

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 January 2012

Public Authority: Bradford Metropolitan District Council

Address: City Hall
Centenary Square
Bradford
BD1 1HY

Decision

1. The complainant has submitted a request for information, comprising a number of separate questions about matters of dispute between him and Bradford Metropolitan District Council, related to his property and that of his neighbours. The requests have been refused as vexatious.
2. The Information Commissioner's decision is that Bradford Metropolitan District Council has correctly refused the complainant's requests as vexatious.

Request and response

3. On 18 June 2011, the complainant wrote to Bradford Metropolitan District Council (the council), requesting information in an 11 page letter. The request comprises 122 separate questions, 93 of which were to be put to one named member of staff, and a further 29 questions directed at a second named staff member. A proportion of the questions are considered unlikely to be valid requests for information in the terms expressed by FOIA. The questions are reproduced in full at Annex 1 to this decision notice.
4. The Commissioner recognises that the questions might conceivably be classed as requests for information under either FOIA or EIR, but only to the extent that they describe recorded information held by the public authority which answers the question.

5. The council responded on 6 July 2011. It stated that:
- the questions are seeking to generate new information and not access information already held by the council;
 - the complainant has progressed his issues and concerns through the council's formal, two-stage, complaints procedure and has been provided with responses accordingly;
 - the council has already responded to three previous FOI requests, including one progressed to an internal review;
 - in refusing his requests as vexatious under section 14(1) of FOIA, the council concluded:
 - his requests are asking a series of questions under FOI which are not FOI requests but interview questions seeking for opinion and views;
 - these relate to complaints which have been fully dealt with under the council's complaints procedures;
 - his repeated requests are disruptive and having the effect of frustrating and unduly harassing council officers;
 - the continual requests repeatedly and unreasonably demand information already supplied by the council;
 - his continual requests can be characterised as obsessive in relation to the matter and in these circumstances are manifestly unreasonable; and
 - the information requests are placing a disproportionate resource burden on the council in attempting to deal with his concerns, and diverting staff from other matters.
6. The complainant was not offered an internal review, but was informed of his right of appeal to the Information Commissioner.

Applicable legislation

7. The underlying dispute relates to compliance with planning permission by the complainant's neighbours. Broadly, information on planning matters is considered to be environmental information as it is 'information on' a 'measure' (eg planning control) likely to affect the elements of the environment such as land and landscape. Hence the relevant disclosure regime would be the Environmental Information Regulations 2004 (EIR).

8. In the event the complainant's request, while it cites the planning cases pertinent to the underlying dispute, is concerned with an investigation conducted by the council (at the complainant's behest) into a complaint about its handling of matters of compliance with planning and building regulations. It is therefore 'information about' the council's handling of a planning matter, and is at least one step removed from the planning matter itself. The Commissioner is satisfied that this is sufficiently 'arms-length' from the planning matter that it should not be considered under the EIR and the correct legislation for this case will be FOIA.

Scope of the case

9. The complainant contacted the Commissioner to complain about the way his request for information had been handled. He explained that his requests always attempted to *"keep strictly to facts"* and therefore argues that all his questions should be viewed as FOI requests as they relate to factual information. He asked the Commissioner to put the series of questions to the council.
10. He gave his view that the council's complaints handling procedure is flawed, and the procedures set out by the council have not been complied with by its staff in his case. He does not accept that his complaints have been fully dealt with under the council's complaints procedures and he rejects the council's refusal of his request as vexatious.
11. He disputes the council's various grounds for refusing his request and states his belief that the council is using the provisions of FOIA to prevent him from *"continuing my enquiries to establish if in fact the information given by all of them [council FOI and legal department staff] is correct and indeed true."* He further states his belief that *"truthful information [...] has not been furnished to date"* and that FOIA is being used *"to protect the officers involved from any further difficult questions for them to answer."*
12. The Commissioner notes that the complainant suggests that the initial series of 93 questions should be *"treated as a review"* and put by the Commissioner to a named member of staff of the council.
13. The council has interpreted the letter as a request for information, not a request for an internal review, and the complainant, in his initial complaint to the Commissioner, states

"my initial request for information in this protracted matter was contained in a letter dated 18th June 2011 [...]".

14. The Commissioner therefore considers that the scope of his investigation is to decide whether the council has, or has not, correctly refused the complainant's request as vexatious, in accordance with the provisions of section 14(1) of FOIA. This was put to the complainant, who did not raise any objection to this scope and the Commissioner's investigation has therefore examined the council's refusal of the request as vexatious.

