

## FOR REVIEW – DECISION NOTICE

13 March 2015

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### **Review of request of Mr Stuart Carruthers for details of alterations identified in the enforcement and stop notice**

On 23 January 2015, South Norfolk Council received an FOI request via the WhatDoTheyKnow website from Mr Stuart Carruthers as follows:

Please provide details of all alterations to records of notices identified in the Enforcement and Stop Notice the Council maintains under the Town and Country Planning Act and that is subject to regulations since November 2013.

Specifically which notices were:

- a) modified to identify that they were issued by the South Norfolk District Council
- b) modified to identify that the notice was issued;
- c) modified to identify that the notice was served.

Please provide details of the function that made the modifications, a redacted copy of their authorisation and details of the date the modifications were made.

On 19 February 2015, the Scrutiny and Information Rights Officer responded to Mr Carruthers by issuing a refusal notice in relation to the FOI request advising that the information requested was being refused under Section 14 (1) of the Freedom of Information Act (FOIA) 2000 as it was deemed to be vexatious.

On the same day, Mr Carruthers requested an internal review in relation to the Council's decision to declare the request vexatious on the basis that:

The Council is well aware that I have receipted copies of the Enforcement and Stop Notice register and these identify that the register has been unlawfully changed and is not administered according to regulations. There have been regulatory failures by the Council's solicitors and planning staff.

Certification of this by the Council's information functions will enable the organisations responsible for regulation of the Council's lawyers and planning staff to take action against the regulatory failure. This will ultimately identify that the Council is badly and unaccountably managed.

## **Consideration**

To review the handling of the request in question, I have used the Information Commissioner's Office (ICO) guidance on dealing with vexatious requests issued on 14 May 2013. The Scrutiny and Information Rights Officer has already made clear the reasons for declaring the request vexatious.

### *Unfounded accusations*

Mr Carruthers' issues have been looked at over a significant time period, without against the management of the Council. This was most recently highlighted by the Solicitors Regulation Authority's decision not to investigate the concerns raised by Mr Carruthers and themselves stated that "given the number of reports and e-mails you have sent over a period of years that relate to similar issues and allegations, often about the same individuals, with no evidence of misconduct having been found, it is not reasonable and proportionate for us to continue to assess and evaluate such matters...we may decide therefore, if we continue to receive correspondence of this nature, that we will only be able to consider further information / reports from you in particular circumstances"

### *Unreasonable Persistence*

As highlighted by the Scrutiny and Information Rights Officer, Norwich Crown Court struck out your claim against the Council that included reference to these matters. The subject of your request has been raised many times before in FOI requests, most recently in December 2014 (which was refused and you unsuccessfully appealed).

### *No obvious intent to obtain information*

As highlighted by the Scrutiny and Information Rights Officer, you already know the Council's position relating to these matters. You have repeatedly asked for this information and it would not be unreasonable to believe this request arises from the recent decisions of the Court against your client, Mr Elliott and as such is partly to vent anger at a particular decision.

### *Frivolous requests*

The Scrutiny and Information Rights Officer has not included, in her decision notice, whether the request is frivolous. Although the language of the request is not frivolous, and therefore this was correctly not included in the refusal notice, it is useful to highlight that the language of the request for an internal review is frivolous, for example "the Council is badly and unaccountably managed".

When this request is viewed in context, particularly in relation to other requests and the persistent correspondence that the Council has received from Mr Carruthers, it demonstrates a continuation of a pattern of behaviour and ongoing campaign.

**Decision**

Following this review, I consider the request was appropriately refused under Section 14 (1) of the FOIA.

Dated: 13 March 2015

A handwritten signature in dark ink, appearing to read 'J Kitchener', followed by a long horizontal flourish line extending to the right.

Joanna Kitchener, Executive Assistant