

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 June 2025

Public Authority: London Borough of Havering

Address: Town Hall
Main Road
Romford
RM1 3BB

Decision (including any steps ordered)

1. The complainant has requested from the London Borough of Havering (LBH) information about parking area in Lodge Farm Carlton Road in relation to Penalty Charge Notices (PCN).
2. LBH provided its response outside the required time of 20 working days.
3. The Commissioner's decision is that LBH breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory timeframe of 20 working days.
4. The Commissioner does not require further steps.

Request and response

5. On 12 August 2024, the complainant wrote to the London Borough of Havering (LBH) and requested information in the following terms:

"This request is presently confined to information relating to the car park in Lodge Farm Carlton Road on 12th June 2024."

1. How often was this car park attended by a traffic warden that day.
 2. If attended on more than one occasion, what specific times were recorded by said traffic warden.
 3. This is a gated car park. Is it monitored by CCTV. If it is, is there a recording of driver parking that day and for how long.
 4. How many Penalty Charge Notices (PCN's) were issued that day.
 5. How many PCN's were cancelled after representations from charged drivers.
 6. Were any PCN's challenged on the basis that the signage was confusing/ambiguous/inconsistent with then present terms and conditions.
 7. When was this signage installed on this site."
6. On 14 August 2024 LBH acknowledged receipt of the request, informing the complainant that as per FOIA the response may take up to 20 working days.
 7. On 23 September 2024 the complainant sent a chaser letter asking for LBH's response to the request for information.
 8. LBH provided its substantive response on 29 September 2024. It provided responses to the questions asked by the complainant in his original request for information, apart from question 6, where LBH withheld information citing section 40 (personal information).
 9. On 14 October 2024 the complainant requested an internal review of the response. The complainant challenged the response to question 6 arguing that section 40 was applied incorrectly by LBH.
 10. LBH acknowledged the request for an internal review on 16 October 2024, informing the complainant that it had 20 working days to provide a response and that the time for a response may be extended to 40 working days.
 11. On 25 November 2024 the complainant sent a chaser letter asking about LBH's response to his internal review request.
 12. On 6 December 2024 the complainant contacted the Information Commissioner to complain about the way his request for information was handled by LBF. Specifically, the complainant challenged section 40 relied upon by LBH to withheld information he asked for. The complainant also expressed his dissatisfaction about the delay of the response to his original request for information, as well as the lack of response to his internal review request.
 13. During the Commissioner's investigation of the case, LBH provided a revised response to the complainant in relation to question 6 of the

original request on 28 April 2025. LBH withdrew section 40 and provided information within the scope of the request.

Scope of the case

14. During further communication with the Commissioner and following the revised response from LBH, the complainant expressed his wish to receive a decision notice about LBH's delays when dealing with his request.
15. The Commissioner considers that the scope of this decision notice is to record the time taken to deal with the request and to determine whether LBH complied with its obligations under section 10 of FOIA.

Reasons for decision

16. 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 that information communicated to him."

Section 10 - Time for compliance with request

17. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
18. In this case the complainant made his original request for information to LBH on 12 August 2024 to which the Council did not respond until 29 September 2024.
19. Consequently, the Commissioner finds that LBH has breached its obligations under section 10(1) of FOIA as it failed to respond within the required period of twenty working days from the day after the request was received.

Other matters

Internal review response – time limit

20. FOIA does not prescribe a time limit within which public authorities must complete internal reviews. However, the Commissioner's guidance¹ explains that an internal review should take no longer than 20 working days in most cases, or 40 working days in exceptional circumstances.
21. Indeed, there is no legal requirement for a public authority to have an internal review process in place under the FOIA regime (this is different from the EIR²), although it is recommended as good practice under the Section 45 Code of Practice³ (Code of Practice) and most public authorities choose to do so. This also includes LBH in this case which offered an internal review to the complainant if he was dissatisfied with the LBH's response to his request for information.
22. It follows therefore that, when an internal review process is offered to requesters, there is an expectation that the public authority will adhere to the recommendations outlined in the Code of Practice.
23. As part of his complaint, the complainant expressed dissatisfaction with the length of time taken by LBH to respond to his internal review request which he made on 14 October 2024.
24. In fact, LBH did not respond to the internal review request until 28 April 2025, following communication with the Commissioner as part of his investigation. The Commissioner notes that LBH apologised to the complainant for the late response, however he is not aware of any reason why LBH could not complete the review within 20 working days.
25. The Commissioner finds this excessive and wishes to remind LBH about the importance of the timely response to internal review requests. He also wishes to point out that he will consider complaints where an internal review is delayed or remains outstanding after 40 working days of it being requested.

¹ <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/#20>

² [The Environmental Information Regulations 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/18/section/45)

³ [CoP FOI Code of Practice - Minor Amendments 20180926 .pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/218092/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926.pdf)

Right of appeal

26. 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)
General Regulatory Chamber
PO Box 11230
Leicester
LE1 8FQ

Tel: 0203 936 8963
Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

27. 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.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Gosia Kostrzewa
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