



# Department for Transport

Department for Transport  
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London  
SW1P 4DR

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: F0014601

29 MARCH 2017

Gavin Dalton  
[whatdotheyknow.com](http://whatdotheyknow.com)

Dear Mr Dalton,

## **Freedom of Information Request F0014601**

Thank you for your information request of 1st March 2017. In this request, you asked:

**Thank you for your reply, but you have failed to supply the information. The point of my enquiry was that if a Municipal port fails to comply or explain or follow any other guidelines what do you do about it.**

**1. Do you enforce a Comply or Explain policy 2. How is the process of you asking for an explanation of a authoritys actions begun 3. What are your actions when a port is not making the benchmark standards**

Your request has been considered under the Freedom of Information Act 2000.

It may be helpful if I start by clarifying the remit of the Freedom of Information Act. The Act gives any person legal right of access to any and all recorded information which is held by a public authority, subject to certain exemptions. The Act does not require the Department to provide opinions or explanations, generate answers to questions, or create or obtain information it does not hold.

Following a search of our paper and electronic records, I have established that the information you requested is not held by this Department.

With reference to the Municipal Port Review in my previous correspondence, this made a number of recommendations that those local authorities that own ports should consider in how they manage these important assets. While the Department encourages local authorities to consider the recommendations in the document, we do not require Local Authorities to change the management and governance arrangements for their ports. That would not be consistent with the Department's relationship with Local Authority ports nor its legal powers. Because of this, the Department has no formal comply or explain policy regarding Local Authority owned ports. However, the Department has asked ports about the recommendations they have implemented and, in certain circumstances, we may decide to approach a port or Local Authority if significant concerns about its governance were raised with us.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. A copy of this response and the information provided may now be published on the [www.gov.uk](http://www.gov.uk) web-site, together with any related information that will provide a key to its wider context.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's FOI Advice Team at:

Zone D/04  
Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA  
E-mail: [FOI-Advice-Team-DFT@dft.gsi.gov.uk](mailto:FOI-Advice-Team-DFT@dft.gsi.gov.uk)

Please send or copy any follow-up correspondence relating to this request to the FOI Advice Team to help ensure that it receives prompt attention. Please also remember to quote the reference number above in any future communications.

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely,

Martin Placek

## Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

