

Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice

Date: 12 September 2016

Public Authority: Telford and Wrekin Council

Address: Darby House
Lawn Central
Town Centre
Telford
Shropshire
TF3 4JA

Decision (including any steps ordered)

1. The complainant has made several requests for information about planning, drainage and development matters from Telford and Wrekin Council (the council). Having initially handled each request separately, the council ultimately reviewed all of the requests together and treated them as vexatious under FOIA section 14 or manifestly unreasonable in accordance with EIR regulation 12(4)(b).
2. The Commissioner's decision is that the council was correct to apply section 14 or regulation 12(4)(b) to all of the requests.
3. The Commissioner does not require the public authority to take any steps.

Request and response

4. This notice refers to the requests for information made by the complainant on the following dates below, together with the council's reference numbers:

6 & 10 November 2015 – TWC-39896 (EIR)

13 November 2015 – TWC-39992 (DPA)

20 November 2015 – TWC-40043 & 40055 (FOIA)

23 November 2015 – TWC-40074 (FOIA)

6 January 2016 – TWC-40453 (EIR)

5. The details of the requests are set out at Annex A. The council initially responded to the requests by providing the complainant with information or refusing the request, but subsequently applied section 14(1) of the FOIA to all of the requests on 9 February 2016.
6. At the point that the complainant was notified that the council considered his requests to be vexatious he was advised that it would not respond to any future similar requests. The request held under reference TWC-39992 was ultimately treated as a subject access request under a different reference number and has been considered separately by the Commissioner in line with her responsibility to make an assessment under section 42 of the Data Protection Act 1998 (the DPA).

Scope of the case

7. The complainant contacted the Commissioner on 8 March 2016 to complain about the way his requests for information had been handled. In particular he asserted that his requests for information were not vexatious.
8. He set out to the Commissioner that he wanted the scope of the investigation to include the reasons for the public authority's initial handling of these requests prior to its decision to apply section 14(1) of the FOIA. However, the Commissioner explained to him that at the point of bringing his complaint to the Commissioner, the council had determined that the requests were vexatious and therefore the scope of the investigation would be to consider whether the council was entitled to refuse the requests on that basis.

Appropriate legislation

9. The Commissioner must first determine whether the requests should be considered under the Freedom of Information Act (FOIA) or the Environmental Information Regulations (EIR).

10. Regulation 2 provides the definition of environmental information for the purposes of the Regulations. It defines environmental information as:

"any information in written, visual, aural, electronic or any other material form on-

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;

11. The series of requests set out in Annex A relate to information on planning applications on previously developed sites, measures relating to new developments and the names of the builders or developers involved, and information on the council's involvement in enforcement activity in particular cases.
12. The Commissioner considers that the requested information in requests TWC-39896 and 40453, if held, would be likely to fall within the definition of environmental information at regulation 2(1)(c) of the EIR. This is because the requests relate to information on measures, programmes and activities affecting or likely to affect the elements of the environment, in particular the state of the landscape. Accordingly these requests fall to be dealt with under the EIR rather than the FOIA. The requests for information under reference TWC 40043, 40055 and 40074 do not relate to environmental information and accordingly fall to be dealt with under the FOIA.

Reasons for decision

13. Regulation 12(4)(b) EIR states that a public authority may refuse to disclose information where that request for information is manifestly unreasonable.

14. Section 1(1) of the FOIA states that

“Any person making a request for information to a public authority is entitled –

a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

b) if that is the case, to have that information communicated to him.”

15. However, section 14(1) states that: “Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious”.

16. Although the Commissioner notes that the council has referred only to section 14 in its response to the complainant, she acknowledges that having treated the requests under both the EIR and FOIA, that it is implicit that some requests have been deemed manifestly unreasonable in accordance with regulation 12(4)(b). Furthermore, the council has confirmed to the Commissioner that both section 14 and regulation 12(4)(b) should have been referenced in the refusal notice to the complainant.

17. The factors that the Commissioner takes into account when determining whether a request is manifestly unreasonable are to a large degree the same factors which he would take into account in determining whether a request is vexatious under FOIA. However regulation 12(4)(b) is a qualified exception and therefore subject to the public interest test.

18. The Commissioner has issued guidance on determining whether a request is vexatious. This guidance explains that the purpose of section 14(1) of FOIA and for the purposes of this case, regulation 12(4)(b), is to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

19. This will usually involve weighing the evidence about the impact on the authority and balancing this against the purpose and value of the request. This should be judged as objectively as possible; in other words, would a reasonable person think that the purpose and value are enough to justify the impact on the public authority. Where relevant, this will involve the need to take into account wider factors such as the background and history of the request

20. The complainant had submitted a planning application to the council on 6 March 2013 and a decision was given on 24 May 2013. The application was approved with conditions. These were outlined in the approval document. On 11 August 2015 the complainant sent a discharge of

conditions application form and relevant reports to the council. Between 28 August 2015 and 20 October 2015 the council did discharge four of the conditions attached to the planning application but one condition relating to a drainage issue still applied. Some 16 days later the complainant submitted his first request for information under FOIA.

21. This initial request related to planning applications and particularly flooding and drainage. It is the council's position that the timing and nature of these requests were directly linked to the fact that not all of the conditions attached to the complainant's planning application had been discharged.
22. As with each of the requests which the council is now treating as vexatious, it had initially responded to the request but found that its response prompted further correspondence from the complainant. Despite attempting to respond and/or offer explanations, the complainant continued to submit further correspondence.
23. It is the council's position that it refuses requests on the grounds that they are vexatious or manifestly unreasonable only sparingly, refusing requests on this basis only four times in the past five years. The council has set out to the Commissioner that its practice is to enter into reasonable discussions with a requester in the hope of reaching a mutually agreeable position and this is what it had initially sought to do with the complainant's requests.
24. Having dealt with the initial requests and having attempted to resolve the complainant's significant follow up enquiries, the council reached a position where it felt that the only option available, upon further and final review of all of the requests, was to treat the requests set out at annex A as vexatious and to determine that no further similar requests would receive a response.
25. The council asserts that the requests which relate to planning have placed a significant burden on the council. The requests have been received, the council states, at the same time as the complainant has been having a dialogue with the planning team whose officers are attempting to offer advice on the planning application. It is the council's position that to continue to address the complainant's requests and the volume of significant additional correspondence would have an unjustifiable impact on the council whose position is that the complainant is pursuing FOI requests in order to attempt to further his planning concerns.
26. In its submission to the Commissioner the council has set out that it considers that the complainant's language can be critical, suggesting in his correspondence heading that the council is flouting the law. Having

seen the correspondence between the council and the complainant, the Commissioner notes that the complainant's tone can sometimes be aggressive or rude; on more than one occasion, having been told by the council that his request was closed, the complainant responded stating that it was not and asking either for a satisfactory and full response or a review. On another occasion he described the council's response as a 'piece of nonsense.' With regard to his first request, the complainant's communication described the council's response as a 'wild goose chase' and levied the accusation that the council was ignoring his reasonable requests. This prompted further communication between the council and the complainant which ultimately led to the complainant being notified on 1 March 2016 that his requests were being considered vexatious.

27. Having been advised that his requests were to be treated as vexatious, the complainant wrote to the council stating that his requests were not vexatious as set out in the Commissioner's guidance. He suggested the council read the guidance. He went on to say that the council should respond to the requests he makes and not the ones it makes up and then suggested that the council stop being evasive and obstructive and stop trying to intimidate.
28. The council believes that the volume and nature of the requests therefore represents an abuse of the FOI/EIR legislation. It is the council's position that the complainant often copies numerous council officers into his correspondence and that this in itself takes up considerable aggregated resource. The council notes that the complainant could pursue his planning concerns via the relevant procedures through its own planning department and the Local Government Ombudsman but has not pursued this. It is the council's position that the complainant's requests and voluminous correspondence represent a personal grudge stemming from the situation surrounding his own planning application.
29. It is also the council's position that irrespective of the approach it has taken when responding to requests, the complainant remains intransigent and submits considerable further correspondence asking additional questions when the council has already set out its position in regard to the request. The council notes that the complainant will often state that the council has refused to answer his requests for information when in fact the council has responded to the request but has refused to disclose the requested information.
30. The Commissioner notes that the complainant has submitted significant further correspondence following his requests and this has variously constituted requests for additional information, a request for the same information covering different timeframes, or requesting explanatory responses. Over the course of the significant correspondence relating to

these requests it is easy to see that the correspondence, the complainant's persistent and sometimes aggressive approach and the council's attempts to deal with the various issues has created a situation whereby in relation to these issues, the council and the complainant have reached an impasse. Accordingly the council has considered that there was no alternative but to review the series of requests and treat them as vexatious or manifestly unreasonable.

