

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 October 2018

Public Authority: Thanet District Council
Address: Thanet Council
Hawley Square
Margate
Kent
CT9 1NY

Decision (including any steps ordered)

1. The complainant requested information about parking charge revenues.
2. The Commissioner's decision is that Thanet District Council ("the Council") failed to respond to the request within 20 working days and has therefore breached Section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The Council must take these steps 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. On 25 March 2018, the complainant wrote to the Council and requested information in the following terms:

"Under the FOI and in light of recently reported events relating to parking enforcement I would be grateful of the following disclosure.

"In the period 01/01/17 to 21/3/18

"Without naming any of the enforcement wardens a non descript number will suffice. For example no1 no2

"How many tickets have each of the officers issued during this period

How many of these tickets were for pay and display offences

How many of these tickets were for real parking offences, yellow lines etc

How many of the tickets for each officer have been subject to a successful appeal.

How many tickets were issued outside of 9-6 Monday to Friday

On a Saturday 9-6

On a Sunday at any time.

"In respect of general parking.

*"How many tickets have been issued to non UK registered vehicles
How many vehicles of any description have more than 5 unpaid tickets*

10 unpaid tickets

20 unpaid tickets

50 unpaid tickets

75 unpaid tickets

Over 100 unpaid tickets.

Highest number of tickets issued to one vehicle

"Finally

In the same period between April 2015 and March 2018 in respect of the

mill lane multi story

Leopold street multi story.

"Please confirm the income per month that has been connected from the pay and display machines - excluding free or paid permits.

"In the same period the amount that has been spent on each of the car parks to include deep cleaning, repairs, maintenance, general cleaning and improvements to the cctv systems."

6. The Council acknowledged the request on 25 March 2018 but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 30 August 2018 to complain about the failure, by the Council, to respond to the request.

8. In line with her usual practice, the Commissioner contacted the Council on 18 September 2018 to highlight the outstanding response. She requested that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. Because the response remains outstanding, despite her intervention, the Commissioner considers that a decision notice is appropriate in this case.
10. The scope of this notice and the following analysis is to consider whether Council has complied with Section 10 of the FOIA.

Reasons for decision

11. Section 1(1) of the FOIA 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.*

12. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
14. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached Section 10 of the FOIA.

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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

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

Ben Tomes
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