

Freedom of Information Act 2000 (Section 50) Environmental Information Regulations 2004

Decision Notice

Date: 11 May 2010

Public Authority: Huntingdonshire District Council
Address: Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

Summary

The complainant made a 34 part request for information to the Council for recorded information which relates to his property, the land/properties surrounding it and various complaints he had made against the Council and its staff. The Council responded informing the complainant that his request for information was manifestly unreasonable and therefore it wished to rely on regulation 12(4)(b) of the EIR. As the complainant remained dissatisfied, he approached the Commissioner. The Commissioner has investigated this complaint and he is satisfied from the evidence available that the Council was correct to rely on regulation 12(4)(b) of the EIR in this case and that the public interest in maintaining this exception outweighed the public interest in responding to the request and disclosing the information.

The Commissioner's Role

1. The Environmental Information Regulations (EIR) were made on 21 December 2004, pursuant to the EU Directive on Public Access to Environmental Information (Council Directive 2003/4/EC). Regulation 18 provides that the EIR shall be enforced by the Information Commissioner (the "Commissioner"). In effect, the enforcement provisions of Part 4 of the Freedom of Information Act 2000 (the "Act") are imported into the EIR.

The Request

2. The complainant contacted the Council on 12 November 2008 to make a 34 part request for information. The full details of the request can be found in Annex A at the end of this Notice.
3. The Council responded on 27 November 2008 asking the complainant to clarify exactly what information he was requesting in relation to parts 2, 12, 16 of his request.
4. The complainant replied on 29 November 2008 providing the necessary clarification.
5. The Council responded on 9 December 2008 to each of the 34 elements of the complainant's request. For the majority of these the Council applied regulation 12(4)(b) of the EIR. It acknowledged that some parts of the request were for information which is the complainant's own personal data. For these parts of the request, it informed the complainant that these would be dealt with as a subject access request under the Data Protection Act 1998 ('the DPA').
6. The complainant wrote to the Council on 11 December 2008 to appeal its decision.
7. The Council responded on 22 January 2009. It informed the complainant that it upheld its application of regulation 12(4)(b) of the EIR and advised him to appeal to the Commissioner.

The Investigation

Scope of the case

8. On 9 February 2009 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant stated that he had asked the Council to address his information request and the subject access requests he made under the DPA but to date had not received the information. The complainant alleged that the Council had not met its obligations under the EIR and the DPA and believed the Council was withholding information from him.
9. This Notice will address the information request made under the EIR and the Council's application of regulation 12(4)(b) to this request. This Notice will not address the requests made to the Council for the

complainant's own personal data under the DPA, as this is not a requirement of the EIR. Such requests would be considered to be exempt from disclosure under the EIR under regulation 13(1), as the DPA is the appropriate access regime to consider such requests for information.

Chronology

10. The Commissioner wrote to the Council on 28 May 2009 to request some additional information.
11. The Council responded on 26 June 2009 providing further clarification concerning the handling of this request and its application of regulation 12(4)(b) of the EIR.
12. The Commissioner wrote to the Council on 19 January 2010 to request further arguments in respect of its application of regulation 12(4)(b) of the EIR and to be provided with any relevant background to the request itself.
13. The Council responded on 23 February 2010. It provided a list of the information requests the complainant has made to the council to date and advised that these mainly focused on his property or land/property surrounding it. It also explained in more detail why it was of the view that regulation 12(4)(b) of the EIR applied to this request.
14. The Commissioner wrote to the Council on 24 February 2010 to request more detailed arguments concerning its application of regulation 12(4)(b) of the EIR.
15. The Council responded providing the necessary information on 10 March 2010.

Analysis

Exemptions

Regulation 12(4)(b) – manifestly unreasonable

16. Regulation 12(4)(b) of the EIR states that a public authority may refuse to disclose information if the request for information is manifestly unreasonable. While the EIR contains no definition of the term "manifestly unreasonable", it is the Commissioner's view that "manifestly" means that a request should be obviously and clearly

unreasonable – there should be no doubt as to whether a request is unreasonable.

17. There is no single test for what sorts of requests may be considered to be manifestly unreasonable. Instead, each individual case is judged on its own merits taking into account all of the circumstances surrounding the request. It is the Commissioner's view that regulation 12(4)(b) will apply where it is demonstrated that a request is vexatious or that compliance would incur unreasonable costs for the public authority or an unreasonable diversion of public resources.
18. In his Awareness Guidance No 22 'Vexatious and repeated requests' (published 3 December 2008) the Commissioner has outlined a list of criteria which is useful to consider when determining whether a request for information is vexatious or not. The list of criteria is as follows:
 - Could the request fairly be seen to be obsessive?
 - Is the request harassing the authority or distressing the staff?
 - Would complying with the request impose a significant burden in terms of expense and distraction?
 - Is the request designed to cause disruption or annoyance?
 - Does the request lack any serious purpose or value?
19. It is not necessary for all of the above criteria to apply. However, it is the Commissioner's view that at least one of the above criteria must apply for a request to be considered vexatious and, in general terms, the more criteria that do apply the stronger the case. He accepts that many of the arguments submitted by the Council in support of this exception can also apply to more than one of the above criteria.
20. When determining whether a request should be deemed vexatious and whether one or more of the above criteria applies, the Commissioner will consider the wider context and history of the request. In certain cases, a request may not be vexatious in isolation but when considered in context it may form part of a wider pattern of behaviour that makes it vexatious. Nevertheless, the Commissioner recognises that it is the request and not the requester that must be vexatious in order for the exception to apply.

