

## Freedom of Information Act (FOIA)

### Decision notice

**Date:** 10 January 2017

**Public Authority:** Manchester City Council

**Address:** Town Hall  
Albert Square  
Manchester  
Greater Manchester  
M60 2LA

#### Decision (including any steps ordered)

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1. The complainant has made a request to Manchester City Council ("the Council") for information about the replacement of a parking sign. The Council responded that no recorded information was held.
2. The Commissioner's decision is that no recorded information is likely to be held.
3. The Commissioner does not require the public authority to take any steps.

#### Request and response

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4. On 6 March 2016 the complainant wrote to the Council and requested information in the following terms:

*I require via email all data held by the council in relation to the changing of a specific, individual "Pay and Display" ticket-regulated parking place" sign (as per the attached photographs) on Dale Street directly opposite the Premier Inn i.e. on the other side of the road alongside the row of on-street pay and display parking bays.*

*The information provided should include the date the sign was changed and full information on what basis it was changed i.e. full details as to why, and under whose instructions.*

5. On 29 March 2016 the Council responded and confirmed that no recorded information was held.
6. On 31 March 2016 the complainant requested an internal review.
7. On 28 April 2016 the Council provided the outcome of its internal review. It confirmed that no recorded information was held, but provided some contextual details that it had ascertained from Council officers.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 29 April 2016 to complain about the way his request for information had been handled.
9. The Commissioner considers the scope of this case to be the determination of whether the Council has complied with section 1(1).

### **Reasons for decision**

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#### **Section 1(1) – Whether information is held**

10. Section 1(1) states that any person making a request for information is entitled to be informed by the public authority whether it holds the information, and if so, to have that information communicated to them. This is subject to any exemptions or exclusions that may apply.

#### *The complainant's position*

11. The complainant has requested all held recorded information in relation to the replacement of a parking sign. The complainant considers that such an action must logically create recorded information by way of any internal investigation or authorisation that may be required, and that the Council has either issued an incorrect response to the request, or else has purposefully destroyed the recorded information.

#### *The Council's position*

12. The Council has advised the Commissioner that, further to being notified by a member of the public that the parking sign was incorrect, an officer contacted the Council's contractor by telephone. The Contractor

subsequently found that it had the correct sign in stock, and therefore visited the location to install the correct version. The Council has elaborated that it would normally follow a more formalised process in arranging for a sign to be replaced, but that in the circumstances it was found that the matter could be addressed without recourse to this.

13. The Council has explained that it has conferred with involved officers in relation to the request. As a result of this, no held recorded information, either electronic or hardcopy, has been identified. However, the Council elected to provide wider details that it ascertained, including the week in which the sign was replaced, under whose instruction (namely Parking Services), and on what basis (namely that the previous sign was non-compliant with the Traffic Signs Regulations and General Directions 2002).

*The Commissioner's decision*

14. The Commissioner must decide on the balance of probabilities whether recorded information is held by the Council that would fall within the scope of the request.
15. In the circumstances of this case the Council has explained the basis for why it would not expect specific information to have been recorded. Notwithstanding this, it has provided the complainant with contextual details that it has been able to ascertain.
16. Although the Commissioner has noted that the complainant's assumption (that there would logically be some recorded information held), the Council has provided a cogent explanation for why no such information came to be created. There is no conflicting evidence available to the Commissioner that indicates recorded information must be held.
17. On this basis the Commissioner finds that the Council has complied with section 1(1).

## Right of appeal

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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: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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.

**Signed** .....

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**