31. The complainant has set out to the Commissioner that the amount of further correspondence was necessitated because of the council's failure to respond accordingly or in compliance with the relevant legislation. Although the council has acknowledged that there have been shortcomings in handling these requests its position is that the amount of requests and follow up correspondence created confusion and made it difficult to handle the requests in light of the significant burden. The Commissioner considers that even if the further correspondence had been reduced, the number of requests submitted over such a short period of time would still have created a significant burden to the council.
32. It is important to note that the complaint brought to the Commissioner relates only to the requests detailed at annex A but that the complainant and the council have corresponded on other requests for information which do not cover the same subject matter. The council has provided the Commissioner with details of all of the requests made by the complainant as these provide useful background information. The Commissioner notes that the council has continued to respond to requests which it does not consider to be about the same subject matter as those which have been refused on the basis they are vexatious.
33. The Commissioner considers that the council's previous dealings with the complainant over a considerable amount of time, followed by a significant amount of multi limbed requests over a very short time, meant that the situation escalated quickly with the complainant demonstrating his impatience with the council by the tone and content of his correspondence. Meanwhile the council felt that the burden was so significant that it had to protect its limited resources by applying section 14 and regulation 12(4)(b).

The Commissioner's decision

34. The Commissioner has determined that the requests relate to information which would be defined as environmental information and non-environmental information has therefore considered the application of both the EIR and the FOI. As outlined at paragraph 17 above, regulation 12(4)(b) of the EIR takes into account similar considerations as those which apply to section 14(1) of the FOIA.

35. The Commissioner has considered all of the correspondence made available to her in this case and has carefully considered the background provided by the council. She notes that it is unusual for a public authority to consider an applicant's initial request on a particular subject matter to be vexatious or manifestly unreasonable. However, she accepts that the background information set out by the public authority provides context in which it is appropriate for the council to consider refusing the series of requests submitted within a short timeframe as vexatious or manifestly unreasonable. The Commissioner recognises that the council found itself very quickly in a situation whereby it responded to requests from the complainant but continued to receive a high volume of further requests and further correspondence which demonstrated that its responses would be unlikely to satisfy the complainant.
36. In any series of requests there has to be a 'first' request. The Commissioner does not take issue with the council reviewing the series of requests made by the complainant and determining that the first request of 6 November 2015 was the 'first' instance in a series of vexatious or manifestly unreasonable requests. This is particularly the case given the request was followed by further requests over a very short period of time and was preceded by an unwelcome decision on the complainant's planning application.
37. The Commissioner's view is that a request which may not be considered vexatious in isolation may assume that quality when considered in context. The Commissioner has little hesitation in considering that the high volume of often multi-limbed requests received from the complainant in a short timeframe would have placed a significant strain on the council's resources. She notes that the complainant could have pursued his planning concerns via the council's mechanism for redress or the Local Government Ombudsman rather than via FOI/EIR requests but chose to utilise the FOIA and EIR.
38. It is also apparent from the content and tone of the correspondence that the complainant has been particularly motivated to challenge the council and that this relates to his own planning application. Indeed, in providing the Commissioner with background, the complainant has set out the detail of his planning application and the fact that one condition relating to drainage remained in force. Within sixteen days of being notified by the council that the drainage condition attached to his planning application would remain in force, the complainant had submitted the first request considered in this notice for information about planning and drainage. This approach undermines any serious purpose or value that either the first request, or the subsequent series of requests, may have had.

