

Joanna Watson

Email: Joanna Watson request-467823-f031c70e@whatdotheyknow.com

19 April 2018

Dear Joanna,

WCC/FOI002002/Internal Review

Further to your email requesting an internal review (received by the Council on 21 March 2018) I have now conducted an internal review in line with the Council's corporate complaints procedure and the provisions of the Freedom of Information Act 2000 ("The Act").

My decision is that the Council's response to your request complied with the requirements of the Act.

The reasons for my decision are outlined below.

Background

On 28 February 2018 the Council received the following request from you:

Dear Wolverhampton City Council,

Please can you provide a copy of the Council's policy in relation to temporary pavement art.

The Council's response to your request

The Council acknowledged your request on 28 February 2018 and issued a final response, setting out the relevant section of the Highways Act applicable to temporary pavement art and the need to obtain consent from the highway authority on 16 March 2018.

Your request for an internal review

On 21 March 2018, you emailed the Council stating the following:

Dear Wolverhampton City Council,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Wolverhampton City Council's handling of my FOI request 'Policy in relation to temporary pavement art'.

I requested the Council's policy in relation to temporary pavement art. The response I have received outlines the legislation in relation to markings on highways, which I was already aware of, and so does not answer my question.

I have been led to believe that the Council has a policy, and I would like to see that policy; this is why I made the original FOI request. I would expect that a policy would set out:
- the circumstances when markings on highways are permitted; and
- the process for applying for permission.

Please can you provide the policy. Given that the response I received did not provide the policy, I am wondering if a policy exists. If the policy does not exist please can you provide the information that I would expect to be included in the policy, and in particular the process that should be followed to apply for permission.

A full history of my FOI request and all correspondence is available on the Internet at this address:

[https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fpolicy in relation to temporary&data=02%7C01%7Cfoi%40wolverhampton.gov.uk%7Ccb3107b9d4a54773164d08d58f21d4e2%7C07ebc6c370744387a625b9d918ba4a97%7C0%7C0%7C636572297842762088&sdata=yQDIznCAPz6E1QPHdUhdr%2FzIKTVPVyplo1SJHn46m%2FM%3D&reserved=0](https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fpolicy%20in%20relation%20to%20temporary%20pavement%20art%20wolverhampton.gov.uk%2Fcb3107b9d4a54773164d08d58f21d4e2%7C07ebc6c370744387a625b9d918ba4a97%7C0%7C0%7C636572297842762088&sdata=yQDIznCAPz6E1QPHdUhdr%2FzIKTVPVyplo1SJHn46m%2FM%3D&reserved=0)

My decision – technical issues

My decision in this matter is that the Council did comply with the necessary requirements of Part 1 of the Act in its handling of your request.

I am satisfied that the Council did provide a response within the 20-working day statutory period as set out in Section 10 of the Act.

In addition, routes of further appeal were also correctly outlined in the response provided, thus meeting the requirements of Section 17 (7) of the Act and highlighting the role of the Information Commissioner's Office ("ICO") outlined in Section 50 of the Act.

My decision regarding the substance of your request for an internal review

For clarity, you made the request under the terms of the Act and the Council considered it accordingly.

Disclosures under the Act are judged to be made to the wider world and not to a specific person for a specific purpose.

On review, I am satisfied that the Council, whilst not maintaining a policy in respect of temporary pavement art, set out the legal framework of how it responds and has considered

requests in respect of 'street art to tackle graffiti' in the past based upon their merit as set out in the following example:

<http://www.wolverhampton.gov.uk/article/3813/Street-art-to-tackle-graffiti-problem>

However, as stated in the response to your request permission to apply stencils has been refused by the Council.

In respect of the process for applying for permission requests for street art, posters on the highway are dealt with as follows:

On a day-to-day basis, the Council's Customer Service Contact Centre (Tel. no. 01902 551155 or email customer.services@wolverhampton.gov.uk) is the hub that handles all incoming enquiries about permissions for /and removal of street art, graffiti and fly posting, as well as disseminating the information to the relevant Council service or agency to take appropriate action. Subsequently, all such requests for street art, posters, banners on the highway are dealt with on a case-by-case basis through the Council's Public Protection team.

The City of Wolverhampton needs to control and manage graffiti, street art and fly posting in support of its strategic vision to maintain the City's appeal and attractiveness of our environment, also supporting a sense of welcome and well-being for visitors and residents.

Other issues

This concludes my response. If you are not content, you may contact the Information Commissioner who can be contacted at:

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

www.ico.org.uk

Yours sincerely,

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