

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 9 November 2023

**Public Authority:** Warwick District Council  
**Address:** Riverside House  
Milverton Hill  
Leamington Spa  
Warwickshire  
CV32 5HZ

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Warwick District Council ("the Council") relating to parking on a specific road.
2. The Commissioner's decision is that the Council is entitled to rely on section 12(1) (cost limit) of FOIA to refuse to provide the information requested in parts 2 and 3 of the request. He also finds that the Council met its obligations under section 16(1) of FOIA to offer advice and assistance.
3. The Commissioner does not require the Council to take any steps.

## Request and response

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4. On 5 April 2023, the complainant wrote to the Council and requested information in the following terms:

"I now ask for an FOI Request to be answered in 20 working days. My request in three parts.

(1) That WDC put in writing why the person who is responsible for implementing the WDC Off Street Parking Orders (Legal on Weston Close, in force with a Parking Permit Scheme in place explains the reason in refusing to accept the information described in an Email to me dated 5--2--2020 from Zoe Court informing me that an objection I made to the Order was considered by the Executive and was not upheld. The Executive made the decision to bring the Parking Order into force, and with regard to the Housing Car Parks, there's a new scheme in place. (These Orders are still in place).

(2) Emails and discussions between 1--1--2020 to 25--9--2021 on WDC Staff suggestions to take Weston Close out of the Orders and, why, along with other places in the Order.

(3) Email Conversations and discussions between 25--9--2021 to 1--11--2021 by WDC Staff to the making a new Order with changes from the 2020 Orders to be put forward for 2022."

5. In response to part 1 of the request, the Council stated that the Head of Neighbourhood and Assets is responsible for implementing off street parking orders. It also stated that if the information provided was not what was required, then the complainant should clarify part 1 of their request.
6. The Council refused to provide the information requested in parts 2 and 3 of the request citing section 12(1) (cost limit) of FOIA as its basis for doing so.

## Reasons for decision

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7. This reasoning covers whether the Council is entitled to rely on section 12(1) of FOIA to refuse to provide the information requested in parts 2 and 3 of the request.

## **Section 12(1) – cost of compliance**

8. Section 12(1) of FOIA states that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate cost limit. The appropriate limit for public authorities such as the Council is £450. As the cost of complying with a request must be calculated at the rate of £25 per hour, section 12(1) effectively imposes a time limit of 18 hours for the Council.
9. A public authority can only take into account the cost it reasonably expects to incur in carrying out the following permitted activities in complying with the request:
  - determining whether the information is held
  - locating the information, or a document containing it
  - retrieving the information, or a document containing it
  - and extracting the information from a document containing it
10. In its submissions to the Commissioner, the Council explained that it had conducted a search for emails dating from between 1 January 2020 and 25 September 2021 using the search term “Weston Court”. This search identified 7919 emails which may fall within the scope of part 2 of the request. The Council also stated that it had conducted a search for emails dating from between 25 September 2021 and 1 November 2021 using the search term “Weston Court” and this search has identified 703 emails which may fall within the scope of part 3 of the request.
11. The Council estimates that it would take approximately two minutes to review each email and determine whether it falls within the scope of parts 2 and 3 of the request. Therefore, in total, it would take the Council 287 hours to provide the requested information (8622 emails x 2 minutes = 287 hours).
12. The Commissioner considers the Council’s estimate of 287 hours to provide the information requested in parts 2 and 3 of the request to be reasonable. Even if the Council’s estimate for the time to review each email was halved, the cost of complying with parts 2 and 3 of the request would significantly exceed the appropriate limit.
13. The Commissioner’s decision is that the Council estimated reasonably that the cost of complying with parts 2 and 3 of the request would exceed the appropriate limit. Therefore, the Council is entitled to rely on

section 12(1) of FOIA to refuse to comply with parts 2 and 3 of the request.

### **Section 16 – advice and assistance**

14. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice<sup>1</sup> in providing advice and assistance, it will have complied with section 16(1).
15. In its initial response to the request, the Council did not provide the complainant with advice to help them reduce the scope of parts 2 and 3 of their request. However, in its internal review response, the Council advised the complainant that they could refine the scope of parts 2 and 3 of their request by limiting their request to a particular timeframe or by providing specific search terms.
16. The Commissioner considers that this was an appropriate response in the circumstances. He is therefore satisfied that the Council met its obligations under section 16(1) of FOIA.

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<sup>1</sup> <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

## Right of appeal

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17. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

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

18. 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.
19. 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 .....**

**Victoria James**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**