

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 August 2017

Public Authority: Kirby Muxloe Parish Council

Address: Parish Office
Station Road
Kirby Muxloe
Leicestershire
LE9 2EN

Decision (including any steps ordered)

1. The complainant has submitted request to Kirby Muxloe Parish Council. Having initially complied with the majority of the complainant's request, and following the Commissioner's intervention in this matter, the Council determined that it should have refused the complainant's request in reliance on section 14(1) of the FOIA on the grounds that it is vexatious.
2. The Commissioner's decision is that the complainant's request engages section 14(1) of the FOIA and therefore Kirby Muxloe Parish Council is entitled to refuse to comply with that request.
3. The Commissioner requires the public authority to take no further action in this matter.

Request and response

4. On 26 June 2016, the complainant wrote to the Council and submitted a detailed and lengthy request for recorded information. The terms of the complainant's request are contained in the annex of this notice.
5. On 14 July 2016, the complainant wrote again to the Council and submitted a second request for 'additional explanation and information'. The terms of this request are also contained in the annex of this notice.
6. The Council responded to each item of the complainant's first and second requests on 21 July 2016.

7. On 27 July 2016, the complainant wrote to the Council to make various observations regarding the information it had provided and also to express "serious concerns" in respect of the information which the Council had withheld.
8. Since the complainant has limited his complaint to the Council's response to items (e), (m), (r), (s), (v) and (w), only the response made by the Council to these items is given below:

Item (e): "A copy of the Minutes from the Parish Council meeting on 14 April 2016 are attached. I have checked the Payments Schedule set out in the Minutes for the Parish Council meeting on 19 May 2016 and all the payments are dated after 31 March 2016. The information which can be requested in respect of the 2015/16 Audit period should support entries in the accounts in the period 1 April 2015 to 31 March 2016 only these are not attached."

Item (m): "This request was considered under the Freedom of Information Act and was refused under Section 43 that the release of this information could be prejudicial to commercial interest."

Item (r): "I can find no record of the minutes or a document as to who attended this meeting which was minuted in Trust/032/15-16 of November 2015s meeting."

Item (s): "The Council advice referred to in point R is still protected by Legal Professional Privilege, this was confirmed with ICO. The invoices are attached in Attachment S except one that has been withheld due as it contains personal data. The contracts were considered under the Freedom of Information Act and was refused under Section 43 that the release of this information could be prejudicial to commercial interest."

Item (v): "The draft financial considerations are dealt with in attachment V – would you still like to receive the available correspondence?"

Item (w): "The request was considered under the Freedom of Information Act and was refused under Section 43 that the release of this information could be prejudicial to commercial interest and it is not in the public interest to release this information. Additionally the documents requested contain personal information that cannot be released under the Data Protection Act."

Scope of the case

9. The complainant contacted the Commissioner on 9 September 2016 to complain about the way his request for information had been handled.

10. The Commissioner initially determined that she should investigate the Council's reliance the exemptions provided by sections 42, 43 and 40(2) of the FOIA.
11. However, on 26 May 2017, the Council wrote to the Commissioner to advise her that it had decided to refuse any current or further freedom of information request made by the complainant in reliance on section 14(1) of the FOIA.
12. In view of the Council's resolution to alter its position, the Commissioner has considered whether the Council has correctly applied section 14(1) of the FOIA and not the exemptions it had previously relied on.

Reasons for decision

13. Under Section 14(1) of FOIA a public authority is not obliged to comply with a request for information where the request is vexatious. The exemption provided by section 14(1) is not subject to consideration of the public interest test.
14. The term 'vexatious' is not defined in the Freedom of Information Act and therefore the Commissioner has adopted the Upper Tribunal's approach taken in *Information Commissioner v Devon County Council & Dransfield*.¹
15. In the Dransfield case the Upper Tribunal defined a vexatious request as, the "...manifestly unjustified, inappropriate or improper use of a formal procedure" and in making this decision the Tribunal determined that the concepts of 'proportionality' and 'justification' should be central to any consideration of whether a request is vexatious.
16. The Upper Tribunal found it was 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 and its staff); (2) the motive of the requester; (3) the value or serious purpose of the request; and (4) and harassment or distress of and to staff.
17. The Tribunal stressed that these considerations were not exhaustive and therefore it is important to adopt an holistic and broad approach to the determination of whether a request is vexatious or not, emphasising the attributes of manifest unreasonableness, irresponsibility and, especially

¹ UKUT 440 (AAC) (28 January 2013) paragraph 27

where there is a previous course of dealings, the lack of proportionality that typically characterise vexatious requests" (paragraph 45).

