

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 March 2024

Public Authority: Kelbrook & Sough Parish Council

Address: Kelbrook & Sough Village Hall
Dotcliffe Road
Kelbrook
Barnoldswick
BB18 6TQ

Decision

1. The complainant submitted a follow-on request for information regarding councillor's email addresses used for Council business to Kelbrook & Sough Parish 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 current Council were formed after an election in May 2023. There were candidates from two distinct groups 'Save the NP' and 'Working Together'. Two members resigned at the first meeting in May and a third after the July meeting. These vacancies were advertised and with no one coming forward three councillors were co-opted. Out of the seven councillors, two had been on the Council for around a year and the other five had no previous experience.
3. The complainant has submitted multiple requests for information to the Council over several months. The requests follow a similar theme and are aimed at ensuring the Council is accountable for any actions taken and transparent in its use of public funds, as well as its decision-making processes.
4. The Council has answered each request in turn and supplied its disclosure log to the complainant in order to help with their requests. The Council has also explained to the complainant the burden placed on

it due to the requests and signposted them to its website to help facilitate their enquiries and reduce the burden on the Council and part-time clerk.

5. The Commissioner has taken into account the background to the requests and considered its relevance in this case and advised the complainant separately with regard to matters outside the scope of this decision.

Request and response

6. The complainant made the following information request to the Council on 18 September 2023:

"You state that:

"Parish Councillors only use their official parish council email addresses to communicate Parish Council business in accordance with the e-mail policy."

Can you forward the official email addresses that Councillors use please.

Please consider this a further FOI request."

7. The Council's response advised the public facing official email address that the Parish Councillors use is:
clerk@kelbrookandsoughparishcouncil.org.uk.
8. On 12 October 2023, the complainant informed the Council of their dissatisfaction with its response and set out their grounds for this.
9. The Council gave a further explanation for its response of 15 September 2023. The Council's final response on 13 October 2023 cited its reliance on section 14(1) of FOIA to refuse the complainant's request for information.

Reasons for decision

10. This reasoning covers whether the Council is entitled to rely on section 14(1) of FOIA to refuse to provide the requested information.
11. 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.

12. The Council states that the complainant has in part combined requests with another resident who have submitted a number of requests to the Council. It explained that it has spent a considerable amount of time handling the requests which has placed a strain on the Council's time and resources. Furthermore, the Clerk, who is the person responsible for dealing with the requests only works five hours a week. The effect on them personally has meant they have been taken away from their other duties to deal with the disproportionate requests causing stress and anxiety.
13. The Commissioner is aware that the Council has received a number of requests from the complainant in a relatively short period of time.
14. The Commissioner recognises that the Council is a small public authority with very limited resources. He therefore accepts the Council's argument that complying with the request would place severe pressure on its limited resources.
15. The Commissioner has advised the complainant that the Council is entitled to use a central generic email address for external correspondence and enquiries from the public in order to help streamline the process for responses.
16. 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.
17. The Commissioner requires no further action to be taken by the Council in relation to the request.

Right of appeal

18. 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

19. 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.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Susan Duffy
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