

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 August 2022

Public Authority: Lydd Town Council

Address: Guild Hall
13 High Street
Lydd
TN29 9AF

Decision

1. The complainant has submitted multiple requests for information to Lydd Town Council ("the Council"). The Commissioner's decision is that the Council is entitled to rely on section 14(1) (vexatious request) of the FOIA to refuse to provide the requested information.

Request and response

2. The complainant made the following information request to the Council on 11 April 2022:

"I am submitting this Freedom of Information request to Lydd Town Council with regards to Lydd Town Council's Auditors documentation approved at LTC Meeting held on 7th March 2022.

This request is for a copy of the:

1. The Internal Auditor's Terms of Reference for 2022-23
2. The Internal Audit Plan 2022-23
3. The Statement of Internal Control 2022-23

4. The Risk Management Document 2022-23

I request the above information to be provided to me as an electronic copy.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed."

3. On 11 April 2022, the complainant also submitted the following request for information to the Council:

"I am submitting this Freedom of Information request to Lydd Town Council with regards to Lydd Town Council's Annual Governance and Accountability Return (AGAR) for the year ended 31st March 2021 by PKF Littlejohn (Auditors)

This request is for a copy of:

The Report and Certificate from PKF Littlejohn that was received, considered, noted and agreed by Council at the LTC Meeting of the 6th September 2021.

I request the above information to be provided to me as an electronic copy.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed."

4. The Council did not respond to the requests. The Commissioner understands that the Council did not respond to the requests as it considers the requests to be vexatious under section 14(1) (vexatious request) of the FOIA. The Council considers that it is not obliged to issue a refusal notice under section 17(6) of the FOIA.

Reasons for decision

5. This reasoning covers whether the Council is entitled to rely on section 14(1) of the FOIA to refuse to provide the requested information.
6. The position of the Council is that it considers the requests to be vexatious and designed to cause a disproportionate and unjustifiable

level of distress, disruption and irritation. It also considers the requests to be inappropriate and an improper use of a formal procedure.

7. The Council states that the complainant is part of Lydd Resident Group, a group who have submitted a large number of requests to the Council. It explained that it has spent a considerable amount of time handling the Group's requests which has placed a strain on the Council's time and resources.
8. The Commissioner is aware that the Council has received a large number of requests from Lydd Resident Group as the Commissioner has received multiple complaints from members of the Group about the Council's handling of requests.
9. The Commissioner recognises that the Council is a small public authority. He therefore accepts the Council's argument that complying with the requests would place severe pressure on the Council's limited resources.
10. The Commissioner's decision is that both requests are vexatious. Therefore, the Council is entitled to rely on section 14(1) of the FOIA to refuse to comply with the requests. The Commissioner is also satisfied that, having provided the complainant with a suitable refusal notice previously, it was appropriate for the Council to rely on section 17(6) to not respond to the requests above.
11. The Commissioner requires no further action to be taken by the Council in relation to the requests.

Right of appeal

12. 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

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

13. 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.
14. 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
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Wycliffe House
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SK9 5AF