

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 March 2013

Public Authority: London Borough of Croydon Council
Address: Taberner House
Park Lane
Croydon
Surrey
CR9 3JS

Decision (including any steps ordered)

1. The complainant has requested information on the council's revenue which it received from vehicle removals for parking contraventions over the preceding year. The council refused the request on the basis that sections 21 (information available by other means) and 22 (information intended for future publication) of the Act applied.
2. The Commissioner's decision is that the council breached section 10 of the Act in that it did not respond, providing the information to the complainant within 20 working days of the receipt of the complaint.
3. However given the councils subsequent disclosure of the information to the complainant the Commissioner does not require the council to take any steps.

Request and response

4. On 13 May 2012, the complainant wrote to London Borough of Croydon Council and requested information in the following terms:

"What was your Authority's gross revenue from vehicle removals for parking contraventions in the last financial year?"

In addition, if possible, please provide a breakdown of the figure in respect of:

1. *Penalty Charges*
2. *Removal Fees*
3. *Storage Fees*

5. The council responded on 12 June 2012. It stated that as the financial year end for the year ended on 31 March 2012 it was unable to quantify at this stage any financial information for 2011/2012 until the year end process has been completed. Various reconciliations, adjustments and accruals needed to be completed and subsequently audited before it got to a final year end position.
6. Following an internal review the council wrote to the complainant on 11 July 2012. It stated that the information would be available when it was published on its website in October. It therefore applied section 22. It also applied section 21 to the information.
7. On 26 October 2012 the council disclosed the information to the complainant.

Scope of the case

8. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
9. The complainant's complaint is whether the council was correct to apply sections 21 and 22 to the information at the time of his request.
10. However as the council subsequently disclosed the requested information to the complainant the Commissioner has limited his decision to the delay which occurred between the request being made and the date that the information was provided.

Reasons for decision

11. Section 1(1)(a) and (b) of the Act states that any person making a request for information is entitled to be informed whether the public authority holds the information and have that information provided to him (unless exemptions apply).
12. Section 10(1) of the Act states that a public authority in receipt of a request for information has a duty to respond within 20 working days.
13. The complainant made his request for information on 13 May 2012. The council disclosed the information to the complainant on 26 October

2012. This fall outside of the 20 working days from the date that it received the request.

14. In failing to disclose the information to the complainant within 20 working days, the Commissioner finds the council to be in breach of section 10(1) of the Act.
15. However given that the information has been disclosed to the complainant the Commissioner has not ordered any steps to be taken.

Right of appeal

16. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

17. 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.
18. 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

Andrew White
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF