

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

### **Decision notice**

**Date:** 20 December 2024

**Public Authority:** Stanion Parish Council  
**Address:** Brigstock Road  
Stanion  
Kettering

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

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1. The complainant has requested information about statutory legislation. Stanion Parish Council ("the Council") both stated it did not hold the information and refused the request under section 14(1) (vexatious) of the FOIA
2. The Commissioner's decision is that the Council is not entitled to rely on section 14 of the FOIA. However, as the Council has also stated it does not hold the information, no steps are required.

#### **Request and response**

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3. The public authority has stated this relates to an on-going dispute the complainant has had with the Council since 2022.
4. It has advised that previously, the complainant made several requests for information about payments made to a company in the 2022/3 financial year. The Council stated these payments were personal reimbursements for money spent on goalposts by the director of the company, who was also spouse to one of the councillors.
5. The Council was unable to provide invoices for this although it did supply informal evidence of the transactions. It acknowledged procedure had not been followed in regard to financial regulations and stated this was due to incorrect advice being given by an external councillor.

6. The Council has stated the complainant was not satisfied with this and raised further questions and requests about the Council's handling of financial accounts.
7. On 8 March 2024, the complainant wrote to the Council and requested information in the following terms:

"While I acknowledge and understand the limitation on asking questions of the External Auditor, I have searched without success to find where in the legislation that I am prevented from asking questions of the council or holding them to account for their acts and omissions on any matter of business that relates to a year other than the current financial year.

Therefore, as the Council has decreed that it will not answer questions relating to financial matters in a previous financial year following the closing of those accounts, it would be most helpful if the council would tell me the legislative provision it is relying on to deny me the right to seek information from the council on any matter that is outside the current financial year.

If you have made the decision to deny me my statutory right to hold the council to account based on advice sought from a third party, or some other practice or procedure document, rather than a provision in English Law, please provide me with a copy of your request for that advice along with the advice received, or a copy of the specific practice or procedure document on which you have relied."

8. The Council responded on 5 April 2024. It initially stated its legislative basis was the Accounts and Audit Regulations 2015. It revised this position at internal review, where it stated it did not hold this information, as it had made this decision based on advice requested and given verbally. It also stated it was relying on section 14 (vexatious) of the FOIA to refuse the request.

## **Reasons for decision**

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9. Section 14(1) of FOIA states that a public authority is not obliged to comply with a request for information if the request is vexatious.

10. The term 'vexatious' is not defined in FOIA. The Commissioner's guidance<sup>1</sup> suggests that if a request is not patently vexatious, the key question the public authority must ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation, or distress.
11. FOIA gives individuals the right of access to official information in order to make bodies more transparent and accountable. As such, it is an important constitutional right. Therefore, engaging section 14(1) is a high hurdle.
12. The Upper Tribunal considered in some detail the issue of vexatious requests in the case of the Information Commissioner v Devon CC & Dransfield [2012] UKUT 440 (AAC)<sup>2</sup>. The Tribunal commented that vexatious could be defined as the "manifestly unjustified, inappropriate or improper use of a formal procedure."
13. In the Dransfield case, the Upper Tribunal also found it instructive to assess the question of whether a request is truly vexatious by considering four broad issues:
  - (1) the burden imposed by the request (on the public authority and its staff);
  - (2) the motive of the requester;
  - (3) the value or serious purpose of the request and
  - (4) harassment or distress of and to staff.
14. However, the UT emphasised that these four broad themes are not a checklist, and are not exhaustive. It stated:

"all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA" (paragraph 82).

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<sup>1</sup> [Dealing with vexatious requests \(section 14\) | ICO](#)

<sup>2</sup> [Social Security & Child Support Commissioners](#)

### **The Council's view**

15. The Council has stated this request represents an attempt to reopen resolved issues about the Council's financial accounts, and the complainant has engaged in unreasonable amounts of correspondence. It stated its interactions with the complainant have cost the Council over £6000 and required it to seek the advice and assistance of the Northamptonshire County Association of Local Councils (Northants Calc).

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

16. The complainant asserts their requests are not vexatious. They state this request is not an attempt to reopen previous disputes and the Council were incorrect to focus on this in their internal review.
17. They state they raised queries about the financial accounts in July 2023 and considered the matter closed in January 2024.

### **The Commissioner's view**

18. 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.
19. In its submissions to the Commissioner, the Council has failed to identify evidence of intention to harass, significant burden, lack of serious purpose, or an intent to disrupt.
20. The Commissioner has reviewed the correspondence between the complainant and the Council. The Council has identified eleven emails sent over an eight month period by the complainant. The Commissioner does not consider this to be a high volume of emails, and has not been able to identify any harassing language.
21. The Commissioner notes the Council has stated the cost of responding to the requests as £6000. However, in the evidence the Council has provided, these costs appear to have been spent on addressing governance and accountability weaknesses within the Council that were highlighted by the complainant's request.
22. In considering whether or not a request is burdensome, a public authority can only consider the costs and time taken to answer the actual request, not of actions taken in response to the request. The Commissioner therefore does not accept this argument.

23. Given that the complainant's request led to the identification of administrative weaknesses, the Commissioner feels it is also clear the requests did not lack serious purpose, and was not made with intent to disrupt.
24. As noted above, consideration of whether a request is vexatious is not limited to the four major factors of burden, value, purpose and harassment. However, the Council has not provided details of any other context or circumstances that would render the application of 14(1) suitable.
25. In the Commissioner's view, the Council has failed to demonstrate that the request is vexatious. However, as in responding to the request, the Council also stated it did not hold the information, no steps are required.

**Other matters**

26. The Commissioner reminds the Council that in issuing an adequate refusal notice, it cannot both state the information is not held and cite section 14 of the FOIA. If the request is considered vexatious, determining whether information is held is unnecessary.

## Right of appeal

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27. 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)

28. 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.
29. 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 .....**

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