

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 October 2018

Public Authority: Tunbridge Wells Borough Council
Address: Town Hall
Royal Tunbridge Wells
Kent
TN1 1RS

Decision (including any steps ordered)

1. The complainant submitted a request for information to Tunbridge Wells Borough Council. Tunbridge Wells Borough Council initially responded within the 20 working day time limit under the FOIA, but did not provide all of the requested information. During the Commissioner's investigation, it provided additional information.
2. The Commissioner's decision is that Tunbridge Wells Borough Council has breached section 10 (time for compliance) of the FOIA.
3. The Commissioner does not require Tunbridge Wells Borough Council to take further steps as a result of this decision.

Request and response

4. On 7 March 2018, the complainant wrote to Tunbridge Wells Borough Council (the council) and requested information. The Commissioner has numbered each question for ease and convenience:

"Please could you provide me with the following information in respect of parking zones A,B,C,D,G.

1. The total number of residents parking bays
2. The total number of issued parking permits
3. The total number of new residents parking bays created

4. The total number of residents parking bays removed (e.g. vehicular crossover).

I would like the above information for each of the last 6 years”.

5. The council responded on 3 April 2018. It answered questions 1, 2 and 3. With regard to question 4, it explained that it did not have specific information regarding adjustments to parking bays due to the provision of vehicle crossover, but did provide additional information.
6. Following an internal review the council wrote to the complainant on 24 May 2018. It explained that it had made further enquiries to its parking team, which provided the information in an alternative format (a spreadsheet) to assist him.

Scope of the case

7. The complainant contacted the Commissioner on 19 June 2018 to complain about the way his request for information had been handled. He explained that the council had failed to provide details of the number of parking bays in each of the designated parking zones for each of the specified years. He also explained that the council had only provided details of the total number of parking bays (ie not disaggregated) and had explained that no further information was available. In addition, the complainant also explained that he considered that the council did hold further information and provided a newspaper article in support of this view.
8. During the Commissioner’s investigation, the council provided further information to the complainant in relation to question 1 of his request, breaking down the requested information by each year. It also confirmed that it had now disclosed all the information it held in relation to his request.
9. The Commissioner contacted the complainant and he confirmed that he considered that the request had been answered, but remained dissatisfied with the way it had been dealt with. He explained that he considered that the council should not have claimed that it did not hold information, when it clearly did.

Reasons for decision

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

“(1) 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.”

11. The Commissioner notes that the complainant submitted his request on 7 March 2018 and the council provided him with all of the requested information during her investigation. She therefore considers that the council did not provide all of the requested information within the 20 working day limit provided under the FOIA.
12. The Commissioner considers that the council has breached section 10(1) of the FOIA.

Right of appeal

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,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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

Deborah Clark
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SK9 5AF