

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 6 October 2023

**Public Authority:** Southend-on-Sea City Council  
**Address:** Civic Centre  
Victoria Avenue  
Southend-on-Sea  
Essex  
SS2 6ER

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

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1. The complainant requested information from Southend-on-Sea City Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
  - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 14 August 2023, the complainant wrote to the public authority and requested information in the following terms:

"I make this Freedom of Information Request in light of recent developments and your response to FOI 11501 on 14th March 2022...

"Following the Council meeting where the above was mentioned, this was investigated through numerous conversations with The Samaritans. We followed the advice given, which was to not take any action which might draw attention to the bridge as a potential suicide location."

1) Please provide a copy of the minutes taken from these conversations. If no formal minutes were taken, I would expect notes from each conversation were taken and therefore I would like a copy of these.

"Structurally the bridge is safe to use however as part of the forthcoming regeneration work, it is being closed under a TTRO temporary traffic regulation order imminently. This is ahead of its complete removal to allow for the first phase of work to begin on the Better Queensway regeneration project. This was always going to be one of the first actions of the scheme to allow for changes to be made to the Highways layout."

2) In consideration of the article published in the Echo Essex on 10th August and the change of circumstances, what is/was the expiration date of the TTRO? Link of Article: [https://www.echo-news.co.uk/news/local\\_news/southend/23715160.queensway-southend-project-sanctuary-association-withdraws/](https://www.echo-news.co.uk/news/local_news/southend/23715160.queensway-southend-project-sanctuary-association-withdraws/)

"As such, and due to the above, a formal investigation did not take place and a report was not produced"

3) In light of the unanticipated change in circumstances, please inform if any type of investigation, preliminary or otherwise has or will be undertaken in respect of Queensway Bridge and a report produced.

I look forward to hearing from you."

## Reasons for decision

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6. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

7. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.

8. On 19 September 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA. Should any information within scope of the request be environmental in nature, the public authority should respond in accordance with the Environmental Information Regulations 2004.

## Right of appeal

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11. 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](mailto:grc@justice.gov.uk)

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

12. 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.
13. 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 .....**

**Michael Lea**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**