

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 July 2022

Public Authority: Lydd Town Council
Address: Guild Hall
13 High Street
Lydd
TN29 9AF

Decision

1. The complainant has submitted multiple requests for information to Lydd Town Council ("the Council"). The Commissioner's decision is that the Council is entitled to rely on section 14(1) (vexatious request) of the FOIA to refuse to provide the requested information.

Request and response

2. The complainant made the following information request to the Council on 9 September 2021:

"As I have not received any reply from LTC members. I am now writing to make an Open Government request for all the information to which I am entitled under the Freedom of Information Act 2000.

Please justify why the following is published on LTC website;

GUIDANCE FOR ATTENDING A MEETING AT THE GUILD HALL FOR MEMBERS OF THE PUBLIC – From 26th July 2021

In accordance with government advice, we are working to a gradual return to normal.

- Please wear a mask when entering the Guild Hall to attend a Council Committee meeting until you are seated.
- Please sanitise your hands on entering the building and on entering the Council chamber where you should sign in.
- Please do not attend a meeting if you are displaying any symptoms of Covid 19. You will be asked to confirm this when you arrive.
- Entry to members of the public will be limited to 9 people on a first come first served basis. Where there is more than 1 person per household, priority will be given to members of different households.
- The limit on numbers of members of public given entry to meetings will be kept under review.

When the Prime Minister confirmed on 12 July 2021 that Step 4 of the Roadmap will proceed as planned on Monday 19 July. This means most legal limits on social contact will be removed. There will no longer be limits on gatherings inside and outside and on social distancing. However, as cases continue to rise the government is urging caution and personal responsibility.

Here is that The National Association of Local Councils (NALC) say on their website;

What does this mean for local councils?

Councils may wish to bear in mind the following points with effect from 19 July:

- There will no longer be limits on gatherings inside and outside – this means there will be no limits on members of the public attending council meetings subject to e.g. building capacity;
- Social distancing will end (that is, keeping two metres' distance from others) in council premises;
- There will be no mandatory requirement to wear face coverings in places where they were previously required. The Prime Minister referred to the Government's expectation that people should continue to wear masks in crowded places from 19 July. Councils can ask but cannot compel staff, councillors and the public to wear masks or provide proof of vaccination or COVID negative tests;

- The end of the work from home where possible instruction. However, the Government does not expect an immediate full time return to the work place.;
- Councils can continue to provide hand sanitiser in buildings for use in council meetings, carry out extra cleaning of premises, avoid printing papers and agendas, ensure rooms are well ventilated (doors and windows open) and seek to maintain social distancing/ one way access where possible;

As you can see the "ATTENDING A MEETING AT THE GUILD HALL" information on LTC website contradicts the Governments Step 4 of the Roadmap and NALC guidance & advice, which I have highlights in yellow.

My request is for a copy(s) of:

The advice you adhered to in your management of Monday's Lydd Town Council's meeting.

I would like the above information to be provided by electronic copy, with the opportunity to view any attachments.

If any of this information is already available in the public domain, please can you direct me to it, with page references and URLs were necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed."

3. The complainant submitted a further request for the following information to the Council on 14 September 2021:

"Your attached information is dated 11 May 2021, two calendar months before the Prime Minister confirmed "Step 4 of England's Roadmap", and 6 weeks before The National Association of Local Councils (NALC) made their statement on their website;
<https://www.nalc.gov.uk/coronavirus>

CORONAVIRUS – INFORMATION FOR LOCAL (PARISH AND TOWN) COUNCILS

Local councils supporting their communities. Financial impact survey. NALC has gathered evidence on the financial impact of

the coronavirus on local councils. This information is vital to our representation to the government on the loss of income to local councils during these difficult times, and the need for a tailored financial support package for the local council sector.

www.nalc.gov.uk

I now request copies of:

The minutes of all meetings where Lydd Town Councillors agreed to allow the outdated guidance to be published on the council's website, and the minutes of all meetings where Lydd Town Council reviewed this agreement with any action plan, should there be one.

I would like the above information to be provided by electronic copy, with an opportunity to view any attachments.

If any of this information is already in the public domain, please can you direct me to it, with page references and URLs were necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed."

4. The Council refused to provide the information requested in both requests citing section 14(1) (vexatious request) of the FOIA as its basis for doing so.

Reasons for decision

5. This reasoning covers whether the Council is entitled to rely on section 14(1) of the FOIA to refuse to provide the requested information.
6. The position of the Council is that it considers the requests to be vexatious and designed to cause a disproportionate and unjustifiable level of distress, disruption and irritation. It also considers the requests to be inappropriate and an improper use of a formal procedure.
7. The Council states that the complainant is part of Lydd Resident Group, a group who have submitted a large number of requests to the Council. It explained that it has spent a considerable amount of time handling the Group's requests which has placed a strain on the Council's time and resources.

8. The Commissioner is aware that the Council has received a large number of requests from Lydd Resident Group as the Commissioner has received multiple complaints from members of the Group about the Council's handling of requests.
9. The Commissioner recognises that the Council is a small public authority. He therefore accepts the Council's argument that complying with the requests would place severe pressure on the Council's limited resources.
10. The Commissioner's decision is that both requests are vexatious. Therefore, the Council is entitled to rely on section 14(1) of the FOIA to refuse to comply with the requests. The Commissioner requires no further action to be taken by the Council in relation to the requests.

Right of appeal

11. 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: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. 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.
13. 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

Ben Tomes
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF