

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 June 2025

Public Authority: Wirral Metropolitan Borough Council
Address: Town Hall
Brighton Street
Wallasey
Wirral
CH44 8ED

Decision (including any steps ordered)

1. The complainant made seven requests for information about a parking scheme. Wirral Metropolitan Borough Council ("the Council") issued a statement in response, but did not confirm or deny the requested information was held for the purposes of section 1(1) (General right of access to information) of FOIA.
2. The Commissioner's decision is that the Council has failed to issue a response that complies with section 1(1).
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a response to the requests in which it complies with section 1(1) of FOIA.
4. The Council must take these steps within 30 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 24 October 2024, the complainant wrote to the Council and made the following seven requests:
 - 1) How many households does this parking charge impact on?
 - 2) How much does it currently cost the council to run the parking permit scheme?
 - 3) What is the council's annual financial projections for income generated by the new parking charges?
 - 4) How have the charges of £60 per resident and £40 per visitor been calculated?
 - 5) Please confirm if you have consulted in writing with each resident from each of the zones?
 - 6) What consultation has taken place to date?
 - 7) Has the council completed an affordability impact assessment? Or any impact assessment prior to drawing up this scheme?
6. The Council responded on 13 November 2024. It provided the following statement to the complainant:

"Initially, Resident Parking Permits was being considered as part of these proposed car parking charge. However, given the feedback received to date in relation to the resident parking permits, a full consultation is going to be required to ensure residents have a chance to respond formally. This will be an opportunity to present a different type of consultation including their views on whether Resident Parking Permits should be self-financing, what costs need to be covered from these fees such as enforcement, whether they wish their areas to continue to be included in the Controlled Parking Zones if they were to be charged, and whether further areas should be considered. The consultation will also ensure the Traffic Orders are all brought into a single consolidated order allow future changes to be made more easily."
7. On 13 November 2024, the complainant wrote to the Council to ask for an internal review of its response. The complainant specifically raised that they did not consider the Council had addressed the seven requests.

8. Following an internal review the Council wrote to the complainant on 11 December 2024. It maintained that it's earlier response was compliant with FOIA.

Scope of the case

9. The complainant contacted the Commissioner on 2 January 2025 to complain about the way their request for information had been handled, and specifically that the Council had failed to address the seven requests.
10. The Commissioner considers that the scope of his investigation is whether the Council has complied with section 1(1) and section 10(1) of FOIA.

Reasons for decision

11. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
12. Section 10(1) of FOIA requires a public authority to comply with section 1(1) promptly and within twenty working days.
13. The Commissioner has reviewed the Council's response to the requests and is not satisfied that the Council has complied with section 1(1) of FOIA.
14. It is evident to the Commissioner that the requests seek recorded information. For example, request 2 asks the Council how much it costs for it to run the current parking scheme.
15. However, the Council has failed to inform the complainant whether the sought information is held for any of the seven requests. Instead, the Council has provided a general statement explaining its future plans for the parking scheme.
16. The Commissioner requires the Council issue a response that complies with section 1(1) of FOIA.

Other matters

17. The Commissioner reminds the Council that, whilst it may sometimes be appropriate to respond to an information request with a 'business as usual' response, when a requester explains that they wish the request to be handled under the terms of FOIA, a public authority should ensure that it proceeds in that way.

Right of appeal

18. 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

19. 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.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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