

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 October 2012

Public Authority: London Borough of Barnet
Address: North London Business Park
Oakleigh Road South
London
N11 1NP

Decision (including any steps ordered)

1. The complainant has requested information relating to parking permits and suspensions issued by the London Borough of Barnet (the council). The council did not respond until 52 working days after the request was received. The complainant asked the Commissioner to issue a decision notice to record the delay.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA, but as a response has been provided, no further action is required.

Request and response

3. On 20 March 2012, the complainant wrote to the council and requested information in the following terms:

"How much revenue (in GBP) Barnet Borough Council, received for the following permit/suspension between the following financial years (2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, and 2011 to present) across the borough

- *Residents parking permits*
- *Visitors parking permit*
- *Business parking permits including daily/weekly/monthly/annually traders /builders parking permits*

- *Temporary parking permits*
- *Religious parking permits*
- *Staff parking permits (Essential Service vouchers)*
- *Doctors parking permit*
- *Suspensions*

2 - How many staff parking permits including members permits have been issued to staff and councillors/MP at Barnet Borough Council in 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012 (present)."

4. The council responded to the request on 7 June 2012. It provided some information but advised that the remainder was not held.
5. Following an internal review the council wrote to the complainant on 19 July 2012. It upheld the original response but also provided additional information in respect of question 2.

Scope of the case

6. On 5 May 2012 the complainant contacted the Commissioner to complain about the way his request for information had been handled. He was concerned that despite sending follow up emails to the council, he had only received an acknowledgement on 22 March 2012, but had received no substantive response.
7. On 27 June 2012 the Commissioner contacted the council to advise it that he had received a complaint about not responding to the complainant's request. The Commissioner also contacted the complainant to explain that he had now asked the council to respond. The complainant advised that he had received a response on 7 June 2012, but requested that the Commissioner issue a decision notice to record the delay.
8. The Commissioner therefore considers the scope of this case to be confined to recording the council's delay in responding to the complainant's request.

Reasons for decision

9. Section 10(1) of the FOIA provides:

"...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."

10. The council told the Commissioner that it accepted that there had been a delay in handling the request. It said that this was because of unavoidable administrative errors due to the lack of an effective case management system and a very high workload.
11. In the internal review the council apologised to the complainant for the delay. It has also explained to both the Commissioner and the complainant that a new freedom of information case management system has been implemented since the request. The council considers that the new system coupled with improved training for staff on freedom of information will mean that errors like this will be unlikely to occur.
12. The Commissioner notes that the council provided a response on 7 June 2012, which is a timescale of 52 working days and well over the 20 working days allowed.
13. The Commissioner has therefore recorded a breach of section 10(1) of FOIA and has ensured that the details of the case have been recorded by his enforcement team for future monitoring purposes.

Right of appeal

14. 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

15. 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.
16. 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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