Freedom of Information Act 2000 (FOIA)

Decision notice

Date:	**6 November 2025**
Public Authority:	**London Borough of Redbridge**
Address:	**Lynton House** **255-259 High Road** **Ilford** **Essex** **IG1 1NN**

Decision (including any steps ordered)

1. The complainant submitted five requests to the London Borough of Redbridge (the Council) seeking information about rental properties owned by the former leader of the Council, the Council's regulation of such properties and some information about the regulation of rental properties more generally. The Council initially responded to the requests disclosing a limited amount of information for some requests, and relying on sections 40 (personal data) and 30 (investigations) of FOIA to refuse the remainder. During the course of the Commissioner's investigation the Council sought to refuse all of these requests on the basis of section 14(1) (vexatious) of FOIA.

2. The Commissioner's decision is that the requests are not vexatious and therefore the Council cannot rely on section 14(1) of FOIA to refuse these requests.

3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.

    - Issue the complainant with a fresh response to each of the five requests listed in the annex to this decision notice which does not rely on section 14(1) of FOIA.

4. The public authority must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. This decision notice concerns the Council's handing of five separate requests. Given the number of requests, the text and timeline of each of these – ie the Council's initial response to the request and outcome of an internal review, if conducted - are set out in an annex at the end of this notice.

6. It was only during the course of the Commissioner's investigation into these five requests, which are the subject of individual complaints to him, that the Council cited section 14(1) of FOIA as a basis to refuse all of the requests.

Scope of the case

7. The complainant initially contacted the Commissioner between January and March 2025 to complain about the Council's handling of his requests. He disputed the various exemptions the Council had relied on to refuse these.

8. The Commissioner initially contacted the Council on 16 May 2025 about four of these complaints.[1] The Commissioner asked the Council to provide him with submissions to support the application of the various exemptions being cited, and where substantive exemptions were being cited (ie as opposed to neither confirm nor deny (NCND) exemptions), a copy of the withheld information.

[1] IC-356463-L5H6, IC-374420-R7X2, IC-364257-X2Q0 and IC-374451-T4B4. The Commissioner grouped these cases together given the direct crossover between them. He considered at that stage that the request which was the subject of IC-374441-Q4B6 could be progressed separately in due course as Jas Athwal was not the direct focus of that request.

9. Having failed to receive a response to this letter the Commissioner issued the Council with an Information Notice on 2 July 2025 under section 51 of FOIA which formally required it to respond to his letter of 16 May 2025.

10. The Council provided the Commissioner with a response on 21 July 2025. This included some explanation as to the exemptions being applied, but did not include any of the withheld information.

11. The Commissioner contacted the Council on 22 July 2025 seeking clarification of its position in respect of a number of aspects of these requests in light of its recent response. The Commissioner also re-iterated his request to be provided with a copy of the withheld information where the Council was relying on substantive exemptions.

12. The Council contacted the Commissioner on 8 August 2025 and confirmed that it was working on a response but suggested that the Commissioner should be able to determine whether section 40 of FOIA applied to the withheld information without sight of this given the subject matter of the requests.

13. The Commissioner contacted the Council on 3 September 2025 to chase the outstanding response. The Commissioner also explained that whilst he appreciated the topic of the information which was the subject of these requests, where a public authority is seeking to withhold information, it is his standard practice to request sight of the withheld information as part of his investigation of any complaint. The Commissioner explained that this allowed him to fully take account of the content of the withheld information and the particular circumstances of each request.

14. The Council responded on 8 September 2025. It reiterated its view that the requests in question concerned a private housing matter and that the requested information was exempt under section 40(2) and it was possible for the Commissioner to determine whether this was the case without necessarily seeing the requested information. The Council explained that it now also considered section 14(1) of FOIA to apply to these requests.

15. The Commissioner contacted the Council on 19 September 2025 about case reference IC-374441-Q4B6. The Commissioner asked the Council to confirm whether it also now considered section 14(1) of FOIA to apply to the request which is the focus of that complaint. The Commissioner explained that if it did not, it required the Council to provide him with a copy of the withheld information in that case and submissions to support

the application of the exemptions previously cited to withhold such information.

16. The Council responded on the same day and confirmed that it also considered section 14(1) to apply to the request which is the focus of that complaint. It noted that if the Commissioner did not consider this provision to apply, it would revert to the exemptions previously cited (namely section 30(1) and section 40(2)).

17. As the Council has now confirmed that it considers section 14(1) to apply to the five requests, this decision notice only considers whether this provision of FOIA can be relied on to refuse to comply with the requests. The decision notice does not go on to consider the Council's alternative position in relation to the various requests that either a NCND exemption applies or that the withheld information which it has confirmed it holds is exempt from disclosure.

