

FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

Regarding the installation of the gates on the service road leading from Anstey lane to Alderman Richard Hallam School. I have summarised the points below.

- **That the gate illegally blocks a public right of right as detailed in section 31 Highways act 1980**

ANSWER

This is a statement and not a question about information held and is therefore not answerable under the Freedom of Information Act.

However, I have checked our records and there is no current recorded public right of way between these points, as such the landowner is quite within their rights to obstruct access to this route.

Public rights of way can come into existence through presumed dedication. Presumed dedication refers to an established principle that long use by the public without challenge can constitute evidence that the landowner intended to dedicate the route as a public right of way. The law surrounding presumed dedication is set down in section 31 of the Highways Act 1980.

The council must consider any claim of presumed dedication and make a thorough investigation before determining whether or not a public right of way exists. If the application is successful the council will have to record the public right of way on its definitive map and statement, the law surrounding this is set down in section 53 of The Wildlife and Countryside Act 1981.

Once the public right of way is recorded on the definitive map and statement the public right to use the path will be upheld and protected from obstruction or closure.

- **That proper consultation of the community effected was not carried out**
- **No timescales for appeal were communicated to the community**
- **No timescale for completion of the works were communicated to the community**
- **The impact of increased footfall traffic along St Helens Close was not assessed.**

These are statements and not questions about information held and are therefore not answerable under the Freedom of Information Act .

However, as the path is not recorded as a public right of way it can be blocked off without need for any form of legal process which would incorporate a period of public consultation.

- **That a driveway and vehicle access was installed at the bottom of the service road adjacent to Anstey lane. This leads to the rear of the property concerned, and could potentially put children at risk. I have enclosed photographs taken from google earth.**

I am really concerned over the lack of engagement on the issues above and intend to pursue them with my councillor and MP I am also concerned that no alternatives appear to have been debated. Such as an access gate to allow pedestrian traffic when gates are closed.

Could i ask that you investigate and provide feedback on issues raised. I note that the governing body discussed the issue of installing the gates. From that i assume that the governing body agreed with the actions taken. If that is the case are you able to review the matter impartially, or would you rather i ask for an independent review ?

This is a statement and not a question about information held and is therefore not answerable under the Freedom of Information Act .

I am also interested in obtaining the following details

- **Costs involved with erection of gates**
- **Copies of minutes of the meeting where the matter was discussed.**
- **Copies of any notices of intent for works to be carried out along with locations and dates displayed.**
- **Copies of any impact statements/risk assessments on local community**
- **Who authorised the work to go ahead**
- **Who funded the installation**
- **Details of any alternatives discussed**

This is not information held by Leicester City Council and would need to be taken up with the land owner or the school. Therefore this part of this letter acts as a refusal notice under section 17.1 of the Freedom of Information Act 2000 because, in accordance with section 1.1 of the Act, this information is not held by Leicester City Council.

- **Deed details showing ownership of road.**

This is not information held by Leicester City Council. Therefore this part of this letter acts as a refusal notice under section 17.1 of the Freedom of Information Act 2000 because, in accordance with section 1.1 of the Act, this information is not held by Leicester City Council.

However, information regarding ownership, title deeds etc., is available from Land Registry Telephone number is: 0844 892 1111

Land Registry Website address is: <http://www.landregistry.gov.uk/>

- **Who gave authority for a private driveway to be laid leading from the school hill road, to the rear of property (see photo)**

This is not information held by Leicester City Council and would need to be taken up with the land owner or the school. Therefore this part of this letter acts as a refusal notice under section 17.1 of the Freedom of Information Act 2000 because, in accordance with section 1.1 of the Act, this information is not held by Leicester City Council.

Are you able to supply this or do i need to pursue under the freedom of information act ?

Leicester City Council has dealt with the appropriate parts of this letter as a Freedom of Information request.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

Information Governance Manager
Information and Support
Leicester City Council
FREEPOST (LE985/33)
New Walk Centre
LEICESTER LE1 6ZG
e-mail: FOIA@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane

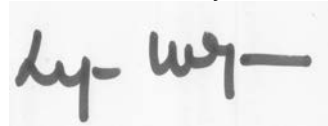
Wilmslow SK9 5AF

Telephone: 01625 545 700

www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lynn Wyeth', is written on a light-colored rectangular background.

Lynn Wyeth

Information Governance Manager