

Business Change and Information Solutions
Sheffield City Council, PO Box 1283, Sheffield, S1 1UJ
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Website: www.sheffield.gov.uk



12th January 2018

Dear Ms Unwin,

I am writing in connection with the Freedom of Information request you submitted on 27th August 2017 (our reference 804) and subsequent request for internal review.

Initially please accept my apologies for the protracted delay in response to your request for internal review. The Council does endeavour to provide a response to internal reviews within 20 working days, however upon occasion a review can be delayed as has occurred with this response. Unfortunately due to a number of factors we have been significantly delayed in providing responses to internal reviews.

In your request, you specifically asked for:

Can you please advise what was Simon Green/SCC's response to the Independent Tree Panel for Sheffield General Advice letter dated 16 May 2016, in respect of :

- 1 Revising SCC's policy on low response rates of the Household Survey.*
- 2. Damage to the network - kerbs, the absence of a continuous kerb would mean that there remained damage to to the network. However engineering solution 5 removal of displaced kerbs leaving a gap in the channel would appear to permit this outcome?*
- 3. The ITP consider that engineering solutions which leave the kerb line interrupted would be justified to permit the retention of trees. Did Simon Green/SCC agree with this statement?*
- 4. Have SCC negotiated with Amey to allow the kerb line moved a short distance into the street to allow a continuous kerb and the retention of trees? If so please provide locations.*
- 5. Have SCC considered replacing any existing pavements with grass in the 2 locations that the ITP have identified?*

I have carried out an Internal Review of the handling of your request. I was not party to the original decision on whether the information you requested should be released. Please take this letter as the response to your request for an Internal Review.

The intention of an internal review is to consider if we handled your response in accordance with the law and to consider if any decisions made, for example to refuse information, were correct and still apply.

In my review of the processing of this request I have considered:

- Your original request
- The response to your request
- The information requested

Time for Compliance

Section 10 – Time for compliance with request

(<http://www.legislation.gov.uk/ukpga/2000/36/section/10>)

Section 10 of the Freedom of Information Act states that Sheffield City Council must respond to requests made under the Freedom of Information Act within 20 working days of receipt. In this case, your request was received by Sheffield City Council on 27th August 2017 which was responded to on 1st September 2017. This response was provided within 20 working days, therefore, I am satisfied that Section 10 of the Freedom of Information Act was correctly complied with in this case.

The exemption(s) which were applied to the information you requested

Section 17 – refusal notice

(<http://www.legislation.gov.uk/ukpga/2000/36/section/17>)

Section 17 of the Freedom of Information Act requires the Council to state and identify the exemption being applied, together with noting the reasons why the exemption applies. The Council is also required to detail our internal review procedure and highlight the right of appeal to the Information Commissioner's Office (ICO).

Your right of appeal was detailed in our response and no exemptions were specifically applied in this case. As part of this review I have considered the application of exemptions and at this stage wish to introduce the application of the following exemptions which I will detail these further in my commentary below in respect to the wording of your request for review below.

Section 21 – Information accessible to the applicant by other means

(<http://www.legislation.gov.uk/ukpga/2000/36/section/21>)

Response to further comments in your request for review

Within your request for review you noted some specific concerns as detailed below:

I am writing to request an internal review of Sheffield City Council's (SCC) handling of my FOI request 'Independent Tree Panel's advice to SCC 16 May 2016 for Vernon Road Oak'.

In my request I asked for SCC namely Simon Green's response to the various issues raised by the Independent Tree Panel's General advice letter dated 16 May 2016. None of my specific questions were answered. These are very important questions, many of the 8 trees listed for felling outside my house could be saved by adopting the free engineering solutions within the contract if SCC adhere to the ITP advice.

In respect to these comments I have reviewed the specific responses provided to you under your initial request as indicated below:

- 1 Revising SCC's policy on low response rates of the Household Survey. *The surveys are now completed and so there is no information held for this.*
2. Damage to the network - kerbs, the absence of a continuous kerb would mean that there remained damage to the network. However engineering solution 5 removal of displaced kerbs leaving a gap in the channel would appear to permit this outcome? *There is no information held for this.*
3. The ITP consider that engineering solutions which leave the kerb line interrupted would be justified to permit the retention of trees. Did Simon Green/SCC agree with this statement? *The ITP did consider this option on many occasions – see our web site for details*
<https://www.sheffield.gov.uk/home/roads-pavements/managing-street-trees>
4. Have SCC negotiated with Amey to allow the kerb line moved a short distance into the street to allow a continuous kerb and the retention of trees? If so please provide locations. *The action is Option 16 and would require additional funding which is not available to the Council*
5. Have SCC considered replacing any existing pavements with grass in the 2 locations that the ITP have identified? *All recommendations by the ITP were considered and decisions can be seen on the Council's web site*
<https://www.sheffield.gov.uk/home/roads-pavements/managing-street-trees>

Upon review it appears that a specific letter was not sent back to the Independent Tree Panel following their letter of the 16th May 2016. As noted in the body of their letter it is clear this is a notification of 'general issues that have policy and strategy implications' rather than a request for response by the Council. As a result the Council does not hold a copy of an explicit reply to this correspondence may have provided a simpler review and response to your request if held.

As a result we have attempted to provide a response to your request under our Section 16 duty to assist a requestor and provided links to information available on the Council website. At this point of the review I have considered the Council's initial handling your request and appreciate that we did not implicitly apply an exemption from the provision of information to which we have supplied links. At

this point I can confirm that the exemption which applied to this element of your request is Section 21 - information accessible to the applicant by other means. This should have been formally communicated in our initial handling of your request.

I believe on review of the answers provided we have attempted to confirm the Council's position even though specific information is not held to provide a response to them all. I appreciate that in such circumstance the Council would ideally delineate what information has been provided under our duty to assist a requestor and confirming where appropriate where recorded information is not held. It is clear though that the response was provided in an effort to provide a response on the Council's position regarding the points you raised which I feel does meet the intentions of the Act and the requirements to assist a requestor.

There is no further information held by the Council relevant to the specific elements of your request.

Review Decision - Conclusion

Taking the above into account, I am satisfied that the following exemptions apply to the information that you have requested:

- Section 21 – Information accessible to the applicant by other means

However, I appreciate that this were not communicated correctly under the initial handling of this request; as a result the Council failed in our duty under Section 17(1) of the Act to communicate this in our initial response.

If you are dissatisfied with the outcome of your internal review, you are entitled to contact the Information Commissioner's Office and they will consider whether your complaint is eligible for further review. The Information Commissioner's details and guidance is available on the website at www.ico.org.uk.

Kind regards

Mark

Mark Knight

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