

Freedom of Information Act 2000 (FOIA) Decision notice

Date: 24 August 2022

Public Authority: London Borough of Hillingdon
Address: 3E/04, Civic Centre
High Street
Uxbridge
UB8 1UW

Decision

1. The Commissioner's decision is that London Borough of Hillingdon (LBH) does not hold the information requested relating to parking management notices.

Request and response

2. On 17 May 2021 the complainant made the following request for information under the FOIA:

"Would you kindly supply the following information under the freedom of information act I am having a great deal of difficulty locating defined notices of proposal to make road traffic orders for parking schemes/parking management prior to April 2017 in the London Gazette.

It is clear there was a change of policy on the format of notices from that which existed up until end March 2017 and that used from April 2017 onward.

With this in mind would you kindly provide the policy of publishing parking management notices, including proposal notices from prior to March 2017.

In the absence of such policy documents, would you kindly supply the documentation regarding the change of notification and publication policy leading to the changes from April 2017 onwards."

3. LBH responded on 15 June 2021 and stated:

"There have been no changes to the Council policy in regards to the publication of permanent traffic orders during the specified period with exception to recent amendments in line with The Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020."

4. On 16 June 2021 the complainant wrote to LBH again stating:

"Your response appears to apply the notices of making, a different matter, not relating to notices of proposal, which is the information being sort [sic]. I know that these things can sometimes be confusing but they are a 2 stage process (stage 1 proposal notices for orders and stage 2 notices of making these orders) and I am trying to find out information on stage 1 which I cannot find in the public domain.

The request also contained the following which was unfortunately overlooked as a result of that confusion " In the absence of such policy documents, would you kindly supply the documentation regarding the change of notification and publication policy leading to the changes from April 2017 onwards" Would you please clarify on if you have the documentation or not.

5. Following an internal review, LBH maintained its position.
6. The complainant wrote to LBH again on 4 August 2021 repeating their request and further stated:

"The request remains unfulfilled because you have not confirmed if the documents requested exist or not and this was not addressed in your internal review. So for the avoidance of raising this issue with the ICO and for the avoidance of further misunderstandings on this request, would you kindly confirm that no documentation relating to this obvious change in public notices in fact exists in any shape of form. It's a straight forward question."

Reasons for decision

7. This reasoning covers whether the LBH stated correctly that it does not hold any information falling within the scope of the complainant's request.

8. The position of LBH is that it does not hold any information relating to the policy of publishing parking management notices, including proposal notices from prior to March 2017.
9. LBH advised the Commissioner that there is no written/recorded policy either prior to March 2017 or from April 2017 onwards. It further advised that this has been confirmed by the Head of Transport and Town Centre Projects as well as the Council's Parking Engineer.
10. The Commissioner accepts LBH's explanation and on this basis, his conclusion is that on the balance of probabilities LBH does not hold the requested information.
11. The complainant is one of a number of individuals that have made similar requests to LBH and there is some contention regarding the lack of consistency in LBH's responses.
12. However, the Commissioner is obliged to consider each case on its own merits and therefore has not included any consideration of the other complaints received.
13. The Commissioner does not require any further action to be taken by LBH in relation to this request.

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: 0870 739 5836

Email: grc@justice.gov.uk

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

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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF