

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

### **Decision notice**

**Date:** 11 July 2024

**Public Authority:** Buckhurst Hill Parish Council  
**Address:** 165 Queens Road  
Buckhurst Hill  
Essex  
IG9 5AZ

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

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1. The complainant submitted a number of information requests spanning the period of 2022, 2023 and early in 2024 to Buckhurst Hill Parish Council (the Council) relating to Roding Valley Hall and Car Park.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold further information within the scope of the requests.
3. The Commissioner does not require the Council to take any steps as a result of this decision.

## Background

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4. The complainant wrote to the Council on several occasions during 2022, 2023 and 2024 asking a number of questions around the use of the Hall and Car Park as well as details for insurance. They followed this up with internal review requests, again over the same period of time.

## Request and response

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5. On 18 December 2023 the complainant sent a follow-up request to the Council. The request and Council's response of 15 January 2024 are set out in the form of the questions and answers below:

"Upon reviewing the December 2023 Request, it appears this is another repetition or similar request as many of these questions have been raised, considered and responded to in previous responses and referenced in the Internal Review response of February 2023.

As previously advised, we are happy to respond to new requests for information, we are not able to continue to respond to repeated questions. In the interest of assisting you please see your request set out below, answers for new information which has been requested and our previous response referenced, where it is again a repeated request."

1. Please detail the agreement between the Council and the Station way shops for the use of the RVH car park and how many of the shops have been provided with keys.

1. The BHPC answered this request in its October response, November response and Internal Review response.
2. BHPC advises the requestor to consider the October and November response and Internal Review response.

2. How many councillors have agreed or disagreed to the arrangements?

1. The BHPC cannot provide an answer to this request.
2. BHPC advises the requestor to consider the September response, November response and Internal Review response.
3. The BHPC does not record member votes.

3. Specify why the shop/shops are allowed to use the car park at night, and why there are cars parked there for night/days on end.

1. BHPC is not aware shop/shops use the car park at night.

2. BHPC is not aware there are cars parked there for night/days on end
3. BHPC does not permit use of the car park when it is closed at night.

4. Have any of the shops who have been given free use of the car park made any donations to the Council?

1. BHPC is not in receipt of donations from shops.

5. Which are the opening and closing times of the car park as communicated to the insurance company.

1. The BHPC answered this request in its September response, November response and Internal Review response.

2. BHPC advises the requestor to consider the September and November response and Internal Review response.

6. All communications with the insurance company regarding the RVH policy.

1. The BHPC answered this request in its November response and Internal Review response.

2. BHPC advises the requestor to consider the November response and Internal Review response.

BHPC again offers you the opportunity to meet with your parish councillor or for you to attend a council meeting to raise any queries or concerns you may have as an item of public participation.

If there is information you would like to share or if you would like to make a complaint about the use of the car park, please contact us on [office@buckhursthillpc.gov.uk](mailto:office@buckhursthillpc.gov.uk)."

6. The complainant requested an internal review on 30 January 2024.

7. At internal review on 15 February 2024, it was stated that:

"I have carefully read and digested all the FOIs requested by (name redacted) going back to the original one in 2021 and am more than satisfied that each of them has been investigated fully within the statutory timescale.

With particular regard to their last communication dated January 2024 from which I believe is why the internal review was requested, I see that this was answered and again carried out within the statutory timescale.

I have noted that many officers' hours have been spent responding to these requests, some of which have been asked on more than one occasion, and all of them have been answered."

### **Reasons for decision**

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8. This reasoning covers whether the Council is correct when it says that it has provided all information in scope of the request and does not hold further information.

### **The complainant's position**

9. The complainant considers the Council to hold further information within scope of their request.
10. The complainant has argued that the Council has failed to answer their requests and therefore caused further questions to be asked in order to clarify the information held. They believe that the Council has not provided all information in scope of their requests and said, "Whenever I request information, I always get meaningless answers" and "With regards to my recent FOI of 18 December 2023, the Clerk has replied by saying that the information had already been provided in 2022. I dispute this argument as the information was not provided then and sufficient time has passed to expect new and updated information."

### **The Council's position**

11. In its submissions, the Council maintained its position that it has provided all information in scope of the requests it holds and has repeatedly responded and provided information which has caused a significant burden on it but wanted to comply fully whenever it could.
12. The Council has offered to meet with the complainant on a number of occasions to try and help with the requests and find some common ground in settling any issues the complainant may have with regard to the use of the Hall and Car Park. However, it seems the complainant has declined these offers or just not responded.
13. The Council has spent a large amount of time and resources in answering what it sees as repeated requests for the same or similar information over a sustained period of time and this has caused a disproportionate burden on the Clerk and Council.

## **The Commissioner's position**

14. The Commissioner notes that the complainant considers the Council to hold further information within scope of the request as they believe the information has not been provided by the Council. He has viewed a detailed letter from the Council dated 3 February 2023, which catalogues similar previous requests and responses, including internal reviews. Despite the passage of time between the requests, he is satisfied that the Council has already provided the information it holds within scope. He also considers that it provided assistance where appropriate to offer the complainant further help with their enquiries.

15. Furthermore, the Commissioner notes that the Council stated that:

"As previously advised, we are happy to respond to new requests for information, we are not able to continue to respond to similar and repeated questions.

BHPC wishes to note that FOIs are for information. They are not for raising complaints and concerns, which are dealt with through other means i.e. complaints procedure.

Clearly, the suggestion to speak to a councillor was to do with concerns (name redacted) may have about the car park, not that they had to come into a meeting to raise an FOI. Additionally, it has previously been responded that concerns about illegal activity should be reported to police at the time."

16. The Commissioner's decision is that on the balance of probabilities, the Council does not hold further information within scope of the request. Therefore, it has complied with section 1 of FOIA.

## Right of appeal

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17. 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)

18. 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.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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