Can the request fairly be seen as obsessive?

21. It is the Commissioner's view that obsessive requests are usually a very strong indication of vexatiousness. Relevant factors could include the volume and frequency of correspondence, requests for information the requester has already seen, or a clear intention to use the request to reopen issues that have already been debated and considered.

22. The Council confirmed that the complainant has been in correspondence with it for several years and has evidence of over 20 complaints from the complainant dating back to 2003. The Council also produced a list of the information requests the complainant has made since 2005; a total of 61 all of which have common themes and relate to information that is held or may be held concerning his property and the areas surrounding his property and complaints he has made against the Council. The Council confirmed that within these requests, the complainant has continued to request the same information or information, such as planning files, which he has already seen before. It advised that the complainant has often referred his complaints to other bodies such as the Local Government Ombudsman, the Investigatory Powers Tribunal, the Audit Commission, English Heritage and various MPs, as parts 12 and 16 of his request illustrate. The complainant also continually uses the information access regimes to revisit and reopen matters which have already been addressed.
23. It is clear to the Commissioner that the complainant has made a substantial amount of requests for information under the Act and EIR and numerous subject access requests for his own personal data under the DPA relating to the same themes. Together with the level of complaints which have been investigated alongside these requests under the Council's internal complaints procedures, he is satisfied that the Council has received and continues to receive high volumes of correspondence from the complainant on a frequent basis. It is reasonable to say that the Council has been subjected to a continual flow of correspondence and contact from the complainant relating to the same themes for many years. The Commissioner is satisfied that this request together with the voluminous requests and correspondence the Council has received in the last few years would be viewed by any reasonable person to be obsessive.
24. The request considered in this Notice comprises 34 separate elements and it relates to the same themes highlighted in previous requests and complaints dealt with by the Council. Furthermore, many elements appear to be revisiting and therefore reopening matters which have already been addressed. The Council referred the Commissioner to specific examples to support this view. Part 1 of the request, for example, asks for planning files which the Council confirmed were requested by the complainant in 8 earlier requests. This information has either been provided or been made available to the complainant for inspection. Similarly, parts 5, 8 and 9 are also for planning application files. Parts 19 and 20 relate to a particular planning enforcement file which contains information relating to a complaint made against the complainant. The Council has confirmed that the complainant has already received a copy of this particular file.

25. The history of requests and contact with the Council demonstrate that responses to one request lead to further requests being made. The Commissioner is satisfied that continued behaviour of this nature would be viewed by any reasonable person to be obsessive.
26. In conclusion, for the reasons explained above the Commissioner is satisfied that the request can fairly be seen to be obsessive.

Is the request harassing the authority or causing distress to the staff?

27. As stated previously, in many cases, there will be an element of overlap between the different criteria outlined in paragraph 18 above. For example, a request which is considered to be obsessive will often be said to have the effect of harassing the public authority.
28. The Commissioner must primarily consider the effect the complainant's actions have had on the Council. He can however take into account the history of the case and the manner of any previous dealings with the complainant. It is important to highlight that whilst the complainant may not have intended to cause distress, the Commissioner must consider whether that was in fact the effect their actions did have. A complainant's reasons for making the request may in themselves be reasonable. However, a request may still be considered manifestly unreasonable to the Council because of the effect it has had on the Council and its staff.
29. As explained above, the Commissioner is satisfied that the Council has received a continual stream of requests and complaints from the complainant over a number of years relating to concerns about his property and the areas surrounding it. These have often been sent to multiple members of staff instead of being directed through the appropriate channels. The Council has demonstrated that it has often been the case that the complainant has sought to revisit previous requests or complaints which have already been addressed, requesting copies of information or planning files he has already had or seen. The Commissioner is satisfied that the cumulative effect of the complainant's actions over the last few years, whether intentional or not, can be viewed by any reasonable person as harassing the Council and its staff.
30. The Commissioner also notes that a number of the elements of this request are specifically directed at members of staff in the Council and make allegations of inappropriate conduct. The complainant has made allegations of inappropriate relationships (part 20 of the request), information being deliberately concealed and records altered (part 22 of the request). He also made allegations that specific members of staff misled an investigator (part 24 of the request). The Council has

confirmed that such allegations have caused members of staff distress and in some cases sickness.

31. The Commissioner is satisfied there is sufficient evidence to suggest that the request reveals the complainant has fixated on individual members of staff, and often mingles requests for information with accusations and complaints. It is the Commissioner's view that such behaviour can reasonably be considered to be harassing the Council and causing distress to the staff.

Would complying with the request impose a significant burden in terms of expense and distraction?

32. In the Information Tribunal hearing of *DBERR v Information Commissioner (EA/2008/0096)* the Tribunal stated that "public authorities may be required to accept a greater burden in providing environmental information than other information" (paragraph 39). This decision was based upon the clear presumption in favour of disclosure provided in the EIR regulations and because of the nature of the obligations laid on the UK via the Aarhus Directive.
33. The Commissioner has considered the evidence provided by the Council and taken into account the Tribunal's findings in the case of *DBERR*. He notes that the complainant has made 61 previous information requests to the Council and in the main these ask for recorded information relating to his property, the land/properties surrounding it and complaints he has made previously against the Council and individual members of staff. The request that is the subject of this Notice, of which there are 34 separate elements, is a continuation of the complainant's previous requests seeking to obtain very similar and in some cases the same information he has previously requested and received. The Commissioner accepts that prior to this request, the Council had already spent a significant amount of time and resources trying to respond to the 61 previous requests and the numerous complaints the complainant had made against the Council at the same time. A significant amount of time and resources has also been diverted to responding to correspondence the Council has received from other bodies the complainant has involved. To respond to this request, would place a further significant burden upon the Council in terms of time and public expense and disproportionately distract the Council and its staff away from other business.
34. The pattern of previous requests and complaints suggest that if the Council had responded to each of the 34 elements of this request in turn this would more than likely have led to further requests and complaints from the complainant placing an even greater burden upon the Council in terms of expense and distraction. This pattern of

behaviour has continued regardless of any response the complainant has received from the Council.

35. The Council has been further distracted from other matters by the complainant's previous tendencies to copy in multiple members of staff into his requests and complaints. Such actions cause several members of staff to be unnecessarily involved in the request and complaint when there are clear and appropriate procedures in place at the Council to respond to each and specific members of staff tasked to deal with such enquiries.
36. From the evidence supplied it is also apparent that the complainant uses the EIR, FOIA and DPA to revisit issues and complaints which have already been addressed. The Council has demonstrated that many elements of this 34 part request are requests for information the complainant has already seen or been provided with. As stated previously, some parts of this request are asking for planning files which have been closed for some time and have therefore not been updated. Despite receiving copies or viewing these files, the complainant continues to make information requests for these files. The Commissioner accepts that to revisit previous requests for information, which have already been addressed would distract the Council from dealing with other matters including other information requests it receives from other applicants. He also considers that it would be an inappropriate use of public resources to continue to revisit and respond to information requests that have already been addressed.
37. For the reasons explained above, the Commissioner is satisfied that had the Council responded to this request it would have imposed a significant burden on the Council in terms of expense and distraction.

Is the request designed to cause disruption or annoyance?

38. As the Commissioner's Awareness Guidance stipulates, this is a difficult factor to prove, as it relates to the requester's intention. Unless the requester has explicitly stated that their intention is to cause disruption and annoyance or there is independent evidence to support this, it will be difficult for any public authority to argue that this factor applies in a particular case.
39. Although the Council is of the view that the complainant's behaviour and history of contact over many years demonstrates an intention to cause it disruption and annoyance, the Commissioner has not seen any evidence which demonstrates that this was the complainant's only intention. It is clear that the complainant has had many issues and complaints concerning his property and the land surrounding it over

the last few years and that he has used the FOIA, EIR and DPA to pursue these matters. It is the Commissioner's view that regardless of how the complainant's behaviour may be viewed by him or others, the complainant appears to have genuine and real reasons for pursuing such matters and this was clearly the complainant's intention when making this particular request.

40. The Commissioner has therefore found, overall, that the complainant's request was not intended to cause disruption or annoyance.

Does the request lack any serious purpose or value?

41. For the same reasons, the Commissioner does not consider that the request lacks any serious purpose or value. As explained above, the Commissioner acknowledges that the complainant has and has had many issues and complaints relating to his property and the land surrounding it and has had genuine reasons for pursuing these matters with the Council.

Conclusion

42. The Commissioner is satisfied that three of the five criteria outlined in paragraph 18 above apply in this case and therefore that regulation 12(4)(b) of the EIR is engaged.

The public interest test

43. Regulation 12(1)(b) of the EIR requires that a public interest test is carried out in cases where regulation 12(4)(b) is found to be engaged. The test is whether the public interest in maintaining the exception outweighs the public interest in disclosing the information.
44. When considering the public interest test, the Commissioner has taken into account regulation 12(2) of the EIR. This states that a presumption in favour of disclosure must be applied.

The public interest in disclosing the information

45. The Commissioner accepts that disclosure would promote transparency and accountability concerning the Council and provide information relating to its planning function. As stated above in paragraph 32, it is accepted as a result of the Information Tribunal hearing of *DBERR* that there may be a greater burden on public authorities to provide information if it is environmental information.
46. However, he feels there is little wider public interest in requiring the disclosure of this information. The complainant's request and previous

requests relate to his property and the areas/properties surrounding it, which the Commissioner understands are partly owned by his extended family. The requested information and the issues this addresses affects a relatively small number of people; the complainant, members of his extended family and a small number of land/property owners in the surrounding areas. The central issue is personal to the complainant and possibly to a small number of others.

The public interest in maintaining the exception

47. The Commissioner accepts that there are compelling arguments in favour of maintaining this exception in this case due to the public interest in protecting the integrity of the EIR and ensuring that they are used responsibly. While public authorities are encouraged towards acting in a transparent and accountable nature which benefits the public as a whole, it is not the intention of the legislation to require public authorities to tolerate the harassment of officials by individuals who demonstrate obsessive behaviour when seeking information. If the Commissioner were to find such behaviour appropriate, this would seriously undermine the purpose of this legislation. The Commissioner is strongly of the view that public authorities should be able to concentrate their resources on dealing with legitimate requests rather than being distracted by requests that have little or no merit and where the wider public interest would not be served by the disclosure of information.
48. As stated previously, the Commissioner accepts that the complainant has had real and genuine reasons to raise complaints and make information requests in order to assist him with these complaints. However, as time has gone on the complainant has continued to press issues which have already been considered and responded to, often making further requests for the same information. Allowing the continuation of this approach via the EIR would not be in the public interest.
49. The Commissioner is satisfied that if the Council was required to respond to this request it would place a significant burden on it in terms of time and expense and distract officials from addressing other matters. He considers that to require the Council to respond to this request would disrupt the everyday work of the Council, diverting a disproportionate amount of resources from its core business.
50. Considering the nature of previous complaints and requests and the number of requests made to the Council since the request addressed in this Notice, the Commissioner has concluded that it is unlikely that any response to this request would satisfy the complainant. The previous pattern of behaviour clearly demonstrates that any response would

more than likely lead to further requests for information and possibly other complaints. These factors lessen any public interest in requiring the Council to respond further to this request.

51. The Information Tribunal clearly stated in the case of *Mr A Welsh v Information Commissioner (EA/2007/0088)* that the legislation should not be brought into disrepute by setting the threshold for vexatiousness too high. Specifically, the Tribunal found that:

"... there is a danger that setting the standard of vexatiousness too high will diminish public respect for the principles of free access to information held by public authorities enshrined in FOIA. 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).

52. In view of the above, the Commissioner has decided that in the circumstances of this case the public interest in maintaining the exception outweighs the public interest in disclosing the information and therefore that the request is manifestly unreasonable.

The Decision

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

Steps Required

54. The Commissioner requires no steps to be taken.

Right of Appeal

55. 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)
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 sent.

Dated the 11th day of May 2010

Signed

**Anne Jones
Assistant Commissioner**

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

Legal Annex

Regulation 12(1)

Subject to paragraphs (2), (3) and (9), a public authority may refuse to disclose environmental information requested if –

- a) an exception to disclosure applies under paragraphs (4) or (5); and
- b) in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Regulation 12(2)

A public authority shall apply a presumption in favour of disclosure.

Regulation 12(4)

For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that –

- a) it does not hold that information when an applicant's request is received;
- b) the request for information is manifestly unreasonable;
- c) the request for information is formulated in too general a manner and the public authority has complied with regulation 9;
- d) the request relates to material which is still in course of completion, to unfinished documents or to incomplete data; or
- e) the request involves the disclosure of internal communications.

Regulation 13(1)

To the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first or second condition below is satisfied, a public authority shall not disclose the personal data.

Annex A

Complainant's request dated 12 November 2008:

"Please provide me, on a CD ROM, with my request for recorded information, held by your public body, in bold. For the sake of clarity and avoidance of doubt I have provided you with the names of officers who should hold the recorded information requested.

- 1. The recorded information held in original, uncensored, planning files for the former Territorial Army Drill Hall and Methodist Chapel Sites & No 45, 47 & 49 High Street Ramsey. These files should hold information on the properly constructed vehicular crossover from the High Street serving 4 sites, the private accommodation road over Flag Holt Common and Mugglestone Lane serving the Drill Hall site and site survey plans showing the extent of the site. In summary all the recorded information required and used to validate and consider these applications is under control of [3 named officers redacted].**
- 2. [Named redacted] a Director of JMA King West Ltd, has actively been marketing and advertising the Drill Hall and 45/47 High Street Ramsey for 8 years. To date neither Exchange of Contracts nor Completion on the sale of the property has taken place. [Named redacted] of Warmwell Homes states he has an Option to purchase the properties. He exercised his Option on 14th August 2004 but to date has not completed. On 22nd March 2000 (named redacted) submitted a planning application 00/00482/CAC to demolish the 2nd oldest Wesleyan Methodist Chapel and the Territorial Army Drill Hall. Both buildings were situated behind my residence. The application was refused by [named redacted]. The recorded information held by [9 named officers] should include recorded information with each other and with [named redacted]. This recorded information which should be held in this file is currently not publicly available.**
- 3. The recorded Minutes of the Meeting at Ramsey Golf Club on 31st August 2000 to consider works to be carried out on Flag Holt Common affecting the Private Accommodation Road serving the Drill Hall site. [Name redacted] chaired the meeting of these public bodies at Ramsey Golf Club. Attendees included [10 named officers redacted]. The attendees were provided with, and considered the title deeds for the private accommodation road over Flag Holt Common and Mugglestone Lane. [Names of two officers redacted] should hold this recorded information.**

4. **The recorded information on the reactivated planning file 00/00482CAC. This should include all material considerations from/to [7 officers names redacted] and of paramount importance [officer named redacted] site inspection notes together with [3 named officers redacted] recorded communications to and from [2 names officers redacted].** On 5th November 2000 I was out of the country, when both properties, the Methodist Chapel and the Old Drill Hall, were destroyed by arson. On my return I made enquiries of [named redacted], [named redacted] the Mayor of Ramsey, Sergeant and Sons Solicitors, [2 officers names redacted], Cambridgeshire Fire Service and Cambridgeshire Constabulary about the cause of the fire. All the public bodies are reticent to provide me with recorded information on the criminal act of arson.
5. **The recorded information of [8 officers names redacted] and other officers including your own, declarations/conflicts of interest with all the interested parties involved in the planning applications to the near north, south, east and west of No 49 High Street, Ramsey.** I raised concerns with [named officer] who is also a lay preacher at the 3rd oldest Wesleyan Methodist Church situated close to my residence. He had authorised the demolition of the 2nd oldest Wesleyan Methodist Chapel and the oldest Wesleyan Methodist Chapel situated behind my residence and on [named redacted] property respectively. Both buildings were of significant historic importance. [Two names redacted] intended to develop those two sites. Both are Rotarians and are personal friends of [named officer] and other senior officers. [Name redacted] also advertised and marketed the Wesleyan Methodist Church in Alconbury. [Named officer] lives in Alconbury and preaches at that church. I am looking for inappropriate relationships between senior officers and elected members of the Council had with the applicants and agents in respect of these planning applications. These declarations should be recorded by your public authority.
6. **The recorded information of [two officers names redacted], duly amended inspection notes, related to my boundary walls to the west and south of No 49.** [Two officers names redacted] met me on site on 22nd February 2001 at 1500 hours. I requested them to amend the incorrect minutes of the meeting related specifically to the boundary walls.
7. **The recorded information held on the Corporate Complaint File related to my Complaint against [named redacted].** On 9th May 2001 I found an email on the planning file 00/00482/CAC from [officer named redacted] and [officer's name redacted]. [Officer's name redacted] appears to have an inappropriate relationship with [named

redacted]. I made a Corporate Complaint against [officer's named redacted] to you [officer's name redacted] and [officer's name redacted].

- 8. The recorded information detailing the validation and material consideration of planning application 03/01279FUL and the plan carried out by [named redacted] on behalf [three named redacted].** On the 9th August 2002 two surveyors one named [redacted], from East Anglian Land Surveys were on site for a few days. I permitted the surveyors to park their van on the same area that [name redacted] unlawfully parked his case. They were having great difficulty as the site was overgrown and they could not get their equipment to various positions on the site. I granted them access on the property I occupy and in exchange they agreed to provide me with a copy of the large scale 1:200 Topographical Survey of the site. The surveyors had clearly been instructed to ignore the outer wall and instead plot that outer wall in the position of the partially collapsed inner wall. [Officer's name redacted] used that defective survey to consider planning application **0301279FUL** but ignored that survey when he considered enforcement file **0700096ENENC**.
- 9. The recorded information of [officer's name redacted], pre planning site visit notes of 3rd December 2002.** On 3rd December 2002 [name redacted] of Custom Homes, [named redacted] of Warmer Homes who at that date had no interest in the land, [officer's named redacted] of Cambridgeshire County Council and [officer's name redacted] Huntingdonshire District Council met on site. They were standing on my properly constructed crossover, holding the defective Topographical Survey carried out by East Anglian Surveys. They had to move off my properly constructed crossover when I drove my car to the back of my residence. I contend that this meeting was a catalyst for the malicious and false allegations, of my breaches of Section 184 of the Highways Act 1980. I have used this same vehicular crossover for over 28 years.
- 10. The recorded information of communications between [name redacted] and [8 names redacted] and other officers in respect of the installation of a substantial barrier to block my vehicular right of way to the back of my residence. Your public authority had informed [name redacted] that I was committing offences contrary to Section 184 of the Highways Act 1980 and both the District and County Council would support (name redacted) if enforcement action needed to be taken against me.** By letter dated 27th March 2003 [name redacted] of Warmwell Homes informed me that he intended to construct a substantial barrier across the whole width of the site to cut off my access into my residence. [2 names redacted] other interested parties had taken legal advice before they

sent that letter to me. Both [2 names redacted] stated that the County and District Highways Officers had confirmed that I was committing offences by using my preferred vehicular right of way.

11. **The recorded information contained in a letter dated 7th April 2003 which [name redacted] signed. I also require all the recorded communications, emails, telephone call contemporaneous notes, letters, FAXES time and date coded between [six names redacted] had with each other, and with [name redacted] and with Cambridgeshire County Council in relation to that letter.** [Name redacted] holds the original letter from [name redacted] addressed [name redacted] dated 7th April 2003. [2 names redacted] and you, with intent, have repeatedly failed to provide me with the recorded information contained in that specific letter. [3 names redacted] have misapplied the FOIA absolute exemptions on this request. I have a letter, from [name redacted], dated 7th April 2003 FAXED to [name redacted] and a letter dated 7th April 2003 sent by surface mail to me. I have a copy of [2 names redacted] minutes of a meeting with the vendors of the property held on 16th April 2003. They informed the vendors that [name redacted] has had **“in depth discussions with the Highways Department, in respect of access to the site and the way [the complainant] is entering the site he does not have a drop kerb, and is therefore mounting the kerb and pavement which is illegal...”** This inaccurate sensitive personal data was passed to the vendors of the property who agreed that Warmwell’s solicitors take legal action against the occupiers of No 49.
12. **The recorded information between you [name redacted] directly and or by proxy with Cambridgeshire County Council, Members of Parliament, English Heritage and the Audit Commission.** On 25th April 2003 I received a letter from [name redacted] together with copies of [2 names redacted] letters both dated 23rd April 2003. He informed me that Huntingdon District Councils Highways Department had confirmed that I was committing offences by entering the land over the kerbed footway and HDC had authorised him to install a barrier to stop me using my vehicular Right of Way. I was outraged, so by email timed 10:53 AM and dated Saturday 26th April 2003 I made a Corporate Complaint to [3 names redacted]. I copied [name redacted] Deputy Ombudsman, [name redacted] the Audit Commission, [name redacted] M.P, [name redacted] M.P and [name redacted] CEO of English Heritage informing them that both the District and County Council were maliciously harassing and victimising me.
13. **The recorded information on Court Proceedings against me and [name redacted] title to the property under dispute.** [Name

redacted] referred to County Court Action being taken against me and provided [name redacted] with recorded information to that effect. [Name redacted] also referred to his Option Agreement to purchase the land. Due diligence on [name redacted] part implies that he checked [name redacted] title to the property before he responded to [name redacted] false allegations.

14. **The recorded information advising officers not to communicate with me on the subject of my alleged offences related to Section 184 of the Highways Act 1980.** You [name redacted], [4 names redacted] advised [4 names redacted] and other officers not to communicate with me. This information was passed to [name redacted] and to [name redacted] by [name redacted] in a telephone call on 29th April 2003 at 1830 hours.
15. **The recorded information on planning file 03/01279FUL.** The file on your website is manifestly incomplete. Recorded information that should be held in the file has been removed. It does not hold site visit notes by [4 names redacted] and other planning, highways and tree officers with and on behalf of [name redacted].
16. **The recorded information held by [name redacted] requesting him to inspect my properly constructed vehicle crossover when he visited Ramsey Town Council to provide them with a presentation on planning considerations just before the Town Council considered planning application 0303344 paid for by [name redacted].** By letter dated 2nd December 2003 [name redacted] informed [name redacted] the CLAE investigator that [5 names redacted] were not investigating my complaint on Section 184 of the Highways Act 1980. I had informed [name redacted] that [name redacted] was applying for planning permission over land not owned by him and without notice to the freeholder of that land. Moreover he had, with intent, used a grossly defective 1: 200 survey plan commissioned from East Anglian Surveys Ltd dated 9th August 2002 to support his planning application 0301279.
17. **The recorded information related to planning application file reference 0303344FUL and associated planning applications in respect of 44 to 48 High Street, Ramsey and 43 to 51 High Street Ramsey.** I am looking for the site meeting notes taken by [4 names redacted]. The recorded information between [name redacted] and [8 names redacted]. Also the site meetings with [name redacted] and the [name redacted] of No 43 and [2 names redacted] of No 51.
18. **The recorded information held by [10 names redacted] and your good self to support your public authority's manifestly perverse decision to pass inaccurate sensitive personal data**

about me [without distinguishing between comment, conjecture and fact] to a third party namely, [name redacted] of Warmwell Homes, in letters dated 23rd April 2003. These two Unreasonable Wednesday Decisions, by you [name redacted], were in response to [name redacted] two letters both dated 7th April 2003 the first electronically sent to [name redacted] and the second by surface mail to [name redacted]. This information is held in Corporate Complaints files 413 and 414. [Name redacted] at Stage 1, on 23rd December 2003, [name redacted] at Stage 2, on 2nd January 2004 and you [name redacted] at Stage 3, on 3rd February 2004 fully investigated my Corporate Complaints 413 & 414. [2 names redacted] and you [name redacted] decided that I was committing offences contrary to Section 184 of the Highways Act 1980 over a period in excess of 25 years. Complaint 414 holds complaints I made against [name redacted] and in particular [name redacted].

- 19. The recorded information contained in the letter handed to [name redacted], which has a HDC date stamp of 29th April 2005 together with [name redacted] hand written and typed contemporaneous notes of her meeting with the two complainants and with [5 names redacted] and other officers involved in the investigation of this complaint. [Name redacted] was the receiving officer of the **Complaint 0500096ENENC**. The complainants made prior arrangements with [name redacted] to meet [name redacted] on the 4th Floor of Pathfinder House. They did not sign the register. [Name redacted] was handed an undated letter of complaint and 6 or more colour photographs taken by [name redacted]. [Name redacted] interviewed the two complainants and took hand written contemporaneous interview notes of that meeting. I suspect [name redacted] and [name redacted] involvement directly or by proxy in this complaint.**

- 20. The recorded information that relates to the complaint against me and the investigation and decision made by [name redacted] on this complaint. This should be held in Planning Enforcement File 0500096ENENC. [Name redacted] is the owner of this file. [Name redacted] has formally assured me that the original file is held in your public authority's strong room so as to avoid any contamination. This file will shortly be required by the Law Enforcement Agencies. I have witnesses and admissible evidence to testify in Court that [name redacted] of Warmwell Homes accompanied with a contractor, operating a small digger, uprooted trees and demolished 4 metres of the outer wall on the morning of Thursday 9th August 2002. [Name redacted], who has an inappropriate relationship with [name redacted], authorised that site clearance.**

21. **The recorded information of the times and dates the 13 photographs were taken together with recorded information of [name redacted] and [name redacted] site visit notes and [name redacted] permit to carry out works to the Ash Tree on the Drill Hall Site.**

My wife and I were out of this country on 5th April 2005 for a two-week holiday. On the 6th April 2005 [name redacted] cleared the whole site, to gain access to the Ash Tree and remove some dead branches. [Name redacted] passed a letter to [name redacted] who in turn passed that letter to [name redacted]. Between 7th April 2005 and 26th April 2005 [3 names redacted] **[the latter two by email instructions from [name redacted]]** were on the site photographing the wall I am alleged to have demolished and rebuilt in a different position. I hold 7 colour photographs taken by [name redacted] and [name redacted]. I also hold 6 colour photographs taken by [name redacted].

22. **The recorded information of [name redacted] interview notes with [named redacted] and [name redacted] in which he formally questioned them as to the discrepancies between the two completed Planning Enforcement Complaint Registration Forms. [2 names redacted] and [name redacted] completed the two forms.** I had noted that one of the 3 officers had manifestly and gravely forged/ altered one of the Complainant Registration Forms for 0500096ENENC.

23. **The recorded information in memorandum, email, contemporaneous telephone notes, letters, faxes between [8 names redacted] and other officers in respect of Listed Building Enforcement Action being taken against me for allegedly demolishing a 40 metre long and 2 metre high and rebuilding it in a different position. [Name redacted] authorised an urgent undercover investigation to establish my alleged criminal offences.** [Name redacted] sought advice and guidance from [name redacted] as to how she should handle the complaint. [Name redacted] emailed [4 names redacted] and other officers and informed them of his plans to take Listed Building Enforcement Action against me. He then instructed [name redacted] to formally provide him with a report of her interview notes with the two complainants. I am looking for the responses to [name redacted] email from all the officers named in that email.

24. **The recorded information between [name redacted] and [name redacted] on 3rd May 2005. In particular what prompted [name redacted] to cold call [name redacted]. Please provide me with recorded information between [name redacted] and other HDC & CCC officers during the same period. In particular the**

