

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 August 2022

Public Authority: Lydd Town Council
Address: Guild Hall
13 High Street
Lydd
TN29 9AF

Decision

1. The complainant has submitted multiple requests for information to Lydd Town Council ("the Council"). 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.

Request and response

2. The complainant made the following information request to the Council on 8 March 2022:

"I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000.

Please forward me the following information from the CCTV Information Meeting held on the 10th February 2020 (In attachment)

Request 1: Signed Minutes from the above-mentioned meeting.

Request 2: All documents related to the above-mentioned meeting.

Request 3: Signed copy of the reasoning why the above-mentioned meeting was held behind closed doors.

I would like the above information to be provided by electronic copy, with an opportunity to view any attachments.

If any of this information is already in the public domain, please can you direct me to it, with page references and URLs were necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed.

I understand that you are required to respond to my request within the 20 working days after you receive my request

I would be grateful if you could confirm by email that you have received this request.

I look forward to hearing from you."

3. On 8 March 2022 the complainant also submitted the following request for information to the Council:

"I have asked for information on many occasions without having any reply, so now I am writing to make an open request for all information to which I am entitled under Freedom of Information Act 2000.

Please send me the following information

Information request 1; A copy of the full signed & dated TERMS OF REFERENCE

Information Request 2: Full signed and dated list of all committee members

Information Request 3: All copies of signed & dated Finance Reports

Information request 4: Copies of all signed & dated AGM minutes

Information request 5: Copies of all Grants and Funding received

Information request 6: All signed & dated records of any monies received from the Local Produce and Craft Markets

Information request 7: Signed of ownership of community market stall's

Information request 8: Signed minutes and Agenda of the Dissolution meeting.

I would like all the above information to be provided by electronic copy, with an opportunity to view any attachments.

Should this request be too wide or unclear, I would be grateful if you would contact me as I understand that under the aforementioned Act, you are required to advise and assist requesters.

Should any of this information already be in the public domain, please be so kind as to direct me to it with page references and URLs where necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I request to be supplied with copies of the confidentially agreement and remind you that information should NOT be treated as confidential if such an agreement has not been signed.

I understand that you are required to respond to my request within 20 working days after you receive this letter.

I would be most grateful if you could please confirm by email that this request has been received.

I look forward to hearing from you."

4. The Council did not respond to the requests. The Commissioner understands that the Council did not respond to the requests as it considers the requests to be vexatious under section 14(1) (vexatious request) of the FOIA. The Council considers that it is not obliged to issue a refusal notice under section 17(6) of the FOIA.

Reasons for decision

5. This reasoning covers whether the Council is entitled to rely on section 14(1) of the FOIA to refuse to provide the requested information.
6. The position of the Council is that it considers the requests to be vexatious and designed to cause a disproportionate and unjustifiable level of distress, disruption and irritation. It also considers the requests to be inappropriate and an improper use of a formal procedure.

7. The Council states that the complainant is part of Lydd Resident Group, a group who have submitted a large number of requests to the Council. It explained that it has spent a considerable amount of time handling the Group's requests which has placed a strain on the Council's time and resources.
8. The Commissioner is aware that the Council has received a large number of requests from Lydd Resident Group as the Commissioner has received multiple complaints from members of the Group about the Council's handling of requests.
9. The Commissioner recognises that the Council is a small public authority. He therefore accepts the Council's argument that complying with the requests would place severe pressure on the Council's limited resources.
10. The Commissioner's decision is that both requests are vexatious. Therefore, the Council is entitled to rely on section 14(1) of the FOIA to refuse to comply with the requests. The Commissioner is also satisfied that, having provided the complainant with a suitable refusal notice previously, it was appropriate for the Council to rely on section 17(6) to not respond to the requests above.
11. The Commissioner requires no further action to be taken by the Council in relation to the requests.

Right of appeal

12. 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

13. 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.
14. 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