18. This is because in cases where a public authority has cited section 14(1), the Commissioner's remit in a decision notice is limited to determining if that provision has been applied correctly.[2] If the Commissioner concludes that the provision had been applied correctly, there would be no need for the Commissioner to consider the application of any exemptions contained in Part II of the legislation (in this case sections 40 and 30). Conversely, if the Commissioner concludes that section 14(1) of FOIA did not apply, then the public authority's right to appeal that finding – should it wish to do so – to the First-tier Tribunal must be preserved, rather than the Commissioner going on to make an, 'in the alternative decision' in respect of any exemptions.

19. The Commissioner is conscious that the fact that this notice only reaches a decision on the basis of section 14(1) is frustrating for the complainant given the history of these requests to date. The Commissioner has elaborated on this point in the Other Matters section at the end of this notice and clarified, assuming the Council does not appeal this notice, his intentions for progressing these matters further in light of his finding in respect of section 14(1) should the Council's fresh responses be the subject of a new complaint.

[2] Furthermore, the Upper Tribunal's decision in the combined cases of the Home Office v Information Commissioner (GIA/2098/2010) and DEFRA v Information Commissioner (GIA/1694/2010) in the Upper Tribunal, confirmed that a public authority is able to claim a new exemption or exception either before the Commissioner or the First-tier Tribunal.

Reasons for decision

Section 14(1) – vexatious requests

20. 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.

21. The word "vexatious" is not defined in FOIA. However, as the Commissioner's guidance on section 14(1)[3] states, it is established that section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.

22. FOIA gives individuals a greater 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.

23. However, the Commissioner recognises that dealing with unreasonable requests can strain resources and get in the way of delivering mainstream services or answering legitimate requests. These requests can also damage the reputation of the legislation itself.

24. The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal (UT) in the leading case on section 14(1), Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC), (28 January 2013) ("Dransfield").[4] Although the case was subsequently appealed to the Court of Appeal, the UT's general guidance was supported, and established the Commissioner's approach.

25. Dransfield established that the key question for a public authority to ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.

26. The four broad themes considered by the UT in Dransfield were:

[3] https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-14-dealing-with-vexatious-requests/
[4] https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=3680

- the burden (on the public authority and its staff);
- the motive (of the requester);
- the value or serious purpose (of the request); and
- any harassment or distress (of and to staff).

27. 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).

The Council's position

28. The Council provided the Commissioner with submissions to support its position that these requests were vexatious, which are summarised below:

29. In the Council's view the complainant was conducting a campaign against the former leader of the Council, Mr Jas Athwal. It cited a blog which the complainant was involved in as evidence of this.[5]

30. The Council argued that the frequent number of requests being submitted to it by the complainant about Mr Athwal have proved disruptive to officers and the local authority and moreover, serve to harass Council officers elected Members and deplete precious resources.

31. The Council noted that a search on WhatDoTheyKnow with the search term "[complainant's name] Athwal" revealed 100 requests.[6]

32. The Council also argued that the requests, on the whole, serve no practical purpose. It suggested that the complainant was seeking clarity on why Mr Athwal's name has not been published on the 'Rogue Landlords' list that the Greater London Authority operate. However, the Council has explained that in a scenario where Mr Athwal received a fine following any investigation which may be conducted – and exhausted all rights of appeal - his name would be put on this list. However, the

[5] The Commissioner has not included a link to this blog in this decision notice as to do so would result in the complainant being identified. (As a general approach, the Commissioner does not include the identity of complainants in decision notices.)
[6] The Council provided the Commissioner with a link to these search results, but again for the above reasons this link is not included in this notice, albeit he did share this with the complainant.

Council argued that it should not have to answer requests in light of individual's curiosity about such matters; and where it considered information to be exempt from disclosure under FOIA it would apply the appropriate exemptions.

33. In any event, the Council argued that the requests show a vexatious pattern and it considered that the complainant has exhausted any latitude it might have previously given.

The complainant's position

34. The Commissioner provided the complainant with the above summary of the Council's reasoning as to why it considered the requests to be vexatious. In response the complainant provided the Commissioner with detailed submissions to challenge this position; these are summarised below.

35. The complainant explained that the factual background in relation to his requests was set out in a BBC article concerning Mr Athwal's rental properties.[7] The article followed an investigation into these properties which found a number of these to be in a poor condition and included a quote that "Mr Athwal has now also admitted his flats do not have the correct property licences required under a scheme he introduced as Redbridge Council leader".

36. The complainant argued that it would appear that Mr Athwal should have been fined by the Council for not having a landlord licence and having sub-standard flats. He noted the Council had fined other landlords for not having the correct property licence.[8] The complainant argued this therefore raised concerns that such actions may not have been taken given Mr Athwal's profile (as a previous leader of the Council and now MP) and if that were the case then an offence of misconduct in public office may have taken place as Council officials had not taken such steps.

37. In view of this background, the complainant argued that there was a clear public interest in transparency and accountability in respect of actions the Council had taken – or not – in relation to the regulation of Mr Athwal's properties. Moreover, he argued that in contrast to the

[7] https://www.bbc.co.uk/news/articles/clyg1j0lv1go
[8] https://www.london.gov.uk/programmes-strategies/housing-and-land/improving-private-rented-sector/check-landlord-or-agent/rogue-landlords-checker?f%5B0%5D=rlac_enforcement_authority_block%3A9257&page=4

Council's view, that there was a clear practical purpose to the requests which are the subject of this decision notice, namely to clarify the actions taken by the Council in light of the above BBC article and in view of other enforcement action the Council had taken in other cases involving similar issues.

38. The complainant disputed the results of the Council's searches on WhatDoTheyKnow in respect of how many requests he had made and argued that these were misleading. He highlighted that a proper examination of these search results showed he had in fact only made 21 requests over five years, which was hardly a vast number.

39. The complainant also highlighted that the Council had recently responded (on 22 September 2025) to a request he had submitted to it which also concerned Mr Athwal but it did not refuse this request on the basis of section 14(1), and instead confirmed that it held information and sought to withhold this on the basis of section 43(2) (commercial interests) of FOIA. The complainant argued that this inconsistency damaged the Council's reliance on section 14(1) to the requests which are the focus of this decision notice.

The Commissioner's position

40. Having considered the submissions of both parties, the Commissioner is not persuaded that the requests which are the subject of this decision are vexatious. In terms of the burden on the public authority of answering these requests, the Commissioner agrees with the complainant that the Council's reliance on a search of ["complainant's name] Athwal" on WhatDoTheyKnow is clearly flawed. The Council noted that such a search returned 100 requests. Whilst this is the case, these search terms actually returned results that simply have the complainant's name or "Athwal" somewhere in the request, or documents associated with request. As a result, the vast majority of these requests were not submitted by the complainant, and/or were not submitted to the Council, and/or do not concern Mr Athwal.

41. Consequently, the Commissioner is not prepared to place any particular weight on these search results in respect of the Council's reliance on section 14(1) of FOIA. He would emphasise that if a public authority wishes to demonstrate the volume of requests it has received from an individual it should provide him with evidence of this from its own case management systems rather than rely on poorly defined searches of the WhatDoTheyKnow platform.

42. Furthermore, from the Commissioner's analysis of these search results, the complainant's observation that he has in fact only made around 21

requests over five years via the WhatDoTheyKnow platform would appear to be broadly accurate. The Commissioner also concurs with the complainant that such a volume of requests over such a period is not one that can be one that is categorised as excessive; and certainly not without more far compelling submissions from the Council.

43. With regard to the Council's assertion that the requests are disruptive to officers and the local authority and moreover, serve to harass Council officers, elected Members and deplete precious resources, the Commissioner is not persuaded, based simply on the Council's submissions that this is the case. As noted above, the Council has not provided him with an accurate number of requests that the complainant has made, and not made any submissions which – as public authorities usually would in such cases – to identify or highlight the frequency or pattern of such requests. Nor has the Council made any submissions which evidence the actual time taken in dealing with these requests, or provided any evidence in support of its position that these deplete resources.

44. As a result in light of the Council's poor submissions in this regard, the Commissioner is not prepared to accept that the requests have proved burdensome for the Council to deal with, or have had a harassing impact on it.

45. In terms of the motive of the complainant, and linked to that, the purpose and value of requests, the Commissioner notes the Council's position that the complainant is conducting a 'campaign' against Mr Athwal, as evidenced by his blog. The Commissioner acknowledges that the requests which are the focus of this decision notice are clearly focused on Mr Athwal. Moreover it is clear from the complainant's submissions, as noted above, and more broadly his comments on the blog in question, that he has serious and strongly held concerns about the Council's actions in relation to Mr Athwal's rental properties.

46. However, in light of the BBC article referred to above, and given Mr Athwal's prominent position, in the Commissioner's view it is reasonable to argue – as the complainant has - that there is a public interest in the Council being transparent about how regulatory matters concerning Mr Athwal's rental properties within the borough have been handled. In making these points, the Commissioner wishes to stress that he is **not** suggesting that the public interest would favour disclosure of any, or all, of the information falling within the scope of these requests under FOIA. As noted above, the Commissioner can not properly reach such a decision without sight of such information itself, which he has not had. However, in the context of section 14 of FOIA, and the question of

whether these requests have a serious purpose and motive, for the reasons set out above, the Commissioner is satisfied that they do.

