

My Ref: IG-14658
Your Ref:
Contact: Freedom of Information Team
Email: FOI@nottinghamcity.gov.uk



Nottingham
City Council

Freedom of Information Team
Information Compliance
Legal & Governance
2nd Floor
Loxley House
Station Street
Nottingham
NG2 3NG

Requester

At contact address specified for request number above

Tel: 0115 876 4376

Email:

FOI@nottinghamcity.gov.uk

www.nottinghamcity.gov.uk

9 March 2021

Dear Requester

Request under the Freedom of Information Act 2000 (the Act)

The council has considered your request which was received on 17 February 2021 and our response to your questions is shown below.

Under the Freedom of Information Act, I would like to request the total number of noise complaints relating to vehicle noise, received by the council in the last year (2020).

In accordance with section 1(1) of the Act the council has a duty to confirm whether it holds the information of the description specified in the request, and if that is the case, to have the information communicated to the requester. In this case, whilst the requested information is recorded, the council will be withholding this information in accordance with section 22 of the act.

Section 22 of the Act provides an exemption for information that is intended to be published in the future. This information is exempt if the council holds the information, the council or a third party intends the information to be published at some future date and it is reasonable to withhold the information until its planned publication.

In relation to noise complaints, the council publishes figures annually via the Open Data webpage, a link to which is below:

<https://www.opendatanottingham.org.uk/dataset.aspx?id=88>

Currently, the data for 2020 has not yet been published but this information will be published at a later this year.

As the council are relying on section 22 of the Act, the council are required to carry out a Public Interest Test. This is a test to see whether the public interest in withholding the information is greater than in releasing it. The council acknowledge there is a public in the number of noise complaints received by the council and the outcome of those complaints. In this case however, the council feel it is in the best



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interests of the public to withhold information that is not yet published, and there is already a commitment to publish this information. In order to provide this information officers would have to prepare, administer the requested report. The council does not feel it would be an effective use of officer time as the requested information is still to be collated, interrogated and approved prior to publication online.

Section 22 acknowledges that organisations must have freedom to be able to determine their own publication timetables. This protection is afforded whether it is the public authority itself or another individual, a company or another public authority, which intends to publish. This allows public authorities to deal with the necessary preparation, administration and context of publication. In this case, the council is unable to provide an exact time scale for when this data will be available due to the current Covid-19 pandemic and other unforeseen circumstances.

Additionally, in accordance with section 16(1) of the act, the council has a duty to provide advice and assistance to you, so far as it is reasonable to do so. Data relating to vehicle noise complaints from 2008 – 2019 is available by following the link above. You can then filter the spreadsheet by 'type' and selecting the following:

- ETE Noise – commercial vehicles
- EVA Noise – vehicle in street
- ECE Noise – garage/vehicle repairs
- ECR Noise – commercial vehicle in depot.

You will then be able to do the same for 2020 when the data has been published.

The council has relied on sections 16 and 22(1) of the Act as it is providing you with advice and assistance by directing to the relevant webpages website where the information you require will be published. Please accept this letter as a refusal notice issued in accordance with section 17 of the Act.

You are free to use any information supplied for your own personal use. If the information provided is marked as published under an [Open Government Licence](#) you are free to reuse it, subject to the licence terms. However, if the information is not published under an Open Government Licence and you wish to reuse it, for example, by publishing the information or issuing copies to the public you are required to request permission for re-use of this information under the Re-use of Public Sector Information Regulations 2005 (RPSI). Your RPSI request must be in writing and include your name and address for correspondence, and specify the information you want to re-use and the purpose you intend to use it for.

If you are unhappy with the response provided or with the handling of your request, you can ask for an internal review in writing stating the reasons for your dissatisfaction. Your request for an internal review should be made to the council within forty working days of the date of this letter. Please quote reference IG-14658 in all communications.

You can contact the Freedom of Information Team either by email: FOI@nottinghamcity.gov.uk or writing to the **Freedom of Information Team, Information Compliance, Legal & Governance, 2nd Floor, Loxley House, Station Street, Nottingham, NG2 3NG.**

If you remain unhappy after receiving the response to your initial complaint you can request an independent review from the Information Commissioner's Office at **FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF**. You may also contact the Information Commissioner's Office by telephone on 01625 545745 or by email at mail@ico.gsi.gov.uk.

Yours sincerely

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Legal & Governance
Nottingham City Council