

Response to Request for Information

Reference FOI 001903
Date 26 January 2018

Section 74 Fines for Utility Works that Overrun

Request:

The number and value of charges made under Section 74 of the New Roads and Street Works Act 1991 for the following financial years:

2012/2013, 2013/14, 2014/15, 2015/16, 2016/2017

In addition to the number of charges given to each statutory undertaker/utility firm, please supply the number of openings or jobs the firm worked on for the financial year.

Where your authority operates a permit scheme instead of S74 charges, please provide the statutory undertaker, number of charges and the total amount for each financial year instead.

Please include the utility firm, total days overrun, the date and amount of the charge

I would like to receive the information in a spreadsheet format under the following headings:

- a. Utility firm
- b. Total days overrun
- c. Date of charge
- d. Total amount of charge

In response to your above questions, your request for this information has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and

- (c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your request, the following exemption applies:

Section 12 - Exemption where cost of compliance exceeds appropriate limit

We can confirm that the Council holds information falling within the description specified in your request. However, Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information.

The Regulations provide that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 18 hours of work). In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:

- (a) Determining whether it holds the information
- (b) Locating the information, or a document which may contain the information
- (c) Retrieving the information, or a document which may contain the information
- (d) Extracting the information from a document containing it.

For the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour.

The information appertaining to your request is not easily accessible and as such this information is not held as a distinct set able to be retrieved or reported on. To provide you with the information requested would require a manual trawl of files and as such we believe that the aggregated time it would take to collate the information would be in excess of 18 hours (equivalent to a notional cost of £450).