

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date: 2 August 2010

**Public Authority:** London Borough of Hillingdon  
**Address:** Civic Centre  
Uxbridge  
Middlesex  
UB8 1UW

### Summary

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The complainant submitted a request to the London Borough of Hillingdon ('LBH') for information about a programme to replace parking payment meters in the area. A response to the request was not provided within twenty working days. The Commissioner's decision is that in failing to confirm or deny that it held information covered by the request and in failing to provide it to the complainant within the statutory time frame for compliance, LBH breached sections 1(1)(a) and (b) of the Act. LBH also breached section 10(1) of the Act in failing to comply with section 1(1) within twenty working days.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

### The Request

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2. On 24 March 2009, the complainant requested the following information from LBH:
  - 1) The total project cost for the purchase and physical installation of new solar units and the removal of existing parking meters in Hillingdon.

- 2) How many meters are being replaced and the total number of meters in Hillingdon?
  - 3) Cost per unit for the new 'Metric Aura' solar powered units.
  - 4) The purchase cost of the old units being removed and who is taking ownership of these units following their removal?
  - 5) How much is Hillingdon Council receiving in payment for the old parking meter stock?
  - 6) How old are the existing mains charged units?
  - 7) How much was the original project to install the mains powered parking meters?
3. In April, July and September 2009, and January 2010, the complainant sent emails enquiring when he might receive a response. The Council acknowledged the request and apologised for the delay on 15 July 2009.
4. Following the intervention of the Information Commissioner's Office, the Council responded to the complainant on 26 March 2010.

## **The Investigation**

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### **Scope of the case**

5. On 14 February 2010, the complainant contacted the Information Commissioner's Office to make a complaint about the lack of response to his request for information.

### **Chronology**

6. On 3 March 2010, the Information Commissioner's Office wrote to the Council and asked that a response be provided to the complaint within ten working days.
7. The Information Commissioner's Office contacted the Council again on 26 March 2010 and explained that as the Council had failed to comply, the complaint would be considered for a formal resolution.
8. LBH provided the complainant with a response to his original query on 26 March 2010. All of the requested information was disclosed apart

from some information relating to the final point which was not held. The complainant has indicated to the Commissioner that he is satisfied with the content of this response.

## Analysis

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### Procedural Requirements

#### Section 1

9. Section 1(1) of the Act 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."*

The Commissioner considers that LBH has breached section 1(1)(a) and section 1(1)(b) of the Act as it failed to confirm or deny that it held the requested information and to provide held information to the complainant within the statutory time for compliance.

#### Section 10

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

*"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."*

The Commissioner considers that LBH has breached section 10(1) of the Act as it failed to respond to the request within twenty working days following the date of receipt.

## The Decision

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11. The Commissioner's decision is that in failing to confirm it held information covered by the request and failing to provide this information to the complainant within the statutory time for

compliance, the London Borough of Hillingdon has breached sections 1(1)(a) and 1(1)(b) of the Act. It also breached section 10(1) of the Act in failing to comply with section 1(1) within twenty working days.

## **Steps Required**

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12. The Commissioner requires no steps to be taken.

## Right of Appeal

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13. 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  
Arnhem House  
31 Waterloo Way  
Leicester  
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).

Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

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.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

**Dated the 2<sup>nd</sup> day of August 2010**

**Signed .....**

**David Smith  
Deputy Commissioner**

**Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## Legal Annex

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### **General Right of Access**

**Section 1(1)** provides 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."

### **Time for Compliance**

**Section 10(1)** provides that –

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom."