

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 14 August 2008

Public Authority: Centro
Address: Centro House
16 Summer Lane Birmingham
B19 3SD

Summary

The complainant made a number of information requests in three separate letters to the public authority. The public authority deemed the requests vexatious in accordance with section 14 of the Act. The Commissioner considered the requests in the context and background in which they were made and has upheld the public authority's refusal to comply with the requests by virtue of section 14 of the Act.

The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

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2. On 13 November 2006 the complainant wrote to the public authority requesting the following information;

'A copy of the Report submitted to the meeting of the Tenders Committee held on the 24th June 2003 and referred to in the document titled "BS48 Any other business", a copy of which is enclosed for your assistance'

'Copies (of) tenders submitted by Lionspeed Ltd, numbered 112, 119, 365, 380, 762, 637, 643, 645 and 647 which are listed in pages 35 and 36 of the documentation titled "BS48 Any other business"'

3. The public authority responded on 1 December 2006 stating among other things, '(we)..... reiterate the position as restated to you in the letter dated 15 September 2006 that Centro will not enter into any further correspondence with

you. However I do recognise that you have requested specific additional information in your letter.....and after consideration I enclose a copy of the Bus Tenders Committee report and copies of the specific tenders that you requested.....please note that T380 and T647 were classed as diversions, which fall outside of the formal tendering process.'

4. On 16 December 2006 the complainant specifically asked the public authority to review its response on the basis that; it had not enclosed a copy of the Bus Tenders Committee report as indicated and had therefore failed to provide a copy of the requested information, and that copies of the tenders sent to him were incomplete because parts of the documents had been obscured.

5. The public authority did not respond.

6. On 19 December 2006 the complainant requested the following information:

'Complete copies of all tenders received by CENTRO for tenders numbered 106, 122, 149, 206, 358, 427, 438, 511, 517, 542.'

The documents which were submitted to CENTRO by Lionspeed Ltd which led to the eventual award of tenders T380 and T647.

The documents which were submitted to CENTRO by Lionspeed Ltd which led to the eventual award of tenders T380 and T647.....in absence of "the formal tendering process" I require you to send me the documents issued by Lionspeed Ltd upon which CENTRO relied to establish the cost to CENTRO of these contracts.

Complete copies of all tenders received by CENTRO other than those submitted by Lionspeed for tenders 112, 119, 365, 380, 762, 637, 643, 645, and 647.

Copies of the following pages of the tenders.....which are missing from the copies of the contracts which you provided with your letter dated 1st December 2006. Tenders 112 and 119 (pages 2, 3, 4), 645 (pages 1 and 3), 365 (pages 1 and 2), 762(page 1), and 637(pages 1 and 3)'

7. The public authority did not respond. The complainant sent another letter dated 26 January 2007 requesting a response.

The Investigation

Scope of the case

8. On 18 May 2007 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The basis for his complaint is quoted below:

'I submit that by failing to provide all of the information which I requested in my letters dated 13th November 2006 and 19th December 2006, and failing to

respond to my complaints dated 16th December 2006 and 26th January 2007, CENTRO has failed to comply with the European Convention of Human Rights Act (Freedom of Information Act 2000) which makes it unlawful for a public authority to violate convention rights, unless because of an Act of Parliament, it had no choice.'

Chronology

9. The case officer assigned the case wrote to the public authority on 29 November 2007 and requested an explanation as to why it did not respond to the complainant's internal review request of 16 December 2006, as well as the information request of 19 December 2006.
10. The public authority responded on 31 December 2007. It explained that the complainant's requests in relation to the '*award and reassignment of contracts by Centro to Lionspeed Ltd and Probus Management Ltd*' dated back to January 2005 which led to a Decision Notice (DN) (in case FS50110741) issued by the Commissioner on 30 January 2007. It then quoted the following paragraph from the DN as the reason it decided not to respond to the complainant's letters;

'The Commissioner is satisfied that in responding to the request the public authority provided all of the information covered by the requests, with the exception of one request. However, the Commissioner considers that the public authority could have refused to answer this request on the basis that it was vexatious and therefore has not ordered the public authority to fulfil the outstanding parts of this request.'
11. According to the public authority, it considered the complainant's requests of 13 November and 19 December 2006 as a follow up to the original request which had already been refused. However, to continue to work within the spirit of the Act, '*a number of tenders submitted by Lionspeed Ltd and Probus Management Ltd*' were released to the complainant. The letter continued; '*All the available information requested was supplied and any information redacted related to other operators and was therefore not relevant to the request. No review was conducted as all information had been supplied.*' It added that no response was sent to the complainant's letter of 19 December because it had made it clear in the letter of 1 December 2006 that it would not enter into further correspondence with the complainant.
12. On 11 January 2008 the case officer asked the public authority to re-consider its position. In particular the case officer commented that in his opinion the public authority's view that the DN in FS50110741 endorses its approach in the current case is contradicted firstly by the fact it chose to enter into further correspondence with the complainant on requests it alleged relate to the same line of enquiry and which had already been the basis of a complaint being considered by the Commissioner. Furthermore the case officer noted the fact that in its letter of 16 December, it referred to the complainant's letter of 13 November as a request for specific additional information.

13. On 18 February 2008 the public authority provided the case officer with a copy of a refusal notice (dated 12 February 2008) it had issued to the complainant as a result of the points raised by the case officer in the letter of 11 January. The refusal notice concluded that the public authority will not be processing the complainant's requests because they are *'vexatious OR repeated requests that have been recently responded to and therefore this...is a Refusal Notice under Section 14...of the Act.'*
14. In line with the Commissioner's policy to always seek to informally resolve complaints where possible, the case officer explained in two letters to the complainant dated 19 February and 28 February 2008 that in light of the fact that the latest requests relate to the same line of enquiry which informed the Commissioner's decision in case FS50110741, he took the view the public authority was right to refuse to enter into any further correspondence with the complainant in this regard. The case officer also explained that the public authority would be reminded of its responsibilities under the Act in relation to how it had initially handled the requests.
15. In a series of correspondence afterwards the complainant made it clear he considered it appropriate for the Commissioner to issue a DN in relation to the present complaint. The reasons he gave are outlined below;
- The public authority could not retrospectively judge him to be vexatious after it had *'edited'* the tenders provided in response to the request of 13 November and also failed to enclose a copy of the report to the tenders committee.
 - He decided not to appeal the DN in case FS50110741 only because he acquired from other sources the information he sought during the course of the investigation in relation to that case. In any event, he did not consider that the DN in that case would have any bearing in relation to future requests.
 - He considers his latest requests are *'simply additional to my earlier requests for Information which relate to a similar subject...'* and in one of the letters in support, he makes the following statement;

'you will not need me to remind you that the Freedom of Information Act 2000 neither defines nor limits the number of requests for information which a member of the public may submit to a public authority.'

16. On 28 April 2008, the complainant made a further complaint against the public authority for failing to provide the following information requested in a letter dated 12 February 2008;

'On or about 26th September 2005, Centro made a payment to Probus Management Ltd, value £130,057.41 for concessionary fares allowance which had accrued during the period between 1st April 2003 and 21st June 2003. I believe that during the period between 1st April 2003 and 21st June 2003, the bus operating contracts to which the concessionary fares allowances relate were held by Lionspeed Ltd.'

Please let me know within the allowed period what authority is held by Centro that enabled it to pay the amount of £130,057.41 to Probus Management instead of Lionspeed Ltd.'

17. In the same letter, he decided to include the reason behind his interest in the contracts involving the public authority, Lionspeed Ltd, and Probus Management Ltd. According to the complainant, he is a joint executor of the estate of an individual who will be referred to as X. At the time of death, X owned a percentage of shares in Lionspeed Ltd. Lionspeed Ltd went into administration in July 2003, and all of the contracts held by Lionspeed were subsequently reassigned to Probus Management Ltd. The amount the public authority owed Lionspeed Ltd as a result was communicated to the joint administrators, and it is this sum he disputes, hence the information requests to establish what he believes is the actual value of the debt.
18. The case officer wrote to the public authority on 10 April 2008 explaining that the Commissioner intended to issue a DN in relation to the complaint, and invited it to make further submissions. He specifically asked the public authority to consider whether the 'reasonable interval' exception in section 14(2) was applicable in light of the fact that the requests which informed the DN in case FS50110741 were made between 10 January 2005 and 28 November 2005, approximately a year prior to the latest set of requests.
19. In its response dated 2 May 2008, the public authority explained it did not consider there was a reasonable interval between the compliance with a previous request and the making of a further request as correspondence continued at regular intervals after the requests of 28 November 2005. It provided the case officer with a summary of the exchanges since 28 November 2005. These are listed in Annex A of this Notice.
20. Specifically, in a letter dated 3 June 2008, it explained that it considered the latest requests repeated and vexatious because it would impose a significant burden on it in terms of distraction and could be otherwise fairly characterised as obsessive or manifestly unreasonable. According to the public authority, it considered the latest requests similar to the previous requests and therefore assessed as them as part of a continuous chain of correspondence.

Analysis

Procedural Matters

21. The Commissioner notes that the public authority's refusal notice in relation to the requests of 13 November and 16 December 2006 was issued on 12 February 2008 more than 20 working days after they were made.
22. However, he also notes that in the letter of 1 December 2006, the public authority did refer the complainant to the previously issued refusal notice dated 15 September 2006.

23. Under section 17(6) of the Act, a public authority does not need to provide a notice of refusal where it is relying on section 14 and it has already given the requester a notice in relation to a previous request for information stating it is relying on such a claim and it would be unreasonable to expect it to do so in relation to a current request.
24. A full text of section 17 is available in the Legal Annex at the end of this Notice.
25. The refusal notice issued on 15 September 2006 informed the complainant that in light of the provisions of section 14, the public authority would no longer enter into any correspondence with him on the subject of his requests. This was subsequently upheld by the Commissioner in case FS50110741.
26. In the Commissioner's view, it would be unreasonable to expect the public authority to issue a refusal notice in respect of each request from the complainant in relation to financial transactions between itself and the four local bus companies. He is therefore satisfied that the public authority has not breached section 17(1) of the Act which requires a public authority to issue a refusal notice within 20 working days.

Section 14

27. Under section 14, a public authority is not obliged to comply with a request for information if the request is vexatious or is identical or substantially similar to a request it has previously complied with unless there is a reasonable interval between both requests.
28. The full text of section 14 is available in the Legal Annex at the end of this Notice.
29. The Commissioner has produced awareness guidance 22 as a tool to assist in the consideration of what constitutes a vexatious request.
30. In line with the above guidance, the Commissioner's general approach was to consider whether the public authority had clearly demonstrated whether the request, which was the latest in a series of requests, would impose a significant burden and meets at least one of the following criteria;
 - clearly does not have any serious purpose or value,
 - is designed to cause disruption and annoyance,
 - has the effect of harassing the public authority,
 - can otherwise be fairly characterised as obsessive or manifestly unreasonable.
31. In addition, the Commissioner's view is that requests can be both repeated and vexatious where there is a succession of requests, whether or not strictly identical or substantially similar, the effect of which is to harass the public authority.

32. The Commissioner notes that in *Hossack v Department for Work and Pensions* (EA/2007/0024), the Information Tribunal (Tribunal) pointed out that the threshold for finding a request for information vexatious need not be set too high as the consequences are much less serious than the finding of a vexatious conduct in other legal contexts (see paragraph 11).
33. The Commissioner first considered whether the requests of 13 November 2006, 19 December 2006, and 12 February 2008 could be considered repetitious in the sense that they are identical or substantially similar to the requests made between 10 January and 28 November 2005.
34. The complainant submitted 15 requests (some of which contained numerous separate requests for information) from 10 January to 28 November 2005. The details of these requests are listed in Annex B of this Notice. Having considered these requests, the Commissioner is satisfied that although they all relate to the financial transactions between the public authority and four bus companies including Lionspeed Ltd and Probus Management Ltd, they are not strictly the same as the requests of 13 November 2006, 19 December 2006, and 12 February 2008.
35. The Commissioner next considered whether the requests of 13 November 2006, 19 December 2006, and 12 February 2008 could be regarded as repeated and vexatious in the sense that they are part of a succession of requests which would impose a significant amount of burden on the public authority, has the effect of harassing it, and can otherwise be fairly characterised as obsessive or manifestly unreasonable.
36. From the summary of correspondence provided by the public authority, the Commissioner notes that after he submitted his complaint on 20 March 2006 in relation to case FS50110741, the complainant remained in regular contact with the public authority on the same subject.
37. It should be pointed out that the complainant did not immediately resume regular correspondence with the public authority after he had submitted his first complaint to the Commissioner. This was only prompted by a letter dated 7 August 2006 from the public authority to the complainant to clarify (in accordance with the Act) that its letter of 23 November 2005 constituted a Refusal Notice. The public authority's failure to initially write a proper Refusal Notice as well as other procedural breaches in case FS50110741 were addressed in the DN for that case and is therefore not revisited in this Notice.
38. On receipt of the Refusal Notice, the complainant wrote two letters to the public authority both dated 15 August 2006. In one letter he alleges that the Refusal Notice was sent to him unsigned and in the other he makes a request under the Act for; *'the date when this Refusal was prepared (and) the date when it was first posted to me.'*
39. On 23 August 2006, the public authority wrote back and explained to the complainant that the letter of 7 August 2006 was to notify him as it should have done initially that the letter of 23 November 2005 constituted a Refusal Notice. It

also clarified that the Refusal Notice itself was signed and described the attached document dated 3 November 2005 as *'the consideration of the Resources Director in determining to issue a refusal notice (which) is an internal documentenclosed for completeness.....'*

40. On 30 August 2006 the complainant wrote back to the public authority alleging that the reasons it gave in the letter of 23 November 2005 for refusing to comply with the requests were not the same as those given in the internal document. He submitted the following request in this regard;

'Please explain to me the reason why this change occurred and send to me, within the allowed period, a copy of "The consideration of the Resources Director in determining to issue a Refusal Notice" for the reasons detailed in the letter dated 23rd November 2005.'

41. The public authority's response of 1 September 2006 did not directly address the above request but it provided a summary as well as the relevant documents explaining why the letter of 7 August 2006 was sent.
42. The Commissioner notes that although both the internal document of 3 November 2005 and the letter of 23 November 2005 referred to the considerable costs incurred so far in complying with the requests, only the internal document specifically referred to the requests as being repeated and vexatious. Nevertheless, the Commissioner does not consider that this should have been an issue of considerable debate or correspondence as the complaint in relation to the requests was already being considered by his office.
43. The complainant wrote back to the public authority on 7 September 2006 alleging that his rights under the Act had been breached because the public authority did not initially refer to the letter of 23 November 2005 as a Refusal Notice.
44. On 15 September 2006 restated the points made in the letter of 1 September 2005 and also advised the complainant it would not be entering into any further correspondence with him on this point.
45. In letters dated 13 November 2006, 19 December 2006, and 12 February 2008, the complainant made the information requests leading to the complaint considered by this Notice.

Significant Burden

46. On the face it, the requests in themselves are reasonable and should not unduly burden the public authority in terms of time and expense. However, a different assessment may follow when considered with regard to the context and background in which they were made. As noted above, these requests form part of a succession of requests in relation to the public authority's financial relationship with four local bus companies including Lionspeed Ltd and Probus Management Ltd. At the time of the Commissioner's decision in case FS50110741, the public authority estimated that it had spent 175 hours dealing with the complainant's requests, and the Commissioner did conclude in that case

that responding to the complainant's request 15 would have imposed a significant and unreasonable burden on the public authority.

47. The Commissioner considers that because the requests in this case relate to the same line of enquiry and are also from the same requester in case FS50110741, it is reasonable to conclude that replying to them would impose a significant and unreasonable burden on the public authority. In *J. Welsh v Information Commissioner (EA/2007/0088)*, the Tribunal noted that when considering section 14;

'...the general principles of FOIA that the identity of the requester is irrelevant, and that FOIA is purpose blind, cannot apply. Identity and purpose can be very relevant in determining whether a request is vexatious. It follows that it is possible for a request to be valid if made by one person, but vexatious if made by another; valid if made to one person, vexatious if made to another.' (Paragraph 21)

48. As noted above, the complainant's determination in trying to prove that the public authority still owes money to Lionspeed Ltd and his belief that the Act does not place a limit on the number of requests he could make to the public authority in his quest clearly indicate that any recorded information he is provided with which does not match his expectation of the facts would simply generate further requests. Therefore, it was reasonable for the public authority to expect that complying with the complainant's requests in relation to its financial relationship with Lionspeed Ltd and Probus Management Ltd would impose a significant burden on its resources. In *G.Betts v Information Commissioner EA/2007/0109*, the Tribunal noted that a public authority may reasonably conclude from its experience in dealing with a complainant that responding to a request was extremely likely to generate further requests and therefore entail a significant burden in terms of resources. (Paragraph 34)
49. The Commissioner accepts that Parliament did not set a limit on the number of requests a requester can make under the Act. However, he expects the general public to exercise their information access rights sensibly and responsibly especially in light of the fact that no fee is charged for most requests.

Obsessive or manifestly unreasonable

50. In the Commissioner's view, the test to apply here is one of reasonableness. In other words, would a reasonable person describe the request(s) as obsessive or manifestly unreasonable? The Commissioner's guidance suggests that;

'It will be easier to identify these requests when there has been frequent previous contact with the requester or the request forms part of a pattern, for instance when the same individual submits successive requests for information. Although these requests may not be repeated in the sense that they are requests for the same information, taken together they may form evidence of a pattern of obsessive requests so that an authority may reasonably regard the most recent as vexatious.'

