

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 April 2023

Public Authority: Aldenham Parish Council
Address: 1st Floor
The Radlett Centre
1 Aldenham Avenue
Radlett
Hertfordshire
WD7 8HL

Decision (including any steps ordered)

1. The complainant requested information from Aldenham Parish Council ("the Council") relating to the resignation of a Parish Councillor.
2. The Commissioner's decision is that the Council is entitled to rely on section 14(1) (vexatious request) of the FOIA to refuse to provide the requested information.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. The complainant made the following information request to the Council on 28 September 2022:

"I would request for the following information to be provided under the Freedom of Information Act :-

[Name redacted] was making internal investigations upon my request regards your PCM (prior to Cllr's resignation) you were also aware and involved in this situation/investigation.

Can you provide documentation either emails letters or any discussions or dates ,meetings, or any correspondence between any Cllr's at the time regards this matter before it was leaked by [name redacted] to the PCM which led to [name redacted] resignation.

I request that you provide any documentation prior to, and after [name redacted] resignation in which you participated with any other part or persons at Council, and documentation from yourself explaining and making Council aware of your knowledge on the subject after [name redacted]'s resignation. (I am sure you are aware your position dictates such knowledge is disclosed to Council) I can only presume you carried out your duties as was required.

I also request any documentation after the event of [name redacted] resignation in which you or Council participated in or discussed, regards this matter, and documentation regards the follow up by Council to conclude the internal investigation you were carrying out, and were part of, one reasonably presumes this was carried out. I would also ask for the findings of the follow up investigation after [name redacted] resignation as before emails letters minutes of meetings etc."

5. The Council refused to provide the requested information citing section 14(1) (vexatious request) of the FOIA as its basis for doing so.

Reasons for decision

6. This reasoning covers whether the Council is entitled to rely on section 14(1) of the FOIA to refuse to provide the requested information.
7. The complainant does not consider their request to be vexatious. In their complaint to the Commissioner, the complainant stated that they believe that the Council has refused to respond to their request because they do not want to answer it due to mismanagement. The complainant believes that by refusing to respond to their request, Parish Councillors are not fulfilling their duties.
8. The Council considers the request to be vexatious. In its submissions to the Commissioner, the Council explained that the complainant is currently pursuing a claim for damages resulting from defective

permeable surfacing works to a track behind their property from the Council. The Council explained that the events which led to the claim date back to 2017.

9. The Council explained that between 27 February 2017 and 28 September 2022, the complainant has submitted 52 information requests to the Council of varying complexity. The requests all centre around the construction of the track behind the complainant's property and how the work was tendered; the appointment of the Council's architect and the architect's retainer; a breakdown of the costs that have been incurred by the Council due to the track and a retrospective planning application; and the details of a drainage survey commissioned by the Council.
10. The Council stated that the vast majority of the information requests made by the complainant were submitted after January 2021 with a request being made a least twice a month on average. The Council explained that in cases where the complainant has not allowed the statutory time for compliance to expire before submitting a new request, the requests have placed an increased burden on the Council.
11. The Council stated that in many of the requests, the complainant alleges that when procuring the contract for the track, the Council did not follow procurement laws and that employees of the Council, including the Parish Council Manager, are involved in a cover up operation. The Council denies the complainant's allegations.
12. In its submissions to the Commissioner, the Council explained that in addition to their information requests, the complainant has also made multiple complaints about Council staff and Councillors, and has been abusive and confrontational at public meetings. The Council also stated that the complainant has targeted Councillors directly and has sent over 650 emails to a single Councillor. In those emails, the complainant has placed pressure on the Councillor to conduct an investigation into the actions, decisions and behaviour of the Parish Council Manager. The Council considers the complainant's emails to the Councillor to constitute harassment.
13. The Council considers that whilst the request in question has moved on from the complainant's previous requests which relate to the track behind the complainant's property, the request is linked to the previous requests. The Council considers that the purpose of the request in this case is to allege impropriety and to attack the Parish Council Manager, who was responsible for responding to the complainant's information requests, for reasons of personal enmity. The Council considers that complainant is using the request to express their dissatisfaction with the Council and to distress and harass Council staff and Councillors,

particularly the Parish Council Manager and the Councillor who they have sent over 650 emails to. The Council therefore considers the request to lack a serious purpose and value and to be an abuse of the Council's formal FOIA procedures.

14. The Council considers the request to be lengthy and multifaceted and so complying with the request would place a burden on the Council. Furthermore, the Council considers that complying with the request would not resolve the complainant's concerns.
15. The Commissioner notes that the complainant has sent a large volume of correspondence to the Council including multiple information requests and emails. Therefore, whilst the Commissioner considers that the request in question may not impose a significant burden on the Council, as the Council is a small public authority with limited resources, he considers that the aggregated burden of dealing with the complainant's overall correspondence will have placed a burden on the Council.
16. Furthermore, whilst the complainant may have had a genuine issue when they began contacting the Council, the Commissioner considers that the complainant has pursued that issue well beyond the point of reasonableness. He therefore considers that it is unlikely that compliance with the request in question would resolve the complainant's concerns. On the contrary, he believes it would likely result in further correspondence and information requests from the complainant. This would place a further burden on the Council and its limited resources.
17. Therefore, the Commissioner's decision is that the request is vexatious and thus, the Council is entitled to rely on section 14(1) of the FOIA to refuse to comply with the request.

Right of appeal

18. 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

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

19. 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.
20. 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

Ben Tomes
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF