

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 July 2018

Public Authority: London Borough of Hammersmith & Fulham
Address: Town Hall
King Street
London
W6 9JU

Decision (including any steps ordered)

1. The complainant requested information relating to parking revenues and the introduction of the new £1 coin.
2. The Commissioner's decision is that the London Borough of Hammersmith & Fulham ("the London Borough") failed to respond to the request within 20 working days and has therefore breached Section 10 of the FOIA.
3. The Commissioner requires the London Borough to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The London Borough must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 21 February 2018, the complainant wrote to the London Borough's Chief Executive and requested information in the following terms:
 1. *"How many Penalty Charge Notices were rescinded in each month since January 2016?"*
 2. *"By what amount has parking revenue changed in each month since January 2016?"*
 3. *"Since 2014, what Council documents, papers, and emails have there been which relate to the introduction of new parking meters and to amending existing machines to take the so-called 'new' £1 coins? I should like to see copies of all of these documents."*
 4. *"What Council documents, papers, and emails have been which relate to the replacement of the SVP with the RVP, including any consideration as to how residents will be recompensed for the loss of any money they already have on their SVP? Similarly, I should like to see copies of all of these documents."*
 5. *"What Council documents, papers, and emails have there been which relate to the change from electronic to paper parking permits in certain parts of the Borough? Once again, I should like to see copies of all of these documents."*
6. The London Borough did not acknowledge the request until 18 April 2018 and had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 23 May 2018 to complain about the failure, by the London Borough, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the London Borough on 4 June 2018 to highlight the outstanding response. She requested that the London Borough respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The Complainant contacted the Commissioner on 16 July 2018 to request a decision notice considering the London Borough's compliance with the FOIA.

Reasons for decision

10. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

11. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

12. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

13. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

14. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the London Borough has breached Section 10 of the FOIA.

Right of appeal

15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Ben Tomes
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