51. The requests of 13 November 2006, 19 December 2006, and 12 February 2008 are part of a succession of requests dating back to 10 January 2005 on the subject of the public authority's financial relationship with Lionspeed Ltd, Probus Management Ltd, and two other local bus companies. As noted above, the Commissioner accepts that although the requests are not repeated in the sense that they are requests for exactly the same information, they relate to the same specific line of enquiry. There is no suggestion that the latest requests will signal the end of this matter, on the contrary, as noted above, the complainant considers it within his right to make as many requests as he wants on this subject without regard for the effect this may have on the public authority in terms of time, expense, and distraction.
52. The Act grants a presumptive right of access to recorded information held by public authorities, and is not set out as avenue for individuals to engage in a debate with public authorities over the nature of information provided. The public authority only disclosed information in relation to the requests of 13 November 2006. However, a combination of the responses to the requests in the previous case, as well as the correspondence generated by the public authority's letter of 7 August 2006 (notifying the complainant of the Refusal Notice), indicates the complainant is in effect using the Act as a tool to further his grievance against the public authority.
53. In effect, the complainant's pattern of behaviour reveals an individual who is unwilling to accept any recorded information which contradicts his particular viewpoint, and would more often than not make further requests in pursuit of his expectation of the facts. This can correctly be described as obsessively requesting further information. On this point the Commissioner also notes that in his complaint of 28 April 2008, the complainant explained that the Economical Crime Unit of West Midlands Police conducted an enquiry into allegations he made against the public authority as a result of information disclosed to him under the Act.
54. The complainant did not disclose the conclusions of the enquiry and the public authority has not referred to this enquiry as part of its submissions to the Commissioner. However, if the West Midlands Police did investigate the complainant's allegations against the public authority as he suggests, then as noted by the Tribunal in Welsh's case;
- 'There must be a limit to the number of times public authorities can be required to revisit issues that have already been authoritatively determined simply because some piece of as yet undisclosed information can be identified and requested.'*
(Paragraph 26).
55. Therefore, the Commissioner is satisfied that the requests of 13 November 2006, 19 December 2006, and 12 February 2008 can be considered by a reasonable person to be obsessive or manifestly unreasonable in light of the identity of the requester and the purpose of the requests.

Harassment

56. Furthermore, the requests of 13 November 2006, 19 December 2006 and 12 February 2008, when taken as part of a succession of requests relating to the same issue could be viewed as harassing the public authority albeit unintentionally.
57. The Commissioner considered the fact the public authority's letter of 1 December 2006 did make it clear that in line with the previous Refusal Notice, it did not intend to enter into any further correspondence with the complainant. However, the complainant chose to submit the requests of 19 December 2006, and 12 February 2008.
58. When considered with regard to the context and background of this case, the Commissioner is satisfied that, even though it may not have been the complainant's intention, the requests of 13 November 2006, 19 December 2006, and 12 February 2008 did have the effect of harassing the public authority.
59. He notes however that in the letter of 1 December 2006, the public authority did agree to disclose some information to the complainant, and has considered this point in the 'other matters' section of this Notice.
60. The Commissioner does not doubt that the requests amount to a serious purpose. As joint executor of X's estate, it is perfectly within the complainant's right to make sure that any debts owed to the estate are settled. However, the persistence of his requests in response to the disclosure of any information previously requested effectively imposed a significant burden on the public authority, could be fairly characterised as obsessive, and also had the effect of harassing the public authority.

The Decision

61. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

Steps Required

62. The Commissioner requires no steps to be taken.

Other matters

63. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:
64. Since the public authority eventually concluded that the requests of 19 December 2006 were also repeated and vexatious, it should not have given the complainant the impression that it was still willing to consider requests from him which relate to the financial relationships between itself and the bus companies. However the Commissioner also notes that the public authority decided to respond initially within the spirit of the Act. In *D.Gowers v Information Commissioner and London Borough of Camden EA/2007/0114*, the Tribunal observed that '*while section 14(1) provides that a public authority is not obliged to respond to vexatious requests, it does not prevent it from doing so....*' The Tribunal further indicated that this does not mean a public authority which responds to a vexatious request is therefore under an obligation to respond to all other such requests. (Paragraph 61). Both the Commissioner and Tribunal however recommend public authorities adopt a consistent approach.
65. The Commissioner is satisfied that this is a good practice point rather than a breach under the Act, and does not affect the reasoning behind his decision in this case.

