

Freedom of Information Act 2000

Decision notice

Date: 7 April 2015

Public Authority: Salford City Council
Address: Salford Civic Centre
Chorley Road
Swinton
Salford
M27 5AW

Decision (including any steps ordered)

1. The complainant submitted six requests to Salford City Council (the Council) for information relating to council tax and the Mayor of Salford. The Council refused the requests as vexatious. The Commissioner's decision is that the requests are vexatious. No further action is required.

Request and response

2. From 22 May – 15 June 2014 the complainant submitted 19 requests to the Council. The Council responded on 20 June 2014 and refused all 19 requests on the grounds that they were vexatious as per section 14 of the Freedom of Information Act 2000 (the Act).
3. The Council conducted an internal review of its decision and decided that only six of the 19 requests could be refused as vexatious. The others would be responded to with a new response. The six requests that were upheld as being vexatious are the basis of this decision, and are available in Annex A. The Commissioner has kept the Council's numbering system for ease of reference for all parties, so whilst there are only six requests they are numbered 2, 3, 5, 10, 14 and 18 rather than 1 – 6.

Scope of the case

4. The complainant contacted the Commissioner on 31 July 2014 to complain about the way his request for information had been handled. The Commissioner accepted the appeal on 30 September 2014 after he had been provided with a copy of the Council's internal review.
5. The Commissioner considers the scope of the case to be whether the complainant's six requests were correctly refused as being vexatious under section 14 of the Act.

Reasons for decision

6. Section 14 of the Act states that a public authority may refuse a request if it considers the request to be vexatious. The Act does not provide a definition of the term, but the Commissioner has issued guidance on the subject which takes into account the decisions he has issued previously as well as cases that have been before the First Tier and Upper Tier Tribunal.¹ The Commissioner will work towards the definition which is provided in paragraph 20 of his guidance, namely that:

"[T]he key question the public authority must ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress."

7. To reach his decision, the Commissioner will take into account the context in which the request was made and the history between the Council and the complainant. He will consider the arguments put forward by both parties where relevant, as well as his own thoughts on the requests.

Arguments why the request is vexatious

8. The context in which all the requests were made is clear from the content and wording of the requests themselves. The complainant has been in a dispute over council tax with the Council for a number of years. It is evident from the submissions of both parties that the Council and the complainant both hold different opinions on the council tax liability of the complainant. According to the complainant this matter has

¹ <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

gone to court, and the Council has confirmed that the matter is under appeal. This indicates that the matter relates to an ongoing dispute between the two parties. This does not necessarily confer that the request is vexatious, as it is feasible that individuals try to obtain official information to help a complaint against a public authority without it being a unjustified disruption to the Council.

9. The complainant has written to the Council numerous times on this (by his own count well over 200 times) and the Commissioner has considered the high volume of correspondence that the complainant sent to the Council relating to his complaints around the time he made his requests. The Council provided copies of posts on the complainant's Facebook page, messages on his Twitter account, and direct messages to the Mayor of Salford's Twitter account. On one day the complainant sent 11 messages – with the Mayor and the Council copied in – to various organisations connected to the Labour Party asking if they could help resolve his council tax complaint. There was also an instance where the complainant directly contacted the Mayor's daughter through Twitter about this matter, despite the fact she has no official role at the Council and could not directly assist with his concerns.
10. The Commissioner's view is that the complainant is pursuing his complaint to an unreasonable degree that borders on obsession. The volume of correspondence goes beyond what would reasonably be expected when making a complaint. Further, that the complainant would openly contact a family member of Council staff who had no involvement in the matter is especially considered by the Commissioner to be completely unnecessary and not conducive to resolving a complaint with an organisation. The Commissioner notes that the Council appears to have missed deadlines to provide a response and that the complainant is eager to have the matter resolved as he states that it is impacting upon his health. However, this does not excuse the bombardment the Council has been subjected to, nor the other unrelated parties the complainant has contacted in trying to further discuss his grievance. Given the requests relate entirely to the complainant's council tax complaint and his issue with the Mayor, the Commissioner views the complainant's behaviour as providing evidence that the requests were made in a vexatious context, and that they can rightfully be seen as an improper use of the formal rights afforded to him under the Act.
11. Additionally, the Commissioner looked at the language employed by the complainant throughout this correspondence about his complaint – as well as the language in the requests – as a way of gaining further understanding about the context in which the requests were made. The requests themselves are not seen to be offensive or unreasonable, but the surrounding correspondence contains a number of instances where the complainant makes ill-advised comments. He blames his medical

conditions on the actions of the Council, which is not helpful. He also accused the Mayor of running a dictatorship, treating the people of Salford as "scum", and accusing him of having no shame for retweeting an article written by a Labour MP about D-Day. The Commissioner considers that these communications contain harassing language and show that the complainant has been unreasonable in engaging with the Council. This adds further weight to the argument that the requests can be seen as vexatious.

12. The Commissioner has also considered the motive and purpose behind making these requests. In his submissions to the Commissioner, the complainant stated he made the requests because not everyone has the university education he has and might not be able to obtain the information from the Council. He stated that this information was important because it would show the failings of the Council which would add useful information to the public debate about the Council's performance. However, the Council disagree and considers that this is all related to the complainant's wider grievance. As evidence for this point, the Council provided the Commissioner with an email from the complainant sent to his local MP and the Council. In this email the complainant lays out his proposal for what steps the Council could take to resolve his complaint. In return for these steps the complainant states he would:

"Stop the Data Protection Act request, freeing up Council officers;

Stop the 4 x Freedom of Information requests I submitted yesterday and today. That will save the Council £1800;

Not put any further requests forward."

The complainant also listed a number of other actions, such as not pursuing legal action against the Council and cancelling the article being written in a local media publication.

13. The Commissioner's view is that this email adds substantial weight to the argument that the complainant's requests are vexatious. The complainant is attempting to bargain with the Council and his MP and is using the requests as a way of influencing the outcome of his council tax complaints. This casts strong doubt on the purpose of the requests, and in the Commissioner's view represents an improper use of a formal process to further a personal grievance. Taking this into account, the Commissioner considers there is strong evidence that the requests are an unwarranted disruption to the Council.
14. The Commissioner also notes that, while the Council initially considered a total of 19 requests submitted by the complainant to be vexatious, at the internal review stage it altered its position and no longer relied upon

section 14 of the Act for 13 of those requests. The Council's revised position restricted the application of section 14 to requests where it believed the complainant was seeking to use requests for information as a way of pursuing his personal grievances. While the Commissioner has not been required to consider whether the Council may have been entitled to apply section 14 to those 13 requests, he notes that the Council has carefully considered the complainant's pattern of requests and has drawn distinctions between their purpose in order to aid openness and transparency.

Commissioner's decision

15. In light of the above the Commissioner considers that the six requests refused by the Council under section 14 are vexatious. The complainant's grievance has led him to send an unnecessary and burdensome amount of correspondence to the Council, and also to publicly contact a family member of one of the Council's staff as well as many other individuals and groups who have no connection to the matter. In addition there are also instances where the complainant has used harassing language in his correspondence to the Council and the Mayor.
16. The most significant factor for the Commissioner though is the email from the complainant where he attempts to use his requests as a bargaining tool with the Council to resolve his council tax complaint. This clearly indicates that the purpose of the requests is entirely secondary to the complainant's grievance, and in the Commissioner's view that they were designed more to disrupt the Council rather than to obtain withheld information. This is an unjustified use the Act, and the Commissioner's decision is that the Council was correct to refuse the requests as vexatious.

Right of appeal

17. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

18. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Gerrard Tracey
Principal Adviser
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A

Request 2 – 22 May 2014:

Under the Freedom of Information Act I require the following information, for each of the years between 2009 - 2013:

- 1. How many Category A Council Tax exemptions were requested?*
- 2. How many of those requests were initially rejected by the Council?*
- 3. How many requests were initially granted by the Council?*
- 4. How many requests that were initially denied were later granted by the Council?*

Request 3 – 22 May 2014:

Under the Freedom of Information Act I require the following information, for each of the years between 2009 - 2013:

- 1. How many Category C Council Tax exemptions were requested?*
- 2. How many of those requests were initially rejected by the Council?*
- 3. How many requests were initially granted by the Council?*
- 4. How many requests that were initially denied were later granted by the Council?*

This is a fundamentally different request than the FOI request I have made regarding Category A exemptions, so should not be investigated together - in order to go over the 20 hour limit.

Request 5 – 23 May 2014

For EACH of the years 2010, 2011, 2012, 2013:

- 1. How many Court Summonses were issued for non-payment of Council Tax?*
- 2. Of these, how many people elected to be heard in the actual Court?*
- 3. Of these, how many were put before:*
 - a) 3 Magistrates*

b) 2 or less magistrates

b) A District judge

4. Of those in 3, how many did Salford Council withdraw from the Court to be re-submitted?

5. Of those in 4, how many were ACTUALLY re-submitted?

Request 10 – 24 May 2014

Ian Stewart, the Elected Mayor of Salford constantly states that front-line services have to be cut in Salford due to funding cuts from Central Government.

I therefore require the following information under the Freedom of Information Act.

Since Ian Stewart was elected as Mayor:

1. Aside from his £69,000 wages, please supply a breakdown of ALL expenses incurred by him - food, travel, accommodation etc;

2. What staff have been employed by / or on behalf of Ian Stewart? Please provide a breakdown of their salaries and expenses;

3. How many staff are employed by or on behalf of Ian Stewart as support staff? Please provide a breakdown of their salaries and expenses;

4. What are the operating costs for the office of Elected Mayor?

5. What are the operating costs of ALL mayoral communication outlets?

Request 14 – 1 June 2014

For EACH of the years 2009-2013 I am making a Freedom of Information request for:

1. A breakdown of the number of council tax mistakes made by Salford City council employees?

2. The number of council tax mistakes where people requested compensation?

3. The numbers of compensation orders made due to such mistakes?

4. *The total amount of compensation paid in such circumstances per year?*

NONE of the information is personal so falls within the remit of the FOI.

Request 18 – 13 June 2014

I have recently received a letter from solicitors [sic] acting on behalf of Salford City Council in relation to my council tax complaints.

On behalf of other Salford residents having council tax problems, I am concerned that Salford City Council are threatening people with legal action rather than offering help and support via Customer Services.

I am therefore submitting the following Freedom Of Information request:

This is UNRELATED to any other FOI I may have submitted and should be treated as such.

1. *For each of the last 2 years how many people experiencing council tax problems have received letters from solicitors acting on behalf of the council?*
2. *For each of the last 2 years how many people experiencing other problems with the council have received letters from solicitors acting on behalf of the council?*
3. *For 1 & 2, how much has EACH complaint cost the council in legal fees?*
4. *Who in the council decides when help is withdrawn from a complainant and replaced with legal action?*
5. *For 1 & 2, at what stage was EACH complaint transferred from internal help to external legal action?*
6. *For EACH of the last 2 years, what reductions in staffing / costs / resources have been made to the council tax / customer services departments?*
7. *How much are the legal services provided by Manchester City Council costing Salford each year?*
8. *Why are Salford City Council using a joint service that could be biased rather than independent solicitors?*