39. Whilst the Commissioner accepts that it is uncommon for the 'first' request of a series to be appropriately refused as vexatious or manifestly unreasonable, she considers that in this case the complainant has effectively created the context in which the council chose to conduct a review and refuse all of the requests as vexatious.
40. Having submitted his initial request, the complainant then submitted a considerable amount of follow up correspondence and further requests for information. In the space of 12 working days the complainant had submitted 6 requests for information (held under five references), one of which was subsequently treated as a subject access request under the DPA. A further request was made on 6 January 2016, making a total of seven requests over a period of 41 working days. Many of these requests were multi-limbed, and when viewed as a series of requests the complainant had asked for a substantial amount of information from the council. All of these requests and their subsequent responses were followed up by further correspondence which the council tried to respond to but in light of the continued burden, decided that each of the requests was vexatious.
41. The Commissioner notes that the build-up of requests and further correspondence demonstrated a pattern of behaviour which showed no sign of abating and thus prompted the council's review of the series of requests. She accepts that not taking any action would have been highly likely to mean continued correspondence and further FOI requests from the complainant, creating an additional burden for the council. It appears that there is every reason to believe that the complainant, disappointed by the decision reached in his planning application, was using the FOIA to attempt to pursue his planning issues and also to cause disruption and annoyance to the council.
42. In considering the purpose and value of the requests it is clear to the Commissioner that the issues addressed by the complainant are extremely important to him given the outcome of his planning application. However the Commissioner does not consider that the issues raised by his requests serve a wider public interest and that the purpose of the requests is personal to the individual. Whilst she acknowledges that any transparency, whether this is the intention of the request or not, is positive, the Commissioner accepts that in this case the burden on the public authority significantly outweighs the limited transparency which would be achieved by disclosure of the requested information and that in cases such as this it is important to ensure that public authorities are protected from having to deal with requests which are manifestly unreasonable.
43. The Commissioner notes the complainant's position that reasonable requests do not become vexatious simply because the council does not

wish to provide data or information. However, she disagrees with the complainant's analysis that the council has shown an unwillingness to comply with requests for information and indeed she considers the opposite is the case. The council sought to respond to requests and to handle follow up requests but, with the realisation that no response would be satisfactory, the council undertook its review which determined that the requests were vexatious.

44. The Commissioner's position therefore is that the volume of requests received over such a short period of time placed a significant burden on the council and in particular the internal governance team. These requests were followed up by a significant volume of correspondence, some of which was aggressive and suggested that the public authority was incompetent, was flouting its legal obligations, was ignoring requests or was making up its own requests.
45. The Commissioner considers it a fair assessment to say that following the final outcome of his planning application, the complainant bombarded the public authority with a high volume of requests and detailed further correspondence over a short period of time. This is persuasive evidence to contribute to a finding that the series of requests represented a manifestly unjustified, inappropriate or improper use of the formal procedure provided by the FOIA and EIR. Consequently the Commissioner is satisfied that the council was entitled to refuse the requests on the grounds that they are manifestly unreasonable.

Public interest considerations

46. The public authority has set out limited reasons as to why the public interest lies in maintaining the exception under regulation 12(4)(b), relying primarily on the fact that responses to requests for information would not be acceptable to the complainant and would lead to further correspondence which would take up yet more council resources in order to issue a response.
47. The council has not put forward any arguments as to why the public interest may favour disclosure.
48. The Commissioner notes that there will always be some interest in disclosure of information as this will allow for a degree of transparency and will often demonstrate accountability, or lack of, in relation to a public authority. However, in all of the circumstances of this case, the Commissioner is persuaded that the requests have been submitted as a result of the complainant's displeasure at the outcome of his planning application. She considers that the number of multi-limbed requests submitted over a short period of time suggests an attempt to cause disruption to the council and represents a significant burden which,

given the volume and tone of the correspondence, could cause harassment to officials tasked with handling the requests for information.

49. The Commissioner's position is that the public interest in this case lies in ensuring that the council's limited resources are used effectively and are not diverted from its other core business functions. Therefore in all of the circumstances she considers that dealing with the complainant's requests within the scope of this case do not best serve the public interest. Consequently the public interest lies in favour of maintaining the exception under regulation 12(4)(b).

Other matters

50. With regard to the public interest test, the Commissioner notes that in responding to the complainant's request on 9 February 2016 it cited only FOIA section 14. However, where some of the requested information is also environmental, the council should also notify the complainant of the relevant exception being applied and conduct a public interest test in accordance with its obligations under EIR regulation 12(1)(b). The Commissioner would therefore ask the council to ensure that in future the public interest test is conducted where appropriate and is set out to complainants when their request is refused.
51. Furthermore, in presenting its arguments to the Commissioner she would ask that in future the council clearly sets out all reasons as to why the public interest favours either disclosure of the information or maintaining the exemption by setting out the arguments in favour of each in relation to the exception and conducting a weighting exercise to reach a conclusion.
52. The request for information held under reference TWC-39992 was, upon clarification, treated as a subject access request. This was considered by the Commissioner as a request for assessment under section 42 of the DPA. The complainant has been provided with an assessment that it is likely the council has now provided all of the information requested in that subject access request.
53. The Commissioner notes that the council did not always set out the correct exemption/exception when refusing a request and would ask that in accordance with FOIA section 17, the public authority ensures that any refusal notice states that the request is being refused, specifies the exemption and states why that exemption applies. The same requirements apply to any request handled under EIR (regulation 14)

but in addition a public authority is required to set out its public interest arguments.

Right of appeal

54. 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 123 4504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

55. 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.
56. 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

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

Annex A

TWC-39896

On 6 November 2015 the complainant requested information of the following description:

"How many planning applications for 1-9 dwellings on previously developed sites were given

consent by the council?

2. How many of these developments are in flood zones 1, 2, 3a/3b?

3. How many of these developments had condition(s) in relation to flooding?

4. How many of these developments did not have their condition(s) in relation to flooding

discharged?

5. How many of these developments had a request for a micro drainage model?

6. How many of these developments had a requirement for a hydro brake?

7. How many of these developments show betterment of 0%, 10%, 20% and 30% compared with

the existing surface water discharge?

8. How many of these developments are in areas covered by soils with a HOST class of 18, 19 and 24?

9. How many of these developments had soak away tests?

10. How many of these developments did not have soak away tests?

11. How many developments in requests 1-10 were started and completed?

12. If the developments were started and the condition(s) in relation to flooding were not

discharged what, if any, enforcement action was taken?

Please provide this information for 2013, 2014 and to date in 2015 for each flood zone. What are the planning reference numbers for the relevant developments in each request? Please let me know if any information is being withheld and the reason."

On 9 November 2015 Telford and Wrekin Council (the council) acknowledged this request and on the same date it issued a response. It set out that the request had been considered under the EIR. The response stated that the information requested was available on the council website. A link to the relevant information was provided. The complainant sought clarification as to whether the response covered the FOIA also. The council confirmed by return email that the request had been considered only under the EIR.

On 10 November 2015 the complainant wrote to the council again and asked for the following information:

"On 22.08.14 Richard Partington wrote to Sir Andrew Dilnot, Chair, Board of the UK Statistics Authority, and stressed the importance of 'obtaining robust and accurate estimates' in relation to data supplied by the Office for National statistics.

Please can you let me know what data/statistics are compiled by the council in relation to planning applications/consents for 1-9 dwellings?"

The complainant's letter also requested information of the following description:

"How many planning applications for 1-9 dwellings on previously developed sites were given consent by the council?

2. How many of these developments are in flood zones 1, 2, 3a/3b?

3. How many of these developments had condition(s) in relation to flooding?

4. How many of these developments did not have their condition(s) in relation to flooding discharged?

5. How many of these developments had a request for a micro drainage model?

6. How many of these developments had a requirement for a hydro brake?

7. How many of these developments show betterment of 0%, 10%, 20% and 30% compared with

the existing surface water discharge?

8. How many of these developments are in areas covered by soils with a HOST class of 18, 19 and 24?

9. How many of these developments had soak away tests?

10. How many of these developments did not have soak away tests?

11. How many developments in requests 1-10 were started and completed?

12. If the developments were started and the condition(s) in relation to flooding were not discharged what, if any, enforcement action was taken?

Please provide this information for 2007, 2008 and to date in 2009 for each flood zone. What are the planning reference numbers for the relevant developments in each request? Please let me know if any information is being withheld and the reason."

On 19 November 2015 the council responded setting out its position with regard to the request dated 10 November 2015 but cited the dates from the request dated 6 November 2015. The council recorded both the requests under the same reference number. It maintained its position that the information about planning references is available via its website. With regard to the question about statistics, the council provided a narrative to set out its position. Following further correspondence about the request dated 10 November 2015 as it related to different dates, the council wrote to the

complainant on 17 December 2015 setting out that the response had incorrectly recorded the text (and therefore dates) from the request dated 6 November 2015. The council apologised for the error and advised that the response was the same for the information requested on 10 November 2015.

Following significant further correspondence, on 9 February 2016 the council wrote to the complainant setting out that it that it was writing in respect of FOIA requests made about planning matters. It set out that it had assessed the requests in question against the Commissioner's guidance to determine whether they could be classed as vexatious. The assessment concluded that the requests were vexatious primarily due to their number and nature. The council set out that it would also be applying section 14(1) to any similar future requests. The requests held under this reference were included in this letter.