Right of Appeal

66. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

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.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 14th day of August 2008

Signed

Steve Wood
Assistant Commissioner

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

Annex A

Summary of correspondence since 28th November 2005

30 November 2005

complainant to public authority

1 December 2005

complainant from public authority

5 December 2005

complainant to public authority

19 December 2005

complainant to public authority

7 August 2006

public authority to complainant

15 August 2006

complainant to public authority

23 August 2006

public authority to complainant

30 August 2006

complainant to public authority

1 September 2006

public authority to complainant

7 September 2006

complainant to public authority

15 September 2006

public authority to complainant

6 October 2006

complainant to public authority

13 November 2006

complainant to public authority

1 December 2006

public authority to complainant

15 December 2006

complainant to public authority

16 December 2006
complainant to public authority

19 December 2006
complainant to public authority

25 January 2007
complainant to public authority

26 January 2007
complainant to public authority

1 March 2007
complainant to public authority

20 March 2007
complainant to public authority

21 March 2007
public authority to complainant

31 March 2007
complainant to public authority

12 February 2008
complainant to public authority

26 March 2008
complainant to public authority

27 March 2008
complainant to public authority

3 March 2008
public authority to complainant

Annex B

The complaint submitted 15 requests in total to the public authority which were considered under case FS50110741. The details of these requests are listed below, along with the date each request was submitted.

Request 1 (Submitted 10 January 2005)

'The documents and information, detailed below, concerning your financial transactions with the following companies:

Lionspeed Ltd
Probus Management Ltd
Britannia Travel
North Warwickshire Travel Ltd

These companies may be known to you by the trading names: Pete's Travel, Britannia Travel.

For the period 30 September 2002 until 30 September 2003:

- (a) Copies of all contracts between Centro and these companies.
- (b) The dates when the contracts were terminated.
- (c) For any contracts which were assigned, the name of the assignee and the date of the transfer.
- (d) A schedule of all payments made to each company including the date and value of each payment.
- (e) A brief description of the nature of the goods and services covered by each payment including details of when the goods and services were provided.
- (f) The amount that Centro owed each company 8 July 2003.
- (g) The value of any goods and services provided by these companies for which you made payment to a company other than the provider of the goods or services.

For North Warwickshire Travel Ltd Only:

- (h) The amount and date of any payment which you have made to this company since 1 April 1998.'

Request 2 (Submitted 7 February 2005)

- (a) 'The document issued by Lionspeed Ltd which requested you to assign some or all of the contracts between Lionspeed Ltd and Centro to any other company or person.
- (b) The document issued by any company or person which confirms their agreement to accept the assignment of any or all the contracts between Lionspeed Ltd and Centro'.

Request 3 (Submitted 24 February 2005)

- (a) 'Please provide me to a copy of the document within which Centro agrees to transfer or assign contracts between Centro and Lionspeed Ltd to Probus Management Ltd'.

Request 4 (Submitted 7 March 2005)

- (a) 'Please inform me of the date when the amount of £87,558.25 which Centro owed to Lionspeed Limited at 8 July 2003 was paid to Lionspeed Limited together with the name of the bank account and the address of the Bank to which the money was paid'.

Request 5 (Submitted 31 March 2005)

- (a) 'Please inform me of the date when the amount of £87, 558.25 which Centro owed to Lionspeed Limited at 8 July 2003 was paid to Lionspeed Limited. In the event that you find that this money was paid to a company or person other than Lionspeed Ltd please identify that company or person by name'.

Request 6 (Submitted 26 May 2005)

'I thank you for your letter dated 24 May 2005 and Annex A attached thereto.

Unfortunately, you have failed to include details of the exact calendar period when the concessionary travel scheme reimbursements were accrued for each payment.

Please forward this information by return to complete your response.

Additionally, please confirm that the list of payments of the reimbursements to Lionspeed Limited is complete and that each of the payments have been made directly to Lionspeed Limited'.

Request 7 (Submitted 1 June 2005)

- (a) 'A complete copy of a letter, dated 19 June 2003, from Lionspeed Ltd (Trading as Pete's Travel) addressed to Stephen Rhodes, Centro, Centro House, 16 Summer Lane, Birmingham B19 3SD.'

Request 8 (Submitted 13 June 2005)

- (a) 'For the payments made to Lionspeed Limited as detailed in annex C attached to your letter dated 4 April 2005, the exact calendar period when the services were provided for each payment made by Centro to Lionspeed Limited'.

Request 9(Submitted 13 June 2005)

(a) 'For the payments made to Probus Management Limited, as detailed in annex attached to your letter dated 4 April 2005, the exact calendar period when the services were provided for each payment made by Centro to Probus Management Limited'.

Request 10 (Submitted 30 August 2005)

'In a letter dated 15 August 2005 you have informed me that:

"I confirm that for the period 25 May 2003 and 8 July 2003 no balance payment was made"

Please let me know:

- (a) The value of the balance payment(s) for this period.
- (b) Why the balance payments have not been paid to the Administrator of Lionspeed Limited'.

Request 11 (Submitted 6 September 2005)

'In a letter dated 2 March 2005, I was informed by Centro that "Centro owed Lionspeed Ltd £87,558,25 at 8 July 2003".

- (a) Please confirm that this statement is correct.

In Annex B, attached to a letter dated 3 March 2005, it is stated that a payment was made by Centro to Lionspeed Ltd, during July 2003, value of £124,221.00. In Annex C, attached to a letter dated 4 April 2005, I am informed that an identical payment of £124,221.00 was made on 13 June 2003.

Please let me know;

- (b) Whether or not two identical payments were made to Lionspeed Ltd.
- (c) If there were two identical payments, the exact calendar date of the payment in July 2003.
- (d) If there was only one payment of £124,221.00 please confirm the exact calendar date of the payment and explain to me why the payment has been reported to me as having been paid to Lionspeed Ltd on 13 June 2003 and during July 2003.'

Request 12 (Submitted 9 September 2005)

(a) 'Why para 10 of the Agreement [a document previously supplied to the complaint on 4 February 2005] was not applied to prevent the assignment of the contracts held by Lionspeed Ltd to Probus Management Ltd.

(b) Why para 14 (a) of the Agreement was not applied, once Lionspeed Ltd became insolvent, to prevent the assignment of the contracts held by Lionspeed Ltd to Probus Management Ltd.

(c) Why, when Centro was first approached by Lionspeed Ltd to request Centro to assign its' contracts to Probus Management Limited, Centro did not invite other contractors to tender for the contracts held by Lionspeed Ltd which Lionspeed Ltd was unable to fulfil because it was insolvent.

(d) Why Centro allowed the contracts held by Lionspeed Ltd to be assigned Probus Management Ltd when the copy of the Novation Agreement, dated 1 July 2003, is evidence of an Agreement between West Midlands Passenger Transport Executive and Probus Limited for the assignment of the contracts held by Lionspeed Limited.'

Request 13 (Submitted 9 September 2005)

(a) 'I request you to provide a detailed breakdown of the payments to Lionspeed Ltd, 10 July 2003, £40,845 and Probus 11 August 2003, £41,055 (as detailed in Annex C). Your reply should include the nature of the services which were provided for each payment and the calendar dates when the services were provided,

(b) I believe that during the period 10 August 2001 until 28 June 2002, Centro may have paid an amount totalling £152,876.49 to Lionspeed Limited for school passes or bus services provided for schoolchildren.

(c) I request you to let me know whether or not any similar arrangement occurred during the period 30 September 2002 to 30 September 2003.

(d) In a letter dated 2 March 2005 I was informed by Centro that "Centro owed Lionspeed Ltd £87,558.25 at 8 July 2003".

(e) I request you to let me know how this amount was calculated including the amount owed for subsidised bus services contracts with the number of each contract and the calendar period when the indebtedness accrued for each contract together with the amount owed for Concessionary Fares Subsidies or Rebates including the calendar period when the indebtedness accrued.'

Request 14 (Submitted 19 October 2005)

(a) Please let me know whether or not the payment made to Robson Rhodes, £99,282.36, was for the amounts due to Lionspeed Limited for the period 25 May 2003 and 8 July 2003.

(b) If the payment made to Robson Rhodes, £99,282.36, was not to settle amounts due to Lionspeed Ltd for the period May 2003 and 8 July 2003, please let me know the calendar period when this amount was earned by Lionspeed Ltd.

(c) Please let me know why it was not paid Robson Rhodes until 22 December 2003.

(d) Please provide to me copies of all correspondence between Centro and RSM Robson Rhodes and or Robson Rhodes concerning Lionspeed Ltd, Probus Management Ltd and Probus Ltd.

(e) In the event that the payment was for the amounts due to Lionspeed Ltd which had accrued during the period 25 May 2003 to 8 July 2003, please let me know how this amount is represented in para 6 of a letter dated 2 March, signed by Mr Trevor Robinson – Resources Director, Centro.

(f) In the event that the payment was for the amounts accrued by Lionspeed Ltd for the period 25 May 2003 to 8 July 2003, please let me know why you informed me, in your letter dated 15 August 2005, that “I confirm that for the period 25 May 2003 to 8 July 2003 no balance payment was made”.