18. Following the approach taken by the Upper Tribunal, the Commissioner needs to consider whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress in relation to its serious purpose and value.
19. In the Commissioner's opinion a balancing exercise is required which weighs the impact of the request on the Council against its purpose and value. To assist in this exercise, the Commissioner has identified a number of "indicators" which she has set out in her published guidance² on the application of section 14(1). The fact that a request contains one or more of these indicators will not necessarily determine that it is vexatious, as all the circumstances associated with the request will need to be considered in making a judgement as to whether the request is vexatious.

The purpose and value of the request

20. The information which has been withheld by the Council, which is now subject to its application of section 14(1), concerns the following:
 - Council Minutes for May 2016 (part 'e' of the request)
 - a copy of an agreement between the Council and a former Clerk for the provision of assistance regarding a forthcoming external audit (part 'm' of the request)
 - communications with Leicestershire County Council and Counsel opinion given in respect of the library (parts 'r' and 's' of the request)
 - communications with Sport England regarding a grant application (part 'v' of the request)
 - details of contracts and invoices relating to business with legal or other advisers (part 's' of the request)
 - details of hire agreements and fees associated with the KM88 Junior Football Club and the SPA Cricket Club (part 'w' of the request)
21. To support his complaint, the complainant provided the Commissioner with a detailed account of his concerns. He accepted that the Council

² <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

had provided him with substantial information, some of which he challenged the relevance of, and he set out his arguments in rebuttal of the exemptions used by the Council where it had withheld particular information.

22. In the Commissioner's opinion the withheld information is comprised of types or classes of information which promote transparency and accountability of the Council. Notwithstanding of whether the exemptions previously relied on by the Council were appropriately applied, the withheld information suggests that the complainant's request has some legitimate value. What cannot be adduced with certainty is the true purpose of the complainant's request and whether this is solely for the laudable purpose of achieving transparency and holding the Council to account.

The Council's representations

23. To support its application of section 14(1), the Council has informed the Commissioner that it is a relatively small parish council with 3390 residents.
24. The Council holds the belief, to the point where it has no doubt, that the complainant is working in concert with two other residents to disrupt its effective operation. It has identified a pattern of behaviour associated with three of its residents – one of whom is the complainant, which is typified by the following example:
25. When the annual accounts are published and made available to the public, one of the three identified residents sends a long email asking for many items to be copied and then he or she arranges for a third party to collect them. The requester informs the Council that it will not pay the required 20p per sheet for copying, but insist on paying 10p per sheet using a previous decision by the Commissioner as justification for this.
26. Once the resident has received the document pack, he or she will ask for a further batch of documents requiring the accounts to be copied and picked up. Following this, an objection is usually lodged with the Council's external auditor, which asserts there are errors in the accounts.
27. The complaint to the Council's auditor is then followed up with more requests for information being made to the Council in a quest to gain evidence in support of their objections.
28. Inevitably, correspondence to the ICO and/or to the residents' solicitor follows, which the Council has to respond to. Where the complainant contacts the Council's auditor, the auditor's costs are passed on to the Council.

29. The Council commented that two of the three residents have not attended any meetings of either the Parish Council or the Recreation Ground Charity for many years. One of the residents does attend the meetings and will either makes notes or records of the proceedings. Shortly after the meeting the Council will receive correspondence relating to approved agenda items or to items which were merely discussed. Social media is then used by the three residents to remark on the Council's proceedings.
30. Since 2009, the Council has received very many requests for information from the complainant and the other two residents concerning Council business and the recreational Ground Charity. Between August 2014 and April 2017 the Council received 49 requests.
31. The Council considers that the volume and frequency of the complainant's requests, and those of his associates, is significantly out of proportion to a public authority of its size.
32. Some of the requests submitted by the three residents run into many pages, as in the case of this complaint, and their numerous emails and letters from their solicitors, together with correspondence from the Information Commissioner's Office relate to events and legal agreements from many years ago. Such is the burden of this correspondence that the Council has had occasion to seek independent legal advice from a solicitor and a Queens Counsel. More recently the Council has had to employ a consultant with the sole purpose of dealing with the complainant's (and his associates') information requests and, at the time of writing, the consultant is dealing with seven information requests.
33. The effect of the information requests submitted by the three residents has been immense stress to parish councillors and in particular to the Parish Clerk who works on a part-time basis.
34. 2016 was a particularly difficult year for the Council due to the resignation of its full-time clerk in April. This resignation was then followed in quick succession by three part-time clerks who would not take the position permanently on the grounds of the stress and disproportionate impact on their workload, imposed by the volume and frequency of the requests for information.
35. The Council's current clerk, having previously worked for a different parish council, advised the Council that she had never received a request under the Freedom of Information Act in the three years she had worked there. Having consulted with other parish councils in the area, some advised the Council that they receive two or three request per year or 'rarely'. This is in sharp contrast to the volume and frequency of the requests received by this Council.

36. Worthy of note is the fact that, while it has received 49 requests from the three residents who are believed to be working in concert with one another, the Council has only received four other requests from other residents, and these were not in relation to the same matters.
37. In addition to their requests made to the Council, the three residents have also made requests to other public bodies in respect of the Council's business and in matters where the residents feel the Council has contravened the law or good practice.
38. The cumulative effect of the complainant's request, together with his previous request and those of the two other residents has been to diminish the efficient and effective operation of the Council. Matters which ordinarily are dealt with more timeously have been prolonged and these have been commented on by other residents.
39. During the period when the three residents have been submitting their information requests, the Council has had various vacancies which the complainant and/or his associates could have applied for to be co-opted members.
40. The Council holds the strong belief that the three residents are working together. Whereas the Council is not able to advise the Commissioner what the purpose of their requests is, to the Council's eyes it seems that they are fishing for information which would serve as evidence of perceived wrong-doing. This is causing the Council significant disruption and distress.
41. In summary, the Council considers that, "...over the years we have been more than accommodating to these three residents and they now leave us with little choice but to bring matters to a conclusion..." The Council's reasons for applying section 14(1) to the complainant's request are:
 - The costs in staff time incurred in dealing with the three residents information requests
 - The unjustified levels of disruption
 - The aggregated disproportionate burden in workload
 - The distress caused to staff and councillor
 - The lack of willingness of the three residents to help and support the Council by not applying to be co-opted members and contributing to discussion and decision making.
42. The Council is now holds the opinion that it "must stop this never-ending torrent of correspondence by means of section 14(1) of the Freedom of information Act 2000".

The Commissioner's analysis and decision

43. To determine whether a request is vexatious, often requires the Commissioner to consider the context and history of the request, together with the circumstances which prevail at the time the request was made.
44. In practice this means taking into consideration other requests made by the requester (whether they have been refused or complied with), the number and subject matter of those requests and any other previous dealings the authority has had with the requester. In consideration of these factors, the Commissioner is required to consider the alleged level of burden, disruption and distress which the request, in the context of its history and circumstances, has had on the public authority.
45. The first question the Commissioner needs to decide concerns whether the complainant is acting in concert with others in submitting this and other requests for information?
46. For an answer to this, the Commissioner is able to turn to other complaints made to her about Kirby Muxloe Parish Council. These cases have either already been resolved or are currently being dealt with.
47. This exercise is necessary on the grounds that the Council has advanced the same arguments in support of its application of section 14(1) to a number of these cases.
48. The Commissioner's guidance on section 14(1) states at paragraphs 91 and 92:

"if a public authority has reason to believe that several different requesters are acting in concert as part of a campaign to disrupt the organisation by virtue of the sheer weight of FOIA requests being submitted, then it may take this into account when determining whether those requests are vexatious.

The authority will need to have sufficient evidence to substantiate any claim of a link between the requests before it can go on to consider whether section 14(1) applies on these grounds. Some examples of the types of evidence the authority may cite in support of its case are:

- The requests are identical or similar.
- They have received email correspondence in which other requesters have been copied in or mentioned.
- There is an unusual pattern or requests, for example a large number have been submitted within a relatively short space of time.

- A group's website makes an explicit reference to a campaign against the authority.
49. Having examined the relevant cases, the Commissioner has decided that there are sufficient grounds to accept that the complainant's request should be considered alongside the requests made by two other village residents. The complainant's request concerns matters which touch on, mirror or expand on those requests/complaints.
 50. The Council's description of the behaviour of three of its residents, together with the clear relatedness of two of them, cannot be ignored. The Council's position is such that it has sufficient evidence to substantiate a claim that the complainant is acting in concert as part of a campaign, albeit limited to these three persons.
 51. In this context and turning to the main reasons why the Council believes that this request is vexatious, the Commissioner is obliged to consider actions which are open to the complainant, which he may or may not have taken, solely or together with the other two residents,. These actions include; lodging objections in respect of the Council's accounts, making requests for information to third party organisations, attending or not attending meetings, and applying or not applying to be co-opted members of the Council and/or its Recreation Ground Charity.
 52. The context and history of the request, together with wider circumstances prevailing at the time it was made, may be used by the Council when determining whether a request is vexatious. In practice this means that the Council is permitted to consider the number, frequency and nature of other requests made by the complainant; and in this case also those of his associates, and any previous dealings which the Council may have had with him. These are matters which the Commissioner must also take into account when considering whether this particular information request is vexatious.
 53. The Commissioner notes the Council's assertion regarding the burden it has experienced as a result of the combined requesting behaviour of the three residents.
 54. It is the Council's position that the effect of this burden has been to disrupt the effective functioning of this small public authority and to have caused distress to both the Parish Clerk and to Parish Councillors.
 55. These are matters which the Commissioner must and does acknowledge: It is very telling that the Council has had difficulty in filling the position of Town Clerk after two of its previous clerks had left that position and who cited the stress caused by having to deal with the requests for information made by just three residents as their reasons for leaving. This is clearly a detriment of the Council and to all of its residents.

56. The overall burden of the complainant's request, when viewed alongside those of his associates, is such that the Commissioner has little wonder why the Council has contravened the provisions of the FOIA on several occasions when faced their combined requests for information.
57. The Commissioner is in no doubt that the Council's contraventions of the FOIA have been a consequence of the volume and nature of the requests it has received. It is also clear to the Commissioner that the Council has striven to meet the information needs of the complainant by providing him with information and commentary in respect of the majority of his requests. As already noted, these requests are contained in, what can properly be characterised as, a "detailed and lengthy" request.
58. It is obvious to the Commissioner that the Council has only resorted to its application of section 14(1) when a point has been passed where, for the continued effective operation of the Council, this has become necessary. Essentially, the Council can no longer engage in a self-perpetuating cycle of providing information to the complainant and his associates, where the information or answers which are provided, result in further detailed correspondence and more requests for information.
59. The Council has almost certainly contributed to this state of affairs. There has clearly been a breakdown in relationships between the Council and the three residents.
60. Whilst Kirby Muxloe Parish Council is a small public authority with limited functions, the Commissioner must remind it that Parliament explicitly included parish councils in its Freedom of Information legislation. The Council cannot simply rely on the provision of section 14(1) as a means of absolving itself of the responsibilities placed on it by the FOIA. It should remember that members of the public have the right to access recorded information. The Commissioner would impress on the Council that one of the main functions of the FOIA to facilitate transparency and accountability of public authorities.
61. That said, the behaviour of the complainant and his associates cannot escape the Commissioner's considerations. Nowhere can the Commissioner find any evidence that the complainant, or his associates, has modified his requesting/corresponding behaviour in order to reduce the burden on the Council.
62. There are clearly other avenues available to the complainant and his associates which can use used to hold the Council to account, without the need to impose the significant burden which his request has contributed to. The availability of these alternatives is, in-part, reason why an overly burdensome reliance on the FOIA can be considered as an

inappropriate use of formal procedure and this in turn, can be said to reduce the value of the complainant's request.

63. The complainant has explained to the Commissioner the purpose of his request and he has referred to other legislation, such as the Local Audit and Accountability Act 2014 which provides electors with the right to "*inspect the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records*" and "*make copies of all or any part of those records or documents*".
64. In this case, the complainant considered it was necessary for him to make his request "in full and in writing" because, when he had attended the parish office in 2014, "false derogatory allegations" were made against him by members of the Council's staff and these were passed to the police. Several weeks later the police apologised and dismissed those complaints as baseless.
65. The complainant considers it was necessary for him to submit a lengthy and detailed request, as he "could not expect to be sent all the information which an elector is entitled to see". In the complainant's opinion, his requests are "not normal Freedom of Information requests", and it was only in response to the Council that he had agreed certain items could be considered as FOI requests, as it was already unlikely that he would receive that information within the timeframe needed to raise any objection with the External Auditor. He therefore argues that only items (e), (m), (r), (s), (v) and (w) need any consideration by the Commissioner.
66. The Commissioner understands the complainant's position. However, the Commissioner is obliged to point out that the provisions of the Local Audit and Accountability Act are not matters for the Commissioners consideration, whereas requests made under the FOIA are. The complainant has submitted his complaint under the provisions of the FOIA and therefore the Commissioner is only able to consider the Council's current position in respect of the whole of the complainant's request, regardless of whether the Council complied with every element of it and regardless of whether, in the complainant's mind, the request was submitted under a combination of different legislative provisions.
67. The Commissioner understands that the complainant considers the purpose and value of his and she acknowledged that it has some serious value. That said, the Commissioner considers that the value of the request has been significantly reduced due to circumstances described above.

68. In making her decision, the Commissioner has given regard to the First Tier Tribunal decision³ in *Walpole v the information Commissioner* which concerns a case with certain common features: The request was one in a series of requests made by the appellant and made in the context of an extensive series of requests made by four individuals. The public authority was also a small parish council which employed a single part-time clerk.
69. As in this case, the Council had not always responded appropriately to requests made under the FOIA and it had already attracted the Commissioner's attention. It said that the numbers of requests it received from the four individuals had resulted in the serious compromise of its functions and during the course of the Commissioner's investigation, all of the councillors had resigned due to the harassment caused by having to deal with the requests. During the appeal, the Parish Clerk also resigned for the same reasons and she was the second clerk in two years to take this action.
70. In the *Walpole* case, the appellant argued that his request was not vexatious but was merely intended to hold the council to account and expose its bad practice. He accused the council of acting in a covert and unaccountable manner, and argued that, had the council conducted itself properly and responded to previous FOIA requests properly, and apologised for its poor handling of his own requests, he would not have needed to make repeated requests.
71. The Tribunal had no difficulty in finding the request vexatious and upholding the Commissioner's decision notice. In doing so, it called heavily upon the Upper Tribunal's judgement in *Dransfield*, noting that:
- "The purpose of section 14... must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA" (paragraph 7)
72. The Tribunal also referred to the judgment in the *Dransfield* case, where the judge had noted:
- "...one of the main purposes of FOIA is to provide citizens with a (qualified) right to access to official information and thus a means of holding public authorities to account, FOIA provides just that and not more. It is intended to provide a right of access to official information;

³ EA/2013/0080 *Walpole v IC & Walberswick Parish Council*
http://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i1092/EA-2013-0080_02-10-2013.pdf

it is not intended, in itself, to provide a means of censure. Such matters are for the Ombudsman or the Administrative Court. Whilst providing accountability through a legitimate right of access to official information, the Act is not, and is not intended to be, a stick for the public to beat a public authority with." (paragraph 14)

73. The Tribunal found that the overall volume of information requests made to a small council, both by the Appellant and by others, seriously hindered the operation of the council and it was satisfied that the appellant must have been fully aware of the volume of FOIA requests faced by the council and the effect that it was having on it, when making his own request. The Tribunal concluded by agreeing with the Dransfield decision, where the Council was entitled to say "enough is enough" and to refuse to answer the appellant's request and to rely on section 14(1).
74. In this case, the Commissioner cannot ignore the size and nature of this public authority and the disproportionate effect the complainant's request (and those of his associates) has had on this Council.
75. It is clear to the Commissioner that the complainant's request – and those of his associates, has caused significant distress to the Council and to its Parish Clerk in particular. It is likewise clear that responding to these requests has disrupted the effective operation of the Council.
76. Viewing this case holistically and adopting the Upper Tribunal's approach in the Dransfield case, the Commissioner has decided that the Council is entitled to refuse to comply with the complainant's request in reliance on section 14(1) of the FOIA.

Other matters

77. The Commissioner has noted the Council's implied intention to refuse to comply with future requests which the complainant might make. The Commissioner is obliged to warn the Council that she will not support this 'blanket' approach.
78. The Commissioner must impress on the Council that it must consider every request for information on its own merits and it should then make an appropriate response under the provisions of the FOIA.

Right of appeal

79. 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@hmcts.gsi.gov.uk

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

80. 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.
81. 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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

The complainant's first request – 26 June 2016

"The initial documents that I would ask to be provided are as follows: -

- a) Page 5 of the Annual Return for the financial year, which is the internal Audit Report, and should have been included with pages 2 and 3 when they were placed on the website.
- b) Any additional documents submitted (or approved for submission) to the External Auditor, including those by way of explanation for year on year changes or variances in any of the figures.
- c) Any correspondence from the External Auditor requesting any other specific information from the Parish Council relating to this 2015/16 Audit and any response that correspondence either already sent or to be sent to the External Auditor. This should not include routine correspondence sent to all parish councils.
- d) The detailed listing of Income and Expenditure in each code for all Cost Centres for the financial year.
- e) The set of Receipts and Payments lists approved at the Council meetings in April 2016 and May 2016, together with the detailed payment lists for those months. Neither these lists nor the Minutes from those meetings have yet been published on the website as they should have been. Together with the payments already on the website these should be in total correspond to (d) above.
- f) The Minute item which records when the Council approved the basis of the Accounts should be changed from Receipts and Payments to income and Expenditure. It should be recalled that the 2014/15 Accounts are not yet closed.
- g) A list of the payments made at the beginning of the 2014/15 year which have been deleted as being properly considered as relating to expenditure in 2013/14, together with the similar list of payments made at the beginning of the 2015/16 year which have been added as relating to expenditure in 2014/15.
- h) The value of unrecovered VAT (on the basis of the revised expenditure figures) at 31 March 2014, 31 March 2015 and 31 March 2016.
- i) Any other changes in credits or debits not included in (g) or (h) to account for the changes which require the figures to be restated.
- j) The total of capital expenditure during 2016.
- k) The titles of the NALC/LRALC Training Courses and the councillors who attended in each case, for which payments were made under voucher references 65(17/6/2015), 117(16/7/2015), 215(15/10/2015),

278(19/11/2015) and 312(17/12/2015). Please also include the same information if any similar payments were made in March and April.

- l) A copy of the Council's insurance policy, specifically as to whether the Council has any cover for libel.
- m) A copy of the agreement between the Council and [a named person] regarding the provision of assistance if required in respect of the Council's external auditor on a consultancy basis as recorded under minute Cou/256/15-16 of the Council meeting on 17 March 2016, and the Council minute at which terms in the agreement were approved.
- n) Copies of any non-routine correspondence from the External Auditor since 1 April 2015. It is accepted that some of this may be exempt under audit confidentiality but that should not prevent the dates of any withheld correspondence being declared.
- o) Copies of any communications from the External Auditor since 1 April 2015 in which it is suggested that one or more Objection has been considered to be "vexatious". Similarly copies of any communications from the Information Commissioner's Office over the same period in which it is suggested and agreed by the ICO that one or more Freedom of Information request has been considered to be "vexatious".
- p) With regard to the Council's policy for travel and subsistence expenses paid to councillors, please provide a copy of the precise advice (from LRALC or elsewhere) on which the Parish Council has relied:
 - (i) To justify the inclusion in its policy of "to attend training courses that relate directly to the discharge of your functions as a Councillor", when the requirement is that payment can only be made where the activity is itself a discharge of a function as a councillor; and
 - (ii) To make provision for payment of 'Carer assistance' where required in accordance with the approved terms of payment.
- q) A copy of the precise advice (again from LRALC or elsewhere) on which the Parish Council has relied to allow Cllr [a named councillor] routinely to declare her employment by Leicestershire County Council as a 'non-pecuniary' interest, and to continue to contribute to the proceedings apparently in contravention of the Localism Act 2011 and the Council's own Code of Conduct.
- r) Copies of communications between the Parish Council and Leicestershire County Council with regard to Kirby Muxloe Library, together with a record or report on the meeting held between the two parties in November 2015, which should include the names of all those who attended. Also the minute reference where those present on behalf of the Parish Council were authorised to provide LCC with a copy

- of the Counsel advice previously obtained by the Parish Council (whether as Trustee or as local authority).
- s) Contract and Invoice details relating to all business with legal or other advisers (possibly identified as professional, consultancy, legal or audit fees) but certainly including Shakespeares Martineau Solicitors and possibly Howes Percival. I recognise that this would not be appropriate in the event that any relate to ongoing litigation, and in that case please identify the costs already incurred associated with such on-going litigation. It is also recognised that the confidentiality of dealings affecting former employees may require redaction. Please also provide a copy of the Counsel Advice referred to in (r) for which Legal Professional Privilege can no longer apply as the Advice has already been passed to the interested party in the case.
 - t) All correspondence to and from the Charity Commission between 1 April 2015 and 1 April 2016, including the correspondence that caused the Council to seek advice on behalf of the Trustees at its meeting on 25 September 2015 and to spend a further £5,000 with Shakespeare Martineau on Trust issues, as indicated in (s) above.
 - u) With reference to the expenditure during 2015/16 on new notice boards, please provide me with a copy of the proposal originally put to the Parish Council at its meeting on 14 January 2015 (Cou/155/14-15 item 12) together with the proposed specification and the rationale as to why the expenditure was considered to be a necessary and worthwhile use of public funds. Also please provide me with the Council's policy now for the use of the notice boards which are not lockable and therefore invite flyposting. Please also provide a copy of the revised application for the BDC community grant which reflects the decision not to install a board at Oakcroft Avenue (Castle Rise) originally included in the application dated 9 January 2015.
 - v) Copies of all correspondence with Sport England and/or the KM88 Junior Football Club since 15 February 2016 in connection with a potential grant from Sport England related to the renovation of the pavilion on Parish Council land. Following the Council's agreement at its meeting of 27 October 2015 to be the sole applicant and recipient of any grant from Sport England, the proposal must be a significant financial commitment by the Council which nevertheless appears to have been omitted from budgetary considerations.
 - w) The separate hire agreements and fee details (pertaining in the 2015/16 financial year) with the KM88 Junior Football Club for the use of pitches on Recreation Ground Trust land (with the Trustees) or Parish Council land (off Station Road) and with the SPA Cricket Club

use for the pitch on Recreation Ground Trust land. Also the related hire agreements for the two pavilions.”

The complainant's second request – 14 July 2016

1. “Why is the figure for the staff costs in 2014/15 shown as £64,283.63 on the Income and Expenditure summary Account, but £59,526 on the Accounting statement submitted to the External Auditor?
2. Why is the figure of £50.88 for overpaid expenses included in the total of £1,393.58 for Administration income on the Income and Expenditure summary Account? Is it a ‘receipt’ but not ‘income’.
3. Why has £825 for delivery and installation of notice boards included in the total of the £8095.58 Capital Expenditure on the Income and Expenditure summary Account not been included in the cost (and particularly the insurance value) in the Asset Register on which the Total Fixed Asset value of £337,553 reported in the Accounting statement submitted to the External Auditor is evidently based?
4. Why has the further £3,039.23 for CCTV upgrade and computer hardware and software included in the total of the £8,095.58 Capital Expenditure on the Income and Expenditure summary Account not been included at all in the same Asset Register and Total Fixed Asset value reported in the Accounting statement submitted to the External Auditor?
5. Why has a further £3,000 for CCTV upgrade included in the total of the £18,000 Section 106 Monies on the Income and Expenditure summary Account similarly not been included at all in the same Asset Register and Total Fixed Asset value reported in the Accounting statement submitted to the External Auditor?
6. Why has £19,820 been recorded as being expenditure with All Courts Ltd for resurfacing of the tennis courts, of which £14,820 is included in the total of the £18,000 Section 106 Monies and the remaining £5,000 is included in the total of £21,756.35 for Grants on the Income and Expenditure summary Account while the same Asset Register shows a cost and insurance value of £15,135? How has the parish benefitted from the additional £4,685 apparently paid to All Courts Ltd?
7. Why does the figure of £21,756.35 for expenditure as Grants on the Income and Expenditure summary Account combine £9,231.35 of Grants Received (including notice boards which are recorded in the Asset Register) and £12,525 of Grants distributed by the Council?

8. Why has the figure of £6,626.76 been entered as the Council Office expense on the Income and Expenditure summary Account, when the detailed records for the same cost centre has a figure of £7,046.19?
9. Similarly why has a figure of £18,454.00 been entered as the Community and Environmental expense on the Income and Expenditure summary Account, when the detailed records for the same cost centre has a figure of £17,952.41?
10. Again similarly why has a figure of £18,188.13 been entered as the Gifts-in-Kind – RGC expense on the Income and Expenditure summary Account, when the detailed records for the same cost centre has a figure of £18,028.13?
11. Directly related to the previous point why have payments to Shakespeare Martineau included under that cost centre been shown as not including VAT? Please supply copies of the relevant invoices to support this claim.
12. Why has a payment of £708.12 made to Blaby District Council on 15 October 2015 for Street Litter Picking been included under Staff Costs on both the Income and Expenditure summary Account, and on the Accounting statement submitted to the External Auditor, when it does not relate to an employee of the Parish Council?"