Reasons for decision

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"

15. The Commissioner will consider the context and history of the request as well as the strengths and weaknesses of both parties' arguments in relation to some or all of the following five factors to reach a reasoned conclusion as to whether a reasonable public authority could refuse to comply with the request on the grounds that it is vexatious:
- whether compliance would create a significant burden in terms of expense **and** distraction;
 - whether the request is designed to cause disruption or annoyance;
 - whether the request has the effect of harassing the public authority or its staff;
 - whether the request can otherwise fairly be characterised as obsessive or manifestly unreasonable; and
 - whether the request has any serious purpose or value.
16. It is not necessary for all five factors to be engaged, but the Commissioner will reach a decision based on a balance of those factors which are applicable, and any other relevant considerations brought to his attention. The Commissioner also notes that it is the request, not the requester, which can be refused as vexatious. The complainant asserts that the council has impugned his character in declaring him vexatious. The Commissioner wishes to reassure the complainant that any suggestion that a request is vexatious should not be taken as a personal slight.
17. In this case, the council has explained to the Commissioner its position that:

- it carried out four FOI requests including two internal reviews submitted by the complainant between 3 April and 18 June;
- having carried these out within the time scale allowed by the Act it became apparent that the complainant was using this process to carry out his own personal investigation;
- his complaints about the council's practices had gone through stage one and two of its own internal complaints procedure. In accordance with the council's code of practice for dealing with complaints his complaint had exhausted the internal investigation process and it gave the complainant the details of the Local Government Ombudsman, for an independent investigation or view. It is not aware if he has taken this up;
- his requests were asking a series of questions under FOI which are not FOI questions but interview questions seeking opinion and views;
- his repeated requests are disruptive and are having the effect of frustrating and unduly harassing Council Officers, with comments made to named individuals and also questions within his requests to officers;
- his continual requests can be characterised as being vexatious in that they repeatedly and unreasonably demand information already supplied by the Council, via FOI and complaints procedures;
- his repeated requests for information are placing a disproportionate resource burden on the Council; and
- the council understands the complainant's persistence in trying to resolve his concerns, however it argues that his continual requests can only be characterised as being obsessive in relation to this matter and in these circumstances are manifestly unreasonable. Its concerns were that his repeated information requests were placing a disproportionate resource burden on the Council in attempting to deal with his concerns, and diverting staff from other matters.

18. The Commissioner has therefore considered these arguments, partly in light of the five tests set out above, but also in light of the Information Tribunal's view that a consideration of a refusal of a request as vexatious may not necessarily lend itself to an overly structured approach¹. He has therefore considered these tests 'in the round'.

¹ For example http://www.informationtribunal.gov.uk/DBFiles/Decision/i641/2011-12-15_UKFTT_GRC_EA20110085+0158.pdf

Whether compliance would create a significant burden in terms of expense and distraction

19. It is clear that the complainant envisages that his requests for information could be answered by the relevant staff member consulting their records. The Commissioner has no hesitation in finding that applying themselves to a series of 93 questions would constitute a distraction to any person and, in conjunction with the further 29 questions to another person (also similarly classed as a distraction for that person), the cumulative burden on the council's resources in terms of staff time, and consequent cost, would be significant.
20. Furthermore, the questions are, in the main, directed so as to verify information already known to the complainant, either from his personal experience, or having previously been provided to him by the public authority or its staff acting in their official capacity. The Commissioner therefore recognises that the element of distraction is particularly relevant in that the staff are being asked to revisit matters which have previously been dealt with by the public authority. Such duplication of effort will clearly distract a staff member from other tasks requiring their attention.
21. The Commissioner also notes that this series of requests was not submitted in isolation, and the council has referred the Commissioner to a body of previous correspondence and repeated requests which, taken together, are argued to place a disproportionate burden on the council. The Commissioner has examined the complainant's letters to the council of:
 - 3 April 2011 (3-page letter containing 12 questions, many similar in character to the examples at Annex 1, and several additional points and comments);
 - 18 May 2011 (4-page letter containing 18 questions, again in a 'cross-examination' style, and several additional and supporting points and observations); and
 - 5 July 2011 (3-page letter requesting an internal review of the council's response to his 18 June request, containing 31 separate questions, many of which revisit previous questions, and also making several further requests for information).
22. The council has responded to the complainant's various letters, including some which pre-date the items detailed above but which are still on the same topic. These responses drew further replies and questions from the complainant. There is a quite substantial body of correspondence between the complainant and the council, all of which concentrates on one main theme, relating to planning and building regulations matters concerning his two immediate neighbours' properties. The council has

therefore shown that its responses are likely to elicit further contact and additional questions from the complainant. Furthermore it is clear, from the wording of the questions themselves, that the complainant anticipates making further challenges to the council, on receipt of the answers to those questions.

23. The Commissioner is satisfied that the council has shown that dealing with the complainant's correspondence and requests constitutes a significant burden to it, both in terms of cost, and in the distraction of its staff from their other duties.

Whether the request is designed to cause disruption or annoyance

24. The council has not argued that the complainant's requests are **designed** to cause disruption or annoyance, and the Commissioner's observations suggest that it is more likely that any disruption and annoyance caused is due to the complainant's evident misunderstanding of the purpose of FOIA. Consequently the Commissioner has not considered this factor any further.

Whether the request has the effect of harassing the public authority or its staff

25. The council characterises the complainant's questions as subjecting its staff to 'interview' questions, which are disruptive and frustrating for its staff, and the Commissioner has himself observed to the complainant that his questions appear more like a cross-examination in a court of law. The Commissioner accordingly has no doubt that a council staff member, in receipt of a letter containing questions and probing of this nature would be likely to feel frustrated by it, especially having regard to the fact that the complainant himself accepts that he has received information, and is, in effect, attempting to test its accuracy and truthfulness.
26. The complainant argues that he has conducted his enquiries throughout in a fair and dignified manner. The Commissioner agrees that the complainant's correspondence is polite and not abusive, but recognises that harassment may be experienced in other ways than simply receipt of aggressive or threatening correspondence. For example, pestering or overwhelming the recipient with numerous demands or claims might reasonably be considered as harassment and the Commissioner considers that any person in receipt of a series of 93 questions of an interrogatory nature, would be likely to feel harassed by them.

Whether the request can otherwise fairly be characterised as obsessive or manifestly unreasonable

27. The council argues that the complainant's continual requests can be characterised as vexatious in that they repeatedly and unreasonably demand information already supplied by it, under FOIA or via its own internal complaints procedures. The complainant's explanation that he is testing the veracity of the information supplied to him supports the council's view that this is, at least to some degree, obsessive or manifestly unreasonable. He states that he knows that one specified letter does not give a true account of the actual situation, and has given his reasons for this view to the Commissioner.
28. The letter is dated 10 March 2011, and signed by the Planning Enforcement Manager. It refers to a hedge at the boundary between two neighbouring properties (not including the complainant's house). The letter indicates that there is a hedge along this boundary which exceeds 1.9 metres in height. The complainant argues that this is an untrue statement. He has not disputed the height of the hedge, but states that the hedge begins 1.17metres from the house, and there is an infill fence panel between the start of the hedge and the rear of the house which is 1.78 metres tall, and therefore below the minimum 1.9 metres specified in the planning document.
29. The complainant therefore asserts that the statement in this letter relating to the hedge is untrue. He therefore states that *"I strongly believe that as I have produced evidence to show [the signatory to the letter] to be a liar he should at least be given the chance to refute my allegations or withdraw what he has said."*
30. The complainant cites, as a further example, a reference in the council's refusal notice to a letter from one staff member (a planning enforcement manager), which actually originated from a different staff member (a planning casework manager), with the same first name, but a different surname. He characterises this as 'a dreadful mistake', and concludes that as this is stated as a fact in the council's refusal, it *"has brought my honesty and integrity into disrepute and shows me in a very bad light"* and, on that basis *"I cannot therefore accept whatever explanation is given [...]"*.
31. The Commissioner is not satisfied that the complainant has sufficient grounds to reject the entire response on the basis that the wrong surname was attributed to a letter, particularly as both individuals have corresponded with the complainant in the course of his dealings with the council. This does suggest at least a degree of unreasonableness in the position which has been adopted by the complainant.

32. Furthermore, any error or omission implied by the mixing of the two surnames relates to the council's dealing with the complainant's stage 1 and stage 2 internal complaints, which are about the wider planning issues, not about his FOI requests. The complainant conflates these matters in his complaint to the Commissioner. It is necessary to keep the two matters separate as the Commissioner has no jurisdiction over the way the council deals internally with service complaints which are not about FOI matters. However, the complainant's approach does suggest an element of determination to find fault with the council's conduct in every possible respect.
33. The council explains that it has offered to meet with the complainant, in an attempt to resolve the issue, but this has been refused by the complainant, who has continued to submit his requests, followed by requests for internal reviews.
34. Further, the council has indicated to the complainant that, if he is dissatisfied with the way it has conducted its stage 1 and stage 2 reviews of his complaints about the planning dispute, he has the right to take the matter to the Local Government Ombudsman. This is the proper forum for mediation of disputes of this nature. The complainant may have cause to doubt what the council has told him in the course of its dealings with the matter (the Commissioner makes no finding as to the accuracy of what the complainant has been told), but he should make his case to the ombudsman, and present him with his arguments and evidence. Alternatively, the sort of cross-examination attempted by the complainant might more properly be undertaken in a more overtly legal framework such as a judicial review. The Commissioner agrees with the council that FOIA is not the proper medium for the course of action adopted by the complainant.

Whether the request has any serious purpose or value

35. The Commissioner understands that the matter has its origins in a visit to the complainant's house from the council's staff, at his invitation, to examine decking built by the complainant's next-door neighbour. In the course of that visit, the council staff also noted a conservatory installed by his immediate neighbour on the other side. It appears that comments from the council staff gave the complainant grounds to believe that these two constructions failed to comply with the applicable regulations or planning requirements.
36. The complainant's assertion was, initially, that his neighbours' actions had put him, his family, and his property at risk, and that this gave rise to the serious purpose behind his requests, and that he was considering a complaint to the Local Government Ombudsman in due course about the matter. The Commissioner recognises that uncovering a serious risk

to his property and safety would be a serious purpose in the terms expressed, and obtaining evidence in support of a complaint to an ombudsman would be another. He has consequently examined this argument more closely as it is the one factor from the list which is most likely to mitigate in the complainant's favour.

37. He finds, however, that in respect of the *"huge fire risk to ourselves and property"* asserted by the complainant in his initial response to the Commissioner's enquiries, the risk implied by the complainant is not the serious and immediate risk of fire which he suggests, but a more theoretical hazard caused by failure of a neighbour's conservatory to comply fully with the necessary building regulations for fire protection.
38. When questioned on this point by the Commissioner, the complainant clarified that his 'serious purpose' was not about the fire risk, but was intended to prove that the council had been deceitful in its dealings with him. He also gave his view that a complaint to the ombudsman about that matter would be useless.
39. The Commissioner accepts that obtaining evidence of deceit on the part of a public authority or its staff would amount to a serious purpose. However, the Commissioner also notes a tendency for the complainant to attach undue significance to matters which, on the face of it, do not merit such significance. Specifically, the Commissioner notes:
 - the complainant's initial claim of a *"huge fire risk to ourselves and property"* which, on closer examination, does not appear to justify this description;
 - the complainant's claim that the council's mis-attribution of a letter as being from one person whereas it came from another person is a *"dreadful mistake which has brought my honesty and integrity into disrepute and shows me in a very bad light"*; and
 - the complainant's claim that a fence panel of 1.78m height is a serious breach of a planning condition which is understood to require a screen of 1.9m in height.
40. All of these specific points are, in themselves, comparatively minor matters. They may require some clarification or attention, but to characterise them in the terms habitually used by the complainant is hard to justify. The Commissioner therefore gives substantially less weight to consideration of the complainant's claims as to his serious and proper purpose, because the complainant can be seen to attach serious weight to matters which, when looked at from a more detached viewpoint, appear significantly less serious than the complainant makes out.

Summary

41. It is reasonably clear, from the complainant's account, that the council's handling of his complaints about planning matters associated with his neighbours has not been to his satisfaction. There is at least some empirical evidence to suggest that the council's investigation and comments contain some casual mis-statements, or errors of fact. This may give rise to some doubts about how reasonable the council's approach has been to the underlying dispute. The Commissioner would not, however, go as far as the complainant does in his claims as to the significance of this evidence or the degree to which it might materially affect the outcome of that dispute.
42. One element of the complainant's concern is that the council has required his neighbour to erect a fence of 1.9m height, extending to a specified distance from the rear wall of his property to screen a decking area. Whereas on one side the screen is largely comprised of a hedge (apparently of sufficient height) and a short infill fence panel which falls approximately 12cm (5") short of the stipulated height. The council has declined to take regulatory action in the matter on the grounds that to do so would not be proportionate to the complaint, but the complainant disagrees with this.
43. The Commissioner notes that the fence panel identified by the complainant is not adjoining the complainant's property, but is between his immediate neighbour and another house. Whether or not the fence panel complies with the relevant planning provision is therefore not something which affects the complainant directly.
44. This is not, in the Commissioner's view, a matter of sufficient substance, either to the complainant himself or of wider importance, that it should require the council to continue to deal with the complainant's requests, despite the clear burden and distraction those requests create.
45. There is also some doubt as to whether a certain council employee involved in the initial planning investigation is, or is not, still employed at the council. The council appears to have claimed, at some stage, that the employee has left its employ, but the complainant appears to believe that this is not the case. Again, however, the complainant's approach in attempting to get to the bottom of this matter is disproportionate and is not a proper use of the rights afforded by FOIA.
46. The complainant has clearly pursued the council's own internal complaints procedures and remains dissatisfied. He claims that the council has been 'deceitful' and its officers have lied to him. The Commissioner, however, observes that some of the complainant's claims

are exaggerated, and he therefore cannot take the complainant's claims of deceit and lies entirely at face value.

47. Furthermore, if the complainant has a complaint about maladministration within the council, which appears to be at the heart of his stated position, the correct action is to submit a complaint to the Local Government Ombudsman. FOI should not be used to reopen matters which have been dealt with and closed by a public authority, nor to pursue complaints where there is a clear and proper alternative course of action open to the complainant.
48. The Commissioner is satisfied that the public authority correctly refused the complainant's requests as vexatious.

Other matters

49. The Commissioner considers it may be helpful to clarify when, under the terms of FOIA, 'information is held by a public authority'. While requested information may be of a factual nature, unless it is held in recorded form somewhere in a public authority's records, it is not 'held' for the purposes of FOIA.
50. The right of access to information, provided at sections 1(1)(a) and 1(1)(b) of FOIA is a right of access to information 'held' by a public authority, and is not a right to verification of the accuracy of information.
51. It seems clear to the Commissioner that the complainant is, at least to some degree, under a misunderstanding as to the rights afforded him under FOIA. The complainant has stated that his enquiries are to "*establish if in fact the information given by all of them is correct and indeed true*". This appears to acknowledge that the information is already in the complainant's possession and, moreover, was provided to him by the public authority. The general thrust of the questions focuses largely on verifying or disproving statements already made to the complainant. However, if recorded information is held which answers a question or verifies a fact then this may be information which is held for the purposes of FOI but, the right of access to recorded information is not the same as a right to compel responses to questions.
52. One further aspect of the complaint arose in respect of some confusion surrounding an internal review.
53. No internal review was offered by the council, but when the Commissioner initially approached the council on receipt of the complaint, there was some confusion over the specific grounds of

refusal, and whether an internal review was under way. It was, at one time, believed that the council was not relying on s14, and that an internal review was being undertaken. Subsequently, it transpired that no internal review was being done, and the council continued to rely on its refusal under s14.

54. The complainant has attributed great significance to this confusion.
55. The Commissioner acknowledges that the confusion is not satisfactory but notes that it did not materially affect, impede or delay his investigation. The complainant has not been disadvantaged by it. There is no statutory right to an internal review under FOIA and as the public authority's refusal notice did not offer an internal review, but did inform the complainant of his right to bring a complaint to the Information Commissioner, no breach of s17(7) of the Act has occurred.

Right of appeal

56. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

57. 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.
58. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex 1

The request for information

[The complainant cites four case references relating to planning or building control enforcement matters.]

- asking for a series of 93 questions to be put to a named council staff member, reproduced below:

Have you completed your independent Stage 2 enquiries in respect of the above references.

*Did you carry out your enquiries at all times in accordance with **THE CODE OF PRACTICE FOR HANDLING CUSTOMER COMPLAINTS** as set down by your Employer the City of Bradford Metropolitan District Council.*

Are you still in possession of the substantial files you received from [name] in respect of the above references.

Before submitting your main report dated 15th February 2011 did you speak to [the complainant] about several matters at length over the telephone between 2.10pm and 2.45pm on the 17th January 2011.

During the conversation did you tell him that you had already interviewed [name] and that [they] had given you the exact date [they] visited [address] but you did not have it to hand.

At the end of the conversation did you agree to visit [the complainant] at his home [address] after you had consulted your diary for a suitable date.

Did you telephone [the complainant] at 9.30am on the 20th January 2011.

Did you tell him that you had no remit to overturn Planning Permission.

Why did you tell him this.

Did you tell [the complainant] that it seemed to you that all he wanted was for the decking and fencing at [address] to be demolished.

Did you tell him that your final report will take much longer than usual.

Did you tell him that your report may not be entirely to his satisfaction.

DID YOU TEL HIM THAT PART OF YOUR ONGOING ENQUIRIES WAS TO INTERVIEW [name] EVEN THOUGH HE HAD LEFT THE COUNCIL.

SO AT THE TIME OF THIS TELEPHONE CALL DID YOU BELIEVE THAT WHAT [name] HAD SAID ON THE 1ST PARAGRAPH ON PAGE 3 OF [their] LETTER TO [the complainant] DATED 16TH DECEMBER 2010 WAS A FACT THAT [name] WHO HAS SINCE LEFT THE COUNCIL'S EMPLOY WAS TRUE.

DID [the complainant] TELL YOU HE BELIEVED THAT WHAT [name] HAD SAID ABOUT [name] WAS TRUE.

Did you then make arrangements to visit [the complainant] at [address] at 11am on Wednesday 26th January 2011.

Do you visit [the complainant] on that date but at the earlier time of 10.40am.

Did you interview [the complainant] at length in the presence of his wife.

Did you tell them that you had interviewed the Planning Assistant [name] at some length over the telephone on a number you had been given for [them].

Did you have any difficulty in obtaining [their] number.

Who gave you that number.

Was that number listed at [their] place of work.

If that is the case was that place of work a Department within the City of Bradford Metropolitan District Council.

Is [name] still employed by the City of Bradford Metropolitan District Council.

Has [name] ever left that council's employ.

Throughout your interview with [the complainant and his wife] did you take down notes of everything that had been said.

Were those notes substantial in content and contained on several pages.

Do you still have all those original notes without any additions and deletions.

So you can produce copies of those notes at any time if required to do so

At 1.05pm the same day did you go with [the complainant] and examine [three addresses, including the complainant's house].

At first did you examine [two addresses] by looking through the fence and hedge situated at the boundary of [addresses].

Describe in detail what you could see at [address] and then beyond at [address] from the positions you put yourself in.

Did you then examine [3 addresses, including the complainant's house] from the access road at the back from the positions you put yourself in.

Describe in detail what you could see at these three houses.

Would you have been able to see more of each house if you had entered upon the property at [address] and stood on the decking there.

[The complainant] is aware that you are not a Planning Officer but the lengths you have gone to in explaining everything to him that is relevant to the approval of this particular application suggests to him that you have full knowledge and therefore a complete understanding of all the planning procedures laid down by the City of Bradford Metropolitan District Council.

Is that correct.

Also that you would know whether this particular application would have warranted a more thorough examination than was carried out by [names] and you yourself because of the strong objections made by [the complainant] and Silsden Town Council.

Is that correct.

Did you leave [the complainant] at 1.15pm that day.

[in relation to a specified letter sent to the complainant]

Will you confirm as a fact that in paragraph 2 on page 4 you are referring to Policies UR3 and D1 of the Replacement Unitary Development Plan and the Revised House Extension Policy.

Will you therefore confirm as a fact that because of your visit to [address], the enquiries you have made and what you have been told

by [names] you are satisfied that the whole content in the Reason for the Decision in the Grant of Planning Permission [dated] is correct.

Will you confirm as a fact that in paragraph 6 on this page you have given [the complainant] details about the duties of a case officer and a Senior Officer.

So in this matter is the [role and name] the case officer and the [role and name] the Senior Officer.

So is it a fact that [name] can only give recommendations as [they are] the case officer and [name] must make the final decision under delegated powers.

So has [the complainant] understood what you have said so far.

[in relation to a different letter sent to the complainant]

Did you put this to [name] when you interviewed him.

[the complainant] **CERTAINLY BELIEVED THAT THAT [name] HAD SAID WAS TRUE AND THAT [they and they alone] HAD THE AUTHORITY THAT ALLOWED [them] TO MAKE THE ABSOLUTE FINAL DECISION.**

BUT AS THIS GOES AGAINST EVERYTHING YOU HAVE SO CAREFULLY POINTED OUT TO [the complainant] IN YOUR LETTER DID YOU PUT THIS TO [name] WHEN YOU INTERVIEWED HIM.

IF NOT WHY NOT.

WAS [name] EVER PROMOTED TO A HIGHER POSITION THAN [role] THAT WOULD HAVE GIVEN [them] THE AUTHORITY TO MAKE DECISIONS ONLY A [role] COULD MAKE UNDER DELEGATED POWERS.

DID YOU EVER PUT THE ALLEGED DECEIT TO [their] SENIOR OFFICER [name] [...]

*Did you ever discuss with [name] if [they] knew of, encouraged and/or ignored the practice of **PEEPING** that [name] admits to.*

*Is **PEEPING** a recognised practice carried out by all [specified roles] employed by the City of Bradford Metropolitan District Council.*

In paragraph 2 on page 10 of your letter did you tell [the complainant] that although officers may find it useful to visit a site they are experienced at assessing the impact of proposed schemes using their knowledge of policies and the plans supporting information submitted with the application.

Did you ask the inexperienced [role and name] why [they] did not enter upon the property at [address] and stand on the decking there.

