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Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 March 2024

Public Authority: London Borough of Bexley
Address: Civic Offices
2 Watling Street
Bexleyheath
Kent
DA6 7AT

Decision (including any steps ordered)

1. The complainant has requested information about changes to the parking warden phone line. The London Borough of Bexley ("the Council") provided a narrative response to each part of the request, but stated that recorded information of the type sought by the request was not held.
2. The Commissioner's decision is that the Council does not hold any recorded information within scope of all parts of the request further than that which has already been provided, either in its initial response or during the course of the Commissioner's investigation.
3. The Commissioner does not require any steps.

Request and response

4. On 20 July 2023, the complainant wrote to the Council and requested information in the following terms:

"Hello,

1. When did the "old" parking-warden phone line (020 8301 6317) cease operation?
2. When did the "new" parking-warden phone line (020 3045 3000, option 4) begin operation?
3. How many employees (or FTE equivalents) were employed on the

DRAFT - PROTECT

"old" line, and on the "new" line?

4. What were the hours of operation of the "old" line, and what are they for the "new" line?

Thank you."

5. The Council responded on 17 August 2023. It provided narrative information within scope of all parts of the request explaining that the phone line had not ceased operation, however it was no longer published. The Council stated that the number could be accessed via the new automated menu service on the 020 3045 3000 number since March 2023.

6. On 25 August 2023 the complainant requested an internal review. The complainant stated that the response provided referred to other services accessed at the same phone numbers. The complainant made a new request in the following terms:

"To recap, I would like to know when it no longer became possible to request parking enforcement over 020 8301 6317, and when it did become possible to request parking enforcement over 020 3045 3000."

7. On 24 October 2023 the complainant contacted the Commissioner to complain about the time taken by the Council to conduct an internal review. The Commissioner accepted the complaint for investigation without an internal review on 1 November 2023.

8. Following an internal review the Council wrote to the complainant on 2 November 2023. It stated:

"In the original response the Authority clearly stated that the 020 8301 6317 enforcement line was incorporated into the automated telephone solution 020 3045 3000 in March 2023. The Authority does not hold any further specific information in relation to this request and cannot expand on its previous response."

Scope of the case

9. The Commissioner wrote to the complainant to establish their grounds of complaint and determine what kind of recorded information they expected the Council to hold.

10. The complainant stated that the Council had not provided answers to questions [1], [2] and [4] of their request, however they were satisfied with the answer provided to question [3]. They also stated that they

DRAFT - PROTECT

expected to see "emails and/or memos discussing the nixing (later partially reversed) of the parking-warden phone line".

11. The Commissioner considers that the scope of his investigation is to determine whether, on the civil standard of the balance of probabilities, the Council holds recorded information within scope of the request.

Reasons for decision

12. Section 1(1) of 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 the information communicated to him.
13. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.
 14. In other words, in order to determine such complaints, the Commissioner must decide whether on the balance of probabilities a public authority holds any - or additional - information which falls within the scope of the request (or was held at the time of the request).
 15. The Commissioner has previously considered a similar complaint about the Council's handling of a request for information about the parking warden phone line under reference IC-239799-X0P3¹.
 16. In his decision, the Commissioner found that the Council did not hold any information relevant to the complainant's request as the changes to the parking warden phone line were made without internal correspondence.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notice/2023/4026843/ic-239799-x0p3.pdf> issued 15 September 2023.

DRAFT - PROTECT

The Council's position

17. The Commissioner wrote to the Council in respect of the present request to establish the searches and consultations undertaken when responding to the request.

18. The Council maintained that the parking helpline (020 8301 6317) had not been discontinued, but the method by which it can be accessed has altered:

"The telephone line 020 8301 6317 has not been discontinued (although it is no longer published) as it can still be accessible via the new automated menu service, which greets callers when they call 020 3045 3000.

Upon selection of the right options, the automated system explains to callers that they can verbally report any instances of incorrect parking to a representative of APCOA by making a separate call to 020 8301 6317."

19. The Council also explained that it was possible for members of the public to report incorrectly parked vehicles to APCOA (the Council's civil traffic and parking service supplier) via an online form.

20. The Council explained the decision to move to online services as the main method of reporting incorrectly parked vehicles was an operational decision taken verbally between the supplier and the Council, and that the terms of the contract that it holds within APCOA allows it to make service led decisions without a written audit trail or written authorisation for a senior officer of Director. Consequently, it does not hold any papers or emails concerning the decision to subsume 020 8301 6317 within the 020 3045 3000 number as it was a verbal instruction made in January 2023.

21. In respect of the Council's response to part [2] of the request, the Commissioner asked whether it held any recorded information within scope and if not, to explain why. The Council stated that it does not hold a record of the actual date that the parking line began operation, and that "the fact that we don't have a record speaks to it being an operational decision, rather than one taken at a higher level".

22. In respect of the Council's response to part [4] of the request, the Commissioner asked whether the Council held the hours of operation for the "new" phone line and if not to explain why. The Council stated that:

"Our parking service have explained that the number is answered by

DRAFT - PROTECT

calling our parking call centre so this means the hours of operation would be, Monday to Friday 8am to 5pm.”

The Commissioner's position

23. In respect of part [1] of the request, the Commissioner has tested both phone numbers provided and notes that 020 8301 6317 remains operational, insofar as it hasn't been disconnected. When outlining their grounds of complaint the complainant asked the Commissioner to call 020 8301 6317 and select option 3, which they state is the “old” parking-warden phone line” that no longer has an operator at the receiving end. While the automated service at this number does not appear to offer the caller the clear option to report a vehicle parked in contravention verbally via a phone call (the Commissioner assumes this is what option 3 provided previously), and instead refers the complainant to a website, there is an option to speak directly to an operator via choosing option 4. However, it is unclear whether it is possible to request parking enforcement via this method.
24. That being said, part [1] of the request does not ask for information on when it no longer became possible to directly report a vehicle parked in contravention via contacting the 020 8301 6317 number and selecting option 3, but asks “when did the “old” parking-warden phone line cease operation”. As explained above, the phonenumber is still connected, and therefore cannot be said to have ceased operation. The Commissioner considers that the Council has read this part of the original request plainly and objectively, and responded accordingly. He understands that the complainant, in their request for internal review, made a different request for information on when it no longer became possible to request parking enforcement using this number, however the Commissioner is satisfied that the Council does not hold any recorded information within scope of this request for the reasons given at paragraph 20 above.
25. In respect of part [2] of the request, the Commissioner understands that the response provided² to the complainant is frustrating, however, based on the submissions provided by the Council during the course of his investigation he considers that, on the civil standard of the balance of probabilities, it is unlikely that the Council holds recorded information within scope of this part of the request. This is because decision making in regard to the parking warden phone line does not appear to have

² “the 3000 number is a general Parking service number and has been in operation for a number of years”

DRAFT - PROTECT

been subject to a formal, written procedure as explained at paragraph 21 above.

26. As the complainant is satisfied with the response provided for part [3] of the request the Commissioner will not be considering it in this decision.
27. In respect of part [4] of the request the Commissioner notes that the Council has now provided this information as per paragraph 22 above.

DRAFT - PROTECT

Right of appeal

28. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

29. 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.
30. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Jonathan Slee
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF