

EIR Request (received 08 December 2021) - Reference: DFI/2021-0434

Could this be an FOI/EIR request? (whichever is most suitable).

1. Could you please provide me with the number of Penalty Charge Notices (PCNs) issued in 2019, 2020 and 2021 (to date) for Contravention Code 30 (parked for longer than permitted)?
2. Could you please provide me the number of successful appeals in 2019, 2020 and 2021 (to date) for PCNs for Contravention Code 05 (parked after the expiry of paid time at a pay and display bay)?
3. For number 2 above can you please provide a form of breakdown for the reasons given for successful appeals? Could you please include a category for those who appealed based on pregnancy or being with a newborn baby?
4. If number 3 is not possible are appeal requests not logged or saved on your systems?

Response (issued 10 January 2022)

Thank you for your email which was received on 8th December 2021, requesting information, under the Freedom of Information Act, regarding the number of Penalty Charge Notices (PCNs) issued for Contravention Code 30 and successful appeals for Contravention Code 05 along with reasons, in 2019, 2020 and 2021.

In considering your request on behalf of the Department, I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004, as opposed to the FOI Act 2000.

A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/whatare-the-eir/>.

In response to your request, I can advise that the Department for Infrastructure does hold information on the numbers of Penalty Charge Notices issued for Contravention Code 30, and appeals of Contravention Code 05 PCNs. My response to each of your queries is as follows:

1. Details of the numbers of Penalty Charge Notices issued for Contravention Code 30 (parked for longer than permitted), 2019-2021 to date, are provided in the following table:

Year	PCNs Issued
2019	20,270
2020	10,178
2021	11,428

2. Details of the numbers of successful appeals of Penalty Charge Notices issued to vehicles parked after the expiry of paid time at a pay and display bay, Contravention Code 05, 2019-2021 to date, are provided in the table below:

Year	PCNs Issued
2019	629
2020	318
2021	176

* The data above includes successful appeals at Challenge, Representation and Tribunal stage.

3. The Department does hold information relating to the reasons for successful appeals but not to the level of detail, or in the categories you are seeking or in a manner where it can be readily extracted without carrying out a manual search through all the records held.

The Environmental Information Regulations established a general, public right of access to environmental information held by public authorities, where that is in the public interest. Whilst transparency is clearly in the public interest, the legislation also recognised that there would be occasions where it would be in the public interest to refuse requests.

The Environmental Information Regulations, unlike FOI, did not specify a fixed amount of staff costs that would represent an appropriate limit (£600 for Government Departments, set at £25 per hour of staff time), beyond which public authorities need not go to answer requests. Instead the legislation provides an exception from the general presumption in favour of disclosure, at Regulation 12(4)(b), when the burden placed on staff resources is considered to be manifestly unreasonable. The Information Commissioner's Office has made clear that, while EIR does not specify a reasonable cost of compliance, Parliament had clearly identified what would be a reasonable cost in setting the appropriate limit for FOI.

In this case, although the reason for a successful appeal is recorded as free text against each PCN, the system does not have the facility to readily extract such details. We have carried out a sample exercise to determine whether the Department can comply with your request, without placing an unnecessary burden on staff resources. At an average of 5-10 minutes per PCN case, attempting to examine all 1,123 PCNs, in order to

categorise the reasons for successful appeals would take between 94 and 188 hours of staff time. The staff time required to comply with your request would be well in excess of the appropriate limit set out under FOI.

I have carried out a test of the public interest in this case, and am satisfied that the diversion of staff resources required is so great that the Department must refuse this element of your request. The Regulation 12(4)(b): manifestly unreasonable exception is clearly engaged.

4. The Department does log details of all appeal requests and their outcomes. However, as each appeal request and result may often be unique, the system cannot categorise them for reporting purposes as previously stated.

Copyright notice

The supply of information under the Freedom of Information Act or the Environmental Information Regulations does not give the recipient or organisation that receives it the automatic right to reuse it in any way that would infringe copyright. Information supplied continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs) can also be used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

Most documents provided by a government department or agency will be protected by Crown Copyright. Most Crown Copyright information can be re-used under the [Open Government Licence](#). For information about the OGL and about re-using Crown Copyright information, please see [The National Archives website](#).

Copyright in other documents may rest with a third party. For information about obtaining permission from a third party please see the [Intellectual Property Office's website](#).