

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 January 2023

Public Authority: Brighton and Hove City Council

Address: Hove Town Hall
Norton Road
Hove
BN3 3BQ

Decision

1. The complainant requested information from Brighton and Hove City Council ("the Council") relating to parking permits issued by the Council.
2. The Commissioner's decision is that on the balance of probabilities, the Council holds further information within the scope of the request.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - The Council must issue a fresh response to the request following searches aimed at identifying all information held within the scope of the request.
4. The Council must take this step 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. The complainant made the following information request to the Council on 10 August 2021:

"I wish to carry out an analysis of parking permits by road/postcode (not individuals or house number) but by road/postcode as roads cross parking zones or a road has more than one postcode.

e.g. Park Crescent Road postcodes BN2 3HS, BN2 3HT Lewes Road BN2 3HP, BN2 3HQ, BN2 3HW, BN2 3HZ, BN2 3JZ, BN2 3QA crossing parking zones

As an example, Park Crescent Road may have BN2 3HS 12 issued (zone J), and BN2 3HT 10 issued (zone J). I can then compare this with the number of properties and come up with a ratio of parking permits per road."

6. The Council wrote to the complainant on 24 August 2021 to ask the complainant to clarify their request. The complainant responded on the same date and provided the following information to clarify their request:

"See attached example (typical data) of what I would expect the data to look like, but for all parking zones.

What I want to do is compare the ratio of parking permits to the number of households in the road/postcode (not individuals or house numbers).

The issue comes down to roads/postcodes which cross parking zones see attached example."

7. The Council responded on 9 September 2021 and provided the complainant with information in response to their request. Specifically, the Council provided the complainant with a spreadsheet containing the information relating to the number of parking permits issued as of 1 April 2020.
8. On 13 September 2021, the complainant requested an internal review. The Council provided the complainant with the outcome of its internal review on 15 June 2022. It provided the complainant with further spreadsheet containing up to date information relating to the number of parking permits issued.

Reasons for decision

9. This reasoning covers whether the Council is correct when it says that it has disclosed all the information it holds within the scope of the request.
10. In their complainant to the Commissioner, the complainant explained that whilst the Council has provided them with a spreadsheet containing up to date information relating to the number of parking permits issued per parking zone, the spreadsheet does not contain the number of parking permits issued for parking zone B, zone D and zone 10. The complainant therefore, considers the Council to hold further information within the scope of their request
11. The Council considers that it has disclosed all the information it holds within the scope of the request. The Council explained that it initially provided the complainant with a spreadsheet containing information relating to all the resident parking permits that were valid on 1 April 2020. The Council stated that it provided the complainant with information from 1 April 2020 as at the time of the request, this was the only information that was held by the Council.
12. The Council explained that at the time of the request, the Council was in the process of transferring information relating to parking permits from an old system to a new system with some information being held on the old system, some information held on the new system and some information held on both. Therefore, to avoid providing duplicate information, when conducting its search for information within the scope of the request, the Council searched its database for parking permits that were valid on 1 April 2020 as this was before any information had been transferred over to the new system.
13. The Council stated that it has also provided the complainant with a further spreadsheet containing up to date information. However, the Council does not consider that this information was held at the time of the request.
14. The Council explained that the spreadsheet containing up to date information does not contain information relating to parking zones B and D as these zone are not controlled parking zones. The Council considers that complainant has asked for information relating to parking permits in controlled parking zones and therefore, it does not consider information relating to parking zones B and D to fall within the scope of the request.
15. The Council also stated that the spreadsheet containing up to date information does not contain information relating to parking zone 10 as zone 10 is too new and therefore information relating to the zone could not be sensibly included in the spreadsheet.

16. The Commissioner notes that the Council was in the process of transferring information relating to parking permits from an old system to a new system and therefore, unable to provide accurate up to date information at the time of the request. However, the Commissioner considers that up to date information was held by the Council at the time of the request, even if that information was not accurate.
17. Furthermore, whilst the Council has now provided the complainant with a spreadsheet containing up to date information relating to parking permits, the Commissioner does not consider the spreadsheet to contain all the information held by the Council.
18. Whilst the Council considers the complainant to have requested information relating to parking permits in controlled parking zones, the Commissioner does not consider this to be the case. In their request, the complainant requested information relating to the number of parking permits issued to residents for each postcode in all parking zones. The complainant has not specified that their request relates to controlled parking zones. Furthermore, the Commissioner notes that parking zones B and D are listed as being controlled parking zones on the Council's website. He therefore considers information relating zones B and D to fall within the scope of the request. This information should have been disclosed to the complainant or been the subject of a refusal notice.
19. Whilst the Council has stated that it has not provided the complainant with information relating to parking zone 10 as information relating to the zone could not be sensibly included, as the Council holds information relating to zone 10 which falls within the scope of the request, the Commissioner considers that the information should have been disclosed to the complainant or been the subject of a refusal notice.
20. The Commissioner's decision is that on the balance of probabilities, the Council holds further information within the scope of the request. The Commissioner requires the Council to provide the complainant with a further response to their request following searches aimed at identifying all information held within the scope of the request. All information within the scope of the request should either be disclosed to the complainant or, an adequate refusal notice should be provided.

Right of appeal

21. 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@justice.gov.uk

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

22. 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.
23. 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

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