

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

### **Decision notice**

**Date:** 19 December 2022

**Public Authority:** Loddon Parish Council  
**Address:** The Library Annexe  
Church Plain  
Loddon  
Norfolk  
NR14 6EX

### **Decision**

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1. The complainant requested information from Loddon Parish Council ("the Council") relating to the costs associated with Staithe public toilets.
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**

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4. The complainant made the following information request to the Council on 22 September 2022:

"I am writing to you under the freedom of information act 2000 to request the following information from Loddon Parish Council.

The yearly cost of the Staithe Public Toilets and shower per year since LPC took control of them.

The yearly budgeted amount for the public toilets and shower on the Staithe since LPC took control of them.

The yearly income of the toilets and showers on the Staithe since LPC took control of them.

The projected costs of the toilets and showers on the Staithe for the next 12 months.

The average cost per household of Loddon of the toilets and showers.

If it is not possible to provide the information requested due to the information exceeding compliance limits (section 12) please provide assistance under section 16 obligations of the act as to how I can refine my request.”

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**

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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 the Council to have correctly applied section 14(1) of the FOIA to their request as they do not consider their request to be vexatious. The complainant explained that their request is the first request for information that they have submitted to the Council. Furthermore, the complainant considers their request to be a legitimate request for information.
8. The Council considers the request to be vexatious. In its submissions to the Commissioner, the Council explained that the complainant is currently subject to the Council's unreasonable persistence policy. As a result of this, the complainant can only contact the Council by letter. However, despite this restriction being put in place, the complainant continues to send emails directly to the Parish Clerk and Councillors.
9. The Council explained that since September 2021, the complainant has sent a large volume of correspondence to the Council. This includes several complaints which have not been upheld. The Council explained that in their correspondence, the complainant is disrespectful towards the Parish Clerk and Chairman, often questioning the Clerk and Chairman's competence in an unconstructive and aggressive manner.

This has placed the Clerk, the Chairman and other Council officers under considerable stress.

10. The Council considers the request to lack any serious purpose or value as most of the information that has been requested is already available on the Council's website in its financial reports and Council meeting minutes. Furthermore, as the complainant used to be a Parish Councillor, the Council considers that some of the requested information is known by the complainant. The Council considers that the complainant sends correspondence to the Council to deliberately place a burden on the Council and undermine the Council's work.
11. The Council explained that as it is a small public authority, it has limited resources and therefore, it considers that complying with the request would place a significant burden on the Council and would divert resources away from more routine and urgent Council matters.
12. Whilst the Commissioner does not necessarily consider that complying with the request itself would place a significant burden on the Council, he recognises that the aggregated burden of dealing with the complainant's overall correspondence has placed a burden on the Council and its resources limiting the amount of time Council staff are able to spend performing other duties.
13. The Commissioner notes that despite being subject to the Council's unreasonable persistence policy, the complainant continues to send a large amount of correspondence to the Council. He therefore considers that it is unlikely that compliance with the request in question here, would resolve the complainant's concerns. On the contrary, the Commissioner believes it would likely result in further correspondence from complainant.
14. Furthermore, the Commissioner notes the derogatory nature of the complainant's correspondence. Whilst the Commissioner considers that Council officers would be robust enough not to be overly disturbed by such correspondence, he considers that the receipt of derogatory comments would irritate and annoy officers dealing with the complainant's correspondence.
15. Therefore, the Commissioner's decision is that the request in this case 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

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16. 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)

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

17. 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.
18. 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**