If you did what was [their] reply.

If you did not ask [them] this question why did you take it upon yourself not to do so.

Did you ask [name] why [they] did not enter upon the property at [address] and stand on the decking there knowing that [they] had grave concerns about the recommendations made by [name] in view of the very strong objections made by [the complainant] and supported by Silsden Town Council.

If you did what was [their] reply.

If you did not ask [them] this question why did you take it upon yourself not to do so.

Your attention is now drawn to paragraph 7 on page 8. Was [name] absent at all times during the period between 30th December 2009 and 15th January 2010 when the 5 telephone calls for [them] were made by [the complainant].

[in relation to a different letter sent to the complainant]

At 11.15am on Monday 21st February 2011 did you speak to [the complainant] on the telephone.

Was the employment of [name] discussed.

At the time were you unable to give [the complainant] any details about this.

Did you say that you would seek advice and call back.

Did you call back at 11.45am the same day and speak to [the complainant] about [name] again.

What were you able to tell [the complainant].

Did [the complainant] then refer to the letter he had received from [name] dated 16th December 2010 in respect of the Stage 1 enquiries [they] had allegedly carried out.

Were you in possession of a copy of that letter.

Did you then discuss the situation about the employment of [name].

Will you confirm again that you had already interviewed [name].

Did you interview [them] once or on more than one occasion.

What date(s) did the interview(s) take place.

Did you speak to [name] face to face.

Did you speak to [name] on the telephone.

The Stage 1 enquiries allegedly carried out by [name] were not completed because he could not or would not interview [name]. How is it then that you were able to do so.

Did [the complainant] ask you to establish why [name] had not interviewed [name].

Did you agree to this and say that you would call back later with the result of your interview with [name].

Did you call and speak to [the complainant] at 12.35pm that day and tell him what [name] had said in response to your enquiries about [name].

Did you tell [the complainant] what [name] had told you.

What exactly did [name] tell you about why he did not interview [name].

Did you then say that you would seek further advice about the dates [name] had been employed by the City of Bradford Metropolitan District Council and that you would call back in due course.

Did you telephone [the complainant] at 10.25am on Wednesday 23rd February 2011.

Did you refer to your enquiries about the employment of [name].

What information did you obtain as a result of these enquiries.

Did you tell [the complainant] exactly what you had discovered.

Did [the complainant] then tell you that extensive enquiries would continue about the conduct of all the officers involved in both the Stage 1 and Stage 2 investigations.

ARE SECTIONS 16.7, 16.8 AND 16.9 OF THE CODE OF PRACTICE MANDATORY.

SECTION 16.7 states quite clearly that RECORDS SHOULD BE KEPT ON INDIVIDUAL COMPLAINT FILES OF ANY MEETINGS, INTERVIEWS AND DISCUSSIONS ON COMPLAINTS.

*So as the Stage 2 investigating officer why have you allowed [name] to totally ignore **SECTION 16.7** and then for **BOTH OF YOU TO CONCEAL THE IMPORTANCE OF THIS SECTION FROM [the complainant].***

Why has this gone unreported.

[The complainant] believes that the Stage 1 investigation was not only flawed but deceitful particularly where SECTION 16.7 is concerned.

He now asks you HAS THIS DECEIT BROUGHT YOUR EMPLOYERS THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL INTO DISREPUTE.

*As you have confirmed in your answers to previous questions you certainly had no difficulty whatsoever in contacting [name] and establishing that he in fact had **NEVER** left the employ of the City of Bradford Metropolitan District Council.*

SO DO YOUR NOTES MAKE REFERENCE TO ANY DOUBTS AND CONCERNS YOU HAVE ABOUT WHAT [name] HAS SAID TO YOU AND THE FACT THAT [they have] NOT COMPLIED WITH THE COUNCILS CODE OF PRACTICE FOR HANDLING CUSTOMER COMPLAINTS IN ANY WAY WHATSOEVER.

[...] WILL YOU CONFIRM THAT THE STAGE 1 ENQUIRIES CARRIED OUT BY [name] ON THE AUTHORITY OF [their] EMPLOYER THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL WERE CONDUCTED IN COMPLETE ACCORDANCE WITH THE CODE OF PRACTICE FOR HANDLING CUSTOMER COMPLAINTS {ESPECIALLY SECTION 16.7} AS SET DOWN BY THE CITY OF BRADFORD ,METROPOLITAN DISTRICT COUNCIL.

If you cannot confirm this then say so.

"[The complainant] asks that you now provide copies of all your case notes together with any other relevant matter in respect of your investigations about and interviews with [5 named individuals]"

- asking for a series of 29 questions to be put to a named council staff member, reproduced below:

"As a [job title] are you able to give definitive answers to questions raised in respect of any planning matter put to you.

Why then was condition 2 included under Conditions and Associated Reasons in the Grant of Planning Permission in this matter.

What was the time and date when the site visit took place.

Who carried out the examination.

Did that person enter onto the property at [address].

Was there any other person present.

Were any photographs taken of the single fence panel and evergreen hedge situated at and extending outwards from the back walls of [two addresses].

Were any measurements taken of the single fence panel and evergreen hedge situated at and extending outwards from the back walls of [two addresses].

Does the evergreen hedge extend in a full continuous line extending outwards from the back walls of [house numbers] and beyond.

If so does the evergreen hedge grow in a continuous line in front of or at the back of the single fence panel attached to the back walls of [house numbers].

What is the exact height of the evergreen hedge in growth against the back walls of [house numbers]

What are the exact measurements of the single fence panel to include the height, width and depth of it from the back walls of [house numbers].

Will you confirm that the single fence panel and evergreen hedge were in exactly the same positions when [names] allegedly carried out their examinations resulting in the Grant of Planning Permission dated [date].

WILL YOU TELL [the complainant] WHY YOU HAVE NEVER REFERRED TO THE SINGLE FENCE PANEL SITUATED AT AND

EXTENDING OUTWARDS FROM THE BACK WALLS OF [house numbers].

WILL YOU CONFIRM THAT THE EVERGREEN HEDGE GROWS ALONG THE WHOLE OF THE BOUNDARY IN A CONTINUOUS LINE FROM THE BACK WALLS OF [house numbers] AND AS THIS PROVIDES A SUFFICIENT SCREEN IT WOULD NOT BE EXPEDIENT TO TAKE ANY FURTHER ACTION ON THIS MATTER.

[The complainant] KNOWS THAT WHAT YOU HAVE SAID HERE IS NOT CORRECT SO WILL YOU NOW CONSIDER THAT A REVIEW OF THE SITUATION IS APPROPRIATE.

IN ANY EVENT WILL YOU CONFIRM THAT AS A RESULT OF THE SITE VISIT A BREACH OF PLANNING CONTRROL HAS BEEN NOTED.

IF THE EVERGREEN HEDGE PROVIDES A SCREEN AT THE BOUNDARY OF [house numbers] WHY DID [name] RECOMMEND AND [name] APPROVE THAT CONDITION 2 APPLY TO BOTH SIDES [house numbers].

As an expert in planning matters do you agree with [names] that the proposal is considered to be in accordance with Policies UR3 and D1 and why that is the case

*Will you confirm that the impact of **THE DECKING** does not have a significantly adverse effect upon [the complainant's] residential amenity and why that is the case.*

*Will you tell [the complainant] why **THE FENCING** is not referred to in the Reason for the Decision.*

*Will you confirm that **THE FENCING** is considered to be in accordance with Policies UR3 and D1 and why that is the case.*

*Will you confirm that **THE FENCING** does not have a significantly adverse effect upon [the complainant's] residential amenity and why that is the case.*

WILL YOU TELL [the complainant] AGAIN WHY [names] RECOMMENDED AND APPROVED THAT CONDITION 2 APPLY TO BOTH SIDES AT [house numbers].

Do you have the complete authority of the City of Bradford Metropolitan District Council to refuse to issue enforcement because it is not expedient to do so.

In this matter why is it not expedient to issue enforcement.

*Is it in fact the case that it is based on the words you have used in your letter to [the complainant] dated 10th March 2011 those actual written words being **THERE IS CURRENTLY AN EVERGREEN HEDGE ALONG THIS BOUNDARY AND THAT BECAUSE OF THIS THE COUNCIL RELY ON PLANNING GUIDANCE NOTE NO: 18.***

WILL YOU NOW CONFIRM AGAIN THAT YOU HAVE USED PLANNING POLICY GUIDANCE NOTE NO: 18 BECAUSE THE EVERGREEN HEDGE BY YOUR DESCRIPTION OF IT GROWS IN A CONTINUOUS LINE EXTENDING FROM THE BACK WALLS OF [house numbers] ALONG THE WHOLE OF THAT PARTICULAR BOUNDARY TO THE ACCESS ROAD OR TO SOME POSITION THAT YOU CAN POSITIVELY IDENTIFY TO ANY INTERESTED PARTY IF REQUIRED TO DO SO.

[The complainant] now asks that you provide copies of all the case notes together with any other relevant matter including photographs and details of any measurements taken [...].