



Department  
for Transport

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Web Site: [www.gov.uk/dft](http://www.gov.uk/dft)

Our Ref: F0015896

24 April 2018

M J Anderson

[By email: [request-473062-fe223c66@whatdotheyknow.com](mailto:request-473062-fe223c66@whatdotheyknow.com)]

Dear M J Anderson

### **Freedom of Information Act Request – F0015896**

Thank you for your Freedom of Information (FOI) request of 24 March 2018. You asked for the following information:

***In 2016 the Times reported that railway parking fines could be written off because of a legal dispute.***

***<https://www.thetimes.co.uk/article/railway-parking-fines-could-be-written-off-vz5qcqk2s>***

***Please would you help me with the following;-***

- 1. What was the dispute about? May I see the correspondence?***
- 2. Were the fines written off? If so, how much?***
- 3. The article says the Government would respond shortly. Please would you show the Government's response?***

Your request has been considered under the FOI Act 2000. The Department for Transport (DfT) has now completed its search for the information. Replies are provided under each of your requests below.

#### ***1. What was the dispute about? May I see the correspondence?***

The information you have requested is not held by the DfT as we did not contribute to the article you have referenced in your request. You may wish to contact The Times directly for this information, they can be contacted using the details below:

***[features@thetimes.co.uk](mailto:features@thetimes.co.uk)***

#### ***2. Were the fines written off? If so, how much?***

The DfT does not hold the information you have requested, as we have no business need for this information.

**3. The article says the Government would respond shortly. Please would you show the Government's response?**

The DfT is in the process of developing a clarification statement in regard to enforcement of parking under the Railway Byelaws. A draft version has been sent to a limited number of stakeholders including the British Parking Association within the last two months. As the correspondence relates to the formulation and development of live government policy, we are withholding this information under the exemption at section 35(1)(a) (Formulation of government policy) of the FOI Act 2000.

As section 35(1)(a) is a qualified exemption, we are required to balance the public interest in disclosing the information against that for withholding it. **Annex A** to this letter details why, on balance, the public interest test favours withholding the information.

If you are unhappy with the way the DfT has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the DfT's FOI Advice Team at:

Zone D/04  
Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA  
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please send or copy any follow-up correspondence relating to this request to the FOI Advice Team to help ensure that it receives prompt attention. Please also remember to quote the reference number above in any future communications.

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely

**Michael Evans**  
**Senior Correspondence Manager- Passenger Services**

## **Your right to complain to DfT and the Information Commissioner**

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## **Annex A**

### **Section 35: Formulation of government policy**

(1) Information held by a government department or by the national assembly for Wales is exempt info if it relates to-

(a) The formulation or development of government policy

#### **Public Interest Test**

<b>Factors for disclosure</b>	<b>Factors against disclosure</b>
<ul style="list-style-type: none"><li>- Disclosure of the correspondence concerning proposals relating to parking enforcement under the Railway Byelaws would allow the individual, and the public at large to see what is being considered and allow them to contribute to the process.</li><li>- As public knowledge of the way in which the government works increases, the public contribution to the policy making process could become more effective.</li><li>- Disclosure of the correspondence which has only been sent to a limited number of stakeholders would contribute to the government's wider transparency agenda.</li></ul>	<ul style="list-style-type: none"><li>- The policy issue which is being explored is subject to Ministerial approval which has not yet been received. As such, this clearly meets the test of government policy in development. The policy is still live.</li><li>- The disclosure of correspondence relating to the formulation and development of live government policy, in respect of parking enforcement under the Railway Byelaws, will inhibit discussions, as officials will be reluctant to provide views and opinions if they were routinely disclosed ahead of any formal announcements.</li><li>- Clearly it is in the public interest that Ministers and officials have a safe space in which to formulate and develop government policy and that decision making is based on the best advice available and a full consideration of all the options.</li><li>- The policy is still live and has not yet been given Ministerial approval and there is a risk that Ministers will require further consideration in conjunction with stakeholders and industry representatives. If such information and advice was routinely made public there is a risk that officials could come under political or public pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision making. Clearly this would not be in the public interest.</li></ul>

	<ul style="list-style-type: none"> <li>- Ministers and officials need to be able to conduct rigorous assessments on any future policy on parking enforcement under the Railway Byelaws including considerations of the pros and cons without there being premature disclosure which might close off better options.</li> <li>- The quality of the formulation and development of future government policy should not be put at risk of it, or the information informing it, having to be presented in any particular way were it to be the subject of scrutiny.</li> </ul>
<b>Decision Reached</b>	
<p>The policy relating to parking enforcement under the Railway Byelaws has not yet been approved. Ministers and officials need to be able to conduct rigorous assessment on any future policy concerning the Railway Byelaws without the risk of the information being prematurely disclosed, which might close off better options.</p> <p>This information is being <b><u>withheld</u></b> as on balance the factors for withholding this information outweighs the factors for releasing it.</p>	