

Date: 16<sup>th</sup> November 2016  
Your reference: KKP/80726.5  
Our reference: 20737354  
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FAO: Ms Karen Phull

**By e-mail and by hand**

Dear Ms Phull,

**Re: The Environmental Information Regulations 2004 ("the EIR")**

**The Camden (Prescribed Routes, Waiting and Loading Restrictions and Parking Places) (No. 1) Experimental Traffic Order 2015**

I write further to my letter of 19<sup>th</sup> October 2016. The Council has carefully considered the requests for information contained in your letter dated 21<sup>st</sup> September 2016 and, because of the volume and complexity of your requests has needed additional time to do so.

The Council has completed its consideration and its response is as follows (adopting the numbering of your individual requests):

**Your request (1)**

Your request (1) is for: *"Copies of the complete traffic survey data sets undertaken in March and May 2016 which are partly summarised in the Consultation Documents."*

The Council's response to your request (1) is as follows. The traffic data sets you request were completed in March 2015 (not 2016) and May 2016. The Council is content to release to you in electronic form copies of the complete set of data sets. These are loaded on the attached encrypted data stick.

Please note the information is still covered by copyright legislation. You are not authorised to re-use this information for commercial or research purposes as defined by the Re-Use of Public Sector Regulations 2005. If you do wish to re-use this information please contact the Information Access Team, Legal Services/ Second Floor, Camden Town Hall, Judd Street, London WC1H 9JE, who will assess your request.

**Your request (2)**

Your request (2) is for: *"Details of the accident data referred to under section 1: Collisions. This refers to 57 accidents in three years with 12 serious injuries."*

The Council's response to your request (2) is as follows. The accident data you request are attached in paper form. You will note from this material that there were in fact 60 accidents and 12 serious injuries over the three-year period in question.



Please note that data relating to road safety is also publicly available on Transport for London's website at <https://tfl.gov.uk/corporate/safety-and-security/road-safety/london-collision>

**Your request (7)**

Your request (7) is for: *"Full details of all Air Quality monitoring undertaken relating to the Trial and which is reported in the Consultation Documents. This is to include all reports, calculations and monitoring data."*

The Council's response to your request (7) is as follows. We attach in electronic form a copy set of all the Air Quality Monitoring information which you seek in your request (7). This is loaded on the attached encrypted data stick. We also attach in paper form an explanatory note of the data.

We repeat, for the purposes of our answer to this request, the second paragraph of our answer to request (1) above.

**Your request (8)**

Your request (8) is for: *"Full details of all Air Quality monitoring undertaken in the last three years (whether related to the Trial or not) within the area bounded:*

- a. *To the north-east by the A501 / A5200 between its junctions with Euston Road and High Holborn;*
- b. *To the north-west by the A501 between its junctions with Grays Inn Road and Tottenham Court Road;*
- c. *To the south-west by the Tottenham Court Road between its junctions with the A501 and the A40 Oxford Street; and*
- d. *To the south-east by the A40 High Holborn between its junction with the Tottenham Court Road and Gray's Inn Road."*

The Council's response to your request (8) is as follows. We attach in electronic form a copy set of all the Air Quality Monitoring information which you seek in your request (8); this is loaded on the attached encrypted data stick. We also attach in paper form an explanatory note of the data.

We repeat, for the purposes of our answer to this request, the second paragraph of our answer to request (1) above.

Further information on air quality in Camden, and London generally, is available at: <https://www.londonair.org.uk/LondonAir/Default.aspx>.

**Your request (9)**

Your request (9) is for: *"A list of all temporary traffic orders which were in force between 1<sup>st</sup> November 2015 and 1<sup>st</sup> August 2016 within the area bounded:*

- a. *To the north-east by the A501 / A5200 between its junctions with Euston Road and High Holborn;*
- b. *To the north-west by the A501 between its junctions with Grays Inn Road and Tottenham Court Road;*

- c. *To the south-west by the Tottenham Court Road between its junctions with the A501 and the A40 Oxford Street; and*
- d. *To the south-east by the A40 High Holborn between its junction with the Tottenham Court Road and Gray's Inn Road."*

The Council's response to your request (9) is as follows. We attach in paper form a list of all the temporary traffic orders in force in the area and during the period you refer to in your request (9). Further information on temporary traffic orders can be found on the Council's website at: <https://www.camden.gov.uk/ccm/content/transport-and-streets/traffic-management/temporary-road-restrictions/> .