47. As a result of the above, the Council cannot rely on section 14(1) of FOIA to refuse the five requests listed in the annex of this decision notice.

Other matters

48. As noted in the body of this decision notice, the Commissioner is conscious that despite the complainant first contacting him in early 2025 about the Council's refusal of his requests, the Commissioner has not yet adjudicated on the exemptions cited by the Council in its initial responses to these requests. (The Commissioner reasons for not doing so are set out in the notice at paragraph 18).

49. In view of this, should the complainant be dissatisfied with the Council's fresh response to these five requests (as seems likely), the Commissioner will prioritise any further complaint made to him in relation to these responses without the complainant having to seek an internal review.

50. As part of his prioritised investigation of any further complaint the Commissioner will contact the Council and ask it to provide him with detailed submissions to support the application of any exemptions. For the avoidance of any doubt, the Commissioner wishes to make it clear at this stage that he will also require the Council to provide him with a copy of any withheld information. Given the delays that occurred in relation to the Commissioner's initial investigation of these matters, the Commissioner expects the Council to respond to any subsequent enquiries he makes in a timely manner.

Right of appeal

51. 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)
    General Regulatory Chamber
    PO Box 11230
    Leicester
    LE1 8FQ

    Tel: 0203 936 8963
    Fax: 0870 739 5836
    Email: grc@justice.gov.uk
    Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

52. 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.

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

Jonathan Slee
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Information Commissioner's Office
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SK9 5AF

Annex

	ICO ref: IC-356463-L5H6 / Council ref: 23837929	**ICO ref: IC-364257-X2Q0 / Council ref: 24558362**	**ICO ref: IC-374420-R7X2 / Council ref: 24456217**	**ICO ref: IC-374451-T4B4 / Council ref: 24670698**	**ICO ref: IC-374441-Q4B6 / Council ref: 25167709**
Request date and text	02.09.24: 1) The rental address of properties owned by Cllr Athwal, these were previously disclosed, but have now been removed from the Council Website 2) All correspondence between Redbridge Council and Cllr Athwal regarding landlord property	18.10.24: I seek the dates of when Cllr Jas Athwal 15 rental properties located in Redbridge were inspected under the Redbridge Council landlord licensing scheme. To be clear, I only seek the dates of the inspections not the contents of	11.10.24: Copies of all correspondence between Cllr Athwal's managing agents and Redbridge Council from the 1st January 2024 to the 10th October 2024 under the environmental information regulations or if you say these do not apply then then freedom of	24.10.24: I seek all emails from senior staff about whether an investigation into whether Cllr Athwal should be commenced about him not holding a landlord licence as reported by the BBC earlier this year.	02.12.24 1) How many notices [enforcement] were issued to selective licence landlords for the period 1st July 2024 to 1st December 2024 including their dates of issue. 2) The names of the landlords or their managing agents. 3) The

	license for all the rental properties owned by Cllr Athwal in Redbridge	the inspection reports.	information regulations.		contents of the notice.
Council response date and summary	6.11.24: Part 1 information is held but exempt from disclosure under section 32 of Localism Act. Part 2 refused to neither confirm or deny (NCND) whether information was held on the basis of section 40(5) of FOIA.	22.11.24: NCND whether information was held on the basis of section 30(3) of FOIA.	18.11.24: NCND whether information was held on the basis of section 40(5) of FOIA.	18.11.24: NCND whether information was held on the basis of sections 30(3) and 40(5) of FOIA.	09.01.25 Part 1, information provided. Part 2, information held but exempt under section 30(1) of FOIA. Part 3, information held but exempt under section 40(2).
Request for internal review	Requested on 06.11.24	22.11.24	18.11.24	22.11.24	22.01.25

Internal review outcome, date and summary	30.12.24. Exemptions cited in refusal notice upheld.	Not completed.	Not completed.	Not completed.	09.02.25. Exemptions cited in refusal notice upheld.
Summary of initial Council response to Commissioner of 21.07.25	Part 1, section 44 of FOIA applies. Part 2, no longer seeking to NCND but section 40(2) of FOIA applies to this information.	Response should have cited section 40(2) not section 30(3), albeit not clear whether the Council was intending to maintain a NCND position.	Now relying on section 40(2), albeit not clear whether the Council was intending to maintain a NCND position.	Maintained reliance on section 40(5) of FOIA.	N/A