information requested by the complainant and also addressed a specific (new) question asked by the complainant at internal review.

## Scope of the case

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8. During the course of the Commissioner’s investigation the complainant confirmed that, having received the internal review response, they still wished to pursue their complaint. The complainant believes that the Council holds further information which has not been disclosed.

9. The following analysis therefore considers whether the Council holds further information falling within the scope of the request.

## **Reasons for decision**

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### **Regulation 5(1) – duty to make environmental information available on request**

10. Under regulation 5(1) of the EIR, a public authority must make environmental information available on request if it holds the information and it is not subject to an exception.
11. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any further information which falls within the scope of the request (or was held at the time of the request). For clarity, the Commissioner is not expected to prove categorically whether the information is held.
12. During the course of his investigation the Commissioner asked the Council to provide details of the searches it had carried out to identify any further information held within the scope of the request.
13. The Council confirmed that it had carried out searches using the terms “LTNs” “bollards” and “replacement”. It confirmed it had searched the minutes of the Active Travel Steering Group, meetings with the Cabinet Member for Network Management, press releases, Cabinet reports, and consultation emails.
14. The Council also stated, “For clarity, proposals for ANPR for the east Oxford LTNs were not consulted on until June 2023 (the request was received on 21 March 2023). The Council only consulted on the Cowley LTN ANPR in March 2023 not east Oxford. As we stated in our initial response, there was no requirement to consult on replacement bollards but we provided a date when the Cabinet Member was informed. We also provided the date when the press release was issued which was when other councillors would have been informed.”
15. The Commissioner accepts the Council’s explanation as to why further information is not held and is satisfied that the Council has carried out appropriate searches designed to identify information held within the scope of the request. As no further information was identified, his decision is therefore that, on the balance of probabilities, the Council does not hold any further information within the scope of the request.

### **Regulation 11 – Internal review**

16. Regulation 11 of the EIR covers public authorities' obligations in relation to the carrying out of internal reviews of the handling of requests for information.
17. Regulation 11(4) requires authorities to provide an internal review decision within 40 working days of the date of receipt of a request for review. In this case the complainant submitted their review request on 20 April 2023 but the council did not carry out a formal review until 23 August 2023.
18. The Commissioner has, therefore, concluded that the Council has failed to comply with regulation 11(4) in this case.

## Right of appeal

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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: 0300 1234504

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

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

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