

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 19 October 2022

**Public Authority:** Fylde Borough Council  
**Address:** Town Hall  
South Promenade  
Lytham St Annes  
FY8 1LW

#### **Decision (including any steps ordered)**

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1. The complainant made two requests for information from Fylde Borough Council ("the Council") relating to the valuation (assessment) of their property for the purpose of Council Tax liability, and a series of questions regarding legal explanations and justification of decisions. The Council refused the requests under section 14(1) of FOIA (vexatious request).
2. The Commissioner's decision is that both of the requests were vexatious and therefore the Council was entitled to rely upon section 14(1) of FOIA to refuse it.
3. The Commissioner does not require any steps to be taken as a result of this decision notice.

## Request and response

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4. On 28 September 2022, the complainant made the following request for information:

"I would appreciate your answers on the following:

1. Please provide the record that gives jurisdiction and authority to create valuation (assessments) on my property.
2. Please provide the Return that was filed on my property (address redacted) for which the valuation (assessment) was created.
3. Please provide me with ALL records that you are relying on as valuation (assessments) for my property (address redacted).
4. Please provide me with the record that made me a Council taxpayer.

We would like the above information to be provided as paper and electronic copies (email address provided below). If this request is too broad or unclear, We would be grateful if you could contact us as we understand that under the Freedom of Information Act 2000, you are required to advise and assist with requests. If any of this information is already in the public domain, please direct us to it, with page references and URL's if necessary.

If the release of any of the information is prohibited on the grounds of breach of confidence, we ask that you supply us 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."

And the second request says:

"We are writing to make an open government request for all the information to which we are entitled under the Freedom of Information Act 2000. I wish to make clear I am not seeking legal advice, merely a clarification as to where authority comes from when considering the following questions.

I am asking because my research shows that statute permits courts to issue a summons and Liability Order, but makes it a criminal offence for any person that is not an employee of the court to send paperwork

that appears to be from a court, such actions, therefore, being fraudulent in nature.

That said, I would appreciate your answers on the following:

- 1) What is the due process for the issuance of a Council Tax Liability Order in the Magistrate's Court?
- 2) What statute or other forms of legal empowerment allows the court to come to an agreement with the council to both print and issue the Liability Order?
- 3) If the form for Liability Orders was discontinued in 2003. What gives the document printed and issued by the Fylde Borough Council authority in law?
- 4) If Fylde Borough Council prints and issues their own paperwork claiming to be a Liability Order, is this a direct breach of s.78 Local Government Act 1888?
- 8) Does bulk processing of both a summons and Liability Order follow due process? What is that process?
- 9) When laying a complaint to a legal advisor, or clerk to the justice of the peace, it is a fact the Fytde Borough Council merely issues a list of names. What information is provided for the clerk to the justice of the peace to apply their mind to the complaint and issue a summons?
- 10) Section 51 of the Magistrate's Court Act 1980 states:  
  
"Where a complaint relating to a person is made to a justice of the peace, the justice of the peace may issue a summons to the person requiring him to appear before a magistrates' court to answer to the complaint"
- It is my understanding there is no statute that authorises or prevents Fylde Borough Council from preparing a summons on the court's behalf. Further, it is customary that the person applying drafts their own Summons. Is that a direct breach of Section 78 Local Government Act 1888?
- 12) When a legal advisor grants a summons, what is the procedure to confirm to a council so they can print and issue the summons?

13) Black law dictionary defines the word Issue as "the act of issuing, sending forth, emitting or promulgating; the giving a thing its first inception; as the issue of an order or a writ"

Is a summons and a Liability Order a Court Document? If so, can Fylde Borough Council issue them?

14) If there is no form for a Liability Order to be issued, is the Liability Order issued by Fylde Borough Council a legitimate legally enforceable document?"

5. On 29 September 2022, the Council responded by saying the requests were being refused because they were considered vexatious under section 14(1) of FOIA.
6. The complainant requested internal reviews on 29 September 2022. The Council refused the requests for internal reviews citing their reliance on section 14(1) of FOIA.

## **Reasons for decision**

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### **Section 14(1) – vexatious requests**

7. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious.
8. The word "vexatious" is not defined in FOIA. However, as the Commissioner's updated guidance on section 14(1)<sup>1</sup> states, it is established that section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation, or distress.
9. FOIA gives individuals a greater right of access to official information in order to make bodies more transparent and accountable. As such, it is

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<sup>1</sup> <https://ico.org.uk/for-organisations/dealing-with-vexatious-requests-section-14/>

an important constitutional right. Therefore, engaging section 14(1) is a high hurdle.

10. However, the ICO recognises that dealing with unreasonable requests can strain resources and get in the way of delivering mainstream services or answering legitimate requests. These requests can also damage the reputation of the legislation itself.
11. In regard to the requests the Council has said: "The questions it contains are not requests to be provided with recorded information held by the council and are therefore do not fall within the Freedom of Information Act. For completeness, insofar as the requests do fall within the Freedom of Information Act, your request will not be complied with because it is vexatious, and section 14 of the act does not require public authorities to answer vexatious requests."
12. They noted the complainant's view that:

"In reference to your response to the attached FOIR. Please could you kindly explain how my requests are vexatious?"

The requests do fall within the Freedom of Information Act, and I would urge you to reconsider your response."

However, the Council countered this in saying "The emails contain sixteen or more questions which are not designed to elicit recorded information, but which are intended to require the council to describe processes, justify decisions or provide legal explanations. The council regards the requests as being vexatious because they appear to be intended to further a spurious argument that people are only bound by the contracts and laws they have consented to, rather than being genuinely intended to obtain information.

We reserve the right to refuse to respond to lengthy spurious enquiries that focus on hypothetical arguments that have no basis in statute which use our resources at the expense of other taxpayers. Your emails constitute such enquiries."

13. In the circumstances of this case, and on the basis of the evidence provided, the Commissioner is satisfied that the Council was entitled to rely on Section 14(1) of the FOIA to refuse these requests as vexatious.

## Right of appeal

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14. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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 .....**

**Phillip Angell**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**