**Your requests (10) and (11) and the traffic count query at pages 3 and 4 of your letter**

Your request (10) is for: *Confirmation of the process the Council will take the decision to remove the Trial or make it permanent. In particular confirmation that the decision will be made by full Cabinet."*

Your request (11) is for: *"Details of the assessment process that the Council will follow to objectively determine if the Trial should be removed or made permanent."*

Your traffic count query set out at pages 3 and 4 of your letter is as follows:

*"Turning to a specific query which we have noted, the Consultation Documents report that before the trial, between the hours of 12 noon to 1 pm, there were 553 vehicles travelling southbound on Russell Square north of Montague Place. Traffic travelling in this direction must then either travel southbound along Montague Street or else eastbound along Russell Square west of Bedford Place as vehicles travelling southbound on Russell Square north of Montague Place are not permitted to turn right into Montague Place.*

*"According to the Consultation Documents, during the same one hour period, there were 113 vehicles recorded travelling southbound on Montague Street and 56 vehicles travelling eastbound on along Russell Square west of Bedford Place. This sums to 169 vehicles which is considerably less than the reported 553 vehicles travelling towards these routes. In comparison during the trial, traffic levels are recorded as being 111 travelling southbound on Russell Square north of Montague Place, 126 vehicles travelling southbound on Montague Street and 27 vehicles travelling eastbound on along Russell Square west of Bedford Place. This sums to 153 vehicles which is more than the reported 111 vehicles travelling towards these routes. However as traffic is permitted to turn right out of Montague Place, a difference of this magnitude is explainable.*

*"In the context of the above, please could you confirm that:*

- (i) *The "Before trial" data reported for Russell Square is correct;*
- (ii) *The "Before trial" difference in traffic volumes between traffic travelling south on Russell Square towards its junction with Montague Place and the traffic exiting the Russell Square / Montague Street junction southbound and eastbound of 384 vehicles during the one hour period of 12:00 noon to 1pm is correct; and*
- (iii) *Subject to the response to (i) and (ii) above, please will you provide an explanation of where the 384 vehicles have gone."*



The Council's response to your requests (10) and (11) and the traffic count query set out at pages 3 and 4 of your letter is as follows. These requests are for explanations and, in the case of your request (10), for confirmation of a specific matter. Neither the explanations nor the confirmation you request were in existence at the date of your request. Accordingly, the Council takes the view that these requests fall within neither the Freedom of Information Act 2000 nor the EIR. However, without prejudice to our view just stated and as a matter of courtesy, the Council will reply to your requests (10) and (11) and your traffic count query in a separate letter from its Legal Services department, to follow at our earliest opportunity.

### **Your request (3)**

Your request (3) is for: "*Details of all the comments received by Camden Council regarding the Trial and the Consultation.*"

The Council's response to your request (3) is as follows. The Council refuses to disclose this information on the following grounds:

- (1) under EIR regulation 12(4)(b): "[your] request ... is manifestly unreasonable"; and/or
- (2) under EIR regulation 12(4)d: "[your] request relates to material which is still in the course of completion..."

### **EIR regulation 12(4)(b): Manifestly unreasonable on the grounds of cost**

The Council has concluded that this aspect of your request is "manifestly unreasonable" under EIR regulation 12(4)(b) because the costs of compliance with the request are too great. It is well established that the excessive cost of compliance with a request may render the request "manifestly unreasonable", see *Craven v Information Commissioner* [2012] UKUT 442 (AAC) and *Dransfield v Information Commissioner* [2015] 1 WLR 5316.

As at the applicable date (21<sup>st</sup> September 2016, the date of your request), the Council had received just under 5,700 responses to the Consultation. Up to Monday 12<sup>th</sup> September 2016, which was the date when the Consultation began, the Council had received some 2,000 comments on the Traffic Trial Scheme. In each case the *comments* are a mixture of electronic and paper documents. If these responses were to be disclosed, each response would have to be redacted to remove personal data within the meaning of the Data Protection Act 1998. It is estimated that staff would be able to redact between 10 and 20 documents per hour. Accordingly - even at the higher estimated redaction rate - the redaction exercise would require not less than 385 hours of staff time, and conceivably many more hours than that.

The Council has applied a rate of £25 per hour for the cost of staff time (this figure has been adopted as it is the figure set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004). These regulations do not apply to the EIR but the Council is of the view, in light of guidance from the ICO, that this is an appropriate figure to use to estimate the costs of compliance under the EIR (although the actual cost to the Council is likely to be higher). This would mean that the cost of compliance with this aspect of the request is likely to be at least £9,600. This cost is limited to the redaction process; there are likely to be additional costs in complying with the request relating to the retrieval and collating of this information.

In addition to the financial cost, there would also be an opportunity cost resulting from requiring member(s) of staff to be diverted from their work to spend considerable amounts of time redacting the documents.

#### *Public interest balance test*

The exception in EIR regulation 12(4)(b) is subject to a public interest balancing test. The Council has therefore considered whether the public interest in maintaining the exception outweighs the public interest in disclosure. The Council has concluded that the public interest in maintaining the exception does outweigh the public interest in disclosure.

The public interest in maintaining the exception arises from protecting the Council from exposure to a disproportionate burden and an unjustified level of disruption in handling this request. As detailed above, the cost of complying with this aspect of the request is very significant, and devotion of the necessary staff time to this would place a strain on the Council's resources and get in the way of the Council's delivery of mainstream services.

The Council is of the view that the public interest arguments for releasing this information are as follows:

- If the information were provided, it would enhance the transparency of the Consultation.
- If the information were provided, it may promote scrutiny of the Consultation process.

However, as the Council intend to publish a detailed report on the consultation which will summarise the consultation responses, the additional transparency and scrutiny that may result from disclosure of the consultation responses in full is limited.

