

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

### **Decision notice**

**Date:** 23 May 2024

**Public Authority:** Blaenau Gwent County Borough Council  
**Address:** The General Offices  
Steelworks Road  
Ebbw Vale  
NP23 56DN

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

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1. The complainant requested information about the reduction in disabled parking bays in a particular location. Blaenau Gwent County Borough Council (the Council) provided some information and stated other information was not held. The Commissioner's decision is that, on the balance of probabilities the Council does not hold any additional information falling within the scope of the request. The Commissioner does not require any steps to be taken.

#### **Request and response**

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2. On 30 October 2023 the complainant wrote to the Council regarding the reduction in disabled parking bays in Church Street, Abertillery and requested information in the following terms:

"I would like to see a copy of the notice which was displayed and information about the location of the notice. I would also like information about how the decision was made by the committee [sic] to reduce the number of disabled parking spaces available to ensure that the aims of the equality duty were correctly considered".

3. The Council responded on 30 November 2023 and provided a copy of the site notice and the notice that was placed in the press. In relation to the location of the notices, the Council stated that it did not hold any recorded information but advised that there would have been a minimum of 3 notices spaced along Church Street. The Council also advised that the scheme "would not have been approved by a committee but would have been approved by local ward members at that time, who requested the review of the parking in Church Street".
4. On 2 December 2023 the complainant wrote back to the Council and pointed out that there was no mention or reference to disabled parking spaces in any of the information disclosed. They stated that they wanted:  
  
"to see evidence of where you have considered the effect on disabled people when it was decided to reduce the number of parking spaces on church street".
5. On 11 December 2023 the Council provided some further information about the decision making process in relation to the review of parking on the street in question.
6. The complainant wrote back to the Council on 13 December 2023 and re-iterated that they were seeking access to "a copy of the records to show how these decisions were reached before they were made".
7. The Council responded on 22 December 2023 and advised that all information regarding the change in traffic orders at Church Street, Abertillery had been provided.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 22 January 2024 to complain about the way their request for information had been handled.
9. The scope of the Commissioner's investigation into this complaint is to determine whether the Council holds any further recorded information falling within the scope of the request.

## **Reasons for decision**

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### **Section 1 – general right of access**

10. Section 1 of the FOIA states that any person making a request for information is entitled to be informed in writing by the public authority

whether it holds information of the description specified in the request and, if that is the case, to have that information communicated to him.

11. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the authority to check that the information is not held and he will consider any other reasons offered by the public authority to explain why the information is not held. The Commissioner will also consider any reason why it is inherently likely or unlikely that information is not held.
12. The Council confirmed that any information relevant to the request would be held electronically on its servers within its Highways Department. The Council advised that its Highways Department is the sole source of information concerning changes to highways and it is forbidden for any information on such issues to be stored locally on individual devices such as personal laptops.
13. The Council advised that comprehensive searches were undertaken on all relevant records. The parameters used for the searches were the location associated with the request ie Church Street, Abertillery. The Council confirmed that all information that was identified as a result of these searches has been provided to the complainant.
14. The complainant has specifically raised concerns about the absence of any impact assessment which they allege the Council would have been required to undertake before implementing the changes to reduce the number of disabled parking bays. The Commissioner specifically asked the Council about this particular issue.
15. The Council explained that if an impact assessment had been undertaken in this case there would have been a legal requirement to hold and retain such a document. However, it confirmed that an impact assessment was not completed in this case and stated that assessments are not normally undertaken in respect of traffic orders. The Council advised the Commissioner that, going forward, this practice is going to be reviewed.
16. In terms of the decision making process which led to the reduction in the number of disabled parking bays at the location in question, the Council explained that the review of parking restrictions was instigated following an instruction from its Leader, who had been contacted by a local business. A site meeting was held with the Leader in place at the time, "during which a walk through was undertaken and the outcome was that the layout of the parking restrictions were revised". The Council advised the Commissioner that no notes were taken of this site meeting and confirmed that this is in line with normal procedures.

## **The Commissioner's position**

17. The Commissioner notes that the complainant considers the Council should hold further information within the scope of the request. Specifically the complainant believes the Council was required to undertake an equality impact assessment prior to the decision to reduce the number of disabled parking spaces being implemented. However, the Commissioner is satisfied that the Council has carried out reasonable searches for information within the scope of the request. He also considers that when conducting its searches, the Council used appropriate and relevant search terms. The Commissioner also notes that the Council has confirmed that no impact assessment was undertaken in respect of this case.
18. In the Commissioner's view, there is no substantive evidence to indicate that the Council holds any further recorded information. The Commissioner is not required to prove beyond doubt that the Council do or do not hold information but can only make a decision based on the civil standard of the "balance of probabilities" that information within the scope of the request is more likely than not held.
19. Having considered all of the available information, the Commissioner finds that, on the balance of probabilities, the Council does not hold any further information falling within the scope of the complainant's request.

## **Right of appeal**

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20. 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)

21. 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.
22. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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