From: Foi Enquiries
To: [redacted]
Subject: EIR-18-0159 - Utility Work
Date: 20 February 2018 08:56:33
Attachments: Further Information - Right to Review & Appeal.pdf

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Dear [redacted],

Thank you for your information request of 29 January 2018. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

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

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

Section 74 does not apply in Scotland. Here we apply Section 129. The charge applied is a fixed rate FPN (Fixed Penalty Notice) of £120, as set by the Scottish Roadworks Commissioner. Penalties are only applied where undue or unauthorised restrictions are encountered – most extensions can be justified due to unexpected issues occurring during the works.

For those works that have been issued fines under Section 129, the list we have is as follows (note: we have none recorded before 2015/16):

1. Scottish Gas (SGN), 1 week overrun, 21/09/15, fine £120
2. City Fibre, 1 week overrun, 23/09/15, fine £120
3. SSE (Electricity), 2 weeks, 14/12/15, fine £120
4. Scottish Gas (SGN), 1 week overrun, 05/10/16, fine £120
5. Scottish Water (SW), 1 week overrun, 25/10/16, fine £120
6. GTC, 1 week overrun, 19/07/17, fine £120
7. SSE (Electricity), 1 week overrun, 11/07/17, fine £120
8. Scottish Gas (SGN), 1 week overrun, 04/01/18, fine £120

Please supply the number of openings or jobs the firm worked on for the financial year.

SGN	2015:	473	2016:	443	2017:	452
CityFibre	2015:	3	2016:	107	2017:	206
SSE	2015:	276	2016:	271	2017:	252
SW	2015:	857	2016:	901	2017:	795
GTC	2015:	6	2016:	8	2017:	7

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

Aberdeen City Council does not operate a permit scheme.

ACC is unable to provide you with information on **the statuary undertaker, number of charges and the total amount for each financial year** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

We hope this helps with your request.

Yours sincerely,

Grant Webster
Information Compliance Officer

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

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