- recorded information related to " Lawyers in High Court" passed to [name redacted] by Cambridgeshire County Council.** Between 3rd May and 26th May 2005, [name redacted] the Assistant Ombudsman spoke by telephone to [8 names redacted]. All these officers mislead [name redacted]. Finally [name redacted] on 26th May 2005 telephoned [name redacted] and told her the truth. She requested him to put that information in writing to her. Most if not all these officers obstructed [name redacted] in her investigation of my complaints and in my opinion some have committed perjury. I suspect this recorded information was passed by [name redacted] or [name redacted] via [name redacted] or other Elected Members who serve on both Councils to [name redacted] via an officer in [name redacted] Directorate.
- 25. The recorded information [name redacted] and or [name redacted] provided to [name redacted] to enable him to respond to [name redacted] by letter dated 20th July 2005.** [Name redacted] wrote to [name redacted] confirming the information he had provided her, by telephone, on 26th May 2005. I contend that [name redacted] sought and received legal advice from [name redacted] and or [name redacted] before he drafted that letter.
- 26. The recorded information shown on the revised position of the two walls on page 32 of the Urban Design Framework - Land to the South of High Street Ramsey.** On 23rd January 2006 I contacted [name redacted] of East Anglian Land Surveys Ltd and informed him of his defective survey. That very same day he drove from Stowmarket and met me on site. We compared the features on the ground with his survey dated 9th August 2002. The next day two more surveyors arrived and conducted another 1:200 Topographical Land Survey dated 23/01/2006 drawn by [name redacted], checked by [name redacted] of East Anglian Land Surveys Ltd paid for by [name redacted]. This survey was firstly to establish the correct positions and conditions of the two walls to the west of No 49. Secondly to challenge the false, defamatory and malicious, allegations leveled against me, on 26th April 2005, to and by [3 names redacted].
- 27. The recorded information passed by [3 names redacted] to [name redacted] and [name redacted] at Stage 1, on 17th March 2006, [name redacted] at Stage 2, on 3rd April 2006 and [4 names redacted] and [name redacted] to draft [name redacted] Stage 3 dishonest response dated 2nd August 2006 to my Corporate Complaint against CCC.**
- 28. The recorded information [name redacted] relied on to arrive at his Unreasonable Wednesday Decision stating that I, single handedly, demolished the inner wall and rebuilt it in a different**

position in 2003. On 2nd January 2007 [name redacted] emailed an undated letter and attachments to planning services. The focus of [name redacted] enquiry was to establish the ownership of the wall coloured green and other structures that belonged to no 49 High Street. [Name redacted] acknowledged that letter and attachments by letter dated 5th January 2007. He informed [name redacted] that a response was sent within 4 weeks. However 7 months later [name redacted] responded to the enquiry by FAX dated 7th August 2007. [Name redacted] on [name redacted] behalf passed grossly inaccurate sensitive personal data about me **[without distinguishing between comment, conjecture and fact]** in respect of the two walls, to a third party [name redacted]. It should be noted that [name redacted] and [name redacted] either directly or by proxy conspired with officers to initiate this and other malicious legal processes against me.

- 29. The recorded information of the site visit notes of [name redacted] and [name redacted] together with the recorded information related to my Corporate Complaint against [name redacted]. I expect to receive recorded authorisation from [name redacted] and the owner/ agent of the land to [6 names redacted] to unlawfully trespass on occupied land.**

I challenged [name redacted] and [name redacted] for trespassing on occupied land, in early 2007, and made a formal complaint to your public authority against [name redacted]. That complaint was handled by [name redacted] and [name redacted].

- 30. The recorded information used by [4 names redacted] and [name redacted] to arrive at their Unreasonable Wednesbury Decisions on the Cottage Hall Farm, Bury and neighbouring property related to their perverse interpretation of the Council Tax (Exempt Dwellings) Order 2002.** I trust that [name redacted] initiated and authorised the covert human intelligence operations. I also contend that you have been contacted by Cambridgeshire County Council and the Valuation Office on this matter.

- 31. The Recorded Information of the 18 Corporate Complaints against Huntingdonshire District Council in particular all those passed to [name redacted], Chairman of the Corporate Governance Panel, by [name redacted] in his Report dated 27th June 2006 in which he states** "The complainant has invoked the three-stage internal complaints procedure on at least 18 occasions and has engaged countless Government Departments, statutory and other agencies and professional institutions. He shows little (if any) regard or respect for Members and employees of the District Council and has accused them of miss-use of their powers and public offices, willfully flouting various Acts of Parliament, impropriety, lying and corruption."

- 32. The recorded information about me passed from Heads of Divisions, Directors and the CEO of HDC to Cambridgeshire County Council in particular to [12 names redacted] and other County Council Officers and to Cambridgeshire Constabulary in particular [3 names redacted]. This recorded information would have been passed either directly or by proxy using the offices of Elected Members who happen to be Elected Members of both the County, District and Constabulary in particular [name redacted] and [name redacted].**
- 33. Recorded evidence that the last 4 CEO's of Cambridgeshire County Council, the CEO of Huntingdonshire District Council, Cambridgeshire Constabulary, Ramsey Town Council, the Commission for Local Administration for England, the Standards Board for England, the Information Commissioner fully investigated all the planning applications in the vicinity of my property in particular planning applications 0301279FUL, 0303344FUL, Enforcement File 0500096ENENC and pre planning enquiry 0700022PENQ for fraud and fraudulent activities.**
- 34. Finally the recorded information of the consultation responses from the public, statutory bodies received in respect of the Urban Design Framework Land to South of High Street Ramsey."**