

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

### **Decision notice**

**Date:** 19 July 2022

**Public Authority:** Penkridge Parish Council  
**Address:** Haling Dene Centre  
Cannock Road  
Penkridge  
Staffordshire  
ST19 5DT

### **Decision**

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1. The complainant requested information from Penkridge Parish Council ("the Council") relating to the number of individuals employed by the Council.
2. The Commissioner's decision is that the Council is not entitled to rely on section 14(1) (vexatious request) of the FOIA to refuse to comply with the request.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - The Council must issue a fresh response to the request which does not rely on section 14(1) of the FOIA
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

## **Request and response**

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5. The complainant made the following information request to the Council on 23 November 2021:

"In relation to Penkridge Parish Council, I would like to know the following information in respect of the full accounting year 1st April 2020 to 31st March 2021:

- 1) The total number of people directly employed by Penkridge Parish Council during the period stated,
- 2) The number of Full Time\* employees, employed during that period.
- 3) The number of Part Time employees (noting their whole time equivalent. e.g 1 x 0.5, 1 x 0.75 etc) employed during that period.

The figures quoted above, should not include any employees working for the Council through a contract awarded to an external contractor.

\* Full time staff hours deemed to be 37 hours per week in line with other Local Authorities. Should Penkridge Parish Council make use of a different formula, then this should also be stated."

6. The Council initially provided the complainant with information within the scope of the request. The Council later refused to comply with the request citing section 14(1) (vexatious request) of the FOIA as its basis for doing so.

## **Reasons for decision**

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7. This reasoning covers whether the Council was entitled to rely on section 14(1) of the FOIA to refuse to comply with the request.
8. The Council's position is that the request is vexatious as the complainant submitted the request to the Council multiple times. The Council considers that the complainant would not accept any response the Council provides as factual or truthful, and that it has provided all the information it holds within the scope of the request.
9. The Commissioner considers that it was reasonable for the complainant to write to the Council multiple times as their request was not fully addressed by the Council. Whilst the Council has provided the

complainant with some information within the scope of their request, it has failed to provide information relating to the full time equivalent hours of part time staff employed by the Council, requested in part 3 of the request.

10. Therefore, the Commissioner considers that it would be unfair to find the request vexatious as it was necessary for the complainant to repeatedly contact the Council as the Council had not fully addressed their request.
11. The Commissioner's decision is that the request is not vexatious and therefore, the Council is not entitled to rely on section 14(1) of the FOIA to refuse the request.
12. The Commissioner requires the Council to provide the complainant with a fresh response to their request which does not rely on section 14(1) and addresses the specific questions within the request.

## Right of appeal

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13. 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](mailto:grc@justice.gov.uk) <mailto:GRC@hmcts.gsi.gov.uk>

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

14. 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.
15. 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**