

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

### **Decision notice**

**Date:** 20 February 2025

**Public Authority:** Bournemouth, Christchurch and Poole Council  
**Address:** Council Offices  
Town Hall  
Bourne Avenue  
Bournemouth  
BH2 6DY

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

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1. The complainant requested information relating to a skate park proposal from Bournemouth, Christchurch and Poole Council ("the council"). The council initially refused the request under section 43(2) of FOIA. Following an internal review the council refused the request on the basis that section 14(1) of FOIA applied (vexatious request).
2. The Commissioner's decision is that the council was correct to apply section 14(1) of FOIA to refuse the request for information.
3. The Commissioner does not require the council to take any further steps.

## Request and response

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4. On 13 June 2024, the complainant wrote to the council and requested information in the following terms:

"I would like to make a request for the Officer Decision Record and the Procurement Decision Record for the Lower Gardens Summer Skate per the article:

<https://www.bournemouthecho.co.uk/news/24380932.bournemouth-first-look-lower-gardens-summer-skate/...>

... I would also be grateful for a copy of any document or communication where the skate park proposal was first mentioned."

5. The council responded on 11 July 2024. It said that it did not hold any information in respect of part 1 of the request. For part 2 of the request, it applied section 43(2) of FOIA to withhold the information it holds falling within the scope of the request; an events application form.
6. Further correspondence took place between the parties, during which the complainant suggested that they would be content to receive the date on which the council received the events application form. However, there was no further agreement on narrowing the request in this way.
7. The council subsequently provided the outcome of an internal review to the complainant on 26 August 2024. It refused the request on the basis that section 14(1) of FOIA applied (vexatious request).

## Scope of the case

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8. The complainant contacted the Commissioner on 17 September 2025 to complain about the way their request for information had been handled.
9. The following analyses whether the council was correct to refuse to respond to the complainant's request further under section 14(1) of FOIA.

## Reasons for decision

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### Section 14(1) – vexatious requests

10. 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 complainant's position

11. In effect, the complainant does not trust the council's procurement process. The complainant said that they requested the information to be certain that the process was correctly followed in this instance.
12. The complainant argues that none of their previous requests have been vexatious as they are all relevant and highlight potential malpractice or possible corruption. The requests were intended to scrutinise councillors' or council officers' actions.
13. They said that as a result of one of their previous requests, the council had previously been subject to an internal audit.<sup>1</sup>
14. The complainant considers that the council may be withholding the requested information because its disclosure would demonstrate malpractice. They said that they think it is unlikely an events application form was even submitted, even though the council has told them that it exists.

#### The council's arguments

15. The council told the Commissioner that it recognises that responding to the specific request would not create a significant burden upon it. It argues, however, that the complaint request is an extension of their previous vexatious behaviour and the request therefore needs to be considered in this context.
16. It argues that the request follows a large number of previous requests, complaints and emails from the complainant following a decision by it in May 2023 to refuse a request made to provide catering at a local park. It said that this resulted in the complainant making 15 FOI requests, 9 internal reviews and hundreds of emails being received, placing an unreasonable burden upon it.

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<sup>1</sup> <https://www.bournemouthecho.co.uk/news/23259470.bcp-councils-bayside-restaurant-lost-176k-four-weeks/>

17. The council provided the Commissioner with a significant degree of evidence demonstrating the context and background to the request, and fully explained why it considers that this request is a continuation of the complainant's vexatious behaviour.
18. It argues that there does not appear to be any prospect of an end to this pattern of correspondence. Further, it considers that the resources needed to be able to deal with the ongoing correspondence, complaints and requests is disproportionate to the value of the information which is disclosed. It argues that this causes an unjustified level of disruption to the council, to the detriment of other people and other matters that require its attention.
19. The council also considers that the value and purpose of the request does not justify the distress, disruption and irritation incurred by complying with it; the temporary Skate Park event was declined planning permission to go ahead on 25 June 2024 and relevant information was published on the council's planning portal, which it is aware the applicant has seen. The Commissioner notes, however, that this was subsequent to the request being received by it, but before it responded to the request.
20. It argues that that the request was not primarily intended to obtain information about the Skate Park event or to achieve answers to legitimate questions. It was intended to continue the harassment of council staff and repeat the complainant's dissatisfaction with, and criticism of its procurement policies for catering suppliers.
21. It argues that the complainant's motive is to challenge every procurement decision for catering opportunities/events, and is an attempt to find fault with its procurement processes.
22. It argues that the previous requests show an obvious distrust of the council and its responses, that the complainant sometimes uses derogatory language, and that the correspondence harasses its officers with unsubstantiated claims of malpractice.
23. The council said that it had considered whether to simply provide the date to the complainant in order to try to end the matter quickly. However, it considered that, due to the complainant's past history of persistent requests and complaints, it did not believe that this course of action would resolve the situation.

The Commissioner's analysis

24. 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.
25. The Commissioner recognises that it would create little burden on the council to provide a copy of the event application form in response to this request. At the most it would require it to provide the complainant with a copy of the completed form, however the complainant has also suggested that they would be content with the date on which this was submitted.
26. However, whilst it must be the request itself, and not the complainant that is considered vexatious, the Commissioner must also consider the wider context, and the conduct of the complainant in order to have a full understanding of the burden being placed upon the council when dealing with the request.
27. Having considered the request and the significant amount of evidence provided by the council, the Commissioner is satisfied that there has been an extensive history of requests, complaints and correspondence relating to the council's procurement of catering facilities prior to this request.
28. The complainant has expressed distrust with the council's procurement practices in the complaint form they submitted to the Commissioner. If the council was required to respond to this request, it would be unlikely to end the wider distrust which the complainant has expressed regarding its wider procurement practices. It would also add to the harassment and stress which the council argues its officers have been subjected to from the complainant's continued correspondence, accusations and complaints.
29. The Commissioner is satisfied that even if the council disclosed the information, this would not prevent the complainant from making further requests for information, further allegations and further complaints regarding its procurement practices in this area.
30. The Commissioner notes that the completed complaint form he received from the complainant contains arguments of malpractice at the council. However, the Commissioner notes that the skate park application was not ultimately successful as planning permission was refused by the council. He also notes that planning documentation in regard to this application has been published on the council's website. The decision and publication of the information did occur after the request had been made, but prior to the council responding to the request for information.

31. The council has also provided the Commissioner with a copy of the event application form submitted by the third party. The complainant's assertion that the form may not even be held by the council is incorrect.
32. The Commissioner has previously issued a decision notice, in December 2024, relating to the same complainant. In that decision notice he found that both section 14(1) and section 17(6) were correctly applied by the council in response to a different request from the complainant, relating to a different procurement issue.<sup>2</sup>
33. In his decision notice in that case, the Commissioner listed significant arguments in favour of the exemption applying. Although the matter in question at that time differed from the current request, the arguments in support of the exemption applying are often mirrored by the council in its arguments in this case. They centre around the complainant's refusal to accept responses provided by it, their overall distrust with its decisions and actions, and continued suggestions of malpractice taking place.

#### The Commissioner's conclusions

34. The Commissioner has taken into account that responding to this request would not create any significant burden on the council. However, taking into account the context, circumstances and the background to this request, the Commissioner is satisfied that it demonstrates the continuation of a pattern of behaviour of questioning the council from a position of distrust.
35. The value of the information being disclosed in this case is limited. The complainant has sought an events application form for an event which did not ultimately go ahead. The complainant expressed doubts that the council even held the form, however these doubts were misplaced. Details of the planning application of the skate park have also already been published.
36. The complainant distrusts the council's actions. As a result, their continued behaviour of making further requests, complaints and correspondence suggests that a disclosure of the information would be unlikely to satisfy them regarding the council's wider procurement practices. It would only be likely to generate further requests or correspondence. In this respect, in their complaint submission to the Commissioner, the complainant confirmed that

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<sup>2</sup> [ic-311115-n9k8.pdf](#)

"I have made a number of FOI requests to BCP Council which have been primarily about the Bounce Back Challenge Fund, Bayside Restaurant, and a Highcliffe Castle catering van.

None have been vexatious, all relevant and highlighting potential malpractice, possible corruption and looking at councillor or council officer actions."

37. The Commissioner notes that the complainant's stated motivation is to seek out evidence of malpractice over the council's catering procurements. This matches the council's arguments that the request is a fishing exercise looking for issues with each procurement questioned.
38. Whilst the complainant is entitled to look for transparency over the council's decision making in this area, if the council is unduly harassed or significantly burdened as a result of continued 'fishing' requests about its decision making then this is evidence that the complainant has crossed a line of reasonableness and proportionality, and that the request is vexatious. This is compounded by the complainant's continued suggestions of malpractice or corruption, which is likely to cause annoyance and distress to the officers concerned.
39. Given the strong evidence presented to the Commissioner by the council in this case, the Commissioner has therefore decided that the council was entitled to rely on section 14(1) to refuse to respond to the request further in this instance.

## **Right of appeal**

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40. 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)

41. 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.
42. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Ian Walley**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
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