

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

### **Decision notice**

**Date:** 8 May 2025

**Public Authority:** Waterbeach Parish Council

**Address:** council@waterbeach-pc.gov.uk

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

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1. The Commissioner's decision is that the complainant's request for information to Waterbeach Parish Council ('the Council') about contractors is a vexatious request under section 14(1) of FOIA. The timeliness of the Council's refusal didn't comply with section 17(5).
2. It's not necessary for the Council to take any corrective steps.

### **Request and response**

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3. The complainant made the following information request to the Council on 24 January 2024:

"On the advice of the Information Commission to further request the information previously submitted to you and not answered please see below information request:

Please provide the council minutes

- (i) agreeing to doing a comparison study for the use of contractors,
- (ii) to engage [redacted] to do this work and
- (iii) to receive the report and the decision made by the Council.

Please provide the council minutes

[iv] (i) showing all occasions where contractors have been used in the last years and [v] (ii) showing the justification and costing on each occasion in para.2 [iv](i) above

[vi](iii) the evidence where 'all other councils use contractors' in the same way that WPC do.

[vii] Please provide a copy of the report comparing the cost of using WPC own staff against the use of contractors."

4. Following the Commissioner's decision in [IC-292886-Z8R1](#), on 11 September 2024 the Council provided a response to the request. It provided links to where it said relevant information is published on its website, advising that some personal data had been redacted under section 40(2) of FOIA.
5. On 17 September 2024, the complainant requested an internal review. They considered that the information to which the Council had directed them didn't address their request and disputed the Council's reliance on section 40(2).
6. The Council didn't provide an internal review response, and the matter was passed back to the Commissioner.
7. In its submission to Commissioner, the Council has confirmed that it had reconsidered its response and is now relying on section 14(1) of FOIA to refuse the request as vexatious.

## Reasons for decision

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8. This reasoning covers whether the Council is entitled to refuse the complainant's request under section 14(1) of FOIA, and the timeliness of its refusal.
9. Under section 14(1) of FOIA a public authority isn't obliged to comply with a request for information if the request is vexatious.
10. Broadly, vexatiousness involves considering whether a request is likely to cause a disproportionate or unjustified level of disruption, irritation, or distress.
11. To analyse vexatiousness, the Commissioner considers four broad themes that the Upper Tribunal developed in *Information Commissioner vs Devon County Council & Dransfield* [2012] UKUT 440 (ACC):
  - Value or serious purpose
  - Motive

- Burden; and
  - Harassment to staff
12. The Commissioner will first look at the value of the request as this is the main point in favour of the request not being vexatious. He'll then look at the negative impacts of the request ie the three remaining themes of burden, motive, and harassment, before balancing the value of the request against those negative impacts.
  13. The Commissioner had an initial telephone conversation with the Council on 21 March 2025 and the Council gave him a background and context to the current request. So as to try to avoid identifying any particular individual, the Commissioner doesn't intend to include all that background in this notice. However, the Council says that complainant has been contacting the Council – about broadly the same matter – for more than ten years. The effect of the complainant's interactions with the Council has been to leave its staff and Councillors feeling harassed and stressed – to the point of illness and resignation - and to undermine the Council's ability to function effectively. The Council believes that the complainant is pursuing a personal grievance against it and its staff and is using FOIA to disrupt the Council and to harass its staff.
  14. The Council has provided more information to support its new position in its submission.
  15. **Part (i) of the request:** The Council says that "this exercise" – by which the Commissioner understands it to mean a comparison study referred to - appears to have begun in 2014. The Council set up a 'Tender Working Party'. This was tasked with gathering tenders from prospective contractors to provide costs to undertake particular work, with TUPE conditions for relevant staff employed at that time. The Council provided the Commissioner with evidence that it says confirms a comparison was undertaken. The evidence was presented to the Council's Full Council on 5 July 2016 under a confidential item at a legally convened meeting. This information was withheld under permitted legislation.
  16. The Council says that it considers the complainant's request is vexatious as it's part of a long history the complainant has with the Council, associated with a particular episode in which they were involved, more than ten years ago. A current Council employee was also associated with that episode. The Council says that through this part of the request, the complainant is attempting to gather data to 'prove' that it's financially better for the Council to have contractors over staff so as to remove the above employee from their post. It has provided the Commissioner with evidence of similar requests from the complainant, from 2023.

17. **Part (ii) of the request:** The Council has told the Commissioner that it employed the individual named in this part in 2021 to undertake a review of the staffing that the Council needs. Again, information about that appointment is included in confidential minutes of a legally convened meeting. Matters that relate to staff, the Council has re-stated, are considered under legislation that allows the Council to exclude the public and press.
18. The Council considers that this part of the request forms part of a wider pattern of requests from the complainant for information about staffing. It believes that having this information will form the basis of further requests from the complainant, continuing this pattern.
19. **Part (iii) of the request:** The Council says that its Full Council received and accepted the report requested here on 18 January 2022. No decisions were made in relation to that report at that time or until 2025. The report relates to HR and staffing matters which would have been discussed at a closed meeting due to the confidential nature of the content. The data it contains is personal to current and former staff and mentions individual employees and data around staffing requirements.
20. The Council considers that the request for the report is vexatious it's highly likely to be used to continue the wider patterns of requests about staff that have been ongoing since 2011 and the conclusion of the episode referred to at paragraph 15.
21. **Parts [iv] and [v] of the request:** The Council says that minutes have been available on its website since 2023 and the complainant can search for the information they've requested in these parts independently. It says that a former staff member would have needed to spend a disproportionate amount of time searching for the requested information and this would risk the Council's ability to carry out its core functions.
22. Again, the Council considers that the request for these minutes and this information is vexatious request because, it believes, the complainant is trying to 'prove' that there isn't a need for particular staff. This forms part of a wider pattern of related requests and challenges that, in the Council's view, don't appear to be about transparency.
23. **Part [vi] of the request:** The Council notes that the complainant's statement in this part isn't evidenced as far as it can see. The Council says it doesn't know who made the statement the complainant has quoted, or where it was made. But it considers this part is vexatious as it follows the pattern of requests that challenge the Council to justify having staff instead of contractors.

24. **Part [vii] of the request:** The report requested here is discussed in relation to part (i) of the request. The Council says it considers this part to be vexatious as it again indirectly relates to removing particular staff from their role and replacing them with contractors. This is part of the complainant's wider pattern of challenges, requests, social media posts, and letters that concern the Council and its staff - from the complainant directly or from known friends and associates of theirs.

### **The Commissioner's conclusion**

25. In line with the Dransfield decision, the Commissioner has first considered the value of the complainant's request. Had this been the first request the complainant had submitted to the Council, he might have found it had some value; it could potentially shed some light on an aspect of the Council's financial decision-making.
26. However, given the background and context of the request, that value is significantly diminished. The Commissioner accepts the Council's reasoning that the complainant doesn't simply have a general concern or interest about how the Council undertakes certain work and whether it's achieving value for money. He accepts that the complainant is trying to make a case for removing a member of Council staff from their post – due to an episode that happened more than ten years ago. In that respect, the request has extremely limited value.
27. The Commissioner has gone on to balance such value as the request may have, which is minimal at best, against Dransfield's motive, burden and harassment to staff themes.
28. The Commissioner is satisfied that the motive behind the request is to harass and disrupt the Council generally. More specifically, and even more seriously, on the basis of the information the Council has provided to him, he accepts that the complainant's motive behind the request – the latest in a long history of requests and interactions – is to attempt to remove a member of staff from their post. This is because of a grievance the complainant has against that staff member, born out of an episode more than ten years ago.
29. The Council has indicated that there would be a degree of burden in complying with the request, because meeting minutes would need to be reviewed for the specific information being requested. Given the value and motive behind the request, any burden involved in complying with it would be disproportionate in the Commissioner's view.
30. Finally, harassment to staff. As noted, the Commissioner has discussed with the Council the impact that this request, and the complainant's long history of requests and interactions, has had on the Council and its staff.

31. The impact has been extremely serious, with staff and Councillors feeling stressed, harassed, becoming ill, having to take time away from work and resigning. The Council says that it's also become difficult to recruit new staff as people are aware of the situation it's dealing with and are reluctant to get involved. Clearly, this impacts negatively on the Council's ability to carry out its functions for the residents it serves.
32. The Commissioner finds that the three negative impacts associated with complying with the complainant's request, which are identified in Dransfield, far outweigh the request's value. As such, he's satisfied that it's a vexatious request.
33. In the Commissioner's view, the Council has tolerated the complainant's requests and behaviours for longer than it needed to have - more than ten years. Now, rightly, it has drawn a line in the sand. The purpose of FOIA is to promote transparency and accountability. Applicants shouldn't use the legislation to pursue a grievance and to disrupt and harass a public authority and its staff; those that do bring the legislation into disrepute.
34. The Commissioner's decision is that the complainant's request is a vexatious request under section 14(1) of FOIA and the Council is correct not to comply with it. The Commissioner advised the Council that, technically, it should communicate its new position to the complainant and he's aware that he hasn't received a view from the complainant on its application of section 14(1). However, he doesn't consider that the complainant could present arguments that would lead him to make a different decision, and they also have the right to appeal (page 8).
35. Finally, the pattern of behaviours discussed here isn't uncommon for parish councils generally, unfortunately. The Commissioner's decision in this case is in line with his decisions in similar cases, such as: [IC-259298-K0W4](#), [IC-264121-X2H8](#) and [IC-214209-T9P4](#).

## **Procedural matters**

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36. Under section 17(5) of FOIA, a public authority that's refusing a request under section 14 of FOIA should issue the applicant with a refusal notice within 20 working days following the date of receipt of the request. The Council hasn't met that timescale on this occasion and so has breached section 17(5).

## **Other matters**

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37. The Commissioner reminds the Council that, under section 17(6) of FOIA, if the complainant submits further requests for broadly similar information, or requests that could be categorised as being broadly part of the same campaign, and the Council also considers those requests to be vexatious, it doesn't need to provide the complainant with a further section 14(1) refusal notice.
38. Should the complainant not receive any response from the Council to any future request within 20 working days, they can submit a new complaint to the Commissioner and he will deal with the matter.

## Right of appeal

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39. 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)

40. 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.
41. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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