TWC-39992

On 13 November 2015 the complainant requested information of the following description:

"I request copies of all emails and letters sent or received or notes made and records in relation to the Park INN, Ironbridge Road, TF7 5JU from October 2012 to date. Please let me know if any information is being withheld and the reason."

On 17 November 2015 the council sought clarification of the request acknowledging that it was a request under EIR and asking which areas of the council will hold the information.

On the same date the complainant replied advising that the request was a subject access request (SAR).

On 19 November the council set out that it had understood the request to be for information relating to that particular address but since receiving clarification that the request was made under the DPA, that is how it would be treated.

On 24 November 2015 the council set out that the case held under this reference would be closed and the SAR handled under a new reference.

In a letter dated 9 February 2016 the council recorded the request for information held under reference 39992 as vexatious.

The council wrote to the complainant again on 1 March 2016 following a further review of these cases and upheld its position.

The council confirmed to the Commissioner that it had included this reference number in its list of those cases treated as vexatious but it was handled as a SAR.

TWC40043/40055

On 20 November 2015 the complainant requested information of the following description:

"I understand the valuation office agency informs Telford and Wrekin council of the council tax banding for all new domestic properties. Please let me know how many new domestic properties were added in 2013, 2014 and to date in 2015 for each council tax banding for each Telford and Wrekin parish. Please let me know which council departments are informed. If you can, please also let me have the names of the builders/developers and addresses for each addition.

Please let me know if any information is being withheld and the reason."

On 20 November 2015 the complainant further requested information of the following description:

"I understand the valuation office agency informs Telford and Wrekin council of the council tax banding for all new domestic properties. Please let me know how many new domestic properties were added in 2007, 2008 and 2009 for each council tax banding for each Telford and Wrekin parish. Please let me know which council departments are informed. If you can, please also let me have the names of the builders/developers and addresses for each addition.

Please let me know if any information is being withheld and the reason."

The requests, which were identical save for the dates, were allocated the two reference numbers above.

The council issued a response on 8 December 2015 disclosing some information within the scope of the request and relying on FOIA section 12 to refuse to disclose the remainder of the request.

On 9 February 2016 the council wrote to the complainant and set out that it had reviewed the request as part of a group of requests under review and that it assessed these requests as vexatious.

The council wrote to the complainant again on 1 March 2016 following a further review of these cases and upheld its position.

TWC-40074

On 23 November 2015 the complainant requested information of the following description:

"Please let me know which developers applied, which developers succeeded, the sums of money in each case, the planning reference number and address of each development, and the criteria for selection in relation to the items below from the Telford and Wrekin newsfeed.

http://www.telford.gov.uk/news/article/2805/new_pilot_scheme_to_kick_start_stalled_sites

http://www.telford.gov.uk/news/article/2871/firms_invited_to_bid_for_stalled_sites_scheme_funding"

On 14 December 2015 the council responded disclosing information falling within the scope of the request under the EIR.

In a letter dated 9 February 2016 the council recorded this request for information held under reference 40074 as vexatious.

The council wrote to the complainant again on 1 March 2016 following a further review of these cases and upheld its position.

TWC-40453

On 6 January 2016 the complainant requested information of the following description:

*"The council has 36 enforcement notices for alleged breach/non compliance of planning conditions on its website from 01.01.11-31.12.15:
9 appear to have no compliance at all
8 appear to have a period in excess of 9 months between the notice date and the compliance date
2 appear to have had the enforcement notice withdrawn*

Please can you let me know precisely what happened in each instance at each stage? Out of the 36 enforcement notices, which ones were referred to the magistrates' (or other) court and what was the outcome? What other sanctions, if any, were taken by the council?

Please let me know if any information is being withheld and the reason. In the unlikely event that this request exceeds your estimate of 18 hours work, please start at 2011 and work forwards."

In response, on 28 January 2016, under the FOIA the council disclosed information falling within the scope of the request in spreadsheet format.

On 29 January 2016 the complainant responded to the council's reply by asking:

"Your spreadsheet refers to appeals made against the breach of conditions notice. Please may I have the appeals policy and procedures in full?"

In a letter dated 9 February 2016 the council recorded the request for information held under reference 40453 as vexatious.

The council wrote to the complainant again on 1 March 2016 following a further review of these cases and upheld its position.