

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 August 2023

Public Authority: Lydd Town Council

Address: Guild Hall
13 High Street
Lydd
TN29 9AF

Decision

1. The complainant submitted a request for information regarding expenditure for a local park project 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 FOIA to refuse to provide the requested information.

Background

2. The complainant has submitted multiple requests for information to the Council both personally and as part of the local resident group. The requests follow a similar theme and are aimed at ensuring the Council are accountable for any actions taken and transparent in its use of public funds, as well as its decision-making processes.
3. A number of previous decision notices¹ have found in favour of the Council's entitlement to cite section 14(1) of FOIA to refuse the requests, this includes the most recent First Tier Tribunal (FTT) ruling to

¹ IC-180519-F8R3, IC-180499-L5Z1, IC-130872-Q0G5

dismiss the complainant's appeal for a number of previous similar requests².

4. The Commissioner has taken into account the [FTT findings](#) and considered its relevance in this case as well as the previous decision notices as mentioned above. He has also considered the case on its own merits as per his case by case guidance.

Request and response

5. The complainant made the following information request to the Council on 21 February 2023:

"Rype Play Park

1 Copy of the itemized account for the £60k expenditure for the above named Play Park.

2 Copies of the three company invoices that have completed the play park phase one refurbishment

3 Copy of the overall plan for the above named Play Park's refurbishment, including all phases.

Under the Act I am entitled to a response within 20 working days of your receipt of this request.

Having considered the FOIA premise on disclosure, I have followed the Information Officer's guidance. This request upholds the Public Interest principles by ensuring:

- Transparency, accountability and promotes public understanding, safeguarding democratic processes,
- good decision-making by public bodies,
- upholding standards of integrity,
- ensuring justice and fair treatment for all,
- securing the best use of public resources, and

² EA/2022/0187, EA/2022/0188, EA/2022/0189, EA/2022/0190, EA/2022/0218, EA/2022/0219

- ensuring fair commercial competition.

Request No 1 and No 2: These requests ensure transparency in securing the best use of public resources i.e. public money. Phase 1 work has now been completed therefore my request will not affect commercial sensitivities between contractors or the public body concerned.

Request No 3: This request will promote public understanding of the play park project, evidencing good decision making by this public body. It is worth mentioning at this point, this play park project has been kept secret from the general public, without any consultation (i.e. types of equipment, park layout, impact to resident lives, compliance and protection of Village Green registration and status etc),

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act.

I will also expect you to release all non-exempt material. I reserve the right to appeal your decision to withhold any information.”

6. The Council did not respond to the request as it considered it was not obliged to do so by virtue of section 17(6) FOIA.

Reasons for decision

7. This reasoning covers whether the Council is entitled to rely on section 14(1) of FOIA to refuse to provide the requested information.
8. The position of the Council is that it considers the request to be vexatious and designed to cause a disproportionate and unjustifiable level of distress, disruption, and irritation. It also considers the request to be inappropriate and an improper use of a formal procedure.
9. The Council states that the complainant is part of a resident's 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.
10. The Commissioner is aware that the Council has received a large number of requests from the group as the Commissioner has received multiple complaints from its members about the Council's handling of requests.

11. The Commissioner recognises that the Council is a small public authority. He therefore accepts the Council's argument that complying with the request would place severe pressure on the Council's limited resources.
12. The Commissioner's decision is that the request is vexatious. Therefore, the Council is entitled to rely on section 14(1) of FOIA to refuse to comply with the request. 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 request above.
13. The Commissioner requires no further action to be taken by the Council in relation to the request.

Right of appeal

14. 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

15. 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.
16. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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SK9 5AF