

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 26 October 2022

**Public Authority:** Warwickshire County Council  
**Address:** Shire Hall Post Room  
Rear of Shire Hall  
Northgate Street  
Warwick  
CV34 4RL

### **Decision**

---

1. The complainant requested information from Warwickshire County Council ("the Council") relating to parking on two specific roads. The Council refused to provide the requested information citing regulation 12(4)(b) (manifestly unreasonable) of the EIR.
2. The Commissioner's decision is that the Council is entitled to rely on regulation 12(4)(b) to refuse to provide the requested information.
3. The Commissioner does not require the Council to take any steps.

## Request and response

---

4. The complainant made the following information request to the Council on 14 December 2021:

"I am making the following requests. Under the FOI, EIR, DPA Acts

Could I please have all information of any minutes of meetings, dates they were held on, persons attending between WCC and WDC concerning the roads of Weston Close, St Johns Court Road on parking issues. I also request all emails about the above subject along with all telephone transcripts of conversations held about the above subject, copies of all written communications, also all audio and visual communications on the above subject.

Thank You.

I also request the following under the FOI, EIR, DPA Acts.

Could I please have all information of any minutes of meetings, dates they were held, persons attending between WCC and Matt Western MP concerning the roads of Weston Close, St Johns Court Road on parking issues. I also request all emails about the above subject, copies of all written communications, also all audio and visual communications on the above subject. Thank You."

5. The Council refused to provide the requested information citing regulation 12(4)(b) (manifestly unreasonable) of the EIR as its basis for doing so.

## Reasons for decision

---

6. This reasoning covers whether the Council is entitled to rely on regulation 12(4)(b) of the EIR to refuse to provide the requested information.
7. In their complaint to the Commissioner, the complainant stated that they do not consider their request to be manifestly unreasonable as their request is a legitimate request for information and within the public interest.
8. The complainant also stated that their request is not a repeated request for information as they have not previously asked the Council to provide them with the specific information requested and the Council has not

provided them with the requested information in response to any of their previous requests for information relating to Weston Close and St John's Court Road.

9. The Council considers the request to be manifestly unreasonable. Whilst the Council recognises that there is a serious purpose and value to the request, it considers the burden of complying with the request to be disproportionate to the value of the requested information.
10. The Council explained that since 2015 the complainant has sent a significant amount of correspondence, including requests for information, to the Council relating to parking issues on Weston Close and St John's Court Road. Since November 2020, the Council has spent over 164 hours responding to correspondence and information requests from the complainant. In response to the complainant's correspondence and information requests, the Council has provided the complainant with information relating to parking on Weston Close and St John's Court Road.
11. The Council considers that in order to respond to this request, several Council officers would have to search for information due to the broad nature of the information requested. This would take a significant amount of time and would add to the burden that responding to the complainant's previous correspondence and information requests has placed on Council resources. Given that the Council has already provided the complainant with a large amount of information relating to parking on Weston Close and St John's Court Road, the Council considers that it cannot be reasonably expected to comply with the request.
12. Furthermore, in addition to the burden that complying with the request would place on the Council, the Council also considers the complainant to be unreasonably persistent and to have taken an entrenched position. The Council explained that despite providing the complainant with a large amount of information relating to parking on Weston Close and St John's Court Road, the complainant continues to submit information requests to the Council and is unwilling to accept the information provided by the Council as accurate or truthful. The Council therefore considers that if it were to respond to this request, the complainant's concerns would not be resolved. The complainant would submit further requests for information to the Council.
13. The Commissioner considers that that the complainant is being unreasonably persistent in their pursuit of the Council in relation to their concerns about parking on Weston Close and St John's Court Road. Whilst the Council has provided the complainant with a large amount information relating to parking on Weston Close and St John's Court Road, the complainant continues to send correspondence and

information requests to the Council. The Commissioner notes that it is unlikely that compliance with the request will bring an end to the complainant's correspondence.

14. The Commissioner therefore considers the request to be manifestly unreasonable and regulation 12(4)(b) to be engaged. He will now go on to consider whether the public interest in maintaining the exception outweighs the public interest in disclosing the information.
15. The Council has acknowledged that it is in the public interest for the Council to be open and transparent, to promote accountability, and to encourage more effective public participation. However, the Council also considers that it is not the public interest for the Council to respond to such a large request that would place a disproportionate burden on the Council, particularly when the Council has already spent a large amount of time dealing with correspondence and information requests on the same subject. Therefore, the Council concluded that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.
16. The Commissioner agrees with the Council that the public interest favours maintaining regulation 12(4)(b) of the EIR. Therefore, the Commissioner's decision is that regulation 12(4)(b) of the EIR was applied correctly to the request.

## 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@justice.gov.uk](mailto:grc@justice.gov.uk)

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

**Ben Tomes**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**