The Council considers that the public interest in maintaining the exception considerably outweighs the public interest in disclosing the information sought.

#### **EIR regulation 12(4)(b) Material still in course of completion**

The Council is of the view that the information sought under (3) is also within the regulation 12(4)(b) exception as it is material which is still in the course of completion/incomplete data. The material sought is part of a consultation that, at the time of the request, was ongoing.

The exception in regulation 12(4)(b) is a qualified exception and therefore the Council has considered whether the public interest in upholding the exception outweighs the public interest in disclosing the information.

The Council is of the view that the public interest arguments in favour of maintaining the exception are:

- (a) Disclosure of a very substantial portion of the Consultation responses at this stage would undermine the Council's quantitative and qualitative assessment of the comments received in response to both the Trial and the Consultation. The Council needs a "safe space" to undertake this assessment away from public scrutiny, and disclosing the material requested would harm that safe space.
- (b) Disclosure of a very substantial portion of the Consultation responses at this stage would be premature, unnecessary and interfere with the democratic decision-making process of the Council. The complete set of comments received on the Trial and the

Consultation will be summarised and analysed in a decision report to the full Cabinet which will make the decision as to whether the Trial Scheme will be retained (with recommended improvements), or whether the Torrington-Tavistock route will be returned to its pre-Trial layout. The report to Cabinet will be published 5 working days before the Cabinet meeting in question.

The public interest in disclosure under this exception is the same as the public interest in disclosure under EIR regulation 12(4)(b) (see above).

The Council considers that the public interest in maintaining the exception outweighs the public interest in disclosing the information sought.

### **Overall conclusion in relation to your request (3)**

For the reasons set out above, the Council refuses to disclose the information you seek in your request (3) on the following EIR grounds: EIR regulation 12(4)(b) (your request is manifestly unreasonable) and/or 12(4)(d) (your request relates to material which is still in the course of completion).

We regret that we cannot give you the information you requested in your request (3).

### **Your requests (4), (5) and (6)**

Your request (4) is for: *"All correspondence between the Council and emergency services relating to the Trial and Consultation."*

Your request (5) is for: *"All correspondence between the Council and the following hospitals relating to the Trial and Consultation:*

- a. University College Hospital;*
- b. Great Ormond Street Hospital;*
- c. National Hospital for Neurology and Neurosurgery; and*
- d. Royal National Throat, Nose and Ear Hospital."*

Your request (6) is for: *"All correspondence between the Council and University College London relating to the Trial and Consultation."*

The Council's response to your requests (4), (5) and (6) is as follows. The correspondence received by the Council from the various bodies referred to in these requests falls within the ambit of request (3) as such correspondence amounts to *"comments received by Camden Council regarding the Trial and the Consultation."* The Council have therefore treated this aspect of requests (4), (5) and (6) as being part of the same request (ie request (3)). It follows that such information is subject to the same exceptions referred to above in relation to request (3), namely EIR regulation 12(4)(b) "[your] request ... is manifestly unreasonable" and/or EIR regulation 12(4)(d) "[your] request relates to material which is still in the course of completion... ". Disclosure of this information is refused on the same basis.

By contrast, correspondence sent by the Council to such bodies does not, in the Council's view, fall within the ambit of these exceptions. Copies of such correspondence (i.e., the correspondence sent by the Council) up to and including the date of your request (21<sup>st</sup> September 2016), are attached in paper form.

## Conclusion

If you are unhappy with any aspect of the way in which your requests have been dealt with, you have the right to request a review of our response. If you wish to request a review, please set out in writing your grounds for making your review request (within 2 months of this letter) and send it to **Information & Records Management Team, Camden Town Hall, Judd Street, London WC1H 9LP** or to [foireviews@camden.gov.uk](mailto:foireviews@camden.gov.uk)

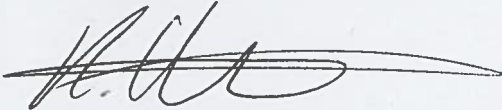
Any such review request will be administered through the Council's Internal Review procedure.

If you are still dissatisfied following any review by the Council, you have the right under section 50 of the Freedom of Information Act 2000 to complain to the Information Commissioner. The Information Commissioner's postal address and telephone contact details are:

**Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Tel: 0303-123-1113 (local rate) or 01625-545-745 (national rate).**

Further contact details, including an e-mail address, for the ICO can be found at: <https://ico.org.uk/global/contact-us/postal-addresses> .

Yours sincerely



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Phone: 020 7974 2925

**Attachments:**

1. The traffic count data-sets sought in your request (1), in electronic form loaded on the attached encrypted data stick.
2. The accident data sought in your request (2), in paper form.
3. The Air Quality monitoring information sought in your request (7) in electronic form on the attached encrypted data stick
4. The Air Quality monitoring information sought in your request (8) in electronic form on the attached encrypted data stick.
5. An explanatory note, in paper form, of the Air Quality monitoring information disclosed as items (3) and (4) above.
6. A list of the temporary traffic orders in force in the area and during the period you refer to, sought in your request (9), in paper form.
7. Correspondence from the Council to the bodies mentioned in your requests (4), (5) and (6), being part of the information sought in those requests, in paper form.