

PERSONAL

Web Site: *****

Our Ref: **F0007844**

20 July 2011

Dear Sirs

I refer to your request under the Freedom of Information Act 2000, on behalf of *****
for information regarding:

1. *How much First Rail Support Limited has been paid for rail replacement services under Bus Service Operator Grant Scheme (BSOG) in the last 2 years, with the payments broken down in to monthly payments.*

First Rail Support Ltd received:

£608,326.62 in May 2010 for claim period April 07-March 08 ($\div 12$) = £50,693.88
£919,845.70 in Oct 2010 for claim period April 08-March 09 ($\div 12$) = £76,653.81
£800,425.13 in Nov 2010 for claim period April 09-March 10 ($\div 12$) = £66,702.09

The first payment of £608,326.62 was paid in May 2010. This payment related to a retrospective claim for 2007/2008 which was submitted late.

2. *Whether First Centrewest Buses Limited or any other group company within First claims any BSOG for rail replacement services, and if so how much was claimed in the last 2 years?*

I can confirm that First Centrewest Buses Limited and other group companies within First do claim for rail replacement services, however we have estimated that the cost of complying with this part of your request asking for the amount that was claimed over the last 2 years would exceed £600. Section 12 of the Act (the full text of which is attached) does not oblige the Department to comply with requests that exceed this limit, and we are therefore refusing your request.

We are unable to answer your request fully within the cost limit as not all the First claims are obvious from the collated data we hold. For example, some companies which run services under the First Group but may not necessarily have 'First' in their name. To provide the information you request would mean we would have to search all our files (over 1,000) individually, split the kilometres claimed between Rail Replacement services and the other services operators might be claiming for, and then calculate how much that operator would have received.

If you are able to send us a new, more specific request, we will consider if that can be dealt with within the limit. For example, you might be particularly interested in a certain traffic area or a few specific First Companies rather than all of them.

I would also draw your attention to some information which is available on the Department's website at the following link:

<http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/pgr/regional/buses/busgrants/bsog/661224/>

Under section 21 of FOIA, we are not required to provide information which is already reasonably accessible to you. The information available at the above link may go part of the way towards answering your questions. However some, but not all First operators on this list claim for Rail Replacement services and it does not state on the link which of the operators make such claims. Also, some of the 09/10 claims will be on this list due to when their claim period is in relation to when this information was published. The rest of the 09/10 and 10/11 claims will be published later this year.

If you do not have access to the Internet at home, you may be able to use facilities at your local public library, or you can request a paper copy by contacting me.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04
Ashdown House
Sedlescombe Road North
Hastings
East Sussex TN37 7GA
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

Section 12 exemption:

Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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