(g) Please let me know why Centro paid to Probus Management the portion of this payment which was due to Lionspeed Ltd for the period 26 June 2003 to 9 July 2003.

(h) Please provide details of the transactions to which you refer to in your letter [dated 30 September 2005] which occurred during the period between 30 September 2002 and 30 September 2003.

(i) Please explain to me why you have failed to previously disclose this information to me in reply to my request dated 10 January 2005.

I note your explanation contained in your letter dated 30 September 2005 that “there was an error on the information previously supplied”.

(j) Please let me know whether or not any other of your responses to my requests for information include any errors.

(k) The figure of £87,558.23 is the amount you confirmed to me as representing the amount owed to Lionspeed Ltd at 8 July 2003. Please send me a copy of your calculations for this amount.

(l) Please inform me of the date when the amount of £87,558.25 which Centro owed to Lionspeed Ltd on 8 July 2003 was paid to Lionspeed Limited.

(m) Please let me know the name of the requesting bus operators and dates of the “previous requests to assign tendered bus contracts” to which you refer [to in your letter of 30 September 2005].

(n) Please indicate to me the exact part of the letter dated 19 June 2003 which contains the details of the “corporate restructuring of Lionspeed”.

(o) Please let me know why, when Centro became aware of “any bankruptcy or insolvency issue”, Centro continued to allow Probus Management Ltd to operate the services and benefit from the contracts which were previously held by Lionspeed Ltd.

(p) Please send to me a copy of the minutes of the meeting between Centro and Lionspeed held on 18 June 2003.

(q) Please send me a copy of the minutes of the meeting of Centro's Bus Services Tender Committee held on 24 June 2003.

(r) Please send me a copy of the Novation Agreement between West Midland Passenger Transport Executive and Probus Management Ltd to which you refer where you write "Centro authorised the assignment of contracts between the parties with the Novation Agreement being evidence of this".

Request 15 (Submitted 28 November 2005)

Please clarify the following points from your letter of 23 November 2005:

(a) With reference to paragraph 7, please let me know to which letter you refer.

(b) With reference to paragraph 8, please let me know the amount and date of the payment to which you refer.

(c) With reference to paragraph 9, please let me know which document that you have previously sent to me is the information which will enable me to identify specifically the individual payments, made by Centro during the period 30 September 2002 to 30 September 2003, to Lionspeed Ltd and Probus Management Ltd for school related services.

(d) With reference to paragraph 18, please let me know where in the Novation Agreement which you have already supplied there is a reference to the assignment of the contracts held by Lionspeed Ltd to Probus Management Ltd. The only Novation Agreement which you have so far provided to me is evidence of an Agreement between Centro and Probus Ltd.

LEGAL ANNEX

Vexatious or Repeated Requests

Section 14(1) provides that –

“Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious”

Section 14(2) provides that –

“Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with a previous request and the making of the current request.”

Refusal of Request

Section 17(1) provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.”

Section 17(2) states –

“Where–

- (a) in relation to any request for information, a public authority is, as respects any information, relying on a claim-
 - (i) that any provision of part II which relates to the duty to confirm or deny and is not specified in section 2(3) is relevant to the request, or
 - (ii) that the information is exempt information only by virtue of a provision not specified in section 2(3), and
- (b) at the time when the notice under subsection (1) is given to the applicant, the public authority (or, in a case falling within section 66(3)

or (4), the responsible authority) has not yet reached a decision as to the application of subsection (1)(b) or (2)(b) of section 2, the notice under subsection (1) must indicate that no decision as to the application of that provision has yet been reached and must contain an estimate of the date by which the authority expects that such a decision will have been reached.”

Section 17(3) provides that -

“A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming -

(a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or

(b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Section 17(4) provides that -

“A public authority is not obliged to make a statement under subsection (1)(c) or (3) if, or to the extent that, the statement would involve the disclosure of information which would itself be exempt information.

Section 17(5) provides that –

“A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.”

Section 17(6) provides that –

“Subsection (5) does not apply where –

- (a) the public authority is relying on a claim that section 14 applies,
- (b) the authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and
- (c) it would in all the circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request.”

Section 17(7) provides that –

“A notice under section (1), (3) or (5) must –

- (a) contain particulars of any procedure provided by the public authority for dealing with complaints about the handling of requests for information or state that the authority does not provide such a procedure, and
- (b) contain particulars of the right conferred by section 50.”