

Business Change and Information Solutions  
Sheffield City Council, PO Box 1283, Sheffield, S1 1UJ  
E-mail: [FOI@sheffield.gov.uk](mailto:FOI@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)



11<sup>th</sup> January 2018

Dear Mr Crompton,

I am writing in connection with the Freedom of Information request you submitted on 4<sup>th</sup> August 2017 (our reference 701) and subsequent request for internal review.

Initially please accept my apologies for the protracted delay in response to your request for internal review. The Council does endeavour to provide a response to internal reviews within 20 working days, however upon occasion a review can be delayed as has occurred with this response. Unfortunately due to a number of factors we have been significantly delayed in providing responses to internal reviews.

In your request, you specifically asked for:

*Can you please provide evidence regarding parking charge notification handed out to taxi's within the city. The information will go towards a case of institutional racism within the council.*

I have carried out an Internal Review of the handling of your request. I was not party to the original decision on whether the information you requested should be released. Please take this letter as the response to your request for an Internal Review.

The intention of an internal review is to consider if we handled your response in accordance with the law and to consider if any decisions made, for example to refuse information, were correct and still apply.

In my review of the processing of this request I have considered:

- Your original request
- The response to your request
- The information requested

### **Time for Compliance**

**Section 10 – Time for compliance with request**  
(<http://www.legislation.gov.uk/ukpga/2000/36/section/10>)

Section 10 of the Freedom of Information Act states that Sheffield City Council must respond to requests made under the Freedom of Information Act within 20 working days of receipt. In this case, your request was received by Sheffield City Council on 4<sup>th</sup> August 2017 which was responded to on 11<sup>th</sup> August 2017. This response was provided within 20 working days, therefore, I am satisfied that Section 10 of the Freedom of Information Act was correctly complied with in this case.

### **The exemption(s) which were applied to the information you requested**

#### **Section 17 – refusal notice**

(<http://www.legislation.gov.uk/ukpga/2000/36/section/17>)

Section 17 of the Freedom of Information Act requires the Council to state and identify the exemption being applied, together with noting the reasons why the exemption applies. The Council is also required to detail our internal review procedure and highlight the right of appeal to the Information Commissioner's Office (ICO).

Your right of appeal was detailed in our response and we confirmed the application of an exemption, in this case:

Section 12 – Exemption where cost of compliance exceeds appropriate limit. (<http://www.legislation.gov.uk/ukpga/2000/36/section/12>). The appropriate limit is defined in the [Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004 \(SI 2004 No. 3244\)](#).

### **Have the exemptions been correctly applied in this case?**

- Section 12 – Exemption where cost of compliance exceeds appropriate limit.

The explanation why this exemption applied was provided to you in our original response and was detailed as follows:

*We issued around 52,000 parking PCNs last year. It is not possible to filter which of these were issue to taxis as this is not a separate filed on the system. Photographs of the vehicle parked in contravention may show if the vehicle was a taxi (for instance if the licence plate was caught in the shot) but not always. To provide this information would take over the 18 hours we are obliged to spend collating information to respond to a Freedom of Information request as it involve a manual trawl of each of the PCN records to verify if we can ascertain if it related to a taxi or not (i.e. we could see from the image). For this reason, for the information we would hold, is it exempt under Section 12 of the Freedom of Information Act – Exemption where cost of compliance exceeds appropriate limit.*

## Review of Application of Section 12:

As noted in our initial response Sheffield City Council does not hold a record within our PCN management system detailing all taxis/ licensed vehicles which have been issued with tickets for parking infringements by the Council. The fact that a taxi does not have an exemption from parking regulations means that there is no requirement for the Council to maintain records of the status of vehicles which have received a ticket; including any confirmation that they are operating as a taxi.

As noted in our initial response we may hold records which would allow the identification of which vehicles which are registered taxis; as stated this would include the images of the parking infringements which have been taken by Civil Enforcement Officers or other monitoring equipment (i.e. Parking Services CCTV car). As noted to review all such records to extract the number of PCNs issued would far exceed the cost threshold for handling an FOI request. As noted the Council processes around 52,000 PCNs a year and to review all images to collate such information would far exceed the cost threshold for dealing with such requests. Even in just 1 minute was allowed to access view and note a record regarding each image this would take in excess of 800 hours of work to collate what records are held.

Under this review I do note that the Council does also hold a list is licensed vehicles specifically licensed by Sheffield City Council under our statutory vehicle licensing role. The Council does not verify PCNs against this list and this would additionally not be a comprehensive list of all taxis which operate within the Sheffield area as drivers will carry fairs into Sheffield from neighbouring and distant licensing authority areas. So any such disclosure would be incomplete in reference to the terms of your request.

The Council does not feel that the cross referencing of PCN records and our own licensing records would be appropriate in response to an FOI request. The Council has not statutory requirement to collate or hold such information and would gain no value of purpose from the operation. Additionally the Council considers that any such processing would incorporate the inappropriate handling of personal data as licensing records, which relate to named licensees re considered personal data under the Data Protection Act 1998 and we believe that individual licensees would have a reasonable expectation that their personal data would not be processed in this manner.

### **Application of the Public Interest Test**

Under the Freedom of Information Act 2000, there are two types of exemption, "Qualified Exemptions" and "Absolute Exemptions". When applying an exemption to information that is requested, if the exemption is a "Qualified Exemption", then

we are required to carry out a Public Interest Test. If any exemption applies which is “Absolute”, there is no requirement for us to carry out a Public Interest Test.

In relation to your request, Section 12 is an absolute exemption and therefore, we are not required to carry out a Public Interest Test.

### **Response to further comments in your request for review**

Within your request for review you noted some specific concerns as detailed below:

*When you seek vehicle information from DVLA for address you must be aware whether or not the vehicle is a licenced taxi.*

The Council does not hold or retain records in this manner. As noted at the government website: <https://www.gov.uk/taxi-driver-licence> taxi licensing is the responsibility of Transport for London and Local Authorities rather than the DVLA. The information provided by the DVLA to the Council would not therefore include licensing details in this manner and as noted above even if it was accessible the Council would not record such information on our PCN records management system as there would be no requirement or purpose for doing so.

### **Review Decision - Conclusion**

Taking the above into account, I am satisfied that the following exemptions apply to the information that you have requested and the limited records that we do hold:

- Section 12 – Exemption where cost of compliance exceeds appropriate limit.

In conclusion, it is my view that your Freedom of Information request has been handled correctly and within the legal requirements of the Freedom of Information Act 2000.

I realise this is not the decision that you would wish, but I hope you can understand why I have upheld the original refusal to provide you with the details you have requested.

If you are dissatisfied with the outcome of your internal review, you are entitled to contact the Information Commissioner’s Office and they will consider whether your complaint is eligible for further review. The Information Commissioner’s details and guidance is available on the website at [www.ico.org.uk](http://www.ico.org.uk).

Kind regards

Mark

**Mark Knight**

Information Management Officer

Information Management

Business Change & Information Solutions (BCIS)

Sheffield City Council

PO Box 1283 Sheffield S1 1UJ

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