

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

### **Decision notice**

**Date:** 21 August 2024

**Public Authority:** Egerton Parish Council

**Address:** Millennium Hall  
Elm Close  
Egerton  
Ashford  
Kent  
TN27 9DS

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

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1. The complainant requested information about a planning appeal from Egerton Parish Council ("the Parish Council"). The Parish Council relied on section 14(1) of FOIA (vexatious) to refuse the request.
2. The Commissioner's decision is that the request was vexatious and therefore the Parish Council was entitled to rely upon section 14(1) of FOIA to refuse it.
3. The Commissioner does not require any steps.

#### **Request and response**

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4. On 20 February 2024, the complainant wrote to the Parish Council and requested information in the following terms:

"I would be grateful if you take this email as a formal Freedom of Information request for all written advice given by the Parish Council's professional advisors (planning consultants, solicitors and barristers) on the Planning Appeal on the North Field development and also on the application for a Judicial Review of the Inspectors decision and the subsequent Court hearing appealing against the Judicial Review's refusal."

5. The Parish Council responded to the request on 17 April 2024. It refused to disclose the requested information, citing section 14(1) of FOIA.
6. The complainant sought an internal review of the Parish Council's handling of the request on 19 April 2024. A response to this was provided on 23 April 2024. The reviewer upheld the original decision.

## Reasons for decision

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### Section 14(1) – vexatious requests

7. This decision notice concerns section 14 of FOIA. Details of this section of FOIA can be found in the Commissioner's [decision notice support materials](#).

### The Parish Council's view

8. The position of the Parish Council is that it considers the request to be vexatious. It is part of a pattern of requests for information in relation to the same or similar matters, the Parish Council's position is that continuing to comply with these requests would place a disproportionate burden on its limited resources.
9. The Commissioner recognises that the Parish Council is a very small public authority. As a small Parish Council it has only very limited resources at its disposal. The clerk has just 17 hours per week to administer the parish. The Parish Council estimates that around a third of this time is spent on dealing with correspondence from the complainant. The Parish Council provided the Commissioner with a summary of the contact it has received from the complainant since the beginning of 2021. When the Parish Council received this request on 20 February 2024 contact from the complainant had been frequent and ongoing for over three years regarding the same or a similar subject matter. The Parish Council views this contact as a campaign of harassment and has provided the Commissioner with evidence of its distressing effect on Parish Council staff.

### **The complainant's view**

10. The complainant does not consider the request to be vexatious as they state that all their enquiries to the Parish Council have been legitimate requests for information. The complainant considers that the requested information in this case is of public interest as it involves taxpayers' money.

### **The Commissioner's decision**

11. In cases where a public authority is relying on section 14(1), it is for the public authority to demonstrate why it considers that a request is a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA.
12. It is common for a potentially vexatious request to be the latest in a series of requests submitted by an individual. The greater the number of requests received, the more likely it is that the latest request is vexatious. This is because the collective burden of dealing with the previous requests, combined with the burden imposed by the latest request, may mean a tipping point has been reached, rendering the latest request vexatious.
13. The Commissioner accepts the importance of transparency over public matters being dealt with by a Parish Council. However, the Commissioner notes that the complainant has made multiple enquiries to the Parish Council over a period of three years and has received responses to these.
14. Furthermore, the Commissioner is of the view that the complainant has certain concerns which have become personal to them, and go beyond a general public interest in transparency and accountability.
15. In addition, the Commissioner notes that the Parish Council is a small organisation and as such only has very limited resources. Therefore, the threshold at which the burden becomes grossly oppressive is lower than for a larger public authority.
16. Given the context and history of the request, including the burden on the Parish Council the Commissioner considers the distress, disruption or irritation that would be incurred by complying with this request to be significant.
17. Balancing the value of the requested information to the public with the distress, disruption or irritation that would be incurred by complying with it, the Commissioner deems the high bar contained within section 14(1) is met.

18. The Commissioner's decision is that the request was vexatious and therefore the council was entitled to rely on section 14(1) of FOIA to refuse the request in its entirety.

## Right of appeal

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19. 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: 0203 936 8963

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)

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

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