

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

### **Decision notice**

**Date:** 19 October 2017

**Public Authority:** Oldham Council

**Address:** Civic Centre  
West Street  
Oldham  
OL1 1UT

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

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1. The complainant has requested information regarding abuse and hate crimes that have been ignored and how many people are paid £52,000 per year or more.
2. The Commissioner considers that these requests relates to the same matter as a previous decision notice<sup>1</sup> and therefore the analysis and conclusions reached in that previous notice are applicable in this instance.
3. The Commissioner's decision is that the council was correct to apply the vexatious exclusion to these requests. She does not require any steps to be taken.

#### **Request and response**

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4. On 11 March 2017, the complainant wrote to various public authorities, including Oldham Council ('the council') and requested information in the following terms:

"As you know I have been abused by Rochdale MBC. This is a hate crime.

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<sup>1</sup> <https://ico.org.uk/media/action-weve-taken/decision-notices/2017/2014419/fs50663939.pdf>

I reported the matter to Greater Manchester Police but instead of addressing it they abused me themselves. Another hate crime.

Greater Manchester Police and the Crown Prosecution Service even harassed me and prosecuted me, for nothing more sinister than telling the truth and trying to get the abuse addressed, in order to assist offenders and affect a cover up. Thankfully after years of hell I was eventually acquitted by the Crown Court.

GMP and the CPS refuse to take any action against the perpetrators who have clearly harassed and abused a vulnerable disabled person and then repeatedly and deliberately lied (including to courts of law) and withheld evidence in order to cover it up. GMP even lied themselves.

You are all aware of the abuse but have done nothing and clearly condone and/or actively support hate crimes and abuse against the disabled. Rochdale MBC continues to employ a good many people who have been party to the abuse despite a claim in their 'Dignity at Work Policy' to 'do everything in their power to address abuse'. Sadly Rochdale MBC is a liar, a bully and a hypocrite and its policies aren't worth the paper they are printed on. They continue to spend hundreds of thousands of pounds of 'scarce' public money defending the abuse and the abusers. I believe that Oldham Council continues to employ one of the abusers too.

The Police & Crime Commissioner [name redacted] is also aware but has done nothing. Clearly he condones and/or actively supports abuse and corruption.

The 'independent' Police Complaints Authority is aware but has done nothing. Clearly they condone and/or actively support lawbreaking and abuse.

As does my own Member of Parliament [name redacted] and the MP for Rochdale [name redacted]. Indeed even the former Prime Minister [name redacted] and the current one [name redacted].

I intend standing in the upcoming election of a mayor for Greater Manchester.

1. How many more instances of abuse have you been aware of but ignored?

2. How many more hate crimes have you ignored?
3. How many people do you pay £52,000 per year or more?"

### **Scope of the case**

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5. The complainant contacted the Commissioner on 7 May 2017. He asked the Commissioner whether she is going to take any action.
6. Following receipt of notification of this complaint, the council contacted the Commissioner stating that it considers the requests to be within the scope of the decision notice for similar requests (case reference FS50663939).
7. The Commissioner clarified to the council that the decision notice for case reference FS50663939 only covered requests for information made on 11 December 2016.
8. The council confirmed to the Commissioner that it considers section 14(1) of the FOIA to apply to these requests for the same reasons as in the decision notice for case reference FS50663939.
9. Therefore, the Commissioner has considered whether the council was correct to treat the requests as vexatious under section 14(1) of the FOIA.

### **Reasons for decision**

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10. Section 14 of FOIA states that a public authority is not obliged to deal with a request for information if the request is vexatious.
11. As stated in paragraph 2, the Commissioner issued a decision notice relating to requests on the same subject matter as the requests in this decision notice. That previous decision notice found that the council had correctly applied the vexatious exclusion at section 14(1).
12. The Commissioner notes that the request for how many people are paid £52,000 a year or more is different to the requests in the decision notice for case reference FS50663939. However, given the context in which the request is made, she considers that all three individual requests represent a continuation of the complainant's previous correspondence with the council about the same issue and that the analysis and conclusions set out in the previous decision notice are also applicable in this instance. For brevity, the Commissioner will not reproduce the content of that decision notice here but she has adopted the analysis

and concluded that the council correctly applied the vexatious exclusion to these requests.

13. The Commissioner also notes that the council's response dated 12 January 2017 to the requests in the previous case stated that it will not acknowledge or respond to future requests that evidence the same pattern of behaviour.

### **Other matters**

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14. Section 50(1) of the FOIA requires the Commissioner to make a decision in relation to complaints she receives about public authorities' compliance with the FOIA when dealing with requests for information. However, under section 50(2)(c) the Commissioner has the right to refuse to make a decision if it appears to her that a particular application is frivolous or vexatious.
15. In view of the findings of this decision notice, and that in the case of FS50663939, the Commissioner considers that the complainant has sought to use requests for information and subsequent complaints to the Commissioner as a means of pursuing his grievance against the council. The Commissioner believes this represents a pattern of vexatious behaviour. In future the Commissioner will consider whether it is appropriate for her to exercise her discretion under section 50(2)(c) to refuse to make a decision in relation to any complaint about a request of a similar nature from the complainant.

## Right of appeal

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16. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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 .....**

**Deborah Clark**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**